BANKRUPTCY BROWN BAG – SHORT OUTLINE

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  - 2019. Disclosure in Chapter 11 Cases – disclosable economic interest
  - 4004. Grant or Denial of Discharge – extending objection deadline
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- Q & A with Judge Robert Faris

BANKRUPTCY BROWN BAG
Monday, November 21, 2011

Amendments to Federal Rules

- **Rule 1004.2** - New rule requiring entity filing a chapter 15 petition to state the country of the debtor's main interest, filer to list each country in which a case involving debtor is pending, and setting deadline for challenging the statement asserting the country of the debtor's main interest.

  - **Petition (Official Form 1)** is amended to show this information.

- **Rule 2003** - Amendment requires the filing of a statement upon adjourning a meeting of creditors or equity security holders. (No change to trustee's 341 filing in CM/ECF – system currently shows if meeting continued.)

- **Rule 2019** - Amendment expands the scope of the rule's disclosure requirements by requiring disclosure in chapter 9 and chapter 11 cases by all committees or groups that consist of more than one creditor or equity security holder, as well as entities that represent more than one creditor or equity security holder. It also authorizes the court to require disclosure by an individual party in interest when knowledge of that party's economic stake in the debtor would assist the court in evaluating the party's arguments.

- **Rule 4004** - Amendment permits a party under limited circumstances to seek an extension of time to object to a debtor's discharge after the time for objecting has expired.

- **Rule 6003** - Amendment clarifies that the requirement of a 21-day waiting period before a court can enter certain orders at the beginning of a case, including an order approving employment of counsel, does not prevent the court from specifying an effective date for the order that is earlier than the date of its issuance.

Claims-Related Changes

- **Rule 3001** - Amendment prescribes in greater detail the supporting information required to accompany certain proofs of claim. (*Note: provision specifying more detailed disclosures regarding open-end or revolving credit arrangements were deleted in rule's final version and were to be republished for further comment.*)

  - **Proof of Claim (B10)** is amended to require a declaration under penalty of perjury that the information provided in the claim is true and correct to the best of the signer's knowledge, information, and reasonable belief.

Under the amended rule, if the debtor in ***any chapter*** is an ***individual***:

- For any claim, secured or unsecured, creditor must file with the proof of claim an itemized statement of interest, fees, expenses, or charges with the proof of claim. Rule 3001(c)(2)(A).

- For a secured claim, creditor must file with the proof of claim a statement of the amount necessary to cure the default. Rule 3001(c)(2)(B).

- For a secured claim against the debtor's ***principal residence***, creditor must file with the proof of claim a new form **"Mortgage Proof of Claim Attachment" (B10 Attachment A)** and an escrow statement if an escrow account has been established. Rule 3001(c)(2)(C).

  Failure to comply with the above requirements? Under Rule 3001(c)(2)(D), after notice and a hearing, the court may:

  - "preclude the holder from presenting the omitted information, in any form, as evidence in any contested matter or adversary proceeding in the case," or

  - award other appropriate relief such as reasonable expenses and attorney fees caused by the creditor's failure to comply.

- **Rule 3002.1** - New rule implements § 1322(b)(5) of the Bankruptcy Code, which permits a chapter 13 debtor to cure a default and maintain payments of a home mortgage. This rule applies only in ***chapter 13*** and only with respect to a security interest in the debtor's ***principal residence***. In accordance with this new rule, there are 2 new official forms to file in the claims register.

  - **Creditor's Notice of Mortgage Payment Change (B10 Supplement 1)** – Must be filed and served no later than 21 days before a payment in the new amount is due. Signature section requires a declaration under penalty of perjury that the information provided in the claim is true and correct to the best of the signer's knowledge, information, and reasonable belief. Rule 3002.1(b).

  - **Creditor's Notice of Postpetition Mortgage Fees, Expenses, and Charges (B10 Supplement 2)** – Must be served within 180 days after the date on which the amounts are incurred. Signature section requires a declaration under penalty of perjury that the information provided in the claim is true and correct to the best of the signer's knowledge, information, and reasonable belief. Rule 3002.1(c).

  - **Debtor's Motion to Determine If Payment of Fee, Expense, or Charge is Required** – Must be filed by debtor or trustee within 1 year after service of the Notice of Postpetition Fees, Expenses, or Charges. Rule 3002.1(e).

- **Trustee's Notice of Final Cure Payment and Completion of Payments under the Plan** – Must be filed and served by trustee or debtor within 30 days after debtor completes all payments under the plan. Gives notice of deadline to respond. Rule 3002.1(f).

- **Creditor's Response to Notice of Final Cure Payment** – Creditor must file and serve response stating whether debtor has paid the amount in full to cure any default and is otherwise current on all payments. If not cured, statement must itemize amounts remaining due. Response must be filed and served on trustee, debtor, and debtor's attorney within 21 days after service of the notice.

- **Debtor's Motion to Determine Whether Any Amounts Remain Due** – Must be filed and served within 21 days after service of the creditor's response to the Notice of Final Cure Payment.

- Creditor's failure to comply and provide the information required under subdivision (b), (c), or (g)? Under Rule 3002.1(i), after notice and a hearing, the court may:

  - "preclude the holder from presenting the omitted information, in any form, as evidence in any contested matter or adversary proceeding in the case," or

  - award other appropriate relief such as reasonable expenses and attorney fees caused by the creditor's failure to comply.

Sequence of Events in Chapter 13 – Secured Claim against Debtor's Principal Residence

Filer	Document	Deadline	FRBP
Creditor	Proof of Claim (B10)	90 days after first date set for 341 meeting	3002(c)
Creditor	Mortgage Proof of Claim Attachment	Attached to Proof of Claim	3001(c)(2)(B)
Creditor	Notice of Mortgage Payment Change; Certificate of Service	21 days before new payment amount due	3002.1(b)
Creditor	Notice of Postpetition Mortgage Fees, Expenses, and Charges; Certificate of Service	180 days after obligations are incurred	3002.1(c)
Debtor	Motion to Determine Mortgage Fees and Expenses re: Rule 3002.1; Notice of Hearing; Certificate of Service	1 year after service of creditor's notice of fees	3002.1(e)
Trustee	Notice of Final Cure Payment; Certificate of Service	30 days after debtor completes plan payments	3002.1(f)
Creditor	Response to Notice of Final Cure Payment; Certificate of Service	21 days after service of notice of final cure payment	3002.1(g)
Debtor	Motion to Determine Final Cure and Mortgage Payment re: Rule 3002.1; Notice of Hearing; Certificate of Service	21 days after service of creditor's response	3002.1(h)

❖ CM/ECF Procedures

Mortgage Proof of Claim Attachment

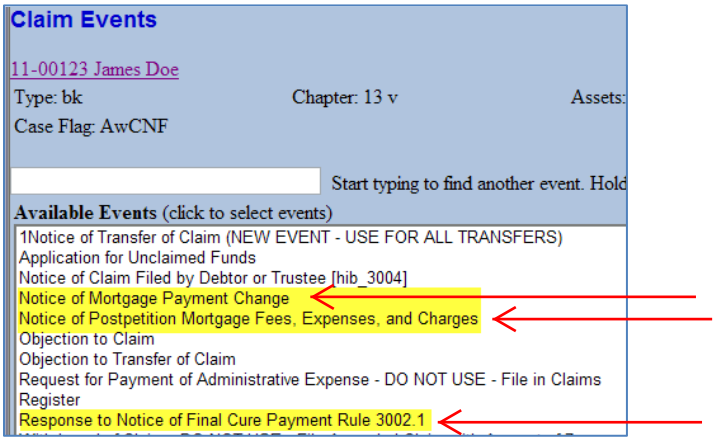
- Select File Claims from Bankruptcy menu

Notice of Mortgage Payment Change

Notice of Postpetition Fees, Expenses, and Charges

Response to Notice of Final Cure Payment

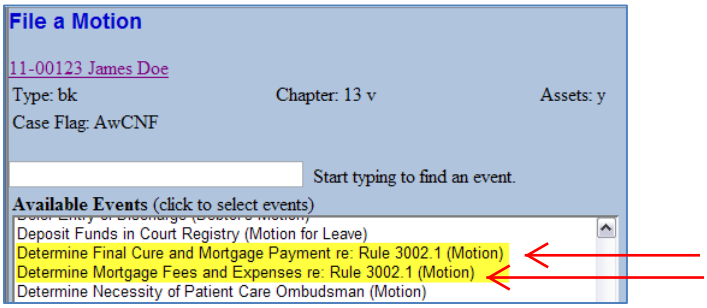
- Select from Claim Actions or Creditor Claimant Activity in Claims section of Bankruptcy menu



Motion to Determine Mortgage Fees and Expenses re: Rule 3002.1

Motion to Determine Final Cure Payment re: Rule 3002.1

- Select from Motions/Applications under Bankruptcy



Responses to motions, notices of hearing, and certificates of service

- Select from regular menu items under Bankruptcy

Amendments to Local Bankruptcy Rules

- **LBR 4001-1. Automatic Stay – Relief From** - Changes deadline to reply to opposition to relief from automatic stay (not chapter 13 codebtor stay) from 3 days to 7 days before the hearing date.

