

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION
515 RUSK AVENUE, STE. 4636
HOUSTON, TEXAS 77002
December 7, 2010

10-BK-005



CHAMBERS OF
MARVIN ISGUR
UNITED STATES BANKRUPTCY JUDGE

Mr. Peter G. McCabe
Secretary of the Committee on Rules of Practice and Procedure
Administrative Office of the United States Courts
Washington, D.C. 20544

Dear Mr. McCabe and Members of the Committee:

I am the Chief Judge of the United States Bankruptcy Court for the Southern District of Texas. Please accept my comments on the three newly proposed bankruptcy mortgage forms. Before considering my detailed comments, please accept my gratitude for the hard work of the Committee. The proposed forms address extraordinarily important issues, and it is urgent that these issues be resolved.

These comments are my own and are not intended to represent the views of the Judges of the United States Bankruptcy Court for the Southern District of Texas.

I fully support the use of standard forms for mortgage proofs of claims, post-petition claim supplements, and mortgage payment changes.

Unique Role of Mortgage Proofs of Claim in Chapter 13 Bankruptcy Cases

In most cases, proofs of claim need only set forth the amount, basis and nature of the creditor's claim. Proofs of claim implement 11 U.S.C. § 502 via FED. R. BANKR. P. 3001, *et seq.*

In chapter 13 bankruptcy cases, proofs of claim filed by mortgage holders have additional import. They set forth the amount that must be paid by the debtor to cure and maintain the mortgage. 11 U.S.C. § 1322(b)(5). *This amount almost always differs from the amount of the claim under 11 U.S.C. § 502.*

As a threshold matter, forms to implement newly adopted FED. R. BANKR. P. 3002.1 must satisfy both § 502 and § 1322(b)(5). Because two of the three the currently proposed forms fall short of this threshold purpose, I oppose adoption in their current configuration. As set forth below, I wholeheartedly support the adoption of substantially revised forms.

Goals of the Forms

In addition to meeting the threshold statutory requirements, the new forms should:

1. Produce accurate results when properly completed;

2. Produce consistent results;
3. Provide sufficient information to allow reasonable challenges to amounts claimed;
4. Be automatable; and
5. Properly integrate non-bankruptcy law requirements and bankruptcy law mandates.

I am very concerned that two of the three proposed forms fail to accomplish these goals:

1. The proposed Mortgage Proof of Claim Attachment form (the "Attachment Form") does not properly account for escrows.
2. The proposed Attachment Form summarizes data that should be submitted in detailed, itemized form.
3. The Notice of Mortgage Payment Change form (the "Payment Change Form") will often produce incorrect escrow payment adjustments.

I have reviewed the Notice of Post-Petition Mortgage Fees, Expenses, and Charges. I support adoption of this form and believe that it properly implements Bankruptcy Rule 3002.1.

Accounting for Escrows

The proposed Attachment Form does not properly account for escrows. The problems with the Attachment Form can be illustrated using hypothetical amounts. Assume the following facts:

- As of the petition date, the RESPA-authorized escrow balance is \$1,000.00. The \$1,000.00 authorized balance is consistent with the loan requirements.
- As of the petition date, the actual escrow cash balance is \$100.00.
- Pre-petition, the lender advanced \$2,000.00 for ad valorem taxes and \$350.00 for reasonable legal fees. The lender has not been reimbursed. The lender expected to be reimbursed for the \$2,000.00 tax advance through the escrow account. The lender could immediately seek reimbursement for the \$350.00 in legal fees.
- As of the petition date, the Debtor has failed to make two escrow deposits of \$250.00 each, for a total of \$500.00.

As I understand the Attachment Form, the amount to be inserted under Part 2, "Escrow shortage or deficiency (not included in payments due)" would be \$2,400.00 (i.e., \$1,000.00 required balance minus \$500.00 of missed payments minus \$100.00 current balance plus the

\$2,000.00 tax advance). This appears to produce a correct answer with respect to Part 2 of the Attachment Form:

RESPA authorized escrow balance	\$1,000.00
Less missed escrow deposits included in arrears	(\$500.00) ¹
Less positive balance in escrow account	(\$100.00)
Plus Tax Advance	<u>\$2,000.00</u>
Escrow shortage or deficiency (not included in payments due)	\$2,400.00

Part 2 of the Attachment Form requires the creditor to include the calculated amounts “in the Amount of Claim listed in Item 1 of the Proof of Claim form.” The \$350.00 attorney’s fee charge would appear as a separate line-item in Part 2. Therefore, the Part 2 entries, all of which are instructed to be included in Item 1 of the Proof of Claim form, would be:

Escrow shortage or deficiency (not included in payments due)	\$2,400.00
Legal fees incurred	<u>\$350.00</u>
Total	\$2,750.00

The escrow shortages and attorney’s fees are all part of the curable default under § 1322(b)(5). These amounts should be properly reflected in Item 4 of the Proof of Claim. However, only certain components of an escrow shortage should be considered in determining the total claim to be calculated and applied in Item 1 of the Proof of Claim. Item 1 of the Proof of Claim should include both the \$100.00 positive escrow balance and the \$2,000.00 tax advance (a net of \$1,900.00), but should not include any adjustment for either the unmade cure payments included in the curable amount or for the forecast escrow shortage. Accordingly, the \$2,750.00 figure would be incorrect. The correct amount carried from Part 2 to Item 1 of the Proof of Claim should only be \$2,250.00.²

As set forth in more detail below, I strongly urge that an actual loan history be utilized in place of the proposed Attachment Form. Nevertheless, if the currently proposed Attachment Form is to be the model, then it should be designed to produce an accurate result. I have included a draft revision of the current form (see Exhibit “A”) that I believe alleviates the concerns set forth above.

The example set forth above is a simple one. More complex examples of how the Attachment Form produces errors are illustrated in later parts of this letter.

¹ The \$500.00 in missed escrow payments is deducted because Part 2 of the Attachment Form only requires “Escrow Shortage or deficiency (*not included in payments due*).” The \$500.00 would be included as a part of the “payments due” under Part 3 of the Attachment Form.

² This is an example of the discussion on page 1 of this letter concerning how the amount that must be paid by the debtor to cure and maintain the mortgage almost always differs from the amount of the claim under 11 U.S.C. § 502.

Use of Summary Data Produces Errors and Inefficiencies

I am concerned that the newly proposed Attachment Form ignores substantial and significant detail about fees and charges. The cost of losing a detailed payment history is higher than the cost of providing the information. Moreover, because of the loss of detail, identical payment situations may produce different results. A further explanation is provided below.

A true loan history would reflect amounts received and applied to the debt. Debits would equal credits. Double entry accounting—the foundation of Western accounting in which the sum of all credits equals the sum of all debits—would be shown. The summary form ignores double entry accounting. It invites errors by users, who will not be able to balance their extracted summary data to corresponding receipts and disbursements.

