

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK**

NOTICE

January 19, 1996

Effective immediately, as the result of the Decision and Order of this Court dated December 12, 1995, In Re:

**George M. Reiber, Trustee vs. Richard G. Baxter,
National Bank of Geneva, Robert F. Ruggiero and Joanne S. Ruggiero,
BK No. 91-21368, AP No. 95-2381,**

the Court will not enter confirmation orders in Chapter 13 cases until the specified liens, or other liens that the parties may wish to avoid, have been avoided by a §522(f) motion, adversary proceeding or claim objection. In addition, confirmation hearings, where In Re: Ruggiero applies, will be adjourned by the Court for approximately sixty days to allow the necessary lien avoidance procedures to be taken.

Where it is appropriate and a party elects to seek to avoid a lien by a claim objection, the Court will require sufficient detail to meet due process requirements and also make the objection capable of being expeditiously handled as an adversary proceeding, if it is converted to an adversary proceeding. The following is a sample of the kind of detail the Court will require:

DETAILED BASIS OF OBJECTION INCLUDING GROUNDS FOR OVERCOMING ANY PRESUMPTION UNDER RULE 3001(F): The claim is secured by a judgment lien (the "Lien") on real property owned by the debtor which was perfected on March 28, 1991, within ninety (90) days of the filing of the petition on May 15, 1991. Therefore, claimant is a transferee of a transfer avoidable under §547(b), since it was for the benefit of a creditor, made on account of an antecedent debt, while the debtor was insolvent, and within ninety (90) days of the filing, that would enable the claimant to receive more than would have been received under Chapter 7. This Lien has not been vacated so the claim must be disallowed pursuant to §502(d). Pursuant to §502(d), §546(b) and Rule 3007, this objection to claim shall serve as notice that the claim shall be disallowed and the Lien shall be avoided. This objection to claim shall become an adversary proceeding, thereby governed by Rule 7001, in the event this objection is opposed by claimant and the Court so directs pursuant to Rule 3007.

PAUL R. WARREN
Clerk of Court
1220 U.S. Courthouse
Rochester, New York 14614