

SEP 20 2011

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPIDANNY L. MILLER, CLERK
BY DEPUTY CLERK**STANDING ORDER REGARDING CHAPTER 13 CLAIMS SECURED BY
A SECURITY INTEREST IN DEBTOR'S PRINCIPAL RESIDENCE**

Whereas, on April 26, 2011, the United States Supreme Court approved certain amendments to the Federal Rules of Bankruptcy Procedure and certain new rules including Fed. R. Bankr. P. 3002.1 and transmitted such proposed amendments and new rules to the United States Congress; and,

Whereas, the proposed amendments to the Federal Rules of Bankruptcy Procedure, including new Rule 3002.1, will become effective on December 1, 2011, unless the United States Congress enacts legislation to the contrary; and,

Whereas, the United States Bankruptcy Court for the Southern District of Mississippi finds it in the best interest of the Court and of parties to certain chapter 13 bankruptcy proceedings to implement the procedures of proposed Fed. R. Bankr. P. 3002.1, effective October 1, 2011;

IT IS THEREFORE ORDERED that procedures set forth in this order, which are consistent with the requirements of proposed Fed. R. Bankr. P. 3002.1, shall apply in a chapter 13 case to claims that are (1) secured by a security interest in the debtor's principal residence, and (2) provided for under § 1322(b)(5) of the United States Code in the debtor's plan.

IT IS FURTHER ORDERED that this Standing Order shall become effective on October 1, 2011, and shall be automatically repealed and rescinded effective December 1, 2011, at which time Chapter 13 cases will be subject to Fed. R. Bankr. P. 3002.1.

1. NOTICE OF PAYMENT CHANGES.

- (A) The holder of the claim shall file and serve on the debtor, debtor's counsel, and the trustee notice of any change in the payment amount including any change that results from an interest rate or escrow account adjustment, no later than 21 days before a payment in the new amount is due.
- (B) The notice shall be prepared on MSSB Local Form B10 (S1) "*Notice of Mortgage Payment Change*" (attached hereto), and filed with a Certificate of Service, as a supplement to the holder's proof of claim using the Case Management/Electronic Case Filing System (CM/ECF) docket event: *Notice of Mortgage Payment Change*.
- (C) The notice is not subject to Fed. R. Bankr. P. 3001(f).

2. NOTICE OF FEES, EXPENSES, AND CHARGES.

- (A) The holder of the claim shall file and serve on the debtor, debtor's counsel, and the trustee a notice itemizing all fees, expenses, or charges (1) that were incurred in connection with the claim after the bankruptcy case was filed, and (2) that the holder asserts are recoverable against the debtor or against the debtor's principal residence.
- (B) The notice shall be prepared on MSSB Local Form B10 (S2) "*Notice of PostPetition Mortgage Fees, Expenses, and Charges*" and served within 180 days after the date on which the fees, expenses, or charges are incurred.

The notice shall be filed with a Certificate of Service, as a supplement to the holder's proof of claim using the CM/ECF docket event: *Notice of Postpetition Mortgage Fees, Expenses, and Charges*.

- (C) The notice is not subject to Fed. R. Bankr. P. 3001(f).
- (D) Determination of Fees, Expenses or Charges

On motion of the debtor or trustee filed within one year after service of notice under this section, the court shall, after notice and hearing, determine whether payment of any claimed fee, expenses or charge is required by the underlying agreement and applicable nonbankruptcy law to cure a default or maintain payments in accordance with § 1322(b)(5) of the United States Code.

3. NOTICE OF FINAL CURE PAYMENT.

- (A) Within 30 days after the debtor completes all payments under the plan, the trustee shall file and serve on the holder of the claim, 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. The notice shall also inform the holder of its obligation to file and serve a response as required by section 4 of this order. If the debtor contends that final cure payment has been made and all plan payments have been completed, and the trustee does not timely file and serve the notice required by this subdivision, the debtor may file and serve the notice.
- (B) The notice shall be filed with a Certificate of Service using the CM/ECF docket event: *Notice of Final Cure Mortgage Payment*.

4. RESPONSE TO NOTICE OF FINAL CURE PAYMENT.

- (A) Within 21 days after service of the notice of final cure payment under section 3 of this order, the holder shall file and serve on the debtor, debtor's counsel, and the trustee a statement indicating (1) whether it agrees that the debtor has paid in full the amount required to cure the default on the claim, and (2) whether the debtor is

otherwise current on all payments consistent with § 1322(b)(5) of the United States Code. The statement shall itemize the required cure or postpetition amounts, if any, that the holder contends remain unpaid as of the date of the statement.

- (B) The statement shall be filed with a Certificate of Service, as a supplement to the holder's proof of claim, using the CM/ECF docket event: *Response to Notice of Final Cure Payment*.
- (C) The statement filed under this section is not subject to Fed. B.R. Proc. 3001(f).

5. DETERMINATION OF FINAL CURE AND PAYMENT.

- (A) On motion of the debtor or trustee filed within 21 days after service of the statement in response to notice of final cure payment under section 4 of this order, the court shall, after notice and hearing, determine whether the debtor has cured the default and paid all required postpetition amounts.

