

**JUDGE DOYLE’S GUIDELINES FOR ORDERS MODIFYING STAY
AND SAMPLE ORDER LANGUAGE**

Please follow the guidelines below for **ALL proposed orders modifying the automatic stay** submitted to Judge Doyle, including proposed orders submitted when the motion is filed and agreed orders.

ALL orders, including agreed repayment orders, must be **filed in the docket** in the **fillable format** following these guidelines:

DO:

1. Identify the motion and moving party;
2. Include language granting the motion;
3. Specify the relief provided by stating that the stay is modified to permit the movant to exercise its *in rem* rights under non-bankruptcy law against the collateral; and
4. If you seek a waiver of the stay in Rule 4001(a), state only that the 14 day stay in Rule 4001(a)(3) does not apply to the order.

The following language is recommended:

This case is before the court on the motion of Creditor to modify the automatic stay.

IT IS ORDERED that

The motion is granted as follows:

1. The automatic stay is modified to permit Creditor to exercise its *in rem* rights under non-bankruptcy law in the property located at 219 S. Dearborn, Chicago, IL [or “against the debtor’s 1969 Chevy Nova, (VIN number optional).”]
2. The stay in Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure does not apply to this order.

DO NOT:

1. Identify any specific remedies that the creditor may pursue (*e.g.*, foreclose, evict, take possession).
2. Declare or suggest that the creditor has a valid security interest (*e.g.*, “creditor is permitted to foreclose on its security interest”).

3. Include findings of any kind in the introduction or body of the order (e.g., “the court finding cause” or “the court finding that due notice has been given”).
4. Include unnecessary and/or meaningless introductory language, including:
 - the court has jurisdiction
 - “due” or “proper” notice has been given
 - the court is “advised in the premises”
 - “At Chicago, Illinois, before Judge Carol Doyle this XX day of October, 2020”
5. Use “shall” - it is ambiguous; use “may,” “must,” or “will.”
6. Use any arcane language or legalese, including:
 - “said” - use “the” instead,
 - “heretofore” or “herewith,”
 - “Aforementioned”
7. Use “hereby” - it is unnecessary. If you feel compelled to use it, ONE “hereby” is sufficient at the beginning: “It is hereby ordered.” Do not use it in every paragraph of the order.
8. Include language addressing issues not directly related to the permitted relief, including:
 - authorizing the creditor to contact the debtor directly instead of through debtor’s counsel
 - approving the creditor’s attorneys fees

Note - If you include language like this, it is highly likely that your motion will be called in court even if the opposing party does not object.