

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA

Guidelines for Complaints to Value Real Property to Determine Extent of Lien

All complaints to value real property to determine the extent of a creditor's lien should include the following information/documentation:

- Petition Date
- Identification of the Defendant
- Description of the real property: at a minimum the street address of the real property, but preferably both the street address and the legal description, and the county where the property is located.
- Identification of all deeds of trust affecting the real property, including the following information for each:
 - name of the current holder of the deed of trust;
 - name(s) of any previous holders;
 - the book and page where such deed of trust was recorded;
 - the date when such deed of trust was recorded;
 - the county where such deed of trust was recorded;
 - the alleged priority of such deed of trust; and
 - the alleged amount of the obligation secured by the deed of trust as of the petition date.

Each deed of trust should be described in a separate paragraph in the complaint, and a copy of each deed of trust affecting the real property should be attached as an exhibit to the complaint.

- Identification of any subordination agreement or intercreditor agreement affecting the priority of liens on the real property, including the following information for each:
 - names of the parties;
 - the book and page where such agreement was recorded;
 - the date when such agreement was recorded;
 - the county where such agreement was recorded; and
 - the alleged effect of such agreement on the priority of the deeds of trust affecting the property.

A copy of any subordination agreements/intercreditor agreements affecting the priority of liens on the real property should be attached as exhibits to the complaint.

- The value of the real property as of the petition date.
- The complaint must be verified by the plaintiff(s).