6-29/106.00 Contested Matter

Contested matters are initiated by motion. The term "contested matter" includes any litigation in a bankruptcy case involving an actual dispute, other than an adversary proceeding. A contested matter is initiated by a motion, rather than by complaint. (FRBP 9014, 7001) A motion may be uncontested and is served in the same manner as a summons and complaint. (FRBP 7004) A timely filed objection opposing the relief or action sought creates a contested matter. A response is not required in a contested matter unless ordered by the court. Local bankruptcy court rules govern the opposing party's rights to a hearing. (FRBP 9014)

Contested matters include:

1. consolidation (FRBP 7042)
2. conversion
3. dismissal (FRBP 7041)
4. execution of a judgment (FRBP 7069)
5. findings (FRBP 7052)
6. judgments (FRBP 7054-7056)
7. objection to confirmation
8. relief from stay
9. seizure of persons or property (FRBP 7064)
10. stay of enforcement of judgment (FRBP 7062)

A judgment entered in a contested matter must be set forth on a separate document to eliminate uncertainty as to whether an opinion or memorandum of the court is a judgment. (FRBP 9021) There is no particular form for a judgment.