

**N.D.W.V. LBR 3007-1**

**Claims - Objections.**

(a) A party who files an objection to the allowance of a claim shall file it with the Clerk's office and shall serve a copy of the objection on the creditor filing the claim and on the following:

1. Chapter 7, 12 and 13 cases - Debtor and the case trustee
2. Chapter 9 and 11 cases - Debtor in possession and, if applicable, Chapter 11 Trustee, and counsel or chairperson of any creditors' committee.

(b) If the debtor(s) challenge(s) the lien position or obligation of a real estate secured claim, unless the Court orders otherwise, the debtor(s) shall pay to the Chapter 13 trustee the equivalent of adequate protection payments to be held until the adversary proceeding is resolved. The reserved funds shall be distributed pursuant to the terms of the adversary proceeding order.

(c) In a Chapter 13 proceeding, if a claim is filed as secured or priority and the debtor(s)'s plan proposed to treat such claim as unsecured, debtor(s)'s counsel shall address the claim as soon as practicable, but no later than three (3) days before the scheduled confirmation hearing, by filing an objection to the claim, clearly delineating the treatment the debtor(s) believe(s) is appropriate for the claim, amending the plan to provide the appropriate treatment for the claim, or filing a stipulation setting forth an agreed upon treatment of the claim. Failure to take action against the claim results in the claim as filed being paid by the trustee and may result in denial of confirmation and/or dismissal of the petition. Secured claims not treated expressly by the plan shall be paid with interest at the lesser rate of 10% per annum or contract rate, if ascertainable.

Cross Reference

11 U.S.C. 502  
Bankruptcy Rule 3007

Comment

Claims are paid based upon the amounts set forth in the Proofs of Claim and not upon the amounts set forth in the plan. Debtor(s)'s counsel is encouraged to examine the Claims Register maintained by the Clerk and available on PACER or to filing users in the electronic court filing system and to file objections before the confirmation hearing as to those claims with which they are in disagreement.