

## INSTRUCTIONS FOR PREPARING A MOTION

### **I. General Instructions**

- a. The information in this document and the prompts contained in the attached motion package are not legal advice and are not a substitute for legal advice.
- b. A motion is a formal request for relief from the court. These instructions and the prompts contained in the documents will help you prepare the motion. A “motion package” typically consists of four documents: 1) a Notice of Motion; 2) a Certification in Support of the Motion, including any Exhibits; 4) a Certification of Service; and 3) a proposed Order. (Some motions require the filing of a brief or memorandum of law where the litigant provides legal arguments setting forth why they believe they are entitled to the relief sought.). See Local Rule 9013-1 and 9013-3.
- c. When you submit your motion to the Clerk’s Office, you must provide 1 original set of documents and 1 copy.
  - i. If you file the motion in person at the clerk’s office, the copy will be given back to you marked “Filed.”
  - ii. If you mail the motion to the Clerk’s Office, you must include a self-addressed, stamped envelope for the return of your filed Motion.
- d. You may be required to pay a fee at the time of the filing of the motion. For a list of motions that require the payment of a fee, see the court’s web site, [www.njb.uscourts.gov/court-info/court-fees](http://www.njb.uscourts.gov/court-info/court-fees).
  - i. If you are required to pay a fee, payment must be in the form of certified check, money order, or attorney check – the Clerk’s Office will not accept personal checks or cash. Registered efilers may make payment by credit card.
- e. You do not have to appear in court on the hearing date unless someone objects or responds to your motion. If a party objects or files a response and you do not appear at the hearing your motion may be denied. See Local Rule 9013-3.
- f. Complete the blank forms in this package by following the prompts.
- g. Hearing date: Each judge’s hearing dates are available on the court’s web site: <http://www.njb.uscourts.gov/judges-info/hearing-dates>. Generally, hearings on motions must be scheduled for at least 21 days after the date the motion is filed. Some motions must be scheduled for up to 30 days after the filed date of the motion. Each judge has guidelines regarding hearing dates on their web page. Paying attention to the guidelines will ensure that your motion is heard timely. See Local Rule 9013-2.
- h. Signatures: All documents must be signed and dated.

- i. After the hearing on your motion, you will receive a copy of the order the judge signed in the mail (if you are the debtor, or debtor's attorney). If you are not the debtor or debtor's attorney, you will receive a notice in the mail that indicates an order has been entered. You may view and download a copy of the Order at [www.pacer.gov](http://www.pacer.gov). You may also view and print the order from the public access terminals in each clerk's office. There is a 10 cents per page fee for printing documents from the public terminals.

**NOTE:** If you do not have internet access, you may contact the clerk's office concerning filing fees and hearing dates. Please contact the office where the case in which you wish to file your motion is pending.

## **II. TERMS RELATED TO YOUR MOTION:**

**Motion:** A formal request for relief filed with a court.

**Notice of Motion:** A "notice" to interested parties indicating that a request for relief has been filed. The Notice informs other litigants that if they object to the relief sought they must file an objection or response to the motion; it also includes the time within which the objection/response must be filed. The notice sets forth the hearing date, time and location.

**Certification in Support of Motion:** The Certification contains the facts that the filer believes the court needs to know to grant the motion. The Certification must be completed by someone with "personal knowledge" of the facts.

**Service:** The act of providing a copy of the filed stamped motion package to all parties who may have an interest in outcome of the motion. See Local Rule 9013-2.

**Certification of Service:** The filer must set forth in the Certification of Service the name and address of each party served, their relationship to the case, and the manner in which they were served. The Certification must be signed by the person who served the documents. See Local Rule 9013-2.

**Proposed Order:** The proposed order contains the relief the filer seeks. The judge will decide at the hearing whether to grant the filer's request for relief. If the relief is granted, the judge will sign the proposed order. See Local Rule 9013-4.

