

**Excerpt from the May 17, 2023 Report of the Advisory Committee on Bankruptcy Rules  
(revised July 13, 2023)**

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

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**MEMORANDUM**

**TO:** Honorable John D. Bates, Chair  
Standing Committee on Rules of Practice and Procedure

**FROM:** Honorable Rebecca B. Connelly, Chair  
Advisory Committee on Bankruptcy Rules

**RE:** Report of the Advisory Committee on Bankruptcy Rules

**DATE:** May 17, 2023\*

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**I. Introduction**

The Advisory Committee on Bankruptcy Rules met in West Palm Beach, Florida, on March 30, 2023. Two Committee members were unable to attend; the rest of the Committee met in person. \* \* \*

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\* Revised to incorporate changes that were made during the June 6, 2023, meeting of the Committee on Rules of Practice and Procedure.

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The Advisory Committee also voted to seek republication for comment of amendments to Bankruptcy Rule 3002.1 (Notice Relating to Claims Secured by a Security Interest in the Debtor’s Principal Residence in a Chapter 13 Case) and related forms. Previously, at the fall 2022 meeting, the Advisory Committee voted to seek publication for comment of proposed amendments to Bankruptcy Rule 8006(g) (Request for Leave to Take a Direct Appeal to a Court of Appeals After Certification).

Part II of this report presents those action items and is organized as follows:

\* \* \* \* \*

B. Items for Publication

- Rule 3002.1;
- Rule 8006(g); and
- Official Forms 410C13-M1, 410C13-M1R, 410C13-N, 410C13-NR, 410C13-M2, and 410C13-M2R.

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**B. Items for Publication**

**The Advisory Committee recommends that the following rule and form amendments be published for public comment in August 2023.** The rules and forms in this group appear in Bankruptcy Appendix B.

**Action Item 6. Rule 3002.1 (Notice Relating to Claims Secured by a Security Interest in the Debtor’s Principal Residence in a Chapter 13 Case).** In response to suggestions submitted by the National Association of Chapter Thirteen Trustees and the American Bankruptcy Institute’s Commission on Consumer Bankruptcy, the Advisory Committee proposed amendments to Rule 3002.1 that were published for comment in 2021. The amendments were intended to encourage a greater degree of compliance with the rule’s provisions and to provide a more straightforward and familiar procedure for determining the status of a mortgage claim at the end of a chapter 13 case. The amended rule as published provided for a new midcase assessment of the mortgage claim’s status in order to give the debtor an opportunity to cure any postpetition defaults that might have occurred. Provisions were added to prescribe the effective date of late payment-change notices and to provide more detailed provisions about notice of payment changes for home equity lines of credit (“HELOC”). The assessment of the status of the mortgage at the end of a chapter 13 case was changed from a notice to a motion procedure that would result in a binding order.

Twenty-seven comments were submitted on the proposed amendments. They included a letter from a group of 68 chapter 13 trustees who questioned whether there was a need for the amendments. They were particularly concerned about the midcase review because they said that it would impose an unnecessary burden on them and that the needed information about home mortgages is already available. They and other trustees also contended that the new requirements for the end-of-case motion would not work well in a case in which the debtor made mortgage

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payments directly to the servicer because the trustee would lack records about the postpetition payments. The comments from some debtors' attorneys, on the other hand, welcomed the requirement of a midcase review. They pointed out that mortgage servicers' records are often inconsistent with trustees' and debtors' records and that an earlier opportunity to reconcile them would be beneficial. The National Conference of Bankruptcy Judges, while stating that it did not oppose the amendments, raised questions about the authority to promulgate several provisions. It also questioned whether the benefits of a midcase assessment and the revised end-of-case procedures were sufficient to outweigh the added burden on courts and parties imposed by the provisions.

