

Motion to Redeem

Docketing Event

Bankruptcy> Motions/Applications/Objections> Motion to Redeem

Negative Notice: Yes

Accompanying Orders: N/A

Code and Rule References:

[28 U.S.C. § 1746](#)

[11 U.S.C. § 521](#)

[11 U.S.C. § 522](#)

[11 U.S.C. § 722](#)

[Fed. R. Bankr. P. 6008](#)

[Fed. R. Bankr. P. 9011\(e\)](#)

Fee: N/A

Applicable Chapters: 7

Implemented: 10/26/17

Last Revision: 8/14/2020 2:08:23 PM

Description

Debtors, typically in Chapter 7 cases, may redeem or “buy-back” their own personal property, used primarily for family or household use, from a creditor who holds a lien against the property.

For the property to be eligible for redemption, the debtor must claim it as exempt (on Schedule C) or the property has to be abandoned by the trustee. If granted, the debtor will pay the creditor the amount of the allowed secured claim. 11 U.S.C. § 722.

Filing Checklist

Review the motion to determine if it:

- Is signed;
- Has the attorney’s name and address complete and consistent with the filing attorney’s name and address in CM/ECF;
- Is properly served and includes a proper certificate of service;
- Contains negative notice that has the correct language located on the first page;
 - ❖ **Note:** Response period is 21 days (plus an additional three days if any party was served by U.S. Mail).
- Is accompanied by a signed and dated affidavit, declaration, verification, or certificate that it was signed under penalty of perjury;
 - ❖ **Note:** Must be signed by the debtor. In a joint case, only one debtor needs to sign; and
 - ❖ **Note:** Verification language should comply with 28 U.S.C. § 1746, e.g., “I declare (or certify, verify, or state) under penalty of perjury [if executed outside the U.S., include ‘under the laws of the United States of America’] that the foregoing is true and correct. Executed on (date).
- Includes a description of the property subject to redemption or “buy-back”;
 - ❖ **Note:** For a vehicle, the property description must list the VIN number;
 - ❖ **Note:** For other property, a clear description must be included; and

- ❖ **Note:** The fair market value of the property must be included for all property.
- The property subject to redemption or “buy-back” is claimed exempt on Schedule C or the property has been abandoned by the trustee.

Forms

[Motion to Redeem Personal Property](#)

[Order Granting Motion to Redeem Personal Property](#)