The Attachment Form fails to provide the debtor with sufficient information to challenge a lender's claim. One of the purposes of the form should be to allow the debtor and other parties-in-interest to review various fees and charges imposed by the lender. However, the Attachment Form only requires the reporting of the total amounts of outstanding and unpaid fees and expenses.

A detailed loan history would inform the debtor and other parties-in-interest of the components of charges. A form with such information would enable the debtor to compare the claimed arrearages with the debtor's payment records. The Attachment Form omits critical information that would allow this comparison. Unless the lender provides this information, the debtor cannot posit a reasonable challenge to the claim. If that information is lost, one of the principal purposes of the form will not be satisfied.

The lack of a detailed loan history will create problems for courts. In evidentiary hearings on mortgage claims, one of the thorniest issues concerns the comparison between the lender's and the debtor's payment records. Lenders typically apply principal and interest payments to the oldest unsatisfied payment. For example, a payment made by the debtor in May and received by the lender in June might be applied to a payment that was due the previous December. By providing only a summary, the proposed Attachment Form omits this critical information. Assume that at an evidentiary hearing, the lender alleges that neither the May nor the June payment was made; the debtor then disputes this statement and produces proof of a payment made in May and received in June. The actual fact, revealed after some wrangling, is that the debtor made a payment in May that was applied to the payment due in December. This dispute would have been unnecessary if the lender had attached a detailed loan history. A detailed loan history could be mandated to include the date on which the payment was received. The Attachment Form, as presently proposed, omits this information.

The proposed Attachment Form would also produce different components of the claim depending on the lender's pre-petition application of the debtor's payments. The Attachment Form does not (and should not) purport to control the lender's pre-petition application of funds. It is only intended to report history. Debtors often make partial payments prior to filing

bankruptcy, sometimes over long periods. Standard loan documents allow lenders to apply funds in various orders of priority. Partial payments could legitimately be applied to (i) principal and interest; (ii) escrows; (iii) fees; or (iv) a combination of the foregoing. In my view, the manner of pre-petition application should not alter the fee reporting.

Assume the following simplified payment history:

- Required monthly installment payment of \$1,000.00 of principal and interest plus \$250.00 of escrows.
- For five consecutive months, Debtor pays only \$400.00 per month.
- Lender imposes pre-petition legal fees and other charges of \$2,225.00.
- Property taxes (escrowed) are \$6,000.00 per year. Insurance (escrowed) is \$1,000.00 per year.
- The cash balance in the escrow account on the petition date is (\$250.00).
- The RESPA-authorized balance in the escrow account on the petition date is \$2,166.67.

This payment history creates a payment default amount of \$7,641.67, which amount may be cured under a chapter 13 plan. See § 1322(b)(5). This amount includes \$4,250.00 of missed payments, a hypothetical escrow shortage of \$1,166.67 and legal fees and charges of \$2,225.00:

Missed principal and interest payments	\$5,000.00
Missed escrow payments	\$1,250.00
Partial payments received	<u>(\$2,000.00)</u>
Subtotal of missed payments	\$4,250.00
RESPA authorized balance	\$2,166.67
Adjustment for unreceived escrow payments	(\$1,250.00)
Negative balance in escrow account	<u>\$250.00</u>
Subtotal of RESPA escrow deficit	\$1,166.67
Legal fees and charges	<u>\$2,225.00</u>
Total arrearage to be cured	\$7,641.67

Problems arise when the detailed loan history is only summarized in the proposed Attachment Form.

Attached as Exhibit "B-1" is a detailed loan history in which the lender applied some of the partial payments against legal fees and charges. Exhibit "B-2" is the resulting proposed Attachment Form with completed data. Please note that B-2 correctly shows no late fees and an attorney's fee amount of only \$580.00. That is because the lender applied a portion of the \$2,000.00 of partial payments to accrued legal fees and charges, leaving an unpaid balance of \$580.00.

Attached as Exhibit "C-2" is a detailed loan history with the exact same payments and charges. However, in this example, the lender applied the pre-petition partial payments to accruing interest rather than to legal fees and charges. Exhibit "C-2" is the resulting proposed form with completed data. Please note that it correctly shows late fees of \$225.00 and an attorney's fee amount of \$2,000.00.

Attached as Exhibit "D-1" is a detailed loan history with the exact same payments and charges. In this example, the lender applied the first \$250.00 per month of pre-petition partial payments to escrow and the balance to legal fees and late charges. Exhibit "D-2" is the resulting proposed form with completed data. Please note that it correctly shows no late fees and an attorney's fee of \$1,580.00.

The Attachments Forms represented by Exhibits "B", "C" and "D" erroneously show total claims are \$78,750.26, \$78,750.26 and \$80,000.26, respectively. These amounts are derived by taking the total from Parts 1 and 2. The correct total claim is \$77,833.59.

Not only are these amounts each in error; the Attachment Form produces widely differing values for unpaid charges, escrow balances, and principal and interest balances:

	Scenario B	Scenario C	Scenario D
Principal and interest	\$77,003.59	\$75,358.68	\$77,253.59
Plus Unpaid legal fees and charges	\$580.00	\$2,225.00	\$1,580.00
Minus Positive balance (negative) in escrow account	(\$250.00)	(\$250.00)	\$1,000.00
TOTAL	\$77,833.59	\$77,833.59	\$77,833.59
Amount shown on proposed form	\$78,750.26	\$78,750.26	\$80,000.26
Error amount	\$916.67	\$916.67	\$2,166.67

The differences are reconcilable. The \$916.67 error on Exhibits "B" and "C" is equal to the \$1,166.67 shown as the escrow shortage or deficiency in Part 2, minus the \$250.00 negative cash balance in the escrow account. The \$2,166.67 error on Exhibit "D" is equal to the \$1,166.67 shown as the escrow shortage or deficiency in Part 2 plus the positive cash escrow balance of \$1,000.00 that resulted from the application of the partial payments.

These errors would not arise with a detailed loan history based on double entry accounting.

We should not adopt a form that produces such widely varying results for the same payment history. *I strongly urge that a detailed payment history form be required. Such a form—if nationally mandated—could be automated and would provide the necessary detail to allow a reasonable opportunity for review.*

Finally, I have grave concerns about the accuracy of the data that would be put into the proposed Attachment Form. The form, as presently conceived, requires a lender to take data from a database or spreadsheet and to manually input the data into a form. For example, the form requires “Dates incurred” for a variety of types of charges. I doubt that this information is readily retrievable from most databases on an automated basis. A lender’s categories might not match the categories on the form.

Not only does the manual effort enhance the probability for error, it is surely more expensive than simply producing the data directly from the loan history in an automated manner. Moreover, if the loan history were required for the period of default, then all of the fees would be fully disclosed on the loan history.

The form should reflect the lender’s actual loan history. A detailed form would (largely) allow a database migration into the form that would include all of the detail. I suggest that it would be best to take the actual data and place it in a readable spreadsheet.

