

BANKRUPTCY ^{UP}DATE

August 26, 2014

If someone else would like to receive these ^{UP}dates, please send an e-mail to Mary_Frederickson@sdb.uscourts.gov.

No more, no less, please

Perhaps it's the summer heat or the summer doldrums, but lately some orders regarding relief from stay have not been followed correctly. If, after a creditor files a motion for relief from stay, the creditor and the debtor enter into an agreed order, and if that agreed order says the creditor will get relief from stay upon the debtor's default and the creditor's filing an affidavit of default, then the creditor should just file the affidavit of default to get an order granting it relief from stay. The creditor should not file the affidavit of default *and* another relief from stay motion. In other words, don't do *more* than what the agreed order requires.

The inverse is also true. If the Court enters an order directing your client to do something, or if you receive an e-mail from Court staff regarding some corrective action that is needed regarding the docket, please closely abide by the order or e-mail. If you have a question about what to do, ask. If, for some reason, you can't do what you have been directed to do, respond to the order or e-mail and let us know what the problem is. Don't do something *less* than was directed or something *different* than was directed without first communicating with the Court.

Link

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