At the fall 2022 meeting and by email afterwards, the Advisory Committee approved republication changes to the proposed Rule 3002.1 amendments in response to the comments. Among the changes were the following:

- The provision for giving only annual notices of HELOC payment changes was made optional. The provision is intended to be for the benefit of the claim holder, so if such a claim holder prefers to provide notices more frequently, there would be no reason not to allow it to do so.
- Significant changes were made to subdivision (f), which as published required a midcase review of the status of the mortgage claim. As revised, it would be optional, not mandatory; could be initiated by either the trustee or the debtor, not just the trustee; could be sought at any time during the case, not just between 18 and 24 months after the petition was filed; and would be initiated by a motion, not a notice. The claim holder would have to respond to the motion only if it disagreed with the facts set forth in the motion, rather than in all cases.
- Rather than starting with a motion by the trustee, as the published rule did, the end-of-case procedure would, like the current rule, start with a notice by the trustee indicating whether and in what amounts he or she had cured any prepetition arrearage and made any payments to the claim holder that came due postpetition. Rather than being triggered by the debtor's final cure payment, the notice would have to be filed "within 45 days after the debtor completes all payments due to the trustee" under the plan. As under the current rule, the claim holder would be required to file a response to the notice.
- If thereafter the trustee or debtor wanted the court to determine whether the debtor had cured all defaults and paid all required postpetition amounts, either one could file a motion for a court determination.
- \* \* \* \*

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\* During the June 6, 2023 Standing Committee meeting, the Chair of the Advisory Committee withdrew a proposed amendment to current Rule 3002.1(i)(2) (which would become proposed Rule 3002.1(h)(2)) that would have specified that the relief awarded if a claim holder failed to provide information as required by Rule 3002.1 could include "in appropriate circumstances, noncompensatory sanctions." This proposed

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The Advisory Committee approved a few additional substantive and stylistic changes at the spring meeting.

Because the changes to the originally published amendments are substantial and further public input would be beneficial, the Advisory Committee asks to have the proposed amendments to Rule 3002.1 republished.

**Action Item 7. Rule 8006(g) (Request for Leave to Take a Direct Appeal to a Court of Appeals After Certification).** Rule 8006(g) currently requires that, within 30 days after the date the certification becomes effective, “a request for permission to take a direct appeal to the court of appeals must be filed with the circuit clerk in accordance with Fed. R. App. P. 6(c).” The rule is written in the passive voice and does not specify who is supposed to file that request for permission to take a direct appeal.

Bankruptcy Judge A. Benjamin Goldgar suggested that the rule be rewritten to clarify the existing meaning, which he (and the Advisory Committee) believes is that any party to the judgment, order, or decree can file the request for permission to take a direct appeal, not just the appellant who initiated the appeal.

At the spring 2022 meeting of the Advisory Committee, the Subcommittee on Privacy, Public Access, and Appeals recommended an amendment to Rule 8006(g) for publication. The reporter to the Standing Committee was concerned that the revised Rule 8006(g) might not work properly with Fed. R. App. P. 6(c)—which also addresses direct appeals from a bankruptcy court to a court of appeals—and asked the reporters for the Bankruptcy Rules Committee and the Appellate Rules Committee to work with their respective committees to ensure that the rules worked in a coordinated fashion.

An amendment to Rule 8006(g) that was the product of that collaboration was approved by the Advisory Committee at its fall 2022 meeting. Because the Appellate Rules Committee at its fall meeting created a subcommittee to consider related amendments to Fed. R. App. P. 6(c) and to report back at its spring meeting, the Advisory Committee decided to wait to seek approval from the Standing Committee for publication of Rule 8006(g) until publication was also sought for amendments to the appellate rule. The Appellate Rules Committee has now completed its work and is presenting amendments to Fed. R. App. P. 6 at this meeting for publication.

**Action Item 8. Official Forms 410C13-M1, 410C13-M1R, 410C13-N, 410C13-NR, 410C13-M2, and 410C13-M2R.** In 2021 the Standing Committee published five forms drafted to implement proposed amendments to Rule 3002.1 (Official Forms 410C13-1N, 410C13-1R, 410C13-10C, 410C13-10NC, 410C13-10R). The Advisory Committee deferred considering the comments submitted on the forms until after it approved changes to the rule in response to comments.

At the spring 2023 meeting, the Advisory Committee approved for publication 6 new forms to implement the revised amendments to Rule 3002.1. The new forms no longer include a

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change was withdrawn to allow for further consideration by the Advisory Committee and possible resubmission later.