Payment Change Form Needs Adjustment

The proposed Payment Change Form also improperly accounts for escrows. Part 1 of the proposed form relies on an escrow account statement “prepared according to applicable nonbankruptcy law.” An escrow account statement “prepared according to applicable nonbankruptcy law” provides a RESPA-based analysis of the deficiency in the escrow account and then re-sets the amount of the future mortgage payment.

If an escrow deficit existed on the petition date, that deficit amount should be part of the amount of the arrearage that is cured by the chapter 13 plan. *In re Campbell*, 545 F.3d 348 (5th Cir. 2008). The proposed form fails to take into account the amount of arrearage already covered by the plan, and it therefore inappropriately requires the lender to collect the escrow shortage under both the plan and the adjusted mortgage payment.

By way of example, assume that the debtor has an \$1,800.00 escrow deficit on the petition date. Further assume that a plan is confirmed that cures the escrow deficit over 60 months at the rate of \$30.00 per month. Finally, assume that at the end of 6 months, the debtor’s monthly property tax bill is due in 12 months and has increased by \$240.00 per year. At that time, the lender files a Payment Change Form.

Under applicable non-bankruptcy law, the escrow statement would reflect an increase in the escrow payment of \$158.33. This is equal to the annual increase of \$240.00 plus a two-month "RESPA cushion" of \$40.00 plus the unpaid amount of the original \$1,800.00 escrow deficit minus the \$180.00 paid towards the escrow deficit. This amount sums to \$1,900.00, and that amount would be spread over 12 months. \$1,900.00 divided by 12 is \$158.33.

Adjustment Under Proposed Payment Change Form

Increase in annual property taxes	\$240.00
Two-month RESPA cushion on property taxes	\$40.00
Additional escrow deficit	\$1,800.00
Amount paid towards escrow deficit	<u>(\$180.00)</u>
Total increase in escrow payment	\$1,900.00
1/12th of \$1,900 equals	
monthly increase in escrow payment	\$158.33

However, the correct adjustment should only be \$23.33 per month. This is the amount of the annual increase (\$240.00) plus a two-month RESPA cushion (\$40.00), divided by 12. Accordingly, by relying solely on a non-bankruptcy form, there would be a \$135.00 per month error. This \$135.00, paid over 12 months, equals \$1,620.00. The \$1,620.00 is the remaining escrow deficit being paid under the plan. If the adjustment is implemented, the debtor would pay the \$1,620.00 twice.

Correct Adjustment

Increase in annual property taxes	\$240.00
Two-month RESPA cushion on property taxes	\$40.00
Additional escrow deficit	\$1,800.00
Amount paid towards escrow deficit	(\$180.00)
Future escrow payments provided in plan	<u>(\$1,620.00)</u>
Total increase in escrow payment	\$280.00
1/12th of \$280.00 equals	
monthly increase in escrow payment	\$23.33

To resolve this issue, there should be two attachments. One attachment would be a non-bankruptcy law statement, as presently proposed. The second attachment would be a non-bankruptcy law statement, adjusted to reflect payments due under the confirmed plan. It is the adjusted statement that should be carried into the "New escrow payment" section in Part 1 of the Payment Change Form.

Proof is in the Empirical Pudding

The Southern District of Texas already has a mortgage proof of claim form that works. Effective for all cases filed on or after April 1, 2010, the United States Bankruptcy Court for the Southern District of Texas mandated the use of a mortgage loan history form as an addendum to

mortgage proofs of claim in chapter 13 bankruptcy cases. There have been 1,228 chapter 13 bankruptcy cases filed since April 1, 2010 and assigned to the undersigned judge. Although we are still early in the process, *I am pleased to report that I have not had a single evidentiary hearing challenging the mortgage claim in any case filed after April 1, 2010.*

Attached as Exhibit "E-1" is a mortgage proof of claim filed under our new procedures. The case from which this was taken was filed on April 2, 2010. It is the mortgage proof of claim filed in the earliest mortgage case assigned to me under our new procedures. The addendum was prepared in accordance with the Southern District of Texas' mortgage proof of claim requirements.

Attached as Exhibit "E-2" is a Mortgage Proof of Claim attachment that I have attempted to complete from the actual loan history filed as Exhibit "E-1". Please note the following:

- The total claim reflected on "E-2" is \$139,058.54. This overstates the actual claim by \$775.66. This error is comprised of two components. There is a \$1,364.00 overstatement because of a failure to credit unapplied funds held in suspense. There is a \$558.34 understatement because of a failure to reflect a negative balance in the escrow account. Please note that the \$558.34 is not properly included in Part 2, because the negative balance would be corrected to a positive balance if the arrearage were cured. The form instructs not to include the amount in such a situation.
- Exhibit "E-2" reflects no late charges. That is because the late charges were recovered by the Lender on November 17, 2009 out of suspense. All of the details regarding this recovery are lost by summarizing the information onto Exhibit "E-2".
- As shown on Exhibit "E-1", the Lender received payments from the Debtor on September 3, 2008; December 2, 2008; January 5, 2009; February 23, 2009; April 2, 2009; May 4, 2009; August 11, 2009; February 8, 2010; and March 11, 2010. The records also reflect that the April 2, 2009 payment was reversed. When this information is consolidated onto Exhibit "E-2", neither the Debtor nor the Trustee nor the Court knows any detail. The only detailed information on Form "E-2" is that the last payment was received on March 11, 2010.
- As shown on Exhibit "E-1", the Lender paid taxes out of the escrow account in December 2008, December, 2009, and January, 2010. Insurance was paid in July, 2009. None of that detail is available on Exhibit "E-2".
- Remarkably, Exhibit "E-2" can only be prepared by starting with Exhibit "E-1", or another comparable loan history. It makes little sense to spend extra time extracting data when the end result is less information and less useful information than was originally available.

Conclusion

I wholly support the adoption of new forms. My concerns—although lengthy and detailed—reflect my sincere desire that the new forms work without substantial difficulty. I hope that this desire is reflected in the comments, and I would be pleased to discuss these comments with members of the Committee at any time.

The adoption of a complex new set of forms will impose substantial additional costs on all parties. Although I believe that national forms should be adopted, I have concluded that the currently proposed forms should be rejected. They will impose substantial costs, without concomitant benefits. I urge the Committee to require substantial amendments before adopting the forms.

There are an infinite number of forms that could be designed that would produce useful information. The forms approved for use in the Southern District of Texas are examples of forms that would work. We adopted these forms after a full year of public comment. Although this District's forms could be improved with additional review and input from the Committee, they are superior to those currently being considered by the Committee. I believe that the prudent course of action is to determine which forms—that contain detailed and useful information—can best serve the needs of bankruptcy courts and litigants.

Several other bankruptcy courts have also adopted local rules mandating the use of detailed loan histories on chapter 13 mortgages.