- **LBR 5005-4. Electronic Filing**

  - Filing Agent – agency relationship and attorney is responsible for matter filed

  - Retention of originally signed documents for 1 year after case or proceeding is closed

- **LBR 7055-1. Default** - Adds requirement for declaration regarding sufficiency of service, including service in a foreign country, when requesting clerk's entry of default. Common deficiencies regarding service:

  - Outside United States – Hague Convention; amended LBR 7055-1 requires declaration regarding sufficiency of service.
  - Service must be made on both debtor and debtor's attorney. FRBP 7004(g).
  - Corporation, partnership, other unincorporated entity – must send to the attention of an officer, managing or general agent, if not represented by an attorney. FRBP 7004(b)(3).
  - Insured depository institution – ***certified*** mail to the attention of an officer, if no attorney. FRBP 7004(h).
  - Summons stale after 14 days after issuance. FRBP 7004(e).

- **LBR 9018-1. Sealing and Redaction of Documents** - Clarifies procedure, including electronic filing of confidential documents. Refers to requirements to be issued by clerk and posted on website.

  - **CM/ECF Procedures**
    - Motion to Seal Document(s) – public document; should not have any confidential information included or attached
    - Sealed Document(s) – docket entry is public document but PDF will have access restricted to the court ***if*** *this specific filing selection is made*
    - Disposition:
      - Motion to seal granted – court considers sealed document(s) in ruling
      - Motion denied – access to originally filed document(s) remains on the docket but restricted; court will not consider information when ruling; party may then file (or not file) a public document to have the information considered

- **Sealed Document vs. Restricted Internet Access**

  - Documents in cases filed before 12/1/2003 and which have been closed more than 1 year have *access restricted* in PACER over the Internet; they are not sealed.

    - Message to public: "Access to this document is restricted" or "The document is not available"
    - Message to ECF user with login who represented a party in the case or proceeding: "The document you are about to view is restricted; protect it from unauthorized viewing."
    - These documents are available for viewing using the public terminals in the Clerk's Office

- **Chapter 13 Plan (hib_3015-1)**

  - Section 2 – Payments to Trustee: Clarifies provision in section 2.06 regarding pre-confirmation adequate protection payments.

  - Section 4 – Classification of Claims: Omits reference in section 4.01-3 Maintenance Payments by Trustee to section 7.06 of the plan; deemed unnecessary due to provisions of new Bankruptcy Rule 3002.1 effective December 1, 2011; adds check boxes for "principal residence" and "other property".

  - Section 7 – Miscellaneous Provisions: Omits current procedures following final plan payment as unnecessary due to provisions of new Bankruptcy Rule 3002.1; clarifies that any default by debtor in making direct payments to creditor postpetition is debtor's responsibility, not to be paid by the trustee.

Practice Pointers and Court Updates

- **Relief from Stay Motions – Account Statement.** Not being filed when required.

  LBR 4001-1(a)(4) Account Statement.
  (A) ***When Statement Required***. If the motion alleges that the debtor has defaulted in making payments to the moving party, the motion must include an account statement and an admissible declaration attesting to the statement's accuracy. The statement must cover the entire period during which the moving party contends that the debtor has been in default. The statement and declaration must be written in language comprehensible to a lay person, and must include the following information:
  (i) a description of the accrued and unpaid obligations, including the nature of the obligation (e.g., principal and interest, escrow, etc.) and the date on which it accrued;
  (ii) the amount of any payments during the period of the statement; and
  (iii) the date of receipt and posting of each such payment.

(B) ***When Statement Not Required.*** An account statement is not required if the debtor has indicated in the Chapter 7 Individual Debtor's Statement of Intention or in a Chapter 13 plan that the property which is the subject of the motion will be surrendered to the moving party.

- **Reaffirmation Agreements.** Common deficiencies and issues with Form 240A:

  - Using an incorrect or outdated form – Note: amended form 12/1/2011

  - Failure to obtain required signatures

  - Failure to attach mandatory cover sheet

  - Answer in Part II.C.1.b. of the Form B240A for "monthly expenses" includes the debt being reaffirmed – instructions state this amount should be excluded, unlike the total amount for expenses in schedule J

  - The disclosure statement in Part V of Form B240A is not attached – this should be included to support the assumption that the debtors were informed of their rights concerning the reaffirmation of the debt

  - Credit union debts being reaffirmed will be more closely scrutinized and possibly set for hearing when debtor is unrepresented by counsel

  - Hearings on reaffirmation agreements may be taken off calendar if additional information is filed to support approval – specifically, facts supporting the debtor's ability to make the payments under the agreement or a convincing need to retain the collateral; declarations regarding these should be filed <u>before</u> the hearing date

- **Proposed Orders.**

  - **"eOrders"**
    - available in early 2012
    - PDF is uploaded in CM/ECF for review and processing (similar to eDocs used by attorneys for debtors)
    - Signature space for judge is at top of first page
    - More information to follow

  - **Paper orders** – if delivered to court or brought to a hearing, order should have traditional signature line for judge

- **Digital Audio of Hearings Available in PACER.**

  - Estimated to be available in January, 2012

  - Click on docket number; when PDF file with audio attachment appears, click on attachments tab or "paper clip" icon, then click on audio file. PACER charge is $2.40 regardless of length of hearing

  - Statements made at hearings will be more readily available to the public – care should be taken as to any protected personal identifiers such as Social Security Numbers, etc.

  - LBR 5073-1(b): "A party objecting to access to an audio recording being made available on PACER must file an objection no later than the time of the hearing or trial and bring it to the attention of the judge at the commencement of the proceeding."

  - Courtroom presentations – new A/V equipment; contact courtroom deputy for training in advance of hearing or trial

- **Website/Social Media**

  - PDF/A – will be required mid-2012; information at website

  - **Facebook** http://www.facebook.com/pages/United-States-Bankruptcy-Court-District-of-Hawaii/216388468374524

  - **Twitter** http://twitter.com/#!/HIBKC

  - Google Translate http://translate.google.com/#

UNITED STATES BANKRUPTCY COURT
DISTRICT OF HAWAII
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MICHAEL B. DOWLING
CLERK OF COURT

AMY YOUNG
CHIEF DEPUTY CLERK

October 7, 2011

AMENDMENTS TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE

Absent contrary action by Congress, the following amendments to the Federal Rules of Bankruptcy Procedure, including new and revised forms, will become effective December 1, 2011. Copies of the amended rules and new claim forms are attached. Additional information about the amendments may be found in reports and committee notes available at:

http://www.uscourts.gov/RulesAndPolicies/FederalRulemaking/PendingRules/SupremeCourt042611.aspx

- **Bankruptcy Rule 1004.2** (republication of a new rule requiring entity filing a chapter 15 petition to state the country of the debtor's main interest, filer to list each country in which a case involving debtor is pending, and setting deadline for challenging the statement asserting the country of the debtor's main interest)

- **Bankruptcy Rule 2003** (requires the filing of a statement upon adjourning a meeting of creditors or equity security holders)

- **Bankruptcy Rule 2019** (expands the scope of the rule's disclosure requirements by requiring disclosure in chapter 9 and chapter 11 cases by all committees or groups that consist of more than one creditor or equity security holder, as well as entities or that represent more than one creditor or equity security holder. It also authorizes the court to require disclosure by an individual party in interest when knowledge of that party's economic stake in the debtor would assist the court in evaluating the party's arguments)

- **Bankruptcy Rule 3001** (prescribes in greater detail the supporting information required to accompany certain proofs of claim)

- **Bankruptcy Rule 3002.1** (new rule implements § 1322(b)(5) of the Bankruptcy Code, which permits a chapter 13 debtor to cure a default and maintain payments of a home mortgage)

- **Bankruptcy Rule 4004** (permits a party under limited circumstances to seek an extension of time to object to a debtor's discharge after the time for objecting has expired)

- **Bankruptcy Rule 6003** (clarifies that the requirement of a 21-day waiting period before a court can enter certain orders at the beginning of a case, including an order approving employment of counsel, does not prevent the court from specifying an effective date for the order that is earlier than the date of its issuance)

- **Official Form 1** is amended to implement new Rule 1004.2, which requires an entity filing a chapter 15 petition to state the country of the debtor's main interests and to list each country in which a case involving debtor is pending.

