

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

08-BK-K



CHAMBERS OF  
**MARVIN ISGUR**  
UNITED STATES BANKRUPTCY JUDGE

November 25, 2008

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

Dear Mr. McCabe and Members of the Committee:

Judges Isgur, Magner, and Bohm jointly propose the adoption of two new official bankruptcy forms designed to address problems related to claims secured by a debtor's principal residence. The first form is proposed as an addendum to the proof of claim. The proposed addendum provides a full loan history and a calculation of the mortgage arrearage. The second form is a payment change notice to be filed by mortgage holders during the course of a chapter 13 case. The payment change notice reflects changes in escrow payments or adjustments in interest rates.

The three of us have large chapter 13 dockets, each with well over 3,000 pending chapter 13 cases. In the course of administering our dockets, we have each written opinions explaining structural problems that commonly arise with chapter 13 home mortgage claims and payments. The proposed forms are our attempt to address some of the issues that we have observed.

We believe that the present proof of claim form inadequately addresses the claims asserted by mortgage companies because it can often result in the filing of claims that omit material information or that incorrectly calculate amounts due. In addition to providing a better understanding of the amount needed to cure a mortgage arrearage, we believe that the new addendum will provide necessary information on the types of charges incorporated into the claim and when they occurred. It is also designed to provide improved escrow accounting, a critical component in calculating both the allowed arrearage claim and the monthly installment amount due from a debtor postpetition. Moreover, the new form will expedite the claims objection process by setting forth the lender's claim and backup data in a standard form. This standard form will obviate the need for substantial, expensive and time consuming discovery that now occurs in many chapter 13 cases.

Moreover, we have observed increasing difficulties in administering chapter 13 cases because of payment changes that arise in mortgage loans. Adjustable rate mortgages often have interest rate and payment adjustments during the course of a chapter 13 case. Escrow payment

adjustments arise in almost every case. Our experience is that these adjustments often generate issues that are time consuming and expensive for all parties to resolve.

We believe that placing separate district-by-district demands on mortgage companies is unwieldy and expensive to implement. Since most mortgage servicing companies administer chapter 13 cases with centralized, national accounting computer systems, the use of national forms should result in a substantially improved accounting system to the court as well as provide a predictable cost for the mortgage servicing companies. We are told in public seminars that many mortgage servicing companies would welcome such standardization. Given the diverse treatment of chapter 13 mortgages throughout the nation, we believe that a uniform approach is most sensible. This will best "secure the just, speedy, and inexpensive determination" of chapter 13 mortgage matters. *See* FED. R. BANKR. P. 1001.

The underlying accounting in chapter 13 mortgage cases is complex. Accordingly, we have designed forms that provide for computerized calculations based on standard input. The inputs to the forms are relatively simple. The complexities arise in the calculations that are automated within the forms.

An example may be helpful. Section 1322(b)(5) allows debtors to cure defaults on home mortgages. It is typical that a debtor has missed several mortgage payments prior to filing bankruptcy. These missed payments will often include amounts that (if timely made) would have been applied to principal, interest and escrow. When received, the mortgage servicing companies may apply the payments to pre-petition legal fees, appraisal costs and other charges that are not included in the principal, interest and escrow accounting. When mortgage servicing companies receive payments that are inadequate to cover outstanding fees and make a full application to the principal, accrued interest and escrow payments that are due, it is common for the payments to be held by the lender rather than applied to the loan as a partial payment. The funds are typically placed in a holding or suspense account until applied by the lender. Both prior to and following a bankruptcy, the amount held in suspense is often not apparent. The same is true of many of the fees and charges assessed against an account during its administration. Lenders do not always provide borrowers the following: (1) accountings disclosing payments received, (2) the application of the amounts received; or (3) the amount and date of fees, charges or expenses assessed against the account.

Proofs of claim provide only the total amount due separated into broad categories of components. As a result, it is difficult to determine from a proof of claim how payments have been applied, what charges might have been assessed against an account, if any payments have been placed in suspense, and whether or not the escrow account has been properly handled. Even assuming the accuracy of the lender's accounting, it is usually not possible for a debtor or his counsel to understand the basis of the calculations used by the lender. Without this understanding, one cannot verify the amount demanded to cure a default.

In our proposed forms, the loan's history is provided in a simple and understandable format designed to answer the initial questions any debtor's counsel would pose. Through a simple loan history, all interested parties can verify the amounts paid by a borrower on a loan

and the application of the payments by the lender to fees and expenses charged including the date of charge and type of charge imposed, and the calculation of escrow. Because the forms are based off of the lender's own loan history, it is information that the lender should have readily available. The information supplied is also the minimum necessary for a debtor or trustee to review the claim for accuracy. Since these home mortgage claims are usually the largest in the case, it is critical to the success of a debtor's rehabilitation that the information be accurate and timely. By requiring the loan history in a standardized format, challenges that are incorrect but that are filed because of the inadequacy of current proofs of claim can be avoided.

The calculations that are required to arrive at the statutorily mandated result are too complex to expect proofs of claim and mortgage payment changes to be correct without providing a form that incorporates the appropriate methodology. One of the more difficult concepts is the proper calculation of the total amount of the principal and interest cure claim. In the form, the principal and interest cure amount is calculated by determining the contractual principal balance on the mortgage as if the debtor had made all required principal and interest payments in accordance with the terms of the mortgage contract. The form separately calculates the actual principal balance based on the lender's actual application of the funds. The difference between these two amounts is the amount required to cure a principal and interest payment default. These calculations are done automatically. Of course, the lender's application of the funds may be challenged by the debtor, but the form will allow that challenge to be made when it is appropriate. Similar calculations are required for mortgage payment changes.