The currently proposed forms would be a step backwards for our District and for others that currently require detailed loan histories. I respectfully request that the proposed forms be adopted only after substantial amendment.

Sincerely,

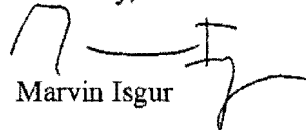

Marvin Isgur

EXHIBIT “A”

Mortgage Proof of Claim Attachment

If you file a proof of claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See Bankruptcy Rule 3001(c)(2).

Name of debtor: _____ Case number: _____
 Name of creditor: _____ Last four digits of any numl _____

Part 1 Statement of Principal and Interest Due as of the Petition Date

Itemize the principal and interest due on the claim as of the petition date.

A Principal Due \$ _____

B Interest Due

Interest rate	From mm/dd/yyyy	To mm/dd/yyyy	Amount
%	/ /	/ /	\$ _____
%	/ /	/ /	\$ _____
%	/ /	/ /	\$ _____
Total interest due as of the petition date			\$ _____

Copy total here \$ _____

C Total principal and interest due \$ _____

Part 2 Payment Shortages

1. Date last payment received by creditor _____ / /

2. Description of installment payments due

	Amount	Number Missed	Total Missed Payments (Principal and Interest)	Total Missed Payments (Escrow)
A Principal and Interest Installments	\$ _____	_____	\$ _____	
B Principal and Interest Installments	\$ _____	_____	\$ _____	
C Principal and Interest Installments	\$ _____	_____	\$ _____	
D Principal and Interest Installments	\$ _____	_____	\$ _____	
E TOTAL PRINCIPAL AND INTEREST			\$ _____	
F Escrow Installments	\$ _____	_____		\$ _____
G Escrow Installments	\$ _____	_____		\$ _____
H Escrow Installments	\$ _____	_____		\$ _____
I Escrow Installments	\$ _____	_____		\$ _____
J TOTAL ESCROW				\$ _____
K GRAND TOTAL MISSED PAYMENTS (2E plus 2J)				\$ _____

Part 3 Escrow Reconciliation

Does the installment payment amount include an escrow deposit?
 No.
 Yes. Attach an escrow account statement prepared as of the petition date in a form consistent with applicable non-bankruptcy law.

A RESPA authorized escrow account balance \$ _____
 B Minus Cash balance in escrow account at petition date \$ _____
 C Minus total missed installments of escrow (Part 2, line 2J) \$ _____
 D Escrow shortfall at petition date (Line A minus line B minus line C) \$ _____

Part 4 Statement of Prepetition Fees, Expenses and Charges

Itemize the fees, expenses and charges incurred in connection with the claim as of the petition date.

Description	Dates incurred	Amount
A Late charges	_____	\$ _____
B Non-sufficient funds (NSF) fees	_____	\$ _____
C Attorney's fees	_____	\$ _____
D Filing fees and out costs	_____	\$ _____

E	Advertisement costs	_____	\$ _____
F	Sheriff/auctioneer fees	_____	\$ _____
G	Title costs	_____	\$ _____
H	Recording fees	_____	\$ _____
I	Appraisal/broker's price opinion fees	_____	\$ _____
J	Property inspection fees	_____	\$ _____
K	Unreimbursed tax advances (not included in escrows)	_____	\$ _____
L	Unreimbursed insurance advances (not included in escrows)	_____	\$ _____
M	Property preservation expenses. Specify: _____	_____	\$ _____
N	Other. Specify: _____	_____	\$ _____
O	Other. Specify: _____	_____	\$ _____
P	Other. Specify: _____	_____	\$ _____
Q	Total prepetition fees, expenses, and charges. Add all of the amounts listed above.		\$ _____

Part 5. Calculation of Arrearages			
A	Total Missed Payments from Part 2, Line 2K		\$ _____
B	Plus RESPA escrow deficit from Line 3D		\$ _____
B	Plus Total Prepetition Fees, Expenses and Charges from Part 4, Line Q		\$ _____
	GRAND TOTAL ARREARAGES		\$ _____

Part 5. Calculation of Total Claim			
A	Total Principal and Interest from Part 1, Line C		\$ _____
B	Plus Total Prepetition Fees, expenses, and Charges from Part 4, Line Q		\$ _____
C	Minus Escrow Balance at Petition Date from Part 3, Line B		\$ _____
	GRAND TOTAL CLAIM (Item 1 on Proof of Claim)		\$ _____

EXHIBIT “B-1”

EXHIBIT “B-2”

Mortgage Proof of Claim Attachment

If you file a claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See Bankruptcy Rule 3001(c)(2).

Name of debtor: Example 1, with escrow Case number: _____
 Name of creditor: _____ Last four digits of any number you use to identify the debtor's account: _____

Part 1: Statement of Principal and Interest Due as of the Petition Date

Itemize the principal and interest due on the claim as of the petition date (included in the Amount of Claim listed in Item 1 on your Proof of Claim form).

1. Principal due		\$ 74,562.50																				
2. Interest due	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Interest rate</th> <th style="width: 15%;">From mm/dd/yyyy</th> <th style="width: 15%;">To mm/dd/yyyy</th> <th style="width: 55%;">Amount</th> </tr> </thead> <tbody> <tr> <td>9 %</td> <td>01/01/2010</td> <td>06/30/2010</td> <td>\$ 2,441.09</td> </tr> <tr> <td>_____ %</td> <td>___/___/___</td> <td>___/___/___</td> <td>\$ _____</td> </tr> <tr> <td>_____ %</td> <td>___/___/___</td> <td>___/___/___</td> <td>+ \$ _____</td> </tr> <tr> <td colspan="3">Total interest due as of the petition date</td> <td>\$ 2,441.09 Copy total here ▶ + \$ 2,441.09</td> </tr> </tbody> </table>	Interest rate	From mm/dd/yyyy	To mm/dd/yyyy	Amount	9 %	01/01/2010	06/30/2010	\$ 2,441.09	_____ %	___/___/___	___/___/___	\$ _____	_____ %	___/___/___	___/___/___	+ \$ _____	Total interest due as of the petition date			\$ 2,441.09 Copy total here ▶ + \$ 2,441.09	
Interest rate	From mm/dd/yyyy	To mm/dd/yyyy	Amount																			
9 %	01/01/2010	06/30/2010	\$ 2,441.09																			
_____ %	___/___/___	___/___/___	\$ _____																			
_____ %	___/___/___	___/___/___	+ \$ _____																			
Total interest due as of the petition date			\$ 2,441.09 Copy total here ▶ + \$ 2,441.09																			
3. Total principal and interest due		\$ 77,003.59																				

Part 2: Statement of Prepetition Fees, Expenses, and Charges

Itemize the fees, expenses, and charges incurred in connection with the claim as of the petition date (included in the Amount of Claim listed in Item 1 on the Proof of Claim form).

