

OBJECTIONS TO CLAIMS

Effective July 18, 2005, we will be filing objections every Friday for the following reasons:

- We will file an objection where the mortgage company receives relief from the stay. The claims administrator needs to file all objections received prior to Friday and needs to check the Court Docket to make sure nothing has changed and an objection should be filed. If the situation changed, then an objection should not be filed. The following constitutes a change in the status:
 - i. A motion to reinstate the stay was filed;
 - ii. A motion or order to refinance/sale has been filed;
 - iii. A modified plan was filed;
 - iv. A motion to dismiss is pending or we are awaiting dismissal order; and
 - v. Debtor is delinquent 2 or more payments to the Trustee. In this case, the appropriate motion paralegal should be given the case to file a motion to dismiss.

NOTE: The claims administrator will need to track the result of the above and either file or not file the objection based on the outcome of the above.

- We will file an objection to claims that were surrendered or being paid outside the plan, **ONLY IF**, it was not clearly stated in the plan.
- We will file an objection if the claim contains the debtor's case number but lists a different debtor's name.
- We will file an objection if we are unable to obtain an image of the claim and unable to verify that it belongs to the debtor. This should only happen cases filed prior to when ECF became effective.

Effective July 18, 2005, we will **NO LONGER** be filing objections for the following reasons:

- We will no longer be filing objections for duplicate claims filed by the creditor.
- We will not be sending the attorneys/debtors notices if the Court entered the claim multiple times.
- We will no longer be filing objections for creditors being paid outside the plan.

- We will no longer be filing objections where the debtor has surrendered the property.
- We will no longer be filing objections where a claim includes a fee that is already being paid per order.
- We will no longer be filing objections for claims that have been discharged in a Chapter 7. We will set up the claim and it will be the debtors' attorney or debtors, to object to this claim. The reason is that we would not be aware of any adversarial proceedings that may have occurred.
- We will no longer object to auto claims if being outside the plan and the creditor files as unsecured for the full amount. If the claim is marked as a "deficiency claim" then it should be set up in the system.