

JUDGE MCEWEN'S NEGATIVE NOTICE PROCEDURES

Local Rule 2002-4 identifies certain motions, objections, and other matter that may be considered by the Court without a hearing under the negative notice procedures described in that rule if no party in interest requests a hearing or files an objection. Subsection (a) (6) of Rule 2002-4 provides that the judge presiding over the case may permit other motions, objections, and matters to be considered on negative notice.

Pursuant to this authority, Judge McEwen authorizes use of negative notice procedures for the following motions (in addition to those identified in Local Rule 2002-4*):

- ▶ Motion for Relief from Stay in a Ch. 7 case – 21 days
- ▶ Motion for Relief from Codebtor Stay in a Ch. 13 case – 21 days
- ▶ Motion to Modify Mortgage in a Ch. 7 case – 21 days
- ▶ Motion to Redeem Property in a Ch. 7 case – 21 days
- ▶ Motion to Compel Turnover of Property in a Ch. 7 case – 21 days
- ▶ Motion by Trustee to Dismiss Case for Failure to Attend 341 Meetings in a Ch. 7 case - 21 days
- ▶ Motion to Strip Junior Lien in a Ch. 13 or Individual Ch. 11 case – 30 days
- ▶ Motion by Trustee to Sell (to 1st Mortgage Holder) Deed in Lieu of Foreclosure in a Ch. 7 case –
21 days
- ▶ Motion to Value Property/Determine Secured Status in a Ch. 13 case – 21 days.

[Note: Motions to Value may be considered on negative notice for the sole purpose of determining value. The Court will not consider or approve on negative notice interest rates or any other terms that are, or will be, set forth in the plan, unless the parties submit an agreed order that complies with the requirements set forth in Judge McEwen's memorandum on Tips for Getting Amended and Agreed Order Entered Promptly. This memorandum can be accessed through Judge McEwen's web page at: www.flmb.uscourts.gov/mcewen/]

*Motions, objections, and other matters authorized under Local Rule 2002-4 include:

- ▶ Motion to Approve Agreement relating to the following – 15 days
Relief from stay; prohibiting or conditioning use, sale, or lease of property;
Providing adequate protection; use of cash collateral; or obtaining credit
- ▶ Motion to Approve Compromise or Settlement – 21 days
- ▶ Motion to Avoid Judicial Lien – 21 days
- ▶ Motion to Sell or Lease Property (but not to sell free and clear of liens) – 21 days
- ▶ Objection to Claim – 30 days

To view Local Rule 2002-4, go to: www.flmb.uscourts.gov/localrules/documents/rule2002-4.pdf