Description	Dates Incurred	Amount
Late charges	_____	\$ _____
Non-sufficient funds (NSF) fees	_____	\$ _____
Attorney's fees	3/2010 - 6/2010	\$ 580.00
Filing fees and court costs	_____	\$ _____
Advertisement costs	_____	\$ _____
Sheriff/auctioneer fees	_____	\$ _____
Title costs	_____	\$ _____
Recording fees	_____	\$ _____
Appraisal/broker's price opinion fees	_____	\$ _____
Property inspection fees	_____	\$ _____
Tax advances (non-escrow)	_____	\$ _____
Insurance advances (non-escrow)	_____	\$ _____
Escrow shortage or deficiency (not included in payments due)	_____	\$ 1,166.67
Property preservation expenses. Specify: _____	_____	\$ _____
Other. Specify: _____	_____	\$ _____
Other. Specify: _____	_____	\$ _____
Other. Specify: _____	_____	+ \$ _____
Total prepetition fees, expenses, and charges. Add all of the amounts listed above.		\$ 1,746.67

Part 3. Statement of Amount Necessary to Cure Default as of the Petition Date

Does the installment payment amount include an escrow deposit?

No

Yes. Attach to the Proof of Claim form an escrow account statement prepared as of the petition date in a form consistent with applicable nonbankruptcy law.

1. Installment payments due	Date last payment received by creditor	<u>06/20/2010</u>
	Number of installment payments due	<u>4.72</u>
2. Amount of installment payments due	<u>4.72</u> installments @ 1,250.00	\$ <u>5,895.00</u>
	_____ installments @ _____	\$ _____
	_____ installments @ _____	+ \$ _____

Total installment payments due as of the petition date: \$ 5,895.00

Copy total here ▶ \$ 5,895.00

Add total prepetition fees, expenses, and charges

Copy total from Part 2 here ▶ + \$ 1,746.67

Subtract total of unapplied funds (funds received but not credited to account)

- \$ 0.00

Total amount necessary to cure default as of the petition date

\$ 7,641.67

Copy total onto item 4 of Proof of Claim form

EXHIBIT “C-1”

EXHIBIT “C-2”

Mortgage Proof of Claim Attachment

If you file a claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See Bankruptcy Rule 3001(c)(2).

Name of debtor: Example 2, with escrow Case number: _____
 Name of creditor: _____ Last four digits of any number you use to identify the debtor's account: _____

Part 1: Statement of Principal and Interest Due as of the Petition Date

Itemize the principal and interest due on the claim as of the petition date (included in the Amount of Claim listed in Item 1 on your Proof of Claim form).

1. Principal due					\$ 74,562.50
2. Interest due	Interest rate	From mm/dd/yyyy	To mm/dd/yyyy	Amount	
	9%	07/01/2010	06/30/2010	\$ 796.09	
	%	___/___/___	___/___/___	\$ _____	
	%	___/___/___	___/___/___	+ \$ _____	
	Total interest due as of the petition date			\$ 796.09	Copy total here ► + \$ 796.09
3. Total principal and interest due					\$ 75,358.59

Part 2: Statement of Prepetition Fees, Expenses, and Charges

Itemize the fees, expenses, and charges incurred in connection with the claim as of the petition date (included in the Amount of Claim listed in Item 1 on the Proof of Claim form).

Description	Dates Incurred	Amount
Late charges	3/2010 - 6/2010	\$ 225.00
Non-sufficient funds (NSF) fees		\$ _____
Attorney's fees	3/2010 - 6/2010	\$ 2,000.00
Filing fees and court costs		\$ _____
Advertisement costs		\$ _____
Sheriff/auctioneer fees		\$ _____
Title costs		\$ _____
Recording fees		\$ _____
Appraisal/broker's price opinion fees		\$ _____
Property inspection fees		\$ _____
Tax advances (non-escrow)		\$ _____
Insurance advances (non-escrow)		\$ _____
Escrow shortage or deficiency (not included in payments due)		\$ 1,166.67
Property preservation expenses. Specify: _____		\$ _____
Other. Specify: _____		\$ _____
Other. Specify: _____		\$ _____
Other. Specify: _____		\$ _____
		+ \$ _____
Total prepetition fees, expenses, and charges. Add all of the amounts listed above.		\$ 3,391.67

Part 3. Statement of Amount Necessary to Cure Default as of the Petition Date

Does the installment payment amount include an escrow deposit?

No

Yes. Attach to the Proof of Claim form an escrow account statement prepared as of the petition date in a form consistent with applicable nonbankruptcy law.

1. Installment payments due Date last payment received by creditor 06/20/2010

Number of installment payments due 3.4

2. Amount of installment payments due 3.4 installments @ \$1,250.00 \$ 4,250.00

_____ installments @ \$ _____

_____ installments @ + \$ _____

Total installment payments due as of the petition date \$ 4,250.00

Copy total here ▶ \$ 4,250.00

Add total prepetition fees, expenses, and charges

Copy total from Part 2 here ▶ + \$ 3,391.67

Subtract total of unapplied funds (funds received but not credited to account)

- \$ 0.00

Total amount necessary to cure default as of the petition date

\$ 7,641.67

Copy total onto Item 4 of Proof of Claim form

EXHIBIT “D-1”

ESCROW ACCTG.

