

# United States Bankruptcy Court Southern District of Georgia

## Appropriate Use of Negative Notice Revised: August 25, 2022

This table reflects appropriate use of negative notice by practitioners in the Southern District of Georgia.

Motion for Co-Debtor Relief (Chapter 13)
Objection to Claim (Chapters 7, 11 and 13) <i>(Excludes objections that include requests for valuation)</i>
Motion to Avoid Lien (Chapters 7 and 13)
Motion to Redeem Property (Chapters 7 and 13)
Modification of Plan After Confirmation (Chapter 13)
Motion to Approve Compromise or Settlement (Chapter 7)

## Negative Notice – Practice and Procedure

### **Motion for Relief from Co-Debtor Stay (Chapter 13):**

When a Motion for Relief from Co-Debtor Stay is filed, it must be accompanied by a Notice and Opportunity for Hearing and a Certificate of Service.

The Clerk's Office will review the certificate of service to confirm that the parties were properly served. If the parties were not properly served, the Clerk's Office will issue a Deficiency Notice requesting an amended certificate of service and allowing seven (7) days for the Amended Certificate of Service to be filed.

The deadline for an objection is 20 days from the filing of the motion. If no timely objection is filed, the order will be entered granting the relief requested. If a timely objection is filed, the motion and objection will be set for hearing on the first available miscellaneous motion hearing day.

### **Objection to Claim (Chapters 7, 11, and 13):**

**NOTE:** Negative notice does NOT apply to requests for valuation included in a claim objection pursuant to Rule 3012. Objections to Claim which include a request for valuation will automatically be set for hearing by the Clerk's Office.

*If the objection contains a request for valuation:*

- *the pleading must be titled **Objection to Claim and Motion to Value Collateral;** and*
- *the valuation should be clear and conspicuous to give proper notice that a valuation is being determined.*

When an Objection to Claim is filed it must be accompanied by a Notice and Opportunity for Hearing and a Certificate of Service.

The Clerk's Office will review the certificate of service to confirm that the parties were properly served. If the parties were not properly served, the Clerk's Office will issue a Deficiency Notice requesting an Amended Certificate of Service and allowing seven (7) days for the Amended Certificate of Service to be filed.

The deadline for an objection is 30 days from the date stated in the certificate of service or amended service. If no timely objection is filed, the order will be entered granting the relief requested. If a timely objection is filed, the motion and objection will be set for hearing on the first available miscellaneous motion hearing day.

#### **Motion to Avoid Lien (Chapters 7 and 13):**

When a Motion to Avoid Lien is filed, it must be accompanied by a Notice and Opportunity for Hearing and a Certificate of Service.

The Clerk's Office will review the certificate of service to confirm that the parties were properly served. If the parties were not properly served, the Clerk's Office will issue a Deficiency Notice requesting an amended certificate of service and allowing seven (7) days for the Amended Certificate of Service to be filed.

The deadline for an objection is 30 days from the date stated in the certificate of service or amended service. If no timely objection is filed, the order will be entered granting the relief requested. If a timely objection is filed, the motion and objection will be set for hearing on the first available miscellaneous motion hearing day.

#### **Motion to Redeem Property (Chapters 7 and 13):**

When a Motion to Redeem Property is filed, it must be accompanied by a Notice and Opportunity for Hearing and a Certificate of Service.

The Clerk's Office will review the certificate of service to confirm that the parties were properly served. If the parties were not properly served, the Clerk's Office will issue a Deficiency Notice requesting an amended certificate of service and allowing seven (7) days for the Amended Certificate of Service to be filed.

The deadline for an objection is 21 days from the date stated in the certificate of service or amended service. If no timely objection is filed, the order will be entered granting the relief requested. If a timely objection is filed, the motion and objection will be set for hearing on the first available miscellaneous motion hearing day.

**Modification of Plan After Confirmation (Chapter 13):**

When a Modified Plan After Confirmation is filed, it must be accompanied by a Notice and Opportunity for Hearing and a Certificate of Service. The Modified Plan and the Notice and Opportunity for Hearing must be served to all creditors on the matrix.

The Clerk's Office will review the certificate of service to confirm that the parties were properly served. If the parties were not properly served, the Clerk's Office will issue a Deficiency Notice requesting an amended certificate of service and allowing seven (7) days for the Amended Certificate of Service to be filed.

The deadline for an objection is 21 days from the date stated in the certificate of service or amended service. If no timely objection is filed, the order will be entered approving the modification. If a timely objection is filed, the modification and objection will be set for hearing on the first available confirmation hearing day.

**Motion to Approve Compromise or Settlement (Chapter 7):**

When a Motion to Approve Compromise or Settlement is filed, it must be accompanied by a Notice and Opportunity for Hearing and a Certificate of Service. The Motion to Approve Compromise or Settlement and the Notice and Opportunity for Hearing must be served on the matrix.

The Clerk's Office will review the certificate of service to confirm that the parties were properly served. If the parties were not properly served, the Clerk's Office will issue a Deficiency Notice requesting an amended certificate of service and allowing seven (7) days for the Amended Certificate of Service to be filed.

The deadline for an objection is 21 days from the date stated in the certificate of service or amended service. If no timely objection is filed, the order will be entered granting the relief requested. If a timely objection is filed, the motion and objection will be set for hearing on the first available miscellaneous motion hearing day.

**REVISION HISTORY**

*Effective January 10, 2005*

*Revised April 29, 2011*

*Revised August 25, 2022, to exclude objections to claims with requests for valuation from this procedure and to change deficiency deadline(s) from 14 days to 7 days.*