

### Rule 3002.1 Chart

**Application of New Rule 3002.1:** New Rule 3002.1, “*Notice Relating to Claims Secured by Security Interest in Debtor’s Principal Residence*,” 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 section 1322(b)(5) in the debtor’s plan.” (emphasis added) [The language quoted above appears in subdivision (a) of the new rule.]

**Attachment A to Be Filed with Proof of Claim:** A new Attachment A, “*Mortgage Proof of Claim Attachment*,” to Official Form 10 facilitates the submission of information required by new paragraph (2) of Rule 3001(c). Attachment A, if applicable, should be filed *with* Official Form 10. (Proof of Claim).

**Notices Required by Section E of SDNY Model Chapter 13 Plan:** A creditor to which Rule 3002.1 may not be applicable (see first paragraph above for applicability of rule) may still need to comply with the noticing requirements set forth in Section E of the SDNY Model Chapter 13 Plan (for example, a creditor with a secured interest in property *other than* the debtor’s principal residence). The two Section E notices are: **Notice of Contract Change** and **Notice of Outstanding Obligations**. Each of the two Section E notices has its own ECF event. When using either event, filers will be asked if they have already filed a proof of claim in the case.

- By answering “yes” to that question, the entry will appear on the ECF claims register as a supplement to the claim holder’s proof of claim.
- By answering “no” to that question, the entry will appear on the case docket.

Actor	Action	Timeframe	Official Form and/or ECF Event	Action Results in Docket Entry or Addition to Claims Register	Subdivision of Rule 3002.1
Claim holder	<p>Notice of change in payment amount</p> <ul style="list-style-type: none"> <li>• to be filed and served on the debtor, debtor’s counsel and the trustee</li> </ul>	<p>Notice to be filed and served <b>no later than 21 days</b> before a payment in the new amount is due</p>	<p><b>Supplement 1</b> (to Official Form B10), “<i>Notice of Mortgage Payment Change</i>”</p> <p>ECF event: “<b>Notice of Mortgage Payment Change</b>” (event located in Bankruptcy/ Claims Actions)</p>	<p>Supplement 1 is to be filed using the event in the Claims Actions category. When using the event, <b>filers will be asked if they have already filed a proof of claim in the case.</b></p> <ul style="list-style-type: none"> <li>• By answering “yes” to that question, the entry will appear on the ECF claims register as a supplement to the claim holder’s proof of claim.</li> <li>• By answering “no” to that question, the entry will appear on the case docket.</li> </ul>	3002.1(b) & (d)
Claim holder	<p><b>Notice</b> itemizing all fees, expenses or charges that were incurred postpetition <u>and</u> are recoverable against the debtor or the debtor’s principal residence</p> <ul style="list-style-type: none"> <li>• to be filed and</li> </ul>	<p>Notice to be served <b>within 180 days</b> after the date on which such fees, expenses or charges</p>	<p><b>Supplement 2</b> (to Official Form B10), “<i>Notice of Postpetition Mortgage Fees, Expenses, and Charges</i>”</p>	<p>Supplement 2 is to be filed using the event in the Claims Actions category. When using the event, <b>filers will be asked if they have already filed a proof of claim in the case.</b></p> <ul style="list-style-type: none"> <li>• By answering “yes” to that question, the entry will appear on the ECF claims register as</li> </ul>	3002.1(c) & (d)

	served on the debtor, debtor's counsel and the trustee	were incurred	<i>ECF event:</i> "Notice of Postpetition Mortgage Fees, Expenses, and Charges" (event located in Bankruptcy/ Claims Actions)	a supplement to the claim holder's proof of claim. • By answering "no" to that question, the entry will appear on the case docket.	
Debtor or Trustee	Motion requesting a court determination as to whether payment of a claimed fee, expense or charge is required to cure a default or maintain payments	Motion to be filed within one year after service of a subdivision (c) notice	<i>ECF event:</i> "Motion, Determine Mortgage Fees and Expenses" (event located in Bankruptcy/ Motions/ Applications)	File on case docket.	3002.1(e)
Court	Shall determine (after notice and hearing) 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)]				3002.1(e)
Trustee or Debtor	Shall file and serve on the claim holder, 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 [this notice shall also inform the claim holder of its obligation to file and serve a response under subdivision (g)].  • The debtor may file and serve the notice if 1) the debtor contends that final cure payment has been made and all plan payments have been completed and 2) the trustee does	Notice to be filed and served within 30 days after the debtor completes all payments under the plan	<i>ECF event:</i> "Notice of Final Cure Mortgage Payment" (event located in Bankruptcy/ Notices)	File on case docket.	3002.1(f)

	not timely file and serve the required notice.				
Claim holder	<p>Shall file and serve a statement indicating whether 1) it agrees that the debtor has paid in full the amount required to cure the default and 2) the debtor is otherwise current on all payments.</p> <ul style="list-style-type: none"> <li>The statement shall itemize the required cure or postpetition amounts, if any, that the claim holder contends are unpaid as of the date of the statement.</li> </ul>	Statement to be filed and served within 21 days after service of the subdivision (f) notice	<i>ECF event:</i> "Response to Notice of Final Cure Payment" (event located in Bankruptcy/ Claims Actions)	The statement is to be filed using the event in the Claims Actions category. When using the event, filers will be asked if they have already filed a proof of claim in the case. <ul style="list-style-type: none"> <li>By answering "yes" to that question, the entry will appear on the ECF claims register as a supplement to the claim holder's proof of claim.</li> <li>By answering "no" to that question, the entry will appear on the case docket.</li> </ul>	3002.1(g)
Debtor or Trustee	Motion requesting a court determination as to whether the debtor has cured the default and paid all required postpetition amounts.	Motion to be filed within 21 days after service of the subdivision (g) statement	<i>ECF event:</i> "Motion, Determine Final Cure and Payment Rule 3002.1" (event located in Bankruptcy/ Motions/ Applications)	File on case docket.	3002.1(h)
Court	Shall determine (after notice and hearing) whether the debtor has cured the default and paid all required postpetition amounts.				3002.1(h)
Court	May take (after notice and hearing) either or both of the following actions [if the claim holder fails to provide any information required by subdivision (b), (c) or (g)]: 1) preclude the holder from presenting the omitted information, in any form, as evidence in any contested matter or adversary proceeding (unless the court determines that the failure was substantially justified or is harmless) or 2) award other				3002.1(i)

	appropriate relief, including reasonable expenses and attorney's fees caused by the failure.				
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## New Paragraph (2) of Rule 3001(c)

Subparagraph of Paragraph (2) [of Rule 3001(c)]	Description	Notes
Subparagraph (A)	Claim holder must file <i>with</i> the proof of claim an <b>itemized statement</b> of the interest, fees, expenses or charges if, in addition to the principal amount, a claim includes interest, fees, expenses or other charges incurred <i>prior to</i> the filing of the petition.	Applies in case where the debtor is an individual
Subparagraph (B)	Claim holder must file <i>with</i> the proof of claim a <b>statement</b> of the amount needed to <b>cure any default</b> as of the date of the petition if a <b>security interest is claimed in the debtor's property</b> .	Applies in case where the debtor is an individual
Subparagraph (C)	<p>If a security interest is claimed in property that is <b>the debtor's principal residence</b>, the claim holder must file <i>with</i> the proof of claim the appropriate Official Form, that is, <b>Attachment A [of Official Form 10]</b> to submit the <b>information required by subparagraphs (A) and/or (B)</b> above.</p> <p>Additionally, the claim holder must file <i>with</i> the attachment to the proof of claim (that is, Attachment A) an <b>escrow account statement</b> prepared as of the date of the petition if an escrow account has been established in connection with the claim.</p>	Applies in case where the debtor is an individual
Subparagraph (D)	Court may take (after notice and hearing) either or both of the following actions [if the claim holder fails to provide any information required by subdivision (c)]: 1) preclude the holder from presenting the omitted information, in any form, as evidence in any contested matter or adversary proceeding (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.	Similar in language to subdivision (i) of new Rule 3002.1