



AMERICAN
BANKRUPTCY
INSTITUTE

Southeast Bankruptcy Workshop

Consumer: Changes to Bankruptcy Rule 3002.1 – Effective December 1, 2025

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Amendments to Bankruptcy Rule 3002.1 Effective December 1, 2025

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How Are Bankruptcy Rules Enacted or Amended?

- Ordinarily it takes three (3) years to enact or amend a rule of bankruptcy procedure
- There are several levels of approval
- Step 1: considered by the Advisory Committee
- Step 2: public comment period and public hearings
- Step 3: the Advisory Committee approves the rule in final form and submits to the Standing Committee
- Step 4: the Standing Committee approves the recommendation (sometimes with amendment) and submits to the Judicial Conference
- Step 5: the Judicial Conference approves and submits to the Supreme Court
- Step 6: the Supreme Court approves
- Step 7: Congress approves (inaction signals approval)

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New Rule 3002.1 – A little history

- The rule was first implemented in 2011, this is the 3rd amendment.
- One of the reasons for the rule is that conduit trustees did not know when monthly payment amounts changed and they obviously need this information.
- The rule was also proposed in response to problems experienced by debtors at the end of cases. Even when all the payments were made, the debtors would be “billed” for fees & costs incurred during the chapter 13 after discharge, not giving them a fresh start.
- The intention of the rule is to address these issues, ensuring the debtor does get a fresh start at the end of the case.



New Rule 3002.1 – basics and changes in the current rule

- Applies to principal residences where the debtor or trustee makes installment payments. (sub a)
- Does not apply if there is an order terminating or annulling the stay. (sub a)
- The mortgage company must file notice of payment change and send to the debtor and trustee. New provisions added for HELOCs. (sub b)



New Rule 3002.1 (b)(2) Annual HELOC Notice

- New subdivision (b)(2) provides that a HELOC claimant may choose to file only an annual payment change notice, including a reconciliation figure, unless the payment in a single month is for more than \$10.00.
- The provision also ensures at least 21 days' notice before a payment increase takes effect.

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- (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:
- state the payment amount due for the month when the notice is filed; and
 - 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 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.

Midcase Audit: Motion Under Rule 3002.1(f)(1) Determine the Status of the Mortgage Claim.

- A Motion under Rule 3002.1(f)(1) in a bankruptcy case will be filed by a Debtor or Trustee to determine the status of a mortgage claim. **This is a new provision and it is an optional filing.**

Motion Content:

- The Motion includes information about the payments made to the mortgage holder, the date of the last payment, and a statement that the debtor believes the default has been cured.

Creditor Response:

- The mortgage holder is then required to file a response within 28 days, indicating whether they agree with the debtor's statement about the payments.

Court Determination:

- If the mortgage holder disputes the debtor's claim, the court will hold a hearing to determine the status of the mortgage claim and whether the debtor has made all required payments.

Outcome:

- The court will then issue an order determining the status of the mortgage claim, which may be that the default has been cured, that additional payments are still due, or that the claim is otherwise current.

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

Official Form 410C (3/21) (12/22)

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] 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 noticed under Rule 3002.1(c) and not disallowed: \$ _____
- b. Amount of postpetition fees, expenses, and charges disbursed: \$ _____

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 _____

Creditor Response

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)(1) to Determine the Status of the 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

\$ _____

Check all that apply:

- As of the date of this response, the debtor has paid in full the amount required to cure any arrearage on this mortgage claim.
- 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 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 postpetition arrearage on the mortgage claim. The total postpetition 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. Existence 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. Itemized Payment History

Include if applicable:

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;

Notice of Final Cure will be **Trustee's Notice of Disbursements Made**

- Trustee MUST file notice within 45 days of payment completion.
- This replaces the Notice of Final Cure Payment.
- It is filed on a claim filed on a principal residence. It will not be filed if the stay has been lifted or property no longer property of estate.e.g. the property has been sold.
- The Trustee is now required to file this regardless if any disbursements have been made on the claim. In jurisdictions where Debtors pay the mortgages direct, the Trustee will file this notice with information related to any arrears that have been paid or if no disbursements, the trustee will file the notice with all zeros.



Notice of Final Cure will be **Trustee's Notice of Disbursements Made**

Trustee MUST file notice within 45 days of payment completion.

Notice Content:

- Amounts trustee disbursed to cure any default and whether the default has been cured.
- Amounts trustee disbursed for postpetition obligations which came due and whether those payments are current.

Creditor Response:

- 28 days to respond and must include *payoff statement* and detailed information regarding what is due.



Trustee's Notice of Disbursements Made

Fill in this information to identify the case:

Case 1: _____
 Case 2: _____
 United States Bankruptcy Court for the _____ District of _____
 Case number: _____

Official Form 410C13-N
Trustee's Notice of Disbursements Made 12/25

The trustee must file this notice in a chapter 13 case within 45 days after the debtor completes all payments due to the trustee, Rule 2002.1(g)(1).

Part 1: Mortgage Information

Name of claim holder: _____ Court claim no. (if known): _____
 Last 4 digits of any number you use to identify the debtor's account: _____
 Property address: _____

 City: _____ State: _____ ZIP Code: _____

Part 2: Statement of Completion

The debtor has completed all payments due the trustee under the chapter 13 plan. A copy of the trustee's disbursement ledger for all payments to the claim holder is attached or may be accessed here: _____ (with address)

Part 3: Arrearages

	Amount
a. Allowed amount of prepetition arrearage:	\$ _____
b. Total amount of prepetition arrearage disbursed by the trustee:	\$ _____
c. Total amount of prepetition arrearage disbursed by the trustee:	\$ _____
d. Total amount of arrearage disbursed by the trustee:	\$ _____

Part 4: 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 _____ at _____ All subsequent ongoing mortgage payments must be made directly by the debtor to the mortgage claimant.

Part 5: Postpetition Fees, Expenses, and Charges

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

Part 6: A Response to be Required by Bankruptcy Rule 2002.1(g)(2)

Within 28 days after service of this notice, the holder of the claim must file a response using Official Form 410C13-AR.

_____ Date: _____
 Signature

Trustee: For fees: _____ For taxes: _____ For other: _____
 Address: _____
 City: _____ State: _____ ZIP Code: _____
 Contact phone: _____ Fax: _____ Email: _____

Official Form 410C13-N Trustee's Notice of Payments Made page 1

Response to Trustee's Notice of Disbursements Made

Fill in this information to identify the case:

Case 1: _____
 Case 2: _____
 United States Bankruptcy Court for the _____ District of _____
 Case number: _____

Official Form 410C13-NR
Response to Trustee's Notice of Disbursements Made 12/25

The claim holder must respond to the trustee's Notice of Payments Made within 28 days after it was served, Rule 2002.1(g)(2).

Part 1: Mortgage Information

Name of claim holder: _____ Court claim no. (if known): _____
 Last 4 digits of any number you use to identify the debtor's account: _____
 Property address: _____

 City: _____ State: _____ ZIP Code: _____

Part 2: Arrearages

The total amount required to cure any arrearages as of the date of this response: \$ _____

Check all that apply:

The amount required to cure any prepetition arrearage has been paid in full.
 The amount required to cure the prepetition arrearage has not been paid in full. Amount of prepetition arrearage remaining unpaid as of the date of this notice: \$ _____
 The amount required to cure any postpetition arrearage has been paid in full.
 The amount required to cure the postpetition arrearage has not been paid in full. Amount of postpetition arrearage remaining unpaid as of the date of this notice: \$ _____

Part 3: Postpetition Payments

(a) Check all that apply:

The debtor is current on all postpetition payments, including all fees, charges, expenses, interest, and costs.
 The debtor is not current on all postpetition payments. The claim holder asserts that the debtor is obligated for the postpetition payments that this became due on: _____
 The debtor has fees, charges, expenses, negative equity 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:

a. Date last payment was received on the mortgage: _____
 b. Date next postpetition payment from the debtor is due: _____
 c. Amount of the next postpetition payment that is due: \$ _____
 d. Unpaid principal balance of the loan: \$ _____
 e. Additional amounts due for any defined or assumed interest: \$ _____
 f. Balance of the interest account: \$ _____
 g. Balance of unpaid fees or costs held in a suspense account: \$ _____
 h. Total amount of fees, charges, expenses, negative equity amounts, or costs remaining unpaid: \$ _____

Part 4: Itemized Payment History

If the claim holder disagrees that the prepetition arrearage has been paid in full, state that the debtor is not current on all postpetition payments, or state that fees, charges, expenses, interest, and costs are due and owing, it must attach an itemized payment history detailing 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;
- all fees, costs, interest, and expenses that the claim holder asserts are receivable against the debtor or the debtor's principal residence; and
- all amounts the claim holder contends remain unpaid.

