



FEDERAL AND LOCAL RULE CHANGES

Pursuant to new Federal Rule of Bankruptcy Procedure ('Federal Rule') 3002.1 and new Local Bankruptcy Rules ('Local Rules') 3001.1, 3002.1, 3002.2, 4001.1(E), we have made a number of changes to our CM/ECF system and our operational practices that may affect you as you file in our Court. Additionally, several Official Forms are changing in response to these Rule changes.

This document details the changes we have made, which go into effect on **December 1, 2011**.

FED. R. BANKR. PROC. 3002.1 – NOTICE RELATING TO CLAIMS SECURED BY SECURITY INTEREST IN THE DEBTOR'S PRINCIPAL RESIDENCE

This new Rule applies in Chapter 13 cases to claims that are secured by a security interest in the debtor's principal residence. It is your responsibility to thoroughly review this Rule and familiarize yourself with how its enactment may affect you and/or your client, as the Court cannot provide legal advice.

As a result of this new Rule, we have created several new CM/ECF events that will allow you to fulfill the obligations set forth in the Rule. They are:

- Notice of Mortgage Payment Change
- Notice of Post-Petition Mortgage Fees, Expenses and Charges
- Motion for Determination of Fees, Expenses or Charges
- Notice of Final Cure Payment
- Response to Notice of Final Cure Payment
- Motion for Determination of Final Cure Payment

Rule 3002.1 governs the filing of these documents, and we will discuss each of them in this document.

NOTICE OF MORTGAGE PAYMENT CHANGE – FORM B10 SUPPLEMENT 1

This new event [**Bankruptcy → Claim Actions → Notice of Mortgage Payment Change**] has been added pursuant to Federal Rule 3002.1(b). A document number will not be assigned to this entry, and it will not appear on the docket sheet. Instead, it will appear on the Claims Register as a supplement to your Proof of Claim (B10) Form.

When you docket this event, you will attach a .PDF version of this notice. This form is available on our website.

NOTICE OF POST-PETITION MORTGAGE FEES, EXPENSES & CHARGES – FORM B10 SUPPLEMENT 2

This new event [**Bankruptcy → Claim Actions → Notice of Post-Petition Mortgage Fees, Expenses & Charges**] has been added pursuant to Federal Rule 3002.1(c). A document number will not be assigned to this entry, and it will not appear on the docket sheet. Instead, it will appear on the Claims Register as a supplement to your Proof of Claim (B10) Form.

When you docket this event, you will attach a .PDF version of this notice. This form is available on our website.

MOTION TO DETERMINE MORTGAGE FEES AND EXPENSES

This new event [**Bankruptcy → Motions/Applications → Determine Mortgage Fees and Expenses**] has been added pursuant to Federal Rule 3002.1(e). This event will be assigned a document number and will appear on the docket sheet as is customary for motion events.

NOTICE OF FINAL CURE PAYMENT

This new event [**Bankruptcy → Notices → Final Cure Mortgage Payment**] has been added pursuant to Federal Rule 3002.1(f). This event will be assigned a document number and will appear on the docket sheet.

RESPONSE TO NOTICE OF FINAL CURE PAYMENT

This new event [**Bankruptcy → Response/Objection/Reply to Response → Response to Notice of Final Cure Payment Rule 3002.1**] has been added pursuant to Federal Rule 3002.1(g). This event will be assigned a document number and will appear on the docket sheet.

This response should be linked to the Notice of Final Cure Payment.

MOTION TO DETERMINE FINAL CURE AND PAYMENT

This new event [**Bankruptcy → Motions/Applications → Determine Final Cure and Mortgage Payment 3002.1**] has been added pursuant to Federal Rule 3002.1(h). This event will be assigned a document number and will appear on the docket sheet.

LOCAL RULE 3001-1 – PROOF OF CLAIM ATTACHMENT REQUIRED FOR CLAIMS SECURED BY SECURITY INTEREST IN THE DEBTOR’S PRINCIPAL RESIDENCE

This new Rule applies in all cases and with regard to claims that are secured by a security interest in the individual debtor’s principal residence. For Chapter 13 cases, this rule applies in addition to the requirements of Rules 3002.1 and 3002.2.