Separate portions of the calculations are provided for escrow accounting. Those calculations determine the escrow balance as of the petition date and also calculate the required RESPA<sup>1</sup> reserve amount. *See Campbell v Countrywide*, ---F.3d --- 2008 WL 4542843 (5th Cir. Oct. 13, 2008) (holding that pre-petition escrow deposits that were contractually collectible by the lender constitute a pre-petition claim). Although different districts may allow for different treatment of these pre-petition claims in plans, the form will allow a uniform method of documenting the amounts that must be treated.

The forms are divided into two pages. Page 1 is a general input form. Section 1 is for data regarding the case. Section 2 is for data regarding the mortgage contract itself (i.e., the original amount of the loan, the date of the loan, and the last date on which payments are due). Section 3 requires the lender to forecast escrow disbursements. These forecasts are necessary to do a RESPA cushion calculation on the amount of escrow reserves that must be established. Section 4 is for a signature.

Page 2 is a loan history form. It is intended to draw information from a data base or to allow manual input from a loan history. Our experience is that loan histories are usually difficult to understand. This form takes all of the data for each month of the loan. The number of months that will appear will be the number of months that have lapsed from the origination date of the loan (data taken from page 1) and the petition date (also taken from page 1). The background calculations on page 2 are imbedded in the forms and therefore not visible to the user. The

---

<sup>1</sup> See 12 U.S.C. § 2601 *et seq.*

Letter to Peter G. McCabe  
From Judges Isgur, Magner and Bohm  
Page 4

calculations can be reviewed by the Committee and public with some modest instructions. Most importantly, the loan history captures all of the economic data and is in a readable form.

Although we assume that a professional forms designer will redesign the form, you may wish to test the form by starting on page 1 and tabbing through the sections. When page 1 is completed, please go to page 2 and also tab through the sections.

Copies of the forms are attached with sample data in PDF for printing and review. A working copy of the forms is also attached. We also attach a brief set of instructions on use of the forms and a set of forms with accessible formulae.

We urge the Committee to adopt standard forms for home mortgage calculations in chapter 13 bankruptcy cases. If the Committee has any questions about anything set forth in this letter, please do not hesitate to contact us. We would be happy to discuss any issue with you.

Sincerely,



Marvin Isgur  
[Marvin\\_Isgur@txs.uscourts.gov](mailto:Marvin_Isgur@txs.uscourts.gov)  
713-250-5635

*Elizabeth Magner (by permission)*

Elizabeth Magner  
[Elizabeth\\_Magner@lae.uscourts.gov](mailto:Elizabeth_Magner@lae.uscourts.gov)  
504-589-7809

*Jeff Bohm (by permission)*

Jeff Bohm  
[Jeff\\_Bohm@txs.uscourts.gov](mailto:Jeff_Bohm@txs.uscourts.gov)  
713-250-5470

- c. Hon Lee H. Rosenthal  
Hon Laura Taylor Swain  
Hon. Eugene Wedoff  
Prof S. Elizabeth Gibson

**IN THE UNITED STATES BANKRUPTCY COURT**  
Southern District of Texas--Houston Division

In re: John and Mary Debtor

§  
§  
§ Case No 08-99111  
§

Debtor(s)

**Official Form**  
**Statement by Lender of Calculation of Amount Required to Cure Default**  
**On Claim Secured Solely by a Security Interest On the Debtor's Principal Residence**

**Section 1 Background Information**

1 A Lender name Acmé Mortgage and Loan  
 B Lender address to which notices should be sent 111 Main Street, Houston, Texas 77002  
 C Lender address to which payments should be sent P O Box 1234, Nashville, TN 32222  
 D Last four digits of any number by which creditor identifies debtor 9911  
 E Debtor's Name John and Mary Debtor  
 F Case Number 08-99111  
 G Court Southern District of Texas--Houston Division  
 H Petition Date

Month	Day	Year	
10	3	2008	10/3/2008

**Section 2 Loan Information**

2 A Original Amount of Loan \$150,000.00  
 B Original Date of Loan

Month	Day	Year	
8	15	2007	8/15/2007

C Escrow deposit at closing \$300.00  
 D Last date of each month on which payment can be made without penalty 10  
 E Amount of all reimburseable charges (excluding any escrow items listed in Section 3 below) incurred by lender prior to petition date, but not listed on the attached loan history. Attach a complete schedule \$250.00  
 F **PRINCIPAL AND INTEREST ARREARS** \$5,421.15  
(The difference between the contractual principal balance and the actual principal balance as of the petition date)

**Section 3. Escrow Information**

FORECAST ESCROW DISBURSEMENTS BETWEEN 10/3/2008 AND 12/2/2009										
	Date of Forecast Disbursement			Amount	Purpose	Date for Reserve Purposes	# of Expected Deposits	Required Reserve at Petition Date	Amounts Due Within 1 Year	
	Month	Day	Year							
3 A	12	15	2008	\$800.00	Insurance	10/16/2008	0	\$800.00	\$800.00	
B	11	15	2009	\$2,500.00	Ad Valorem Taxes	11/6/2008	1	\$2,291.67	\$2,500.00	
C	6	15	2009	\$800.00	Insurance	4/16/2009	6	\$400.00	\$800.00	
D										
E										
F										
G										
H										
I										
J										
K										
L										
M										
	<b>TOTAL</b>								<b>\$3,491.67</b>	<b>\$4,100.00</b>
N	Required Escrow Reserves at Petition Date								\$3,491.67	
O	Balance in Escrow Account at Petition Date								-\$300.00	
P	Escrow Deficiency at Petition Date								\$3,791.67	