ACCOUNTING FOR PRINCIPAL AND INTEREST

Example 3

Date	Narrative	Principal and Interest Payment Due	Escrow Payment Due	Total Payment Due	Amount Received	Annual Suspense Account Applied	Annual Applied to Principal	Annual Applied to Escrow	Amount Applied to Fees and Charges	Legal Fees and Charges to Account	Outstanding Fees Owed	Outstanding Principal Owed at 9% Interest Rate
1-Jan-10	Regular Payment Due	\$1,000.00	\$250.00	\$1,250.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6-Jan-10	Funds Received and Applied	\$0.00	\$0.00	\$0.00	\$1,250.00	\$437.50	\$250.00	\$0.00	\$0.00	\$0.00	\$0.00	\$74,562.50
1-Feb-10	Regular Payment Due	\$1,000.00	\$250.00	\$1,250.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
16-Feb-10	Legal charge assessed	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$46.00	\$46.00	\$46.00	\$74,562.50
20-Feb-10	Funds Received	\$0.00	\$0.00	\$0.00	\$400.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
26-Feb-10	Suspense Account applied	\$0.00	\$0.00	\$0.00	\$0.00	\$400.00	\$250.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1-Mar-10	Regular Payment Due	\$1,000.00	\$250.00	\$1,250.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
19-Mar-10	Legal charge assessed	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$46.00	\$46.00	\$46.00	\$0.00
19-Mar-10	Legal Fees Invoiced	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
20-Mar-10	Funds Received	\$0.00	\$0.00	\$0.00	\$400.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
22-Mar-10	Suspense Account applied	\$0.00	\$0.00	\$0.00	\$0.00	\$400.00	\$250.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1-Apr-10	Regular Payment Due	\$1,000.00	\$250.00	\$1,250.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
19-Apr-10	Legal charge assessed	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$46.00	\$46.00	\$46.00	\$0.00
19-Apr-10	Legal Fees Invoiced	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
20-Apr-10	Funds Received	\$0.00	\$0.00	\$0.00	\$400.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
22-Apr-10	Suspense Account applied	\$0.00	\$0.00	\$0.00	\$0.00	\$400.00	\$250.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1-May-10	Regular Payment Due	\$1,000.00	\$250.00	\$1,250.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
19-May-10	Legal charge assessed	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$46.00	\$46.00	\$46.00	\$0.00
19-May-10	Legal Fees Invoiced	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
20-May-10	Funds Received	\$0.00	\$0.00	\$0.00	\$400.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
22-May-10	Suspense Account applied	\$0.00	\$0.00	\$0.00	\$0.00	\$400.00	\$250.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1-Jun-10	Regular Payment Due	\$1,000.00	\$250.00	\$1,250.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
19-Jun-10	Legal charge assessed	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$46.00	\$46.00	\$46.00	\$0.00
19-Jun-10	Legal Fees Invoiced	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
20-Jun-10	Funds Received	\$0.00	\$0.00	\$0.00	\$400.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
22-Jun-10	Suspense Account applied	\$0.00	\$0.00	\$0.00	\$0.00	\$400.00	\$250.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
30-Jun-10	Bankruptcy Proceed Filed	\$0.00	\$0.00	\$0.00	\$0.00	\$400.00	\$250.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Assume annual taxes and insurance are \$8,000, due in June each year

RESPA STATEMENT

Balance in account at position date	\$1,000.00
Required balance in account at position date	\$2,166.67
Escrow shortage per standard RESPA statement	\$1,166.67

EXHIBIT “D-2”

Mortgage Proof of Claim Attachment

If you file a claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See Bankruptcy Rule 3001(c)(2).

Name of debtor: Example 3, with escrows Case number: _____
 Name of creditor: _____ Last four digits of any number you use to identify the debtor's account: _____

Part 1: Statement of Principal and Interest Due as of the Petition Date

Itemize the principal and interest due on the claim as of the petition date (included in the Amount of Claim listed in Item 1 on your Proof of Claim form).

1. Principal due				\$ <u>74,562.50</u>
2. Interest due	Interest rate	From mm/dd/yyyy	To mm/dd/yyyy	Amount
	9%	01/01/2010	06/30/2010	\$ 2,691.09
	____%	____/____/____	____/____/____	\$ _____
	____%	____/____/____	____/____/____	+ \$ _____
	Total interest due as of the petition date			\$ <u>2,691.09</u> Copy total here ▶ + \$ <u>2,691.09</u>
3. Total principal and interest due				\$ <u>77,253.59</u>

Part 2: Statement of Prepetition Fees, Expenses, and Charges

Itemize the fees, expenses, and charges incurred in connection with the claim as of the petition date (included in the Amount of Claim listed in Item 1 on the Proof of Claim form).

Description	Dates Incurred	Amount
Late charges	_____	\$ _____
Non-sufficient funds (NSF) fees	_____	\$ _____
Attorney's fees	05/2010 - 06/2010	\$ 1,580.00
Filing fees and court costs	_____	\$ _____
Advertisement costs	_____	\$ _____
Sheriff/auctioneer fees	_____	\$ _____
Title costs	_____	\$ _____
Recording fees	_____	\$ _____
Appraisal/broker's price opinion fees	_____	\$ _____
Property inspection fees	_____	\$ _____
Tax advances (non-escrow)	_____	\$ _____
Insurance advances (non-escrow)	_____	\$ _____
Escrow shortage or deficiency (not included in payments due)	_____	\$ <u>1,166.67</u>
Property preservation expenses. Specify: _____	_____	\$ _____
Other. Specify: _____	_____	\$ _____
Other. Specify: _____	_____	\$ _____
Other. Specify: _____	_____	+ \$ _____
Total prepetition fees, expenses, and charges. Add all of the amounts listed above.		\$ <u>2,746.67</u>

Part 3. Statement of Amount Necessary to Cure Default as of the Petition Date

Does the installment payment amount include an escrow deposit?

No

Yes. Attach to the Proof of Claim form an escrow account statement prepared as of the petition date in a form consistent with applicable nonbankruptcy law.

1. Installment payments due	Date last payment received by creditor	<u>06202010</u>
	Number of installment payments due	<u>3.92</u>
2. Amount of installment payments due	<u>3.92</u> installments @ 1250	\$ <u>4,895.00</u>
	_____ installments @ _____	\$ _____
	_____ installments @ _____	+ \$ _____

Total installment payments due as of the petition date \$ 4,895.00

Copy total here ▶ \$ 4,895.00

Add total prepetition fees, expenses, and charges

Copy total from Part 2 here ▶ + \$ 2,746.67

Subtract total of unapplied funds (funds received but not credited to account)

- \$ 0.00

Total amount necessary to cure default as of the petition date

\$ 7,641.67

Copy total onto Item 4 of Proof of Claim form

EXHIBIT “E-1”

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION		PROOF OF CLAIM
Name of Debtor: [REDACTED]		Case Number: [REDACTED]
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): Bank of America N.A.		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.
Name and address where notices should be sent: BAC Home Loans Servicing LP 7105 Corporate Drive Plano, Texas 75024		Court Claim Number: _____ (If known)
Name and address where payment should be sent (if different from above): BAC Home Loans Servicing, LP Mail stop: TX2-982-03-03 7105 Corporate Drive Plano, TX 75024 Telephone Number: (716) 635-2782		Filed on: _____ <input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
1. Amount of Claim as of Date Case Filed: \$138,282.88 If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. <input checked="" type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount. Specify the priority of the claim.
2. Basis for Claim: Money Loaned (See instruction #2 on reverse side.)		<input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).
3. Last four digits of any number by which creditor identifies debtor: xxxxx5592 3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		<input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507 (a)(4).
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. Nature of property or right of setoff: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other: _____ Describe: [REDACTED] Cypress, Texas 77433 Value of Property: not available Annual Interest Rate: _____ Amount of arrearage and other charges as of time case filed included in secured claim. If any: \$12,961.74 Basis for perfection: Recordation of Lien Amount of Secured Claim: \$138,282.88 Amount Unsecured \$0.00		<input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5). <input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507 (a)(____).
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim. 7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:		Amount entitled to priority: \$ _____ *Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
Date: August 3, 2010	Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any. /s/ Lawrence J. Buckley as Creditor's Authorized Agent 972.643.6800	FOR COURT USE ONLY