Official Form 410C13-NR Response to Trustee's Notice of Payments Made page 2

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 but it requires the use of an Official Form.
- Filed within 45 days after service of response to the Trustee’s Notice of Disbursements made(or within 45 days after service of the trustee’s notice if no response if filed).

Creditor Response:

- The mortgage holder is then required to file a response within 28 days with a payoff statement, indicating whether they agree with the debtor's statement about the payments.



Motion to Determine Final Cure and Payment of the Mortgage Claim

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 noticed under Rule 3002.1(g) and not disbursed: \$ _____

b. Amount of postpetition fees, expenses, and charges disbursed: \$ _____

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

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

5. 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 _____

Response to Motion to Determine Final Cure and Payment of the Mortgage Claim

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 the 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 \$ _____.

Over at full pay:

As of the date of this response, the debtor has paid in full the amount required to cure any arrearage on this mortgage claim.

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 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 postpetition 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. Itemized 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 prepetition and postpetition payments received.

Pleading	Creditor Response Deadline	Documents Required in Response
Midcase Audit	28 days	Payment History if the loan is delinquent
Trustee's Notice of Disbursements Made	28 days	Payoff Statement
Motion to Determine Final Cure and Payment	28 days	Payoff Statement + Payment History if loan delinquent

Table: Timetable of Proposed Amendments to Federal Rule of Bankruptcy Procedure 3002.1

R3002.1	Event	Who File	When	Who must be Notified	Form
(b)(1)	Notice of Payment Change (in General)	Claim Holder	21 days before the new payment is Due.	(b)(1) Debtor, Debtor Attorney and Trustee	410S-1
(b)(2)	Notice of Payment Change; HELOC	Claim Holder	21 days before the new payment is Due. OR One year after petition date (then at least every year)	(b)(1) Debtor, Debtor Attorney and Trustee	410S-1
(b)(4)	Motion Objecting to Notice under (b)(1) or (b)(2) (Motion to Determine the change's validity)	Party in Interest	<i>[within the period provided in the notice under (b)(1) & (b)(2)]</i>	<i>[Debtor, Debtor Attorney and Trustee]</i>	<i>None</i>
(c)	Notice of Post Petition Fees, Expenses and Charges	Claim Holder	Within 180 days after the date the Fees, Expenses and Charge were incurred.	(b)(1) Debtor, Debtor Attorney and Trustee	410S-2
(e)	Motion to Determine whether Fees, Expenses or Charges are required	Party in Interest	One year after notice under (c) was served or shorter period set by the court.	<i>[Claim Holder, Trustee, Debtor & Debtor Attorney]</i>	<i>None</i>
(f)(1)	Motion to Determine Status of Claim	Trustee or Debtor	At any time after petition date until Trustee files a Notice under (g)(1)	Debtor, Debtor Attorney, Trustee & claim Holder	410C13-M1
(f)(2)	Response to Motion to Determine Status Claim	Claim Holder	Withing 28 days after served	(b)(1) Debtor, Debtor Attorney and Trustee	410C13-M1R
(g)(1)	Trustee's End-of-Case Notice of Disbursements Made	Trustee	Withing 45 days after the debtor completes all payments due to the trustee	(g)(2) the claim Holder, Debtor & Debtor Attorney	410C13-N
(g)(3)	Response to Trustee Notice under (g)(1)	Claim Holder	Withing 28 days after served	(b)(1) Debtor, Debtor Attorney and Trustee	410C13-NR
(g)(4)(A)	Motion to Determine Final Cure & Payment of the Mortgage Claim	Trustee or Debtor	Within 45 days after service of motion under (g)(3) or notice under (g)(1)	Debtor, Debtor Attorney, Trustee & claim Holder	410C13-M2
(g)(4)(B)	Response to Motion under (g)(4)(A)	Claim Holder	Withing 28 days after served	Debtor, Debtor Attorney, Trustee & claim Holder	410C13-M2R

Noteworthy Mortgage Cases

- ***Klemkowski v. CitiMortgage*, 2024 WL 4625644 (Bankr. D. Md. Oct. 30, 2024)**: The Bankruptcy Court ruled that the mortgage servicer violated the automatic stay by cutting off a Chapter 13 debtor's access to the online mortgage payment portal. The court found that the access was a pre-petition contractual right and that blocking it constituted property interference under 362. Although no monetary damages were sought or awarded, the court ordered further proceedings to consider appropriate remedies, such as restoring portal access.
- ***Arias v. Franklin Credit Mgmt. Corp.*, 2024 WL 1710899 (Bankr. D.P.R. Apr. 19, 2024)** The court held that notice of the bankruptcy was ineffective where the debtor sent it to creditor's payment lockbox in rather than creditor's preferred address registered with the National Creditor Registration Service (NCRS). Under 11 U.S.C. § 342 and Bankruptcy Rule 2002, a debtor must use the NCRS-designated address, and failure to do so means the creditor is not bound by the plan and the debt is not subject to discharge.



Questions?



Highlights of the 3002.1 Rule Changes

Expanded Applicability

Rule 3002.1 now applies to **all claims secured by the debtor’s principal residence**, including **reverse mortgages**.

Does not Change--End of Notice Requirements After Stay Relief

Creditors are **not required to serve notices** under Rule 3002.1 once they have obtained **relief from the automatic stay**.

Final Cure Becomes Final Disbursement

The term “**Notice of Final Cure**” has been changed to “**Notice of Final Disbursement.**” Mortgage creditors must respond to this notice **within 28 days** of its filing.

Midcase Audit Option

Debtors or trustees may file an **optional motion** —commonly referred to as a **midcase audit**—to assess the current status of the mortgage claim during the case.

Mandatory Payoff Disclosure

Creditors are now required to provide a **payoff statement** when any of the following are filed:

1. A **Motion to Determine the Status of the Mortgage Claim**
2. A **Trustee’s Notice of Disbursements Made**
3. A **Motion to Determine Final Cure and Payment**

Annual Notices for HELOCs

For **home equity line of credit (HELOC)** loans, mortgage creditors may **file annual notices of payment changes** instead of monthly notices.

**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 Residence¹**

- (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.**

¹ 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

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:

- 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.

12 FEDERAL RULES OF BANKRUPTCY PROCEDURE

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.

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Committee Note

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Official Forms 410C13-M1, 410C13-M1R, 410C13-N, 410C13-NR, 410C13-M2, and 410C13-M2R are new. They are adopted to implement new and revised provisions of Rule 3002.1 that prescribe procedures for determining the status of a home mortgage claim in a chapter 13 case.

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Official Forms 410C13-M1 and 410C13-M1R implement Rule 3002.1(f). Form 410C13-M1 is used if either the trustee or the debtor moves to determine the status of a home mortgage at any time during a chapter 13 case prior to the trustee's Notice of Disbursements Made. If the trustee files the motion, she must disclose the payments she has made to the holder of the mortgage claim so far in the case. If the debtor, rather than the trustee, has been making the postpetition payments, the trustee should state in part 4 that she has paid \$0. If the debtor files the motion, he should provide information about any payments he has made and any payments made by the trustee of which the debtor has knowledge.

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Within 28 days after service of the trustee's or debtor's motion, the holder of the mortgage claim must file a response, using Official Form 410C13-M1R, if it disputes any facts set forth in the motion. *See* Rule 3002.1(f)(2). The claim holder must indicate whether the debtor has paid the full amount required to cure any arrearage and whether the debtor is current on all postpetition payments. The claim holder must provide a payoff statement, and, if the claim holder says that the debtor is not current on all payments, it must attach an itemized payment history for the postpetition period.

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Official Form 410C13-N is to be used by a trustee to provide the notice required by Rule 3002.1(g)(1) to be filed at the end of the case. This notice must be filed within 45

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Official Form 410 (Committee Note) (12/25)

34 days after the debtor completes all payments due to the
35 trustee, and it requires the trustee to report on the amounts
36 the trustee paid to cure any arrearage, for postpetition
37 mortgage obligations, and for postpetition fees, expenses,
38 and charges. The trustee must also provide her disbursement
39 ledger for all payments she made to the claim holder or
40 provide the web address where it can be accessed.

41 Within 28 days after service of the trustee's notice,
42 the holder of the mortgage claim must file a response using
43 Official Form 410C13-NR. *See* Rule 3002.1(g)(3). The
44 claim holder must indicate whether the debtor has paid the
45 full amount required to cure any arrearage and whether the
46 debtor is current on all postpetition payments. It must also
47 provide a payoff statement. If the claim holder says that the
48 debtor is not current on all payments, it must attach an
49 itemized payment history for the postpetition period. The
50 response, which is not subject to Rule 3001(f), must be filed
51 as a supplement to the claim holder's proof of claim.

