

**In re Sheryl CALLAHAN, Debtor.**

**No. 00-30166-BKC-SHF**

(Cite as: 251 B.R. 170)

Counsel for the Debtor failed to check, on the Debtor's chapter 13 plan, the box stating, "IF CHECKED, THE PLAN SEEKS TO VALUE THE COLLATERAL SECURING THE CLAIMS OF THE CREDITORS LISTED BELOW PURSUANT TO 11 U.S.C. SECTION 506(a) AND BANKRUPTCY RULE 3012." Accordingly, the Creditor was entitled to a negative inference that the debtor would not seek cramdown of its secured claim at the confirmation hearing. For this reason only, the Court held that notice was insufficient. However, were it not for the oversight of the Debtor in failing to check the appropriate box regarding valuation of collateral on the Debtor's chapter 13 plan, notice would have been sufficient, and in compliance with Bankruptcy Rule 3012.