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mandatory midcase-trustee notice of the status of the mortgage. Instead, either the trustee or the debtor may choose to file a motion to determine the status of the mortgage claim at any point during the case prior to the trustee’s Final Notice of Payments Made. Official Form 410C13-M1 was drafted for that purpose. No distinction is made between cases in which the trustee makes postpetition mortgage payments and those in which the debtor does so. The moving party—either the trustee or debtor—must only provide the information that she has knowledge of. Official Form 410C13-M1R is the form for the claim holder’s response to that motion.

After the debtor completes all payments due to the trustee under a chapter 13 plan, the trustee must file a notice of payments made on the mortgage. Official Form 410C13-N was drafted for that purpose. The claim holder then must file a response, using Official Form 410C13-NR.

If either the trustee or debtor wants a final determination of the mortgage’s status at the end of the case, he can file a Motion to Determine Final Cure and Payment, using Official Form 410C13-M2. The claim holder, if it disputes any facts in the motion, must then file a response, using Official Form 410C13-M2R.

\* \* \* \* \*

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

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

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

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

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

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

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

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

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

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

32 ~~modify this requirement.~~

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

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

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

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



50 overpayment or  
51 underpayment during the  
52 prior year.

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

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

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

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

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

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

84 (B) when the notice concerns a payment  
85 decrease, on the first payment due  
86 date after the date of the notice.

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

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

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

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

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

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

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

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

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

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

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

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

142 (2) **Response; Content and Service.** If the claim

143 holder disagrees with facts set forth in the

144 motion, it must file a response within 21 days

145 after the motion is served. The response must

146 be prepared using Form 410C13-M1R and be

147 served on the individuals listed in (b)(1).

148 (3) **Court Determination.** If the claim holder's

149 response asserts a disagreement with facts set

150 forth in the motion, the court must, after

151 notice and a hearing, determine the status of

152 the claim and enter an appropriate order. If

153 the claim holder does not respond to the

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

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

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

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

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

169 (B) ~~the~~stating what amount, if any, the  
170 trustee paid to the claim holder for  
171 contractual payments that came due

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

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

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

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

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



190 supplement to the claim holder’s proof of  
191 claim. The response must be prepared using  
192 Form 410C13-NR and be served on the  
193 individuals listed in (b)(1).

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

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

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

202 (A) *Motion.* After service of the response  
203 under (g)(3) or within 45 days after  
204 service of the trustee’s notice under  
205 (g)(1) if no response is filed by the  
206 claim holder, the debtor or trustee  
207 may file a motion to determine

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

215 (B) *Response.* If the claim holder  
216 disagrees with the facts set forth in the  
217 motion, it must file a response within  
218 21 days after the motion is served.  
219 The response must be prepared using  
220 Form 410C13-M2R and be served on  
221 the individuals listed in (b)(1).

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

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

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

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

236 (A) indicates whether:

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

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

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

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

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

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

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

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

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

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

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

277 **Committee Note**

278 The rule is amended to encourage a greater degree of  
 279 compliance with its provisions and to allow assessments of  
 280 a mortgage claim’s status while a chapter 13 case is pending  
 281 in order to give the debtor an opportunity to cure any

282 postpetition defaults that may have occurred. Stylistic  
283 changes are made throughout the rule, and its title and  
284 subdivision headings have been changed to reflect the  
285 amended content.

286 Subdivision (a), which describes the rule’s  
287 applicability, is amended to delete the word “installment” in  
288 the phrase “contractual installment payment” in order to  
289 clarify the rule’s applicability to reverse mortgages, which  
290 are not paid in installments.

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

305 As a sanction for noncompliance, subdivision (b)(3)  
306 now provides that late notices of a payment increase do not  
307 go into effect until the first payment due date after the  
308 required notice period (at least 21 days) expires. The claim  
309 holder will not be permitted to collect the increase for the  
310 interim period. There is no delay, however, in the effective  
311 date of an untimely notice of a payment decrease.

312 The changes made to subdivisions (c) and (d) are  
313 largely stylistic. Stylistic changes are also made to

314 subdivision (e). In addition, the court is given authority,  
 315 upon motion of a party in interest, to shorten the time for  
 316 seeking a determination of the fees, expenses, or charges  
 317 owed. Such a shortening, for example, might be appropriate  
 318 in the later stages of a chapter 13 case.

