**IN THE UNITED STATES BANKRUPTCY COURT**

**FOR THE NORTHERN DISTRICT OF ALABAMA**

**WESTERN DIVISION**

|  |  |  |
| --- | --- | --- |
| **In re:****Click to enter DEBTOR and JOINT DEBTOR,** **Debtor(s).** |  | **Case No. Case number-JHH****Chapter 13** |

NOTICE OF OPPORTUNITY TO OBJECT AND REQUEST HEARING

Pursuant to Western Division Administrative Order No. 20-01, the court will consider the relief requested in this objection (the "Objection") without further notice or hearing unless a party in interest files a response within 30 days from the date set forth on the attached certificate of service, plus an additional three days for service if any party was served by U.S. Mail.

If you oppose the relief requested in the Objection, then, within the time allowed, you must file a response with the clerk of court electronically (or by hand delivery or mail to the clerk's office at 2005 University Boulevard, Room 2300, Tuscaloosa, Alabama 35401), and you must serve a copy of your response on all appropriate persons. If you file and serve a response within the time permitted, the court will schedule and notify you of 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 Objection; the court may deem admitted the allegations set forth in the Objection; the court will proceed to consider the Objection without further notice or hearing; and the court may grant the relief requested.

**DEBTOR'S OBJECTION TO CLAIM BASED ON STATUTE OF LIMITATIONS**

 The chapter 13 debtor(s) (whether a single debtor or joint debtors, the "Debtor") in the above-captioned bankruptcy case (the "Case") object to claim number Enter claim # (the "Claim") of Enter creditor name (the "Creditor"), pursuant to 11 U.S.C. § 502 and Rule 3007 of the Federal Rules of Bankruptcy Procedure, and request the entry of an order substantially in the form of the proposed order attached hereto as "Exhibit A" (the "Proposed Order"),[[1]](#footnote-1) sustaining the Objection and disallowing the Claim. In support of the Objection, the Debtor shows the court as follows:

1. On Enter or select a date, the Creditor filed the Claim in the amount of $Enter amount.
2. It appears from the face of the Claim or the attachments thereto that the debt evidenced by the Claim is barred by the applicable statute of limitations. Specifically, Explain and cite applicable statute(s).

 **WHEREFORE, PREMISES CONSIDERED,** the Debtor moves for entry of an order substantially in the form of the attached Proposed Order, sustaining the Objection and disallowing the Claim in its entirety.

Dated: Enter or select a date.

Signature of Attorney for Debtor or pro se Debtor

 Print Name: Enter Name

 Address: Enter Address

Telephone No. Enter Telephone No.

Email: Enter Email Address

**CERTIFICATE OF SERVICE**

 I hereby certify that on the date of this certificate of service, I caused the Objection, the exhibit(s) to the Objection, including the Proposed Order, and this certificate of service[[2]](#footnote-2) to be served on the Creditor by the means specified:

|  |  |
| --- | --- |
| **Name and Address** (If any entity is served care of an officer or agent, identify the person served by name and by title.) | **Method of Service** (If service is made by certified mail, include the certified mail number.) |
| Click here to enter text. | Click here to enter text. |

Dated: Enter or select a date.

Signature of Attorney for Debtor or pro se Debtor

**EXHIBIT A**

(Proposed Order)

**IN THE UNITED STATES BANKRUPTCY COURT FOR**

**THE NORTHERN DISTRICT OF ALABAMA**

**WESTERN DIVISION**

|  |  |  |
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| **In re:****Click to enter DEBTOR and JOINT DEBTOR,** **Debtor(s).** |  | **Case No. Case number-JHH****Chapter 13** |

**ORDER SUSTAINING DEBTOR'S OBJECTION TO CLAIM BASED ON STATUTE OF LIMITATIONS**

 This matter is before the court on the *Debtor's Objection to Claim Based on Statute of Limitations* (Doc. Enter Doc #) (the "Objection"). Capitalized terms used herein and not otherwise defined have the meanings ascribed to them in the Objection. The Objection was served on the Creditor with the Western Division Administrative Order No. 20-01 negative notice legend informing the Creditor of the Creditor's opportunity to respond. The Creditor did not file a response within the time permitted, and, therefore, the court considers the Objection to be unopposed and deems admitted the uncontroverted factual allegations set forth in the Objection. (*See* Admin. Order No. 20-01.) It appears to the court that the Objection should be sustained. Accordingly, it is ORDERED that the Objection is sustained, and the Claim is disallowed in its entirety.

Dated:

 UNITED STATES BANKRUPTCY JUDGE

1. The movant must submit a Word version of the Proposed Order to the court's e-orders e-mail address (ordersjhh@alnb.uscourts.gov) in accordance with Western Division Administrative Order Number 20-01. [↑](#footnote-ref-1)
2. This certificate of service must be attached to, and filed with, the Objection. [↑](#footnote-ref-2)