

## **The New Bankruptcy Rules and Claims Forms**

**By**

**Lisa K. Mullen**

**Office of the Chapter 13 Trustee – David Wm. Ruskin**

**Southfield, Michigan**

**Kim M. Rattet**

**Trott & Trott, PC**

**Farmington Hills, Michigan**

**and**

**Honorable Philip J. Shefferly**

**Chief Bankruptcy Judge for the**

**United States Bankruptcy Court ,**

**Eastern District of Michigan**

**Detroit, Michigan**

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### I. INTRODUCTION

Amendments to the Bankruptcy Rules originate with the federal judiciary and the Judicial Conference of the United States. Congress has given the federal judiciary the authority to prescribe rules subject to the ultimate approval, denial or revision by Congress.<sup>1</sup> The process of rule making is supervised by the Committee on Rules of Practice and Procedure, referred to as the “Standing Committee” with the Standing Committee assisted by five (5) advisory committees on matters relating to appellate, bankruptcy, civil, criminal and evidence rules.<sup>2</sup> A more detailed explanation of the rulemaking process can be found on the U.S. Court’s website at [www.uscourts.gov](http://www.uscourts.gov).<sup>3</sup>

### II. UPCOMING BANKRUPTCY AMENDMENTS

There are several important upcoming changes to the bankruptcy Rules and Forms. On April 26, 2011, the United States Supreme Court approved amendments to Rule 3001(c) and a new Rule 3002.1. These Rules will take effect on December 1, 2011.

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<sup>1</sup> See Rules Enabling Act, 28 U.S.C. Sections 2071-2077.

<sup>2</sup> See <http://www.uscourts.gov/RulesandPolicies/FederalRulemaking/Overview.aspx>, (follow “Rulemaking Process” hyperlink; then follow “A Summary for the Bench and Bar” hyperlink). Full citations are provided throughout these materials for ease in locating the documents.

<sup>3</sup> *Id.*

## A. The Current Rule- Rule 3001

To completely understand the impact of the amendments to Rule 3001(c), we need to start with the current rule. **Rule 3001(c)** currently provides:

### Proof of Claim

(c) **Claim based on a writing.** When a claim, or an interest in property of the debtor securing the claim, is based on a writing, the original or a duplicate shall be filed with the proof of claim. If the writing has been lost or destroyed, a statement of the circumstances of the loss or destruction shall be filed with the claim.<sup>4</sup>

With the passing of the amendments to Rule 3001(c)(2), the requirements of what needs to be attached to proofs of claim has been expanded.

## B. The New Provisions of Rule 3001(c)(2)

Where the Debtor is an individual, the amendments include a new subsection-(c)(2), mandating specific attachments to certain proofs of claim. **Rule 3001(c)(2)** provides:

(c)(2) **Additional Requirements in an Individual Debtor Case; Sanctions for Failure to Comply.** In a case in which the debtor is an individual:

(A) If, in addition to its principal amount, a claim includes interest, fees, expenses, or other charges incurred before the petition was filed, an itemized statement of the interest, fees, expenses, or charges shall be filed with the proof of claim.

(B) If a security interest is claimed in the debtor's property, a statement of the amount necessary to cure any default as of the date of the petition shall be filed with the proof of claim.

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<sup>4</sup> See F.R.Bankr.P.3001(c).

(C) If a security interest is claimed in property that is the debtor's principal residence, the attachment prescribed by the appropriate Official Form shall be filed with the proof of claim. If an escrow account has been established in connection with the claim, an escrow account statement prepared as of the date the petition was filed and in a form consistent with applicable nonbankruptcy law shall be filed with the attachment to the proof of claim.

The intent of the expanded requirements appears to be to standardize the types of required documentation believed necessary for a review of the claim. The amount of information required increases in a “waterfall fashion” based on the type of claim being filed. For example, most credit card claims often include amounts other than principal amount and, under the new rule, those claims must be filed with an itemized statement breaking out any other amounts included. Where the claim is secured by a security interest (i.e., other types of collateral) other than the Debtor's principal residence, the claim must include a breakdown and the amount necessary to cure the default as of the date of the filing of the Petition. Lastly, where the claim is secured by the debtor's principal residence, the itemized breakdown must be on Official Form- B 10 Attachment A. If the loan is escrowed, an escrow account statement showing the account balance and any amount owed as of the Petition date must also be attached to the claim.<sup>5</sup>

A common “theme” of the rules amendments is the inclusion of a standard sanctions provision. Rule 3001(c)(2)(D) states:

(c)(2)(D) If the holder of a claim fails to provide any information required by this subdivision (c), the court may, after notice and hearing, take either or both of the following actions:

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<sup>5</sup> See F.R.Bankr.P.3001(c)(2).

- (i) preclude the holder from presenting the omitted information, in any form, as evidence in any contested matter or adversary proceeding in the case, unless the court determines that the failure was substantially justified or is harmless; or
- (ii) award other appropriate relief, including reasonable expenses and attorney's fees caused by the failure.

Subdivision (D) sets forth the sanctions that the court may impose when the creditor fails to provided the required information under subsection (c). For example, if the creditor fails to provide an itemized statement of other charges (subdivision A) or fails to provide a statement regarding the amount needed to cure (subdivision B) or fails to utilize Attachment A (subdivision C), it appears that a party could seek sanctions for noncompliance under subdivision D for the creditor's failure to comply.

