

Claim Dispute Chart

Based on several decisions by the Court, below is a chart we hope you will find helpful as you navigate what to file when the aspect of a particular claim is in dispute. It is a work in progress. Please send any suggestions for improvements to kay_cee_hodson@sdb.uscourts.gov.

<i>Issue to be Resolved</i>	<i>What to File</i>	<i>Required Notice</i>	Whom to Serve
Debtor ¹ , DIP, or case trustee disputes the amount of a claim after creditor has filed a proof of claim. ²	Objection to Claim under § 502 and Fed.R.Bankr.P. 3007.	30 days before the scheduled hearing; obtain hearing date and time from Deputy Clerk and include hearing information in the notice. See Local Bankr. R. 2002-1(c) and attendant appendices and Local Bankr. R. 5070-1(a).	Parties in interest as defined by LBR 9001-1(3), including the creditor who filed the proof of claim.
Debtor ¹ , DIP, or case trustee disputes whether this particular creditor, who has filed a proof of claim, has a claim against the bankruptcy estate, <i>i.e.</i> , this claim duplicates another claim already filed by a different creditor who actually holds the claim or this claim is against another party, not this debtor. ²	Objection to Claim under § 502 and Fed.R.Bankr.P. 3007.	30 days before the scheduled hearing; obtain hearing date and time from Deputy Clerk and include hearing information in the notice. See Local Bankr. R. 2002-1(c) and attendant appendices and Local Bankr. R. 5070-1(a).	Parties in interest as defined by LBR 9001-1(3), including the creditor who filed the proof of claim.
Debtor ¹ , DIP, or case trustee disputes whether the creditor filed the proof of claim timely. ²	Objection to Claim under § 502 and Fed.R.Bankr.P. 3007.	30 days before the scheduled hearing; obtain hearing date and time from Deputy Clerk and include hearing information in the notice. See Local Bankr. R. 2002-1(c) and attendant appendices and Local Bankr. R. 5070-1(a).	Parties in interest as defined by LBR 9001-1(3), including the creditor who filed the proof of claim.
Debtor ¹ , DIP, or case trustee disputes the value of the collateral securing the debt. There is no dispute on what the collateral is or the validity of the security agreement. ²	Motion for Valuation under § 506(a) and Fed.R.Bankr.P. 3012.	13 days before the deadline to file a response. Court will set hearing by separate order, as needed.	Parties in interest as defined by LBR 9001-1(3), including the creditor holding the secured claim.
Debtor ¹ , DIP, case trustee, or another secured creditor disputes creditor's claim is validly secured. Usually will encompass problems with descriptions in the security agreement or perfection issues.	Adversary complaint against the affected parties pursuant to Fed.R.Bankr.P. 7001(2).	None. Answer period established by Fed.R.Bankr.P. 7012.	Summons and Complaint must be served in accordance with Fed.R.Bankr.P. 7004 and Fed.R.Civ.P. 4.

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Issue to be Resolved	What to File	Required Notice	Whom to Serve
Debtor ¹ , DIP, case trustee, or another secured creditor disputes the priority of encumbrances on certain estate property.	Adversary complaint against the affected parties pursuant to Fed.R.Bankr.P. 7001(2).	None. Answer period established by Fed.R.Bankr.P. 7012.	Summons and Complaint must be served in accordance with Fed.R.Bankr.P. 7004 and Fed.R.Civ.P. 4.
Debtor ¹ , DIP, case trustee, or another secured creditor disputes the extent of a creditor's secured interest in particular collateral that is property of the estate. May encompass, <i>e.g.</i> , whether a particular item of property was covered by a particular security agreement.	Adversary complaint against the affected parties pursuant to Fed.R.Bankr.P. 7001(2).	None. Answer period established by Fed.R.Bankr.P. 7012.	Summons and Complaint must be served in accordance with Fed.R.Bankr.P. 7004 and Fed.R.Civ.P. 4.

¹ For a chapter 7 debtor to have standing to commence the contested matter or adversary proceeding, the debtor must have a pecuniary interest in the outcome.

² An objection to claim should not include a request for relief that may only be sought by adversary proceeding, but an adversary complaint may include a request for relief that is generally sought only by an objection to claim. *See* Fed.R.Bankr.P. 3007(b).