52 Official Forms 410C13-M2 and 410C13-M2R
53 implement Rule 3002.1(g)(4). Form 410C13-M2 is used if
54 either the trustee or the debtor moves at the end of the case
55 to determine whether the debtor has cured all arrearages and
56 paid all required postpetition amounts. If the trustee files the
57 motion, she must disclose the payments she has made to the
58 holder of the mortgage claim. If the debtor, rather than the
59 trustee, has been making the postpetition payments, the
60 trustee should state in part 4 that she has paid \$0. If the
61 debtor files the motion, he should provide information about
62 any payments he has made and any payments made by the
63 trustee of which the debtor has knowledge.

64 Within 28 days after service of the trustee's or
65 debtor's motion, the holder of the mortgage claim must file
66 a response, using Official Form 410C13-M2R, if it disputes

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Official Form 410 (Committee Note) (12/25)

67 any facts set forth in the motion. *See* Rule 3002.1(g)(4)(B).
68 The claim holder must indicate whether the debtor has paid
69 the full amount required to cure any arrearage and whether
70 the debtor is current on all postpetition payments. The claim
71 holder must provide a payoff statement, and, if the claim
72 holder says that the debtor is not current on all payments, it
73 must attach an itemized payment history for the postpetition
74 period.

PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE¹

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~~²**

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. Unless the court orders
11 otherwise, the ~~notice~~ requirements of this rule cease
12 when an order terminating or annulling the automatic
13 stay related to that residence becomes effective.

¹ New material is underlined in red; matter to be omitted is lined through.

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

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

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

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

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

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

32 modify this requirement.

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

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

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

- 45 (i) state the payment amount due
46 for the month when the notice
47 is filed; and
48 (ii) include a reconciliation
49 amount to account for any

50 overpayment or
51 underpayment during the
52 prior year.

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

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

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

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

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

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

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

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

97 **(c) Fees, Expenses, and Charges Incurred After the**
98 **Case Was Filed; Notice by the Claim Holder.**
99 The claim holder must file a notice itemizing all
100 fees, expenses, and charges incurred after the case
101 was filed that the holder asserts are recoverable

7 FEDERAL RULES OF BANKRUPTCY PROCEDURE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

172 payments that came due during the
 173 pendency of the case and whether
 174 such payments are current as of the
 175 date of the notice; and~~the claim~~
 176 ~~holder of its obligation to file and~~
 177 ~~serve a response under (g).~~

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

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

- 184 • the claim holder;
- 185 • the debtor; and
- 186 • the debtor’s attorney.

187 (3) *Response*. The claim holder must file a
 188 response to the notice within 28 days after its
 189 service. The response, which is not subject

190 to Rule 3001(f), must be filed as a
191 supplement to the claim holder's proof of
192 claim. The response must be prepared using
193 Form 410C13-NR and be served on the
194 individuals listed in (b)(1).

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

197 ~~(A) the trustee fails to do so; and the~~
198 ~~debtor contends that the final cure~~
199 ~~payment has been made and all plan~~
200 ~~payments have been completed.~~

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

203 (A) *Motion.* Within 45 days after service
204 of the response under (g)(3) or after
205 service of the trustee's notice under
206 (g)(1) if no response is filed by the
207 claim holder, the debtor or trustee

208 may file a motion to determine
209 whether the debtor has cured all
210 defaults and paid all required
211 postpetition amounts on a claim
212 described in (a). The motion must be
213 prepared using Form 410C13-M2 and
214 be served on the entities listed in
215 (f)(1).

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

223 (C) *Court Determination.* After notice
224 and a hearing, the court must
225 determine whether the debtor has

226 cured all defaults and paid all
227 required postpetition amounts. If the
228 claim holder does not respond to the
229 motion or files a response agreeing
230 with the facts set forth in it, the court
231 may enter an appropriate order based
232 on those facts.

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

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

237 ~~(A)~~ indicates whether:

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

242 ~~(ii)~~ the debtor is otherwise
243 current on all payments under

244 § 1322(b)(5); and
 245 ~~(B) itemizes the required cure or~~
 246 ~~postpetition amounts, if any, that the~~
 247 ~~claim holder contends remain unpaid~~
 248 ~~as of the statement's date.~~

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

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

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

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

262 ~~postpetition payments.~~

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

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

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

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

278 **Committee Note**

279 The rule is amended to encourage a greater degree of
 280 compliance with its provisions and to allow assessments of

281 a mortgage claim’s status while a chapter 13 case is pending
282 in order to give the debtor an opportunity to cure any
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293 modified and are being paid according to the terms of the
294 plan rather than strictly according to the contract. The word
295 “installment” is deleted to clarify the rule’s applicability to
296 reverse mortgages. They are not paid in installments, but a
297 debtor may be curing a default on a reverse mortgage under
298 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.

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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

FEDERAL RULES OF BANKRUPTCY PROCEDURE 20

379 provide notice or respond as required by the rule. Stylistic
380 changes have also been made to the subdivision.

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MEMORANDUM

TO: ADVISORY COMMITTEE ON BANKRUPTCY RULES
FROM: SUBCOMMITTEE ON FORMS
SUBJECT: INSTRUCTIONS FOR FORMS IMPLEMENTING RULE 3002.1
DATE: MARCH 4, 2025

Proposed amendments to Rule 3002.1 (Chapter 13—Claim Secured by a Security Interest in the Debtor’s Principal Residence) are on schedule to go into effect on December 1, 2025, along with six new forms proposed to implement the rule’s new provisions. In response to the publication of the forms for comment, several commenters asked that instructions for completing the forms be provided.

The Subcommittee has approved the instructions that follow in the agenda book and recommends that the Advisory Committee ask the Administrative Office of the Courts to adopt them as instructions for Official Forms 410C13-M1, 410C13-M1R, 410C13-M2, 410C13-M2R, 410C13-N, and 410C13-NR. They do not need to go through the rulemaking process.

2025 SOUTHEAST BANKRUPTCY WORKSHOP

Official Form 410C13-M1 (12/25)

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] 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 noticed under Rule 3002.1(c) and not disallowed: \$ _____
- b. Amount of postpetition fees, expenses, and charges disbursed: \$ _____

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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 41013-M1

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

United States Bankruptcy Court

12/25

Introduction

This form is used only in chapter 13 cases. It may be filed by a trustee or debtor at any time after the date of the order for relief under chapter 13 and until the trustee files the end-of-case Notice of Disbursements Made.

- the last 4 digits of the loan account number or any other number used to identify the account;
- the address of the principal residence securing the claim.

Applicable Law and Rules

Rule 3002.1 of the Federal Rules of Bankruptcy Procedure addresses claims secured by a security interest in a chapter 13 debtor's principal residence. Subdivision (f) of that rule authorizes a trustee or debtor to seek a court determination of the status of such a claim in an ongoing case by filing a motion in the bankruptcy court. Rule 3002.1(f)(1) requires that this form be used for the motion and that it be served on 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.

Directions

Indicate whether the movant is the trustee or the debtor(s).

Information required in 2

This section concerns disbursements made on account of arrearages. To the extent known by the movant, insert on the appropriate lines:

- the allowed amount of any arrearage that arose prepetition;
- the total amount of any prepetition arrearage disbursed as of the date of the motion;
- the allowed amount of any arrearage that arose postpetition;
- the total amount of any postpetition arrearage disbursed as of the date of the motion;
- the total amount of arrearages disbursed as of the date of the motion

Information required in 1

Insert on the appropriate spaces:

- the claim holder's name;
- the court claim number, if known;

The amount listed on line 2a should be the same amount as "Amount necessary to cure any default as of the date of the petition" that was reported on line 9 of Form 410 and that has not been disallowed or, in districts in which the plan controls, the amount specified in the plan. The amount on line 2c should be the allowed amount from line 9 of an amended Form 410, the plan, or an order allowing cure of postpetition

arrearages. If line 9 of an amended Form 410 or such plan or order combines the amounts necessary to cure defaults as of the date of the petition with amounts necessary to cure defaults after the petition, then insert the combined total on line 2c and leave line 2a blank. Use line 5 to explain that line 2c includes the amounts to cure both the prepetition default and the postpetition default.

Information required in 3

This section concerns disbursements made on account of postpetition fees, expenses, and charges.

Insert on the appropriate lines:

- the amount of postpetition fees, expenses, and charges noticed under Rule 3002.1(c) and not disallowed;
- the amount of postpetition fees, expenses, and charges disbursed.

The amount listed on line 3a should be the total of the amounts reported on Form 410S-2 as of the date of the motion that have not been disallowed. Line 3b should indicate the amount of those fees, expenses, and charges that have been disbursed.

Information required in 4

This section concerns disbursements made on account of postpetition obligations on the loan that are not reported on prior lines of this form. For example, the amount reported on this line should include regular monthly payments on the loan. Insert that amount in the space provided, to the extent known by the movant. If the movant is the trustee and has not been making these payments, insert \$0 if unknown. If the movant is the debtor, insert the sum of the payments made by the debtor and the trustee after the date of the petition and prior to the date of this motion.

Information required in 5

Space is provided here for the movant to add any other information that may be relevant to determining the status of the mortgage claim.