LOAN HISTORY

Debtor:		Alonzo Acosta		Case #	43		Lender/Service:		BAC Home Loans Servicing				
Narrative	Transaction Date	Escrow	Paid This Month	Payment Shortage	Principal	Interest	Escrow	Suspense	Balance	Balance	Balance	Balance	
Beginning Balances									\$130,744.56	\$3,181.11	\$0.00	\$93.38	
1 Regular Monthly Payment due	9/1/2008	\$1,326.87		\$1,326.87				\$0.00	\$130,744.56	\$3,181.11	\$0.00	\$93.38	
2 Payment Received	9/3/2008		\$1,326.87	\$0.00	\$102.96	\$830.77	\$393.14	(\$0.00)	\$130,641.60	\$3,574.25	(\$0.00)	\$93.38	
3 Regular Monthly Payment due	10/1/2008	\$1,326.87		\$1,326.87				\$0.00	\$130,641.60	\$3,574.25	(\$0.00)	\$93.38	
4 Regular Monthly Payment due	11/1/2008	\$1,326.87		\$2,653.74				\$0.00	\$130,641.60	\$3,574.25	(\$0.00)	\$93.38	
5 Regular Monthly Payment due	12/1/2008	\$1,326.87		\$3,980.61				\$0.00	\$130,641.60	\$3,574.25	(\$0.00)	\$93.38	
6 Payment Received	12/2/2008		\$2,654.00	\$1,326.61	\$103.61	\$830.12	\$393.14	\$1,327.13	\$130,537.99	\$3,967.39	\$1,327.13	\$93.38	
7 Payment Applied from Suspense	12/2/2008			\$1,326.61	\$104.27	\$829.46	\$393.14	(\$1,326.87)	\$130,433.72	\$4,360.53	\$0.26	\$93.38	
8 Escrow Applied	12/3/2008	\$0.26		\$1,326.87				\$0.26	\$130,433.72	\$4,360.79	\$0.00	\$93.38	
Disbursement - Special													
9 Assessment Tax	12/11/2008			\$1,326.87				\$0.00	\$1094.28	\$130,433.72	\$3,266.51	\$0.00	\$93.38
10 Disbursement - County Tax	12/18/2008			\$1,326.87				\$0.00	\$993.43	\$130,433.72	\$2,273.08	\$0.00	\$93.38
11 Disbursement - School Tax	12/22/2008			\$1,326.87				\$0.00	\$1,380.89	\$130,433.72	\$892.19	\$0.00	\$93.38
12 Payment Received	1/5/2009		\$2,653.74	(\$1,326.87)	\$104.93	\$828.80	\$393.14	\$1,326.87	\$130,328.79	\$1,285.33	\$1,326.87	\$93.38	
13 Payment Applied from Suspense	1/5/2009			(\$1,326.87)	\$105.60	\$828.13	\$393.14	(\$1,326.87)	\$130,223.19	\$1,678.47	\$0.00	\$93.38	
14 Regular Monthly Payment due	1/11/2009	\$1,326.87		(\$0.00)				\$0.00	\$130,223.19	\$1,678.47	\$0.00	\$93.38	
15 Regular Monthly Payment due	2/1/2009	\$1,326.87		\$1,326.87				\$0.00	\$130,223.19	\$1,678.47	\$0.00	\$93.38	
16 Payment Received	2/23/2009		\$1,326.87	(\$0.00)	\$106.27	\$827.46	\$393.14	(\$0.00)	\$130,116.92	\$2,071.61	(\$0.00)	\$93.38	
17 Late Charge Assessed	2/23/2009			(\$0.00)				\$0.00	\$130,116.92	\$2,071.61	(\$0.00)	\$46.69	\$140.07
18 Regular Monthly Payment due	3/1/2009	\$1,326.87		\$1,326.87				\$0.00	\$130,116.92	\$2,071.61	(\$0.00)	\$140.07	
19 Regular Monthly Payment due	4/1/2009	\$1,326.87		\$2,653.74				\$0.00	\$130,116.92	\$2,071.61	(\$0.00)	\$140.07	
20 Payment Received	4/2/2009		\$1,405.00	\$1,248.74	\$106.95	\$826.78	\$393.14	\$78.13	\$130,009.97	\$2,464.75	\$78.13	\$140.07	
21 Late Charge Assessed	4/2/2009			\$1,248.74				\$0.00	\$130,009.97	\$2,464.75	\$78.13	\$46.69	\$166.76
22 Regular Monthly Payment due	5/1/2009	\$1,302.34		\$2,651.08				\$0.00	\$130,009.97	\$2,464.75	\$78.13	\$166.76	
23 Payment Received	5/4/2009		\$1,326.87	\$1,224.21	\$107.62	\$826.11	\$393.14	\$0.00	\$129,902.35	\$2,857.89	\$78.13	\$166.76	
24 Late Charge Assessed	5/4/2009			\$1,224.21				\$0.00	\$129,902.35	\$2,857.89	\$78.13	\$46.69	\$233.45
25 Payment Reversal	5/12/2009		(\$1,405.00)	\$2,629.21	(\$107.62)	(\$826.11)	(\$393.14)	(\$78.13)	\$130,009.97	\$2,464.75	(\$0.00)	\$233.45	
26 Regular Monthly Payment due	6/1/2009	\$1,302.34		\$3,931.55				\$0.00	\$130,009.97	\$2,464.75	(\$0.00)	\$233.45	
27 Regular Monthly Payment due	7/1/2009	\$1,302.34		\$5,233.89				\$0.00	\$130,009.97	\$2,464.75	(\$0.00)	\$233.45	
28 Disbursement - Hazard Insurance	7/29/2009			\$5,233.89				\$0.00	\$954.71	\$130,009.97	\$1,510.04	(\$0.00)	\$233.45
29 Regular Monthly Payment due	8/1/2009	\$1,302.34		\$6,536.23				\$0.00	\$130,009.97	\$1,510.04	(\$0.00)	\$233.45	
30 Payment Received	8/11/2009		\$1,300.00	\$5,236.23				\$1,300.00	\$130,009.97	\$1,510.04	\$1,300.00	\$233.45	
31 Regular Monthly Payment due	9/1/2009	\$1,302.34		\$6,538.57				\$0.00	\$130,009.97	\$1,510.04	\$1,300.00	\$233.45	
32 Regular Monthly Payment due	10/1/2009	\$1,302.34		\$7,840.91				\$0.00	\$130,009.97	\$1,510.04	\$1,300.00	\$233.45	
33 Regular Monthly Payment due	11/1/2009	\$1,302.34		\$9,143.25				\$0.00	\$130,009.97	\$1,510.04	\$1,300.00	\$233.45	
34 Late Charge Applied	11/17/2009			\$9,378.70				(\$233.45)	\$233.45	\$130,009.97	\$1,510.04	\$1,066.55	\$0.00
35 Payment Received	11/19/2009			\$9,378.70	\$107.62	\$826.11	\$132.82	(\$1,066.55)	\$129,902.35	\$1,642.86	\$0.00	\$0.00	
36 Payment Shortage Adjustment	11/19/2009	(\$260.32)		\$9,118.38				\$0.00	\$129,902.35	\$1,642.86	\$0.00	\$0.00	
37 Regular Monthly Payment due	12/1/2009	\$1,302.34		\$10,418.72				\$0.00	\$129,902.35	\$1,642.86	\$0.00	\$0.00	
38 Disbursement - County Tax	12/29/2009			\$10,418.72				\$0.00	\$746.41	\$129,902.35	\$896.45	\$0.00	\$0.00
39 Disbursement - School Tax	12/31/2009			\$10,418.72				\$0.00	\$1,029.30	\$129,902.35	(\$132.85)	\$0.00	\$0.00
40 Regular Monthly Payment due	1/1/2010	\$1,302.34		\$11,721.06				\$0.00	\$129,902.35	(\$132.85)	\$0.00	\$0.00	

