

Rule 6007-1: Abandonment of Property

(a) Definitions. For purpose of this Local Rule, the term “trustee” does not include a “debtor in possession”.

(b) Procedure.

(1) **Notice of Intent to Abandon.** A ~~case~~ trustee or debtor in possession who desires to abandon property of the estate may seek to do so by a notice of intent to abandon, without necessity for filing a motion to abandon.

(2) **Motion to Compel Abandonment.** A party in interest who seeks to compel the ~~case~~-trustee or debtor in possession to abandon property of the estate shall do so by motion.

(c) Notice.

(1) **By Trustee.** A trustee’s notice of intent to abandon shall be served by the clerk.

(2) **By Debtor in Possession.** A debtor in possession’s notice of intent to abandon shall be served by the debtor in possession.

(3) **By Movant.** Notice of a party in interest’s motion to compel abandonment shall be ~~prepared and~~ served by the movant.

(4) **Contents.** The notice of intent or motion shall briefly describe the nature or type of property to be abandoned, including the address and legal description of the real property, if applicable, and the basis upon which the ~~case~~ trustee, debtor in possession or movant concludes that the property is burdensome to the estate or ~~that it is~~ of inconsequential value and benefit to the estate.

(5) **Parties to be Served.** The notice shall be served on those listed in Rule 6007(a).

(d) Objections. Objections must be filed with the court and served upon the ~~person(s) specified~~case trustee or debtor in possession, and the ~~notice~~movant, if applicable, within 14 days of service of the notice, or within the time fixed by the court.

(e) Hearings. Unless a timely objection is filed, a notice of ~~intention~~intent to abandon or motion to ~~abandon property~~compel abandonment shall not be set for hearing, unless otherwise ordered by the court.

(f) Orders.

(1) **If No Objection is Filed and Served.** If no timely objection to a notice of intent to abandon or motion to ~~abandon~~compel abandonment is filed and

served, the property described in the notice is deemed abandoned without further order of the court, unless the court otherwise directs. If an entity desires an order of the court authorizing or directingcompelling, and confirming, the ~~ease~~ trustee's or debtor in possession's abandonment of the property, that entity may submit to the court a proposed form of order, together with a certificate of no objection which recites (A) the circumstances of compliance with the notice requirements of Bankruptcy Rule 6007 and this Local Rule, (B) that the time for objection has expired, and (C) that no objection has been filed and served, and three 3 days have passed since the last day for objections. If the proposed form of order has been approved as to form by the ~~ease~~-trustee or debtor in possession, it may be signed and entered forthwith. Otherwise, it shall be lodged and a copy thereof shall be served on the ~~ease~~ trustee and debtor in possession.

(2) **If an Objection is Filed and Served.** If a timely objection is filed and served, the ~~party~~trustee, debtor in possession or the party in interest requesting the abandonment shall obtain a hearing date from the court ~~and~~, file a notice of hearing, ~~and~~ serve ~~said~~the notice of hearing on the objecting party ~~and also prepare~~, and file a certificate of service prior to the hearing.

(3) If the party submitting a certificate of no objection pursuant to paragraph (f) (1) has actual knowledge that an objection has been filed or served, but was untimely, the certificate of no objection should so state.

Related Code and Rules: 11 U.S.C. § 554; Rules 6007, 9013, 9014, 3022 and 5009.