Information required in 6

This section states the relief the movant is seeking, followed by spaces for the movant's name and contact information.

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Official Form 410C13-M1R (12/25)

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)(1) to Determine the Status of the 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

\$ _____.

Check all that apply:

As of the date of this response, the debtor has paid in full the amount required to cure any arrearage on this mortgage claim.

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 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 postpetition arrearage on the mortgage claim. The total postpetition 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. Itemized Payment History

Include if applicable:

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;

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- all fees, costs, escrow, and expenses that the claim holder asserts are recoverable against the debtor or the debtor’s principal residence; and
- all amounts the claim holder contends remain unpaid.

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

Signature Date ____ / ____ / ____

Print _____ Title _____
Name

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 41013-M1R

Instructions for Response to [Trustee's/Debtor's] Motion Under Rule 3002.1(f)(1) to Determine the Status of the Mortgage Claim

United States Bankruptcy Court

12/25

Introduction

This form is used only in chapter 13 cases. It is filed by the holder of a claim secured by a security interest in the debtor's principal residence in response to the trustee's or debtor's motion to determine the status of that claim.

- the last 4 digits of the loan account number or any other number used to identify the account;
- the address of the principal residence securing the claim.

Applicable Law and Rules

Rule 3002.1 of the Federal Rules of Bankruptcy Procedure addresses claims secured by a security interest in a chapter 13 debtor's principal residence. Subdivision (f) of that rule authorizes a trustee or debtor to seek a court determination of the status of such a claim in an ongoing case by filing a motion in the bankruptcy court. Rule 3002.1(f)(2) requires the claim holder to file a response to the motion if it disagrees with facts set forth in the motion. The response must be filed within 28 days after the motion is served, using this form. The response must be served on the debtor, the debtor's attorney, and the trustee.

Information required in 2

This section responds to line 2 of the motion.

- Insert in the appropriate space the total amount received, as of the date of the response, to cure any prepetition or postpetition arrearage. This amount should include payments received to cure any default occurring as of the date of the petition or thereafter, but not payments for postpetition fees, charges, expenses, escrow, and costs, which are reported in line 3.
- Check all the applicable boxes and provide the information requested.

Directions

Information required in 1

Insert on the appropriate spaces:

- the claim holder's name;
- the court claim number, if known;

Information required in 3

This section responds to lines 3 and 4 of the motion.

- In (a), indicate by checking the appropriate box(es) whether the debtor is current on payments that came due postpetition or, if not, whether past due payments are owed for postpetition obligations on the loan (such as regular monthly payments on the loan); fees,

charges, expenses, negative escrow amounts, or costs; or both.

- In (b), attach a payoff statement and provide the information requested.

Information required in 4

If the claim holder has indicated that the debtor is not current on all payments due on the claim, attach an itemized payment history that provides the specified information.

Information required in 5

Space is provided here for the claim holder to add any other information that may be relevant to determining the status of the mortgage claim.

The person completing the form should sign it and provide the requested information.

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Official Form 410C13-M2 (12/25)

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: _____

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 noticed under Rule 3002.1(c) and not disallowed: \$ _____

b. Amount of postpetition fees, expenses, and charges disbursed: \$ _____

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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 41013-M2

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

United States Bankruptcy Court

12/25

Introduction

This form is used only in chapter 13 cases. It may be filed by a trustee or debtor within 45 days after service of the claim holder's response to the trustee's end-of-case Notice of Disbursements Made or within 45 days after service of the notice if no response is filed.

Applicable Law and Rules

Rule 3002.1 of the Federal Rules of Bankruptcy Procedure addresses claims secured by a security interest in a chapter 13 debtor's principal residence. Subdivision (g) of that rule requires the trustee at the end of the case to file a notice stating the total amount the trustee disbursed to the claim holder to cure any default and the total amount disbursed for payments that came due during the pendency of the case. The claim holder must respond to the notice. Thereafter Rule 3002.1(g)(4) authorizes the trustee or debtor to file a motion seeking a court determination of whether the debtor has cured all defaults and paid all required postpetition amounts. The rule requires that this form be used for the motion and that it be served on 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.

Directions

Indicate whether the movant is the trustee or the debtor(s).

Information required in 1

Insert on the appropriate spaces:

- the claim holder's name;
- the court claim number, if known;
- the last 4 digits of the loan account number or any other number used to identify the account;
- the address of the principal residence securing the claim.

Information required in 2

This section concerns disbursements made on account of arrearages. To the extent known by the movant, insert on the appropriate lines:

- the allowed amount of any arrearage that arose prepetition;
- the total amount of any prepetition arrearage disbursed as of the date of the motion;
- the allowed amount of any arrearage that arose postpetition;
- the total amount of any postpetition arrearage disbursed as of the date of the motion;
- the total amount of arrearages disbursed as of the date of the motion.

The amount listed on line 2a should be the same amount as “Amount necessary to cure any default as of the date of the petition” that was reported on line 9 of Form 410 and that has not been disallowed or, in districts in which the plan controls, the amount specified by the plan. The amount on line 2c should be the allowed amount from line 9 of an amended Form 410, the plan, or an order allowing cure of postpetition arrearages. If line 9 of an amended Form 410 or such plan or order combines the amounts necessary to cure defaults as of the date of the petition with amounts necessary to cure defaults after the petition, then insert the combined total on line 2c and leave line 2a blank. Use line 5 to explain that line 2c includes the amounts to cure both the prepetition default and the postpetition default.

Information required in 3

This section concerns disbursements made on account of postpetition fees, expenses, and charges.

Insert on the appropriate lines:

- the amount of postpetition fees, expenses, and charges noticed under Rule 3002.1(c) and not disallowed;
- the amount of postpetition fees, expenses, and charges disbursed.

The amount listed on line 3a should be the total of the amounts reported on Form 410S-2 as of the date of the motion that have not been disallowed. Line 3b should indicate the amount of those fees, expenses, and charges that have been disbursed.

Information required in 4

This section concerns disbursements made on account of postpetition obligations on the loan that are not reported on prior lines of this form. For example, the amount reported on this line should include regular monthly payments on the

loan. Insert that amount in the space provided, to the extent known by the movant. If the movant is the trustee and has not been making these payments, insert \$0 if unknown. If the movant is the debtor, insert the sum of the payments made by the debtor and the trustee after the date of the petition and prior to the date of this motion.

Information required in 5

Space is provided here for the movant to add any other information that may be relevant to determining the status of the mortgage claim.

Information required in 6

This part states the relief the movant is seeking, followed by spaces for the movant’s name and contact information.

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Official Form 410C13-M2R (12/25)

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 the 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

\$ _____.

Check all that apply:

As of the date of this response, the debtor has paid in full the amount required to cure any arrearage on this mortgage claim.

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 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 postpetition 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. Itemized 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 prepetition and postpetition payments received;

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- the application of all payments received;
- all fees, costs, escrow, and expenses that the claim holder asserts are recoverable against the debtor or the debtor’s principal residence; and
- all amounts the claim holder contends remain unpaid.

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

Signature Date ____/____/____

Print _____ Title _____
Name

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 41013-M2R**Instructions for Response to [Trustee's/Debtor's] Motion Under Rule 3002.1(g)(4) to Determine Final Cure and Payment of the Mortgage Claim**

United States Bankruptcy Court

12/25

Introduction

This form is used only in chapter 13 cases. It is filed by the holder of a claim secured by a security interest in the debtor's principal residence in response to the trustee's or debtor's Motion to Determine Final Cure and Payment of the Mortgage Claim.

Applicable Law and Rules

Rule 3002.1 of the Federal Rules of Bankruptcy Procedure addresses claims secured by a security interest in a chapter 13 debtor's principal residence. Subdivision (g) of that rule requires the trustee at the end of the case to file a notice stating the total amount the trustee disbursed to the claim holder to cure any default and the total amount disbursed for payments that came due during the pendency of the case. The claim holder must respond to the notice. Thereafter Rule 3002.1(g)(4) authorizes the trustee or debtor to file a motion seeking a court determination of whether the debtor has cured all defaults and paid all required postpetition amounts. The claim holder must respond to the motion if it disagrees with the facts set forth in the motion. The response must be filed within 28 days after the motion is served, using this form. The response must be served on the debtor, the debtor's attorney, and the trustee.

Directions**Information required in 1**

Insert on the appropriate spaces:

- the claim holder's name;
- the court claim number, if known;
- the last 4 digits of the loan account number or any other number used to identify the account;
- the address of the principal residence securing the claim.

Information required in 2

This section responds to line 2 of the motion.

- Insert in the appropriate space the total amount received, as of the date of the response, to cure any prepetition or postpetition arrearage. This amount should include payments received to cure any default occurring as of the date of the petition or thereafter, but not payments for postpetition fees, charges, expenses, escrow, and costs, which are reported in line 3.
- Check all the applicable boxes and provide the information requested.

