

PART III

3001-1 CLAIMS AND EQUITY SECURITY INTERESTS — GENERAL

(a) Number of Copies. A single proof of claim shall be filed. A claimant requesting return of a file-stamped copy must provide an additional copy of the claim and a stamped, self-addressed envelope.

(b) Supersession by Duplicate. A timely filed proof of claim that duplicates an earlier claim filed by the same entity, in the same amount, based upon the same transaction(s) and containing at least the same supporting documentation, and that is in all material aspects a "duplicate" claim, shall be deemed to supersede the earlier claim without need for an objection by any party or a court order to that effect.

(c) Address of Claimant. A claimant shall file and serve on the case trustee any change of address. Failure of the claimant or its agent to maintain a correct and updated address may cause the return of distribution checks to the trustee and may result in nonpayment of the claim.

(d) Chapter 12 and 13 Cases. Any unsecured creditor and any creditor asserting secured status as to property of the debtor or the estate, shall, in order to receive payments under a confirmed plan, file a proof of claim. A secured creditor's proof of claim shall include appropriate documentation evidencing the creditor's secured status.

(1) Mortgage Claims. If regular monthly payments to a mortgage creditor are to be disbursed by the trustee, or there is an arrearage as of the petition filing date, the mortgage proof of claim shall include a completed LBR Form 3001-1 as an attachment.

(2) Effect of Relief from Stay. An entity holding an allowed secured claim that obtains relief from the automatic stay shall receive no payments provided for in a confirmed plan on account of such secured claim after entry of the order lifting the stay. The entity may file an amended proof of claim for any deficiency claim after the collateral has been sold or otherwise disposed of. In the event the debtor retains the collateral after the stay has been lifted, payments to the creditor from the trustee may continue upon order of the court.

(3) Payment of Claims. Payment of claims shall be as provided for under the provisions of a confirmed plan or an order confirming a modified plan and the trustee is not required to accumulate funds for any claim for which a proof of claim has not been filed.

(4) Status. Except as otherwise provided by law, by specific order of the court, or by stipulation, the status of a claim as secured or unsecured will be determined from the claim as filed rather than as scheduled.

3006-1 CLAIMS — WITHDRAWAL

A withdrawal of a proof of claim shall state with specificity the date the affected proof of claim was filed, the amount of the claim, and the proof of claim number assigned by the clerk.

3007-1 CLAIMS — OBJECTIONS

(a) Filing and Service. An objection to a proof of claim together with the notice of objection to claim shall be filed and served on the person or entity that filed the proof of claim at the address set forth on the proof of claim, on the filing attorney (if any) at the attorney's address set forth in the proof of claim, and on any party required to be served by LBR 9013-3.

(b) Contents. An objection shall state the claimant's name and address, the date the claim was filed, and any claim number assigned by the clerk. As to each claim, the objection shall further contain a concise statement of the grounds for the objection and a specific request for treatment of the claim. A notice of objection to claim shall be filed and served with the objection and shall include the mandatory thirty (30) day notice set forth below.

Sample 30 Day Notice

NOTICE OF OBJECTION TO CLAIM

(Name) has filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified, or eliminated. 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 reduce, modify or eliminate your claim, then on or before **thirty (30) days from the date set forth in the certificate of service for the objection to claim**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to (address of bankruptcy court clerk's office) OR your attorney must file a response using the court's ECF System.