**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF VERMONT**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

In re:

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Chapter \_\_\_**

 **Debtor(s). Case # \_\_\_\_\_\_\_\_\_\_**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Debtor’s Motion and Notice of Motion**

**to Determine Value of Collateral, Amount of Allowed Secured Claim,**

 **and Interest Rate to be Paid on Allowed Secured Claim Regarding Claim of [Creditor][[1]](#footnote-1)**

The debtor’s schedules list a secured claim of [*creditor*]. Based upon the debtor’s information and belief [*and appraisal dated \_\_\_, if any*], the debtor believes the collateral securing this claim [*identified here*] has a value of $\_\_\_. Moreover, the debtor believes that pursuant to the contract with the creditor [*or \_\_\_\_\_ explain*], the proper interest rate to be paid on this claim is \_\_\_% per annum.

 Therefore, the debtor seeks an order of this Court

1. determining the value of the collateral to be $\_\_\_,
2. allowing [*credito*r] a secured claim in the amount of $\_\_\_\_\_, and
3. fixing the interest rate to be paid on this allowed secured claim at \_\_\_% per annum.

**IF YOU OPPOSE THE MOTION**, you must file a written opposition with the Clerk of the Court, **on or before 4:00 p.m. on [a date that is no less than seven (7) days prior to the hearing date], and serve a copy of your opposition** onthe moving party, the debtor, the debtor’s attorney, the U.S. trustee, the case trustee, if any, and in a chapter 11 case, on the creditors’ committee and its attorney, or if no committee is appointed, then upon the 20 largest unsecured creditors. Addresses for those parties are set forth below.

**IF AN OPPOSITION IS TIMELY FILED**, the Court will hold a hearing on the Motion and any opposition at [time] on [date] at the following location: [indicate Rutland or Burlington location], unless the Court deems no hearing is necessary and enters an order prior to the time set for hearing. ***The presumption is that the hearing will be at the same time and location as the initial confirmation hearing unless otherwise indicated for an earlier date.***

**IF NO OPPOSITION IS TIMELY FILED**, the Court **may** deem the matter unopposed and grant the Motion without hearing. If an order is not entered before the hearing date, the hearing shall proceed.

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 [*Signature]*

*[typed name, with address, e-mail address, and telephone number]*

1. This form is for use in chapter 11 and chapter 12 cases only. A debtor’s motion to establish the value of collateral, the amount of the allowed secured claim, or interest rate to be paid on an allowed secured claim, ***in chapter 13 cases*** must be made through the chapter 13 plan or an amended plan (using Official Form 113), see Vt. LBR 3012-1(b). [↑](#footnote-ref-1)