

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF \_\_\_\_\_**

IN RE:

JOHN DOE  
JAMIE DOE

CASE NO. XX-XXXXX-ABC  
Chapter 13

\_\_\_\_\_  
Debtor(s) /

**DEBTOR'S VERIFIED MOTION TO VALUE COLLATERAL OF  
SOME FINANCE COMPANY (CLAIM No. 1)**

**PURSUANT TO 11 U.S.C. §§ 506(A) AND 1325(A)(5)**

**NOTICE OF OPPORTUNITY TO  
OBJECT AND FOR HEARING**

PURSUANT TO LOCAL RULE 2002-4, THE COURT WILL CONSIDER THIS MOTION WITHOUT FURTHER NOTICE OR HEARING UNLESS A PARTY IN INTEREST FILES AN OBJECTION WITHIN TWENTY (20) DAYS FROM THE DATE OF SERVICE OF THIS PAPER. IF YOU OBJECT TO THE RELIEF REQUESTED IN THIS PAPER, YOU MUST FILE YOUR OBJECTION WITH THE CLERK OF THE COURT AT 123 MAIN STREET, ANYTOWN, FLORIDA 12345, AND SERVE A COPY ON THE MOVANT'S ATTORNEY, JANE DOE, ESQUIRE, 456 ANYSTREET, SOMEOTHERTOWN, FLORIDA 23456.

IF YOU FILE AND SERVE AN OBJECTION WITHIN THE TIME PERMITTED, THE COURT WILL SCHEDULE A HEARING AND YOU WILL BE NOTIFIED. IF YOU DO NOT FILE AN OBJECTION WITHIN THE TIME PERMITTED, THE COURT WILL CONSIDER THAT YOU DO NOT OPPOSE THE GRANTING OF THE RELIEF REQUESTED IN THE PAPER, WILL PROCEED TO CONSIDER THE PAPER WITHOUT FURTHER NOTICE OR HEARING, AND MAY GRANT THE RELIEF REQUESTED.

**NOW COMES DEBTORS**, John and Jamie Doe, appearing *pro se*, pursuant to 11 U.S.C. § 506(a) and FED. R. BANKR. P. RULE 3012 moves to Value the Collateral of Claim No. 1 of SOME FINANCE COMPANY ("SOMEFINANCE"). In support thereof, Debtors declares, under penalty of perjury, that the following is true:

1. The Debtors filed a voluntary petition under Chapter 13 of the Bankruptcy Code on November 1, 2008.

2. The Debtors owns certain personal property more particularly described as a: 2006 Ford Ka VIN #1FAH98394890AA1904. The odometer reading on the Vehicle, as of November 1, 2008 read 26,984 miles. (Hereinafter referred to as the "Collateral")
3. SOMEFINANCE alleges a purchase money security interest ("PMSI") in the Collateral.
4. The Loan and Security Agreement (the "Agreement") is dated February 1, 2006.
5. The valuation was performed on November 1, 2008.
6. The Kelley Blue Book ("KBB") value (Exhibit A), utilizing the designation of "Good" for the vehicle's Private Party condition and based on the facts enumerated in the preceding statements of fact, shows \$7,400.00. Given a minor dent and the condition of the tires, the Debtors assert that the present value is \$7,000.00.
7. The Collateral is a motor vehicle and was purchased more than 910 days prior to the petition in the above-styled cause (the "Petition"). In order to be subject to the so-called "hanging paragraph", which follows 11 U.S.C. 1325(a)(9), one condition is that the vehicle must have been purchased less than 910 days prior to the filing of the petition. The Collateral was purchased more than 910 days prior to the filing of the Petition. As such, the Collateral is not subject to the "hanging paragraph".
8. Accordingly, the Collateral is subject to valuation under 11 U.S.C. §§ 506(a) and 1325(a).
9. The value of the Collateral, based on the value listed above, is \$7,000.00 and the remainder of the allowed secured claim shall be treated as an unsecured claim.

**WHEREFORE**, the Debtors respectfully prays that this Court enter an order finding that the Collateral is subject to valuation under 11 U.S.C. §§ 502(b), 506(a) and 1325(a)(5); and allowing a secured claim of \$7,000.00 representing the value of the Collateral and the remainder as an unsecured Claim; and granting such other relief as is fair and equitable.

Respectfully submitted,

Dated at SOMEOTHERTOWN, Florida this  
\_\_\_\_\_ day of NOVEMBER 2008.

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(John and Jamie Doe, *Pro Se*)

John and Jamie Doe  
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**UNSWORN DECLARATION IN SUPPORT OF  
DEBTOR'S VERIFIED MOTION TO VALUE COLLATERAL OF  
SOME FINANCE COMPANY (CLAIM No. 1)**

I/We, **John and Jamie Doe**, declare under penalty of perjury that I/we have read DEBTOR'S VERIFIED MOTION TO VALUE COLLATERAL OF SOME FINANCE COMPANY (Claim No. 1) and that it is true and correct to the best of our knowledge, information, and belief.

\_\_\_\_\_  
John Doe

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jamie Doe

\_\_\_\_\_  
Date