The sanctions provision garnered the most attention during the public comment phase. The original draft of the rule precluded the creditor from presenting the omitted information even at a subsequent hearing on the matter. This provision was greatly criticized as being overly harsh, without basis and inconsistent with Section 502 of the Bankruptcy Code. Creditors further argued that the sanction provision targeted a problem which had not been evident to date. Due to the overwhelming comments on this proposed rule, the Committee revised and modified the sanctions provision.<sup>6</sup>

The revisions to Rule 3001(c)(2)(D) provide the court with an either/or choice in determining whether sanctions are appropriate and further keeps the door open for the creditor to present the omitted information at a later hearing on the matter. The standard the court will apply

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<sup>6</sup>See <http://www.uscourts.gov/RulesandPolicies/FederalRulemaking/Overview.aspx>, (follow "Pending Rules Amendments" hyperlink; then scroll down to "Amendments Approved By Judicial Conference (September2010" hyperlink at AppendixB-p.B-9).

is whether the failure was “substantially justified or is harmless.”<sup>7</sup> How this will be measured remains to be seen, however, when litigation arises concerning whether a claim should be allowed when the creditor has failed to comply, the discretion lies with the court. The court may allow the information to be supplied (and any amendment to the proof of claim) or the court may refuse the creditor’s introduction of said evidence. This rule also leaves the door open for the court to impose a sanction that goes beyond the failure to allow the evidence or amendment to the proof of claim.<sup>8</sup>

**Summary:**

1. For claims that includes interest, fees, expenses or other pre-petition charges in addition to the principal amount, it is **MANDATORY** that you file an itemized statement of these charges with your proof of claim.
2. For claims that assert a security interest in the debtor’s property, it is **MANDATORY** that you file a statement with your proof of claim stating the amount necessary to cure any default as of the petition date.
3. For claims that assert a security interest in the debtor’s principal residence, it is **MANDATORY** that you file Official Form B 10- Attachment A as an attachment to your proof of claim. Further, for escrowed loans, it is **MANDATORY** that you attach to the proof of claim, an escrow account statement prepared as of the petition date.<sup>9</sup>

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<sup>7</sup> *Id.* at B-37.

<sup>8</sup> *Id.* at B-39.

<sup>9</sup> See <http://www.uscourts.gov/Forms&Fees/BankruptcyForms.aspx> (scroll down to “Links to Related Material” then follow hyperlink to “Pending Changes” – B10- Attachment A. See also F.R.Bankr.P.3001(c)(2)(A-D).

### C. A New Provision - Rule 3002.1

The Supreme Court has approved a new rule – Rule 3002.1 which will take effect on December 1, 2011. Rule 3002.1 applies to claims that are secured by a security interest in the debtor’s principal residence and are provided for in the debtor’s plan pursuant to 11 U.S.C. 1322(b)(5) of the Bankruptcy Code.<sup>10</sup>

The motivation behind Rule 3002.1 was to provide the debtor with the necessary information to determine the exact amount needed to cure any prepetition arrearages. The Rule was also intended to provide a process to inform the debtor of any changes in the debtor’s postpetition mortgage payments whether due to escrow account adjustments, changing interest rates, or the assessment of any fees, expenses or other charges.<sup>11</sup> To accomplish these goals, new Official Forms were also approved by the Supreme Court to facilitate the transmittal of this information.<sup>12</sup>

To fully understand the implications of Rule 3002.1 a discussion of the requirements of each subsection is necessary.

#### 1. Notices of Payment Changes- 3002.1(b)

The holder of a claim secured by the debtor’s principal residence is required to “file and serve on the debtor, debtor’s counsel and the Trustee a notice of any change in the mortgage

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<sup>10</sup> See <http://www.uscourts.gov/RuleandPolicies/FederalRulemaking/Overview.aspx>, (follow “Bankruptcy Rules” Quick Link then follow the hyperlink “Bankruptcy Rules (Effective 12/1/2011)” then scroll down to “Amendments Approved by Supreme Court (April 2011)” – clean version of Rules.)

<sup>11</sup> See <http://www.uscourts.gov/RuleandPolicies/FederalRulemaking/Overview.aspx>, (follow “Bankruptcy Rules” Quick Link then follow the hyperlink “Bankruptcy Rules (Effective 12/1/2011)” then scroll down to “Amendments Approved by Supreme Court (April 2011)” then follow hyperlink “Excerpt of the Report of the Advisory Committee on Bankruptcy Rules at p. 42).

<sup>12</sup> See <http://www.uscourts.gov/Forms&Fees/BankruptcyForms.aspx> (scroll down to “Links to Related Material” then follow hyperlink to “Pending Changes” for the new forms.

payment amount, including any change that results from an interest rate or escrow account adjustment, no later than 21 days before a payment in the new amount is due.”<sup>13</sup> In order to provide the required notice, the creditor must use new Official Form B10- Supplement 1.<sup>14</sup>

### A. Supplement 1

Supplement 1 is titled “Notice of Mortgage Payment Change” and implements Rule 3002.1(b). There are four (4) parts to the form:

1. Escrow Account Payment Adjustment;
2. Mortgage Payment Adjustment.
3. Other Payment Change;
4. Signature box.

The form requires the creditor to indicate the basis for the new payment amount and the date upon which the new payment amount will take effect. Part 1 of the form requires the holder to attach a copy of the escrow account statement in a form consistent with applicable nonbankruptcy law if there will be a change in the debtor’s escrow account payment.<sup>15</sup>

In the event of a change in the debtor’s principal and interest payment due to an adjustment to the interest rate in the debtor’s variable-rate note, Part 2 of the form requires the holder to attach a copy of the rate change notice and state a basis for the change.<sup>16</sup>

