

1 [Attorney Names]

2 [Attorneys' Business Address]

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5
6 UNITED STATES BANKRUPTCY COURT
7
8 NORTHERN DISTRICT OF CALIFORNIA

9 In re:) Case No.:
10 ---,) Chapter 13
11 Debtor.)
12) MOTION TO VALUE PERSONAL
13) PROPERTY; NOTICE OF OPPORTUNITY
14) FOR HEARING; DECLARATION IN
15) SUPPORT; AND CERTIFICATE OF
16) SERVICE
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

18 **PLEASE TAKE NOTICE** that Debtor requests the court value the
19 collateral described below, which secures the claim of the
20 Creditor _____. Debtor also requests that the amount of
21 the Creditor's secured claim not exceed the value of the
22 collateral, less the claims of creditors holding senior liens or
23 security interests. This determination shall supersede any
24 greater claim demanded in a proof of claim. Any objections to
25 the Creditor's claim are reserved.

26 **NOTICE IS HEREBY GIVEN**, pursuant to FRBP 3007 as modified
27 by B.L.R. 9014-1 that any objection to the requested relief, or
28

1 a request for hearing on the matter must be filed and served on
2 the requesting party within twenty-one (21) days of mailing of
3 the notice; 2) that a request for hearing or objection must be
4 accompanied by any declarations or memoranda of law the party
5 objecting or requesting wishes to present in support of its
6 position; 3) that if there is not a timely objection to the
7 requested relief or a request for hearing, the Court may enter
8 an order granting the relief by default; and 4) that the
9 initiating party will give at least seven (7) days written
10 notice of hearing to the objecting or requesting party, and to
11 any trustee or committee appointed in the case, in the event an
12 objection or request for hearing is timely made.

13
14 MOTION

15 Debtor hereby moves to value the collateral at [\$], limit
16 Creditor's secured claim to [\$], and that any amount in excess
17 be treated as a general unsecured claim, pursuant to 11 U.S.C.
18 §§ 506 and 1322 (b)(2), FRBP 3012 and 9014, and B.L.R. 9014-1,
19 which determination shall become part of Debtor's confirmed
20 Chapter 13 Plan.

21
22 Dated: _____
23 Attorney

24
25 DECLARATION

26 I declare under the penalty of perjury that the information
27 listed below is true and correct:
28

1 1. I am the Debtor in the above-captioned case.

2 2. At the time I filed my Chapter 13 case, I was the owner
3 of the [Collateral Description] (the "collateral").

4 3. I am informed and believe that on the date I filed my
5 case, the collateral was worth [\$Value].

6 4. [Creditor] holds a claim of approximately [\$], secured
7 by the collateral.

8
9
10 Dated: _____
11 Debtor

12
13 CERTIFICATE OF SERVICE

14 I am not less than 18 years of age and not a party to the
15 within case. My business address is:

16 _____
17 I served this MOTION TO VALUE COLLATERAL; NOTICE OF
18 OPPORTUNITY FOR HEARING by first-class United States Mail,
19 postage pre-paid, at _____, California, on
20 the date noted below and addressed to the Claimant above, and on
21 those listed below. If entitled to notice, the Chapter 13
22 Trustee will receive such notice upon the electronic filing of
23 this document I declare, under penalty of perjury, that the
24 foregoing is true and correct.

25 Dated: _____
26 [Name]