



U.S. Bankruptcy Court, District of Minnesota

Rule 3012-1. Valuation of Secured Claim on Principal Residence

(a) MOTION TO VALUE CLAIM. A Chapter 13 debtor seeking to modify a claim that is secured only by a security interest in real property that is the debtor's principal residence must provide for that modification in the plan and must bring a motion to determine the value of the secured claim.

(1) Content of Motion. The motion must state, as of the commencement of the case, except as provided in subsections A and G:

(A) The name of the creditor holding the claim, determined no more than 30 days before the hearing originally scheduled on the motion, in the title of the motion;

(B) The motion is to determine the secured status of the creditor's claim for the purpose of confirmation of the debtor's plan;

(C) The appraised value of the property;

(D) The debtor's plan proposes to treat the creditor's claim as unsecured in its entirety;

(E) The address and legal description of the property;

(F) The balance of the debt owing to the creditor; and

(G) The name of each entity holding a lien against the property and any related lender and servicer, the amount of debt owing with respect to each lien, and the priority of each such lien. Such entities shall be determined no more than 30 days before the hearing originally scheduled on the motion.

(2) Attachments. In addition to the documents required by Local Rule 9013-2(a), the motion must include the following attachments:

(A) Copies of all recorded lien instruments, including all recorded assignments and amendments, evidencing the lien which is the subject of the motion;

(B) An abstract or Owners and Encumbrance report, or any supplement, certified no more than 35 days before the hearing originally scheduled on the motion, to verify each entity holding a lien against the property;

(C) A copy of the debtor's plan; and



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(D) An appraisal of the fair market value of the property as of the commencement of the Chapter 13 case.

(3) Service.

(A) The motion shall be served in compliance with Federal Rule of Bankruptcy Procedure 9014(b) on all parties identified in Local Rule 9013-3(a)(1) and all entities identified in paragraph (a)(1)(G) of this rule.

(B) The proof of service must indicate how the identity and address were determined for each recipient of service.

(C) Any amended motion shall be served on all parties served with the original motion and on any other entity that holds an interest in the property at the time the amended motion is filed.

(4) Timing. The hearing on the motion to value claim must be scheduled to be held contemporaneously with the hearing on confirmation of the debtor's plan. The motion must be filed and served not later than 28 days before the hearing date. The court may schedule an evidentiary hearing.

(5) Order. The order will determine the secured status of the creditor's claim pursuant to 11 U.S.C. § 506.

(b) MOTION FOR RELEASE OF LIEN. If the court determines that the creditor's claim is unsecured in its entirety, the debtor may bring a motion for release of the lien after the debtor's completion of payments under the plan.

(1) Content of Motion. The motion must state:

(A) The date of confirmation of the debtor's chapter 13 plan;

(B) The legal description of the property;

(C) The date of the order determining the claim was unsecured;

(D) The date the debtor completed payments under the plan;

(2) Attachments. In addition to the documents required by Local Rule 9013-2(a), the motion must include the following attachments:



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- (A) Copies of all recorded lien instruments, including all recorded assignments and amendments, evidencing the lien which is the subject of the motion;
 - (B) An abstract or Owners and Encumbrance report, or any supplement, certified no more than 35 days before the hearing originally scheduled on the motion, to verify each entity holding a lien against the property;
 - (C) A copy of the debtor's confirmed plan; and
 - (D) A copy of the order determining the claim was unsecured.
- (3) Proposed Order. The motion must include a proposed order substantially in the form of Local Form 3012-1(b).
- (4) Service. The motion shall be served in accordance with paragraph (a)(3) of this rule.
- (5) Timing. The motion for release of lien shall be filed and served not later than 28 days before the hearing date. The court may schedule an evidentiary hearing.

[Effective April 1, 2013. Amended effective December 1, 2017; May 1, 2019; October 1, 2019.]