Information required in 3

This section responds to lines 3 and 4 of the motion.

- In (a), indicate by checking the appropriate box(es) whether the debtor is current on payments that came due postpetition or, if not, whether past due payments are owed for postpetition obligations on the loan (such as regular monthly payments on the loan); fees, charges, expenses, negative escrow amounts, or costs; or both.

- In (b), attach a payoff statement and provide the information requested.

Information required in 4

If the claim holder has indicated that the debtor is not current on all payments due on the claim, attach an itemized payment history that provides the specified information.

Information required in 5

The person completing the form should sign it and provide the requested information.

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Fill in this information to identify the case:

Debtor 1 _____

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: _____ District of _____
(State)

Case number _____

Official Form 410C13-N

Trustee's Notice of Disbursements Made

12/25

The trustee must file this notice in a chapter 13 case within 45 days after the debtor completes all payments due to the trustee. Rule 3002.1(g)(1).

Part 1: Mortgage Information

Name of claim holder: _____ Court claim no. (if known): _____

Last 4 digits of any number you use to identify the debtor's account: _____

Property address: _____

Number Street

City State ZIP Code

Part 2: Statement of Completion

The debtor has completed all payments due the trustee under the chapter 13 plan. A copy of the trustee's disbursement ledger for all payments to the claim holder is attached or may be accessed here: _____ (web address).

Part 3: Arrearages

	Amount
a. Allowed amount of prepetition arrearage:	\$ _____
b. Total amount of prepetition arrearage disbursed by the trustee:	\$ _____
c. Total amount of postpetition arrearage disbursed by the trustee:	\$ _____
d. Total amount of arrearages disbursed by the trustee:	\$ _____

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Part 4: 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 claimant.

Part 5: Postpetition Fees, Expenses, and Charges

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

Part 6: A Response Is Required by Bankruptcy Rule 3002.1(g)(3)

Within 28 days after service of this notice, the holder of the claim must file a response using Official Form 410C13-NR.

X _____ Date ____/____/____
Signature

Trustee

First Name Middle Name Last Name

Address

Number Street

City State ZIP Code

Contact phone (____) ____-____ Email _____

Official Form 41013-N

Instructions for Trustee's Notice of Disbursements Made

United States Bankruptcy Court

12/25

Introduction

This form is used only in chapter 13 cases. It must be filed by the trustee within 45 days after the debtor completes all payments due to the trustee under a chapter 13 plan—whether or not the trustee made any disbursements to the claim holder.

Applicable Law and Rules

Rule 3002.1 of the Federal Rules of Bankruptcy Procedure addresses claims secured by a security interest in a chapter 13 debtor's principal residence. Subdivision (g)(1) of that rule requires the trustee at the end of the case to file a notice stating what amount the trustee disbursed to the claim holder to cure any default and what amount the trustee disbursed for payments that came due during the pendency of the case. The rule requires that this form be used for the notice and that it be served on the debtor, the debtor's attorney, and the claim holder.

Directions**Information required in Part 1**

Insert on the appropriate spaces:

- the claim holder's name;
- the court claim number, if known;
- the last 4 digits of the loan account number or any other number used to identify the account;

- the address of the principal residence securing the claim.

Information required in Part 2

Either attach a copy of the trustee's disbursement ledger for all payments to the claim holder or provide the web address where it can be accessed.

Information required in Part 3

Insert on the appropriate lines:

- the allowed amount of any arrearage that arose prepetition;
- the total amount of any prepetition arrearage that the trustee disbursed;
- the total amount of any postpetition arrearage that the trustee disbursed;
- the total amount of arrearages disbursed by the trustee.

The amount listed in Part 3a. should be the same amount as "Amount necessary to cure any default as of the date of the petition" that was reported on line 9 of Official Form 410 and that was not disallowed or, in districts in which the plan controls, the amount specified by the plan. The amount listed in Part 3d. should be the sum of the amounts listed in Parts 3b. and 3c. If the trustee did not make any disbursements for a

listed category, insert \$0 in the appropriate space.

Information required in Part 4

Check the appropriate box indicating who made postpetition payments. If some postpetition payments were made by the trustee and some by the debtor, check the third box and explain how they were divided up.

If the trustee disbursed any postpetition payments, insert in the appropriate space the total amount of postpetition payments the trustee disbursed as of the date of the notice and the date of the last ongoing mortgage payment disbursed by the trustee.

Information required in Part 5

Insert in the space the amount of postpetition fees, expenses, and charges disbursed by the trustee. If the trustee made no such disbursements, insert \$0.

Information required in Part 6

Sign and date the form and provide the requested contact information.

Fill in this information to identify the case:

Debtor 1 _____

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: _____ District of _____
(State)

Case number _____

Official Form 410C13-NR

Response to Trustee's Notice of Disbursements Made

12/25

The claim holder must respond to the Trustee's Notice of Payments Made within 28 days after it was served. Rule 3002.1(g)(3).

Part 1: Mortgage Information

Name of claim holder: _____ Court claim no. (if known): _____

Last 4 digits of any number you use to identify the debtor's account: _____

Property address:

Number _____ Street _____

City _____ State _____ ZIP Code _____

Part 2: Arrearages

The total amount received to cure any arrearages as of the date of this response: \$ _____.

Check all that apply:

- The amount required to cure any prepetition arrearage has been paid in full.
- The amount required to cure the prepetition arrearage has not been paid in full. Amount of prepetition arrearage remaining unpaid as of the date of this notice: \$ _____.
- The amount required to cure any postpetition arrearage has been paid in full.
- The amount required to cure the postpetition arrearage has not been paid in full. Amount of postpetition arrearage remaining unpaid as of the date of this notice: \$ _____.

Part 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 claim holder asserts that 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: \$ _____

Part 4 Itemized Payment History

If the claim holder disagrees that the prepetition arrearage has been paid in full, states that the debtor is not current on all postpetition payments, or states that fees, charges, expenses, escrow, and costs are due and owing, it must attach 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;
- all fees, costs, escrow, and expenses that the claim holder asserts are recoverable against the debtor or the debtor's principal residence; and
- all amounts the claim holder contends remain unpaid.

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Part 5: Sign Here

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.

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

X _____ Date ____/____/____
Signature

Name _____
First name Middle name Last name

Title _____

Company _____
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address _____
Number Street

City State ZIP Code

Contact phone _____ Email _____

Official Form 41013-NR

Instructions for Response to Trustee's Notice of Disbursements Made

United States Bankruptcy Court

12/25

Introduction

This form is used only in chapter 13 cases. It must be filed by the holder of a claim secured by a security interest in the debtor's principal residence within 28 days after service of the trustee's end-of-case Notice of Disbursements Made.

Applicable Law and Rules

Rule 3002.1 of the Federal Rules of Bankruptcy Procedure addresses claims secured by a security interest in a chapter 13 debtor's principal residence. Subdivision (g)(1) of that rule requires the trustee at the end of the case to file a notice stating what amount the trustee disbursed to the claim holder to cure any default and what amount the trustee disbursed to the claim holder for payments that came due during the pendency of the case. Subdivision (g)(3) then requires the claim holder to respond to the notice within 28 days after it is served, using this form. The response must be filed as a supplement to the claim holder's proof of claim and served on the debtor, the debtor's attorney, and the trustee.

Directions**Information required in Part 1**

Insert on the appropriate spaces:

- the claim holder's name;
- the court claim number, if known;

- the last 4 digits of the loan account number or any other number used to identify the account;
- the address of the principal residence securing the claim.

Information required in Part 2

This part responds to Part 3 of the notice.

- Insert in the in the appropriate space the total amount received, as of the date of the response, to cure any prepetition or postpetition arrearage.

This amount should include the sum of any prepetition arrearage and postpetition arrearage payments that the claim holder has received, but not payments for postpetition fees, charges, expenses, escrow, and costs, which are reported in Part 3.

- Check all the applicable boxes, and, if applicable, insert the amount of any prepetition or postpetition arrearage remaining unpaid. If the fourth box is checked, the postpetition arrearage amount should not include postpetition fees, charges, expenses, escrow, and costs, which are reported in Part 3.

Information required in Part 3

This part responds to Parts 4 and 5 of the notice.

- In subpart (a), indicate by checking the appropriate box(es) whether the debtor is current on payments that came due postpetition or, if not, whether past due scheduled payments; fees, charges, expenses, negative escrow amounts, or costs; or both, are owed.

- In subpart (b), attach a payoff statement and provide the information requested.

Information required in Part 4

If the claim holder has indicated that the debtor is not current on all payments due on the claim, attach an itemized payment history that provides the specified information.

Information required in Part 5

The person completing the form should sign it (under penalty of perjury) and provide the requested information.

