

NEBRASKA RULES OF BANKRUPTCY PROCEDURE

Adopted by the United States District Court
for the District of Nebraska
April 15, 1997

Effective Date April 15, 1997

RULE 3007-1. CLAIMS - OBJECTIONS

A. Content.

1. The caption of all objections to claims shall identify the claimant (e.g., Objection to Claim of XYZ Co.) and claim number. The objecting party has the burden of overcoming the presumption afforded by Fed. R. Bankr. P. 3001(f). If the objecting party relies on facts not established by the proof of claim, an affidavit or declaration shall be filed and served with the objection. Objections to claims shall be filed and served in compliance with Neb. R. Bankr. P. 9013-1 and shall state with particularity:

a. The proof of claim by filing date, creditor and amount, or in some other specific manner (Note: reference to a proof of claim number without the claimant's name will not be deemed sufficient notice);

b. The specific ground(s) upon which the objection is made; and

c. The proposed treatment of the claim.

B. Chapter 13 Procedures.

1. Pursuant to Fed. R. Bankr. P. 3007, the Chapter 13 Trustee may object to any claim filed. If the trustee does not object to the claim, the Trustee will then file a notice concerning allowance of such claim after the expiration of ninety (90) days from and after the first date set for the meeting of creditors, pursuant to 11 U.S.C. § 341(a). Within five (5) days from the date of the notice concerning allowance of claims, the Trustee shall serve upon the debtor and the debtor's attorney a copy of the notice. Within thirty (30) days from the date of the notice, the debtor may object to the allowance of a claim as set forth in the Trustee's motion. If the debtor does not file a written objection to Trustee's motion to allow claims within the time period required, the claims shall be deemed allowed as provided in the notice.

2. An objection to the allowance of claim shall be filed and served upon the Chapter 13 Trustee, claimant and counsel for the claimant pursuant to Neb. R. Bankr. P. 9013-1.

C. Order. If no resistance to the objection to claim is filed pursuant to Neb. R. Bankr. P. 9013-1, objector shall submit an order in conformance with Neb. R. Bankr. P. 9072-1 specifying the treatment of the claim and the amount.