

FORMS ARE GENERIC SUGGESTIONS. PARTIES AND THEIR ATTORNEYS SHOULD REVISE THEM TO ADDRESS THE UNIQUE CIRCUMSTANCES OF EACH CASE.

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA

DIVISION
www.flmb.uscourts.gov

In re _____)
)
,) Case No. ____
) Chapter ____
Debtor.*)
_____)

MOTION TO DETERMINE SECURED STATUS OF CLAIM AND VOID JUNIOR LIEN HELD BY [INSERT NAME HERE]

**NOTICE OF OPPORTUNITY TO
OBJECT AND REQUEST FOR HEARING**

If you object to the relief requested in this paper you must file a response with the Clerk of Court at (address) [and, if the moving party is not represented by an attorney, mail a copy to the moving party at (address)] within (number) days from the date of the attached proof of service, plus an additional three days if this paper was served on any party by U.S. Mail.

If you file and serve a response within the time permitted, the Court will either notify you of a hearing date or the Court will consider the response and grant or deny the relief requested in this paper without a hearing. If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, and the Court may grant or deny the relief requested without further notice or hearing.

You should read these papers carefully and discuss them with your attorney if you have one. If the paper is an objection to your claim in this bankruptcy case, your claim may be reduced, modified, or eliminated if you do not timely file and serve a response.

Debtor requests the entry of an order under 11 U.S.C. § 506(a) and Federal Rule of Bankruptcy Procedure 3012 that determines the secured status of claim and voids a junior lien held by **[insert junior lienholder's name here]** (the "Creditor") and states as follows:

*All references to "Debtor" include and refer to both debtors in a case filed jointly by two individuals.

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1. On **[insert date]**, the Debtor filed a petition for relief under Chapter 13 of the Bankruptcy Code.
2. Debtor listed the following **[real or personal]** property: **[Describe the property including the property address and legal description for real property and the VIN number for vehicles]** (the “Property.”)
3. The Property is encumbered by: **[List each lien or mortgage including properly redacted loan number, if applicable, and any recording information, if known.]**
4. The fair market value of the Property is \$_____.
5. Senior **[lien(s) or mortgage(s)]** payable to **[insert senior lienholder(s) name(s)]** and totaling \$_____ encumber(s) the Property.
6. Creditor holds a wholly unsecured claim.

WHEREFORE, Debtor requests the entry of an order: (i) granting this motion; (ii) determining that the value of the Property is \$_____; (iii) determining that Creditor’s claim is unsecured; and (iv) voiding the Creditor’s junior **[mortgage or lien]** upon completion of the Chapter 13 plan; and (v) any other relief the Court deems appropriate.

DATED: **[insert date]**

/s/ Signature
Attorney Name
Attorney Bar No.
Attorney E-Mail
Attorney Address
Attorney Phone Number
Attorney for Debtor*

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Proof of Service

A copy of the foregoing has been sent by either electronic transmission or U.S. Mail on [insert date] to: [Chapter 13 Trustee and Creditor (if unrepresented) or Attorney for Creditor with addresses.]

/s/ Signature

Attorney Name

Attorney Bar No.

Attorney E-Mail

Attorney Address

Attorney Phone Number

Attorney for Debtor*