

Greetings from the U.S. Bankruptcy Court, Southern District of Iowa:

On December 1, 2011, amended Fed. R. Bankr. P. 3001(c) (Proof of Claim – Supporting Information), new Fed. R. Bankr. P. 3002.1 (Notice Relating to Claims Secured by Security Interest in the Debtor’s Principal Residence), revised Official Form B 10 (Proof of Claim) and three new official forms related to the rule changes go into effect. Mortgage creditors and their attorneys should take note that a failure to provide the information required by the amended and new rules may result in the imposition of sanctions.

The revised and new forms are as follows:

B 10 (Official Form 10) (12/11) – Proof of Claim

This form has been revised. Please delete any old form you are using and start using the new form dated 12/11.

B 10 (Attachment A) (12/11) - Mortgage Proof of Claim Attachment

This is a new form. If you file a claim secured by a security interest in the debtor’s principal residence and you are claiming more than the principal amount of the claim in a Chapter 7, 11, 12 or 13 case, you must use this new form to set forth any prepetition interest, fees, expenses and other charges and you must file it as an attachment to your proof of claim. See Fed. R. Bankr. P. 3001(c)(2).

B 10 (Supplement 1) (12/11) - Notice of Mortgage Payment Change

This is a new form. If you file a claim secured by a security interest in the debtor’s principal residence provided for under the debtor’s plan pursuant to §1322(b)(5), you must use this form to give notice of any changes in the installment payment amount. File this form in the Chapter 13 Bankruptcy Case, separately from your proof of claim, no later than 21 days before the new payment amount is due. **NOTE:** The rule requires you to serve Supplement 1 on the debtor, in addition to serving it on the debtor’s counsel and the trustee. See Fed. R. Bankr. P. 3002.1(b) and (d).

B 10 (Supplement 2) (12/11) – Notice of Postpetition Mortgage Fees, Expenses, and Charges

This is a new form. If you hold a claim secured by a security interest in the debtor’s principal residence provided for under the debtor’s plan pursuant to §1322(b)(5), you must use this form to give notice of any postpetition fees, expenses, and charges that you assert are recoverable against the debtor or against the debtor’s principal residence. File this form in the Chapter 13 Bankruptcy Case, separately from your proof of claim, within 180 days after the postpetition fees, expenses, or charges are incurred. **NOTE:** The rule requires you to serve Supplement 2 on the debtor, in addition to serving it on the debtor’s counsel and the trustee. See Fed. R. Bankr. P. 3002.1(c) and (d).

The related new CM/ECF docket events are named and will appear as follows:

Notice of Mortgage Payment Change (Official Form B10 (Supplement 1) required by FRBP 3002.1(d))

Appears on Other/Misc menu.

User will be prompted to insert the last four digits of the account number.

The document will be docketed to the Chapter 13 Bankruptcy Case but will only appear on the History section of the Claims Register.

Notice of Postpetition Mortgage Fees, Expenses, and Charges (Official Form B10 (Supplement 2) required by FRBP 3002.1(d))

Appears on Other/Misc Menu.

User will be prompted to insert the last four digits of the account number.

The document will be docketed to the Chapter 13 Bankruptcy Case but will only appear on the History section of the Claims Register.

Motion to Determine Mortgage Fees, Expenses or Charges pursuant to FRBP 3002.1(e)

Appears on the Trustee/US Trustee and the Motions/Applications menus.

The document will be docketed to the Chapter 13 Bankruptcy Case and will appear on the bankruptcy docket and on the claims register.

Notice of Final Cure Mortgage Payment required by FRBP 3002.1(f)

Appears on Trustee/US Trustee Menu.

The docket event automatically sets a 21 day deadline for the filing of a Response to Notice of Final Cure Mortgage Payment required by FRBP 3002.1(g).

The document will be docketed to the Chapter 13 Bankruptcy Case and will appear on the bankruptcy docket and on the claims register.

Response to Notice of Final Cure Mortgage Payment required by FRBP 3002.1(g)

Appears on the Other/Misc Menu.

The docket event automatically sets a 21 day deadline for the filing of a Motion to Determine Final Cure and Mortgage Payments pursuant to FRBP 3002.1(h).

The document will be docketed to the Chapter 13 Bankruptcy Case, but will only appear on the History section of the Claims Register.

NOTE: The new rule treats this as a third supplement to the proof of claim, but there is no related official form at this time. Unlike Supplement 1 and Supplement 2 (that must be filed only if circumstances warrant), this supplement always must be docketed in response to the Notice of Final Cure Mortgage Payment. Like Supplement 1 and Supplement 2, it must be served on the debtor in addition to being served on the debtor's counsel and the trustee and, like the other two supplements, a failure to provide the information required by the new rule may result in the imposition of sanctions.

Motion to Determine Final Cure and Mortgage Payment pursuant to FRBP 3002.1(h)

Appears on the Trustee/US Trustee and the Motions/Applications menus.

The document will be docketed to the Chapter 13 Bankruptcy Case and will appear on the bankruptcy docket and on the claims register.