The document below is hereby signed.

Signed: January 10, 2013



S. Martin Teel, Jr.
United States Bankruptcy Judge
UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF COLUMBIA

S.Martin Teelf/

In re)		
)		
JOHN L.	McILWAINE,)	Case No.	12-00790
)	(Chapter	13)
	Debtor.)		

MEMORANDUM DECISION AND ORDER
GRANTING MOTION TO SET PROPERTY VALUE AND
TO DETERMINE SECURED INTEREST OF REGIONAL ACCEPTANCE CORPORATION

The debtor filed a motion requesting the court to set the value of certain collateral, a 2006 Saab 9-3 motor vehicle, and to determine the secured interest of Regional Acceptance Corporation, the holder of a purchase money lien with respect to the motor vehicle.

The court can determine the value of the motor vehicle under 11 U.S.C. § 506 pursuant to a Rule 3012 motion. See In re Chukes, 305 B.R. 744, 745 (Bankr. D.D.C. 2004) ("[A] Rule 3012 motion [] may be used to determine the value of the collateral encumbered by a creditor's lien, and to declare the claim

¹ Federal Rule of Bankruptcy Procedure 3012 provides: "The court may determine the value of a claim secured by a lien on property in which the estate has an interest on motion of any party in interest and after a hearing on notice to the holder of the secured claim and any other entity as the court may direct."

unsecured to the extent that the collateral is worth less than the amount of the claim."). However, to the extent the debtor seeks a declaration that the lien will be void, that is an adjudication that must be sought by way of an adversary proceeding. Fed. R. Bankr. P. 7001.

The motion also requests the court to determine the amount to be paid on Regional Acceptance Corporation's claim, including a determination as to the interest rate to be paid incident to a confirmed plan. That is an issue to be dealt with in the plan confirmation process, and the court will not make that determination here.

Accordingly, having considered the debtor's motion and the lack of any response filed thereto, and it appearing that proper notice has been given, pursuant to 11 U.S.C. § 506, it is,

ORDERED that the secured claim of Regional Acceptance Corporation, with regard to the Debtor's 2006 Saab 9-3 motor vehicle, be and is hereby established at \$9,825.00 with interest thereon to be determined by the plan confirmation process and any remaining balance is deemed wholly unsecured and allowed as a general unsecured claim.

[Signed and dated above.]

Copies to: Recipients of e-notification of orders.