



AMERICAN  
BANKRUPTCY  
INSTITUTE

# Consumer Practice Extravaganza

## Consumer Rules Update

### **Hilary B. Bonial**

Bonial & Associates, P.C. | Dallas

### **Beverly M. Burden**

Chapter 13 Trustee's Office (E.D. Ky.) | Lexington

### **R. Caleb Chaplain**

U.S. Bankruptcy Court (W.D. Va.) | Harrisonburg




# Consumer Rules Update

**Hilary B. Bonial**  
*Bonial & Associates, P.C.  
Dallas, Texas*

**Beverly M. Burden**  
*Chapter 13 Trustee, Eastern District of Kentucky  
Lexington, Kentucky*

**Caleb Chaplain**  
*Career Law Clerk, U.S. Bankruptcy Court (W.D. Va.)  
Harrisonburg, Virginia*

*January 22, 2025*



## RESTYLING

- Effective December 1, 2024
- No substantive changes
- Reminder to Update Forms

## AMENDMENT TO RULE 1007(b)(7) Personal Financial Management Course

- No longer requires Official Form as evidence of taking course in personal financial management.
- Now, a certificate of completion issued by the course provider must be filed.
- Conforming amendments to other parts of Rule 1007 and to Rules 4004, 5009, and 9006 change references to the “statement” embodied in the current Official Form to “certificate.”



## AMENDMENT TO RULE 7001(a)

- Rule requires recovery of property be sought by adversary proceeding
- New exclusion for § 542(a) turnover of tangible personal property
- May now be brought by motion
- Response to *City of Chicago v. Fulton*
- Remaining stay violation questions

# NEW RULE 8023.1

- Substitution of parties in appeal of bankruptcy case to district court or BAP
- Upon death of a party or other reason
- Modeled on Appellate Rule 43



## AMENDMENTS TO EVIDENCE RULES

(New) Rule 107	Illustrative Aids
Rule 613	Witness's Prior Statement
Rule 801	Definitions; Exclusions from Hearsay
Rule 804	Exceptions to Rule Against Hearsay
Rule 1006	Summaries to Prove Content

# RULE 3002.1 AMENDMENTS ARE COMING!

*Big changes effective  
December 1, 2025*



## RULE 3002.1(a): Scope

“This rule applies in a Chapter 13 case to a claim that is secured by a security interest in the debtor’s principal residence and for which the plan provides for the trustee or debtor to make **contractual installment**—payments on the debt.”

# RULE 3002.1(b): Notice of a Payment Change Amendments

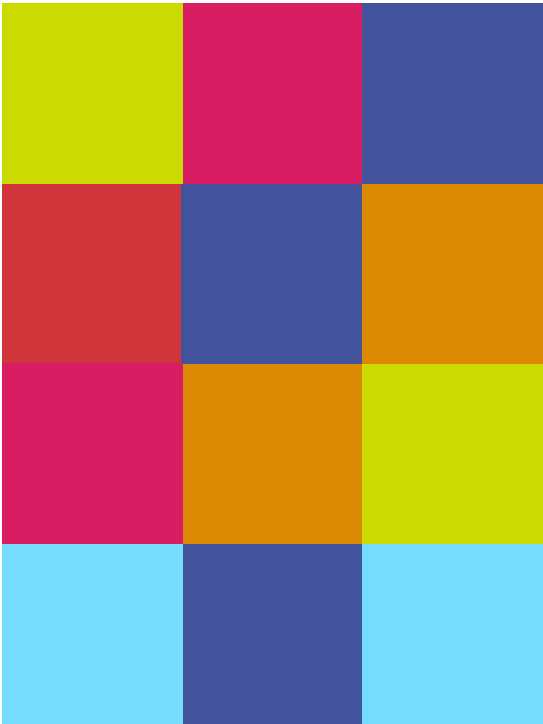
- More detailed provisions for HELOCs
- HELOCs may file only annual notices, unless change in month is more than \$10
- 21 days' notice of increase
  - *Untimely notices only effective for payment first due 21 days after notice*

## Official Form 410S1

The image displays two versions of Official Form 410S1, "Notice of Mortgage Payment Change". The left version is the current form, and the right version is a previous version with yellow highlights indicating changes. Key changes highlighted in the right version include:

- Part II: Annual HELOC Notice**: A new section added at the bottom of the form, requiring annual notices for HELOCs unless the change in month exceeds \$10. It includes checkboxes for "Current HELOC payments" and "Noncurrent payments".
- Part III: Annual Payment Change**: A new section added above the signature area, requiring annual notices for mortgage payment changes for reasons not listed above. It includes checkboxes for "No" and "Yes" and a field for "Reason for change".
- Part IV: Sign Here**: A new section added above the signature area, requiring the person completing the notice to sign and print their name and title. It includes checkboxes for "I am the debtor" and "I am the creditor's authorized agent".

At the bottom of both forms, the text reads: "Official Form 410S1, Notice of Mortgage Payment Change, Page 83 of 839" (left) and "Official Form 410S1, Notice of Mortgage Payment Change, Page 84 of 839" (right).



## **RULE 3002.1(e): Determining Fees, Expenses or Charges**

- Motions still must be filed within one year after the PPFN
- BUT a party in interest may request (and the court may order) a shorter period



## **RULE 3002.1(f)(1): Motion to Determine Status**

- Debtor or trustee may file the motion of any claim described in Rule 3002.1(a)
- No limit to the timeframe to file (“at any time”)
- No limit to the number of motions that may be filed

# RULE 3002.1(f)(1): Motion to Determine Status

- Motion filed on Official Form 410C13-M1
- Served on
  - Claim holder, debtor, and debtor’s attorney (if trustee is the movant)
  - Claim holder and trustee (if debtor is the movant)

## Official Form 410C13-M1

Official Form 410C13-M1 (2008)

United States Bankruptcy Court  
District of \_\_\_\_\_

In re \_\_\_\_\_ Debtor Case No. \_\_\_\_\_ (Chapter 13)

**Motion Under Rule 3002.1(f)(1) to Determine the Status of the Mortgage Claim**

The [trustee/debtor] moves as follows:

1. The following information relates to the mortgage claim at issue:  
 Name of Claim Holder: \_\_\_\_\_ Court claim no. (if known): \_\_\_\_\_  
 Last 4 digits of any number used to identify the debtor's account: \_\_\_\_\_  
 Property address: \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

2. As of the date of this motion, I have/the trustee has) disbursed payments to cure arrearages as follows:

a. Allowed amount of the prepetition arrearage, if any (if known):	\$ _____
b. Total amount of the prepetition arrearage disbursed (if known):	\$ _____
c. Allowed amount of postpetition arrearage, if any:	\$ _____
d. Total amount of postpetition arrearage disbursed (if known):	\$ _____
e. Total amount of arrearage disbursed:	\$ _____

3. As of the date of this motion, I have/the trustee has) disbursed payments for postpetition fees, expenses, and charges as follows:

a. Amount of postpetition fees, expenses, and charges related to the Rule 3002.1(f) and not discharged:	\$ _____
b. Amount of postpetition fees, expenses, and charges discharged:	\$ _____

Rule Appendix B - Page 21

4. As of the date of this motion, I have/the trustee has) made the following payments on the postpetition obligations: \$ \_\_\_\_\_

[5. If needed, add other information relevant to the motion.]

6. I ask the court for an order under Rule 3002.1(f)(3) determining the status of the mortgage claim addressed by this motion and whether the payments required by the plan to be made as of the date of this motion have been made.

Signed: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
 (Trustee/Debtor)

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

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

Official Form 410C13-M1 Motion to Determine the Status of the Mortgage Claim page 2  
 Rule Appendix B - Page 23

# RULE 3002.1(f)(2): Response to Motion to Determine Status

- Creditor has 28 days to respond to motion to determine status
- Response filed on Official Form 410C13-M1R

# Official Form 410C13-M1R

Official Form 410C13-M1R (2025)

United States Bankruptcy Court  
 DISTRICT OF \_\_\_\_\_  
 In re \_\_\_\_\_ Debtor Case No. \_\_\_\_\_ Chapter 13

**Response to [Trustee's/Debtor's] Motion (Under Rule 3002.1(f)(2)) to Determine the Status of the Mortgage Claim**

\_\_\_\_\_ (claim-holder) claims as follows:

1. The following information relates to the mortgage claim at issue:  
**Name of Claim Holder:** \_\_\_\_\_ **County claim no. (if known):** \_\_\_\_\_  
**Last 4 digits of any number used to identify the debtor's account:** \_\_\_\_\_  
**Property address:** \_\_\_\_\_  
 \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

2. Arrearages  
 The total amount received to cure any arrearages as of the date of this response is \$ \_\_\_\_\_  
 Check the applicable box:  
 As of the date of this response, the debtor has paid in full the amount required to cure any arrearages on this mortgage claim.  
 As of the date of this response, the debtor has not paid in full the amount required to cure any arrearages on this mortgage claim. The total prepetition arrearage amount remaining unpaid as of the date of this response is \$ \_\_\_\_\_  
 As of the date of this response, the debtor has not paid in full the amount required to cure any prepetition arrearage on this mortgage claim. The total prepetition arrearage amount remaining unpaid on the date of this response is \$ \_\_\_\_\_