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<sup>13</sup> See F.R.Bankr.P.3002.1(b)

<sup>14</sup> See <http://www.uscourts.gov/Forms&Fees/BankruptcyForms.aspx> (scroll down to “Links to Related Material” then follow hyperlink to “Pending Changes” – B10- Supplement 1.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

Part 3 is a “catch-all” provision for any other payment changes including repayment plan or loan modification agreements.<sup>17</sup>

Part 4 of the form requires the filer of the form to indicate whether they are (1) the creditor or (2) the creditor’s authorized agent. The signature of the filer also certifies the accuracy of the information contained in the proof of claim and acts as a certification that the standards under FRBP 9011(b) have been met.<sup>18</sup>

It is important to note that this Notice must be filed as a *supplement to the proof of claim* and must be served on the debtor, debtor’s counsel and the Trustee.<sup>19</sup> **The Rule applies regardless of disbursing agent.**<sup>20</sup>

Currently, the Eastern District of Michigan has a local bankruptcy rule that addresses notices of payment change. Local Bankruptcy Rule 3001-2 requires the creditor with a claim under 11 U.S.C. 1322(b)(5) or 1322(b)(7) to “file and serve on the debtor a statement of any proposed increase or decrease of periodic payments” 42 days prior to the effective date of the adjustment of the payment amount. The Local Rule further provides that any proposed payment increase becomes effective 45 days after filing and service of the notice.<sup>21</sup> Unlike the Local Rule, new Federal Rule 3002.1 provides for a 21 day time period for the filing of the notice prior to the effective date of the change and does not contain any provision stating when a payment change is to become effective.

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<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> See <http://www.uscourts.gov/RuleandPolicies/FederalRulemaking/Overview.aspx>, (follow “Bankruptcy Rules” Quick Link then follow the hyperlink “Bankruptcy Rules (Effective 12/1/2011)” then scroll down to “Amendments Approved by Supreme Court (April 2011)” then follow hyperlink “Excerpt of the Report of the Advisory Committee on Bankruptcy Rules at p. 42).

<sup>21</sup> See E.D. Mich. LBR 3001-2.

The Local Rule also provides an exception for the filing of the notices when the debtor's payment obligation is subject to change more frequently than once every six months and further permits the debtor to file any notification received from the mortgage company decreasing the debtor's mortgage payment. The Local Rule further provides a process for objection to the payment change notice in the event a party disagrees with the notice. The Local Rule directs the Chapter 13 Trustee to file a notice stating the impact of the payment change on the plan and requires the debtor to file a plan modification to ensure that the plan is properly funded with the change. The new Federal Rule 3002.1 does not address these situations. The federal rule takes precedence over the local rule bringing into question what happens to Local Bankruptcy Rule 3001-2.

## **2. Notice of Fees, Expenses and Charges – 3002.1(c)**

Rule 3002.1(c) requires the claim holder to file and serve an itemized notice of any post petition fees, expenses or other charges (i.e., inspection fees, late charges, attorney fees, etc.) that were incurred in connection with the claim after the case was filed and that the claim holder asserts are recoverable from the debtor or against the debtor's principal residence. The claim holder must serve the notice within 180 days after the date on which the fees, expenses, or other charges were incurred ("the 180 day notice").<sup>22</sup> A new Official Form – Supplement 2 has been approved by the Supreme Court to be utilized by the claim holder to provide the required information.<sup>23</sup>

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<sup>22</sup> See F.R.Bankr.P.3002.1(c).

<sup>23</sup> See <http://www.uscourts.gov/Forms&Fees/BankruptcyForms.aspx> (scroll down to "Links to Related Material" then follow hyperlink to "Pending Changes" – B10- Supplement 2).

## A. Supplement 2

Supplement 2 is titled “Notice of Postpetition Mortgage Fees, Expenses and Charges” and implements Rule 3002.1(c). The form is required to be filed, as a supplement to the proof of claim and must be served on the debtor, debtor’s counsel and the Trustee.<sup>24</sup>

The form requires the claim holder to affirmatively state whether the current notice supplements a prior notice for postpetition fees, expenses or charges and requires the holder to state the date of the prior notice. The form further requires the holder to itemize the following expenses, including the dates incurred and the amounts incurred for:

1. Late charges;
2. Non-sufficient funds (NSF) fees;
3. Attorney fees.
4. Filing fees and court costs;
5. Bankruptcy/Proof of claim fees;
6. Appraisal/Broker’s Price Opinion fees;
7. Property inspection fees;
8. Tax advances (non-escrow);
9. Insurance advances (non-escrow);
10. Property preservation expenses.

The form also puts the filer on notice that the debtor or Trustee may challenge whether the fees, expenses, and charges listed are required to be paid.<sup>25</sup> As with Official Form 10 – Supplement 1, the form requires the filer of the form to indicate whether they are the creditor or

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<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

the creditor's authorized agent. The signature of the filer also certifies the accuracy of the information contained in the proof of claim and acts as a certification that the standards under FRBP 9011(b) have been met.<sup>26</sup>

### **3. Determination of Fees, Expenses or Charges – 3002.1(e)**

After the creditor files the 180 day notice of fees, expenses or other charges, the debtor or trustee may file a motion contesting the validity of the fees, expenses or charges. The motion must be filed *within one year after service of the notice*. Upon the filing of the motion by the debtor or trustee, the court will schedule a hearing to determine whether the payment of the fees, expenses or other charges are required pursuant to the underlying agreement and applicable nonbankruptcy law to cure the default on the claim or maintain payments in accordance with 11 U.S.C. 1322(b)(5) of the Bankruptcy Code.<sup>27</sup>