## **II. RESOURCES:**

### **Clerk's Office Locations and Contact Information:**

U. S. Bankruptcy Court  
Clerk's Office  
U. S. Post Office and Courthouse  
401 Market Street  
Camden, NJ 08101  
609-361-2300

U. S. Bankruptcy Court  
Clerk's Office  
Martin Luther King, Jr. Federal Building  
50 Walnut Street  
Newark, NJ 07102  
973-645-4764

U. S. Bankruptcy Court  
Clerk's Office  
Clarkson S. Fisher U. S. Courthouse  
402 East State Street  
Trenton, NJ 08608  
609-858-9333

**United States Bankruptcy Court, District of New Jersey:** [www.njb.uscourts.gov](http://www.njb.uscourts.gov)

**Local Rules for the U. S. Bankruptcy Court for the District of New Jersey:**

[www.njb.uscourts.gov/local-rules-and-orders](http://www.njb.uscourts.gov/local-rules-and-orders)

**Pacer** (To view documents in the court's electronic filing system): [www.pacer.gov](http://www.pacer.gov)

**Glossary of Legal Terms:** <http://www.uscourts.gov/glossary>

**Bankruptcy Basics:** <http://www.uscourts.gov/services-forms/bankruptcy/bankruptcy-basics>

**General Resources:** <http://www.njb.uscourts.gov/understanding-bankruptcy/resources>

**Register of Governmental Units:** <http://www.njb.uscourts.gov/content/register-governmental-units>

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-1(b)**  
*[Enter your name, address and telephone number]*

**In Re:**  
*[Enter the debtor's name(s)]*

Case No.: \_\_\_\_\_  
*[Enter the case number]*

Chapter: \_\_\_\_\_  
*[Enter the chapter; example: 13]*

Hearing Date: \_\_\_\_\_  
*[Enter the hearing date]*

Judge: \_\_\_\_\_  
*[Enter the Judge's last name]*

**NOTICE OF MOTION TO**

*[Enter the relief sought]* \_\_\_\_\_

*[Enter your name]* \_\_\_\_\_ has filed papers with the court to *[Enter the relief sought]* \_\_\_\_\_

**YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).**

If you do not want the court to grant this motion, or if you want the court to consider your views, you or your attorney must file with the clerk at the address listed below, a written response explaining your position no later than 7 days prior to the hearing date.

Hearing Date: \_\_\_\_\_  
*[Enter the date of the hearing]*

Hearing Time: \_\_\_\_\_  
*[Enter the time of the hearing]*

Hearing Location: \_\_\_\_\_  
*[Enter the location of the hearing]*

Courtroom Number: \_\_\_\_\_  
*[Enter the courtroom number]*

If you mail your response to the clerk for filing, you must mail it early enough so the court will receive it on or before 7 days prior to the hearing date.

You must also mail a copy of your response to:

*[Enter the trustee's name and address]*

*[Enter the name and address of all other parties who will be affected by this motion]*

If you, or your attorney, do not take the steps outlined above, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: \_\_\_\_\_  
*[Enter the date this document is signed]*

\_\_\_\_\_  
**Signature** *[Of the party seeking relief]*

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-1(b)**  
*[Enter your name, address and telephone number]*

**In Re:**  
*[Enter the debtor's name(s)]*

Case No.: \_\_\_\_\_  
*[Enter the case number]*

Chapter: \_\_\_\_\_  
*[Enter the chapter]*

Hearing Date: \_\_\_\_\_  
*[Enter the hearing date]*

Judge: \_\_\_\_\_  
*[Enter the judge's last name]*

**CERTIFICATION OF \_\_\_\_\_**  
*[Enter the name of the person that has personal knowledge of the facts set forth below]*

I, *[Enter the name of the person that has personal knowledge of the facts set forth below]*  
\_\_\_\_\_, *[Enter their relationship to the case. For example: debtor, creditor]* \_\_\_\_\_ in the above captioned case, submits this Certification in support of the Motion for *[Enter title of motion]* \_\_\_\_\_ filed by me on *[Enter the date the motion was filed]* \_\_\_\_\_.

1. *[Enter the facts on which you believe such relief should be granted. Each fact must be set forth in a separate numbered paragraph.]* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. *[Enter the facts on which you believe such relief should be granted. Each fact must be set forth in a separate numbered paragraph.]* \_\_\_\_\_

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3. *[Enter the facts on which you believe such relief should be granted. Each fact must be set forth in a separate numbered paragraph.]* \_\_\_\_\_

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4. *[Enter the facts on which you believe such relief should be granted. Each fact must be set forth in a separate numbered paragraph.]* \_\_\_\_\_

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5. *[Enter the facts on which you believe such relief should be granted. Each fact must be set forth in a separate numbered paragraph.]* \_\_\_\_\_

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I certify under penalty of perjury that the above is true.