3. Postpetition Payments  
 (a) Check all that apply:  
 The debtor is current on all postpetition payments, including all fees, charges, expenses, escrow, and costs.  
 The debtor is not current on all postpetition payments. The debtor is obligated for the postpetition payment(s) that first became due on: \_\_\_\_/\_\_\_\_/\_\_\_\_  
 The debtor has fees, charges, expenses, negative escrow amounts, or costs due and owing.  
 (b) The claim holder attaches a payoff statement and provides the following information as of the date of this response:  
 i. Date last payment was received on the mortgage: \_\_\_\_/\_\_\_\_/\_\_\_\_  
 ii. Date next postpetition payment from the debtor is due: \_\_\_\_/\_\_\_\_/\_\_\_\_  
 iii. Amount of the next postpetition payment that is due: \$ \_\_\_\_\_  
 iv. Unpaid principal balance of the loan: \$ \_\_\_\_\_  
 v. Additional amounts due for any deferred or accrued interest: \$ \_\_\_\_\_  
 vi. Balance of the escrow account: \$ \_\_\_\_\_  
 vii. Balance of unapplied funds or funds held in a suspense account: \$ \_\_\_\_\_  
 viii. Total amount of fees, charges, expenses, negative escrow amounts, or costs remaining unpaid: \$ \_\_\_\_\_

4. Sanitized Payment History  
 Include F expenses:  
 Because the claim holder asserts that the arrearages have not been paid in full or states that the debtor is not current on all postpetition payments or that fees, charges, expenses, escrow, and costs are due and owing, the claim holder attaches an itemized payment history disclosing the following amounts from the date of the bankruptcy filing through the date of this response:  
 • all prepetition and postpetition payments received;  
 • the application of all payments received;

5. If needed, add other information relevant to the response.  
 Signature \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_  
 Print: \_\_\_\_\_ Name \_\_\_\_\_ Title \_\_\_\_\_  
 Company \_\_\_\_\_

If different from the notice address listed on the proof of claim to which this response applies:  
 Address \_\_\_\_\_ Number \_\_\_\_\_ Street \_\_\_\_\_  
 \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_  
 Contact phone (\_\_\_\_) \_\_\_\_\_-\_\_\_\_ Email \_\_\_\_\_

The person completing this response must sign it. Check the appropriate box:  
 I am the claim holder.  
 I am the claim holder's authorized agent.

Rule 3002.1(f)(2) - Response to Motion to Determine the Status of the Mortgage Claim page 1  
 Rule 3002.1(f)(2) - Response to Motion to Determine the Status of the Mortgage Claim page 1  
 Rule 3002.1(f)(2) - Response to Motion to Determine the Status of the Mortgage Claim page 1

## **RULE 3002.1(f)(3): Court Determination of Motion to Determine Status**

- If agreement or if no response is filed, the court “may” grant the motion based on facts of the motion
- If creditor’s response disagrees with facts in motion, the court “must” determine the status
- In either case, the bankruptcy court will enter an “appropriate order”

## **RULE 3002.1(g)(1): Trustee’s End-of-Case Notice**

- Trustee **MUST** file notice within 45 days of payment completion
- Contents:
  - What amounts trustee disbursed to cure any default
  - Whether default has been cured
  - What amounts trustee disbursed for postpetition amounts
  - Information that claim holder has obligation to respond

# RULE 3002.1(g)(2): Service of Trustee's End-of-Case Notice

- End-of-Case Notice must be prepared on Official Form 410C13-N
- Served on claim holder, debtor, and debtor's attorney

## Official Form 410C13-N

Fill in this information to identify the case:

Case # \_\_\_\_\_  
 Debtor's name \_\_\_\_\_  
 Order Status Administrative Court for the \_\_\_\_\_ District of \_\_\_\_\_  
 Case number \_\_\_\_\_

**Official Form 410C13-N** 1225  
**Trustee's Notice of Disbursements Made**

The trustee must file this notice in a chapter 13 case within 60 days after the debtor completes all payments due to the trustee. Rule 3002.1(g)(2).

**Part I Mortgage Information** (Court claim no. 13-K1000)

Name of estate trustee: \_\_\_\_\_  
 Last 4 digits of any number you use to identify the debtor's account: \_\_\_\_\_  
 Property address: \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

**Part II Endorsement of Receipts**

The debtor has completed all payments due to the trustee under the chapter 13 plan. A copy of the trustee's endorsement letter for all payments to the open trustee is attached or may be accessed here: \_\_\_\_\_ (web address)

**Part III Arrearages**

	Amount
a. Allowed amount of prepetition arrearages	\$ _____
b. Total amount of prepetition arrearages disbursed by the trustee	\$ _____
c. Total amount of prepetition arrearages not disbursed by the trustee	\$ _____
d. Total amount of arrearages disbursed by the trustee	\$ _____

Official Form 410C13-N Trustee's Notice of Payments Made page 1  
 Rule Appendix B - Page 33

**Part IV Postpetition Payments**

Check one:  
 Postpetition payments are made by the debtor.  
 Postpetition payments are paid through the trustee.  
 Other \_\_\_\_\_

If the trustee has disbursed postpetition payments, complete a and b below; otherwise leave blank.

a. Total amount of postpetition payments disbursed by the trustee as of date of notice: \$ \_\_\_\_\_

b. The last ongoing mortgage payment disbursed by the trustee was the payment due on \_\_\_\_\_ All subsequent ongoing mortgage payments must be made directly by the debtor to the mortgage servicer.

**Part V Postpetition Fees, Expenses, and Charges**

Amount of postpetition fees, expenses, and charges disbursed by the trustee: \$ \_\_\_\_\_

**Part VI A Response Is Required by Maryland Rule 3002.1(g)(2)**

Within 30 days after service of this notice, the holder of the claim must file a response using Official Form 410C13-NB.

Debtor

Trustee: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_  
 Contact phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Official Form 410C13-N Trustee's Notice of Payments Made page 2  
 Rule Appendix B - Page 33

# RULE 3002.1(g)(3): Response to Trustee's End-of-Case Notice

- Creditor has 28 days to respond to the End-of-Case Notice
- Response to End-of-Case Notice filed on Official Form 410C13-NR
  - Not subject to Rule 3001(f)
  - Filed as a supplement to proof of claim
  - Served on debtor, debtor's attorney, and trustee

## Official Form 410C13-NR

The image displays three pages of the Official Form 410C13-NR, titled "Response to Trustee's Notice of Disbursements Made".

- Page 1:** Contains the "Debtor Information" section, including fields for Debtor Name, Case Number, and Court. It also includes the "Part I - Pre-petition Payments" section, which asks the debtor to check if they have paid or agreed to pay all pre-petition payments, including interest, charges, expenses, and costs.
- Page 2:** Contains the "Part II - Post-petition Payments" section, which asks the debtor to check if they have paid or agreed to pay all post-petition payments, including interest, charges, expenses, and costs. It also includes a section for "Part III - Unpaid Pre-petition Payments" where the debtor provides details on any unpaid pre-petition payments.
- Page 3:** Contains the "Part IV - Post-petition Payments" section, which asks the debtor to check if they have paid or agreed to pay all post-petition payments, including interest, charges, expenses, and costs. It also includes a section for "Part V - Unpaid Post-petition Payments" where the debtor provides details on any unpaid post-petition payments.

## **RULE 3002.1(g)(4)(A): Motion to Determine Final Cure and Payment**

- After the End-of-Case Notice is filed, debtor or trustee “*may*” file a motion to determine whether debtor has cured all default and paid all required postpetition amounts
- Filed within 45 days after service of response to the End-of-Case Notice (or within 45 days after service of the trustee’s notice if no response is filed)

## **RULE 3002.1(g)(4)(A): Motion to Determine Final Cure and Payment**

- Motion filed on Official Form 410C13-M2
- Served on
  - Claim holder, debtor, and debtor’s attorney (if trustee is the movant)
  - Claim holder and trustee (if debtor is the movant)

# Official Form 410C13-M2

Official Form 410C13-M2 (1/2015)

United States Bankruptcy Court  
District of \_\_\_\_\_

In re \_\_\_\_\_ Debtor Case No. \_\_\_\_\_ Chapter 13

**Motion Under Rule 3002.1(g)(4) to Determine Final Cure and Payment of the Mortgage Claim**

The [trustee/debtor] states as follows:

1. The following information relates to the mortgage claim at issue:  
**Name of Claim Holder:** \_\_\_\_\_ **Court claim no. (if known):** \_\_\_\_\_  
**Last 4 digits of any number used to identify the debtor's account:** \_\_\_\_\_  
**Property address:** \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

2. As of the date of this motion, [I have/the trustee has] disbursed payments to cure arrearages as follows:

a. Allowed amount of the prepetition arrearage, if any: \$ \_\_\_\_\_  
 b. Total amount of the prepetition arrearage disbursed, if known: \$ \_\_\_\_\_  
 c. Allowed amount of postpetition arrearage, if any: \$ \_\_\_\_\_  
 d. Total amount of postpetition arrearage disbursed, if known: \$ \_\_\_\_\_  
 e. Total amount of arrearages disbursed: \$ \_\_\_\_\_

3. As of the date of this motion, [I have/the trustee has] disbursed payments for postpetition fees, expenses, and charges as follows:

a. Amount of postpetition fees, expenses, and charges notified under Rule 3002.1(c) and not disallowed: \$ \_\_\_\_\_  
 b. Amount of postpetition fees, expenses, and charges disbursed: \$ \_\_\_\_\_

Rules Appendix B - Page 27

4. As of the date of this motion, [I have/the trustee has] made the following payments on the postpetition obligations: \$ \_\_\_\_\_

[5. If needed, add other information relevant to the motion.]

6. I ask the court for an order under Rule 3002.1(g)(4) determining whether the debtor has cured all arrearages, if any, and paid all postpetition amounts required by the plan to be made as of the date of this motion.