### **4. Notice of Final Cure Payment – 3002.1(f)**

Another component of 3002.1 deals with the duties of the trustee at the end of the debtor's case. Rule 3002.1(f) requires the trustee to serve a notice "within 30 days after the debtor completes all payments under the plan" on the holder of a claim secured by the debtor's principal residence. The notice must include (1) a statement that the debtor has paid in full the amount required to cure any default on the claim and (2) inform the creditor of its obligation to file a response. The rule further allows the debtor to file the notice if the debtor contends that the

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<sup>26</sup> *Id.*

<sup>27</sup> See F.R.Bankr.P.3002.1(e).

final cure payment has been made and all plan payments have been completed, and the trustee does not timely file and serve the notice.<sup>28</sup>

In order to comply with this requirement, the trustee will review the case to determine if the debtor has met all obligations to complete the plan, including the remittance of all plan payments and tax refunds and an amount necessary to pay the claims as required by the confirmed plan to make the debtor eligible for a discharge. If the Trustee's review shows that the debtor has met these requirements, the notice will be filed with the court and served on the claim holder.

The Eastern District of Michigan has a local rule that is similar to new Federal Rule 3002.1. Local Bankruptcy Rule 2015-5 requires the chapter 13 trustee to file and serve "on the debtor and all holders of allowed claims a notice stating that the debtor's payments to the trustee under the plan have been completed" and further provides that the order of discharge will contain certain provisions, including a statement that the claim is both pre-petition and post-petition current. The local rule provides a process for objection in the event the creditor disagrees with the trustee's Notice of Completion of Plan Payments. The creditor must file an objection within 28 days after service of the notice. If no objection is filed, the court may enter the discharge.<sup>29</sup>

Unlike Local Bankruptcy Rule 2015-5, the new Federal Rule 3002.1 *requires* an affirmative response from the mortgage creditor regarding whether the creditor agrees that the debtor is both prepetition and postpetition current.<sup>30</sup> The local rule is broader in terms of the

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<sup>28</sup> See F.R.Bankr.3002.1(f) .

<sup>29</sup> See E.D. Mich. LBR 2015-5.

<sup>30</sup> See F.R.Bankr.P.3002.1(g).

requirement of the trustee to file and serve the notice on “all holders of allowed claims”, however, the apparent conflict in the rules (as to claims secured by the debtor’s principal residence) is problematic for both the trustees, creditors and the debtors which in turn may lead to increased litigation and uncertainty among the parties involved.

#### **5. Response to Notice of Final Cure Payment – 3002.1(g)**

Within 21 days after the trustee files the Notice of Final Cure Payment, the claim holder is required to file and serve on the debtor, debtor’s counsel and the trustee a statement indicating “(1) whether it agrees that the debtor has paid in full the amount required to cure the default on the claim, and (2) whether the debtor is otherwise current on all payments consistent with section 1322(b)(5) of the Code. The statement shall itemize the required cure or postpetition amounts, if any, that the holder contends remain unpaid as of the date of the statement.”<sup>31</sup> The claim holder is required to file the response as a supplement to the holder’s proof of claim and the statement is not subject to Rule 3001(f).<sup>32</sup>

Unlike Local Bankruptcy Rule 2015-5 where the claim holder has the option to respond to the trustee’s notice, new Federal Rule 3002.1 mandates the filing of an affirmative statement by the claim holder whether the holder agrees or disagrees with the information. The time periods to object also differ between Rule 3002.1 and Local Bankruptcy Rule 2015-5 (21 days vs. 28 days). Given these discrepancies, the creditor may be required to not only file the required response per Rule 3002.1(g) but may also be required to object to the trustee’s notice filed

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<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

pursuant to Local Bankruptcy Rule 2015-5. Given the potential conflict between the local rule and the new federal rule, the future of Local Bankruptcy Rule 2015-5 is also in question.

#### **6. Determination of Final Cure and Payment – 3002.1(h)**

After the claim holder files the required notice stating whether the holder agrees that the debtor has paid the amount required to cure the default on the claim and is otherwise current on payments, the debtor or trustee may file a motion within 21 days after service of the claim holder's statement. After notice and hearing, the court will make a determination whether the debtor has cured the default and has paid the required postpetition amounts.<sup>33</sup>

#### **7. Failure to Notify – Rule 3002.1(i)**

Rule 3002.1(i) contains a sanctions provision identical to the new provisions of Rule 3001(c)(2)(D). Rule 3002.1(i) provides that if the claim holder fails to provide any information required by subdivision (b) – notice of payment change, subdivision (c) – notice of fees, expenses, and charges, or subdivision (g) – response to notice of final cure payment, “the court may, after notice and hearing, take either or both of the following actions:

- (1) preclude the holder from presenting the omitted information, in any form, as evidence in any contested matter or adversary proceeding in the case, unless the court determines that the failure was substantially justified or is harmless; or
- (2) award other appropriate relief, including reasonable expenses and attorney's fees caused by the failure.<sup>34</sup>

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<sup>33</sup> See F.R.Bankr.P.3002.1(h).

<sup>34</sup> See F.R.Bankr.P.3002.1(i).

The standard the court will apply when analyzing a claim holder's request to produce information will be whether the failure to comply was "substantially justified or is harmless." The discretion under this provision lies solely with the court to determine what is an appropriate remedy. This provision also leaves the door open for the court to issue greater sanctions than just the preclusion of information. Given the fact that the sanctions provision was inserted into both revised Rule 3001 and Rule 3002.1, there appears to be a message being sent that there may be detrimental consequences in the event of noncompliance with the Rules.

