

Rule 3007-1  
OBJECTION TO CLAIMS

In chapter 13 cases in which no dividend will be paid to holders of unsecured nonpriority claims, the debtor need not and should not file objections to unsecured nonpriority proofs of claim. A debtor's failure to object or raise any defense, including an affirmative defense, to a proof of claim filed in these circumstances shall not constitute or be deemed to be a waiver of any defense including an affirmative defense.

Court Comment to Rule 3007-1

This rule addresses the concern raised by the debtor in In re Andrews, 394 B.R. 384 (Bankr. E.D.N.C. 2008) that the failure of a debtor to object to a proof of claim filed in a no dividend chapter 13 case might cause a statute of limitations to be tolled or waived in the event that the chapter 13 case is dismissed. The adoption of this rule should not be viewed as a determination by the court that a failure by a chapter 13 debtor in a dividend or no dividend case to object to a proof of claim would result in a tolling or waiving of a statute of limitations defense if the case is subsequently dismissed.

Rule 1007-1  
LISTS, SCHEDULES AND STATEMENTS AND OTHER DOCUMENTS;  
TIME LIMITS

(d) STATUTE OF LIMITATIONS. The scheduling of a claim shall not constitute an acknowledgment of the debt for purposes of tolling or renewing the statute of limitations.

Rule 3001-1  
CLAIMS AND EQUITY SECURITY INTERESTS

(b) CLAIMS BASED ON A WRITING. When a copy of the writing or, if applicable, a statement of the circumstances of the loss or destruction of such writing, is not filed with a claim based on a writing as required by Rule 3001(c) of the Federal Rules of Bankruptcy Procedure, the filing shall not constitute a proof of claim within the meaning of 11 U.S.C. § 501 or for purposes of 11 U.S.C. § 502 if an objection is filed and the writing or the applicable statement is not provided or filed within 30 days of the objection.

(c)

#### Alternative A

TRANSFERRED CLAIMS. A proof of claim evidencing an unsecured claim held by a transferee or assignee of the claim shall set forth that the claim is not barred by the applicable statute of limitations. In the absence of such a statement, a filing shall not constitute a proof of claim within the meaning of 11 U.S.C. § 501 or for purposes of 11 U.S.C. § 502 if an objection is filed and the statement is not provided or filed within 30 days of the objection. This rule shall not apply to any claim evidencing an undersecured claim or a deficiency claim filed by a previously secured creditor.

#### Alternative B

TRANSFERRED CLAIMS. A proof of claim evidencing an unsecured claim filed by an entity that annually purchases more than 1,000 claims shall set forth that the claim is not barred by the applicable statute of limitations. In the absence of such a statement, a filing shall not constitute a proof of claim within the meaning of 11 U.S.C. § 501 or for purposes of 11 U.S.C. § 502 if an objection is filed and the statement is not provided or filed within 30 days of the objection. This rule shall not apply to any claim evidencing an undersecured claim or a deficiency claim filed by a previously secured creditor.