**Section 4 Future Payment Information**

4 A Monthly principal and interest payment per contract \$1,100.00  
 B If interest rate varies, next mortgage payment change date (or n/a) n/a  
 C Monthly escrow deposit \$341.67  
 D Total monthly payment \$1,441.67  
 E Lender address to which payments should be sent P O Box 1234, Nashville, TN 32222  
**THE MORTGAGE PAYMENT AMOUNT MAY NOT BE CHANGED UNLESS A TIMELY NOTICE OF CHANGE IS FILED**

**Section 5. Signature Information**

Date signed 11/13/08 Signature [Signature]  
 Printed Name and Title of Signer John Doe, Vice President

**A COMPLETE LOAN HISTORY, IN THE OFFICIAL FORM, MUST BE ATTACHED**

(Click on Green Tab Below to Complete Loan History)

Period	Beginning pay period	End of pay period	Contract Interest Rate on Loan This Period	Contractually Due Principal and Interest This Period	Total Payments Received from Borrower	Payment Applied to Escrow	Legal Fees Charged to account	Appraisal Fees charged to account	Late fees charged to account	Inspection fees charged to account	Other Charges against account (attach detail)	Interest charged to account	Applied (advanced) to principal	Escrow Disbursement for Taxes	Escrow Disbursement Insurance (attach detail)	Other Escrow Disbursements (attach detail)	Contractual Principal Balance if all Payments Had Been Made per Contract	Actual Principal Balance	Actual Cash Balance in Escrow
1	8/15/2007	10/10/2007	8.00000%	\$1,100.00	\$1,400.00	\$300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,000.00	\$100.00	\$0.00	\$0.00	\$0.00	\$149,900.00	\$149,900.00	\$1,100.00
2	10/11/2007	11/10/2007	8.00000%	\$1,100.00	\$1,400.00	\$300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$999.33	\$100.67	\$0.00	\$0.00	\$0.00	\$149,799.33	\$149,799.33	\$1,400.00
3	11/11/2007	12/10/2007	8.00000%	\$1,100.00	\$1,400.00	\$300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$998.66	\$101.34	\$0.00	\$0.00	\$0.00	\$149,698.00	\$149,698.00	\$1,700.00
4	12/11/2007	1/10/2008	8.00000%	\$1,100.00	\$1,400.00	\$300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$997.99	\$102.01	\$2,500.00	\$500.00	\$0.00	\$149,595.98	\$149,595.98	\$-500.00
5	1/11/2008	2/10/2008	8.00000%	\$1,100.00	\$1,400.00	\$300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$997.31	\$102.69	\$0.00	\$0.00	\$0.00	\$149,493.29	\$149,493.29	\$-700.00
6	2/11/2008	3/10/2008	8.00000%	\$1,100.00	\$1,400.00	\$300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$996.62	\$103.38	\$0.00	\$0.00	\$0.00	\$149,389.91	\$149,389.91	\$-400.00
7	3/11/2008	4/10/2008	8.00000%	\$1,100.00	\$1,400.00	\$300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$995.93	\$104.07	\$0.00	\$0.00	\$0.00	\$149,285.84	\$149,285.84	\$-300.00
8	4/11/2008	5/10/2008	8.00000%	\$1,100.00	\$1,400.00	\$300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$995.24	\$104.76	\$0.00	\$0.00	\$0.00	\$149,181.08	\$149,181.08	\$-300.00
9	5/11/2008	6/10/2008	8.00000%	\$1,100.00	\$800.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$994.54	\$184.54	\$0.00	\$0.00	\$0.00	\$149,075.62	\$149,075.62	\$-300.00
10	6/11/2008	7/10/2008	8.00000%	\$1,100.00	\$800.00	\$0.00	\$0.00	\$350.00	\$25.00	\$15.00	\$0.00	\$993.84	\$1,035.84	\$0.00	\$0.00	\$0.00	\$148,969.46	\$150,411.46	\$-300.00
11	7/11/2008	8/10/2008	8.00000%	\$1,100.00	\$800.00	\$0.00	\$0.00	\$0.00	\$25.00	\$415.00	\$0.00	\$1,002.74	\$-1,892.74	\$0.00	\$0.00	\$0.00	\$148,862.59	\$152,304.20	\$-300.00
12	8/11/2008	9/10/2008	8.00000%	\$1,100.00	\$800.00	\$0.00	\$0.00	\$0.00	\$25.00	\$0.00	\$0.00	\$1,015.36	\$-440.36	\$0.00	\$0.00	\$0.00	\$148,755.01	\$152,744.56	\$-300.00
13	9/11/2008	10/3/2008	8.00000%	\$1,100.00	\$800.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,018.30	\$-1,073.30	\$0.00	\$0.00	\$0.00	\$148,646.71	\$153,817.86	\$-300.00

**IN THE UNITED STATES BANKRUPTCY COURT**

In re \_\_\_\_\_  
 Debtor(s) \_\_\_\_\_  
 §  
 § Case No \_\_\_\_\_  
 §

**Official Form \_\_\_\_\_  
 Statement by Lender of Calculation of Amount Required to Cure Default  
 On Claim Secured Solely by a Security Interest On the Debtor's Principal Residence**