#### **D. Other Revisions to Official Form 10**

Among the forms approved by the Supreme Court to become effective December 1, 2011, Official Form 10, the Proof of Claim form, has been reformatted and amended to include the following:

1. A new section-3b- has been added to allow the creditor to list a uniform claim identifier. A claim identifier is a 24 character identification number used by some creditors to facilitate the processing of electronic funds transfers received from Chapter 13 Trustees. This number is optional.<sup>35</sup>
2. Section 4 has been clarified to require the secured claim holder to disclose the annual interest rate in effect at the time the bankruptcy case was filed. Check boxes to indicate whether the interest rate is fixed or variable were added as well.<sup>36</sup>
3. Section 7 clarifies and reinforces the requirement of Rule 3001(c) that any writings supporting a claim or evidence of security interest must be attached to the proof of claim

<sup>35</sup> See <http://www.uscourts.gov/Forms&Fees/BankruptcyForms.aspx> (scroll down to "Links to Related Material" then follow hyperlink to "Pending Changes" – B10- Proof of Claim (12/11).

<sup>36</sup> *Id.*

and contain redacted information. The form requires the filer to provide an explanation if the documents are not available. The instructions for this section further clarify that summaries of supporting documents are not sufficient standing alone and can only be attached in addition to the documents themselves.<sup>37</sup>

4. Section 8 revised the date and signature box to explain and reiterate the significance of the signing of the proof of claim form and the “duty of care” required. The instructions to the form further indicate that a signature in this section is a “certification that the claim meets the “requirements of FRBP 9011(b).” This section requires the individual signing the form to provide identifying information and to indicate whether the filer is the creditor or creditor’s agent. If the individual is the creditor’s agent, further identifying information is required.<sup>38</sup>

### III. CONCLUSION

The amendments to Rule 3001 and new Rule 3002.1 will greatly impact current practices and procedures regarding what needs to be attached to proofs of claim and the processes and forms required for the dissemination of information on mortgage claims. The national processes and forms created to aid in the payment of mortgage claims in chapter 13 cases, as well as the procedures for determining whether debtors are current on their mortgages at the end of their chapter 13 cases, will hopefully lead to more effective and consistent results overall.

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<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

**DETROIT CONSUMER BANKRUPTCY CONFERENCE**

B 10 (Official Form 10) (12/11)

<b>UNITED STATES BANKRUPTCY COURT</b> _____ <b>DISTRICT OF</b> _____		<b>PROOF OF CLAIM</b>
Name of Debtor: _____		Case Number: _____
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): _____		<b>COURT USE ONLY</b>
Name and address where notices should be sent:  Telephone number: _____ email: _____		<input type="checkbox"/> Check this box if this claim amends a previously filed claim.  <b>Court Claim Number:</b> _____ (If known)  Filed on: _____
Name and address where payment should be sent (if different from above):  Telephone number: _____ email: _____		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
<b>1. Amount of Claim as of Date Case Filed:</b> \$ _____		
If all or part of the claim is secured, complete item 4.		
If all or part of the claim is entitled to priority, complete item 5.		
<input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
<b>2. Basis for Claim:</b> _____ (See instruction #2)		
<b>3. Last four digits of any number by which creditor identifies debtor:</b> _____	<b>3a. Debtor may have scheduled account as:</b> _____ (See instruction #3a)	<b>3b. Uniform Claim Identifier (optional):</b> _____ (See instruction #3b)
<b>4. Secured Claim</b> (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.  <b>Nature of property or right of setoff:</b> <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other <b>Describe:</b> _____  <b>Value of Property:</b> \$ _____  <b>Annual Interest Rate</b> _____ % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)		<b>Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any:</b> \$ _____  <b>Basis for perfection:</b> _____  <b>Amount of Secured Claim:</b> \$ _____  <b>Amount Unsecured:</b> \$ _____
<b>5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a).</b> If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.		
<input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. §507 (a)(4).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507 (a)(5).  <b>Amount entitled to priority:</b> \$ _____
<input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507 (a)(7).	<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507 (a)(8).	<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507 (a)(____).
*Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.		
<b>6. Credits.</b> The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)		

**7. Documents:** Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #7, and the definition of "redacted".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

**8. Signature:** (See instruction #8)

Check the appropriate box.

- I am the creditor.     I am the creditor's authorized agent.     I am the trustee, or the debtor, or their authorized agent.     I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)  
 (Attach copy of power of attorney, if any.)    (See Bankruptcy Rule 3004.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address and telephone number (if different from notice address above): \_\_\_\_\_

(Signature)

(Date)

Telephone number: \_\_\_\_\_ email: \_\_\_\_\_

*Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.*

**INSTRUCTIONS FOR PROOF OF CLAIM FORM**

*The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.*

**Items to be completed in Proof of Claim form**

**Court, Name of Debtor, and Case Number:**

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

**Creditor's Name and Address:**

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

**1. Amount of Claim as of Date Case Filed:**

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

**2. Basis for Claim:**

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

**3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:**

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

**3a. Debtor May Have Scheduled Account As:**

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

**3b. Uniform Claim Identifier:**

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

**4. Secured Claim:**

Check whether the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

**5. Amount of Claim Entitled to Priority Under 11 U.S.C. §507(a).**

If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

**6. Credits:**

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

**7. Documents:**

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

**8. Date and Signature:**

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, attach a complete copy of any power of attorney, and provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

## DEFINITIONS

**Debtor**

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

**Creditor**

A creditor is a person, corporation, or other entity to whom debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. §101 (10).

