UNITED STATES BANKRUPTCY COURT

**MIDDLE DISTRICT OF NORTH CAROLINA**

**PROCEDURE FOR FILING/NOTICING OF OBJECTIONS TO CLAIMS**

1. The objection to claim must include the name of the claimant, the claim number, and the basis for the objection.
2. Contemporaneously with filing an objection to claim, the objecting party must complete and file a “Notice of Objection to Claim” or, if the objection to claim is objecting to a mortgage claim in a chapter 13 case, a “Notice of Objection to Mortgage Claim” (blank forms attached).
3. The objecting party shall complete the appropriate notice setting out the response deadline, tentative hearing/hearing date, time and location. The notice must provide the claimant and other parties in interest at least 30 days from the date of service to respond to the objection, and provide for a tentative hearing/hearing date that is at least 7 business days after the response deadline. Please note: An objection filed in a chapter 13 case objecting to a mortgage claim is noticed for hearing. The notice should still provide at least 30 days from the date of service to respond to the objection, and the hearing date should be at least 7 business days after the response deadline. Court dates may be obtained on our website www.ncmb.uscourts.gov or obtained from the Clerk’s Office.
4. The objecting party must serve the Objection to Claim **and** appropriate Notice of Objection to Claim as provided under Bankruptcy Rule 3007.
5. The objecting party must file a certificate of service indicating service of the Objection to Claim **and** Notice of Objection to Claim/Notice of Objection to Mortgage Claim in compliance with Bankruptcy Rule 3007 and Local Rule 9004-1(b). If Bankruptcy Rule 3007 requires service on the claimant in the manner provided by Bankruptcy Rule 7004, proof of service on the claimant must be made by affidavit.

United States Bankruptcy Court

Middle District of North Carolina

|  |  |  |  |
| --- | --- | --- | --- |
| In re |  | )  )  )  )  )  )  )  )  )  )  )  )  )  ) |  |
| *[Set forth here all names including married, maiden, and trade names used by debtor within last 8 years.]* |
| Debtor | Case No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  |
| Address |  |
|  |
|  | Chapter \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Last four digits of Social Security or Individual Tax-payer Identification (ITIN) No(s).,(if any): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |
| Employer's Tax Identification (EIN) No(s).(if any): \_\_\_\_\_\_\_\_\_\_\_\_ | |

**NOTICE OF OBJECTION TO CLAIM**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 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.**

If you do not want the court to eliminate or change your claim, then on or before (date), you or your lawyer must file with the court a written response to the objection, explaining your position, at:

U.S. Bankruptcy Court, P.O. Box 26100, Greensboro, NC 27402-6100

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above.

You must also send a copy to:

{objector’s attorney’s name and address}

{names and addresses of others to be served}]

Participate in the **telephonic hearing** on the objection, to be held only if a response is filed or if directed by the court, on (date), (year) , at \_\_\_ a.m./p.m. **In the event a hearing is to be held, to participate in the hearing, parties are instructed to dial (telephone number) and provide access code (code number) when prompted to do so.**

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

United States Bankruptcy Court

Middle District of North Carolina

|  |  |  |  |
| --- | --- | --- | --- |
| In re |  | )  )  )  )  )  )  )  )  )  )  )  )  )  ) |  |
| *[Set forth here all names including married, maiden, and trade names used by debtor within last 8 years.]* |
| Debtor | Case No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  |
| Address |  |
|  |
|  | Chapter \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Last four digits of Social Security or Individual Tax-payer Identification (ITIN) No(s).,(if any): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |
| Employer's Tax Identification (EIN) No(s).(if any): \_\_\_\_\_\_\_\_\_\_\_\_ | |

**NOTICE OF OBJECTION TO MORTGAGE CLAIM**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has filed an objection to your mortgage claim in this bankruptcy case.

**Your mortgage claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.**

If you do not want the court to eliminate or change your mortgage claim, then on or before (date), you or your lawyer must file with the court a written response to the objection, explaining your position, at:

U.S. Bankruptcy Court, P.O. Box 26100, Greensboro, NC 27402-6100

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above.

You must also send a copy to:

{objector’s attorney’s name and address}

{names and addresses of others to be served}]

Participate in the **telephonic hearing** on the objection, to be held on (date), (year) , at \_\_\_ a.m./p.m. T**o participate in the hearing, parties are instructed to dial (telephone number) and provide access code (code number) when prompted to do so.**

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your mortgage claim.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_