



United States Bankruptcy Court, Northern District of Ohio
Ralph Regula Federal Building and U.S. Courthouse
401 McKinley Ave., S.W.
Canton, Ohio 44702
(330) 458-2440

DATE: July 9, 2018
TO: Attorneys practicing in the Youngstown court
FROM: Judges Harris and Kendig
RE: Negative Notice

Counsel are hereby advised that the court will grant most matters on negative notice. If proper notice is given, and no response or objection is filed, the court will generally grant relief by default. Counsel should not expect to attend a hearing on a matter in which no response or objection is filed. In the absence of objection or response, counsel should upload an order for the court's consideration once the deadline to respond passes.

Almost all motions require notice and a certificate of service, which may represent a change from current practice. Notice should be made using Official Form 420A or 420B and must provide a date certain deadline to respond (not "fourteen days from date of service"). Copies of the official forms are attached. They can be modified to reflect the facts of almost any case. Official Form 420B is used to provide notice of objection to a claim. Official Form 420A is used for all other matters. Notice should include a hearing date and time where appropriate. The Official Forms provide that the hearing may not go forward unless an objection is made.

Who is entitled to notice is governed by the Bankruptcy Rules, including but not limited to Rules 1007(a)(5) and (c), 1009, 1017, 1019(6), 2002, 3002.1, 3007, 3012, 3015, 4001, 4003, 4004, 4007, 6004, 9011(c), 9013, 9014, 9019, 9020, as well as applicable local bankruptcy rules. A certificate of service for the motion and the accompanying notice is required. Following is an example of notice attached to a pleading including an appropriate 420A notice and a certificate of service indicating that the pleading and the notice were served.

The only matters that will automatically require a hearing in the absence of an objection include:

Motion to Appear and Show Cause	Motion for Temporary Restraining Order
Motion for Contempt	Motion for Preliminary Injunction
Motion for Hardship Discharge	Motion to Withdraw as Counsel for Debtor
Motion for Sanctions	

The court reserves the right to convene a hearing on any matter, including those in which no response/objection was filed, but this should be relatively rare.

United States Bankruptcy Court

_____ District of _____

In re)	
)	
<i>[Set forth here all names including married, maiden, and trade names used by debtor within last 8 years.]</i>)	
)	
Debtor)	Case No.
)	_____
Address _____)	
_____)	
)	Chapter
Last four digits of Social Security or Individual Tax-payer Identification (ITIN) No(s), (if any): _____)	_____
)	
Employer's Tax Identification (EIN) No(s), (if any): _____)	
_____)	

NOTICE OF [MOTION TO] [OBJECTION TO]

_____ has filed papers with the court to [relief sought in motion or objection].

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to [relief sought in motion or objection], or if you want the court to consider your views on the [motion] [objection], then on or before (date), you or your attorney must:

[File with the court a written request for a hearing {or, if the court requires a written response, an answer, explaining your position} at:

{address of the bankruptcy clerk's office}

If you mail your {request}{response} to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also send a copy to:

{movant's attorney's name and address}

{names and addresses of others to be served}]

[Attend the hearing scheduled to be held on (date), (year) , at _____ a.m./p.m. in Courtroom____, United States Bankruptcy Court, {address}.]

[Other steps required to oppose a motion or objection under local rule or court order.]

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: _____

Signature: _____

Name: _____

Address: _____

United States Bankruptcy Court

District of _____

In re

*[Set forth here all names including married, maiden,
and trade names used by debtor within last 8 years.]*

Debtor

Address _____

Last four digits of Social Security or Individual Tax-payer
Identification (ITIN) No(s), (if any):

Employer's Tax Identification (EIN) No(s), (if any): _____

Case No. _____

Chapter _____

NOTICE OF OBJECTION TO CLAIM

_____ has filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to eliminate or change your claim, then on or before (date), you or your lawyer must:

{If required by local rule or court order.}

{File with the court a written response to the objection, explaining your position, at:

{address of the bankruptcy clerk's office}

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above.

You must also send a copy to:

{objector's attorney's name and address}

{names and addresses of others to be served}}

Attend the hearing on the objection, scheduled to be held on (date), (year), at ___ a.m./p.m. in Courtroom____, United States Bankruptcy Court, {address}.

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim.

Date: _____

Signature: _____

Name: _____

Address: _____

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE:

[REDACTED]
[REDACTED]

Debtors.

CASE NO. [REDACTED]
CHAPTER 13
CHIEF JUDGE RUSS KENDIG

OBJECTION TO AMENDED CLAIM NO. 15

Now comes [REDACTED] Counsel for Debtors, [REDACTED] and hereby submits his Objection to Amended Claim No. 15. For his Objection, Counsel states as follows:

Debtor filed the Chapter 13 Plan ("Plan") on June 20, 2017 (Docket No. 7). Debtors' Plan terms are 100% to unsecured creditors. Debtors' Plan payment is \$1,225.00 per month for 60 months.

On November 20, 2017, Regency Finance Company ("Creditor") filed Amended Claim No. 15 ("Claim"). The Claim is for a secured debt of \$1,300.00 and unsecured debt in the amount of \$2,396.21. The Interest rate on the claim is 25%. Amended Claim No. 15 exceeds the rate of 6.0% entitled to under *In re Till*.

Debtors request that Creditor amend Amended Claim No. 15, reducing the annual interest rate to 6.0% for the secured portion of \$1,300.00. Debtors also request the unsecured portion of the Claim be paid at 0% interest rate.

Accordingly, for reasons stated herein, the Debtor respectfully requests that the Court enter an order disallowing the interest rate of 25% on Amended Claim No. 15; allowing an interest rate of 6.0% for the secured portion of \$1,300.00; allowing 0% interest on the unsecured portion and; granting any other and further relief the Court deems just and proper.

Respectfully submitted,

[REDACTED]

Attorney for Debtors

[REDACTED]

NOTICE OF OBJECTION TO AMENDED CLAIM NO. 15

Debtors [REDACTED] by and through Counsel, have filed an Objection to your Amended Claim No. 15 in this bankruptcy case.

Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to eliminate or change your claim, then on or before **January 22, 2018**, you or your attorney must file with the court a response to the objection, explaining your position, at:

Clerk of Courts
U. S. Bankruptcy Court
Ralph Regula Federal Building and U.S. Courthouse
401 McKinley Ave SW
Canton, OH 44702-1745

If you mail your response to the court for filing you must mail it early enough so that the court will **receive** it on or before the date stated above.

You must also send a copy to:

[REDACTED]

Attend the hearing on the Objection, scheduled to be held on **February 7, 2018, at 2:00 p.m.** in the Courtroom of the U.S. Bankruptcy Court, Ralph Regula Federal Building and U.S. Courthouse, 401 McKinley Ave. SW, Canton, OH 44702. If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim.

Date: December 21, 2017

[REDACTED]

[REDACTED]

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Objection to Amended Claim No. 15 and Notice were electronically transmitted on or about December 21, 2017, via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice List:

Patti H. Bass	ecf@bass-associates.com
Zachary E. Fowler	fowlerz@firelandsfcu.org
Toby L. Rosen	trosen@chapter13canton.com , trosen@ecf.epiqsystems.com
Kenneth L. Sheppard	ken@sheppardlawoffices.com , karen@sheppardlawoffices.com ; r48355@notify.bestcase.com
United States Trustee	(Registered address)@usdoj.gov
Jason K. Wright	jwright@weltman.com , ecfndoh@weltman.com

And mailed by regular U.S. Mail on December 21, 2017, to the following parties:

Terri R. Knox, Branch Manager Regency Finance Company 124 W 5 th St. Marysville, OH 43040