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Fill in this information to identify the case:

Debtor 1 _____
Debtor 2 _____ (Spouse, if filing)
United States Bankruptcy Court for the: _____ District of _____ (State)
Case number _____

Official Form 410S1

Notice of Mortgage Payment Change

12/25

If the debtor's plan provides for payment of postpetition contractual installments on your claim secured by a security interest in the debtor's principal residence, 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 4 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 For HELOC payment amounts, see Part 3

Part 1: Escrow Account Payment Adjustment

1. 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

2. Will the debtor's principal and interest payment change based on an adjustment to the interest rate on the debtor's variable-rate account?

- 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: Annual HELOC Notice

3. Will there be a change in the debtor's home-equity line-of-credit (HELOC) payment for the year going forward?

- No
Yes.
Current HELOC payment: \$ _____
Reconciliation amount: + \$ _____ or - \$ _____

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Debtor 1

First Name Middle Name Last Name

Case number (if known)

Amount of next payment (including reconciliation amount) \$

Amount of the new payment thereafter (without reconciliation amount) \$

Part 4: Other Payment Change

4. 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 5: 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.

Check the appropriate box.

- I am the creditor.
I am the creditor's authorized agent.

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.

X Signature Date

Print: First Name Middle Name Last Name Title

Company

Address Number Street

City State ZIP Code

Contact phone () - Email

Committee Note

Official Form 410S1, *Notice of Mortgage Payment Change*, is amended to provide space for an annual HELOC notice. As required by Rule 3002.1(b)(2), new Part 3 solicits disclosure of the existing payment amount, a reconciliation amount representing underpayments or overpayments for the past year, the next payment amount (including the reconciliation amount), and the new payment amount thereafter (without the reconciliation amount). The sections of the form previously designated as Parts 3 and 4 are redesignated Parts 4 and 5, respectively.

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Fill in this information to identify the case:	
Debtor 1	_____
Debtor 2 (Spouse, if filing)	_____
United States Bankruptcy Court for the:	_____ District of _____
Case number	_____

Official Form 410

Proof of Claim

04/25

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach 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. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim	
<p>1. Who is the current creditor?</p> <p>Name of the current creditor (the person or entity to be paid for this claim) _____</p> <p>Other names the creditor used with the debtor _____</p>	
<p>2. Has this claim been acquired from someone else?</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. From whom? _____</p>	
<p>3. Where should notices and payments to the creditor be sent?</p> <p>Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)</p>	<p>Where should notices to the creditor be sent?</p> <p>Name _____</p> <p>Number _____ Street _____</p> <p>City _____ State _____ ZIP Code _____</p> <p>Contact phone _____</p> <p>Contact email _____</p> <p>Uniform claim identifier (if you use one): _____</p>
	<p>Where should payments to the creditor be sent? (if different)</p> <p>Name _____</p> <p>Number _____ Street _____</p> <p>City _____ State _____ ZIP Code _____</p> <p>Contact phone _____</p> <p>Contact email _____</p>
<p>4. Does this claim amend one already filed?</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY</p>	
<p>5. Do you know if anyone else has filed a proof of claim for this claim?</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. Who made the earlier filing? _____</p>	

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Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? No
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____

7. How much is the claim? \$ _____ Does this amount include interest or other charges?
 No
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
 Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
 Limit disclosing information that is entitled to privacy, such as health care information.

9. Is all or part of the claim secured? No
 Yes. The claim is secured by a lien on property.

Nature of property:
 Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
 Motor vehicle
 Other. Describe: _____

Basis for perfection: _____
 Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

Value of property: \$ _____
Amount of the claim that is secured: \$ _____
Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)

Amount necessary to cure any default as of the date of the petition: \$ _____

Annual Interest Rate (when case was filed) _____ %
 Fixed
 Variable

10. Is this claim based on a lease? No
 Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff? No
 Yes. Identify the property: _____

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12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

No

Yes. Check one:

Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Up to \$3,800* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

Wages, salaries, or commissions (up to \$17,150* earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier). 11 U.S.C. § 507(a)(4).

Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

Amount entitled to priority

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* Amounts are subject to adjustment on 4/01/28 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(3) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

I am the creditor.

I am the creditor's attorney or authorized agent.

I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that 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.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date _____
MM / DD / YYYY

Signature

Print the name of the person who is completing and signing this claim:

Name _____
First name Middle name Last name

Title _____

Company _____
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address _____
Number Street

City State ZIP Code

Contact phone _____ Email _____

Print

Save As...

Add Attachment

Reset

Official Form 410

Proof of Claim

page 3

Official Form 410

Instructions for Proof of Claim

United States Bankruptcy Court

12/24

These instructions and definitions generally explain the law. In certain circumstances, such as bankruptcy cases that debtors do not file voluntarily, exceptions to these general rules may apply. You should consider obtaining the advice of an attorney, especially if you are unfamiliar with the bankruptcy process and privacy regulations.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157 and 3571.

How to fill out this form

- **Fill in all of the information about the claim as of the date the case was filed.**
 - **Fill in the caption at the top of the form.**
 - **If the claim has been acquired from someone else, then state the identity of the last party** who owned the claim or was the holder of the claim and who transferred it to you before the initial claim was filed.
 - **Attach any supporting documents to this form.**
Attach redacted copies of any documents that show that the debt exists, a lien secures the debt, or both. (See the definition of *redaction* on the next page.)
Also attach redacted copies of any documents that show perfection of any security interest or any assignments or transfers of the debt. In addition to the documents, a summary may be added. Federal Rule of Bankruptcy Procedure (called “Bankruptcy Rule”) 3001(c) and (d).
 - **Do not attach original documents because attachments may be destroyed after scanning.**
 - **If the claim is based on delivering health care goods or services, do not disclose confidential health care information. Leave out or redact confidential information both in the claim and in the attached documents.**
- **A Proof of Claim form and any attached documents must show only the last 4 digits of any social security number, individual's tax identification number, or financial account number, and only the year of any person's date of birth.** See Bankruptcy Rule 9037.
 - **For a minor child, fill in only the child's initials and the full name and address of the child's parent or guardian.** For example, write *A.B., a minor child (John Doe, parent, 123 Main St., City, State)*. See Bankruptcy Rule 9037.

Confirmation that the claim has been filed

To receive confirmation that the claim has been filed, either enclose a stamped self-addressed envelope and a copy of this form or go to the court's PACER system (www.pacer.psc.uscourts.gov) to view the filed form.

Understand the terms used in this form

Administrative expense: Generally, an expense that arises after a bankruptcy case is filed in connection with operating, liquidating, or distributing the bankruptcy estate. 11 U.S.C. § 503.

Claim: A creditor's right to receive payment for a debt that the debtor owed on the date the debtor filed for bankruptcy. 11 U.S.C. §101 (5). A claim may be secured or unsecured.

2025 SOUTHEAST BANKRUPTCY WORKSHOP

Creditor: A person, corporation, or other entity to whom a debtor owes a debt that was incurred on or before the date the debtor filed for bankruptcy. 11 U.S.C. §101 (10).

Debtor: A person, corporation, or other entity who is in bankruptcy. Use the debtor's name and case number as shown in the bankruptcy notice you received. 11 U.S.C. § 101 (13).

Evidence of perfection: Evidence of perfection of a security interest may include documents showing that a security interest has been filed or recorded, such as a mortgage, lien, certificate of title, or financing statement.

Information that is entitled to privacy: A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, an individual's tax identification number, or a financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If a claim is based on delivering health care goods or services, limit the disclosure of the goods or services to avoid embarrassment or disclosure of confidential health care information. You may later be required to give more information if the trustee or someone else in interest objects to the claim.

Priority claim: A claim within a category of unsecured claims that is entitled to priority under 11 U.S.C. §507(a). These claims are paid from the available money or property in a bankruptcy case before other unsecured claims are paid. Common priority unsecured claims include alimony, child support, taxes, and certain unpaid wages.

Proof of claim: A form that shows the amount of debt the debtor owed to a creditor on the date of the bankruptcy filing. The form must be filed in the district where the case is pending.

Redaction of information: Masking, editing out, or deleting certain information to protect privacy. Filers must redact or leave out information entitled to **privacy** on the *Proof of Claim* form and any attached documents.

Secured claim under 11 U.S.C. §506(a): A claim backed by a lien on particular property of the debtor. A claim is secured to the extent that a creditor has the right to be paid from the property before other creditors are paid. The amount of a secured claim usually cannot be more than the value of the particular property on which the creditor has a lien. Any amount owed to a creditor that is more than the value of the property normally may be an unsecured claim. But exceptions exist; for example, see 11 U.S.C. § 1322(b) and the final sentence of 1325(a).

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 may be a lien.

Setoff: Occurs when a creditor pays itself with money belonging to the debtor that it is holding, or by canceling a debt it owes to the debtor.

Uniform claim identifier: An optional 24-character identifier that some creditors use to facilitate payment.

Unsecured claim: A claim that does not meet the requirements of a secured claim. A claim may be unsecured in part to the extent that the amount of the claim is more than the value of the property on which a creditor has a lien.