**Section 1 Background Information**

1 A Lender name \_\_\_\_\_  
 B Lender address to which notices should be sent \_\_\_\_\_  
 C Lender address to which payments should be sent \_\_\_\_\_  
 D Last four digits of any number by which creditor identifies debtor \_\_\_\_\_  
 E Debtor's Name \_\_\_\_\_  
 F Case Number \_\_\_\_\_  
 G Court \_\_\_\_\_  
 H Petition Date \_\_\_\_\_

Month	Day	Year	
1	1	2000	1/1/2000

**Section 2 Loan Information**

2 A Original Amount of Loan \_\_\_\_\_  
 B Original Date of Loan \_\_\_\_\_

Month	Day	Year	
1	1	2000	1/1/2000

C Escrow deposit at closing \$0.00  
 D Last date of each month on which payment can be made without penalty 10  
 E Amount of all reimbursable charges (excluding any escrow items listed in Section 3 below) incurred by lender prior to petition date, but not listed on the attached loan history. Attach a complete schedule \$0.00  
 F **PRINCIPAL AND INTEREST ARREARS** \$0.00  
(The difference between the contractual principal balance and the actual principal balance as of the petition date.)

**Section 3 Escrow Information**

FORECAST ESCROW DISBURSEMENTS BETWEEN 1/1/2000 AND 3/1/2001										
	Date of Forecast Disbursement			Amount	Purpose	Date for Reserve Purposes	# of Expected Deposits	Required Reserve at Petition Date	Amounts Due Within 1 Year	
	Month	Day	Year							
3 A										
B										
C										
D										
E										
F										
G										
H										
I										
K										
L										
M										
	<b>TOTAL</b>								\$0.00	\$0.00
N	Required Escrow Reserves at Petition Date								\$0.00	
O	Balance in Escrow Account at Petition Date								\$0.00	
P	Escrow Deficiency at Petition Date								\$0.00	

**Section 4 Future Payment Information Information**

4 A Monthly principal and interest payment per contract \_\_\_\_\_  
 B If interest rate varies, next mortgage payment change date (or n/a) \_\_\_\_\_ n/a  
 C Monthly escrow deposit \$0.00  
 D Total monthly payment \$0.00  
 E Lender address to which payments should be sent \_\_\_\_\_  
 THE MORTGAGE PAYMENT AMOUNT MAY NOT BE CHANGED UNLESS A TIMELY NOTICE OF CHANGE IS FILED

**Section 5 Signature Information**

Date signed \_\_\_\_\_ Signature \_\_\_\_\_  
 Printed Name and Title of Signer \_\_\_\_\_

**A COMPLETE LOAN HISTORY, IN THE OFFICIAL FORM, MUST BE ATTACHED**

(Click on Green Tab Below to Complete Loan History)

## **Instructions for Completion of Proof of Claim Addendum**

- 1 Download the Excel file to your computer and save the file before using it
- 2 To move through the areas on the form, please complete the requested information and then press TAB. You need only complete the shaded areas. Other areas of the form will be automatically completed by the computer.
- 3 Complete page one of the form first
- 4 When completing section 3, please include only forecast disbursements for the requested time period set forth on the form. Do NOT include a RESPA reserve. The form will calculate a RESPA reserve. Include all forecast escrow disbursements, whether or not cash is available in the escrow account.
- 5 When page one is complete, click on the green Excel worksheet tab at the bottom of the page. The tab reads "Loan History". Clicking on this tab will take you to page 2.
- 6 Page 2 is a loan history. The date ranges on the loan history are automatically created based on the information completed on page 1. When placing data onto the loan history, it should be placed in the time period in which the transaction actually occurred. For example, if a payment was received by the lender on April 15, but applied by the lender to a payment due on February 1, the payment should be shown only in the April 15 date range and should not be shown on February 1. The entire loan history must be completed from the commencement of the loan. If no data is placed in a field, the computer will treat the amount as \$0.00. Accordingly, you need not place \$0.00 in a field if there was no activity.
- 7 When completing the loan history, the form will require you to state the initial interest rate and the initial contractual payment amount. For convenience, the computer will assume that these amounts do not change. However, you should change these amounts as appropriate to reflect the contracts between the parties.
- 8 The data from page 2 is used by the computer to complete the calculations on page 1.
- 9 When the loan history is completed, click on the red Excel worksheet tab at the bottom of the page. The tab reads "Cover Sheet". Clicking on this tab will take you to page 1.
- 10 The form is now complete. You may print the form or review it on your screen. Print page 1 from page 1. Print page 2 by clicking on the green tab and then printing.



**IN THE UNITED STATES BANKRUPTCY COURT**

In re \_\_\_\_\_  
 Debtor(s) \_\_\_\_\_  
 §  
 § Case No \_\_\_\_\_  
 §

Official Form \_\_\_\_\_

**Statement by Lender of Mortgage Payment Change  
 On Claim Secured Solely by a Security Interest On the Debtor's Principal Residence**

**Section 1 Background Information**

- 1 A Lender name \_\_\_\_\_
- B Lender address to which notices should be sent \_\_\_\_\_
- C Lender address to which payments should be sent \_\_\_\_\_
- D Last four digits of any number by which creditor identifies debtor \_\_\_\_\_
- E Debtor's Name \_\_\_\_\_
- F Case Number \_\_\_\_\_
- G Court \_\_\_\_\_

**Section 2 Loan Information**

- 2 A Original Amount of Loan \_\_\_\_\_
  - B If mortgage payment change is solely based on an escrow change, enter the interest rate and monthly payment
 

