

## Filing Motions (for Pro Se Debtors)

A motion is a document filed with the court in which a person asks the Court to take certain action in a case. Motions must be in writing and filed with the Court. Motions must include a case caption and must be signed by the filing party (see attached form).

Along with a Motion, the filing party must also file a Proposed Order, a Hearing Notice and a Certificate of Service. A Certificate of Service is a document filed with the court that shows the court and all interested parties exactly how a motion has been “served” on other parties in the case. Providing copies of the motion by “serving” them is a critical step in the process because it gives everyone “notice” of what you are asking from the court. Examples of all of the following documents are attached for your reference.

- Proposed Order Must Include:
  - Case Caption
  - Space for Judge’s Signature
  
- Hearing Notice Must Include:
  - Case Caption
  - Hearing Date, Location, and Time. To obtain a hearing date & time, please contact the Clerk’s Office in Portland at 780-3482 or in Bangor at 945-0348.
  - Objection Deadline. This is the date by which a party in interest may object to your Motion.
  
- Certificate of Service Must Include:
  - Names, addresses and manner of service of all parties served
  - Date document served
  - Signature of filing party

Almost all motions must be set for a hearing before the judge. There are some exceptions, all of which can be found listed in Local Rule 9013-1(d). Exceptions that may be of particular relevance to Pro Se parties include: (1) motions to extend time to file schedules, statements, tax returns, etc.; (2) motions for enlargement of time; and (3) motions to reopen a case. Even though these motions do not need to be set for hearing, they still must be filed with the Proposed Order and Certificate of Service as described above. **IN ADDITION**, the Motion must state prominently in the upper right hand corner of the first page “Relief Requested Without Hearing.” **ALSO**, the Proposed Order must include the following language: “This Order shall become final in fourteen (14) days unless a party in interest sooner objects, in which case the matter shall be set for hearing and considered by the Court as if this Order had not been entered.” Examples are attached for your reference.

<IF NEEDED USE "RELIEF REQUESTED WITHOUT A HEARING">

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE

In Re:

<DEBTOR NAME>.

Debtor.

Chapter .7, 11, 12, OR 13  
Case No. xx-xxxxx

**<MOTION TITLE>**

NOW COMES <MOVANT> and files this <MOTION> seeking <RELIEF SOUGHT>. In further support thereof, the Movant states as follows:

<FACTS RELATING TO MOTION>

WHEREFORE, <MOVANT> respectfully request that the Court enter an order <RELIEF SOUGHT>.

**Dated:**

<MOVANT'S NAME>

\_\_\_\_\_  
<MOVANT SIGNATURE>  
<MOVANT ADDRESS>

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE

In Re:

<DEBTOR NAME>.

Debtor.

Chapter .7, 11, 12, OR 13

Case No. xx-xxxxx

**<ORDER GRANTING (insert MOTION TITLE)>]**

This matter having come before the Court on <Movant's Name> <Name of Motion>, after such notice and opportunity for hearing as was required by the United States Bankruptcy Code, 11 U.S.C. § 101 et seq. (the "Code"), the Federal Rules of Bankruptcy Procedure, and this Court's local rules, no timely objection having been filed, and after due deliberation and sufficient cause appearing therefore; it is hereby OREDERED, ADJUDGED, AND DECREED THAT

<Movant's Name> <Name of Motion>is GRANTED.

<Add 14-day Language if needed

**This Order shall become final in fourteen (14) days unless a party in interest sooner objects, in which case the matter shall be set for hearing and considered by the Court as if this Order had not been entered.>**

Dated:

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United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE

In Re:

<DEBTOR NAME>.

Debtor.

Chapter .7, 11, 12, OR 13

Case No. xx-xxxxx

**NOTICE OF HEARING**

Movant has this date filed a <NAME OF DOCUMENT>(the “Motion”) with the Court. A hearing has been set to take place at the United States Bankruptcy Court, ,<537 Congress Street, Portland, Maine OR 202 Harlow Street, Bangor, Maine> on <DATE> at <TIME> (the “Hearing”).

**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 approve the Motion, or if you want the court to consider your views on the Motion, then **on or before**<OBJECTION DEADLINE>, you or your attorney must file with the court a written response explaining your position and you are encouraged to attend the Hearing, either directly or through your attorney, as appropriate. If you are not able to access the CM/ECF Filing System, your response should be served upon the Court at:

FOR JUDGE CARY CASES : United States Bankruptcy Court  
537 Congress Street  
Portland Maine 04101

OR

FOR JUDGE FAGONE CASES United States Bankruptcy Court  
202 Harlow Street  
Bangor, ME 04401

If you do have to mail your response to the Court for filing, you must mail it early enough so that the Court will receive it on or before the date stated above.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

Dated:

<MOVANT’S NAME>

\_\_\_\_\_  
<MOVANT SIGNATURE

<MOVANT ADDRESS>

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE

In Re:

<DEBTOR NAME>.

Debtor.

Chapter .7, 11, 12, OR 13  
Case No. xx-xxxxx

**CERTIFICATE OF SERVICE**

I, <MOVANT> being over the age of eighteen, hereby certify that on this date, I filed with the court the following:

<ITEMS FILED>

I further certify that parties indicated on the attached service list were served with the above-referenced documents via <MANNER OF SERVICE>(e.g., first-class mail, hand delivered, etc.).

**Dated:**

<MOVANT'S NAME>

\_\_\_\_\_  
<MOVANT SIGNATURE>  
<MOVANT ADDRESS>