

**THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION**

IN RE:	David Phillips)	CASE NO.: 13-82272-JAC-13
	XXX-XX-6975)	
)	CHAPTER: 13
)	
	DEBTOR.)	

**OBJECTION TO PROOF OF CLAIM
AND NOTICE OF OPPORTUNITY FOR HEARING**

COME NOW the above-named Debtor, David Phillips, by and through his attorney of record, Jeffrey B. Irby, and objects to the Claim number 2 of Freedom Road Financial, filed on August 22, 2013 in the amount of \$7521.66 with interest accruing at 6.99%. The grounds alleged for the Objection are that under the case of *Till vs. SCS Credit Corp.*, 124 S.Ct. 1951 (2004) the debtor(s) is entitled to pay interest on the secure claim at the plan rate of interest, not the contract rate of interest.

WHEREFORE, Debtor(s) moves this Court to reduce the interest on the claim as filed by the claimant to the plan rate of interest of 5.25%.

NO HEARING WILL BE CONDUCTED ON THIS OBJECTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE U.S. BANKRUPTCY COURT AND A COPY IS SERVED ON THE PARTY FILING THIS OBJECTION AND THE CHAPTER 13 STANDING TRUSTEE WITHIN 30 DAYS FROM THE DATE OF SERVICE HEREOF, UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH REQUEST FOR A HEARING. IF NO RESPONSE IS TIMELY SERVED AND FILED, THE OBJECTION TO PROOF OF CLAIM AS TO INTEREST SHALL BE DEEMED TO BE UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, IT WILL BE SET FOR HEARING BEFORE THE JUDGE ON THE 30th DAY OF SEPTEMBER 2013, AT 9:00 a.m. AT THE FEDERAL COURTHOUSE IN DECATUR, ALABAMA.

/s/: Jeffrey B. Irby
Jeffrey B. Irby
Attorney for the Debtor
JEFFREY B. IRBY, P.C.
229 East Side Square
Huntsville, AL 35801
Phone: (256) 517-1505

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above and foregoing Debtor's Objection To Claim to the parties listed below by placing a copy of same in the United States mail, properly addressed, first class postage prepaid to Linda Gore, Chapter 13 Trustee and Freedom Road Financial, c/o Capital Recovery Group, Attn: Nichlas P Salla, Po Box 29426, Phoenix, AZ 85038-9426, on this the 23rd August 2013.

/s/: Jeffrey B. Irby
Jeffrey B. Irby