Rate	Payment
  - C Original Date of Loan
 

Month	Day	Year
12	1	2000

 12/1/2000
  - D Effective Date of Proposed Payment Change
 

Month	Day	Year
12	1	2000

 12/1/2000
  - E Date through which the attached loan history is current
 

Month	Day	Year
12	1	2000

 12/1/2000
  - F Escrow deposit at closing \_\_\_\_\_
  - G Last date of each month on which payment can be made without penalty \_\_\_\_\_
- 10**
- | Narrative Description of Method of selecting Rate or Date summarized from Loan Documents | Amount    |
|--|-----------|
| H Reference rate contained in loan for resetting of payment amount                       | 0.0000%   |
| I Reference date contained in loan documents for resetting payment amount                | 12/1/2000 |
| J Add on Percentage contained in loan documents for resetting payment amount             | 0.0000%   |
| K Number of months of amortization for payment reset                                     | 1         |
| L Loan balance at reset date   | \$0.00    |
| M New monthly principal payment  | \$0.00    |

**Section 3 Escrow Information**

FORECAST ESCROW DISBURSEMENTS BETWEEN 12/1/2000 AND 1/30/2002									
Date of Forecast Disbursement			Amount	Purpose	Date for Reserve Purposes	# of Expected Deposits	Required Reserve at Reset Date	Amounts Due Within One Year	
Month	Day	Year							
<b>TOTAL</b>								\$0.00	\$0.00

  

N	Required Escrow Reserves at	12/1/2000	\$0.00
O	Balance in Escrow Account at	12/1/2000	\$0.00
P	Fescrow Deficiency at	12/1/2000	\$0.00
Q	Initial escrow arrears payable through plan		\$0.00
R	Escrow arrears plan payments received as of	12/1/2000	\$0.00
S	Balance in escrow account adjusted for amount of unpaid prepetition arrears		\$0.00
S	Monthly Escrow Deposit		\$0.00
T	<b>TOTAL MONTHLY PAYMENT</b>		\$0.00

U Lender address to which payment should be sent \_\_\_\_\_

**Section 4 Signature Information**

Date signed \_\_\_\_\_ Signature \_\_\_\_\_  
 Printed Name and Title of Signer \_\_\_\_\_

**A COMPLETE LOAN HISTORY, IN THE OFFICIAL FORM, MUST BE ATTACHED**

(Click on Green Tab Below to Complete Loan History)

**IN THE UNITED STATES BANKRUPTCY COURT**  
Southern District of Texas--Houston Division

In re John and Mary Debtor

§  
§  
§ Case No 08-99111  
§

Debtor(s)

Official Form

**Statement by Lender of Mortgage Payment Change**  
On Claim Secured Solely by a Security Interest On the Debtor's Principal Residence

**Section 1 Background Information**

1 A Lender name Acme Mortgage and Loan  
B Lender address to which notices should be sent 111 Main Street, Houston, Texas 77002  
C Lender address to which payments should be sent P O Box 1234, Nashville, TN 32222  
D Last four digits of any number by which creditor identifies debtor 9911  
E Debtor's Name John and Mary Debtor  
F Case Number 08-99111  
G Court Southern District of Texas--Houston Division

**Section 2 Loan Information**

2 A Original Amount of Loan \$150,000.00

Rate	Payment

B If mortgage payment change is solely based on an escrow change enter the interest rate and monthly payment

C Original Date of Loan

Month	Day	Year
8	15	2007

8/15/2007

D Effective Date of Proposed Payment Change

Month	Day	Year
2	1	2009

2/1/2009

E Date through which the attached loan history is current

Month	Day	Year
12	31	2008

12/31/2008

F Escrow deposit at closing \$800.00

G Last date of each month on which payment can be made without penalty -10

Narrative Description of Method of selecting Rate or Date, summarized from Loan Documents	Amount
H Reference rate contained in loan for resetting of payment amount LIBOR	3.2500%
I Reference date continued in loan documents for resetting payment amount Every 6 months starting 2/1/2009	2/1/2009
J Add on Percentage contained in loan documents for resetting payment amount	4.3750%
K Number of months of amortization for payment reset	348
L Loan balance at reset date	\$148,317.46
M New monthly principal payment	\$1,059.31

**Section 3 Escrow Information**

FORECAST ESCROW DISBURSEMENTS BETWEEN 12/31/2008 AND 3/1/2010						
Date of Forecast Disbursement	Amount	Purpose	Date for Reserve Purposes	# of Expected Deposits	Required Reserve at Reset Date	Amounts Due Within One Year
12/31/2008	\$2,300.00	A9 Valorem Taxes	1/16/2009	0	\$2,300.00	\$2,300.00
12/31/2008	\$800.00	Insurance	4/16/2009	3	\$600.00	\$800.00
12/31/2008	\$800.00	Insurance	10/16/2009	9	\$200.00	\$800.00
<b>TOTAL</b>					<b>\$3,300.00</b>	<b>\$4,100.00</b>

N Required Escrow Reserves at 12/31/2008 \$3,300.00  
O Balance in Escrow Account at 12/31/2008 \$0.00  
P Escrow Deficiency at 12/31/2008 \$3,300.00  
Q Initial escrow arrears payable through plan \$3,751.67  
R Escrow arrears plan payments received as of 12/31/2008 \$500.00  
S Balance in escrow account adjusted for amount of unpaid, prepetition arrears \$3,291.67  
T Monthly Escrow Deposit \$342.36  
U **TOTAL MONTHLY PAYMENT** \$1,401.67  
Lender address to which payment should be sent P O Box 1234, Nashville, TN 32222

**Section 4 Signature Information**

Date signed 01/31/09 Signature \_\_\_\_\_  
Printed Name and Title of Signer John Doe, Vice President