**Claim**

A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

**Proof of Claim**

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

**Secured Claim Under 11 U.S.C. §506(a)**

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien.

A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

**Unsecured Claim**

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

**Claim Entitled to Priority Under 11 U.S.C.****§507(a)**

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

**Redacted**

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

**Evidence of Perfection**

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

## INFORMATION

**Acknowledgment of Filing of Claim**

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system ([www.pacer.psc.uscourts.gov](http://www.pacer.psc.uscourts.gov)) for a small fee to view your filed proof of claim.

**Offers to Purchase a Claim**

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.

**Mortgage Proof of Claim Attachment**

If you file a claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See Bankruptcy Rule 3001(c)(2).

Name of debtor: \_\_\_\_\_

Case number: \_\_\_\_\_

Name of creditor: \_\_\_\_\_

Last four digits of any number you use to identify the debtor's account: \_\_\_\_\_

**Part 1: Statement of Principal and Interest Due as of the Petition Date**

Itemize the principal and interest due on the claim as of the petition date (included in the Amount of Claim listed in Item 1 on your Proof of Claim form).

1. Principal due (1) \$ \_\_\_\_\_

2. Interest due

Interest rate	From mm/dd/yyyy	To mm/dd/yyyy	Amount
_____ %	___/___/___	___/___/___	\$ _____
_____ %	___/___/___	___/___/___	\$ _____
_____ %	___/___/___	___/___/___	+ \$ _____
<b>Total interest due as of the petition date</b>			\$ _____

Copy total here ▶ (2) + \$ \_\_\_\_\_

3. Total principal and interest due (3) \$ \_\_\_\_\_

**Part 2: Statement of Prepetition Fees, Expenses, and Charges**

Itemize the fees, expenses, and charges due on the claim as of the petition date (included in the Amount of Claim listed in Item 1 on the Proof of Claim form).

Description	Dates incurred	Amount
1. Late charges	_____	(1) \$ _____
2. Non-sufficient funds (NSF) fees	_____	(2) \$ _____
3. Attorney's fees	_____	(3) \$ _____
4. Filing fees and court costs	_____	(4) \$ _____
5. Advertisement costs	_____	(5) \$ _____
6. Sheriff/auctioneer fees	_____	(6) \$ _____
7. Title costs	_____	(7) \$ _____
8. Recording fees	_____	(8) \$ _____
9. Appraisal/broker's price opinion fees	_____	(9) \$ _____
10. Property inspection fees	_____	(10) \$ _____
11. Tax advances (non-escrow)	_____	(11) \$ _____
12. Insurance advances (non-escrow)	_____	(12) \$ _____
13. Escrow shortage or deficiency (Do not include amounts that are part of any installment payment listed in Part 3.)	_____	(13) \$ _____
14. Property preservation expenses. Specify: _____	_____	(14) \$ _____
15. Other. Specify: _____	_____	(15) \$ _____
16. Other. Specify: _____	_____	(16) \$ _____
17. Other. Specify: _____	_____	(17) + \$ _____
18. Total prepetition fees, expenses, and charges. Add all of the amounts listed above.		(18) \$ _____

**Part 3. Statement of Amount Necessary to Cure Default as of the Petition Date**

Does the installment payment amount include an escrow deposit?

- No
- Yes. Attach to the Proof of Claim form an escrow account statement prepared as of the petition date in a form consistent with applicable nonbankruptcy law.

1. <b>Installment payments due</b>	Date last payment received by creditor	_ / _ / _	
	Number of installment payments due	(1) _____	
2. <b>Amount of installment payments due</b>	_____ installments @	\$ _____	
	_____ installments @	\$ _____	
	_____ installments @	+ \$ _____	
	<b>Total installment payments due as of the petition date</b>	\$ _____	Copy total here ▶ (2) \$ _____
3. <b>Calculation of cure amount</b>	<b>Add total prepetition fees, expenses, and charges</b>		Copy total from Part 2 here ▶ + \$ _____
	<b>Subtract total of unapplied funds (funds received but not credited to account)</b>		- \$ _____
	<b>Subtract amounts for which debtor is entitled to a refund</b>		- \$ _____
	<b>Total amount necessary to cure default as of the petition date</b>		(3) \$ _____

Copy total onto Item 4 of Proof of Claim form

B 10 (Supplement 1) (12/11)

UNITED STATES BANKRUPTCY COURT

District of

In re Debtor

Case No.

Chapter 13

Notice of Mortgage Payment Change

If you file a claim secured by a security interest in the debtor's principal residence provided for under the debtor's plan pursuant to § 1322(b)(5), you must use this form to give notice of any changes in the installment payment amount. File this form as a supplement to your proof of claim at least 21 days before the new payment amount is due. See Bankruptcy Rule 3002.1.

Name of creditor:

Court claim no. (if known):

Last four digits of any number you use to identify the debtor's account:

Date of payment change: Must be at least 21 days after date of this notice

New total payment: Principal, interest, and escrow, if any

Part 1: Escrow Account Payment Adjustment

Will there be a change in the debtor's escrow account payment?

- No
Yes. Attach a copy of the escrow account statement prepared in a form consistent with applicable nonbankruptcy law. Describe the basis for the change. If a statement is not attached, explain why:

Current escrow payment: \$ New escrow payment: \$

Part 2: Mortgage Payment Adjustment

Will the debtor's principal and interest payment change based on an adjustment to the interest rate in the debtor's variable-rate note?

