

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
_____ DIVISION

In re:

DEBTOR'S NAME,

Case No. xx-xxxxx-xxx

Debtor.

Chapter 13

_____/

**MOTION TO VALUE COLLATERAL AND DETERMINE THE
AMOUNT OF A CLAIM SECURED BY A LIEN ON PERSONAL PROPERTY**

IMPORTANT NOTICE TO CREDITORS:

THIS MOTION SEEKS TO VALUE THE COLLATERAL SECURING THE CLAIM LISTED BELOW. IF YOU DISPUTE THE VALUE ALLEGED OR THE PROPOSED TREATMENT OF YOUR CLAIM, YOU MUST FILE A WRITTEN OBJECTION NO LATER THAN TWO BUSINESS DAYS BEFORE THE SCHEDULED HEARING.

If you have not filed a proof of claim, you have until the later of the claims bar date or 21 days from the date this motion was served on you to file a proof of claim. Failure to timely file a proof of claim will result in waiver of the right to payment on any unsecured claim to which you might otherwise have been entitled.

1. The debtor seeks to value personal property securing the claim of [lien holder's name] ("Creditor") pursuant to 11 U.S.C. § 506(a) and Federal Rule of Bankruptcy Procedure 3012.

2. **Collateral (select only one):**

___ Motor vehicle:

Year and model: _____

Vehicle Identification Number (VIN #): _____

Odometer reading: _____

___ Personal property other than a motor vehicle:

Describe: _____

3. **Value:**

As of the petition date, the value of the personal property is \$_____, based on [insert method of valuation].

4. **Treatment of claim (select only one):**

____ Creditor has not filed a proof of claim. The trustee will not disburse any payments to Creditor unless a proof of claim is timely filed. If Creditor timely files a proof of claim, Creditor's claim will be classified in the plan as a secured claim in the amount listed in paragraph 3, and as a general unsecured claim for the balance of the claim (deficiency claim), regardless of how the claim is classified in the proof of claim. Creditor's secured claim will be paid through the plan at ____% interest, with payments totaling \$_____.

____ Creditor filed a proof of claim. Creditor's claim will be classified in the plan as a secured claim in the amount listed in paragraph 3, and as a general unsecured claim for the balance of the claim (deficiency claim), regardless of how the claim is classified in the proof of claim. Creditor's secured claim will be paid through the plan at ____% interest, with payments totaling \$_____.

5. The debtor may not sell or refinance the personal property without a court order after notice to creditors.

6. This motion and the notice of hearing on this motion will be served on Creditor as if it were a summons and complaint under Federal Rule of Bankruptcy Procedure 7004, at least 21 days before the hearing date. The movant will then file a certificate of service of the motion and the notice of hearing.

WHEREFORE, the debtor respectfully requests that the Court (a) determine the value of the personal property securing Creditor's claim to be the value listed in paragraph 3; (b) determine the amount and treatment of Creditor's claim as set forth in paragraph 4; (c) determine the classification of any timely filed proof of claim as set forth in paragraph 4; and (d) grant such other relief as justice and equity require.

Dated: _____

[Signature and signature block]