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

337 Under subdivision (g), within 45 days after the last  
 338 plan payment is made to the trustee, the trustee must file a  
 339 notice of final cure and payment. An Official Form has been  
 340 adopted for this purpose. The notice will state the amount  
 341 that the trustee has paid to cure any default on the claim and  
 342 whether the default has been cured. It will also state the  
 343 amount, if any, that the trustee has paid on contractual  
 344 obligations that came due during the case and whether those  
 345 payments are current as of the date of the notice. The claim  
 346 holder then must respond within 28 days after service of the

347 notice, again using an Official Form to provide the required  
348 information.

349           Either the trustee or the debtor may file a motion for  
350 a determination of final cure and payment. The motion,  
351 using the appropriate Official Form, may be filed after the  
352 claim holder responds to the trustee’s notice under (g)(1), or,  
353 if the claim holder fails to respond to the notice, within 45  
354 days after the notice was served. If the claim holder  
355 disagrees with any facts in the motion, it must respond  
356 within 21 days after the motion is served, using the  
357 appropriate Official Form. The court will then determine the  
358 status of the mortgage. A Director’s Form provides guidance  
359 on the type of information that should be included in the  
360 order.

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



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

1 **Rule 8006. Certifying a Direct Appeal to the**  
2 **Court of Appeals<sup>2</sup>**

3 \* \* \* \* \*

4 (g) Request After Certification for ~~Leave to Take a~~  
5 ~~Direct Appeal to~~ a Court of Appeals ~~After~~  
6 ~~Certification~~ to Authorize a Direct Appeal. Within  
7 30 days after the certification has become effective  
8 under (a), ~~a request for leave to take a direct appeal~~  
9 ~~to a court of appeals must be filed~~ any party to the  
10 appeal may ask the court of appeals to authorize a  
11 direct appeal by filing a petition with the circuit clerk  
12 in accordance with Fed. R. App. P. 6(c).

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

<sup>2</sup> The changes indicated are to the restyled version of Rule 8006, not yet in effect.

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**Committee Note**

14           Rule 8006(g) is revised to clarify that any party to the  
15 appeal may file a request that a court of appeals authorize a  
16 direct appeal. There is no obligation to do so if no party  
17 wishes the court of appeals to authorize a direct appeal.

Fill in this information to identify the case:

Debtor 1 \_\_\_\_\_

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

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

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

Official Form 410

Proof of Claim

12/24

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

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

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

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

Part 1: Identify the Claim

1. Who is the current creditor?  
Name of the current creditor (the person or entity to be paid for this claim) \_\_\_\_\_  
Other names the creditor used with the debtor \_\_\_\_\_

2. Has this claim been acquired from someone else?  
 No  
 Yes. From whom? \_\_\_\_\_

3. Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Name _____ Number Street _____ City State ZIP Code _____ Contact phone _____ Contact email _____	Name _____ Number Street _____ City State ZIP Code _____ Contact phone _____ Contact email _____
	Uniform claim identifier for electronic payments in chapter 13 (if you use one): -----	

4. Does this claim amend one already filed?  
 No  
 Yes. Claim number on court claims registry (if known) \_\_\_\_\_ Filed on MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim?  
 No  
 Yes. Who made the earlier filing? \_\_\_\_\_

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

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

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

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

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

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

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

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

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

**Annual Interest Rate** (when case was filed) \_\_\_\_\_ %  
 Fixed  
 Variable

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

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

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

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

- No  
 Yes. *Check one:*

- |   |  |
|---|--|
| <input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).  | <b>Amount entitled to priority</b><br>\$ _____ |
| <input type="checkbox"/> Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).  | \$ _____                                       |
| <input type="checkbox"/> Wages, salaries, or commissions (up to \$15,150*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4). | \$ _____                                       |
| <input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).  | \$ _____                                       |
| <input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).  | \$ _____                                       |
| <input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)(____) that applies.  | \$ _____                                       |

\* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

**Part 3: Sign Below**

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

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

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

*Check the appropriate box:*

- I am the creditor.  
 I am the creditor's attorney or authorized agent.  
 I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.  
 I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

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

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

Executed on date \_\_\_\_\_  
MM / DD / YYYY

\_\_\_\_\_  
Signature

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

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

Title \_\_\_\_\_

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

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

City State ZIP Code

Contact phone \_\_\_\_\_ Email \_\_\_\_\_

### **Committee Note**

The last line of Part 1, Box 3, is amended to permit use of the uniform claim identifier for all payments in cases filed under all chapters of the Code, not merely electronic payments in chapter 13 cases.

