

Attorney or Party Name, Address, Telephone & FAX Numbers, State Bar Number & Email Address <input type="checkbox"/> Chapter 13 Trustee <input type="checkbox"/> Attorney for Chapter 13 Trustee	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - _____ DIVISION	
In re:	CASE NUMBER: CHAPTER 13
Debtor(s).	CHAPTER 13 TRUSTEE'S NOTICE OF MOTION AND MOTION FOR ENTRY OF ORDER DENYING CLAIM OBJECTION FOR FAILURE TO PROSECUTE

Claimant Name: _____ (Claimant)

TO DEBTOR, ATTORNEYS OF RECORD AND CLAIMANT:

1. On _____, 20____, Debtor filed an objection (Objection) as docket number _____, to the claim of _____ (Claimant), which claim is identified by the Clerk of the Court as Claim Number _____ (Claim).

2. The Chapter 13 Trustee contends that the Objection has been abandoned because:
 - Debtor failed to set the Objection for hearing. [LBR 3007-1(b)(1)]
 - Debtor failed to file or serve a notice of hearing on the Objection. [LBR 3007-1(b)(2)]
 - The court held a hearing on the Objection on (date) _____. The court sustained the objection, but Debtor failed to lodge an order sustaining the objection. [LBR 9021-1(b)]
 - Debtor filed and served a notice of hearing, no opposition was filed, and no hearing was held on the Objection, but Debtor failed to file a declaration of non-opposition and/or a proposed order sustaining the Objection. [LBR 3007-1(b)(6)].

"Bankruptcy Code" and "11 U.S.C." refer to the United States Bankruptcy Code, Title 11 of the United States Code.
 "FRBP" refers to the Federal Rules of Bankruptcy Procedure. "LBR" and "LBRs" refer to the Local Bankruptcy Rule(s) of this court.

- The Chapter 13 Trustee respectfully requests the court to take judicial notice of the case docket, including docket number(s): _____ [Federal Rule of Evidence 201].
- Other (*explain and specify legal authority*):

3. The Chapter 13 Trustee (Trustee) respectfully requests the court enter an order denying the Objection, without prejudice, for failure to prosecute. Upon entry of such order: (i) the Claim will be deemed allowed and not subject to objection for purposes of 11 U.S.C. § 502(a) and (ii) the Trustee will make payment distributions on such claim, except to the extent such claim may be amended or withdrawn. **As a result of such order, Debtor may be required to increase the amount of his/her plan payment. Debtor should consult an attorney for assistance.**
4. **Pursuant to LBR 9013-1(o), any party who opposes this Motion must file a written opposition and request a hearing on the Motion. The deadline to file and serve a written opposition and request for a hearing is 14 days after the date of service of this notice, plus 3 additional days if you were served by mail or pursuant to F.R.Civ.P. 5(b)(2)(D) or (F) [FRBP 9006(f)].**
 - a. If you timely file and serve a written opposition and request for a hearing, Trustee must file and serve a notice of hearing at least 14 days in advance of the hearing. [LBR 9013-1(o)(4)]
 - b. If you fail to comply with this deadline:
 - (1) Trustee will file a declaration to show: (1) the Motion was properly served, (2) the response period elapsed, and (3) no party timely filed and served a written opposition and request for a hearing [LBR 9013-1(o)(3)];
 - (2) Trustee will lodge a proposed order that the court may use to grant the Motion;
 - (3) The court may treat your failure as a waiver of your right to oppose the Motion and may grant the Motion without further hearing and notice. [LBR 9013-1(h)].

I declare under penalty of perjury that the information contained in the foregoing Notice of Motion and Motion is true and correct.

Date: _____

Respectfully submitted,

Signature of Chapter 13 Trustee or Attorney for Chapter 13 Trustee

Printed name of Chapter 13 Trustee or Attorney for Chapter 13 Trustee