

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
OFFICE OF THE CLERK



November 28, 2016

CLERK'S NOTICE 16-06

**NOTICE REGARDING AMENDMENT TO LOCAL BANKRUPTCY
RULE 3002-2, EFFECTIVE THURSDAY, DECEMBER 1, 2016**

Local Bankruptcy Rule 3002-2 has been renumbered to conform to Federal Rule of Bankruptcy Procedure 3002.1, and has been amended to reflect an amendment to the national rule. This amendment clarifies that reporting and mid-case audit procedures contained in the local rule will not apply after the stay has been lifted, unless the court orders otherwise.

L.B.R. ~~3002-2~~ 3002.1-1 Mid-Case Audit Procedures with Regard 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) that are 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. for which the plan provides that either the trustee or the debtor will make contractual installment payments. Unless the court orders otherwise, the notice requirements of this rule cease to apply when an order terminating or annulling the automatic stay becomes effective with respect to the residence that secures the claim.~~ This rule is in addition to the requirements of Rule 3002.1.

(g) Reconciliation of this Rule with National Bankruptcy Rule 3002.1.

Nothing in this Local Bankruptcy Rule shall be interpreted to conflict with National Bankruptcy Rule 3002.1. For example, the requirement that the holder of a claim secured by a security interest in the debtor's principal residence file a Notice of Postpetition Mortgage Fees, Expenses and Charges (Official Bankruptcy Form 410S-2), to reflect postpetition charges, pursuant to National Bankruptcy Rules 3002.1(c) and (d), is not superseded by this rule, nor is the procedure and timing for a debtor or trustee to file a motion pursuant to subsection (e) of that rule, to challenge the propriety of amounts set forth in such Notice, superseded. This ~~Rule 3002-2~~ local rule is intended to provide an additional mechanism for parties to identify and resolve disputes regarding postpetition mortgage arrearages (including alleged missed payments of postpetition principal and interest, as well as asserted postpetition fees and charges) at different checkpoints during a Chapter 13 case.

FOR THE COURT
Jed G. Weintraub
Clerk of Court