

Rule 3002.1 Chart

Docketing Event

- Bankruptcy > Claim Related Matters > Notice of Mortgage Payment Change
 - Bankruptcy > Claim Related Matters > Notice of Post-Petition Mortgage Fees, Expenses, and Charges
 - Bankruptcy > Notices > Notice of Final Cure Payment
 - Bankruptcy > Claim Related Matters > Response to Notice of Final Cure Payment
 - Bankruptcy > Motions/ Applications/Objections > Motion to Determine Validity of Payment Change
 - Bankruptcy > Motions/ Applications/Objections > Motion to Determine Mortgage Fees, Expenses, or Charges
 - Bankruptcy > Motions/ Applications/Objections > Motion to Determine Final Cure and Mortgage Payment (Rule 3002.1)
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Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[Fed. R. Bankr. P. 3002.1](#)

Fee: N/A

Applicable Chapters: 13

Implemented: 4/30/2019

Last Revision: 6/16/2021 9:58 AM

Description

Rule 3002.1 “applies in a chapter 13 case to claims (1) that are secured by a security interest in the debtor’s principal residence, **and** (2) for which the [chapter 13] plan provides that either the trustee or the debtor will make contractual installment payments.” (emphasis provided).

Rule 3002.1 (b)(2), amended on December 1, 2018, directs any party in interest who objects to a payment change to file a **motion** (not an objection) to determine whether a payment change is required.

Please refer to the Rule 3002.1 Chart at the end of this procedure for more guidance and information.

NOTE: Parties seeking payment of a secured claim with a security interest in the debtor’s principal residence must attach Official Form 410A “Mortgage Proof of Claim Attachment” to the Proof of Claim.

Rule 3002.1 Chart

(Approved by all Chapter 13 Trustees in the Middle District)

PAYMENT CHANGES (Rule 3002.1(b))

Actor	Action	Timeframe	Official Form and/or CM/ECF Event	Action Results in Docket Entry or Addition to Claims Register	Subdivision of Rule 3002.1
Claim holder	Notice of payment changes served on the debtor, debtor's counsel, and the trustee	Notice to be filed and served no later than 21 days before a payment in the new amount is due	Supplement 1 (to Official Form B410S-1), " <i>Notice of Mortgage Payment Change</i> " <i>CM/ECF event: "Notice of Mortgage Payment Change"</i> (event located in Bankruptcy - Claim Related Actions)	Once filed, the entry will appear on the CM/ECF claims register as a supplement to the claim holder's proof of claim.	3002.1(b)(1) & (d)
Party in Interest	Motion to determine whether the payment change is required to maintain payments	Motion to be filed by the day before the new amount is due	<i>CM/ECF event: Motion to Determine Validity of Mortgage Payment Increase</i> – Bankruptcy - Motions/ Applications/ Objections	File on case docket	3002.1(b)(2)

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POST PETITION FEES AND COSTS (Rule 3002.1(c))

Actor	Action	Timeframe	Official Form and/or CM/ECF Event	Action Results in Docket Entry <i>or</i> Addition to Claims Register	Subdivision of Rule 3002.1
Claim holder	<p>Notice itemizing all fees, expenses or charges that were incurred post-petition <u>and</u> are recoverable against the debtor or the debtor's principal residence served on the debtor, debtor's counsel, and the trustee.</p>	<p>Notice to be served within 180 days after the date on which such fees, expenses or charges were incurred.</p>	<p>Supplement 2 (to Official Form B410S-2), "<i>Notice of Post-petition Mortgage Fees, Expenses, and Charges</i>"</p> <p><i>CM/ECF event:</i> "Notice of Post-petition Mortgage Fees, Expenses, and Charges" (event located in Bankruptcy - Claim Related Actions)</p>	<p>Once filed, the entry will appear on the CM/ECF claims register as a supplement to the claim holder's proof of claim and on the case docket but will not be assigned a docket number.</p>	<p>3002.1(c) & (d)</p>
Debtor or party in interest	<p>Motion to Determine the Notice of Post-Petition Mortgage Fees, Expenses, and Charges.</p> <p>❖ Note: Motion must reference the number of the claim holder's proof of claim and attach a copy of the Notice of Post-Petition Mortgage Fees, Expenses, and Charges.</p>	<p>Motion to be filed within one year after service of the Notice</p>	<p><i>CM/ECF event:</i> "Motion to Determine Mortgage Fees and Expenses" (event located in Bankruptcy - Motions/ Applications/ Objections)</p>	<p>File on case docket.</p>	<p>3002.1(e)</p>
Court	<p>Shall determine (after notice and hearing) whether payment of any claimed fee, expense or charge is required by the underlying agreement and applicable non-bankruptcy law to cure a default or maintain payments [in accordance with § 1322(b)(5)].</p>				<p>3002.1(e)</p>

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FINAL CURE MORTGAGE PAYMENT

Actor	Action	Timeframe	Official Form and/or CM/ECF Event	Action Results in Docket Entry or Addition to Claims Register	Subdivision of Rule 3002.1
Trustee or Debtor	<p>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)].</p> <p>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 not timely file and serve the required notice.</p>	Notice to be filed and served within 30 days after the debtor completes all payments under the plan	<i>CM/ECF event:</i> "Notice of Final Cure Payment" (event located in Bankruptcy - Notices)	File on case docket. Once filed, the entry will appear on the CM/ECF claims register as a supplement to the claim holder's proof of claim.	3002.1(f)
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> <p>The statement shall itemize the required cure or post-petition amounts, if any, that the claim holder contends are unpaid as of the date of the statement.</p>	Statement to be filed and served within 21 days after service of the Notice of Final Cure Mortgage Payment.	<i>CM/ECF event:</i> "Response to Notice of Final Cure Payment" (event located in Bankruptcy - Claim Related Actions)	File on case docket. Once filed, the entry will appear on the CM/ECF claims register as a supplement to the claim holder's proof of claim.	3002.1(g)
Debtor or Trustee	Motion requesting a court determination as to whether the debtor has cured the default and paid all required post-petition amounts.	Motion to be filed within 21 days after service of the Response to Notice of Final Cure Payment.	<i>CM/ECF event:</i> "Motion to Determine Final Cure and Payment Rule 3002.1" (event located in Bankruptcy - Motions/ Applications/ Objections)	File on case docket.	3002.1(h)

Actor	Action	Timeframe	Official Form and/or CM/ECF Event	Action Results in Docket Entry <i>or</i> Addition to Claims Register	Subdivision of Rule 3002.1
Court	Shall determine (after notice and hearing) whether the debtor has cured the default and paid all required Post-petition amounts.				3002.1(h)