- **Official Forms 9A – 9I** are amended to conform to the pending amendment of Rule 2003(e). When a meeting of creditors is adjourned, the amendment requires that the presiding official file a statement specifying the date and time to which the meeting is adjourned.

- **Official Form 10 (Proof of Claim)** is amended to clarify that, consistent with Rule 3001(c), writings supporting a claim or evidencing perfection of a security interest – not just summaries – must be attached to the proof of claim. The amended form includes a new section for reporting a uniform claim identifier which is used by some creditors and chapter 13 trustees to facilitate payments by electronic fund transfers. The signature box is revised to include a declaration under penalty of perjury by the person who completes the form.

- **Form 10 (Attachment A), Form 10 (Supplement 1), and Form 10 (Supplement 2)** are three new forms for a claim secured by a security interest in the debtor's principal residence that take effect on December 1, 2011, along with pending amendments to Rule 3001 and new Rule 3002.1 which the forms implement.

    - ***Form 10 (Attachment A)*** would be filed with the proof of claim as required by new Rule 3001(c)(2). The form includes a statement of the principal and interest due as of the petition date; a statement of prepetition fees, expenses, and charges; and a statement of the amount necessary to cure a default as of the petition date.

    - ***Form 10 (Supplement 1)*** would be used by the holder of a home mortgage claim to provide the notice required by new Rule 3002.1(b) of any escrow account payment adjustment, interest payment change, and any other mortgage payment change while a chapter 13 case is pending.

    - ***Form 10 (Supplement 2)*** would be used in chapter 13 cases to provide notice of the date incurred and amount of any postpetition fees, expenses, and charges.

- **Official Form 25A** is amended to change the effective date provision in the model small business plan to reflect the 2009 amendments that increased from 10 to 14 days the time to file a notice of appeal and the duration of the stay of a confirmation order.

AMENDMENTS TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE

Rule 1004.2. Petition in Chapter 15 Cases

(a) DESIGNATING CENTER OF MAIN INTERESTS. A petition for recognition of a foreign proceeding under chapter 15 of the Code shall state the country where the debtor has its center of main interests. The petition shall also identify each country in which a foreign proceeding by, regarding, or against the debtor is pending.

(b) CHALLENGING DESIGNATION. The United States trustee or a party in interest may file a motion for a determination that the debtor's center of main interests is other than as stated in the petition for recognition commencing the chapter 15 case. Unless the court orders otherwise, the motion shall be filed no later than seven days before the date set for the hearing on the petition.

The motion shall be transmitted to the United States trustee and served on the debtor, all persons or bodies authorized to administer foreign proceedings of the debtor, all entities against whom provisional relief is being sought under § 1519 of the Code, all parties to litigation pending in the United States in which the debtor was a party as of the time the petition was filed, and such other entities as the court may direct.

Rule 2003. Meeting of Creditors or Equity Security Holders

* * * * *

(e) ADJOURNMENT. The meeting may be adjourned from time to time by announcement at the meeting of the adjourned date and time. The presiding official shall promptly file a statement specifying the date and time to which the meeting is adjourned.

* * * * *

Rule 2019. Disclosure Regarding Creditors and Equity Security Holders in Chapter 9 and Chapter 11 Cases

(a) DEFINITIONS. In this rule the following terms have the meanings indicated:

(1) "Disclosable economic interest" means any claim, interest, pledge, lien, option, participation, derivative instrument, or any other right or derivative right granting the holder an economic interest that is affected by the value, acquisition, or disposition of a claim or interest.

(2) "Represent" or "represents" means to take a position before the court or to solicit votes regarding the confirmation of a plan on behalf of another.

(b) DISCLOSURE BY GROUPS, COMMITTEES, AND ENTITIES.

(1) In a chapter 9 or 11 case, a verified statement setting forth the information specified in

subdivision (c) of this rule shall be filed by every group or committee that consists of or represents, and every entity that represents, multiple creditors or equity security holders that are (A) acting in concert to advance their common interests, and (B) not composed entirely of affiliates or insiders of one another.

(2) Unless the court orders otherwise, an entity is not required to file the verified statement described in paragraph (1) of this subdivision solely because of its status as:

(A) an indenture trustee;

(B) an agent for one or more other entities under an agreement for the extension of credit;

(C) a class action representative; or

(D) a governmental unit that is not a person.

(c) INFORMATION REQUIRED. The verified statement shall include:

(1) the pertinent facts and circumstances concerning:

(A) with respect to a group or committee, other than a committee appointed under § 1102 or § 1114 of the Code, the formation of the group or committee, including the name of each entity at whose instance the group or committee was formed or for whom the group or committee has agreed to act; or

(B) with respect to an entity, the employment of the entity, including the name of each creditor or equity security holder at whose instance the employment was arranged;

(2) if not disclosed under subdivision (c)(1), with respect to an entity, and with respect to each member of a group or committee:

(A) name and address;

(B) the nature and amount of each disclosable economic interest held in relation to the debtor as of the date the entity was employed or the group or committee was formed; and

(C) with respect to each member of a group or committee that claims to represent any entity in addition to the members of the group or committee, other than a committee appointed under § 1102 or § 1114 of the Code, the date of acquisition by quarter and year of each disclosable economic interest, unless acquired more than one year before the petition was filed;

(3) if not disclosed under subdivision (c)(1) or (c)(2), with respect to each creditor or equity security holder represented by an entity, group, or committee, other than a committee appointed under § 1102 or § 1114 of the Code:

(A) name and address; and

(B) the nature and amount of each disclosable economic interest held in relation to the debtor as of the date of the statement; and

(4) a copy of the instrument, if any, authorizing the entity, group, or committee to act on behalf of creditors or equity security holders.

(d) SUPPLEMENTAL STATEMENTS. If any fact disclosed in its most recently filed statement has changed materially, an entity, group, or committee shall file a verified supplemental statement whenever it takes a position before the court or solicits votes on the confirmation of a plan. The supplemental statement shall set forth the material changes in the facts required by subdivision (c) to be disclosed.

(e) DETERMINATION OF FAILURE TO COMPLY; SANCTIONS.

(1) On motion of any party in interest, or on its own motion, the court may determine whether there has been a failure to comply with any provision of this rule.

(2) If the court finds such a failure to comply, it may:

(A) refuse to permit the entity, group, or committee to be heard or to intervene in the case;

(B) hold invalid any authority, acceptance, rejection, or objection given, procured, or received by the entity, group, or committee; or

(C) grant other appropriate relief.

Rule 3001. Proof of Claim

* * * * *

(c) SUPPORTING INFORMATION.

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

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

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

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

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

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

(i) preclude the holder from presenting the omitted information, in any form, as evidence in any contested matter or adversary proceeding in the case, unless the court determines that the failure was substantially justified or is harmless; or

(ii) award other appropriate relief, including reasonable expenses and attorney's fees caused by the failure.

* * * * *

Rule 3002.1. Notice Relating to Claims Secured by Security Interest in the Debtor's Principal Residence

(a) IN GENERAL. This rule applies in a chapter 13 case to claims that are (1) secured by a security interest in the debtor's principal residence, and (2) provided for under § 1322(b)(5) of the Code in the debtor's plan.

(b) NOTICE OF PAYMENT CHANGES. The holder of the claim shall file and serve on the debtor, debtor's

counsel, and the trustee a notice of any change in the payment amount, including any change that results from an interest rate or escrow account adjustment, no later than 21 days before a payment in the new amount is due.

(c) NOTICE OF FEES, EXPENSES, AND CHARGES. The holder of the claim shall file and serve on the debtor, debtor's counsel, and the trustee a notice itemizing all fees, expenses, or charges (1) that were incurred in connection with the claim after the bankruptcy case was filed, and (2) that the holder asserts are recoverable against the debtor or against the debtor's principal residence. The notice shall be served within 180 days after the date on which the fees, expenses, or charges are incurred.

(d) FORM AND CONTENT. A notice filed and served under subdivision (b) or (c) of this rule shall be prepared as prescribed by the appropriate Official Form,

and filed as a supplement to the holder's proof of claim. The notice is not subject to Rule 3001(f).

(e) DETERMINATION OF FEES, EXPENSES, OR CHARGES. On motion of the debtor or trustee filed within one year after service of a notice under subdivision (c) of this rule, the court shall, after notice and hearing, determine whether payment of any claimed fee, expense, or charge is required by the underlying agreement and applicable nonbankruptcy law to cure a default or maintain payments in accordance with § 1322(b)(5) of the Code.

