

Rule 3001 (Proof of Claim):

1. If claim includes more than principal balance, must complete and file an itemization all interest, fees, expenses, or other charges.
2. Use official Proof of Claim form (*see attachments above*); in addition to the claim form,
3. If the account is escrowed, file an escrow account statement, prepared as of the date of the bankruptcy filing, in a form consistent with applicable non-bankruptcy law (statement typically used outside of BK to comply with RESPA is okay for use here)
4. **Sanctions for failure to comply:** failure to comply with the above may result in the claimant being precluded from presenting the omitted information as evidence in a contested matter or adversary proceeding, unless omission was substantially justified or harmless; or award other relief, including reasonable expenses and attorneys' fees caused by the failure.

Rule 3002.1 (Filing Proof of Claim):

1. Applicable to claims in Chapter 13 cases secured by a security interest in debtor's principal residence and debtor's plan provides for the curing of any default and maintenance of payments on any secured claim that does not become fully due during the plan.
2. Must file and serve on debtor, debtor's attorney, and trustee a **notice of any change in payment amount** (e.g., interest rate, escrow, loan modification) no later than 21 days before a payment in the new amount is due. This notice will be filed in the claims registry as a supplement to the original claim.
3. Also, must file and serve on debtor, debtor's attorney, and trustee a **notice of all fees, expenses, or charges** incurred in connection with the claim after the bankruptcy case was filed and that the claimant asserts are recoverable against the debtor or debtor's principal residence. The notice shall be served within 180 days after the date on which incurred (e.g., best practice is to calculate BPO from date service was rendered rather than when invoiced).
4. There will be official forms for the notice of payment change and fees, expenses or charges incurred (*see attachments above*).
5. Debtor or trustee has one year from date of service of notice of fees, expenses or charges to request that the court determine whether payment is required by the underlying agreement and applicable non-bankruptcy law to cure a default or maintain payments.
6. Within 30 days after debtor completes all payments under the plan, the trustee shall file and serve on claimant, debtor and debtor's attorney a notice stating that debtor has paid in full amount required to cure any default on the claim. If the trustee does not timely file this notice, the debtor may do so. Within 21 days after service of the notice, the claimant shall file and serve on debtor, debtor's attorney and trustee a statement indicating whether it agrees and, if not, itemizing the required cure or post-petition amounts that remain unpaid. This statement will be filed in the claims registry as a supplement to the original claim. Debtor or trustee has 21 days after service of the statement to request that the court determine whether the debtor has cured the default and paid all required post-petition amounts.
7. **Sanctions for failure to comply:** Failure to file and service notice of payment change, notice of fees, expenses or charges, or statement at the end of the case regarding status of account may result in precluding claimant from presenting omitted information as evidence in any adversary or contested matter unless failure was substantially justified or harmless; or, award of other appropriate relief, including reasonable expenses and attorneys' fees caused by the failure.