Row	Date	Description	Amount	Balance	Interest	Escrow	Supplies	Other	Balance	Balance	Balance	Balance	
41	1/10/2010	Disbursement - Assessment Tax		\$11,721.06			\$0.00		\$624.10	\$129,902.35	(\$966.95)	\$0.00	\$0.00
42	2/1/2010	Regular Monthly Payment due	\$1,302.34	\$13,023.40			\$0.00			\$129,902.35	(\$966.95)	\$0.00	\$0.00
43	2/8/2010	Payment Received		\$11,721.06	\$108.31	\$825.42	\$388.61			\$129,794.04	(\$588.34)	\$0.00	\$0.00
44	3/1/2010	Regular Monthly Payment due	\$1,302.34	\$13,023.40			\$0.00			\$129,794.04	(\$588.34)	\$0.00	\$0.00
45	3/11/2010	Payment Received		\$1,364.00			\$1,364.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
46	4/1/2010	Regular Monthly Payment due	\$1,302.34	\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
47				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
48				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
49				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
50				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
51				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
52				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
53				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
54				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
55				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
56				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
57				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
58				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
59				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
60				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
61				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
62				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
63				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
64				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
65				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
66				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
67				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
68				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
69				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
70				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
71				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
72				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
73				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
74				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
75				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
76				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
77				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
78				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
79				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
80				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
81				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
82				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
83				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
84				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
85				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
86				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
87				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00
88				\$12,961.74			\$0.00			\$129,794.04	(\$588.34)	\$1,364.00	\$0.00

EXHIBIT “E-2”

Mortgage Proof of Claim Attachment

If you file a claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See Bankruptcy Rule 3001(c)(2).

Name of debtor: REDACTED--FROM ACTUAL Case number: _____
 Name of creditor: _____ Last four digits of any number you use to identify the debtor's account: _____

Part 1: Statement of Principal and Interest Due as of the Petition Date

Itemize the principal and interest due on the claim as of the petition date (included in the Amount of Claim listed in Item 1 on your Proof of Claim form).

1. Principal due					\$ <u>129,794.04</u>
2. Interest due	Interest rate	From mm/dd/yyyy	To mm/dd/yyyy	Amount	
	_____ %	___/___/___	___/___/___	\$ _____	
	_____ %	___/___/___	___/___/___	\$ _____	
	_____ %	___/___/___	___/___/___	+ \$ _____	
	Total interest due as of the petition date			\$ _____	Copy total here ► + \$ <u>9,264.50</u>
3. Total principal and interest due					\$ <u>139,058.54</u>

Part 2: Statement of Prepetition Fees, Expenses, and Charges

Itemize the fees, expenses, and charges incurred in connection with the claim as of the petition date (included in the Amount of Claim listed in Item 1 on the Proof of Claim form).

Description	Dates Incurred	Amount
Late charges	_____	\$ <u>0.00</u>
Non-sufficient funds (NSF) fees	_____	\$ _____
Attorney's fees	_____	\$ _____
Filing fees and court costs	_____	\$ _____
Advertisement costs	_____	\$ _____
Sheriff/auctioneer fees	_____	\$ _____
Title costs	_____	\$ _____
Recording fees	_____	\$ _____
Appraisal/broker's price opinion fees	_____	\$ _____
Property inspection fees	_____	\$ _____
Tax advances (non-escrow)	_____	\$ _____
Insurance advances (non-escrow)	_____	\$ _____
Escrow shortage or deficiency (not included in payments due)	_____	\$ _____
Property preservation expenses. Specify: _____	_____	\$ _____
Other. Specify: _____	_____	\$ _____
Other. Specify: _____	_____	\$ _____
Other. Specify: _____	_____	+ \$ _____
Total prepetition fees, expenses, and charges. Add all of the amounts listed above.		\$ <u>0.00</u>

Part 3. Statement of Amount Necessary to Cure Default as of the Petition Date

Does the installment payment amount include an escrow deposit?

No

Yes. Attach to the Proof of Claim form an escrow account statement prepared as of the petition date in a form consistent with applicable nonbankruptcy law.

1. Installment payments due	Date last payment received by creditor	<u>3,11</u> 2010
	Number of installment payments due	<u>9.95</u>
		<u>1,302.34</u>
2. Amount of installment payments due	<u>9.95</u> installments @	\$ <u> </u>
	<u> </u> installments @	\$ <u> </u>
	<u> </u> installments @	+ \$ <u> </u>

Total installment payments due as of the petition date \$ 9.95

Copy total here ▶ \$ 12,961.74

Add total prepetition fees, expenses, and charges

Copy total from Part 2 here ▶ + \$ 0.00

Subtract total of unapplied funds (funds received but not credited to account)

- \$ 1364.00

Total amount necessary to cure default as of the petition date

\$ 11,597.74

Copy total onto Item 4 of Proof of Claim form



CHAMBERS OF
MARVIN ISGUR
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION
515 RUSK AVENUE, STE. 4636
HOUSTON, TEXAS 77002

10-BK-005

November 29, 2010

Mr. Peter G. McCabe
Secretary of the Committee on Rules of Practice and Procedures
Administrative Office of the United States Courts
Washington, D.C. 20544

Honorable Lee Rosenthal
United States District Judge
Chair, Committee on Rules of Practice and Procedure
515 Rusk Street
Houston, Texas 77002

Honorable Ricardo Hinojosa
Chief Judge, United States District Court for the Southern District of Texas
Bentsen Tower
1701 West Business Highway 83, Room 1028
McAllen, Texas 78501

Dear Mr. McCabe, Judge Rosenthal and Judge Hinojosa:

I request to testify before The Judicial Conference Committee on Rules of Practice and Procedure at the hearing in San Francisco on January 7, 2011 or in Washington, D.C. on February 4, 2011. If the hearings are rescheduled, I request the opportunity to testify at any rescheduled hearing.

I further request that Judge Rosenthal and/or Judge Hinojosa authorize my travel expenses to allow me to testify.

Sincerely,

Marvin Isgur
Chief Judge