Name of Trustee

Office Mailing Address

Telephone Number

Facsimile Number

E-Mail Address

State Bar I.D. Number

(Chapter Trustee)

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF MONTANA

|  |  |
| --- | --- |
| IN RE:    ,  ,    Debtors. | Case No.  **NOTICE OF LATE FILED CLAIM; AND NOTICE OF OPPORTUNITY FOR HEARING** |

TO: [Name of creditor]

PROOF OF CLAIM NO.: [Claims register number]

The undersigned Chapter [12/13] Standing Trustee provides this notice pursuant to Montana Local Bankruptcy Rule 3002-1 that the proof of claim you filed in the above-entitled case was filed late, after the expiration of the bar date for filing claims fixed by the Court in the “Notice of Commencement of Case” previously sent to all creditors and other parties in interest in this case.

|  |  |
| --- | --- |
| Bar Date Fixed By Court: |  |
| Date Proof of Claim Filed: |  |

DATED this \_\_\_\_ day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chapter \_\_\_ Standing Trustee

NOTICE OF OPPORTUNITY TO RESPOND

AND REQUEST A HEARING

Because your Proof of Claim was filed late, Mont. LBR 3002-1 provides that such claim shall be deemed disallowed, without formal objection or hearing, unless you file a response and request a hearing within thirty (30) days of the date of this notice.

If you respond, then you shall notice the contested matter for hearing pursuant to Mont. LBR 9013-1 and shall schedule the hearing on the objection and response at least twenty-one (21) days after the date of the your response and request for hearing, and shall include in the caption of the responsive pleading in bold and conspicuous print the date, time and location of the hearing by inserting in the caption the following:

**NOTICE OF HEARING**

**Date:**

**Time:**

**Location:**

If you fail to file a written response to the objection to the late filed claim within thirty (30) days of the date of the notice, the failure to respond shall be deemed an admission that the objection should be sustained by the Court without further notice or hearing.

DATED this \_\_\_\_ day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chapter \_\_\_ Standing Trustee

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, a copy of the foregoing was served by electronic means pursuant to LBR 9013-1(d)(2) on the parties noted in the Court’s ECF transmission facilities and/or by mail on the following parties:

See attached mailing matrix [Insert the name and address of each individual or entity served.]

\* The attached list will not be mailed out to creditors but will be on file with the United States Bankruptcy Court. A copy will be provided upon request.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served. There need be no Certificate of Service if all parties being served will be served electronically via the Court’s CM/ECF system. Only the affected late filing creditor, or its counsel, need also be served with this Notice.]