

Rule 3007-1: Claims - Objections

(a) Notice of Bar Date to Respond to Objection. The party filing an objection to a proof of claim that is not asserted as part of an adversary proceeding shall give notice: (1) that the claimant has 14 days from service of the objection to file and serve a response to the objection; and, (2) that if a timely response is not filed and served, the objection may be sustained by the court without further notice or hearing.

(b) Order Sustaining Objection. If a timely response is not filed and served by the claimant, the objecting party shall file a certificate of service and of no objection to the claim objection and may lodge an order with the court sustaining the objection. The certificate of service and of no objection and the form of order may not be filed until three days after the last day for the objection.

(c) Hearing. If the claimant timely files and serves a response to the objection, the objecting party must obtain a hearing date, serve notice on the claimant and file a certificate of service.

(d) Additional Requirements in Chapter 7 and 13 Cases. In chapter 7 and 13 cases, the following additional rules apply:

(1) The objection must state a specific basis for disallowing the claim under Bankruptcy Code § 502;

(2) The caption of the objection, any notice served in regard to the objection, and any order entered in regard to the objection must state the name of the claimant and the claim number of the disputed claim as set forth in the official claims register maintained by the court; and,

(3) The objection may incorporate the certificate of service of the objection.

~~Comments/Intent of rule and revision: Rule 3007 provides that a notice of a claim objection must be served at least 30 days prior to the hearing. The Local Rule provides for negative notice.~~

Committee Notes 2014: Clarifies negative notice procedure and CNO deadlines.