- No
Yes. Attach a copy of the rate change notice prepared in a form consistent with applicable nonbankruptcy law. If a notice is not attached, explain why:

Current interest rate: % New interest rate: %
Current principal and interest payment: \$ New principal and interest payment: \$

Part 3: Other Payment Change

Will there be a change in the debtor's mortgage payment for a reason not listed above?

- No
Yes. Attach a copy of any documents describing the basis for the change, such as a repayment plan or loan modification agreement. (Court approval may be required before the payment change can take effect.)

Reason for change:
Current mortgage payment: \$ New mortgage payment: \$

**Part 4: Sign Here**

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number if different from the notice address listed on the proof of claim to which this Supplement applies.

Check the appropriate box.

- I am the creditor.     I am the creditor's authorized agent.  
(Attach copy of power of attorney, if any.)

I declare under penalty of perjury that the information provided in this Notice is true and correct to the best of my knowledge, information, and reasonable belief.

**X**

Signature \_\_\_\_\_

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

**Print:**

First Name \_\_\_\_\_ Middle Name \_\_\_\_\_ Last Name \_\_\_\_\_

Title \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

Number \_\_\_\_\_ Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

Contact phone (\_\_\_\_) \_\_\_\_\_-\_\_\_\_\_

Email \_\_\_\_\_

B 10 (Supplement 2) (12/11)

UNITED STATES BANKRUPTCY COURT

\_\_\_\_\_ District of \_\_\_\_\_

In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_  
Chapter 13

**Notice of Postpetition Mortgage Fees, Expenses, and Charges**

If you hold a claim secured by a security interest in the debtor's principal residence, you must use this form to give notice of any postpetition fees, expenses, and charges that you assert are recoverable against the debtor or against the debtor's principal residence. File this form as a supplement to your proof of claim. See Bankruptcy Rule 3002.1.

Name of creditor: \_\_\_\_\_

Court claim no. (if known): \_\_\_\_\_

Last four digits of any number you use to identify the debtor's account: \_\_\_\_\_

Does this notice supplement a prior notice of postpetition fees, expenses, and charges?

- No
- Yes. Date of the last notice: \_\_\_\_/\_\_\_\_/\_\_\_\_

**Part 1: Itemize Postpetition Fees, Expenses, and Charges**

Itemize the fees, expenses, and charges incurred on the debtor's mortgage account after the petition was filed. Do not include any escrow account disbursements or any amounts previously itemized in a notice filed in this case or ruled on by the bankruptcy court.

Description	Dates incurred	Amount
1. Late charges	_____	(1) \$ _____
2. Non-sufficient funds (NSF) fees	_____	(2) \$ _____
3. Attorney fees	_____	(3) \$ _____
4. Filing fees and court costs	_____	(4) \$ _____
5. Bankruptcy/Proof of claim fees	_____	(5) \$ _____
6. Appraisal/Broker's price opinion fees	_____	(6) \$ _____
7. Property inspection fees	_____	(7) \$ _____
8. Tax advances (non-escrow)	_____	(8) \$ _____
9. Insurance advances (non-escrow)	_____	(9) \$ _____
10. Property preservation expenses. Specify: _____	_____	(10) \$ _____
11. Other. Specify: _____	_____	(11) \$ _____
12. Other. Specify: _____	_____	(12) \$ _____
13. Other. Specify: _____	_____	(13) \$ _____
14. Other. Specify: _____	_____	(14) \$ _____

The debtor or trustee may challenge whether the fees, expenses, and charges you listed are required to be paid. See 11 U.S.C. § 1322(b)(5) and Bankruptcy Rule 3002.1.

**Part 2: Sign Here**

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number if different from the notice address listed on the proof of claim to which this Supplement applies.

Check the appropriate box.

- I am the creditor.
- I am the creditor's authorized agent. (Attach copy of power of attorney, if any.)

I declare under penalty of perjury that the information provided in this Notice is true and correct to the best of my knowledge, information, and reasonable belief.

**X** \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_  
Signature

**Print:** \_\_\_\_\_ Title \_\_\_\_\_  
First Name Middle Name Last Name

Company \_\_\_\_\_

Address \_\_\_\_\_  
Number Street  
City State ZIP Code

Contact phone (\_\_\_\_) \_\_\_\_-\_\_\_\_ Email \_\_\_\_\_

**Amendments to Federal Rule of Bankruptcy Procedure 3001**

As adopted by the US Supreme Court on April 26, 2011  
 Prepared by *Tratt, Tratt, P.C. on May 1, 2011*