(f) NOTICE OF FINAL CURE PAYMENT. Within 30 days after the debtor completes all payments under the plan, the trustee shall file and serve on the holder of the claim, the debtor, and debtor's counsel a notice stating that the debtor has paid in full the amount required to cure any default on the claim. The notice shall also

inform the holder of its obligation to file and serve a response under subdivision (g). If the debtor contends that final cure payment has been made and all plan payments have been completed, and the trustee does not timely file and serve the notice required by this subdivision, the debtor may file and serve the notice.

(g) RESPONSE TO NOTICE OF FINAL CURE PAYMENT. Within 21 days after service of the notice under subdivision (f) of this rule, the holder shall file and serve on the debtor, debtor's counsel, and the trustee a statement indicating (1) whether it agrees that the debtor has paid in full the amount required to cure the default on the claim, and (2) whether the debtor is otherwise current on all payments consistent with § 1322(b)(5) of the Code. The statement shall itemize the required cure or postpetition amounts, if any, that the holder contends remain unpaid as of the date of the statement. The

statement shall be filed as a supplement to the holder's proof of claim and is not subject to Rule 3001(f).

(h) DETERMINATION OF FINAL CURE AND PAYMENT. On motion of the debtor or trustee filed within 21 days after service of the statement under subdivision (g) of this rule, the court shall, after notice and hearing, determine whether the debtor has cured the default and paid all required postpetition amounts.

(i) FAILURE TO NOTIFY. If the holder of a claim fails to provide any information as required by subdivision (b), (c), or (g) of this rule, the court may, after notice and hearing, take either or both of the following actions:

(1) preclude the holder from presenting the omitted information, in any form, as evidence in any contested matter or adversary proceeding in the case,

unless the court determines that the failure was substantially justified or is harmless; or

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

Rule 4004. Grant or Denial of Discharge

* * * * *

(b) EXTENSION OF TIME.

(1) On motion of any party in interest, after notice and hearing, the court may for cause extend the time to object to discharge. Except as provided in subdivision (b)(2), the motion shall be filed before the time has expired.

(2) A motion to extend the time to object to discharge may be filed after the time for objection has expired and before discharge is granted if (A) the objection is based on facts that, if learned after the discharge,

would provide a basis for revocation under § 727(d) of the Code, and (B) the movant did not have knowledge of those facts in time to permit an objection. The motion shall be filed promptly after the movant discovers the facts on which the objection is based.

* * * * *

Rule 6003. Interim and Final Relief Immediately Following the Commencement of the Case — Applications for Employment; Motions for Use, Sale, or Lease of Property; and Motions for Assumption or Assignment of Executory Contracts

Except to the extent that relief is necessary to avoid immediate and irreparable harm, the court shall not, within 21 days after the filing of the petition, issue an order granting the following:

(a) an application under Rule 2014;

(b) a motion to use, sell, lease, or otherwise incur an obligation regarding property of the estate, including a

motion to pay all or part of a claim that arose before the filing of the petition, but not a motion under Rule 4001; or

(c) a motion to assume or assign an executory contract or unexpired lease in accordance with § 365.

Excerpt from the Report of the Judicial Conference, Committee on Rules of Practice and Procedure

Rule 3001

The proposed amendments to Rule 3001 require creditors to provide additional information supporting certain proofs of claim and impose penalties if creditors fail to comply with the new disclosure requirements. The amendments proposed for Judicial Conference approval were revised after publication to refer to an official form that will be prepared to facilitate reporting certain of the disclosure items. Other revisions limit the amended rule's sanctions provision. Provisions of the published rule that imposed certain disclosure requirements in connection with claims based on open-end or revolving credit arrangements have been revised more extensively and, as explained below, will be republished in August 2010 for further public comment.

As revised, the proposed amendments presented for Judicial Conference consideration continue and clarify the long-established disclosure requirement that a creditor presenting a claim in an individual-debtor case provide an itemized statement of the interest, fees, expenses, and other charges incurred before the petition was filed. Special disclosure requirements apply under the amendments if the claim is secured by a security interest in the individual debtor's property. In such a case, a statement of the amount necessary to cure any prepetition default and, for home mortgages, a statement of any escrow account must also be provided.

The proposed amendments, modified after public comment, also strengthen the penalties for failing to comply with the Rule 3001 requirements. The provision published for comment generally mandated sanctions for creditors who failed to provide the required information, including prohibiting the creditor from presenting any of the omitted information as evidence in a contested matter or adversary proceeding in the case, unless the court determined that the failure was substantially justified or harmless. The penalty provision is based on Civil Rule 37, which prohibits a party from using information "to supply evidence on a motion, at a hearing, or at a trial" that it fails to disclose as part of its disclosure obligations. The proposed amendments to the sanctions provision of Rule 3001 are grounded in the courts' well-recognized authority to control the presentation of evidence used in court proceedings. The sanctions provision, as revised after public comment, continues to permit exclusionary sanctions only if the failure to provide the required information was not "substantially justified or . . . harmless"; further emphasizes the court's discretion to determine whether that sanction or any other should be imposed; and makes it clear that "notice and hearing" is required before the imposition of any sanction. The Committee Note specifically recognizes that a creditor's failure to provide the required information under the proposed amendment to Rule 3001(c) is not in itself a ground for disallowance of the claim. The claim can be disallowed only if it comes within one of the grounds for disallowance under § 502(b) of the Bankruptcy Code.

As published in August 2009, the proposed amendments to Rule 3001(c) would have required the holder of a claim based on an open-end or revolving consumer credit agreement to attach to its proof of claim the last account statement sent to the debtor before the commencement of the bankruptcy case. Consumer bankruptcy lawyers, trustees, and judges have

long raised concerns about creditors filing bare proofs of claim with little supporting documentation, especially bulk purchasers of credit-card debt. Such bare proofs of claim make it virtually impossible to ascertain whether the claims are valid. Though such bare proofs of claim raise suspicions, debtors' lawyers have little incentive to expend time and resources to evaluate such claims because they generally receive no compensation for the effort and any money derived from such efforts is paid to other unsecured creditors. The trustees often cannot investigate suspicious proofs of claim because of their workload burdens. As a result, despite the lack of supporting documentation, many invalid claims purchased in bulk are simply not challenged.

During the public comment period, many supported the increased disclosure requirements. Representatives of bulk purchasers of credit card debt, however, strongly objected to the account statement requirement. They asserted that the statement will often not be available when the proof of claim is filed. Under federal record retention policies for financial institutions, credit card account records generally need to be retained for only two years. Furthermore, account information is usually stored in an electronic format, and it may not be practicable to produce a duplicate of an account statement. The advisory committee concluded that if there is a less burdensome way for a creditor to provide the information needed to assess the validity of its claim, the rule should not insist on an exclusive, more costly, means of providing such information. This provision was revised to allow creditors to provide information relevant to determinations of the age, prior holders, and other salient features of the claim in a more convenient fashion. The modified proposed rule also relieves claimants to which it applies from the general requirement of filing the original or duplicate of the writing on which the claim is based. Instead, the proposed rule provides that documentation relating to an open-end or revolving consumer credit claim must be disclosed if a party in interest requests it. Because the revisions were so significant, this proposal will be published in August 2010 for public comment and is not presented to the Judicial Conference at this time.

Rule 3002.1

Proposed new Rule 3002.1 implements § 1322(b)(5) of the Bankruptcy Code, which permits a chapter 13 debtor to cure a default and maintain payments of a home mortgage over the course of the debtor's plan. The rule is intended to provide the mortgagor-debtor information necessary to determine the exact amount needed to cure any prepetition arrearage and the amount of the postpetition payments. If the latter amount changes over time because of changing interest rates, escrow account adjustments, or the assessment of fees, expenses, or other charges, notice of any change in payment must be conveyed to the debtor and trustee. Numerous consumer bankruptcy lawyers, trustees, and judges have reported that debtors often do not learn until after completing a chapter 13 plan that the mortgage payments have changed. In particular, debtors do not learn that fees, expenses, or other charges have been imposed during the life of the plan. As a result, debtors may face renewed foreclosure proceedings immediately after emerging from bankruptcy. Timely notice of such changes will permit the debtor and trustee to adjust postpetition mortgage payments and, if appropriate, challenge the validity of fees, expenses, or other charges assessed during the bankruptcy.