## Instructions for Proof of Claim

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

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

### How to fill out this form

- Fill in all of the information about the claim as of the date the case was filed.
- Fill in the caption at the top of the form.
- If the claim has been acquired from someone else, then state the identity of the last party who owned the claim or was the holder of the claim and who transferred it to you before the initial claim was filed.
- Attach any supporting documents to this form.  
Attach redacted copies of any documents that show that the debt exists, a lien secures the debt, or both. (See the definition of *redaction* on the next page.)  
Also attach redacted copies of any documents that show perfection of any security interest or any assignments or transfers of the debt. In addition to the documents, a summary may be added. Federal Rule of Bankruptcy Procedure (called “Bankruptcy Rule”) 3001(c) and (d).
- Do not attach original documents because attachments may be destroyed after scanning.
- If the claim is based on delivering health care goods or services, do not disclose confidential health care information. Leave out or redact confidential information both in the claim and in the attached documents.

- A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, individual’s tax identification number, or financial account number, and only the year of any person’s date of birth. See Bankruptcy Rule 9037.
- For a minor child, fill in only the child’s initials and the full name and address of the child’s parent or guardian. For example, write *A.B., a minor child (John Doe, parent, 123 Main St., City, State)*. See Bankruptcy Rule 9037.

### Confirmation that the claim has been filed

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

### Understand the terms used in this form

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

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

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

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

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

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

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

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

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

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

Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment may be a lien.

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

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

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

## Offers to purchase a claim

Certain entities purchase claims for an amount that is less than the face value of the claims. These entities may contact creditors offering to purchase their claims. Some written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court, the bankruptcy trustee, or the debtor. A creditor has no obligation to sell its claim. However, if a creditor decides to sell its claim, any transfer of that claim is subject to Bankruptcy Rule 3001(e), any provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.) that apply, and any orders of the bankruptcy court that apply.

**Do not file these instructions with your form.**



United States Bankruptcy Court

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

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

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

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

The [trustee/debtor] states as follows:

1. The following information relates to the mortgage claim at issue:

**Name of Claim Holder:** \_\_\_\_\_ **Court claim no. (if known):** \_\_\_\_\_

**Last 4 digits** of any number used to identify the debtor's account: \_\_\_\_\_

**Property address:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

a. Allowed amount of the prepetition arrearage, if any: \$ \_\_\_\_\_

b. Total amount of the prepetition arrearage paid, if known: \$ \_\_\_\_\_

c. Allowed amount of postpetition arrearage, if any: \$ \_\_\_\_\_

d. Total amount of postpetition arrearage paid, if known: \$ \_\_\_\_\_

e. Total amount of arrearages paid: \$ \_\_\_\_\_

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

a. Amount of postpetition fees, expenses, and charges noticed and allowed under Rule 3002.1(c): \$ \_\_\_\_\_

b. Amount of postpetition fees, expenses, and charges paid: \$ \_\_\_\_\_

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

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

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

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

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

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

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

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

\_\_\_\_\_ (claim holder) states as follows:

1. The following information relates to the mortgage claim at issue:

**Name of Claim Holder:** \_\_\_\_\_ **Court claim no.** (if known): \_\_\_\_\_

**Last 4 digits** of any number used to identify the debtor's account: \_\_\_\_\_

**Property address:** \_\_\_\_\_

\_\_\_\_\_

City State ZIP Code

2. Arrearages

Check one:

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

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

\$ \_\_\_\_\_.