<u>Current Rule</u>	<u>Proposed Rule</u> <i>to take effect on December 1, 2011</i>			<u>Local Rules</u>	
	<i>language</i>	<i>add'l documentation</i>	<i>consequence</i>	Eastern	Western
<b>Rule 3001(c)</b>	<b>Rule 3001(C)(1)</b>	<b>Rule 3001(C)(2)(A)</b>	<b>Rule 3001(C)(2)(B)</b>	<b>Rule 3001(C)(2)(C)</b>	
no change	Updated B-10 Form * UCI (optional): 24 character identifier used to facilitate electronic payment * indicate fixed or variable interest rate * identify signer under penalty of perjury that the information provided "is true and correct to the best of my knowledge, information and reasonable belief" and certifies that 9011 requirements are met	Rule 3001(c)(2)(D) - Failure to provide required information, after notice and hearing, the Court may: * disallow the omitted information in any form as evidence in any contested matter or adversary unless it is determined that the failure was substantially justified or is harmless and/or * award other appropriate relief, including reasonable expenses & attorney fees caused by the failure	See 3001 ( c ) above	See 3001 ( c ) above	LBR 3002 - signed claim which includes all necessary attachments under Fed. R. 3001( c ) must be filed & are considered received on the date of filing
If based on a writing: * the original or duplicate must be filed with the claim * if lost or destroyed, a statement of the circumstances of the loss or destruction					
<b>New</b>	<i>language</i> If not just for principal amount, file an itemized statement of: * interest * expenses * fees * other charges	<i>add'l documentation</i> itemized statement	<i>consequence</i> See 3001 ( c ) above	Eastern	<u>Local Rules</u> Western
<b>New</b>	<i>language</i> if based on a security in Debtor's property, a statement of the amount necessary to cure any default as of the date of filing	<i>add'l documentation</i> reinstatement or arrearage statement through date of filing	<i>consequence</i> See 3001 ( c ) above	Eastern	<u>Local Rules</u> Western
<b>New</b>	<i>language</i> if based on a principal residence mortgage, must include the official form & if applicable, an escrow statement on the date of filing	<i>add'l documentation</i> <b>* Attachment A (mandatory)</b> Part 1: Statement of Principal & Interest Part 2: Statement of Prepetition Fees, Expenses, Charges Part 3: Statement of Amount Necessary to Cure Default * Escrow analysis prepared as of the petition date	<i>consequence</i> See 3001 ( c ) above	Eastern	<u>Local Rules</u> Western

**Amendments to Federal Rule of Bankruptcy Procedure 3001**

As adopted by the US Supreme Court on April 26, 2011  
 Prepared by *Trott Trott, P.C. on May 1, 2011*

		Rule 3002.1		Local Rules	
		<i>language</i>	<i>add'l documentation</i>	<i>consequence</i>	
New Rule Applying to Principal Residence Claim being treated pursuant to 1322(b)(5)	Section (b) - <b>Notice of Payment</b> <b>Changes:</b> file & serve on Debtor, Debtor's Attorney and Trustee 21 days prior to the new payment amount due to interest rate or escrow adjustments	<ul style="list-style-type: none"> <li>• <b>Supplement 1: (mandatory)</b> Part 1. escrow adjustment - attach escrow analysis</li> <li>Part 2. interest rate adjustment - attach rate change notice</li> <li>Part 3. Other (explain reason) - attach document, including repay plan or loan modification</li> </ul>	Not subject to 3001(f) 3002.1(e) - on motion of the Debtor or Trustee filed within 1 year of the service of the notice, the Court shall determine whether the payment is required under the underlying agreement and applicable non-bk law to cure a default under 1322(b)(5)	Eastern LBR 3001-2: holder of claim must file and serve a statement of adjustment 42 days before the effective date with a statement fully disclosing the calculations on which the adjustments are based. Must also file a certificate of service. 3001-2(e) provides an exception for a creditor secured by a mortgage for which the Debtor's payment obligation is subject to change more frequently than once every 6 months. If Creditor does not comply and Debtor has received a notice of payment change, the Debtor may file it.	Western
	Section (c) - <b>Notice of Postpetition Mtg Fees, Expenses and Charges:</b> file and serve on Debtor, Debtor's attorney and Trustee an itemized statement within 180 days of incurring fees, expenses or charges 1. incurred post-petition and 2. is asserted to be recoverable against the Debtor or the Debtor's principal residence	<ul style="list-style-type: none"> <li>• <b>Supplement 2: (mandatory)</b> Itemized statement including dates and specific amounts for post-pet fees, expenses or charges</li> <li>• LC</li> <li>• NSF</li> <li>• Attny Fees</li> <li>• Filing fees/Court costs</li> <li>• BK/POC fees</li> <li>• Appraisal/BPO</li> <li>• Inspections</li> <li>• Taxes (non-esc)</li> <li>• Insurance (non-esc)</li> <li>• Property Preservation Fees</li> </ul>			

**Amendments to Federal Rule of Bankruptcy Procedure 3001**

As adopted by the US Supreme Court on April 26, 2011  
 Prepared by *Trott Trott, P.C. on May 1, 2011*

		Local Rules	
		Eastern	Western
New Rule Triggered by Completion of the Plan	<i>language</i>	<p><b>Rule 3002.1(f)</b></p> <p>Trustee shall file and serve on the holder of the claim, the debtor, and debtor's atty a notice stating the Debtor has cured the default on the claim. If not timely filed, the Debtor may file and serve this notice.</p> <p>3002.1(g) - within 21 days after service of the notice, the holder shall file and serve on the same parties a statement indicating,</p> <ol style="list-style-type: none"> <li>1. an agreement that the Debtor cured the default, and</li> <li>2. whether the Debtor is otherwise current on all payments under 1322(b)(5)</li> </ol> <p>If not cured, itemize the required cure or unpaid post-petition amounts</p> <p>3002.1(h) - on motion of the Debtor or Trustee filed within 21 days of the holder's statement, after notice and hearing, the court will determine whether the debtor has cured the default and paid all required post-petition amounts</p>	
	<i>consequence</i>	<p>3002.1(i) If the holder fails to provide information as required, after notice and hearing, the court may:</p> <ul style="list-style-type: none"> <li>* disallow the omitted information in any form as evidence in any contested matter or adversary unless it is determined that the failure was substantially justified or is harmless and/or</li> <li>* award other appropriate relief, including reasonable expenses &amp; attorney fees caused by the failure</li> </ul>	