

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

IN RE:)
)
ORDER REGARDING SERVICE AND)
NOTICE OF REQUESTS FOR)
ABANDONMENT IN CHAPTER 7)
STAY RELIEF MOTIONS)

GENERAL ORDER 15-2

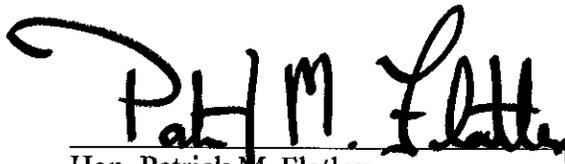
Under the Federal Rules of Bankruptcy Procedure, including Fed. R. Bankr. P. 1001, 4001(a)(1), 6007(a), and 9013(b), the court maintains authority to specify the recipients of service of a motion and of notice of the motion.

Commonly, in Chapter 7 cases, creditors file motions for relief from the automatic stay to proceed to foreclosure or repossession of secured collateral. In Chapter 7 cases, stay relief motions are typically served and noticed on any committee or authorized agent, the debtor, the case trustee, and other affected secured creditors with an interest in the collateral. Frequently, secured creditors seeking relief from the automatic stay in Chapter 7 cases also request that the secured collateral be abandoned as property of the bankruptcy estate to prevent accounting to the case trustee for proceeds and to prevent potential negative tax consequences to the estate. When filed by a creditor, the recipients of a motion to abandon, and of the notice of the proposed abandonment is governed by Fed. R. Bankr. P. 6007(b), which subsection does not specifically provide for the recipients of service of the motion or of notice.

Therefore, it is

ORDERED that when a secured creditor in a Chapter 7 case files a stay relief motion to foreclose or repossess secured collateral, and when the secured creditor also seeks in the prayer for relief or proposed order that the property be abandoned as property of the bankruptcy estate, service of the motion to abandon, and notice of the abandonment, is limited to the recipients of service of the stay relief motion.

SO ORDERED this 14th day of April 2015.



Hon. Patrick M. Flatley
Chief Judge, United States Bankruptcy Court, N.D.W. Va.