Date: \_\_\_\_\_  
*[Enter the date this document is signed]*

\_\_\_\_\_  
**Signature**  
*[Of the party with actual knowledge of the facts set forth above]*

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-1(b)**  
*[Enter your name, address and telephone number]*

**In Re:**  
*[Enter the debtor's name(s)]*

Case No.: \_\_\_\_\_  
*[Enter the case number]*

Chapter: \_\_\_\_\_  
*[Enter the chapter; example: 13]*

Hearing Date: \_\_\_\_\_  
*[Enter the hearing date]*

Judge: \_\_\_\_\_  
*[Enter the Judge's last name]*

**STATEMENT AS TO WHY NO BRIEF IS NECESSARY**

In accordance with D.N.J. LBR 9013-1(a)(3), it is respectfully submitted that no brief is necessary in the court's consideration of this motion, as it does not involve complex issues of law.

Date: \_\_\_\_\_  
*[Enter date this document is signed]*

\_\_\_\_\_  
Signature *[Of party seeking relief]*



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-1(b)**  
*[Enter your name, address and phone number]*

**In Re:**  
*[Enter the debtor's name(s)]*

Case No.: \_\_\_\_\_  
*[Enter the case number]*

Chapter: \_\_\_\_\_  
*[Enter the chapter of the case]*

Hearing Date: \_\_\_\_\_  
*[Enter the hearing date]*

Judge: \_\_\_\_\_  
*[Enter the Judge's last name]*

**CERTIFICATION OF SERVICE**

1. I, \_\_\_\_\_:

represent \_\_\_\_\_ in this matter.

am the secretary/paralegal for \_\_\_\_\_, who represents  
\_\_\_\_\_ in this matter.

am the \_\_\_\_\_ in this case and am representing myself.

2. On *[Enter the date you served the documents]* \_\_\_\_\_, I sent a copy of the  
following pleadings and/or documents to the parties listed in the chart below.

*[Place a check next to each document you served]*

Notice of Motion *[Enter title of motion]* \_\_\_\_\_

Certification in Support of Motion *[Enter title of motion]* \_\_\_\_\_

\_\_\_\_\_

Statement as to Why No Brief is Necessary

Proposed Order Granting Motion *[Enter title of motion]* \_\_\_\_\_

\_\_\_\_\_

Other *[Enter title of document]* \_\_\_\_\_

\_\_\_\_\_

3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Date: \_\_\_\_\_  
*[Enter the date you signed this document]*

\_\_\_\_\_  
**Signature** *[Of the person who served the documents]*

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
<i>[Enter the name and address of the party you served]</i>	<i>[Enter the party's relationship to the case]</i>	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/Return receipt requested <input type="checkbox"/> Other _____ (As authorized by the court or rule. Cite the rule if applicable.)
<i>[Enter the name and address of the party you served]</i>	<i>[Enter the party's relationship to the case]</i>	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/Return receipt requested <input type="checkbox"/> Other _____ (As authorized by the court or rule. Cite the rule if applicable.)
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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-1(b)**  
*[Enter your name, address and phone number]*

**In Re:**  
*[Enter the debtor's name(s)]*

Case No.: \_\_\_\_\_  
*[Enter the case number]*

Chapter: \_\_\_\_\_  
*[Enter the case number]*

Hearing Date: \_\_\_\_\_  
*[Enter the hearing date]*

Judge: \_\_\_\_\_  
*[Enter the Judge's last name]*

**ORDER GRANTING** \_\_\_\_\_  
*[Enter the relief sought]*

The relief set forth on the following pages, numbered two (2) through *[enter the number of the last page of this Order]* \_\_\_\_\_ is **ORDERED**.

*[Leave the rest of this page blank]*

The Court having reviewed the movant's *[Enter the title of the motion]* \_\_\_\_\_  
\_\_\_\_\_, and any related responses or objections, it is  
hereby

ORDERED that:

1. *[Enter the relief sought or ordered by the Court at the hearing. Each item of relief must be set forth in a separate numbered paragraph]* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. *[Enter the relief sought or ordered by the Court at the hearing. Each item of relief must be set forth in a separate numbered paragraph]* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. *[Enter the relief sought or ordered by the Court at the hearing. Each item of relief must be set forth in a separate numbered paragraph]* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. *[Enter the relief sought or ordered by the Court at the hearing. Each item of relief must be set forth in a separate numbered paragraph]* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_