

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA

**NEW MORTGAGE CLAIMS-RELATED
EVENTS AVAILABLE 12/1**

New Fed.R.Bankr.P. 3002.1 becomes effective December 1, 2011. To implement this rule, some existing ECF events have been changed, and several new events have been added.

The new rule also introduces the concept of 'supplements' to the Claims Register. Some of these events will result in PDF attachments to the claim - and not text and a PDF on the case docket.

A list of the events and basic information about their use appears on the attached page. Some basic training on the 3002.1 events can be found here:

http://www.insb.uscourts.gov/Training/Rule_3002_1/Rule_3002_1.htm

The Court's Procedures Manual will be updated soon with information about these events and their proper use.

November 28, 2011

/s/ Kevin P. Dempsey
Clerk

EDITED/NEW EVENTS RELATED TO FRBP 3002.1

1. Notice of Servicer Change: Replaces the current event Notice of Mortgage Payment or Servicer Change. This event should be used to advise parties of a change in the entity servicing the mortgage. The new model plan form requires filing of this notice.
2. Notice of Payment Change (Rule 3002.1). This event implements FRBP 3002.1(b). It replaces use of the Notice of Mortgage Payment or Servicer Change event. This event is the first of the new claims supplement events. The text and attached document will end up on the claims register and not appear on the case docket.
3. Notice of Fees, Expenses, or Charges (Rule 3002.1). This event implements subparagraph (c) of FRBP 3002.1. With this event, the mortgage holder can report fees and expenses incurred after the case was filed which the mortgage holder asserts can be recovered against the debtor or the real estate. This event also creates a claims supplement.
4. Motion for Determination of Fees, Expenses, or Charges (Rule 3002.1). This event implements subparagraph (e) of FRBP 3002.1. If the debtor or the trustee disputes **either** the Notice of Fees, Expenses, or Charges **or** the Notice of Payment Change, then the debtor or trustee can file this motion. This motion appears on the docket and will result in a hearing. (While FRBP 3002.1 is vague on the procedure for challenging a Notice of Payment Change, the District's Chapter 13 trustees and Clerk staff have agreed that this event is the most logical to use.)
5. Motion to Deem Mortgage Current. This event continues to exist, but its use is now limited. The event should only be used to establish that a mortgage as to which the trustee was not paying an arrearage claim is current at time of plan completion. Check with the Chapter 13 trustee on a particular case to discuss proper use of this event.
6. Notice of Final Cure Payment (Rule 3002.1). This new event implements subparagraph (f) of FRBP 3002.1. The trustee (or the debtor if the trustee fails to act timely) files this notice as to the cure of any mortgage arrearage claim. This event results in a case docket entry.
7. Response to Notice of Final Cure Payment (Rule 3002.1). Implementing FRBP 3002.1(g), this event leads to a claim supplement. Close reading of the rule suggests that the mortgage lender should file the response even if the lender does not contest that the arrearage has been cured.
8. Motion for Determination of Final Cure and Payment (Rule 3002.1). Implements FRBP 3002.1(g). The proper way to bring issues concerning the final cure payment before the Court is through a motion under this event. A hearing will result.