Offers to purchase a claim

Certain entities purchase claims for an amount that is less than the face value of the claims. These entities may contact creditors offering to purchase their claims. Some 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, the bankruptcy trustee, or the debtor. A creditor has no obligation to sell its claim. However, if a creditor decides to sell its claim, any transfer of that claim is subject to Bankruptcy Rule 3001(e), any provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.) that apply, and any orders of the bankruptcy court that apply.

Do not file these instructions with your form.

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Official Form 410 (Committee Note)

2025-04 STAFF NOTATION

Line 12 of Form 410 is adjusted effective April 1, 2025, as part of the tri-annual dollar adjustments required by 11 U.S.C. § 104.

2024 COMMITTEE NOTE

The last line of Part 1, Box 3, of Form 410 is amended to permit use of the uniform claim identifier for all payments in cases filed under all chapters of the Code, not merely electronic payments in chapter 13 cases. In addition, a conforming amendment is made to the second paragraph of the margin note in Part 3 to conform to the Restyled Rules; the reference to Rule 5005(a)(2) is changed to Rule 5005(a)(3).

2023 COMMITTEE NOTE

Part 3 of Form 410A is amended to provide for separate itemization of principal due and interest due. Because under § 1322(e) the amount necessary to cure a default is “determined in accordance with the underlying agreement and applicable nonbankruptcy law,” it may be necessary for a debtor who is curing arrearages under § 1325(a)(5) to know which portion of the total arrearages is principal and which is interest.

2022-04 STAFF NOTATION

Line 12 of Official Form 410 is adjusted effective April 1, 2022, as part of the tri-annual dollar adjustments required by 11 U.S.C. § 104.

2015 COMMITTEE NOTE

Official Form 410, *Proof of Claim*, applies in all cases. Form 410 replaces Official Form 10, Proof of Claim. It is renumbered to distinguish it from the forms used by

Official Form 10 (Committee Note)

debtors for case opening, and includes stylistic changes throughout the form. It is revised as part of the Forms Modernization Project, making it easier to read and, as a result, likely to generate more complete and accurate responses. Because the goals of the Forms Modernization Project include improving the interface between technology and the forms so as to increase efficiency and reduce the need to produce the same information in multiple formats, many of the open-ended questions and multiple-part instructions have been replaced with more specific questions.

Official Form 410 has been substantially reorganized. A new question has been added at line 10 that solicits information about claims based on leases.

Official Form 410A, *Mortgage Proof of Claim Attachment*, is revised in its content and format. Rather than requiring a home mortgage claimant to fill in blanks with itemized information about the principal, interest, and fees due as of the petition date and the amount necessary to cure a prepetition default, the form now requires the claimant to provide a loan history that reveals when payments were received, how they were applied, when fees and charges were incurred, and when escrow charges were satisfied. Because completion of the revised form can be automated, it will permit claimants to comply with Rule 3001(c)(2)(C) with efficiency and accuracy. Attachment of a loan history with a home mortgage proof of claim will also provide transparency about the basis for the claimant's calculation of the claim and arrearage amount.

The loan history should begin with the first date on which the borrower failed to make a payment in accordance with the terms of the note and mortgage, unless the note was subsequently brought current with no principal, interest, fees, escrow payments, or other charges immediately payable.

Official Form 10 (Committee Note)

Official Forms 410S1 and 410S2, *Notice of Mortgage Payment Change* and *Notice of Postpetition Mortgage Fees, Expenses, and Charges*, are revised as part of the Forms Modernization Project. There are formatting changes throughout the forms.

HISTORICAL NOTES

2012 COMMITTEE NOTE

Section 7 of the form is amended to remind filers of the need to attach documents required by Rule 3001(c) for claims based on an open-end or revolving consumer credit agreement or claims secured by a security interest in the debtor's principal residence.

Section 8 is revised to delete the direction that an authorized agent attach a power of attorney if one exists. Rule 9010(c) does not require that an agent's authority to file a proof of claim be evidenced by a power of attorney.

2011 COMMITTEE NOTE

The form is amended in several respects. A new section—3b—is added to allow the reporting of a uniform claim identifier. This identifier, consisting of 24 characters, is used by some creditors to facilitate automated receipt, distribution, and posting of payments made by means of electronic funds transfers by chapter 13 trustees. Creditors are not required to use a uniform claim identifier.

Language is added to section 4 to clarify that the annual interest rate that must be reported for a secured claim is the rate applicable at the time the bankruptcy case was filed. Checkboxes for indicating whether the interest rate is fixed or variable are also added.

Section 7 of the form is revised to clarify that, consistent with Rule 3001(c), writings supporting a claim or evidencing perfection of a security interest must be attached to the proof of claim. If the documents are not available, the filer must provide an explanation for their absence. The instructions for this section of the form explain that summaries of supporting documents may be attached only in addition to the documents themselves.

Section 8—the date and signature box—is revised to include a declaration that is intended to impress upon the filer the duty of care that must be exercised in filing a proof

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Official Form 10 (Committee Note)

of claim. The individual who completes the form must sign it. By doing so, he or she declares under penalty of perjury that the information provided “is true and correct to the best of my knowledge, information and reasonable belief.” That individual must also provide identifying information— name; title; company; and, if not already provided, mailing address, telephone number, and email address—and indicate by checking the appropriate box the basis on which he or she is filing the proof of claim (for example, as creditor or authorized agent for the creditor). Because a trustee or debtor that files a proof of claim under Rule 3004 will indicate that basis for filing here, the checkbox on the first page of the form for stating the filer’s status as a trustee or debtor is deleted. When a servicing agent files a proof of claim on behalf of a creditor, the individual completing the form must sign it and must provide his or her own name, as well as the name of the company that is the servicing agent.

Amendments are made to the instructions that reflect the changes made to the form, and stylistic and formatting changes are made to the form and instructions. Spaces are added for providing email addresses in addition to other contact information in order to facilitate communication with the claimant. The provision of this additional information does not affect any requirements for serving or providing official notice to the claimant.

2011 COMMITTEE NOTE – ATTACHMENT A

This form [*Attachment A*] is new. It must be completed and attached to a proof of claim secured by a security interest in a debtor’s principal residence. The form, which implements Rule 3001(c)(2), requires an itemization of prepetition interest, fees, expenses, and charges included in the claim amount, as well as a statement of the amount necessary to cure any default as of the petition date. If the mortgage installment payments include an escrow deposit, an escrow account statement must also be attached to the proof of claim, as required by Rule 3001(c)(2)(C).

2025 SOUTHEAST BANKRUPTCY WORKSHOP

Official Form 10 (Committee Note)

2011 COMMITTEE NOTE – SUPPLEMENT 1

This form [*Supplement 1*] is new and applies in chapter 13 cases. It implements Rule 3002.1, which requires the holder of a claim secured by a security interest in the debtor's principal residence—or the holder's agent—to provide notice at least 21 days prior to a change in the amount of the ongoing mortgage installment payments. The form requires the holder of the claim to indicate the basis for the changed payment amount and when it will take effect. The notice must be filed as a supplement to the claim holder's proof of claim, and it must be served on the debtor, debtor's counsel, and the trustee.

The individual completing the form must sign and date it. By doing so, he or she declares under penalty of perjury that the information provided is true and correct to the best of that individual's knowledge, information, and reasonable belief. The signature is also a certification that the standards of Rule 9011(b) are satisfied.

2011 COMMITTEE NOTE – SUPPLEMENT 2

This form [*Supplement 2*] is new and applies in chapter 13 cases. It implements Rule 3002.1, which requires the holder of a claim secured by a security interest in the debtor's principal residence—or the holder's agent—to file a notice of all postpetition fees, expenses, and charges within 180 days after they are incurred. The notice must be filed as a supplement to the claim holder's proof of claim, and it must be served on the debtor, debtor's counsel, and the trustee.

The individual completing the form must sign and date it. By doing so, he or she declares under penalty of perjury that the information provided is true and correct to the best of that individual's knowledge, information, and reasonable belief. The signature is also a certification that the standards of Rule 9011(b) are satisfied.

2008 COMMITTEE NOTE

The form is amended at box seven on page one, and instructions two and seven on page two, to instruct the claimant that the information contained in or attached to a

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claim based on the delivery of health care goods or services should be limited so as to avoid embarrassment or the unnecessary disclosure of confidential information. The claimant is informed that additional disclosure may be required if the trustee or another party in interest objects to the claim.

Page two of the form is also amended to revise slightly the definitions of "creditor" and "claim" to conform more closely to the definitions of those terms in the Code.

2005-2007 COMMITTEE NOTE¹

The form is amended to conform to changes in the priority afforded the claims of certain creditors in § 507(a) of the Code as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005).

In addition, the form and its instructions are amended in several respects based on the experiences of creditors and trustees in using it and on the technological changes that have occurred in the courts' processing of claims. A definition of the word "redacted" has been added in conformity with Rule 9037.

