

Name, Address, Telephone No. & I.D. No.

UNITED STATES BANKRUPTCY COURT
 SOUTHERN DISTRICT OF CALIFORNIA
 325 West F Street, San Diego, California 92101-6991

In Re

Debtor(s)

BANKRUPTCY NO.

OBJECTION TO CLAIM AND NOTICE THEREOF

TO:

The ☐ Trustee ☐ Debtor ☐ Chapter 13 Trustee, except to the extent already paid by the Chapter 13 trustee, objects to the allowance of Court Claim No. _____, (or if no Court number assigned, Trustee Claim No. _____) of _____ (Name of Creditor)

filed for \$ _____, on the grounds it:

- ☐ Duplicates Claim No. _____ filed by _____
- ☐ The claim was filed after the expiration of the last date to file claims.
- ☐ Does not include an itemized statement of the account.
- ☐ Does not include a copy of the underlying judgment.
- ☐ Does not include a copy of the security agreement and evidence of perfection.
- ☐ Does not include a copy of the writing upon which it is based.
- ☐ Fails to assert grounds for priority.

For the following objections, attach and serve affidavits or declarations in accordance with LBR 9013-7(a)(1):

- ☐ Appears to include interest or charges accrued after the filing of this case on _____
- ☐ Other [State grounds and cite applicable Code section or case authority.]: _____

If you object to the proposed action:

1. **You are required** to obtain a hearing date and time from the appropriate Courtroom Deputy for the judge assigned to your bankruptcy case. Determine which deputy to call by looking at the Bankruptcy Case No. in the above caption of this notice. If the case number is followed by the letters:

-	MM	-	call	(619) 557-7407	-	DEPARTMENT ONE (Room 218)
-	LT	-	call	(619) 557-6018	-	DEPARTMENT THREE (Room 129)
-	CL	-	call	(619) 557-6019	-	DEPARTMENT FIVE (Room 318)

2. **Within 30¹ days from the date of service of this motion**, you are further required to serve a copy of your **Declaration in Opposition to Motion** and separate **Request and Notice of Hearing** [Local Form CSD 1184] upon the undersigned moving party, together with any opposing papers. The opposing declaration must be signed and verified in the manner prescribed by FRBP 9011, and the declaration must :
- identify the interest of the opposing party; and
 - state, with particularity, the grounds for the opposition.

3. **You must** file the original of the Declaration and Request and Notice of Hearing with proof of service with the Clerk of the U.S. Bankruptcy Court at 325 West F Street, San Diego, California 92101-6991, no later than the next business day following the date of service.

If you fail to serve your “Declaration in Opposition to Intended Action” and “Request and Notice of Hearing” within the 30-day¹ period provided by this notice, **no hearing will take place**, you will lose your opportunity for hearing, and the debtor or trustee may proceed to take the intended action.

I hereby declare under penalty of perjury that the objection set forth above is true and correct to the best of my information and belief.

DATED:

Trustee [Debtor]

CERTIFICATE OF SERVICE

I, the undersigned whose address appears below, certify:

That I am, and at all relevant times was, more than 18 years of age;

That on _____ day of _____, 20, I served a true copy of this OBJECTION TO CLAIM AND NOTICE THEREOF, together with the following pleadings on the following persons listed below by the mode of service shown below:

Pleadings:

1. **To Be Served by the Court via Notice of Electronic Filing (“NEF”):**

Under controlling Local Bankruptcy Rules(s) (“LBR”), the document(s) listed above will be served by the court via NEF and hyperlink to the document. On _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the e-mail address(es) indicated and/or as checked below:

☐ Chapter 7 Trustee:

☐ For Chpt. 7, 11, & 12 cases:
UNITED STATES TRUSTEE
ustp.region15@usdoj.gov

☐ For Chapter 13 cases assigned to:
MICHAEL KOCH, TRUSTEE
mkoch@ch13.sdcxmail.com

¹Depending on how you were served, you may have additional time for response. See FRBP 9006.

2. **Served by United States Mail:**

On _____, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing accurate copies in a sealed envelope in the United States Mail via 1) first class, postage prepaid or 2) certified mail with receipt number, addressed as follows:

3. **Served by Personal Delivery, Facsimile Transmission, Overnight Delivery, or Electronic Mail:**

Under FRCP 5 and controlling LBR, on _____, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission, by overnight delivery and/or electronic mail as follows:

I declare under penalty of perjury under the laws of the United States of America that the statements made in this proof of service are true and correct.

Executed on _____
(Date)

(Typed Name and Signature)

(Address)

(City, State, ZIP Code)