Signed: \_\_\_\_\_ (Trustee/Debtor)  
 Date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
 Address: \_\_\_\_\_  
 Number \_\_\_\_\_ Street \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_  
 Contact phone (\_\_\_\_) \_\_\_\_\_-\_\_\_\_-\_\_\_\_ Email: \_\_\_\_\_

Official Form 410C13-M2 Motion to Determine Final Cure and Payment page 2  
 Rules Appendix B - Page 28

## RULE 3002.1(g)(4)(B): Response to Motion to Determine Final Cure and Payment

- If claim holder disagrees with motion, must file response within 28 days after motion is served
- Served on debtor, debtor's attorney, and trustee
- Response filed on Official Form 410C13-M2R

# Official Form 410C13-M2R

Official Form 410C13-M2R (2024)

United States Bankruptcy Court  
District of \_\_\_\_\_

In re \_\_\_\_\_ Debtor Case No. \_\_\_\_\_ Chapter 13

**Response to (Trustee's/Debtor's) Motion to Determine Final Cure and Payment of Its Mortgage Claim**

(claim holder) states as follows:

1. The following information relates to the mortgage claim at issue:  
Name of Claim Holder: \_\_\_\_\_ Court claim no. (if known): \_\_\_\_\_  
Last 4 digits of any number used to identify the debtor's account: \_\_\_\_\_  
Property address: \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

2. Arrearages  
The total amount received to cure any arrearages as of the date of this response is \$ \_\_\_\_\_  
If none at all: \_\_\_\_\_

3. As of the date of this response, the debtor has paid in full the amount required to cure any arrearage on this mortgage claim.  
3. As of the date of this response, the debtor has not paid in full the amount required to cure any arrearage on this mortgage claim. The total postpetition arrearage amount remaining unpaid as of the date of this response is \$ \_\_\_\_\_  
3. As of the date of this response, the debtor has not paid in full the amount required to cure any arrearage on this mortgage claim. The total postpetition arrearage amount remaining unpaid as of the date of this response is \$ \_\_\_\_\_

3. Postpetition Payments  
(a) Check all that apply:  
 The debtor is current on all postpetition payments, including all fees, charges, expenses, escrow, and costs.  
 The debtor is not current on all postpetition payments. The debtor is obligated for the postpetition payment(s) that first became due on: \_\_\_\_/\_\_\_\_/\_\_\_\_  
 The debtor has fees, charges, expenses, negative escrow amounts, or costs due and owing.  
(b) The claim holder attaches a payoff statement and provides the following information as of the date of this response:  
i. Date last payment was received on the mortgage: \_\_\_\_/\_\_\_\_/\_\_\_\_  
ii. Date next postpetition payment from the debtor is due: \_\_\_\_/\_\_\_\_/\_\_\_\_  
iii. Amount of the next postpetition payment that is due: \$ \_\_\_\_\_  
iv. Unpaid principal balance of the loan: \$ \_\_\_\_\_  
v. Additional amounts due for any deferred or accrued interest: \$ \_\_\_\_\_  
vi. Balance of the escrow account: \$ \_\_\_\_\_  
vii. Balance of unapplied funds or funds held in a suspense account: \$ \_\_\_\_\_  
viii. Total amount of fees, charges, expenses, negative escrow amounts, or costs remaining unpaid: \$ \_\_\_\_\_

4. Postpetition Payment History  
Include if applicable:  
Because the claim holder disagrees that the arrearages have been paid in full or states that the debtor is not current on all postpetition payments or that fees, charges, expenses, escrow, and costs are due and owing, the claim holder attaches an itemized payment history disclosing the following amounts from the date of the bankruptcy filing through the date of this response:  
• all postpetition and postpetition payments received;

(5. If needed, add other information relevant to the response.)

Signature \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_  
Print \_\_\_\_\_ Title \_\_\_\_\_  
Company \_\_\_\_\_

If different from the notice address listed on the proof of claim to which this response applies:  
Address Number Street \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_  
Contact phone (\_\_\_\_) \_\_\_\_\_-\_\_\_\_ Email \_\_\_\_\_

The person completing this response must sign it. Check the appropriate box:  
 I am the claim holder.  
 I am the claim holder's authorized agent.

Official Form 410C13-M2R Motion to Determine the Status of the Mortgage Claim Page 11  
Official Form 410C13-M2R Motion to Determine the Status of the Mortgage Claim Page 11  
Official Form 410C13-M2R Motion to Determine the Status of the Mortgage Claim Page 11

## RULE 3002.1(g)(4)(C): Court Determination of Motion to Determine Final Cure and Payment

- Court “must” determine whether debtor has cured all defaults and paid all required postpetition amounts
- If response agrees with facts of motion or if no response is filed, the court “may enter an appropriate order” based on facts of the motion

## FEDERAL RULES PROCESS: COMMENTS AND HEARINGS

Currently up for comment are amendments to:

- Bankruptcy Rules 1007, 3018, 5009, 9006, 9014, 9017, new Rule 7043, and Official Form 410S1
- Appellate Rules 29 and 32, Appendix on Length Limits, and Form 4
- Evidence Rule 801

Comment period ends **February 15, 2025**

- The advisory committees will review *all* timely comments
- Comments and supporting files must be submitted electronically using the [regulations.gov](https://www.regulations.gov) portal
- Consider attending a public hearing

For more information visit: <https://www.uscourts.gov/forms-rules/proposed-amendments-published-public-comment>

**THANK YOU!**  
**QUESTIONS?**

ABI CONSUMER PRACTICE EXTRAVAGANZA 2024-25

**Consumer Rules Update**

*Wednesday, January 22, 2025*

**Hilary B. Bonial**

*Bonial & Associates, PC  
Dallas, Texas*

**Beverly M. Burden**

*Chapter 13 Trustee, Eastern District of Kentucky  
Lexington, Kentucky*

**Caleb Chaplain**

*Career Law Clerk, U.S. Bankruptcy Court for the Western District of Virginia  
Harrisonburg, Virginia*

**1) Rule Changes Effective December 1, 2024**

- a) Restyling of Federal Rules of Bankruptcy Procedure
- b) Rule 1007(b)(7): Personal Financial Management
- c) Rule 7001(a): Exclusion for § 542(a) Turnover of Tangible Personal Property
- d) Other Rule Changes (New Rule 8023.1; Amendments to Federal Rules of Evidence)

**2) Rule Changes Expected to Take Effect December 1, 2025**

- a) Rule 3002.1(a): Expanded Scope of Rule
- b) Rule 3002.1(b): Notice of Payment Change; HELOC's
- c) Rule 3002.1(e): Determining Postpetition Fees, Expenses, or Charges
- d) Rule 3002.1(f)(1): Motion to Determine Status of Claim; Form 410C13-M1
- e) Rule 3002.1(f)(2): Response to Motion; Form 410C13-M1R
- f) Rule 3002.1(f)(3): Court Determination
- g) Rule 3002.1(g)(1)-(2): Trustee's End-of-Case Notice; Form 410C13-N
- h) Rule 3002.1(g)(3): Response to Notice; Form 410C13-NR
- i) Rule 3002.1(g)(4)(A): Motion to Determine Claim is Current; Form 410C13-M2
- j) Rule 3002.1(g)(4)(B): Response to Motion to Determine; Form 410C13-M2R
- k) Rule 3002.1(g)(4)(C): Court Determination

**3) Pending Rule Changes Published for Public Comment**

- a) Deadline for Commenting on Rules to Become Effective December 1, 2026
- b) How to Make Comments on Pending Rules or Suggestions for Rules

**AMERICAN BANKRUPTCY INSTITUTE**

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE  
OF THE  
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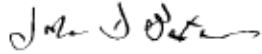
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CRIMINAL RULES

PATRICK J. SCHILTZ  
EVIDENCE RULES

This is a 4-page excerpt from the *U.S. Supreme Court Rules Package - 2023*, giving a brief summary of changes in federal rules that became effective on December 1, 2024. To view the full report (which is a 1,107-page PDF file), go to:  
[https://www.uscourts.gov/sites/default/files/2023\\_scotus\\_package\\_final\\_0.pdf](https://www.uscourts.gov/sites/default/files/2023_scotus_package_final_0.pdf)

**MEMORANDUM**

TO: Scott S. Harris  
Clerk, Supreme Court of the United States

FROM: Honorable John D. Bates   
Chair, Committee on Rules of Practice and Procedure

DATE: October 23, 2023

RE: Summary of Proposed New and Amended Federal Rules of Procedure

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This memorandum summarizes proposed amendments to the Federal Rules of Appellate, Bankruptcy, and Civil Procedure and the Federal Rules of Evidence. All of the proposed amendments and new rules have been approved by the relevant advisory committees, the Judicial Conference Committee on Rules of Practice and Procedure (Standing Committee), and the Judicial Conference of the United States at its September session. If adopted by the Court and transmitted to Congress by May 1, 2024, absent congressional action, the amended and new rules will take effect on December 1, 2024.

**I. Federal Rules of Appellate Procedure 32, 35, and 40, and the Appendix of Length Limits**

The amendments transfer the contents of Rule 35 (En Banc Determination) to amended Rule 40 (Panel Rehearing; En Banc Determination), bringing together in one place the relevant

provisions dealing with rehearing. These amendments clarify the distinct criteria for rehearing en banc and panel rehearing and eliminate redundancy. Amendments to Rule 32 (Form of Briefs, Appendices, and Other Papers) and the Appendix of Length Limits reflect the transfer of the contents of Rule 35 to Rule 40.

**II. The Restyled Rules of Bankruptcy Procedure; amendments to Rules 1007, 4004, 5009, 7001, and 9006; and new Rule 8023.1**

The Restyled Bankruptcy Rules

The Bankruptcy Rules are the fifth and final set of national procedural rules to be restyled. They were published for comment over several years in three sets. After each publication period, the Advisory Committee on Bankruptcy Rules made recommendations for final approval based on the comments received, the advice of the style consultants, and the drafting guidelines and principles used in restyling the Appellate, Criminal, Civil, and Evidence Rules. The amendments include formatting changes to achieve clearer presentation and stylistic changes to replace inconsistent, ambiguous, repetitive, or archaic words.