Under the proposed rule, the holder of a home mortgage claim must give: (1) a notice

itemizing any postpetition fees, expenses, or charges within 180 days after they are incurred; and (2) at least 21 days' advance notice to the debtor, debtor's counsel, and the trustee of any postpetition changes in the mortgage payment amount. To address suggestions for different time periods and concerns about how the time period would apply to loan payments that adjust frequently, the deadline to notify the debtor of any payment changes was revised after the public comment period from thirty to 21 days before the debtor's payment in the new amount is due. The proposed rule also establishes a procedure for determining whether the debtor has cured any default and is otherwise current on mortgage payments at the close of a chapter 13 case. Finally, the proposed rule provides for sanctions if the holder of a claim secured by the debtor's principal residence fails to provide any of the required information.

NEW AND AMENDED FORMS (National)

B 1	Voluntary Petition
B 10	Proof of Claim
B 10 Attachment A	Mortgage Proof of Claim Attachment
B 10 Supplement 1	Notice of Mortgage Payment Change
B 10 Supplement 2	Notice of Postpetition Mortgage Fees, Expenses, and Changes
Trustee's Form	Notice of Final Cure Payment and Completion of Payments under Plan
B 25A	Plan of Reorganization in Small Business Case under Chapter 11
B 240 A/B ALT	Reaffirmation Agreement

B1 (Official Form 1) (12/11)

United States Bankruptcy Court _____DISTRICT OF _____	Voluntary Petition
Name of Debtor (if individual, enter Last, First, Middle):	Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all):	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all):
Street Address of Debtor (No. and Street, City, and State): ZIP CODE	Street Address of Joint Debtor (No. and Street, City, and State): ZIP CODE
County of Residence or of the Principal Place of Business:	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address): ZIP CODE	Mailing Address of Joint Debtor (if different from street address): ZIP CODE
Location of Principal Assets of Business Debtor (if different from street address above): ZIP CODE	

Type of Debtor (Form of Organization) (Check **one** box.)	Nature of Business (Check **one** box.)	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check **one** box.)
☐ Individual (includes Joint Debtors) *See Exhibit D on page 2 of this form.* ☐ Corporation (includes LLC and LLP) ☐ Partnership ☐ Other (If debtor is not one of the above entities, check this box and state type of entity below.)	☐ Health Care Business ☐ Single Asset Real Estate as defined in 11 U.S.C. § 101(51B) ☐ Railroad ☐ Stockbroker ☐ Commodity Broker ☐ Clearing Bank ☐ Other	☐ Chapter 7 ☐ Chapter 9 ☐ Chapter 11 ☐ Chapter 12 ☐ Chapter 13 ☐ Chapter 15 Petition for Recognition of a Foreign Main Proceeding ☐ Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding

Chapter 15 Debtors	Tax-Exempt Entity (Check box, if applicable.)	Nature of Debts (Check **one** box.)
Country of debtor's center of main interests: _____ _____ Each country in which a foreign proceeding by, regarding, or against debtor is pending: _____ _____	☐ Debtor is a tax-exempt organization under title 26 of the United States Code (the Internal Revenue Code).	☐ Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." ☐ Debts are primarily business debts.

Filing Fee (Check one box.)	**Chapter 11 Debtors**
☐ Full Filing Fee attached. ☐ Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. ☐ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.	**Check one box:** ☐ Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). ☐ Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). **Check if:** ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than $2,343,300 (*amount subject to adjustment on 4/01/13 and every three years thereafter*). - **Check all applicable boxes:** ☐ A plan is being filed with this petition. ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).

Statistical/Administrative Information

☐ Debtor estimates that funds will be available for distribution to unsecured creditors.
☐ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

THIS SPACE IS FOR COURT USE ONLY

Estimated Number of Creditors

☐ 1-49	☐ 50-99	☐ 100-199	☐ 200-999	☐ 1,000-5,000	☐ 5,001-10,000	☐ 10,001-25,000	☐ 25,001-50,000	☐ 50,001-100,000	☐ Over 100,000

Estimated Assets

☐ $0 to $50,000	☐ $50,001 to $100,000	☐ $100,001 to $500,000	☐ $500,001 to $1 million	☐ $1,000,001 to $10 million	☐ $10,000,001 to $50 million	☐ $50,000,001 to $100 million	☐ $100,000,001 to $500 million	☐ $500,000,001 to $1 billion	☐ More than $1 billion

Estimated Liabilities

☐ $0 to $50,000	☐ $50,001 to $100,000	☐ $100,001 to $500,000	☐ $500,001 to $1 million	☐ $1,000,001 to $10 million	☐ $10,000,001 to $50 million	☐ $50,000,001 to $100 million	☐ $100,000,001 to $500 million	☐ $500,000,001 to $1 billion	☐ More than $1 billion

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

UNITED STATES BANKRUPTCY COURT _____ DISTRICT OF _____

PROOF OF CLAIM

Name of Debtor:

Case Number:

NOTE: *Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to11 U.S.C. § 503.*

Name of Creditor (the person or other entity to whom the debtor owes money or property):

COURT USE ONLY

Name and address where notices should be sent:

Telephone number: email:

❒ Check this box if this claim amends a previously filed claim.

Court Claim Number:_____
(*If known*)

Filed on:_____

Name and address where payment should be sent (if different from above):

Telephone number: email:

❒ Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.

1. Amount of Claim as of Date Case Filed: $_____

If all or part of the claim is secured, complete item 4.

If all or part of the claim is entitled to priority, complete item 5.

❒Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.

2. Basis for Claim: _____
(See instruction #2)

3. Last four digits of any number by which creditor identifies debtor:
___ ___ ___ ___

3a. Debtor may have scheduled account as:
_____
(See instruction #3a)

3b. Uniform Claim Identifier (optional):
_ _
(See instruction #3b)

4. Secured Claim (See instruction #4)
Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.

Nature of property or right of setoff: ❒Real Estate ❒Motor Vehicle ❒Other
Describe:

Value of Property: $_____

Annual Interest Rate_____**%** ❒Fixed or ❒Variable
(when case was filed)

Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any:
$_____

Basis for perfection: _____

Amount of Secured Claim: **$**_____

Amount Unsecured: **$**_____

5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.

❒ Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).

❒ Wages, salaries, or commissions (up to $11,725*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. §507 (a)(4).

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

Amount entitled to priority:

$_____

❒ Up to $2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507 (a)(7).

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

❒ Other – Specify applicable paragraph of 11 U.S.C. §507 (a)(__).

**Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.*

6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)

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

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

If the documents are not available, please explain:

8. Signature: (See instruction #8)

Check the appropriate box.

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

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

Print Name: _____
Title: _____
Company: _____
Address and telephone number (if different from notice address above):
_____
_____
_____
Telephone number: email:

(Signature) (Date)

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

INSTRUCTIONS FOR PROOF OF CLAIM FORM

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

Items to be completed in Proof of Claim form

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

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

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

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

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:
State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:
Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

3b. Uniform Claim Identifier:
If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

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

5. Amount of Claim Entitled to Priority Under 11 U.S.C. §507(a).
If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

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

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

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

DEFINITIONS

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

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

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

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

Secured Claim Under 11 U.S.C. §506(a)
A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien. A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

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

Claim Entitled to Priority Under 11 U.S.C. §507(a)
Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

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

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

INFORMATION

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

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

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 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.

Mortgage Proof of Claim Attachment

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

Name of debtor: _____ **Case number**: _____

Name of creditor: _____ **Last four digits** of any number you use to identify the debtor's account: ____ ____ ____ ____

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

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

1. **Principal due** (1) $ _____

2. **Interest due**

Interest rate	From mm/dd/yyyy	To mm/dd/yyyy	Amount
_____%	__/__/____	__/__/____	$ _____
_____%	__/__/____	__/__/____	$ _____
_____%	__/__/____	__/__/____	+ $ _____
Total interest due as of the petition date			$ _____

Copy total here ▶ (2) + $ _____

3. **Total principal and interest due** (3) $ _____

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

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

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

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

Does the installment payment amount include an escrow deposit?

❑ No

❑ Yes. Attach to the Proof of Claim form an escrow account statement prepared as of the petition date in a form consistent with applicable nonbankruptcy law.

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

Copy total onto Item 4 of Proof of Claim form

COMMITTEE NOTE

This form 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).

B 10 (Supplement 1) (12/11)

UNITED STATES BANKRUPTCY COURT

_____ District of _____

In re _____,
Debtor

Case No. _____

Chapter 13

Notice of Mortgage Payment Change

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

Name of creditor: _____

Court claim no. (if known): _____

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

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

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

Part 1: Escrow Account Payment Adjustment

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

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

Current escrow payment: $ _____ **New escrow payment:** $ _____

Part 2: Mortgage Payment Adjustment

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

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

Current interest rate: _____% **New interest rate:** _____%

Current principal and interest payment: $ _____ **New principal and interest payment:** $ _____

Part 3: Other Payment Change

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

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

Reason for change: _____

Current mortgage payment: $ _____ **New mortgage payment:** $ _____

Part 4: Sign Here

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

Check the appropriate box.