3. Postpetition Contractual Payments

Check all that apply:

The debtor is current on all postpetition contractual payments, including all fees, charges, expenses, escrow, and costs. The claim holder attaches a payoff statement and provides the following information as of the date of this response:

Date last payment was received on the mortgage: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Date next postpetition payment from the debtor is due: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Amount of the next postpetition payment that is due: \$ \_\_\_\_\_

Unpaid principal balance of the loan: \$ \_\_\_\_\_

Additional amounts due for any deferred or accrued interest: \$ \_\_\_\_\_

Balance of the escrow account: \$ \_\_\_\_\_

Balance of unapplied funds or funds held in a suspense account: \$ \_\_\_\_\_

The debtor is not current on all postpetition payments. The debtor is obligated for the postpetition payment(s) that first became due on: \_\_\_\_/\_\_\_\_/\_\_\_\_

The debtor has fees, charges, expenses, negative escrow amounts, or costs due and owing. The total amount remaining unpaid as of the date of this response is \$ \_\_\_\_\_.

#### 4. Itemized Payment History

Include if applicable:

Because the claim holder asserts that the arrearages have not been paid in full or states that the debtor is not current on all postpetition payments or that fees, charges, expenses, escrow, and costs are due and owing, the claim holder attaches an itemized payment history—using the format of Official Form 410A, Part 5—disclosing the following amounts from the date of the bankruptcy filing through the date of this response:

- all prepetition and postpetition payments received;
- the application of all payments received;
- all fees, costs, escrow, and expenses assessed to the mortgage; and
- all amounts the creditor contends remain unpaid.

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

Print \_\_\_\_\_ Title \_\_\_\_\_  
Name

Company \_\_\_\_\_

If different from the notice address listed on the proof of claim to which this response applies:

Address

\_\_\_\_\_

Number

Street

\_\_\_\_\_

City

State

ZIP Code

Contact phone (\_\_\_\_\_) \_\_\_\_\_ – \_\_\_\_\_ Email \_\_\_\_\_

The person completing this response must sign it. Check the appropriate box:

- I am the claim holder.
- I am the claim holder's authorized agent.

**Fill in this information to identify the case:**

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

Official Form 410C13-N

**Trustee's Notice of Payments Made**

12/25

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

**Part 1: Mortgage Information**

Name of claim holder: \_\_\_\_\_ Court claim no. (if known): \_\_\_\_\_  
Last 4 digits of any number you use to identify the debtor's account: \_\_\_\_\_  
Property address: \_\_\_\_\_  
Number Street  
\_\_\_\_\_  
City State ZIP Code

**Part 2: Statement of Completion**

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

**Part 3: Amount Needed to Cure Default**

	Amount
a. Allowed amount of prepetition arrearage, if any:	\$ _____
b. Total amount prepetition arrearage paid by the trustee as of date of notice:	\$ _____
c. Allowed amount of postpetition arrearage, if any:	\$ _____
d. Total postpetition arrearage paid by the trustee as of date of notice:	\$ _____
e. Total amount of arrearages paid as of date of notice	\$ _____
Has the debtor cured all arrearages?	
<input type="checkbox"/> Yes	
<input type="checkbox"/> No	

**Part 4: Postpetition Contractual Payment**

Check one:

- Postpetition contractual payments are made by the debtor.
- Postpetition contractual payments are paid through the trustee.

**If the trustee has made postpetition contractual payments, complete a-c below; otherwise leave blank.**

- a. Total amount of postpetition contractual payments made by the trustee as of date of notice: \$ \_\_\_\_\_
- b. Is the debtor current on postpetition contractual payments as of date of notice?
  - Yes
  - No
- c. Next mortgage payment due: \_\_\_\_\_  
MM / YYYY

**Part 5: Postpetition Fees, Expenses, and Charges**

Amount of allowed postpetition fees, expenses, and charges: \$ \_\_\_\_\_

Amount of postpetition fees, expenses, and charges paid by the trustee as of date of notice: \$ \_\_\_\_\_

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

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

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

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

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

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

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

**Fill in this information to identify the case:**

Debtor 1 \_\_\_\_\_

Debtor 2 \_\_\_\_\_  
(Spouse, if filing)

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

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

Official Form 410C13-NR

**Response to Trustee's Notice of Payments Made**

12/25

The claim holder must respond to the Trustee's Notice of Payments Made within 28 days after it was served. Rule 3002.1(g)(2).