6. FAILURE TO NOTIFY.

- (A) If the holder of a claim fails to provide any information as required by sections 1, 2, or 4 of this Standing Order, the court may, after notice and hearing, take either or both of the following actions:
 - (i) preclude the holder from presenting the omitted information, in any form, as evidence in any contested matter or adversary proceeding in the case, unless the court determines that the failure was substantially justified or is harmless; or
 - (ii) award other appropriate relief, including reasonable expenses and attorney's fees caused by the failure.

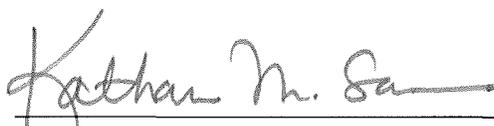
SO ORDERED: this the 20th day of September, 2011.



EDWARD ELLINGTON
UNITED STATES BANKRUPTCY JUDGE



NEIL P. OLACK
UNITED STATES BANKRUPTCY JUDGE



KATHARINE M. SAMSON
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT

Southern District of Mississippi

In re _____,
Debtor

Case No. _____

Chapter 13

Notice of Mortgage Payment Change

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 as a supplement to your proof of claim at least 21 days before the new payment amount is due.

Name of creditor: _____

Court claim no. (if known): _____

Last four digits of any number
you use to identify the debtor's
account: _____

Date of payment change:
Must be at least 21 days after date of
this notice _____/_____/_____

New total payment: \$ _____
Principal, interest, and escrow, if any

Part 1: Escrow Account Payment Adjustment

Will there be a change in the debtor's escrow account payment?

- No
- Yes. Attach a copy of the escrow account statement prepared in a form consistent with applicable nonbankruptcy law. Describe the basis for the change. If a statement is not attached, explain why:

Current escrow payment: \$ _____

New escrow payment: \$ _____

Part 2: Mortgage Payment Adjustment

Will the debtor's principal and interest payment change based on an adjustment to the interest rate in the debtor's variable-rate note?

- No
- Yes. Attach a copy of the rate change notice prepared in a form consistent with applicable nonbankruptcy law. If a notice is not attached, explain why: _____

Current interest rate: _____%

New interest rate: _____%

Current principal and interest payment: \$ _____

New principal and interest payment: \$ _____

Part 3: Other Payment Change

Will there be a change in the debtor's mortgage payment for a reason not listed above?

- No
- Yes. Attach a copy of any documents describing the basis for the change, such as a repayment plan or loan modification agreement. (Court approval may be required before the payment change can take effect.)

Reason for change: _____

Current mortgage payment: \$ _____

New mortgage payment: \$ _____

Part 4: Sign Here

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number if different from the notice address listed on the proof of claim to which this Supplement applies.

Check the appropriate box.

- I am the creditor.
- I am the creditor's authorized agent.
(Attach copy of power of attorney, if any.)

I declare under penalty of perjury that the information provided in this Notice is true and correct to the best of my knowledge, information, and reasonable belief.

X _____ Date ____/____/____
 Signature

Print: _____ Title _____
 First Name Middle Name Last Name

Company _____

Address _____
 Number Street

 City State ZIP Code

Contact phone (____) ____-____ Email _____

UNITED STATES BANKRUPTCY COURT

Southern District of Mississippi

In re _____,
Debtor

Case No. _____

Chapter 13

Notice of Postpetition Mortgage Fees, Expenses, and Charges

If you hold a claim secured by a security interest in the debtor's principal residence, 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 as a supplement to your proof of claim.

Name of creditor: _____

Court claim no. (if known): _____

Last four digits of any number you use to identify the debtor's account: _____

Does this notice supplement a prior notice of postpetition fees, expenses, and charges?

- No
 Yes. Date of the last notice: ____/____/____

Part 1: Itemize Postpetition Fees, Expenses, and Charges

Itemize the fees, expenses, and charges incurred on the debtor's mortgage account after the petition was filed. Do not include any escrow account disbursements or any amounts previously itemized in a notice filed in this case or ruled on by the bankruptcy court.

Description	Dates incurred	Amount
1. Late charges	_____	(1) \$ _____
2. Non-sufficient funds (NSF) fees	_____	(2) \$ _____
3. Attorney fees	_____	(3) \$ _____
4. Filing fees and court costs	_____	(4) \$ _____
5. Bankruptcy/Proof of claim fees	_____	(5) \$ _____
6. Appraisal/Broker's price opinion fees	_____	(6) \$ _____
7. Property inspection fees	_____	(7) \$ _____
8. Tax advances (non-escrow)	_____	(8) \$ _____
9. Insurance advances (non-escrow)	_____	(9) \$ _____
10. Property preservation expenses. Specify: _____	_____	(10) \$ _____
11. Other. Specify: _____	_____	(11) \$ _____
12. Other. Specify: _____	_____	(12) \$ _____
13. Other. Specify: _____	_____	(13) \$ _____
14. Other. Specify: _____	_____	(14) \$ _____

The debtor or trustee may challenge whether the fees, expenses, and charges you listed are required to be paid.

Part 2: Sign Here

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number if different from the notice address listed on the proof of claim to which this Supplement applies.

Check the appropriate box.

- I am the creditor.
- I am the creditor's authorized agent. (Attach copy of power of attorney, if any.)

I declare under penalty of perjury that the information provided in this Notice is true and correct to the best of my knowledge, information, and reasonable belief.

 _____ Date ____/____/____
Signature

Print: _____ Title _____
First Name Middle Name Last Name

Company _____

Address _____
Number Street
City State ZIP Code

Contact phone (____) ____-____ Email _____