

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE

IN RE:)
)
) CASE NO.
Debtor(s),)
)
Movant,)
VS.)
)
Respondents.)

NOTICE OF PRELIMINARY HEARING AND PREHEARING ORDER

YOU ARE HEREBY NOTIFIED THAT A PRELIMINARY HEARING OF THE MOTION FOR RELIEF FROM THE STAY HAS BEEN SET FOR [DATE] AT [TIME] IN [PLACE], CUSTOMS HOUSE, 701 BROADWAY, NASHVILLE, TENNESSEE.

RESPONDENT SHALL FILE AND SERVE AN ANSWER to the motion at least seven (7) days before the preliminary hearing. **FAILURE TO TIMELY FILE AND SERVE AN ANSWER TO THE MOTION FOR RELIEF FROM THE STAY SHALL BE DEEMED A STATEMENT OF NO OPPOSITION TO THE RELIEF REQUESTED.**

In the event a final hearing is necessary, the final hearing will be scheduled by the court at the preliminary hearing.

COUNSEL FOR ALL PARTIES ARE ORDERED to confer with all opposing counsel at least five (5) days before the preliminary hearing and together prepare in writing and file **no later than 4:00 p.m. on the third (3d) business day before the preliminary hearing**, a **JOINT DOCUMENT**, captioned "PREHEARING STATEMENT" containing the following:

FOR MOVANT

1. A brief statement of each theory or cause for relief from the stay.
2. A brief summary of movant's contentions of fact in support of each theory or cause for relief from the stay and the evidence to be relied upon to establish those facts.

FOR RESPONDENT

1. A brief statement of each defense.
2. A brief summary of respondent's contentions of fact in support of each defense, and the evidence to be relied upon to establish those facts.

FOR ALL PARTIES

1. A statement of all admitted or uncontested facts.
2. Each party's brief statement of contested facts.
3. Each party's brief statement of contested legal issues.
4. The affidavits or other documentary proof which each party submits in support of its contentions. Any creditor asserting a lien or security interest shall include proof of its lien or security interest and **proof of perfection**. All such affidavits or documents shall be exchanged by the parties at or before the time of filing of the PREHEARING STATEMENT.

All of the above is to be incorporated in one document (with attachments) which is to be signed by all attorneys and pro se parties prior to the filing.

