

Judge Tighe's Procedures for Motions Setting Value under § 506(a) – "LAM Motions"

Pursuant to L.B.R. 1001-1(d), for bankruptcy cases filed or pending before Judge Tighe, until further notice, L.B.R. 4003-2(a)(2) is hereby modified so that a proceeding to avoid a lien on real property under Chapter 13, often referred to as a Lam motion, may be brought by motion under the requirements of 9013-1 through L.B.R. 9013-4.

E-FILING DOCKETING:

Please note that the correct event code when e-filing a "LAM Motion" is the following:

Bankruptcy > Motions/Applications > Setting Property Value (motion)

SERVING LAM MOTIONS:

Please note that Judge Tighe's procedure re serving LAM Motions is the following:

- If the entity is an insured depository institution, then Fed. R. Bankr. P. 7004(h) applies, Service "shall be made by certified mail addressed to an officer of the institution.." Fed. R. Bankr. P. 7004(h). However, if this entity has filed a proof of claim in the bankruptcy case, then service may be made to the address on the proof of claim listed as the address where notices should be sent.
- If the entity being served is not covered by Fed. R. Bankr. P. 7004(h), then service shall be provided pursuant to 1) a proof of claim filed in the instant bankruptcy case, on the address listed as the address where notices should be sent; 2) the California Secretary of State's website (<http://www.sos.ca.gov/>); or 3) Fed. R. Civ. P. 4(h).

EVIDENCE OF VALUATION:

Motions must include the following evidence:

- Evidence establishing the value of the subject property;
- Evidence establishing priority; and
- Evidence establishing the creditor's interest in the subject property

TENTATIVES:

On the day before the hearing, the parties should check the Tentative Rulings. If there is no opposition and the motion meets all requirements, then appearances will be waived.

YOU MUST APPEAR AT THE 11:00 A.M. CALENDAR IF APPEARANCES ARE NOT WAIVED.

ORDERS:

The prevailing party should submit the form order, a blank copy of which may be downloaded from Judge Tighe's forms section on the court's website.