

N.D.W.V. LBR 3001-1

Claims and Equity Security Interests - General.

(a) For secured or priority claims in Chapters 7, 9, 11 and 12 cases, the original proof of claim and one duplicate shall be filed with the Clerk's office in accordance with Bankruptcy Rules 3002 - 3005 and 5005. For all other claims in Chapters 7, 9, 11 and 12 cases only an original proof of claim needs to be filed. In Chapter 13 cases, the creditor must file an original and one duplicate for all claims. (See Appendix M, re: copies in general)

To obtain verification of the filing of a proof of claim, one additional copy and a postage paid return envelope must be submitted to the Clerk's office.

(b) If a secured creditor fails to provide the requisite documentation supporting the perfection of the secured claim as required by Federal Bankruptcy Rule 3001, and continues to fail to provide such information after requested to do so by the case trustee, the case trustee may bring an action against the secured creditor requiring the delivery of such information and may recover the trustee's cost and expenses, including attorney's fees, attendant to such action.

(c) If a secured creditor fails to provide the requisite documentation supporting the perfection of the secured claim as required by Federal Bankruptcy Rule 3001, the Chapter 13 trustee is authorized to reserve but not distribute funds to that creditor until the perfection issue is resolved. The secured creditor shall not be entitled to interest during the period it fails to provide the trustee with evidence of perfection.

(d) In the event a student loan claim (see 11 U. S. C. 523(a)(8)) is filed in a Chapter 13 case in which the debtor(s) has (have) failed to acknowledge the student loan obligation, debtor(s)'s counsel shall address the claim as soon as practicable, but no later than three (3) days

before the scheduled confirmation hearing. Failure to take action regarding the student loan claim will result in the claim as filed being paid by the Chapter 13 trustee and may result in denial of confirmation and / or dismissal of the petition. Student loan claims not treated expressly by the plan shall be paid with interest at the lesser rate of 9% per annum or the contract rate.

(e) In the event a student loan claim is filed after the governmental unit deadline for the filing of proofs of claims, the Chapter 13 trustee, absent an objection to the claim by the debtor(s), shall pay such claim as filed with interest at the lesser rate of 9% per annum or the contract rate, without having to file a motion to allow the claim.

Cross Reference

11 U.S.C. 501
Bankruptcy Rule 3001
Appendix M