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

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

✘ _____ Date ____/_____/_____
Signature

Print: _____ Title _____
First Name Middle Name Last Name

Company _____

Address _____
Number Street

_____
City State ZIP Code

Contact phone (_____) _____– _____ Email _____

COMMITTEE NOTE

This form 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.

B 10 (Supplement 2) (12/11)

UNITED STATES BANKRUPTCY COURT

_____ District of _____

In re _____, Case No. _____
Debtor

Chapter 13

Notice of Postpetition Mortgage Fees, Expenses, and Charges

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

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

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

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

- ❑ No
- ❑ Yes. Date of the last notice: ____/____/_____

Part 1: Itemize Postpetition Fees, Expenses, and Charges

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

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

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

Part 2: Sign Here

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

Check the appropriate box.

❒ I am the creditor.

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

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

✘ _____ Date ____/_____/_____
Signature

Print: _____ Title _____
First Name Middle Name Last Name

Company _____

Address _____
Number Street

_____
City State ZIP Code

Contact phone (_____) _____– _____ Email _____

COMMITTEE NOTE

This form 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.

UNITED STATES BANKRUPTCY COURT
_____ District of _____

In re _____ Case No. _____
Debtor Chapter 13

Notice of Final Cure Payment and Completion of Payments under the Plan

Pursuant to Fed. Bankr. Rule 3002.1(f), the Trustee files Notice that the amount required to cure the default in the below claim has been paid in full and that the Debtor has completed all payments under the plan.

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

Last four digits of any number used to identify the debtor's account: ____ ____ ____ ____

Final Cure Amount	
Amount of Allowed Pre Petition Arrearage	$_____
Amount Paid by Trustee	$_____

Monthly Ongoing Mortgage Payment:	
o	Mortgage paid thru the Chapter 13 conduit and is due for the _____ _____payment
o	Mortgage is paid directly by Debtors

Within 21 days of the service of this Notice, the creditor must file and serve same on the debtor, debtor's counsel and the trustee, pursuant to Fed. Bankr. Rule 3002.1(g), a statement indicating whether it agrees that the debtor has paid in full the amount required to cure the default and whether, consistent with §1322(b)(5), the debtor is otherwise current on all payments or be subject to further action of the court including possible sanctions.

Dated: _____ Respectfully Submitted:

[redacted]

Director's Form 240 A/B ALT to take effect December 1, 2011.

A technical amendment to Director's Procedural Form 240A/B ALT will take effect on December 1. (The amendment does not require approval by the Judicial Conference). The form is amended at page 5 to conform to an amendment to 11 U.S.C. § 524(k)(3)(J) by the Bankruptcy Technical Corrections Act of 2010, Pub. L. 111-327. The frequently asked question, "What if your creditor has a security interest or lien?" is amended as follows:

Even if you do not reaffirm and your personal liability on the debt is discharged, because of the lien your creditor may still have the right to take the ~~security~~ property securing the lien if you do not pay the debt or default on it. If the lien is on an item of personal property that is exempt under your State's law or that the trustee has abandoned, you may be able to redeem the item rather than reaffirm the debt. To redeem, you must make a single payment to the creditor equal to the ~~current value~~ amount of the ~~security property~~ allowed secured claim, as agreed by the parties or determined by the court.

YOUR RIGHT TO RESCIND (CANCEL) YOUR REAFFIRMATION AGREEMENT

You may rescind (cancel) your reaffirmation agreement at any time before the bankruptcy court enters a discharge order, or before the expiration of the 60-day period that begins on the date your reaffirmation agreement is filed with the court, whichever occurs later. To rescind (cancel) your reaffirmation agreement, you must notify the creditor that your reaffirmation agreement is rescinded (or canceled).

Frequently Asked Questions:

What are your obligations if you reaffirm the debt? A reaffirmed debt remains your personal legal obligation. It is not discharged in your bankruptcy case. That means that if you default on your reaffirmed debt after your bankruptcy case is over, your creditor may be able to take your property or your wages. Otherwise, your obligations will be determined by the reaffirmation agreement which may have changed the terms of the original agreement. For example, if you are reaffirming an open end credit agreement, the creditor may be permitted by that agreement or applicable law to change the terms of that agreement in the future under certain conditions.

Are you required to enter into a reaffirmation agreement by any law? No, you are not required to reaffirm a debt by any law. Only agree to reaffirm a debt if it is in your best interest. Be sure you can afford the payments you agree to make.

What if your creditor has a security interest or lien? Your bankruptcy discharge does not eliminate any lien on your property. A ‘‘lien’’ is often referred to as a security interest, deed of trust, mortgage or security deed. Even if you do not reaffirm and your personal liability on the debt is discharged, because of the lien your creditor may still have the right to take the property securing the lien if you do not pay the debt or default on it. If the lien is on an item of personal property that is exempt under your State’s law or that the trustee has abandoned, you may be able to redeem the item rather than reaffirm the debt. To redeem, you must make a single payment to the creditor equal to the amount of the allowed secured claim, as agreed by the parties or determined by the court.

NOTE: When this disclosure refers to what a creditor ‘‘may’’ do, it does not use the word “may’’ to give the creditor specific permission. The word ‘‘may’’ is used to tell you what might occur if the law permits the creditor to take the action. If you have questions about your reaffirming a debt or what the law requires, consult with the attorney who helped you negotiate this agreement reaffirming a debt. If you don’t have an attorney helping you, the judge will explain the effect of your reaffirming a debt when the hearing on the reaffirmation agreement is held.

UNITED STATES BANKRUPTCY COURT – DISTRICT OF HAWAII		
Debtor:	*Social Security No.:* XXX-XX-_____	
Joint Debtor: *(if any)*	*Social Security No.:* XXX-XX-_____	
Address:		Chapter 13 *Case No.:*
CHAPTER 13 PLAN	*Dated:*	☐ Amended Plan

NOTICE

This plan may significantly affect the rights of creditors. If you wish to oppose confirmation of the plan or any related motion to value collateral or to avoid a lien ("plan motion"), you must file a timely written objection. Creditors will receive separate notice of the deadline for objections and the date of the confirmation hearing. If you do not file a timely objection, you will have accepted the treatment proposed in the plan. If no one files a timely objection, the court may cancel the confirmation hearing, confirm this plan, and grant any plan motions.

SECTION 1 – PLAN SUMMARY

1.01 Monthly payment	$	**1.06** Estimated payment of unsecured claims (%)	
1.02 Duration (months)		*Under plan*	*Chapter 7 liquidation*
1.03 Total monthly payments (1.01 x 1.02)	$	**%**	**%**
1.04 Additional funding described in section 8 (if any)	$	**1.07** ☐ <u>If checked</u>, there are plan motions to value collateral or to avoid lien(s).	
1.05 Total plan funding before tax refunds (1.03 + 1.04)	$		

SECTION 2 – PAYMENTS TO TRUSTEE

2.01 Commencement of Payments. Debtor shall make the first monthly payment stated in section 1 to Trustee not later than 30 days after the filing of (a) the petition or (b) the order converting the case from another chapter.

2.02 Completion of Payments. Unless section 8 provides otherwise, payments under the plan will be complete upon payment of the amount stated in section 1.05 plus contribution of any tax refunds as provided in section 2.03.

2.03 Tax Refunds. In addition to the plan payments set forth in sections 1.03 and 1.04, Debtor shall turn over to Trustee all tax refunds attributable to prepetition periods and all tax refunds attributable to postpetition periods ending before the full amount stated in section 1.05 has been paid, except to the extent that a refund is (a) exempt, (b) received on account of a child tax credit or earned income credit, (c) subject by law to setoff, recoupment, or similar disposition, or (d) otherwise provided for in section 8.

2.04 Funds Other than Disposable Income. Any additional funding listed in section 1.04 must be described in section 8, including the source, amount, and date when such funds or assets will be available.

2.05 Payment of Debtor's Attorney Fees. Trustee shall pay Debtor's attorney fees and costs out of the plan funding.

	Total fees	*Paid prepetition*	*To be paid via plan*
Unless stated otherwise in section 8, Debtor's attorney elects the award and allowance of fees through plan confirmation, to be determined under the Chapter 13 Attorney Fee Guidelines. (Amount of fees may be adjusted at time of confirmation in accordance with the Guidelines.)	$	$	$ + $300 if plan confirmed without continuing hearing

2.06 Pre-Confirmation Adequate Protection Payments and Payments to Lessors.

☐ If checked, Trustee shall make adequate protection or lease payments under 11 U.S.C. § 1326(a)(1) (B) or (C) to the parties listed below. Trustee shall make the payments below as soon as practicable after the creditor or lessor files a proof of claim. After confirmation, Trustee shall make distributions as provided elsewhere in this plan. The adequate protection payment amount shall be as indicated below. If no payment amount is indicated below, the adequate protection payment amount shall be two percent of the estimated value of the collateral, unless section 8 provides otherwise.