The style changes are not intended to change substantive meaning. Accordingly, the Advisory Committee took special efforts to reject any proposed style improvement that might result in a substantive change. In addition, the Advisory Committee declined to modify certain well-established and widely used phrases, such as “meeting of creditors,” on the ground that doing so would be unduly disruptive to practice and expectations. Finally, the restyling project did not change any rule language that has been enacted by Congress.

Rules 1007 (Lists, Schedules, Statements, and Other Documents; Time to File), 4004 (Granting or Denying a Discharge), 5009 (Closing a Chapter 7, 12, 13, or 15 Case; Declaring Liens Satisfied), and 9006 (Computing and Extending Time; Motions)

Amended Rule 1007(b)(7) no longer requires that the debtor submit an official form as evidence of taking a postpetition course in personal financial management. Instead, a certificate of completion issued by the course provider must be filed. Amendments to other parts of Rule 1007 and to Rules 4004, 5009, and 9006 change references to the “statement” embodied in the current Official Form to “certificate.”

Rule 7001 (Types of Adversary Proceedings)

The amendment to Rule 7001(a) creates an exception from the general requirement that the recovery of money or property be sought by adversary proceeding. It would allow an individual debtor to instead proceed by motion under § 542(a) when seeking the turnover of tangible personal property such as an automobile, thereby permitting a swifter resolution of the matter.

Rule 8023.1 (Substitution of Parties)

Rule 8023.1 deals with the substitution of parties in the appeal of a bankruptcy case to a district court or a bankruptcy appellate panel. Bankruptcy Rule 7025, Civil Rule 25, and Appellate

Rule 43 do not apply to such appeals, and the new rule is intended to fill that gap. It is modeled on Appellate Rule 43.

**III. Federal Rule of Civil Procedure 12**

Rule 12 (Defenses and Objections: When and How Presented; Motion for Judgment on the Pleadings; Consolidating Motions; Waiving Defenses; Pretrial Hearing) prescribes the time to serve responsive pleadings. The amendment to Rule 12(a) clarifies that a different response time set by statute supersedes the times to serve responsive pleadings set by paragraphs (1), (2), and (3).

**IV. New Federal Rule of Evidence 107; and Rules 613, 801, 804, and 1006**

New Rule 107 (Illustrative Aids)

This new rule, originally published for public comment as a new subsection of Rule 611, provides standards for illustrative aids, allowing them to be used at trial after the court balances the utility of the aid against the risk of unfair prejudice, confusion, and delay. Following publication, the Advisory Committee determined that the contents of the rule were better contained in a new Rule 107 rather than a new subsection of Rule 611, reasoning that Article VI is about witnesses, and illustrative aids are often used outside the context of witness testimony.

Rule 613 (Witness's Prior Statement)

The amendment to Rule 613 provides that extrinsic evidence of a prior inconsistent statement is not admissible until the witness is given an opportunity to explain or deny the statement. To allow flexibility, the amended rule gives the court the discretion to dispense with the requirement.

Rule 801 (Definitions That Apply to This Article; Exclusions from Hearsay)

The amendment to Rule 801(d)(2) resolves a dispute among the courts about the admissibility of statements by the predecessor-in-interest of a party-opponent, providing that such a hearsay statement would be admissible against the declarant's successor-in-interest.

Rule 804 (Exceptions to the Rule Against Hearsay—When the Declarant Is Unavailable as a Witness)

Rule 804(b)(3) provides a hearsay exception for declarations against interest. In a criminal case in which a declaration against penal interest is offered, the rule requires that the proponent provide "corroborating circumstances that clearly indicate the trustworthiness" of the statement. The amendments to Rule 804(b)(3) require that, in assessing whether a statement is supported by corroborating circumstances, the court must consider not only the totality of the circumstances under which the statement was made, but also any evidence supporting or undermining it.

Rule 1006 (Summaries to Prove Content)

The amendments to Rule 1006 clarify that a Rule 1006 summary is admissible whether or not the underlying evidence has been admitted. The Rule 1006 amendments work with new Rule 107 to distinguish a summary of voluminous evidence (which summary is evidence and is governed by Rule 1006) from a summary that is designed to help the trier of fact understand admissible evidence (which summary is not evidence and is governed by new Rule 107).

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Thank you for considering these proposed changes. Please let me know if any additional information would assist the Court's review.

PROPOSED AMENDMENTS TO THE FEDERAL  
RULES OF BANKRUPTCY PROCEDURE<sup>1</sup>

1 **Rule 1007. Lists, Schedules, Statements, and**  
2 **Other Documents; Time to File<sup>2</sup>**

3 \* \* \* \* \*

4 **(b) Schedules, Statements, and Other Documents.**

5 \* \* \* \* \*

6 (7) *Personal Financial-Management Course.*

7 Unless an approved provider has notified the  
8 court that the debtor has completed a course  
9 in personal financial management after filing  
10 the petition or the debtor is not required to  
11 complete one as a condition to discharge, an  
12 individual debtor in a Chapter 7 or Chapter

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<sup>1</sup> New material is underlined; matter to be omitted is lined through.

<sup>2</sup> The changes indicated are to the restyled version of Rule 1007. The Committee Note that follows the rule describes both restyling and substantive changes.

2 FEDERAL RULES OF BANKRUPTCY PROCEDURE

13 case—or in a Chapter 11 case in which  
14 § 1141(d)(3) applies—must file a ~~statement~~  
15 ~~that such a course has been completed (Form~~  
16 ~~423) certificate of course completion issued~~  
17 by the provider.

18 \* \* \* \* \*

19 (c) **Time to File.**

20 \* \* \* \* \*

21 (4) ***Financial-Management Course.*** Unless the  
22 court extends the time to file, an individual  
23 debtor must file the ~~statement~~certificate  
24 required by (b)(7) as follows:

25 (A) in a Chapter 7 case, within 60 days  
26 after the first date set for the meeting  
27 of creditors under § 341; and

28 (B) in a Chapter 11 or Chapter 13 case, no  
29 later than the date the last payment is  
30 made under the plan, or the date a

31 motion for a discharge is filed under  
 32 § 1141(d)(5)(B) or § 1328(b).  
 33 \* \* \* \* \*

**Committee Note**

The language of Rule 1007 has been amended as part of the general restyling of the Bankruptcy Rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only.

Additionally, the following substantive changes have been made.

Rule 1007(b)(7) is amended in two ways. First, language is added to make the rule inapplicable to debtors who are not required to complete an instructional course concerning personal financial management as a condition to discharge. *See* 11 U.S.C. §§ 727(a)(11), 1328(g)(2), 1141(d)(3)(C). Second, the rule is amended to require an individual debtor who has completed an instructional course concerning personal financial management to file the certificate of course completion (often called a Certificate of Debtor Education) issued by the approved provider of that course in lieu of filing an Official Form, if the provider has not notified the court that the debtor has completed the course.

The amendment to Rule 1007(c)(4) reflects the amendment to Rule 1007(b)(7) described above.

1 **Rule 7001. Types of Adversary Proceedings<sup>5</sup>**

2 An adversary proceeding is governed by the rules in  
3 this Part VII. The following are adversary proceedings:

- 4 (a) a proceeding to recover money or property—except  
5 a proceeding to compel the debtor to deliver property  
6 to the trustee, a proceeding by an individual debtor  
7 to recover tangible personal property under § 542(a),  
8 or a proceeding under § 554(b), § 725, Rule 2017, or  
9 Rule 6002;

10 \* \* \* \* \*

**Committee Note**

The language of Rule 7001 has been amended as part of the general restyling of the Bankruptcy Rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only.

Additionally, the following substantive changes have been made.

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<sup>5</sup> The changes indicated are to the restyled version of Rule 7001. The Committee Note that follows the rule describes both restyling and substantive changes.

Paragraph (a) is amended to create an exception for certain turnover proceedings under § 542(a) of the Code. An individual debtor may need to obtain the prompt return from a third party of tangible personal property—such as an automobile or tools of the trade—in order to produce income to fund a plan or to regain the use of property that may be exempted. As noted by Justice Sotomayor in her concurrence in *City of Chicago v. Fulton*, 141 S. Ct. 585, 592-95 (2021), the more formal procedures applicable to adversary proceedings can be too time-consuming in such a situation. Instead, the debtor can now proceed by motion to require turnover of such property under § 542(a), and the procedures of Rule 9014 will apply. In an appropriate case, however, Rule 9014(c) allows the court to order that additional provisions of Part VII of the rules will apply to the matter.

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**Committee Note**

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**2024/2025 CONSUMER PRACTICE EXTRAVAGANZA**

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE  
OF THE  
JUDICIAL CONFERENCE OF THE UNITED STATES  
WASHINGTON, D.C. 20544

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CHAIR

H. THOMAS BYRON III  
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APPELLATE RULES

REBECCA B. CONNELLY  
BANKRUPTCY RULES

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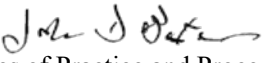
JAMES C. DEVER III  
CRIMINAL RULES

PATRICK J. SCHILTZ  
EVIDENCE RULES

This is a 3-page excerpt from the *U.S. Supreme Court Rules Package - 2024*, giving a brief summary of changes in federal rules that are expected to become effective on December 1, 2025. To view the full report (which is a 167-page PDF file), go to:  
[https://www.uscourts.gov/sites/default/files/2024\\_scotus\\_package\\_final.pdf](https://www.uscourts.gov/sites/default/files/2024_scotus_package_final.pdf)

**MEMORANDUM**

TO: Scott S. Harris  
Clerk, Supreme Court of the United States

FROM: Honorable John D. Bates   
Chair, Committee on Rules of Practice and Procedure

DATE: October 17, 2024

RE: Summary of Proposed New and Amended Federal Rules of Procedure

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This memorandum summarizes proposed amendments to the Federal Rules of Appellate, Bankruptcy, and Civil Procedure. All of the proposed amendments and one new rule have been approved by the relevant advisory committees, the Judicial Conference Committee on Rules of Practice and Procedure, and the Judicial Conference of the United States at its September session. If adopted by the Court and transmitted to Congress by May 1, 2025, absent congressional action, the amended rules and new rule will take effect on December 1, 2025.

