

Rule 2084-9: Creditor Objection to Plan or Motion for a Moratorium

(a) Time for Filing Creditor Objection.

(1) For an original or amended plan, or pre-confirmation motion for a moratorium, the deadline for a creditor to file an objection to confirmation is 14 days after the date set for the first meeting of creditors or 28 days after service of the plan, whichever is later.

~~(2) In the event of a continued Meeting of Creditors or reinstatement of the case, the deadline for creditor objections to the plan shall be reset to 14 days after the date of the continued meeting of creditors or 28 days after service of the plan, whichever is later. If the Court dismisses the debtor's case before the debtor attends a meeting of creditors and then reinstates the case, the Court shall give notice of the plan to creditors within three business days of receipt of the rescheduled meeting of creditors. The deadline for creditor objections shall be 14 days after the date of the meeting of creditors or 28 days after service of the plan, whichever is later.~~

(3) For a modified plan or post-confirmation motion for a moratorium, the deadline for a creditor to file an objection to confirmation is 28 days after the date of service of the plan.

~~(4) In the event that the case is dismissed after the Meeting of Creditors but before the expiration of the deadline for creditor objections, and is thereafter reinstated, the deadline for creditor objections shall be the original objection deadline or 14 days from the date of reinstatement, whichever is later.~~

(b) Nonobjection Is Acceptance. The failure of a party in interest to timely file an objection to confirmation of a plan or the granting of a motion for a moratorium shall constitute acceptance of the plan or motion pursuant to Bankruptcy Code § 1325(a)(5)(A) and a waiver of the requirement that the court hold a confirmation hearing within 45 days after the date of the meeting of creditors. Notice of the waiver of the 45-day confirmation hearing requirement and acceptance of the plan due to a creditor's failure timely to object shall be conspicuous in the notice of date to file objections served on all creditors.

(c) Valuation Objection. A secured creditor who disagrees with the valuation of the creditor's secured claim in the plan and who files an objection, shall state in the objection the creditor's estimate of the value of the collateral, the method of determining the value, and the amount of claim that is secured. Upon receipt of the creditor's objection and request, the debtor shall make the collateral available to the creditor for inspection and appraisal.

~~Committee Notes 2009: Time deadlines have been amended to be consistent with amendments to the Federal Rules of Bankruptcy Procedure, effective December 1, 2009.~~