The creditor now has a space in which to provide a separate payment address if different from the creditor's address for receiving notices in the case. The checkboxes for indicating that the creditor's address provided on the proof of claim is a new address, and that the creditor never received any notices from the court in the case have been deleted. The computer systems now used by the courts make it unnecessary for a creditor to "flag" a new address or call attention to the fact that the creditor is making its first appearance in the case. In place of the deleted items is a new checkbox to be used when a debtor or a trustee files a proof of claim for a creditor; it will alert the clerk to send the notice required by Rule 3004. The box for indicating whether the claim replaces a previously filed claim also has

¹The 2005-2007 Committee Note incorporates the Committee Note previously published in 2005.

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been deleted as no longer necessary in light of the 2005 amendments to Rules 3004 and 3005. The creditor simply will amend the claim filed by the other party.

Requests for the creditor to state the date on which the debt was incurred and the date on which any court judgment concerning the debt was obtained have been deleted, based on reports from trustees that they rely on the documents supporting the claim for this information. The checkboxes for stating the basis for the creditor's claim have been replaced with a blank in which the creditor is to provide this information. Examples of the most common categories, based on the former checkboxes, can be found in the instructions on the form. The request to state the account number by which the creditor identifies the debtor has been moved to paragraph 3 of the form and has been revised to request only the last four digits of the number, in conformity with Rule 9037. In addition, a new paragraph 3a gives the creditor a place to notify the trustee and the court of any change in the creditor's name, or that the claim has been transferred, or to provide any other information to clarify a difference between the proof of claim and the creditor's claim as scheduled by the debtor.

The adjective "total" is deleted from the sections of the form where the creditor states the amount of the claim and the creditor now simply reports the amount of the claim. If the claim is a general unsecured claim, no further details are stated on the form, although a creditor still must attach a copy of any writing on which the claim is based, as required by Rule 3001(c), and must attach a statement itemizing any interest or other charges (in addition to the principal) that are included in the claim. If the claim or any part of it is secured or entitled to priority under § 507(a) of the Code, the creditor is directed to provide details in the appropriate sections of the form. The creditor now states the amount to be afforded priority only once, in the section of the form designated for describing the specific priority being asserted. The introductory language in the section where the creditor describes any priority to which it is entitled has been revised for clarity. The word "collateral"

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has been replaced with the less colloquial and more accurate phrase "lien on property" throughout the form.

Information about obtaining acknowledgment from the court of the filing of the proof of claim is revised and moved to a new section on the reverse side called "Information." This new section also alerts a creditor to the possibility that it may be approached about selling its claim, advises that the court has no role in any such solicitations, and states that a creditor is under no obligation to accept any offer to purchase its claim. A new instruction is added about signing a proof of claim. This instruction includes citations to Rules 9011 and 5005(a)(2) concerning signature requirements in an electronic filing environment.

Finally, all of the definitions and instructions on the reverse side of the form are amended generally to reflect the deletions, additions, and other changes made on page 1. These include a reminder to the creditor to keep the court informed of any changes in its address. The instructions now appear at the top of the page, and the text is revised both to reflect the substantive changes to the form and to improve the clarity and style of this explanatory material.

2005 COMMITTEE NOTE

The form is amended to conform to changes in the priority afforded the claims of certain creditors in § 507(a) of the Code as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, 119 Stat. 23 (April 20, 2005).

2003 COMMITTEE NOTE

The form is amended to require a wage, salary, or other compensation creditor to disclose only the last four digits of the creditor's social security number to afford greater privacy to the creditor. A trustee can request the full information necessary for tax withholding and reporting at the time the trustee makes a distribution to creditors.

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1997 COMMITTEE NOTE

Numbered sections 4. and 5. of the form have been reformatted to eliminate redundant information and make it easier to complete the form correctly. A creditor will report the total amount of the claim first, and will report only that amount unless the claim is secured by collateral or entitled to a priority under § 507 of the Code.

Explanatory definitions and instructions for completing the form also have been added.

1995 COMMITTEE NOTE

The form is amended to add the seventh priority granted by the Bankruptcy Reform Act of 1994 to debts for alimony, maintenance, or support of a spouse, former spouse, or child of the debtor. The form also amends the Code reference to the priority afforded to tax debts and the dollar maximums for the priorities granted to wages and customer deposits in conformity with amendments made by the 1994 Act to section 507(a) of the Code. The 1994 Act also amended section 104 of the Code to provide for future adjustment of the dollar amounts specified in section 507(a) to be made by administrative action at three-year intervals to reflect changes in the consumer price index. The form is amended to include notice that these dollar amounts are subject to change without formal amendment to the official form.

1993 COMMITTEE NOTE

The form has been amended to accommodate inclusion of the priority afforded in § 507(a)(8) of the Code, which was added by Pub. L. No. 101-647, (Crime Control Act of 1990), and to avoid the necessity of further amendment to the form if other priorities are added to § 507(a) in the future. In addition, sections 4 and 5 of the form have been amended to clarify that only prepetition arrearages and charges are to be included in the amount of the claim.

1991 COMMITTEE NOTE

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This form replaces former Official Forms No. 19, No. 20, and No. 21. The box format and simplified language are intended to facilitate completion of the form.

The form directs the claimant to attach documents to support the claim or, if voluminous, a summary of such documents. These include any security agreement (if not included in the writing on which the claim is founded), and evidence of perfection of any security interest. See Committee Note to Rule 3001(d) concerning satisfactory evidence of perfection. If the claim includes prepetition interest or other charges such as attorney fees, a statement giving a detailed breakdown of the elements of the claim is required.

Rule 2002(g) requires the clerk to update the mailing list in the case by substituting the address provided by a creditor on a proof of claim, if that address is different from the one supplied by the debtor. The form contains checkboxes to assist the clerk in performing this duty. The form also alerts the trustee when the claim is an amendment to or replacement for an earlier claim.

Faculty

Melissa J. Davey is a standing chapter 13 trustee in the Northern District of Georgia for the Atlanta and Newnan divisions based in Atlanta, effective Oct. 1, 2017. Her office administers thousands of chapter 13 cases assigned to Hon. Paul M. Baisier and Hon. Lisa Ritchey Craig. Prior to her appointment, Ms. Davey was in private practice in Atlanta as a member of Stites & Harbison, PLLC in its Creditors' Rights and Bankruptcy Group, where she focused primarily on representing institutional lenders and other creditors in bankruptcy and consumer and commercial litigation. Prior to joining Stites and Harbison, she was a staff attorney for a chapter 13 trustee in the Northern District of Georgia for more than six years. She has also previously represented debtors in bankruptcy. Ms. Davey the vice president and Annual Meeting program chair for the National Association of Chapter 13 Trustees (NACTT). She also serves on the Bench and Bar Committee for the U.S. Bankruptcy Court for the Northern District of Georgia and previously chaired the committee. Ms. Davey is a Master in the W. Homer Drake, Jr. Georgia Bankruptcy American Inn of Court. In the past, she has served as president/officer for the Bankruptcy Section of the Atlanta Bar Association, as co-chair of the Georgia Network of the International Women's Insolvency and Restructuring Confederation, as president of the Metro Atlanta Consumer Bankruptcy Attorney Group and as an advisory board member for ABI's Southeast Bankruptcy Workshop. Ms. Davey received her B.A. in political science and French *magna cum laude* with honors and her J.D. from the Emory University School of Law in 2003. During her junior year of undergrad, she studied at the Sorbonne and the Institut Catholique in Paris.

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Nancy J. Whaley is an attorney serving as a chapter 12 and 13 trustee for the Northern District of Georgia in Atlanta. On Oct. 1, 2023, she was appointed to the Judicial Conference Advisory Committee on Bankruptcy Rules. Ms. Whaley is a Fellow of the American College of Bankruptcy and serves on its *Pro Bono* and Distinguished Student Committees. She also serves on ABI's Board of Directors on its Finance and Investment Committees, and she is a past co-chair for ABI's Southeast Bankruptcy Workshop. Ms. Whaley is a member of the Northern District of Georgia Bankruptcy Court's Bench and Bar Committee and has served on the State Bar of Georgia Executive Committee, is a member of its Board of Governors and chaired its Investment and Finance Committees. She sits on the board of directors for the Association of Chapter 12 Trustees and is a member of the National Association of Chapter 13 Trustees. She also is a founding officer of the NACTT Foundation, and a past chair of the Atlanta Bar Association's Bankruptcy Section and the Bankruptcy Section of the State Bar of Georgia. Ms. Whaley served as president of the Georgia Association for Women Lawyers and of the GAWL Foundation. She retired from the Air Force Reserve as a Lieutenant Colonel. Ms. Whaley received her B.A. *cum laude* from Eureka College, where she was a Ronald Reagan Scholar, and her J.D. from Emory Law School.