

**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.

(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,

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

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.

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.

Committee Note

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.

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.

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.

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

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

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

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 **(f~~g~~) 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
283 postpetition defaults that may have occurred. Stylistic
284 changes are made throughout the rule, and its title and
285 subdivision headings have been changed to reflect the
286 amended content.

287 Subdivision (a), which describes the rule’s
288 applicability, is amended to delete the words “contractual”
289 and “installment” in the phrase “contractual installment
290 payments” in order to clarify and broaden the rule’s
291 applicability. The deletion of “contractual” is intended to
292 make the rule applicable to home mortgages that may be
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.

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

347 may enter an order favorable to the moving party based on
348 those facts.

349 Under subdivision (g), within 45 days after the last
350 plan payment is made to the trustee, the trustee must file an
351 **End-of-Case Notice of Disbursements Made**. An Official
352 Form has been adopted for this purpose. The notice will state
353 the amount that the trustee has paid to cure any default on
354 the claim and whether the default has been cured. It will also
355 state the amount that the trustee has **disbursed** on obligations
356 that came due during the case and whether those payments
357 are current as of the date of the notice. **If the trustee has**
358 **disbursed no amounts to the claim holder under either or**
359 **both categories, the notice should be filed stating \$0 for the**
360 **amount disbursed.** The claim holder then must respond
361 within 28 days after service of the notice, again using an
362 Official Form to provide the required information.

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

375 Subdivision (h) was previously subdivision (i). It has
376 been amended to clarify that the listed sanctions are
377 authorized in addition to any other actions that the rule
378 authorizes the court to take if the claim holder fails to

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

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.

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 _____

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.

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 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 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 6

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

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;

- 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.

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.

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.

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

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.

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: | \$ _____ |

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

Signature

Date ____/____/____

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.

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

Signature

Date ____/____/____

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.

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(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(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.

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;

- 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.

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.