**A COMPLETE LOAN HISTORY, IN THE OFFICIAL FORM, MUST BE ATTACHED**

(Click on Green Tab Below to Complete Loan History)

Period	Beginning of pay period	End of pay period	Contract Interest Rate on Loan This Period	Contractually Principal and Interest this Period	Total Payments Received this Period	Escrow arrears as of petition date	Payment Applied to Escrow Arrears	Legal Fees Charged to account	Appraisal Fees charged to account	Late fees charged to account	Inspection fees charged to account	Other Charges against account (attach detail)	Interest charged to account	Applied (advanced) to principal	Escrow Disbursement for Taxes	Escrow Disbursement for Insurance	Other Escrow Disbursements (attach detail)	Contractual Principal Balance if all Payments Had Been Made per Contract	Actual Principal Balance	Actual Cash Balance in Escrow
1	8/15/2007	10/15/2007	8.0000%	\$1,100.00	\$1,400.00	\$3,791.67	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,000.00	\$100.00	\$0.00	\$0.00	\$0.00	\$149,900.00	\$149,900.00	\$1,100.00
2	10/15/2007	11/15/2007	8.0000%	\$1,100.00	\$1,400.00		\$300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$999.33	\$100.67	\$0.00	\$0.00	\$0.00	\$149,799.33	\$149,799.33	\$1,400.00
3	11/15/2007	12/15/2007	8.0000%	\$1,100.00	\$1,400.00		\$300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$998.66	\$101.34	\$0.00	\$0.00	\$0.00	\$149,698.00	\$149,698.00	\$1,700.00
4	12/15/2007	1/15/2008	8.0000%	\$1,100.00	\$1,400.00		\$300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$997.99	\$102.01	\$2,500.00	\$0.00	\$0.00	\$149,595.98	\$149,595.98	\$500.00
5	1/15/2008	2/15/2008	8.0000%	\$1,100.00	\$1,400.00		\$300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$997.31	\$102.69	\$500.00	\$0.00	\$0.00	\$149,493.29	\$149,493.29	\$700.00
6	2/15/2008	3/15/2008	8.0000%	\$1,100.00	\$1,400.00		\$300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$996.62	\$103.38	\$0.00	\$0.00	\$0.00	\$149,389.91	\$149,389.91	\$400.00
7	3/15/2008	4/15/2008	8.0000%	\$1,100.00	\$1,400.00		\$300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$995.93	\$104.07	\$0.00	\$0.00	\$0.00	\$149,285.84	\$149,285.84	\$400.00
8	4/15/2008	5/15/2008	8.0000%	\$1,100.00	\$1,400.00		\$300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$995.24	\$104.75	\$0.00	\$0.00	\$0.00	\$149,181.08	\$149,181.08	\$300.00
9	5/15/2008	6/15/2008	8.0000%	\$1,100.00	\$1,400.00		\$300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$994.54	\$105.44	\$0.00	\$0.00	\$0.00	\$149,075.62	\$149,075.62	\$300.00
10	6/15/2008	7/15/2008	8.0000%	\$1,100.00	\$1,400.00		\$300.00	\$350.00	\$25.00	\$15.00	\$0.00	\$0.00	\$993.84	\$106.12	\$0.00	\$0.00	\$0.00	\$148,969.46	\$150,411.46	\$300.00
11	7/15/2008	8/15/2008	8.0000%	\$1,100.00	\$1,400.00		\$300.00	\$350.00	\$25.00	\$15.00	\$0.00	\$0.00	\$1,002.74	\$1,035.84	\$0.00	\$0.00	\$0.00	\$148,862.59	\$152,304.20	\$200.00
12	8/15/2008	9/15/2008	8.0000%	\$1,100.00	\$1,400.00		\$300.00	\$350.00	\$25.00	\$15.00	\$0.00	\$0.00	\$1,015.36	\$440.36	\$0.00	\$0.00	\$0.00	\$148,755.01	\$152,744.56	\$200.00
13	9/15/2008	10/15/2008	8.0000%	\$1,100.00	\$1,400.00		\$300.00	\$350.00	\$25.00	\$15.00	\$0.00	\$0.00	\$1,018.30	\$1,073.30	\$0.00	\$0.00	\$0.00	\$148,646.71	\$153,184.86	\$200.00
14	10/15/2008	11/15/2008	8.0000%	\$1,100.00	\$1,400.00		\$300.00	\$350.00	\$25.00	\$15.00	\$0.00	\$0.00	\$1,025.45	\$1,025.45	\$0.00	\$0.00	\$0.00	\$148,537.69	\$154,643.31	\$200.00
15	11/15/2008	12/15/2008	8.0000%	\$1,100.00	\$1,400.00		\$300.00	\$350.00	\$25.00	\$15.00	\$0.00	\$0.00	\$1,032.29	\$67.71	\$0.00	\$0.00	\$0.00	\$148,427.84	\$154,775.80	\$200.00
16	12/15/2008	1/15/2009	8.0000%	\$1,100.00	\$1,400.00		\$300.00	\$350.00	\$25.00	\$15.00	\$0.00	\$0.00	\$1,031.84	\$68.16	\$0.00	\$0.00	\$0.00	\$148,317.46	\$154,775.80	\$0.00
17	1/15/2009	2/15/2009	8.0000%	\$1,100.00	\$1,400.00		\$300.00	\$350.00	\$25.00	\$15.00	\$0.00	\$0.00	\$1,031.38	\$1,031.38	\$0.00	\$0.00	\$0.00	\$148,206.24	\$155,738.82	\$0.00

