

09-BK-070



Proposed New Rules of Bankruptcy Procedure

John Cannizzaro o Rules_Comments

02/10/2010 01:02 PM

Cc: barbara.andelman

Dear Advisory Committee on Bankruptcy Rules-

I submit the following comment re: Rule 3001(c)(2)(A). The rule as being suggested only requires an itemization. Many POC filed in mortgage cases have itemizations but fail to disclose to whom the payment is made. I have discovered that many law firms handling foreclosure cases have separate departments within the firm to whom payments are made for things such as title searches, BPO, property inspection fees, the ever famous "bad check charges", the generic "court costs" and of course the all inclusive "corporate advances". Even if an "itemized statement" is required, there is no requirement that the itemized statement break down to whom they payment is being made and for what purpose. I submit that an additional sentence be included that reads:

"The itemized statement shall include evidence of the expenditure, the identity of the entity to whom the payment was made and the reason for the expenditure."

This should cut down on the abuses that appear so prevalent in POC.

Thank you,

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