**I. Federal Rules of Appellate Procedure 6 and 39**

Rule 6 (Appeal in a Bankruptcy Case)

The proposed amendment to Rule 6 clarifies the time limits in Rule 6(a) for post-judgment motions in bankruptcy cases and the procedures in Rule 6(c) for direct appeals from bankruptcy court. The amendment also includes stylistic changes throughout the rule. The proposed amendment to Rule 6(a) clarifies the time for filing certain motions that reset the time to appeal in cases where a district court is exercising original jurisdiction in a bankruptcy case. The proposed amendment to Rule 6(c) clarifies the procedure for handling direct appeals from a bankruptcy court to a court of appeals under 28 U.S.C. § 158(d)(2), providing more detail about how parties should handle initial procedural steps in the court of appeals once authorization for a direct appeal is granted.

Rule 39 (Costs on Appeal)

The proposed amendment is in response to the Court’s holding in *City of San Antonio v. Hotels.com*, 141 S. Ct. 1628 (2021). The amendment clarifies the distinction between (1) the court of appeals deciding which parties must bear costs and, if appropriate, in what percentages and (2) the court of appeals, the district court, or the clerk of either court calculating and taxing the dollar amount of costs upon the proper party or parties. In addition, the proposed amendment codifies the holding in *Hotels.com*, providing that the allocation of costs by the court of appeals applies to both the costs taxable in the court of appeals and the costs taxable in the district court; it also establishes a clearer procedure that a party should follow to ask the court of appeals to reconsider the allocation of costs. Finally, the proposed amendment clarifies and improves Rule 39’s parallel structure.

**II. Federal Rules of Bankruptcy Procedure 3002.1 and 8006**

Rule 3002.1 (Notice Relating to Claims Secured by a Security Interest in the Debtor’s Principal Residence in a Chapter 13 Case)

The proposed amendment to Rule 3002.1 would encourage compliance with its provisions by adding an optional motion process the debtor or case trustee can initiate to determine a mortgage claim’s status while a chapter 13 case is pending and to give the debtor an opportunity to cure any postpetition defaults that may have occurred. The changes also add more detailed provisions about notice of payment changes for home-equity lines of credit.

Rule 8006 (Certifying a Direct Appeal to a Court of Appeals)

Rule 8006 addresses the process for requesting that an appeal go directly from the bankruptcy court to the court of appeals under 28 U.S.C. § 158(d)(2). The proposed amendment to Rule 8006(g) clarifies that any party to the appeal may file a request that a court of appeals authorize a direct appeal. The amendment dovetails with the proposed amendment to Appellate Rule 6.

**III. Federal Rules of Civil Procedure 16, 26, and new Rule 16.1**

Rule 16 (Pretrial Conferences; Scheduling; Management) and Rule 26 (Duty to Disclose; General Provisions Governing Discovery)

The proposed amendments would call for early identification of a method to comply with Rule 26(b)(5)(A)'s requirement that producing parties describe materials withheld on grounds of privilege or as trial-preparation materials (attorney work-product). Specifically, the proposed amendment to Rule 26(f)(3)(D) would require the parties to address in their discovery plan the timing and method for complying with Rule 26(b)(5)(A). The proposed amendment to Rule 16(b) would provide that the court may address the timing and method of such compliance in its scheduling order.

New Rule 16.1 (Multidistrict Litigation)

Proposed Rule 16.1 is designed to provide a framework for the initial management of multidistrict litigation (MDL) proceedings. Rule 16.1(a) encourages the transferee court to schedule an initial MDL management conference soon after transfer, recognizing that this is currently regular practice among transferee judges. Rule 16.1(b) encourages the court to order the parties to submit a report prior to the initial management conference, and it identifies matters that, unless the court orders otherwise, the parties must address in the report, including the appointment of leadership counsel. Because court action on some matters may be premature before leadership counsel is appointed, the rule distinguishes between matters on which the parties must offer their views and those on which they must offer only initial views. Rule 16.1(c) prompts courts to enter an initial MDL management order after the initial MDL management conference. The order should address the matters listed in Rule 16.1(b) and may address other matters in the court's discretion.

~

Thank you for considering these proposed changes. Please let me know if any additional information would assist the Court's review.

PROPOSED AMENDMENTS TO THE  
FEDERAL RULES OF BANKRUPTCY PROCEDURE<sup>1</sup>

1 **Rule 3002.1. ~~Notice Relating to Chapter 13—~~**  
2 **~~Claims—Claim~~ Secured by a**  
3 **Security Interest in the Debtor’s**  
4 **Principal Residence ~~in a Chapter~~**  
5 **~~13 Case~~<sup>2</sup>**

6 (a) **In General.** This rule applies in a Chapter 13 case to  
7 a claim that is secured by a security interest in the  
8 debtor’s principal residence and for which the plan  
9 provides for the trustee or debtor to make ~~contractual~~  
10 ~~installment~~ payments on the debt. Unless the court  
11 orders otherwise, the ~~notice~~ requirements of this rule  
12 cease when an order terminating or annulling the  
13 automatic stay related to that residence becomes  
14 effective.

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<sup>1</sup> New material is underlined; matter to be omitted is lined through.

<sup>2</sup> The changes indicated are to the restyled version of Rule 3002.1, not yet in effect.

## 2 FEDERAL RULES OF BANKRUPTCY PROCEDURE

15 (b) **Notice of a Payment Change; Home-Equity Line**  
16 **of Credit; Effect of an Untimely Notice;**  
17 **Objection.**

18 (1) *Notice by the Claim Holder—In General.*

19 The claim holder must file a notice of any  
20 change in the payment amount, ~~of an~~  
21 ~~installment payment~~ including any change  
22 one resulting from an interest-rate or escrow-  
23 account adjustment. ~~At least 21 days before~~  
24 ~~the new payment is due, the~~ The notice must  
25 be ~~filed and~~ served on:

- 26 • the debtor;
- 27 • the debtor's attorney; and
- 28 • the trustee.

29 Except as provided in (b)(2), it must be  
30 filed and served at least 21 days before the  
31 new payment is due. ~~If the claim arises from~~  
32 ~~a home-equity line of credit, the court may~~

33 ~~modify this requirement.~~

34 (2) *Notice of a Change in a Home-Equity Line*  
35 *of Credit.*

36 (A) *Deadline for the Initial Filing; Later*  
37 *Annual Filing.* If the claim arises  
38 from a home-equity line of credit, the  
39 notice of a payment change must be  
40 filed and served either as provided in  
41 (b)(1) or within one year after the  
42 bankruptcy-petition filing, and then at  
43 least annually.

44 (B) *Content of the Annual Notice.* The  
45 annual notice must:

46 (i) state the payment amount due  
47 for the month when the notice  
48 is filed; and

49 (ii) include a reconciliation  
50 amount to account for any

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51 overpayment or  
52 underpayment during the  
53 prior year.

54 (C) Amount of the Next Payment. The first  
55 payment due at least 21 days after the  
56 annual notice is filed and served must  
57 be increased or decreased by the  
58 reconciliation amount.

59 (D) Effective Date. The new payment  
60 amount stated in the annual notice  
61 (disregarding the reconciliation  
62 amount) is effective on the first  
63 payment due date after the payment  
64 under (C) has been made and remains  
65 effective until a new notice becomes  
66 effective.

67 (E) Payment Changes Greater Than \$10.  
68 If the claim holder chooses to give

69                    annual notices under (b)(2) and the  
70                    monthly payment increases or  
71                    decreases by more than \$10 in any  
72                    month, the holder must file and serve  
73                    (in addition to the annual notice) a  
74                    notice under (b)(1) for that month.

75                    (3) *Effect of an Untimely Notice.* If the claim  
76                    holder does not timely file and serve the  
77                    notice required by (b)(1) or (b)(2), the  
78                    effective date of the new payment amount is  
79                    as follows:

80                    (A) when the notice concerns a payment  
81                    increase, on the first payment due  
82                    date that is at least 21 days after the  
83                    untimely notice was filed and served;  
84                    or

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85 (B) when the notice concerns a payment  
 86 decrease, on the actual payment due  
 87 date, even if it is prior to the notice.

88 (24) ***Party in Interest’s Objection.*** A party in  
 89 interest who objects to ~~the~~ a payment  
 90 change noticed under (b)(1) or (b)(2) may  
 91 file and serve a motion to determine  
 92 ~~whether the change is required to maintain~~  
 93 ~~payments under § 1322(b)(5)~~ the change’s  
 94 validity. Unless the court orders otherwise,  
 95 if no motion is filed ~~by~~ before the day  
 96 ~~before~~ the new payment is due, the change  
 97 goes into effect on that date.

98 **(c) Fees, Expenses, and Charges Incurred After the**  
 99 **Case Was Filed; Notice by the Claim Holder.**

100 The claim holder must file a notice itemizing all  
 101 fees, expenses, and charges incurred after the case  
 102 was filed that the holder asserts are recoverable

103 against the debtor or the debtor’s principal  
 104 residence. Within 180 days after the fees,  
 105 expenses, or charges ~~were~~are incurred, the notice  
 106 must be filed and served on the individuals listed  
 107 in (b)(1):

- 108 ● ~~the debtor;~~
- 109 ● ~~the debtor’s attorney; and~~
- 110 ● ~~the trustee.~~

111 **(d) Filing Notice as a Supplement to a Proof of Claim.**

112 A notice under (b) or (c) must be filed as a  
 113 supplement to ~~the a~~ proof of claim using Form 410S-  
 114 1 or 410S-2, respectively. The notice is not subject  
 115 to Rule 3001(f).