IN THE UNITED STATES BANKRUPTCY COURT

In re §  
Debtor(s) § Case No §

Official Form  
Statement by Lender of Mortgage Payment Change  
On Claim Secured Solely by a Security Interest On the Debtor's Principal Residence

Section 1 Background Information

1 A Lender name  
B Lender address to which notices should be sent  
C Lender address to which payments should be sent  
D Last four digits of any number by which creditor identifies debtor  
E Debtor's Name  
F Case Number  
G Court

Section 2 Loan Information

2 A Original Amount of Loan  
B If mortgage payment change is solely based on an escrow change, enter the interest rate and monthly payment  
C Original Date of Loan  
D Effective Date of Proposed Payment Change  
E Date through which the attached loan history is current  
F Escrow deposit at closing  
G Last date of each month on which payment can be made without penalty  
H Reference rate contained in loan for resetting of payment amount  
I Reference date contained in loan documents for resetting payment amount  
J Add on Percentage contained in loan documents for resetting payment amount  
K Number of months of amortization for payment reset  
L Loan balance at reset date  
M New monthly principal payment

Rate	Payment

Month	Day	Year	
12	1	2000	12/1/2000
Month	Day	Year	
12	1	2000	12/1/2000
Month	Day	Year	
12	1	2000	12/1/2000

Narrative Description of Method of selecting Rate or Date summarized from Loan Documents	Amount
	0.0000%
	12/1/2000
	0.0000%
	1
	\$0.00
	\$0.00

Section 3 Escrow Information

FORECAST ESCROW DISBURSEMENTS BETWEEN 12/1/2000 AND 1/30/2002								
Date of Forecast Disbursement			Amount	Purpose	Date for Reserve Purposes	# of Expected Deposits	Required Reserve at Reset Date	Amounts Due Within One Year
Month	Day	Year						
A								
B								
C								
D								
E								
F								
G								
H								
I								
K								
L								
M								
					TOTAL		\$0.00	\$0.00
N	Required Escrow Reserves at			12/1/2000				\$0.00
O	Balance in Escrow Account at			12/1/2000				\$0.00
P	Escrow Deficiency at			12/1/2000				\$0.00
Q	Initial escrow arrears payable through plan							\$0.00
R	Escrow arrears plan payments received as of			12/1/2000				\$0.00
S	Balance in escrow account adjusted for amount of unpaid prepetition arrears							\$0.00
T	Monthly Escrow Deposit							\$0.00
	TOTAL MONTHLY PAYMENT							\$0.00
U	Lender address to which payment should be sent							

Section 4 Signature Information

Date signed \_\_\_\_\_ Signature \_\_\_\_\_  
Printed Name and Title of Signer \_\_\_\_\_

A COMPLETE LOAN HISTORY, IN THE OFFICIAL FORM, MUST BE ATTACHED

(Click on Green Tab Below to Complete Loan History)

IN THE UNITED STATES BANKRUPTCY COURT

In re

§  
§  
§ Case No  
§  
§

Debtor(s)

Official Form \_\_\_\_\_  
Statement by Lender of Calculation of Amount Required to Cure Default  
On Claim Secured Solely by a Security Interest On the Debtor's Principal Residence

Section 1 Background Information

- 1 A Lender name \_\_\_\_\_
- B Lender address to which notices should be sent \_\_\_\_\_
- C Lender address to which payments should be sent \_\_\_\_\_
- D Last four digits of any number by which creditor identifies debtor \_\_\_\_\_
- F Debtor's Name \_\_\_\_\_
- F Case Number \_\_\_\_\_
- G Court \_\_\_\_\_
- H Petition Date 

Month	Day	Year	
1	1	2000	1/1/2000

Section 2 Loan Information

- 2 A Original Amount of Loan \_\_\_\_\_
- B Original Date of Loan 

Month	Day	Year	
1	1	2000	1/1/2000
- C Escrow deposit at closing \$0 00
- D Last date of each month on which payment can be made without penalty 10
- E Amount of all reimburseable charges (excluding any escrow items listed in Section 3 below) incurred by lender prior to petition date, but not listed on the attached loan history Attach a complete schedule \$0 00
- I **PRINCIPAL AND INTEREST ARREARS** \$0 00  
(The difference between the contractual principal balance and the actual principal balance as of the petition date)

Section 3 Escrow Information

FORECAST ESCROW DISBURSEMENTS BETWEEN 1/1/2000 AND 3/1/2001									
Date of Forecast Disbursement	Amount	Purpose	Date for Reserve Purposes	# of Expected Deposits	Required Reserve at Petition Date	Amounts Due Within 1 Year			
							Month	Day	Year
A									
B									
C									
D									
E									
F									
G									
H									
I									
K									
L									
M									
<b>TOTAL</b>						<b>\$0 00</b>	<b>\$0 00</b>		
N	Required Escrow Reserves at Petition Date					\$0 00			
O	Balance in Escrow Account at Petition Date					\$0 00			
P	Escrow Deficiency at Petition Date					\$0 00			

Section 4. Future Payment Information Information

- 4 A Monthly principal and interest payment per contract \_\_\_\_\_
  - B If interest rate varies, next mortgage payment change date (or n/a) \_\_\_\_\_ n/a
  - C Monthly escrow deposit \$0 00
  - D Total monthly payment \$0 00
  - F Lender address to which payments should be sent \_\_\_\_\_
- THE MORTGAGE PAYMENT AMOUNT MAY NOT BE CHANGED UNLESS A TIMELY NOTICE OF CHANGE IS FILED

