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Creditor Objection to Plan or Motion for a Moratorium

(a) Time for Filing Creditor Objection.

(1) For an original or amended plan, or pre-confirmation motion for a moratorium, the deadline for a creditor to file an objection to confirmation is 14 days after the date set for the meeting of creditors or 28 days after service, whichever is later.

(2) For a modified plan or post-confirmation motion for a moratorium, the deadline for a creditor to file an objection to confirmation is 28 days after the date of service.

(b) Nonobjection Is Acceptance. The failure of a party in interest to timely file an objection to confirmation of a plan or the granting of a motion for a moratorium shall constitute acceptance of the plan or motion pursuant to Bankruptcy Code § 1325(a)(5)(A) and a waiver of the requirement that the court hold a confirmation hearing within 45 days after the date of the meeting of creditors. Notice of the waiver of the 45-day confirmation hearing requirement and acceptance of the plan due to a creditor's failure timely to object shall be conspicuous in the notice of date to file objections served on all creditors.

(c) Valuation Objection. A secured creditor who disagrees with the valuation of the creditor's secured claim in the plan and who files an objection, shall state in the objection the creditor's estimate of the value of the collateral, the method of determining the value, and the amount of claim that is secured. Upon receipt of the creditor's objection, the debtor shall make the collateral available to the creditor for inspection and appraisal.

Committee Notes 2009: Time deadlines have been amended to be consistent with amendments to the Federal Rules of Bankruptcy Procedure, effective December 1, 2009.

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