

Proposed change to the local rules for the United States Bankruptcy Court for the Northern District of Indiana. New material is indicated by **redline**, and deleted material is indicated by ~~strikeout~~.

B-3007-1
Objections to Claims; Default

(a) Except as otherwise authorized by Rule 3007 of the Federal Rules of Bankruptcy Procedure regarding omnibus claim objections, an objection to a proof of claim shall be limited to the claim or claims filed by a single creditor, unless the objection is directed to a claim which has been filed jointly by more than one creditor.

(b) An objection to a proof of claim shall identify the creditor by name and the claim number as assigned by the court, and

(1) shall state with specificity the basis for disallowance or allowance in an amount or with a priority other than that claimed.

(2) **If the objection requests the determination of the amount of a secured claim (see Fed. R. Bankr. P. 3012), movant shall identify the property securing the claim, the value of that property, the amounts due on account of any senior liens or interests, and any other mathematical calculations used to determine the objector's proposed amount of the secured claim.**

(c) Local Bankruptcy Form 2 (LBF-2) shall be used to give the claimant notice of the claim objection and the opportunity to respond thereto, instead of Official Bankruptcy Form 20(B).

(d) The objector shall be responsible for completing LBF-2 and serving it, along with the claim objection, and making due proof thereof, in accordance with Rule 7004 of the Federal Rules of Bankruptcy Procedure upon:

(1) the claimant, and ~~claimant's attorney if an appearance has been filed;~~

(2) ~~any trustee; and~~

(3) ~~the debtor and debtor's counsel.~~

(e) Unless a response to the objection is filed within thirty (30) days following service of the notice of objection, the court may disallow or modify the claim in accordance with the objection, without further hearing.

Commentary (1994)

This rule is new. Paragraph (b), [now paragraph (e)], is derived from Southern District of Indiana L.B.R. B-3007. It provides a mechanism to deal with claim objections without a hearing where the claimant fails "to respond as directed in an order...."

Paragraph (a), [now paragraph (b)], does little more than state what one would expect an objection to contain – the reason for the objection – and the common sense requirement that it should be served upon the claimant as well as the other parties that are most likely to be interested in establishing the correct amount due.

HISTORICAL AND REGULATORY NOTES

By Order Making Technical Amendments to Local Bankruptcy Rules dated July 7, 2015, LBF-2 was amended to change the phrase “mail a copy of your response to” to “serve a copy of your response upon” and the word “mailed” to “served.”

By Order Amending Local Bankruptcy Rules dated May 5, 2011, this rule was amended to make technical corrections to clarify the rule.

Pursuant to Order Amending Local Bankruptcy Rules dated November 30, 2007, paragraph (a) of this rule was amended to conform to the provisions of the amended national rules.

Pursuant to General Order 2001-01 dated February 2, 2001, this rule was adopted along with LBF-2; General Order 98-1 was vacated.

**UNITED STATES BANKRUPTCY
COURT NORTHERN DISTRICT OF
INDIANA**

DIVISION

IN THE MATTER OF:)
)
 [name of Debtor]) CASE NO. [case #]
)
 DEBTOR(S))

NOTICE OF OBJECTION TO CLAIM

To: [name of creditor]
 [Name of party objecting to claim] has filed an objection to your claim in this bankruptcy case.
 A copy of the objection accompanies this notice.

As a result of the objection, your claim may be reduced, modified or eliminated. You should read these papers carefully and discuss them with your attorney.

If you do not want the court to eliminate or change your claim, then **within thirty days (30)** of the date of this notice you or your attorney must:

1. File with the court a written response to the objection, explaining your position,
at: [address of clerk's office for the division in which the case is pending]

If you mail your response to the court, you must mail it early enough so that it will be **received** within the time required.

2. You must also serve a copy of your response upon:

[name and address of objector's attorney or the objector, if pro se]

[name and address of the case trustee and the trustee's attorney, if any]

[in cases under Chapter 11, 12, or 13, name and address of debtor's attorney or the debtor, if pro se]

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim.

Date: [date notice is served] [signature] _____ Name:
Address:
Telephone: