

NOTICE OF OBJECTION TO CLAIM

I. INTRODUCTION

Official Form 20B, Notice of Objection to Claim, is intended to provide creditors and other claimants with a uniform, plain English explanation of what they must do to respond to objections to their claims. (The requirements for completing Official Form 10, Proof of Claim, may be found following that form.) Form 20B is intended to make the court's resolution of objections to claims more fair, equitable, and efficient, by aiding creditors, who sometimes do not have counsel, in understanding the applicable rules. The form is intended to make it clear to creditors that the court may eliminate or change their claims unless they take the specified steps to oppose the objections.

The form is not intended to dictate the specific procedures to be used by different bankruptcy courts. The form contains optional language that can be used or adapted, depending on local procedures.

II. APPLICABLE LAW AND RULES

Rule 3007 of the Federal Rules of Bankruptcy Procedure (referred to as "Bankruptcy Rule" or "Fed. R. Bankr. P.") requires that an objection to the allowance of a claim be in writing and filed with the court. A copy of the objection and a notice of the hearing on it must be mailed or otherwise delivered to the creditor, the debtor, and the trustee at least 30 days prior to the hearing. Form 20B is to be used to give notice of the objection and hearing.

Bankruptcy Rule 9009 states that the Official Forms shall be used with alterations as may be appropriate. Any adaptation of the form should carry out the intent to give notice of applicable procedures in easily understood language.

III. DIRECTIONS

1. Directions for the person preparing the notice and alternative language are enclosed in brackets on the Official Form. The preparer should use the language which applies to the court's local rules or court order. (Copies of the court's local rules may be obtained from the clerk's office or, in many instances, from the court's Internet website.) Any adaptation of the Official Form should be consistent with the intent to give notice of applicable procedures in easily understood language. See Fed. R. Bankr. P. 9009.

2. The notice should be prepared and sent by the person who filed the objection to claim (the objector) unless the local rules or court order provide for some other entity to give notice.

Official Form 20B
continued

3. The caption should be placed at the top of the page and should conform to Official Form 16A. Instructions for Official Form 16A, Caption (Full), may be found following that form.
4. The name of the objector should be inserted in the first paragraph in the blank provided.
5. The deadline for responding to the objection to claim should be specified in the third paragraph in the space indicated.
6. In the space following the deadline, the person preparing the notice should specify the steps which a creditor must take pursuant to local rules or court order to oppose the objection to claim.
7. The address of the bankruptcy clerk's office, and the names and addresses of the objector's attorney and others to be served should be set out in the spaces indicated.
8. The time, date, and place for the hearing on the objection to the claim should be specified in the space provided.
9. The person who prepares and sends the notice should sign and date it and set out the preparer's name and address in the spaces indicated.
10. Copies of the notice should be filed with the court and mailed to the creditor, the debtor, the trustee, and any other parties required by the court at least 30 days prior to the hearing.

Form 20A. NOTICE OF MOTION OR OBJECTION
Form 20B. NOTICE OF OBJECTION TO CLAIM

COMMITTEE NOTE (1997)

These forms are new. They are intended to provide uniform, plain English explanations to parties regarding what they must do to respond in certain contested matters which occur frequently in bankruptcy cases. Such explanations have been given better in some courts than in others. The forms are intended to make bankruptcy proceedings more fair, equitable, and efficient, by aiding parties, who sometimes do not have counsel, in understanding the applicable rules. It is hoped that use of these forms also will decrease the number of inquiries to bankruptcy clerks' offices.

These notices will be sent by the movant unless local rules provide for some other entity to give notice.

These forms are not intended to dictate the specific procedures to be used by different bankruptcy courts. The forms contain optional language that can be used or adapted, depending on local procedures. Similarly, the signature line will be adapted to identify the actual sender of the notice in each circumstance. All adaptations of the form should carry out the intent to give notice of applicable procedures in easily understood language.