Creditor/ Lessor	*Property description (& est. value if adequate protection)*	*Mo. Pmt.*
[*Continue in section 8 or on continuation sheet as necessary.*]		

☐ If checked, Debtor shall make adequate protection / lease payments directly to the payee and provide evidence of payment to Trustee.

SECTION 3 – CLAIMS

3.01 Proofs of Claim. All creditors, including secured creditors, must file a proof of claim in order to receive payments from Trustee, even if this plan mentions their claim. Unless the court orders otherwise, Trustee shall make distributions only on timely filed proofs of claim. Trustee may rely on the face of the proof of claim despite any other information contained in any attachments thereto.

3.02 Determination of Claims. The proof of claim (and any court order disposing of a plan motion or any objection to the claim), not this plan or the schedules, shall determine the amount, classification, and priority of each claim. The information about claims in this plan (other than the classification of claims in Class 6) is provided for informational purposes only and is not binding on any party.

3.03 Secured Claims – Limited Stay Relief. Notwithstanding 11 U.S.C. § 362, any secured creditor may transmit to the debtor payment coupon books, notices of payment changes or interest rate changes, escrow account statements, and other statements, and may continue any electronic funds transfer ("EFT") payment arrangements that Debtor validly authorized prepetition, on the condition that such creditor promptly files with the court all such notices and statements (in accordance with any rules for privacy protection).

SECTION 4 – CLASSIFICATION OF CLAIMS

4.01 Class 1 consists of secured claims where (a) Debtor was in default on the petition date and (b) the claimant's rights are not modified by the plan, except for the curing of the default. A holder of a Class 1 claim will retain its lien until the underlying debt is paid in full under nonbankruptcy law. This plan does not modify the holder's rights other than by curing the default by paying the prepetition arrearage, i.e. the regular installments of principal, accrued and unpaid interest and other charges, such as attorney fees and collection costs, that became due before the petition date.

4.01-1 Cure Payments by Trustee. Unless the claim holder agrees to different treatment, Trustee shall make distributions to cure the prepetition arrearage on each Class 1 claim by making monthly payments that include the interest on the prepetition arrearage at the standard interest rate described in section 7.03, unless a different rate is stated in the table below. Each Class 1 claimant shall apply such payments only to the prepetition arrearage. The amount of any prepetition arrearage is the amount stated in the claimant's proof of claim, unless the court orders otherwise. Trustee shall make no payment on a Class 1 claim to a claimant whose proof of claim states that the arrearage is $0.00, none, or the like, or if the arrearage amount is left blank. Treatment of a prepetition arrearage under an unexpired lease or executory contract is provided for in section 4.08. Trustee's payment of the full amount of the arrearage stated on the claimant's proof of claim will bar the claimant from asserting that the prepetition default has not been cured.

4.01-2 Maintenance Payments by Debtor. Except for any Class 1 claimants identified by a checked box in the table below, Debtor shall pay directly to the Class 1 claimants (or their agents) each payment first becoming due without acceleration after the petition date ("postpetition installments") as and when due under the applicable agreement and applicable law.

4.01-3 Maintenance Payments by Trustee. From the plan funding, Trustee shall pay all postpetition installments due to Class 1 claimants identified by a checked box in the table below, as and when due under the applicable agreement and applicable law, and Trustee shall promptly remit the same to the Class 1 claimant.

4.01-4 Application and Calculation of Postpetition Installments. Class 1 claimants shall apply payments under paragraph 4.01-2 and 4.01-3 only to the postpetition installments. The amount of the postpetition installments shall be determined as if the claim was not in default on the petition date.

Class 1 Creditor / Collateral	*Maturity date*	*Est. arrearage*	*Interest rate*	*Est. mo. pmt.*
Principal Residence: ☐ *Other Property:* ☐ ***If box checked above, Trustee makes payments under section 4.01-3.*** [*Continue in section 8 or on continuation sheet as necessary.*]				

4.02 Class 2 consists of secured claims where the rights of the holder of a secured claim are modified by the plan under 11 U.S.C. § 1322(b)(2) or (c)(2). A holder of a Class 2 claim will retain its lien until the earlier of (a) full payment of the underlying debt under nonbankruptcy law or, (b) if the court enters an order determining the value of collateral securing a claim, full payment of the secured portion of the claim amount and entry of the Debtor's discharge under 11 U.S.C. § 1328. Unless the claim holder agrees to different treatment, Trustee shall make distributions to pay a Class 2 claim in a monthly amount that includes interest on the claim at the standard interest rate described in section 7.03, unless a different rate is stated in the table below. If Debtor believes that the value of a creditor's collateral is less than the amount of the claim, Debtor must file a **Motion to Value Collateral** in connection with this plan. If the total amount of the claim exceeds the value of the collateral as determined by the court, the deficiency will be treated as a Class 7 general unsecured claim (or a Class 5 claim if the claim is entitled to priority).

Class 2 Creditor / Collateral	*§506(a) applies?*	*Maturity date*	*Est. claim amt.*	*Interest rate*	*Est. mo. pmt.*
[*Continue in section 8 or on continuation sheet as necessary.*]					

4.03 Class 3 consists of secured claims that are satisfied by surrender of collateral. Trustee shall make no distributions on a Class 3 claim if the debtor files a declaration, with proof of service on the creditor, within 14 days after the entry of an order confirming this plan, that the real or personal property described below has been surrendered or offered for surrender to the creditor. A secured creditor listed in Class 3 wishing to refuse Debtor's surrender of collateral in full or partial satisfaction of its claim must file a written objection to this plan. If the total amount of the claim exceeds the value of collateral, as indicated in the creditor's timely filed proof of claim or a court order, the deficiency will be treated as a Class 7 general unsecured claim (or a Class 5 claim if the claim is entitled to priority). If the creditor does not complete the space for the value of the collateral on the face of the proof of claim, the creditor will have no deficiency claim. Entry of the order confirming this plan will terminate the automatic stay under 11 U.S.C. § 362(a) and the codebtor stay under 11 U.S.C. § 1301(a) as to the Debtor, codebtor(s), and the bankruptcy estate, to permit the creditor whose collateral is being surrendered to receive, repossess, or foreclose upon that collateral and to exercise its rights and remedies as to its collateral under applicable nonbankruptcy law.

Class 3 Creditor / Collateral to be surrendered	*Claim amount*	*Est. deficiency*
[*Continue in section 8 or on continuation sheet as necessary.*]		

4.04 Class 4 consists of secured claims where (a) Debtor was not in default on the petition date and (b) the rights of the holder are not modified by this plan. A holder of a Class 4 claim will retain its lien until the underlying debt is paid in full under nonbankruptcy law. Debtor shall make all regularly scheduled contractual payments coming due postpetition. In the event that a creditor files a timely proof of claim stating that there was an arrearage on the petition date for a claim identified below, the claim shall be treated as a Class 1 claim unless the court determines that there was no arrearage. If the proof of claim states that the arrearage amount is $0.00, none, or the like, or if the arrearage amount is left blank, such claim shall be treated as a Class 4 claim and Trustee shall make no distribution on the claim.

Class 4 Creditor / Collateral	*Contractual payment*	*Maturity date*
[*Continue in section 8 or on continuation sheet as necessary.*]		

4.05 Class 5 consists of unsecured claims entitled to priority under 11 U.S.C. § 507, such as domestic support obligations and certain types of taxes. Class 5 claims shall be paid in full unless 11 U.S.C. § 1322(a)(4) applies or the claim holder agrees to accept less than full payment. If the Debtor proposes less than full payment of a priority claim, section 8 must identify the claim holder and describe the proposed treatment. Debtor shall pay directly to the creditor any domestic support obligations that become due on and after the date of filing the petition.

Class 5 Creditor	*Type of priority*	*Est. claim amount*
[*Continue in section 8 or on continuation sheet as necessary.*]		

4.06 Class 6 consists of special unsecured claims. The claims listed below, such as co-signed unsecured debts, shall be paid in full, with interest if so indicated, for the reason(s) stated even though other unsecured claims may not be paid in full.