**Part 1: Mortgage Information**

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

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

Property address: \_\_\_\_\_  
Number Street  
\_\_\_\_\_  
City State ZIP Code

**Part 2: Amount Needed to Cure Default**

Check all that are applicable:

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

**Part 3: Postpetition Contractual Payment**

- Debtor is current on all postpetition contractual payments, including all fees, charges, expenses, escrow, and costs. The claim holder attaches a payoff statement and provides the following information as of the date of this response:

Date last payment was received on the mortgage: \_\_\_\_/\_\_\_\_/\_\_\_\_



Date next postpetition payment from the debtor is due: \_\_\_\_/\_\_\_\_/\_\_\_\_

Amount of the next postpetition payment that is due: \$\_\_\_\_\_

Unpaid principal balance of the loan: \$\_\_\_\_\_

Additional amounts due for any deferred or accrued interest: \$\_\_\_\_\_

Balance of the escrow account: \$\_\_\_\_\_

Balance of unapplied funds or funds held in a suspense account: \$\_\_\_\_\_

- Debtor is not current on all postpetition contractual payments. The claim holder asserts that the debtor is obligated for the postpetition payment(s) that first became due on: \_\_\_\_/\_\_\_\_/\_\_\_\_.
- Debtor has fees, charges, expenses, negative escrow amounts, or costs due and owing. The claim holder asserts that the total amount remaining unpaid as of the date of this response is \$\_\_\_\_\_.

**Part 4**      **Itemized Payment History**

If the claim holder disagrees that the prepetition arrearage has been paid in full, states that the debtor is not current on all postpetition payments, or states that fees, charges, expenses, escrow, and costs are due and owing, it must attach an itemized payment history—using the format of Official Form 410A, Part 5—disclosing the following amounts from the date of the bankruptcy filing through the date of this response:

- all prepetition and postpetition payments received;
- the application of all payments received;
- all fees, costs, escrow, and expenses assessed to the mortgage; and
- all amounts the claim holder contends remain unpaid.

**Part 5:**      **Sign Here**

The person completing this response must sign it. Check the appropriate box:

- I am the claim holder.
- I am the claim holder's authorized agent.

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

**x**

Signature \_\_\_\_\_

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

First Name \_\_\_\_\_

Middle Name \_\_\_\_\_

Last Name \_\_\_\_\_

Number \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

ZIP Code \_\_\_\_\_

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

Email \_\_\_\_\_

United States Bankruptcy Court

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

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

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

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

The [trustee/debtor] states as follows:

1. The following information relates to the mortgage claim at issue:

**Name of Claim Holder:** \_\_\_\_\_ **Court claim no.** (if known): \_\_\_\_\_

**Last 4 digits** of any number used to identify the debtor's account: \_\_\_\_\_

**Property address:** \_\_\_\_\_

_____	_____	_____
City	State	ZIP Code

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

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

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

- a. Amount of postpetition fees, expenses, and charges noticed and allowed under Rule 3002.1(c): \$ \_\_\_\_\_
- b. Amount of postpetition fees, expenses, and charges paid: \$ \_\_\_\_\_

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

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

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

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

United States Bankruptcy Court

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

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

Case No. \_\_\_\_\_

Chapter 13

**Response to [Trustee's/Debtor's] Motion to Determine Final Cure and Payment of the Mortgage Claim**

\_\_\_\_\_ (claim holder) states as follows:

1. The following information relates to the mortgage claim at issue:

**Name of Claim Holder:** \_\_\_\_\_ **Court claim no.** (if known): \_\_\_\_\_

**Last 4 digits** of any number used to identify the debtor's account: \_\_\_\_\_

**Property address:** \_\_\_\_\_

\_\_\_\_\_ City

\_\_\_\_\_ State

\_\_\_\_\_ ZIP Code

2. Arrearage Provided for by the Plan

Check one:

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

As of the date of this response, Debtor has not paid in full the amount required to cure any arrearage on this mortgage claim. The total arrearage amount remaining unpaid as of the date of this response is:

\$ \_\_\_\_\_.