Section 5 Signature Information

Date signed \_\_\_\_\_ Signature \_\_\_\_\_  
Printed Name and Title of Signer \_\_\_\_\_

**A COMPLETE LOAN HISTORY, IN THE OFFICIAL FORM, MUST BE ATTACHED**

(Click on Green Tab Below to Complete Loan History)

## **Instructions for Completion of Notice of Mortgage Payment Change**

1. Download the Excel file to your computer and save the file before using it.
2. To move through the areas on the form, please complete the requested information and then press TAB. You need only complete the shaded areas. Other areas of the form will be automatically completed by the computer.
3. Complete page one of the form first
4. When completing section 2, please complete section 2B only if the payment change is based solely on an escrow payment adjustment. If you complete section 2B, the form will instruct you NOT to complete sections H and I.
5. When completing section 3, please include only forecast disbursements for the requested time period set forth on the form. Do NOT include a RESPA reserve. The form will calculate a RESPA reserve. Include all forecast escrow disbursements, whether or not cash is available in the escrow account
6. When page one is complete, click on the green Excel worksheet tab at the bottom of the page. The tab reads "Loan History". Clicking on this tab will take you to page 2
7. Page 2 is a loan history. The date ranges on the loan history are automatically created based on the information completed on page 1. When placing data onto the loan history, it should be placed in the time period in which the transaction actually occurred. For example, if a payment was received by the lender on April 15, but applied by the lender to a payment due on February 1, the payment should be shown only in the April 15 date range and should not be shown on February 1. The entire loan history must be completed from the commencement of the loan. If no data is placed in a field, the computer will treat the amount as \$0.00. Accordingly, you need not place \$0.00 in a field if there was no activity.
8. When completing the loan history, the form will require you to state the initial interest rate and the initial contractual payment amount. For convenience, the computer will assume that these amounts do not change. However, you should change these amounts as appropriate to reflect the contracts between the parties.
9. The data from page 2 is used by the computer to complete the calculations on page 1.
10. When the loan history is completed, click on the red Excel worksheet tab at the bottom of the page. The tab reads "Cover Sheet". Clicking on this tab will take you to page 1.
11. The form is now complete. You may print the form or review it on your screen. Print page 1 from page 1. Print page 2 by clicking on the green tab and then printing

IN THE UNITED STATES BANKRUPTCY COURT

In re \_\_\_\_\_  
 Debtor(s) \_\_\_\_\_  
 §  
 § Case No. \_\_\_\_\_  
 §

**Official Form**  
**Statement by Lender of Mortgage Payment Change**  
**On Claim Secured Solely by a Security Interest On the Debtor's Principal Residence**

**Section 1 Background Information**

1 A Lender name \_\_\_\_\_  
 B Lender address to which notices should be sent \_\_\_\_\_  
 C Lender address to which payments should be sent \_\_\_\_\_  
 D Last four digits of any number by which creditor identifies debtor \_\_\_\_\_  
 E Debtor's Name \_\_\_\_\_  
 F Case Number \_\_\_\_\_  
 G Court \_\_\_\_\_

**Section 2 Loan Information**

2 A Original Amount of Loan \_\_\_\_\_

B If mortgage payment change is solely based on an escrow change enter the interest rate and monthly payment

Rate	Payment

C Original Date of Loan

Month	Day	Year	
12	1	2000	12/1/2000

D Effective Date of Proposed Payment Change

Month	Day	Year	
12	1	2000	12/1/2000

F Date through which the attached loan history is current

Month	Day	Year	
12	1	2000	12/1/2000

I Escrow deposit at closing \_\_\_\_\_

G Last date of each month on which payment can be made without penalty 10 \_\_\_\_\_

Narrative Description of Method of selecting Rate or Date summarized from Loan Documents	Amount
	0.0000%
	12/1/2000
	0.0000%
	1
	\$0.00
	\$0.00

H Reference rate contained in loan for resetting of payment amount \_\_\_\_\_

I Reference date contained in loan documents for resetting payment amount \_\_\_\_\_

J Add on Percentage contained in loan documents for resetting payment amount \_\_\_\_\_

K Number of months of amortization for payment reset \_\_\_\_\_

L Loan balance at reset date \_\_\_\_\_

M New monthly principal payment \_\_\_\_\_

**Section 3 Escrow Information**

**FORECAST ESCROW DISBURSEMENTS BETWEEN 12/1/2000 AND 1/31/2002**

Date of Forecast Disbursement			Amount	Purpose	Date for Reserve Purposes	# of Expected Deposits	Required Reserve at Reset Date	Amounts Due Within One Year	
Month	Day	Year							
<b>TOTAL</b>								\$0.00	\$0.00

N Required Escrow Reserves at 12/1/2000 \$0.00

O Balance in Escrow Account at 12/1/2000 \$0.00

P Escrow Delinquency at 12/1/2000 \$0.00

Q Initial escrow arrears payable through plan \$0.00

R Escrow arrears plan payments received as of 12/1/2000 \$0.00

S Balance in escrow account adjusted for amount of unpaid prepetition arrears \$0.00

T Monthly Escrow Deposit \$0.00

**TOTAL MONTHLY PAYMENT \$0.00**

U Lender address to which payment should be sent \_\_\_\_\_

**Section 4 Signature Information**

Date signed \_\_\_\_\_ Signature \_\_\_\_\_

Printed Name and Title of Signer \_\_\_\_\_

**A COMPLETE LOAN HISTORY, IN THE OFFICIAL FORM, MUST BE ATTACHED**

(Click on Green Tab Below to Complete Loan History)