



U.S. Bankruptcy Court, District of Minnesota

Rule 4001-1. Motion for Relief from the Automatic Stay

- (a) **PRINCIPAL RESIDENCE.** A motion for relief from the automatic stay under 11 U.S.C. § 362(d) and Federal Rule Bankruptcy Procedure 4001(a) as to an individual debtor's principal residence must include a verification with the following information:
- (1) Evidence of standing. Evidence that the moving party has standing to bring the motion, including, at a minimum:
 - (A) a copy of the note;
 - (B) a copy of the mortgage;
 - (C) evidence of perfection of the mortgage; and
 - (D) if the moving party is not the original mortgagee, evidence of an assignment or other similar document.
 - (2) Description of property. The legal description and address of the property.
 - (3) Value. The current tax-assessed value of the property and the moving party's estimate of current market value.
 - (4) Loan History. If the motion alleges a default in making payments to the moving party, a complete loan history beginning on the date of the default applicable to the motion, up to the date of the verification. The loan history must be provided on Local Form 4001-1(a).
 - (5) Equity. If the amount of equity is at issue, the name of all other lienholders, the amounts due, as scheduled or as provided in any proofs of claim, and their priority with respect to the moving party.
 - (6) Payments to Chapter 13 Trustee. If the motion alleges a default in making plan payments to the chapter 13 trustee, the month, amount, and status of such payments.
- (b) **PROPOSED ORDER GENERALLY.** If a motion seeks relief from the automatic stay as to property, the proposed order must substantially conform to Local Form 4001-1(b)(1) (pre-discharge) or Local Form 4001-1(b)(2) (post-discharge).



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[Amended effective May 1, 2014; December 1, 2014; September 3, 2025.]

2025 Advisory Committee Notes

Local Rule 4001-1 was retitled to better conform to Fed. R. Bankr. P. 4001(a). Subsection (a) was removed as unnecessary as Local Rules 9013-1 and 9013-2 apply to motions generally. Former subsection (b) was renumbered to subsection (a) and restyled; no substantive changes were intended. Note, as before, amended subsection (b) applies to motions for relief from the automatic stay generally, not just those pertaining to a principal residence. Local Form 4001-1 was renumbered to Local Form 4001-1(a) and restyled; no substantive changes were intended. Former subsection (c) was renumbered to subsection (b) and given a title. Local Forms 4001-2(a) and 4001-2(b) were renumbered to Local Forms 4001-1(b)(1) and 4001-1(b)(2), respectively, and restyled; no substantive changes were intended.