

❖ MEMORANDUM ❖

To: Chapter 13 Practitioners
Fr: Judge Marilyn Shea-Stonum
Date: February 14, 2005
Re: **Motions to Value Collateral**

Since this Court's decision in *In re Fiorilli*, 196 B.R. 83 (Bankr. N.D. Ohio 1996), practitioners have undertaken to file motions to value collateral separate and apart from their clients' chapter 13 plans in an effort to determine the value of secured claims as early in the case as possible. Given this practice, motions to value collateral are often filed and ruled upon before the bar date in a particular case has passed.

Recently, the Court has seen an increase in the number of motions to value collateral where the creditor files a proof of claim after a motion to value collateral has been filed and served upon the creditor at the address listed in the debtor's schedules, but before the proposed order granting the motion to value collateral is submitted to the Court. In those circumstances the proof of claim often lists a different address for the purpose of providing notice to that creditor.

In order to resolve any issues with respect to the propriety of the notice of the motion to value collateral without disturbing the debtors' ability to resolve issues related to collateral valuation early on in their cases, the Court finds that in those circumstances where a proof of claim setting forth a different address than the one provided by the debtors in their schedules is filed prior to the submission of an appropriate proposed order on an otherwise well taken motion to value collateral, the Court will enter an order provisionally granting the motion to value collateral and directing that the provisional order shall become a final order twenty (20) days after the date of the provisional order unless the creditor files an objection thereto.