

Rule 3012-1

MOTIONS TO DETERMINE SECURED STATUS – SERVICE

(a) **Content.** The title of a motion to determine secured status shall include the name of the affected creditor. The motion shall identify the creditor's loan using the last four digits of the loan number and shall sufficiently identify the collateral to be valued (*e.g.*, legal description of real property or VIN of vehicles).

(b) **Joinder.** If the debtor seeks to determine the secured status of two or more creditors with respect to the same collateral, the debtor may join the creditors in a single motion.

(c) **Service.** Motions to determine the secured status of a claim under 11 U.S.C. § 506 and Fed. R. Bankr. P. 3012 shall be served on the holder of the secured claim in the manner required by Fed. R. Bankr. P. 7004 and, if the secured creditor has filed a proof of claim, on the person most recently designated on the original or amended proof of claim as the person to receive notices, at the address so indicated.

Notes of Advisory Committee

2019 Amendment

This amendment includes new sections (a), (b), and (c). Section (a) specifies the content of a motion to determine secured status; section (b) permits the joinder of two or more creditors in a single motion if the motion relates to the same collateral (otherwise separate motions must be filed); and section (c) provides for service of motions to determine secured status as required by Fed. R. Bankr. P. 7004 and on the person designated on the proof of claim. This amendment to the rule is effective July 1, 2019.

2015 Amendment

The revisions to this rule are primarily stylistic. This amendment to the rule is effective July 1, 2015.

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation.

2000

This new local rule is designed to ensure that a motion to determine the secured status of a claim is served on the person who filed the proof of claim and the claimant's attorney, just as an objection to a claim is served on the person who filed the proof of claim and the claimant's attorney. *See* Local Rule 3007-1(b) and (c).

In the past, parties have served such motions on corporate claimants in an appropriate manner under Fed. R. Bankr. P. 7004, but the person within the organization with knowledge of the claim has not received the motion until well after the court has already acted on the motion. In these circumstances, the Court has had to revisit the matter, and the work of the parties and the Court has been duplicated. By ensuring that a party also serves the motion on the individual who filed the proof of claim, it is thought that problems of this sort experienced in the past can be eliminated. This new rule is effective December 1, 2000.