Local Rule 6007-1 Abandonment (2013)

A Request for Abandonment and Proposed Abandonment may be filed by any party in interest in the form attached to these Local Rules as Local Bankruptcy Form 6007-1 [1]. After review, the chapter 7 trustee may electronically endorse the Proposed Abandonment. If the trustee endorses the Proposed Abandonment, the requesting party may file and serve a Notice of Proposed Abandonment upon all interested parties in the form attached to these Local Rules as Local Bankruptcy Form 6007-1-A [2]. If the trustee fails to endorses the Proposed Abandonment, the requesting party may not file or serve a Notice of Proposed Abandonment. If no objections to the Proposed Abandonment are filed by the objection deadline set out in the Notice of Proposed Abandonment, the requesting party may file a Notice of Abandonment in the form attached to these Local Rules as Local Bankruptcy Form 6007-1-B [3]. If the trustee endorses the Notice of Abandonment, the property identified in the Notice of Abandonment will thereby be abandoned and no longer be property of the bankruptcy estate. Should the trustee fail to endorse the Proposed Abandonment or the Notice of Abandonment as requested, the property shall remain property of the Estate.

COMMENT

Amendment to this rule is necessitated by the Tenth Circuit Court of Appeals decision in In re Cook (Cook v. Wells Fargo Bank, N.A.) 2013 WL 1297590 (10th Cir. 2013). The rule provides a streamlined process for a party in interest to obtain an abandonment of property of the bankruptcy estate. The rule permits a party in interest to prepare and file appropriate pleadings, and with the trustee's consent, provide notice of the trustee's intent to abandon to parties in interest. After proper notice to parties in interest, and in the absence of objection, the trustee may abandon the property.

Source URL: https://www.utb.uscourts.gov/local-rules/2013/6007/1

Links
[1] https://www.utb.uscourts.gov/forms/request-abandonment-and-proposed-abandonment-template
[2] https://www.utb.uscourts.gov/forms/notice-proposed-abandonment-template
[3] https://www.utb.uscourts.gov/forms/notice-abandonment-template