

Claim Dispute Chart

Issue to be Resolved	What to File	Required Notice	Whom to Serve
Debtor ¹ , DIP, or case trustee disputes the amount of an unsecured nonpriority claim after creditor has filed a proof of claim. ²	Objection to Claim under § 502 and Fed.R.Bankr.P. 3007 and a notice.	The notice must conform to Bankr. D.S.D. R. 2002-1(b) and Appendix 2B and give 30 days to file a response (33 days if service is by mail or electronically).	Parties in interest as defined by Bankr. D.S.D. R. 9001-1(7), including the creditor who filed the proof of claim. Service must be made in the manner prescribed by Fed.R.Bankr.P. 3007(a)(2).
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 and a notice.	The notice must conform to Bankr. D.S.D. R. 2002-1(b) and Appendix 2B and give 30 days to file a response (33 days if service is by mail or electronically).	Parties in interest as defined by Bankr. D.S.D. R. 9001-1(7), including the creditor who filed the proof of claim. Service must be made in the manner prescribed by Fed.R.Bankr.P. 3007(a)(2).
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 and a notice.	The notice must conform to Bankr. D.S.D. R. 2002-1(b) and Appendix 2B and give 30 days to file a response (33 days if service is by mail or electronically).	Parties in interest as defined by Bankr. D.S.D. R. 9001-1(7), including the creditor who filed the proof of claim. Service must be made in the manner prescribed by Fed.R.Bankr.P. 3007(a)(2).
Debtor ¹ , DIP, or case trustee wishes to determine the amount of a secured claim of a non-governmental unit. There is no dispute about what the collateral is or the validity of the security agreement. ²	Motion under § 506(a) and Fed.R.Bankr.P. 3012 and a notice; or an Objection to Claim under § 502 and Fed.R.Bankr.P. 3007 and a notice; or include a request in a chapter 12 or a chapter 13 plan.	The notice for a motion under § 506(a) must conform to Bankr. D.S.D. R. 2002-1(a) and Appendix 2A and give 7 days to file an objection (10 days if service is by mail or electronically). The notice for a motion under § 502 must conform to Bankr. D.S.D. R. 2002-1(b) and Appendix 2B and give 30 days to file a response (33 days if service is by mail or electronically).	Parties in interest as defined by Bankr. D.S.D. R. 9001-1(7), including the creditor holding the secured claim. Service of an Objection to Claim and the attendant notice must be made in the manner prescribed by Fed.R.Bankr.P. 3007(a)(2).

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Debtor ¹ , DIP, or case trustee wishes to determine the amount of a secured claim of a governmental unit. There is no dispute about what the collateral is or the validity of the security agreement. ²	Motion under § 506(a) and Fed.R.Bankr.P. 3012 and a notice or an Objection to Claim under § 502 and Fed.R.Bankr.P. 3007 and a notice.	The notice for a motion under § 506(a) must conform to Bankr. D.S.D. R. 2002-1(a) and Appendix 2A and give 7 days to file an objection (10 days if service is by mail or electronically). The notice for a motion under § 502 must conform to Bankr. D.S.D. R. 2002-1(b) and Appendix 2B and give 30 days to file a response (33 days if service is by mail or electronically).	Parties in interest as defined by Bankr. D.S.D. R. 9001-1(7), including the creditor holding the secured claim. Service of an Objection to Claim and the attendant notice must be made in the manner prescribed by Fed.R.Bankr.P. 3007(a)(2).
Debtor ¹ , DIP, or case trustee wishes to determine the amount of a claim entitled to priority after creditor has filed a proof of claim. ²	Motion under § 507 and Fed.R.Bankr.P. 3012 and a notice or an Objection to Claim under § 502 and Fed.R.Bankr.P. 3007 and a notice.	The notice for a motion under § 506(a) must conform to Bankr. D.S.D. R. 2002-1(a) and Appendix 2A and give 7 days to file an objection (10 days if service is by mail or electronically). The notice for a motion under § 502 must conform to Bankr. D.S.D. R. 2002-1(b) and Appendix 2B and give 30 days to file a response (33 days if service is by mail or electronically).	Parties in interest as defined by Bankr. D.S.D. R. 9001-1(7), including the creditor holding the priority claim. Service of an Objection to Claim and the attendant notice must be made in the manner prescribed by Fed.R.Bankr.P. 3007(a)(2).
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.
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.

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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).