In re: Case Number:

Chapter

\_\_\_\_\_\_\_\_\_\_\_\_\_,

\_\_\_\_\_\_\_\_\_\_\_\_\_,

Debtor(s).

**PURSUANT TO** **M.D. ALA., LBR 3007-1, THIS OBJECTION WILL BE TAKEN UNDER ADVISEMENT BY THE COURT AND MAY BE RULED UPON BY THE COURT UNLESS A PARTY IN INTEREST FILES A RESPONSE WITHIN THIRTY (30) DAYS OF THE DATE OF SERVICE OF THIS OBJECTION. RESPONSES MUST BE SERVED UPON THE MOVING PARTY AND IN THE MANNER DIRECTED BY M.D. ALA., LBR 5005-4, FILED WITH THE CLERK ELECTRONICALLY OR BY U.S. MAIL ADDRESSED AS FOLLOWS: CLERK’S OFFICE, U.S. BANKRUPTCY COURT, ONE CHURCH STREET, MONTGOMERY, AL 36104.**

**OBJECTION TO CLAIM**

\_\_\_\_\_\_\_ (Party Name), pursuant to M.D. ALA. LBR 3007-1, hereby objects to Claim Number \_\_ as filed by, \_\_\_\_\_\_\_\_\_\_( Creditor) on the ground(s) that:

Select all that apply[[1]](#footnote-1):

* the claim is a duplicate of another claim (Claim \_\_\_\_);
* the claim was untimely filed, and the claimant is a creditor whose name and address were accurately shown on a debtor’s timely filed schedules and matrix;
* the claim is satisfied or excessive as evidenced by a refund of payment from the claimant to the trustee or debtor or written notice from the claimant to the trustee or debtor;
* the non-governmental claim is not entitled to secured or priority status;
* the claim is for an unsecured debt or obligation that was incurred prior to the filing of a prior bankruptcy case in which a debtor received a discharge. The party filing the objection to claim must attach copies of the petition filed in the prior case, the schedule listing the debt or obligation, and the discharge order;
* the claim is filed in the incorrect case;
* the claim is stale and filed in a debtor’s case past the applicable statute of limitation; or
* the claim is defective and does not meet the technical requirements for a properly filed proof of claim.
* the claim is secured by an asset not administered by a trustee.

WHEREFORE, the claim should be: (select)

* disallowed (or reduced to the amount paid if there have been any distributions).
* file a deficiency claim within 90 days.
* allowed in full but reclassified as unsecured.
* allowed as secured in the amount of $\_\_\_\_\_\_.
* allowed as unsecured in the amount of $\_\_\_\_\_\_\_\_\_.
* allowed as secured in the amount of $\_\_\_\_\_\_\_\_ with the remainder unsecured.
* other (state): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

[signature block]

[certificate of service]

1. The grounds listed are the only grounds on which an Objection to Claim may be filed by negative notice pursuant to M.D. ALA. LBR 3007-1. If none of the grounds are applicable, movant should file an Objection to Claim without the negative notice language and request a hearing. [↑](#footnote-ref-1)