Class 6 Creditor	*Reason for special treatment*	*Interest*	*Est. claim amount*
[*Continue in section 8 or on continuation sheet as necessary.*]			

4.07 Class 7 consists of claims that are not secured and that are not entitled to priority or special treatment. Class 7 claims shall be paid pro rata to the extent funds are available after payment of all other claims. Debtor must file a separate **Motion to Avoid Lien** if classification of a claim as a general unsecured claim is based on avoidance of a judicial lien or nonpossessory, non-purchase money security interest under 11 U.S.C. § 522(f).

4.08 Executory Contracts and Unexpired Leases. Upon confirmation, Debtor assumes the executory contracts and unexpired leases listed below. Any prepetition arrearage under a contract or lease identified below in an amount stated in a timely filed proof of claim shall be treated as a claim in Class 1, Class 6, or as provided in section 8. Any other executory contract or unexpired lease is rejected. Entry of the confirmation order modifies the automatic stay to allow the nondebtor party to a rejected unexpired lease to obtain possession of the leased property.

Creditor under contract or lease	*Est. prepetition arrearage*	*Treatment: Class 1 or 6 or other*
[*Continue in section 8 or on continuation sheet as necessary.*]		

SECTION 5 – DISTRIBUTIONS

5.01 Order of Distributions. As soon as practicable after plan confirmation, Trustee will distribute funds monthly in the following order: (a) the percentage fee to Trustee under 28 U.S.C. § 586(e); (b) any maintenance payments due on Class 1 claims under section 4.01-3; (c) administrative expenses, including Debtor's attorney fees allowed under applicable rules and guidelines; (d) cure payments for prepetition arrearages on Class 1 claims, Class 2 claims of secured creditors under 11 U.S.C. § 1325(a)(5), claims under executory contracts and unexpired leases if designated as Class 1 claims, and compensation for a chapter 7 trustee under 11 U.S.C. § 1326(b)(3); (e) Class 5 priority unsecured claims; (f) Class 6 special unsecured claims, including claims under executory contracts and unexpired leases designated as Class 6 claims; and (g) Class 7 general unsecured claims. Within each level of distribution, claims shall be paid on a pro rata basis.

SECTION 6 -- LIQUIDATION ANALYSIS

6.01 Liquidation. The value, as of the date the petition was filed, of property to be distributed under the plan on account of each allowed unsecured claim is not less than the amount that would be paid on such claim if the estate were liquidated on such date under chapter 7 of the Bankruptcy Code. Debtor estimates, in good faith, that liquidation would be as follows.

1. Real property – Schedule A	$	5. Exemptions – Schedule C	$
2. Personal property – Schedule B	$	6. Secured claims (less unsecured portions, if any) – Schedule D	$
3. Property recoverable by avoiding powers	$	7. Priority claims – Schedule E	$
4. Total assets – Add boxes 1, 2, and 3	$	8. Estimated chapter 7 administrative expenses	$
intentionally left blank		9. Total adjustments – Add boxes 5, 6, 7, and 8	$
10. Amount available to pay general unsecured claims in liquidation – Subtract box 9 from box 4			$
11. Total amount of general unsecured debt from Schedule F + unsecured portions from Schedule D, if any			$
12. Estimated distribution on general unsecured claims **in liquidation** – Divide box 10 by box 11			%
13. Estimated distribution on general unsecured claims **through this plan**			%

SECTION 7 -- MISCELLANEOUS PROVISIONS

7.01 Joint Debtor. Any reference to the Debtor in this plan includes the Joint Debtor, if any.

7.02 Debtor's Duties. Debtor acknowledges that Debtor must: (a) make timely plan payments and carry out this plan; (b) comply with Debtor's obligations under the Bankruptcy Code and Rules, the Local Bankruptcy Rules, and any applicable local orders and guidelines; (c) file all postpetition federal, state, and local tax returns, and pay all postpetition taxes as they come due, including, if applicable, any requisite estimated income taxes and/or federal tax deposits for payroll taxes; (d) submit to Trustee a copy of each tax return or amendment thereof required for each tax year ending while the case is pending under chapter 13, immediately after filing such returns with the taxing authority; (e) file, if requested, updated schedules I and J or other statement made under penalty of perjury showing monthly income of Debtor, and how income, expenditures, and monthly income are calculated, on each anniversary of plan confirmation; (f) provide any financial information requested by Trustee, including that regarding a business; (g) maintain insurance as required by any law, contract, or security agreement on all vehicles and real or personal property subject to a security interest in the amount of the outstanding claim of the creditor or value of the collateral, whichever is less, unless the court orders otherwise; (h) if Debtor operates a business, maintain liability and other insurance as requested by Trustee; (i) pay timely to the court-ordered recipient all domestic support obligations that come due after commencement of the case; (j) obtain court approval before encumbering, selling, or otherwise disposing of any personal or real property other than in the ordinary course of Debtor's business; and (k) obtain written approval from Trustee or court approval before incurring any new debt exceeding $1,000. **Debtor understands that failure to comply with any of these obligations may justify dismissal of this case, conversion to another chapter, or other relief.**

7.03 Interest Rate. The standard interest rate on certain claims is calculated periodically as the national prime rate of interest plus 1.5% and is posted at the court's website. The interest rate with respect to a tax claim or an administrative expense tax is governed by 11 U.S.C. § 511.

7.04 Vesting and Possession of Property. Except to the extent necessary to fund this plan, property of the estate shall revest in Debtor upon entry of the confirmation order. If the case is converted to a case under another chapter, or is dismissed, the property of the estate shall vest in accordance with applicable law.

7.05 Cure Payments for Prepetition Arrearages. For all purposes, including but not limited to 12 U.S.C. § 2601 et seq., and Reg. X ("Regulation X"), 24 C.F.R. § 3500.17(i)(2), all claims shall be deemed reinstated and current upon the entry of an order confirming this plan. No creditor shall be excused from any obligation imposed by law or contract to provide notices of payment changes, interest rate changes, escrow account statements, other account statements, or similar information to the Debtor. All creditors shall promptly file copies of such notices and statements with the court.

7.06 Postpetition Obligations Paid Directly by Debtor. If this plan provides that Debtor will directly pay any postpetition obligations to a creditor, any postpetition fees, expenses, or charges, including those alleged to be due under Bankruptcy Rule 3002.1(a), (c), or (e), are the personal responsibility of Debtor and, unless the court orders otherwise, these postpetition fees, expenses, or charges shall not be paid by Trustee or through the plan.

7.07 Effect of Relief from Stay. As soon as practicable after Trustee receives notice of an order unconditionally permitting a secured creditor to foreclose on or repossess its collateral, Trustee shall cease making distributions on all claims secured by such collateral except for funds then being held by Trustee for distribution, unless the court orders otherwise. This does not affect the number or amount of periodic payments due from Debtor under the plan.

7.08 Lack of Feasibility Based on Claims Actually Filed. Trustee may file a motion to dismiss if Trustee determines that, based on the timely filed proofs of claim, the plan funding will be insufficient to pay in full, within 60 months from confirmation, administrative expenses, the prepetition arrearages on Class 1 claims, and the full amount of Class 2, Class 5, and Class 6 claims, and the amount of Class 7 claims required to satisfy 11 U.S.C. § 1325(a)(4). The court may dismiss the case without further notice if Debtor fails to file, within 30 days after the date of notice of such motion, an objection to claim or a motion to modify the confirmed plan which will cure the problem.

7.09 Conversion or Dismissal. Debtor agrees that, if this case is converted to another chapter, Debtor shall promptly file a new schedule C – Property Claimed as Exempt. Trustee shall distribute any plan payments held by Trustee at the time of conversion or dismissal of the case to holders of allowed claims in accordance with the order of distribution under this plan.

7.10 Student Loan Debt. A debt of the kind specified in 11 U.S.C. § 523(a)(8) will not be discharged upon completion of the plan unless the debtor has obtained a determination by the court that paying the debt in full would impose an undue hardship on the debtor and the debtor's dependent.

7.11 Certification. Debtor declares, under penalty of perjury, that this plan has been proposed in good faith, that the information provided in this plan is true and correct to the best of Debtor's knowledge, information, and belief, and that Debtor will be able to make all plan payments and otherwise comply with all plan provisions.

SECTION 8 -- ADDITIONAL PROVISIONS

Debtor may not alter the language of this form (other than by completing blanks and tables). Debtor may propose additional or different plan provisions only by setting the same out in this section. This section must also include information concerning additional creditors or claims, irregular plan payments, additional sources of plan funding, special treatment of prepetition arrearages under an executory contract or unexpired lease, and any other special provisions. (Attach additional pages as necessary.)

/s/_____ Attorney for Debtor(s)	**/s/**_____ Debtor	**/s/**_____ Joint Debtor (if any)
Dated:	Dated:	Dated: