

New Bankruptcy Rule 3002.1 Events

New Bankruptcy Rule 3002.1, effective December 1, 2011, provides a process for a Chapter 13 debtor to cure a default and maintain payments on a home mortgage during the plan. It applies to claims that are (1) secured by a security interest in the debtor's principal residence; and (2) provided under 1322(b)(5) of the Code in the debtor's plan. In the Southern District of Illinois, F.R.B.P. 3002.1 also applies to non-residential mortgages.

New CM/ECF events for Creditors

There are three new claim events available in CM/ECF:

- Notice of Mortgage Payment Change
- Notice of Postpetition Mortgage Fees, Expenses, and Charges
- Response to Notice of Final Cure Payment Rule 3002.1

Each of these events is available under the CM/ECF menu of Bankruptcy, then Claim Actions. They will be filed as a **supplement** to the claim on the claims register, not as an attachment to the claim. Likewise, they are not an amended claim. They will not appear on the public docket report but will instead appear on the claims register in the History section. They will not have a document number.

Notice of Mortgage Payment Change

The Official Form B10 (Supplement 1) is for filing this notice. The creditor must include a Certificate of Service showing the notice was served on the debtor, debtor's counsel, and the trustee. The Certificate of Service can be combined in the same PDF as the Notice of Mortgage Payment Change. If the Certificate of Service is to be filed as a separate document, the Certificate of Service entry is available under the CM/ECF menu of Bankruptcy, then Other.

Notice of Postpetition Mortgage Fees, Expenses and Charges

The Official Form B10 (Supplement 2) is for filing this notice. The creditor must include a Certificate of Service showing the notice was served on the debtor, debtor's counsel, and the trustee. The Certificate of Service can be combined in the same PDF as the Notice of Postpetition Mortgage Fees, Expenses, and Charges. If the Certificate of Service is to be filed as a separate document, the Certificate of Service entry is available under the CM/ECF menu of Bankruptcy, then Other.

Response to Notice of Final Cure Payment Rule 3002.1

There is no Official Form for filing this response. The creditor must include a Certificate of Service showing the response was served on the debtor, debtor's counsel, and the trustee. The Certificate of Service can be combined in the same PDF as the Response to Notice of Final Cure Payment Rule 3002.1. If the Certificate of Service is to be filed as a separate document, the Certificate of Service entry is available under the CM/ECF menu of Bankruptcy, then Other.

New CM/ECF events for Debtors /Trustees

There are four new filing events available in CM/ECF:

- Motion to Determine Mortgage Fees and Expenses
- Motion to Determine Final Cure and Payment re Rule 3002.1
- Notice of Final Cure Mortgage Payment
- Objection to Notice of Mortgage Payment Change

Motion to Determine Mortgage Fees and Expenses

Motion to Determine Final Cure and Payment re Rule 3002.1

The Motion to Determine Mortgage Fees and Expenses and the Motion to Determine Final Cure and Payment re Rule 3002.1 are available under the CM/ECF menu of Bankruptcy, then Motions/Applications.

Notice of Final Cure Mortgage Payment

The Notice of Final Cure Mortgage Payment is available under the CM/ECF menu of Bankruptcy, then Notices. The Notice must include a Certificate of Service showing that the notice was served on the holder of the claim, the debtor, and debtor's counsel.

Objection to Notice of Mortgage Payment Change

The Objection to Notice of Mortgage Payment Change is available in two locations in CM/ECF. It is available under the CM/ECF menu of Bankruptcy, then Answer/Response, then Other Answers. This same event is also available under Bankruptcy, then Other.