UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

IN RE

REVISED STANDING ORDER

SECTION 522(f) MOTIONS IN ROCHESTER AND WATKINS GLEN

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(1) **MOTIONS IN GENERAL**

Except as otherwise provided by rule or ordered by the court, and except as provided in subdivision (2) immediately following, notices of motion along with supporting affidavits and memoranda shall be served on the parties and filed with the clerk at least five (5) days prior to the return date of the motion (eight days if served by mail). Motion dates may be obtained from the Clerk. Discretionary responses to motions (those not required by these rules or by order) shall be filed and served upon the adverse party or parties as soon as practicable.

(2) **SECTION 522(f) MOTIONS IN ROCHESTER AND WATKINS GLEN**

(a) All motions for avoiding the fixing of a lien on an interest of the debtor in property to the extent that such lien impairs an exemption as allowed under 11 U.S.C. Section 522(f) returnable in Rochester and Watkins Glen shall be served upon the parties at least twelve (12) days prior to the return date and filed with the Clerk at least seven (7) days prior to the return date. Responses, if any, shall be in writing and shall be served and filed not less than three (3) days prior to the return date of the motion. Pursuant to Federal Rule of Bankruptcy Procedure 9006(a), Saturdays, Sundays and legal holidays shall be excluded from the computation of the three (3) day response time. Unless a response is served and filed within the time permitted, the court may grant the motion by default without a hearing.

(b) All motions referred to in subdivision (2)(a) immediately preceding shall also meet the following requirements:

(i) The notice of motion shall include the following language in bold print:

PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 9014 AND THE REVISED STANDING ORDER ENTITLED "SECTION 522(f) MOTIONS IN ROCHESTER AND WATKINS GLEN" DATED APRIL 13, 1993, IF YOU INTEND TO OPPOSE THE MOTION, YOU MUST SERVE THE FOLLOWING: THE DEBTOR, DEBTOR'S ATTORNEY, ANY OTHER JUDGMENT CREDITOR WHICH IS A PARTY TO THE MOTION AND ITS ATTORNEY, THE ATTORNEY

FOR ANY JUDGMENT CREDITOR AT THE TIME THE JUDGMENT WAS TAKEN, U.S. TRUSTEE AND THE TRUSTEE AND FILE WITH THE CLERK, WRITTEN OPPOSITION TO THE MOTION NO LATER THAN THREE (3) BUSINESS DAYS PRIOR TO THE RETURN DATE OF THIS MOTION. IN THE EVENT NO WRITTEN OPPOSITION IS SERVED AND FILED, NO HEARING ON THE MOTION WILL BE HELD ON THE RETURN DATE AND THE COURT WILL CONSIDER THE MOTION AS UNOPPOSED.

(ii) The motion shall be served and filed with a cover sheet in the form prescribed by the Clerk and available from the Clerk's Office.

(iii) A §522(f)(1) motion to be served and filed shall include a signed appraisal, a letter valuation, or a market analysis of real property as an exhibit to the motion.

(iv) Proof of Security Agreements shall be provided in the motion or by exhibit to the motion for all §522(f)(2) motions.

(v) The motion to be served and filed shall include a copy of the proposed order. The original proposed order shall be submitted with the original motion when filed.

IT IS SO ORDERED.

Dated: April 13, 1993

HONORABLE MICHAEL J. KAPLAN
CHIEF JUDGE

HONORABLE BERYL E. MC GUIRE

HONORABLE JOHN C. NINFO II