3. Postpetition Contractual Payments

Check all that apply:

Debtor is current on all postpetition contractual payments, including all fees, charges, expenses, escrow, and costs. The claim holder attaches a payoff statement and provides the following information as of the date of this response:

Date last payment was received on the mortgage: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Date next postpetition payment from the debtor is due: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Amount of the next postpetition payment that is due: \$ \_\_\_\_\_

Unpaid principal balance of the loan: \$ \_\_\_\_\_

Additional amounts due for any deferred or accrued interest: \$ \_\_\_\_\_

Balance of the escrow account: \$ \_\_\_\_\_

Balance of unapplied funds or funds held in a suspense account: \$ \_\_\_\_\_

Debtor is not current on all postpetition payments. The debtor is obligated for the postpetition payment(s) that first became due on: \_\_\_\_/\_\_\_\_/\_\_\_\_.

Debtor has fees, charges, expenses, negative escrow amounts, or costs due and owing. The total amount remaining unpaid as of the date of this response is \$ \_\_\_\_\_.

#### 4. Itemized Payment History

Include if applicable:

Because the claim holder disagrees that the arrearages have been paid in full or states that the debtor is not current on all postpetition payments or that fees, charges, expenses, escrow, and costs are due and owing, the claim holder attaches an itemized payment history—using the format of Official Form 410A, Part 5—disclosing the following amounts from the date of the bankruptcy filing through the date of this response:

- all prepetition and postpetition payments received;
- the application of all payments received;
- all fees, costs, escrow, and expenses assessed to the mortgage; and
- all amounts the creditor contends remain unpaid.

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

Print \_\_\_\_\_ Title \_\_\_\_\_  
Name

Company \_\_\_\_\_

If different from the notice address listed on the proof of claim to which this response applies:

Address

\_\_\_\_\_

Number

Street

\_\_\_\_\_

City

State

ZIP Code

Contact phone (\_\_\_\_\_) \_\_\_\_\_ – \_\_\_\_\_ Email \_\_\_\_\_

The person completing this response must sign it. Check the appropriate box:

- I am the claim holder.
- I am the claim holder's authorized agent.

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## Committee Note

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

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

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Within 21 days after service of the trustee's or debtor's motion, the holder of the mortgage claim must file a response, using Official Form 410C13-M1R, if it disputes any facts set forth in the motion. *See* Rule 3002.1(f)(2). The claim holder must indicate whether the debtor has paid the full amount required to cure any arrearage and whether the debtor is current on all postpetition payments. The claim holder must provide a payoff statement, or, if the claim holder says that the debtor is not current on all payments, it must attach an itemized payment history for the postpetition period, using the format of Official Form 410A, Part 5.

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31 Official Form 410C13-N is to be used by a trustee to  
32 provide the notice required by Rule 3002.1(g)(1) to be filed  
33 at the end of the case. This notice must be filed within 45  
34 days after the debtor completes all payments due to the  
35 trustee, and it requires the trustee to report on the amounts  
36 the trustee paid to cure any arrearage, for postpetition  
37 mortgage obligations, and for postpetition fees, expenses,  
38 and charges. The trustee must also provide her disbursement  
39 ledger for all payments she made to the claim holder.

40 Within 28 days after service of the trustee's notice,  
41 the holder of the mortgage claim must file a response using  
42 Official Form 410C13-NR. *See* Rule 3002.1(g)(3). The  
43 claim holder must indicate whether the debtor has paid the  
44 full amount required to cure any arrearage and whether the  
45 debtor is current on all postpetition payments. If the claim  
46 holder says that the debtor is not current on all payments, it  
47 must attach an itemized payment history for the postpetition  
48 period, using the format of Official Form 410A, Part 5. The  
49 response, which is not subject to Rule 3001(f), must be filed  
50 as a supplement to the claim holder's proof of claim.

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

62 payments made by the trustee of which the debtor has  
63 knowledge.

64           Within 21 days after service of the trustee's or  
65 debtor's motion, the holder of the mortgage claim must file  
66 a response, using Official Form 410C13-M2R, if it disputes  
67 any facts set forth in the motion. *See* Rule 3002.1(g)(4)(B).  
68 The claim holder must indicate whether the debtor has paid  
69 the full amount required to cure any arrearage and whether  
70 the debtor is current on all postpetition payments. The claim  
71 holder must provide a payoff statement, or, if the claim  
72 holder says that the debtor is not current on all payments, it  
73 must attach an itemized payment history for the postpetition  
74 period, using the format of Official Form 410A, Part 5.