116 **(e) Determining Fees, Expenses, or Charges.** On a

117 party in interest’s motion ~~filed within one year after~~  
 118 ~~the notice in (c) was served~~, the court must, after  
 119 notice and a hearing, determine whether paying any  
 120 claimed fee, expense, or charge is required by the

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121 underlying agreement and applicable nonbankruptcy  
122 law, ~~to cure a default or maintain payments under~~  
123 ~~§ 1322(b)(5).~~ The motion must be filed within one  
124 year after the notice under (c) was served, unless a  
125 party in interest requests and the court orders a  
126 shorter period.

127 (f) **Motion to Determine Status; Response; Court**  
128 **Determination.**

129 (1) **Timing; Content and Service.** At any time  
130 after the date of the order for relief under  
131 Chapter 13 and until the trustee files the  
132 notice under (g)(1), the trustee or debtor may  
133 file a motion to determine the status of any  
134 claim described in (a). The motion must be  
135 prepared using Form 410C13-M1 and be  
136 served on:

- 137 • the debtor and the debtor’s
- 138 attorney, if the trustee is the
- 139 movant;
- 140 • the trustee, if the debtor is the
- 141 movant; and
- 142 • the claim holder.

143 (2) **Response; Content and Service.** If the claim  
 144 holder disagrees with facts set forth in the  
 145 motion, it must file a response within 28 days  
 146 after the motion is served. The response must  
 147 be prepared using Form 410C13-M1R and be  
 148 served on the individuals listed in (b)(1).

149 (3) **Court Determination.** If the claim holder’s  
 150 response asserts a disagreement with facts set  
 151 forth in the motion, the court must, after  
 152 notice and a hearing, determine the status of  
 153 the claim and enter an appropriate order. If  
 154 the claim holder does not respond to the

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155 motion or files a response agreeing with the  
156 facts set forth in it, the court may grant the  
157 motion based on those facts and enter an  
158 appropriate order.

159 **(fg) ~~Notice of the Final Cure Payment. Trustee’s End-~~**  
160 **~~of-Case Notice of Disbursements Made; Response; Court~~**  
161 **Determination.**

162 (1) ~~Contents of a Notice~~ **Timing and Content.**

163 Within ~~30~~45 days after the debtor completes  
164 all payments due to the trustee under a  
165 Chapter 13 plan, the trustee must file a notice:

166 (A) ~~stating that the debtor has paid in full~~  
167 ~~the what amount required~~ the trustee  
168 disbursed to the claim holder to cure  
169 any default on the claim and whether  
170 it has been cured; and

171 (B) stating what amount the trustee  
172 disbursed to the claim holder for

173 payments that came due during the  
174 pendency of the case and whether  
175 such payments are current as of the  
176 date of the notice; and

177 (C) informing the claim holder of its  
178 obligation to ~~file and serve a response~~  
179 respond under (g)(3).

180 (2) ~~*Serving the Notice Service.*~~ The notice must  
181 be prepared using Form 410C13-N and be  
182 served on:

- 183 • the claim holder;
- 184 • the debtor; and
- 185 • the debtor's attorney.

186 (3) *Response.* The claim holder must file a  
187 response to the notice within 28 days after its  
188 service. The response, which is not subject to  
189 Rule 3001(f), must be filed as a supplement  
190 to the claim holder's proof of claim. The

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191 response must be prepared using Form  
192 410C13-NR and be served on the individuals  
193 listed in (b)(1).

194 ~~(3) ***The Debtor's Right to File.*** The debtor may~~  
195 ~~file and serve the notice if:~~

196 ~~(A) the trustee fails to do so;~~

197 ~~(B) and the debtor contends that the final~~  
198 ~~cure payment has been made and all~~  
199 ~~plan payments have been completed.~~

200 ~~(4) ***Court Determination of a Final Cure and***~~  
201 ~~***Payment.***~~

202 ~~(A) Motion. Within 45 days after service~~  
203 ~~of the response under (g)(3) or after~~  
204 ~~service of the trustee's notice under~~  
205 ~~(g)(1) if no response is filed by the~~  
206 ~~claim holder, the debtor or trustee~~  
207 ~~may file a motion to determine~~  
208 ~~whether the debtor has cured all~~

209 defaults and paid all required  
210 postpetition amounts on a claim  
211 described in (a). The motion must be  
212 prepared using Form 410C13-M2 and  
213 be served on the entities listed in  
214 (f)(1).

215 (B) Response. If the claim holder  
216 disagrees with the facts set forth in the  
217 motion, it must file a response within  
218 28 days after the motion is served.  
219 The response must be prepared using  
220 Form 410C13-M2R and be served on  
221 the individuals listed in (b)(1).

222 (C) Court Determination. After notice  
223 and a hearing, the court must  
224 determine whether the debtor has  
225 cured all defaults and paid all  
226 required postpetition amounts. If the

## 14 FEDERAL RULES OF BANKRUPTCY PROCEDURE

227 claim holder does not respond to the  
228 motion or files a response agreeing  
229 with the facts set forth in it, the court  
230 may enter an appropriate order based  
231 on those facts.

232 ~~(g)~~ **Response to a Notice of the Final Cure Payment.**

233 ~~(1)~~ **Required Statement.** Within 21 days after the  
234 notice under (f) is served, the claim holder  
235 must file and serve a statement that:

236 ~~(A)~~ indicates whether:

237 ~~(i)~~ the claim holder agrees that  
238 the debtor has paid in full the  
239 amount required to cure any  
240 default on the claim; and

241 ~~(ii)~~ the debtor is otherwise  
242 current on all payments under  
243 § 1322(b)(5); and

244 ~~(B)~~ itemizes the required cure or

245 postpetition amounts, if any, that the  
 246 claim holder contends remain unpaid  
 247 as of the statement's date.

248 ~~(2) — *Persons to be Served.* The holder must serve~~  
 249 ~~the statement on:~~

- 250 ~~• the debtor;~~
- 251 ~~• the debtor's attorney; and~~
- 252 ~~• the trustee.~~

253 ~~(3) — *Statement to be a Supplement.* The statement~~  
 254 ~~must be filed as a supplement to the proof of~~  
 255 ~~claim and is not subject to Rule 3001(f).~~

256 ~~(h) — *Determining the Final Cure Payment.* On the~~  
 257 ~~debtor's or trustee's motion filed within 21 days after~~  
 258 ~~the statement under (g) is served, the court must, after~~  
 259 ~~notice and a hearing, determine whether the debtor~~  
 260 ~~has cured the default and made all required~~  
 261 ~~postpetition payments.~~

262 ~~(ih) Claim Holder's Failure to Give Notice or~~

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263 **Respond.** If the claim holder fails to provide any  
264 information as required by ~~(b), (e), or (g)~~this rule, the  
265 court may, after notice and a hearing, ~~take one or both~~  
266 ~~of these actions~~do one or more of the following:

267 (1) preclude the holder from presenting the  
268 omitted information in any form as evidence  
269 in a contested matter or adversary proceeding  
270 in the case—unless the court determines that  
271 the failure was substantially justified or is  
272 harmless; ~~and~~

273 (2) award other appropriate relief, including  
274 reasonable expenses and attorney’s fees  
275 caused by the failure; and

276 (3) take any other action authorized by this rule.

277 **Committee Note**

278 The rule is amended to encourage a greater degree of  
279 compliance with its provisions and to allow assessments of  
280 a mortgage claim’s status while a chapter 13 case is pending  
281 in order to give the debtor an opportunity to cure any  
282 postpetition defaults that may have occurred. Stylistic  
283 changes are made throughout the rule, and its title and

284 subdivision headings have been changed to reflect the  
285 amended content.

286 Subdivision (a), which describes the rule’s  
287 applicability, is amended to delete the words “contractual”  
288 and “installment” in the phrase “contractual installment  
289 payments” in order to clarify and broaden the rule’s  
290 applicability. The deletion of “contractual” is intended to  
291 make the rule applicable to home mortgages that may be  
292 modified and are being paid according to the terms of the  
293 plan rather than strictly according to the contract, including  
294 mortgages being paid in full during the term of the plan. The  
295 word “installment” is deleted to clarify the rule’s  
296 applicability to reverse mortgages. They are not paid in  
297 installments, but a debtor may be curing a default on a  
298 reverse mortgage under the plan. If so, the rule applies.

299 In addition to stylistic changes, subdivision (b) is  
300 amended to provide more detailed provisions about notice of  
301 payment changes for home-equity lines of credit  
302 (“HELOCs”) and to add provisions about the effective date  
303 of late payment change notices. The treatment of HELOCs  
304 presents a special issue under this rule because the amount  
305 owed changes frequently, often in small amounts. Requiring  
306 a notice for each change can be overly burdensome. Under  
307 new subdivision (b)(2), a HELOC claimant may choose to  
308 file only annual payment change notices—including a  
309 reconciliation figure (net overpayment or underpayment for  
310 the past year)—unless the payment change in a single month  
311 is for more than \$10. This provision also ensures at least 21  
312 days’ notice before a payment increase takes effect.

313  
314 As a sanction for noncompliance, subdivision (b)(3)  
315 now provides that late notices of a payment increase do not  
316 go into effect until the first payment due date after the  
317 required notice period (at least 21 days) expires. The claim

318 holder will not be permitted to collect the increase for the  
319 interim period. There is no delay, however, in the effective  
320 date of an untimely notice of a payment decrease. It may  
321 even take effect retroactively, if the actual due date of the  
322 decreased payment occurred before the claim holder gave  
323 notice of the change.

324 The changes made to subdivisions (c) and (d) are  
325 largely stylistic. Stylistic changes are also made to  
326 subdivision (e). In addition, the court is given authority,  
327 upon motion of a party in interest, to shorten the time for  
328 seeking a determination of the fees, expenses, or charges  
329 owed. Such a shortening, for example, might be appropriate  
330 in the later stages of a chapter 13 case.

331 Subdivision (f) is new. It provides a procedure for  
332 assessing the status of the mortgage at any point before the  
333 trustee files the notice under (g)(1). This optional procedure,  
334 which should be used only when necessary and appropriate  
335 for carrying out the plan, allows the debtor and the trustee to  
336 be informed of any deficiencies in payment and to reconcile  
337 records with the claim holder in time to become current  
338 before the case is closed. The procedure is initiated by  
339 motion of the trustee or debtor. An Official Form has been  
340 adopted for this purpose. The claim holder then must  
341 respond if it disagrees with facts stated in the motion, again  
342 using an Official Form to provide the required information.  
343 If the claim holder's response asserts such a disagreement,  
344 the court, after notice and a hearing, will determine the status  
345 of the mortgage claim. If the claim holder fails to respond or  
346 does not dispute the facts set forth in the motion, the court  
347 may enter an order favorable to the moving party based on  
348 those facts.

349 Under subdivision (g), within 45 days after the last  
350 plan payment is made to the trustee, the trustee must file an

351 End-of-Case Notice of Disbursements Made. An Official  
 352 Form has been adopted for this purpose. The notice will state  
 353 the amount that the trustee has paid to cure any default on  
 354 the claim and whether the default has been cured. It will also  
 355 state the amount that the trustee has disbursed on obligations  
 356 that came due during the case and whether those payments  
 357 are current as of the date of the notice. If the trustee has  
 358 disbursed no amounts to the claim holder under either or  
 359 both categories, the notice should be filed stating \$0 for the  
 360 amount disbursed. The claim holder then must respond  
 361 within 28 days after service of the notice, again using an  
 362 Official Form to provide the required information.

363           Either the trustee or the debtor may file a motion for  
 364 a determination of final cure and payment. The motion,  
 365 using the appropriate Official Form, may be filed within 45  
 366 days after the claim holder responds to the trustee’s notice  
 367 under (g)(1), or, if the claim holder fails to respond to the  
 368 notice, within 45 days after the notice was served. If the  
 369 claim holder disagrees with any facts in the motion, it must  
 370 respond within 28 days after the motion is served, using the  
 371 appropriate Official Form. The court will then determine the  
 372 status of the mortgage. A Director’s Form provides guidance  
 373 on the type of information that should be included in the  
 374 order.

375           Subdivision (h) was previously subdivision (i). It has  
 376 been amended to clarify that the listed sanctions are  
 377 authorized in addition to any other actions that the rule  
 378 authorizes the court to take if the claim holder fails to  
 379 provide notice or respond as required by the rule. Stylistic  
 380 changes have also been made to the subdivision.

**PROPOSED AMENDMENTS TO THE  
FEDERAL RULES OF BANKRUPTCY PROCEDURE**

**Rule 3002.1. Chapter 13—Claim Secured by a  
Security Interest in the Debtor’s  
Principal Residence<sup>1</sup>**

- (a) **In General.** This rule applies in a Chapter 13 case to a claim that is secured by a security interest in the debtor’s principal residence and for which the plan provides for the trustee or debtor to make payments on the debt. Unless the court orders otherwise, the requirements of this rule cease when an order terminating or annulling the automatic stay related to that residence becomes effective.
- (b) **Notice of a Payment Change; Home-Equity Line of Credit; Effect of an Untimely Notice; Objection.**

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<sup>1</sup> The changes indicated are to the restyled version of Rule 3002.1, not yet in effect.

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(1) *Notice by the Claim Holder—In General.*

The claim holder must file a notice of any change in the payment amount, including one resulting from an interest-rate or escrow-account adjustment. The notice must be served on:

- the debtor;
- the debtor’s attorney; and
- the trustee.

Except as provided in (b)(2), it must be filed and served at least 21 days before the new payment is due.

(2) *Notice of a Change in a Home-Equity Line of Credit.*

(A) *Deadline for the Initial Filing; Later Annual Filing.* If the claim arises from a home-equity line of credit, the notice of a payment change must be

filed and served either as provided in (b)(1) or within one year after the bankruptcy-petition filing, and then at least annually.

(B) *Content of the Annual Notice.* The annual notice must:

(i) state the payment amount due for the month when the notice is filed; and

(ii) include a reconciliation amount to account for any overpayment or underpayment during the prior year.

(C) *Amount of the Next Payment.* The first payment due at least 21 days after the annual notice is filed and served must

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be increased or decreased by the reconciliation amount.

(D) *Effective Date.* The new payment amount stated in the annual notice (disregarding the reconciliation amount) is effective on the first payment due date after the payment under (C) has been made and remains effective until a new notice becomes effective.

(E) *Payment Changes Greater Than \$10.* If the claim holder chooses to give annual notices under (b)(2) and the monthly payment increases or decreases by more than \$10 in any month, the holder must file and serve (in addition to the annual notice) a notice under (b)(1) for that month.

- (3) ***Effect of an Untimely Notice.*** If the claim holder does not timely file and serve the notice required by (b)(1) or (b)(2), the effective date of the new payment amount is as follows:
- (A) when the notice concerns a payment increase, on the first payment due date that is at least 21 days after the untimely notice was filed and served;
- or
- (B) when the notice concerns a payment decrease, on the actual payment due date, even if it is prior to the notice.
- (4) ***Party in Interest's Objection.*** A party in interest who objects to a payment change noticed under (b)(1) or (b)(2) may file and serve a motion to determine the change's validity. Unless the court orders otherwise,

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if no motion is filed before the day the new payment is due, the change goes into effect on that date.

**(c) Fees, Expenses, and Charges Incurred After the Case Was Filed; Notice by the Claim Holder.**

The claim holder must file a notice itemizing all fees, expenses, and charges incurred after the case was filed that the holder asserts are recoverable against the debtor or the debtor's principal residence. Within 180 days after the fees, expenses, or charges are incurred, the notice must be filed and served on the individuals listed in (b)(1).

**(d) Filing Notice as a Supplement to a Proof of Claim.**

A notice under (b) or (c) must be filed as a supplement to a proof of claim using Form 410S-1 or 410S-2, respectively. The notice is not subject to Rule 3001(f).

- (e) **Determining Fees, Expenses, or Charges.** On a party in interest's motion, the court must, after notice and a hearing, determine whether paying any claimed fee, expense, or charge is required by the underlying agreement and applicable nonbankruptcy law. The motion must be filed within one year after the notice under (c) was served, unless a party in interest requests and the court orders a shorter period.
- (f) **Motion to Determine Status; Response; Court Determination.**
- (1) ***Timing; Content and Service.*** At any time after the date of the order for relief under Chapter 13 and until the trustee files the notice under (g)(1), the trustee or debtor may file a motion to determine the status of any claim described in (a). The motion must be prepared using Form 410C13-M1 and be served on:

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- the debtor and the debtor's attorney, if the trustee is the movant;
- the trustee, if the debtor is the movant; and
- the claim holder.

(2) ***Response; Content and Service.*** If the claim holder disagrees with facts set forth in the motion, it must file a response within 28 days after the motion is served. The response must be prepared using Form 410C13-M1R and be served on the individuals listed in (b)(1).

(3) ***Court Determination.*** If the claim holder's response asserts a disagreement with facts set forth in the motion, the court must, after notice and a hearing, determine the status of the claim and enter an appropriate order. If the claim holder does not respond to the

motion or files a response agreeing with the facts set forth in it, the court may grant the motion based on those facts and enter an appropriate order.

**(g) Trustee’s End-of-Case Notice of Disbursements Made; Response; Court Determination.**

(1) *Timing and Content.* Within 45 days after the debtor completes all payments due to the trustee under a Chapter 13 plan, the trustee must file a notice:

(A) stating what amount the trustee disbursed to the claim holder to cure any default and whether it has been cured;

(B) stating what amount the trustee disbursed to the claim holder for payments that came due during the pendency of the case and whether

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such payments are current as of the date of the notice; and

(C) informing the claim holder of its obligation to respond under (g)(3).

(2) **Service.** The notice must be prepared using Form 410C13-N and be served on:

- the claim holder;
- the debtor; and
- the debtor's attorney.

(3) **Response.** The claim holder must file a response to the notice within 28 days after its service. The response, which is not subject to Rule 3001(f), must be filed as a supplement to the claim holder's proof of claim. The response must be prepared using Form 410C13-NR and be served on the individuals listed in (b)(1).

(4) **Court Determination of a Final Cure and**

***Payment.***

- (A) *Motion.* Within 45 days after service of the response under (g)(3) or after service of the trustee's notice under (g)(1) if no response is filed by the claim holder, the debtor or trustee may file a motion to determine whether the debtor has cured all defaults and paid all required postpetition amounts on a claim described in (a). The motion must be prepared using Form 410C13-M2 and be served on the entities listed in (f)(1).
- (B) *Response.* If the claim holder disagrees with the facts set forth in the motion, it must file a response within 28 days after the motion is served.

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The response must be prepared using Form 410C13-M2R and be served on the individuals listed in (b)(1).

(C) *Court Determination.* After notice and a hearing, the court must determine whether the debtor has cured all defaults and paid all required postpetition amounts. If the claim holder does not respond to the motion or files a response agreeing with the facts set forth in it, the court may enter an appropriate order based on those facts.

(h) **Claim Holder's Failure to Give Notice or Respond.** If the claim holder fails to provide any information as required by this rule, the court may, after notice and a hearing, do one or more of the following:

- (1) preclude the holder from presenting the omitted information in any form as evidence in a contested matter or adversary proceeding in the case—unless the court determines that the failure was substantially justified or is harmless;
- (2) award other appropriate relief, including reasonable expenses and attorney’s fees caused by the failure; and
- (3) take any other action authorized by this rule.

**Committee Note**

The rule is amended to encourage a greater degree of compliance with its provisions and to allow assessments of a mortgage claim’s status while a chapter 13 case is pending in order to give the debtor an opportunity to cure any postpetition defaults that may have occurred. Stylistic changes are made throughout the rule, and its title and subdivision headings have been changed to reflect the amended content.

Subdivision (a), which describes the rule’s applicability, is amended to delete the words “contractual” and “installment” in the phrase “contractual installment payments” in order to clarify and broaden the rule’s applicability. The deletion of “contractual” is intended to

make the rule applicable to home mortgages that may be modified and are being paid according to the terms of the plan rather than strictly according to the contract, including mortgages being paid in full during the term of the plan. The word “installment” is deleted to clarify the rule’s applicability to reverse mortgages. They are not paid in installments, but a debtor may be curing a default on a reverse mortgage under the plan. If so, the rule applies.

In addition to stylistic changes, subdivision (b) is amended to provide more detailed provisions about notice of payment changes for home-equity lines of credit (“HELOCs”) and to add provisions about the effective date of late payment change notices. The treatment of HELOCs presents a special issue under this rule because the amount owed changes frequently, often in small amounts. Requiring a notice for each change can be overly burdensome. Under new subdivision (b)(2), a HELOC claimant may choose to file only annual payment change notices—including a reconciliation figure (net overpayment or underpayment for the past year)—unless the payment change in a single month is for more than \$10. This provision also ensures at least 21 days’ notice before a payment increase takes effect.

As a sanction for noncompliance, subdivision (b)(3) now provides that late notices of a payment increase do not go into effect until the first payment due date after the required notice period (at least 21 days) expires. The claim holder will not be permitted to collect the increase for the interim period. There is no delay, however, in the effective date of an untimely notice of a payment decrease. It may even take effect retroactively, if the actual due date of the decreased payment occurred before the claim holder gave notice of the change.

The changes made to subdivisions (c) and (d) are largely stylistic. Stylistic changes are also made to subdivision (e). In addition, the court is given authority, upon motion of a party in interest, to shorten the time for seeking a determination of the fees, expenses, or charges owed. Such a shortening, for example, might be appropriate in the later stages of a chapter 13 case.

Subdivision (f) is new. It provides a procedure for assessing the status of the mortgage at any point before the trustee files the notice under (g)(1). This optional procedure, which should be used only when necessary and appropriate for carrying out the plan, allows the debtor and the trustee to be informed of any deficiencies in payment and to reconcile records with the claim holder in time to become current before the case is closed. The procedure is initiated by motion of the trustee or debtor. An Official Form has been adopted for this purpose. The claim holder then must respond if it disagrees with facts stated in the motion, again using an Official Form to provide the required information. If the claim holder's response asserts such a disagreement, the court, after notice and a hearing, will determine the status of the mortgage claim. If the claim holder fails to respond or does not dispute the facts set forth in the motion, the court may enter an order favorable to the moving party based on those facts.

Under subdivision (g), within 45 days after the last plan payment is made to the trustee, the trustee must file an End-of-Case Notice of Disbursements Made. An Official Form has been adopted for this purpose. The notice will state the amount that the trustee has paid to cure any default on the claim and whether the default has been cured. It will also state the amount that the trustee has disbursed on obligations that came due during the case and whether those payments are current as of the date of the notice. If the trustee has

disbursed no amounts to the claim holder under either or both categories, the notice should be filed stating \$0 for the amount disbursed. The claim holder then must respond within 28 days after service of the notice, again using an Official Form to provide the required information.

Either the trustee or the debtor may file a motion for a determination of final cure and payment. The motion, using the appropriate Official Form, may be filed within 45 days after the claim holder responds to the trustee's notice under (g)(1), or, if the claim holder fails to respond to the notice, within 45 days after the notice was served. If the claim holder disagrees with any facts in the motion, it must respond within 28 days after the motion is served, using the appropriate Official Form. The court will then determine the status of the mortgage. A Director's Form provides guidance on the type of information that should be included in the order.

Subdivision (h) was previously subdivision (i). It has been amended to clarify that the listed sanctions are authorized in addition to any other actions that the rule authorizes the court to take if the claim holder fails to provide notice or respond as required by the rule. Stylistic changes have also been made to the subdivision.



# Proposed Amendments Published for Public Comment

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When an advisory committee recommends an amendment to its rules or forms, it must obtain the approval of the Judicial Conference Committee on Rules of Practice and Procedure to publish the proposed amendment for public comment. During the comment period, the public is encouraged to submit written comments and may also request to testify at public hearings on the proposed amendment.

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On June 4, 2024, the Judicial Conference Committee on Rules of Practice and Procedure (Standing Committee) approved publication of proposed amendments to the following:

- Appellate Rules 29 and 32, Appendix on Length Limits, and Form 4;
- Bankruptcy Rules 1007, 3018, 5009, 9006, 9014, 9017, new Rule 7043, and Official Form 410S1; and
- Evidence Rule 801.

**The comment period is open from August 15, 2024 to February 17, 2025.** Read the text of the proposed amendments and supporting materials:

- [Preliminary Draft of Proposed Amendments to Federal Rules \(PDF\)](#) – August 2024

## How to Submit or Review Comments on the Proposed Amendments to the Federal Rules & Forms

Written comments are welcome on each proposed amendment. The advisory committees will review all timely comments, which are made part of the official record and are available to the public. **The comment period closes on February 17, 2025.**

Comments and supporting files must be submitted electronically using the regulations.gov portal. Follow the online instructions for submitting or reviewing comments at regulations.gov under the [general FAQs section](#).

- [Appellate Rules & Form – Submit or Review Comments on Proposed Amendments](#)
  - The Advisory Committee is particularly interested in receiving comments on the proposal to eliminate the option to file an amicus brief on consent during a court’s initial consideration of a case on the merits. The change can be seen in proposed Rule 29(a)(2). It is also reflected in conforming changes to proposed Rules 29(a)(6) and 29(f). The corresponding discussion in the committee note is at lines 232-41. The change is also discussed in the excerpt from the Advisory Committee report at pages 10-27 of the Preliminary Draft.
- [Bankruptcy Rules & Form – Submit or Review Comments on Proposed Amendments](#)
- [Evidence Rule – Submit or Review Comments on Proposed Amendment](#)

## Public Hearings

Members of the public who wish to present testimony on the proposed amendments may appear at scheduled hearings. Requests must be received at least 30 days prior to the [hearing dates](#). Hearings are subject to cancellation due to lack of requests to testify.

To submit or review comments on proposed amendments to bankruptcy rules, GO TO:  
<https://www.regulations.gov/docket/USC-RULES-BK-2024-0002/document>

# Faculty

**Hilary B. Bonial** is the managing director of Bonial & Associates, P.C., a default services law firm headquartered in Dallas that is certified by the WBENC as a woman-owned business, and by the NGLCC as an LGBT-owned business. She has been representing creditors for almost 30 years. Ms. Bonial initially joined Brice Legal Group in 1999. She is a frequent speaker and a member of the Louisiana State Bar (1996) and Texas State Bar (2006). Ms. Bonial is Board Certified in Consumer Bankruptcy Law by the American Board of Certification and the Louisiana Board of Specialization. She received her B.A. *cum laude* from Loyola University and her J.D. from Louisiana State University Paul M. Hebert Law Center.

**Beverly M. Burden** has served as the chapter 13 trustee for the Eastern District of Kentucky in Lexington since 1999. She previously clerked for Hon. Joe Lee, and prior to that was an assistant attorney general for the Commonwealth of Kentucky in its Consumer Protection Division, concentrating on consumer fraud litigation. Ms. Burden has served on the faculty of the annual meeting of the National Conference of Bankruptcy Judges, the annual convention of the National Association of Chapter Thirteen Trustees (NACTT), the Judge Joe Lee Biennial Bankruptcy Institute, the UK Biennial Consumer Bankruptcy Law Conference, the Midwest Regional Bankruptcy Seminar, ABI's Southeast Bankruptcy Workshop, and other regional and local CLE programs. She writes a blog for practitioners in the Eastern District of Kentucky at [www.ch13edky.wordpress.com](http://www.ch13edky.wordpress.com) and is the chair of the Biennial University of Kentucky Consumer Bankruptcy Law Conference. Ms. Burden is a member of the National Association of Chapter Thirteen Trustees (NACTT) and serves on the board of directors of the NACTT Academy for Consumer Bankruptcy Education ([www.considerchapter13.org](http://www.considerchapter13.org)). She also served on the Chapter 13 Advisory Committee to the ABI Commission on Consumer Bankruptcy. Ms. Burden is a 2017 inductee as a Fellow in the American College of Bankruptcy. She received her J.D. from the University of Kentucky College of Law and holds a B.B.A. in accounting.

**R. Caleb Chaplain** is the career law clerk to Hon. Rebecca B. Connelly of the U.S. Bankruptcy Court for the Western District of Virginia in Harrisonburg and is an adjunct professor of bankruptcy law at Washington and Lee University School of Law. Prior to career clerking, he was a term law clerk for both Judge Connelly and Hon. Paul M. Black, Chief Judge for the U.S. Bankruptcy Court for the Western District of Virginia. Mr. Chaplain is a coordinating editor for the *ABI Journal* and has authored articles. He also is a 2022 honoree of ABI's "40 Under 40" program. Mr. Chaplain volunteers as a member and current president of the board of directors of Second Home Learning Center, a nonprofit that provides out of school care, education and development opportunities for children in low-income households in Harrisonburg. He received his B.A. from Dartmouth College and his J.D. from Indiana University Maurer School of Law.