MORTGAGE PROOF OF CLAIM ATTACHMENT – FORM B10 ATTACHMENT A

This form is available on our website and should be attached as an exhibit to your B10 Proof of Claim form when your claim meets the requirements of Local Rule 3001.1. This is not a separate event within CM/ECF. Instead, you will attach this form as the first 2 pages of the supporting documentation that you would normally transmit along with your Proof of Claim form.

LOCAL RULE 3002-1 – NOTICE RELATING TO CLAIMS SECURED BY SECURITY INTEREST IN THE DEBTOR’S PRINCIPAL RESIDENCE

This new Rule incorporates Federal Rule 3002.1 into our Court’s Local Rules.

LOCAL RULE 3002-2 – MID-CASE AUDIT PROCEDURES WITH REGARD TO CLAIMS SECURED BY SECURITY INTEREST IN THE DEBTOR’S PRINCIPAL RESIDENCE

This new Rule applies in Chapter 13 cases 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. This rule is in addition to the requirements of Local Rule 3002.1.

NOTICE TO DEEM MORTGAGE CURRENT

This new event [**Bankruptcy → Notices → Deem Mortgage Current**] has been added pursuant to Local Rule 3002-2(b). This event will be assigned a document number and will appear on the docket sheet.

NOTICE OF AMOUNT DEEMED NECESSARY TO CURE

This new event [**Bankruptcy → Notices → Amount Deemed Necessary to Cure**] has been added pursuant to Local Rule 3002-2(b). This event will be assigned a document number and will appear on the docket sheet.

RESPONSE TO MID-CASE NOTICE

Pursuant to Local Rule 3002-2(c), the parties may respond to either the Notice to Deem Mortgage Current or Notice of Amount Deemed Necessary to Cure within 60 days after the notice is filed. To respond, use the existing Response event **[Bankruptcy → Response/Objection/Reply to Response → Response]** and link it to the appropriate notice.

MOTION FOR DETERMINATION REGARDING MID-CASE NOTICE

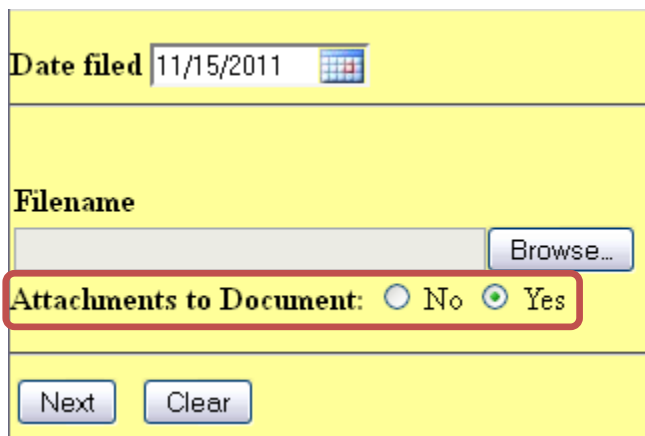
This new event **[Bankruptcy → Motions/Applications → Determination Regarding Mid-Case Notice]** has been added pursuant to Local Rule 3002-2(d). This event will be assigned a document number and will appear on the docket sheet.

LOCAL RULE 4001-1 – AUTOMATIC STAY – RELIEF FROM

This updated rule contains new affidavit requirements for Motions for Relief from Stay.

To file an affidavit in CM/ECF, you may either:

- Use the existing Affidavit event **[Bankruptcy → Miscellaneous → Affidavit]**; or
- Attach the affidavit as supporting documentation when you file the Motion for Relief event **[Bankruptcy → Motions/Applications → Relief from Stay]** by selecting the 'Yes' radio button for attachments after you have selected the .PDF version of your motion (fig. 1).



The image shows a screenshot of a web form with a yellow background. At the top, there is a 'Date filed' field containing the date '11/15/2011' and a small calendar icon. Below this is a 'Filename' field with a 'Browse...' button. A red rectangular box highlights the 'Attachments to Document:' section, which contains two radio buttons: 'No' (unselected) and 'Yes' (selected). At the bottom of the form, there are two buttons: 'Next' and 'Clear'.

FIGURE 1

FORMS CHANGES

Changes to several Official Forms are explained in detail at the U.S. Courts website:

<http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms/BankruptcyFormsPendingChanges.aspx>