

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT

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05-BK- 014

CLERK OF COURT  
Thomas J. Hart

Electronically submitted via the Internet  
to <http://www.uscourts.gov/rules>

February 15, 2006

Peter G. McCabe, Secretary  
Committee on Rules of Practice and Procedure  
of the Judicial Conference of the United States  
Administrative Office of the U.S. Courts  
Thurgood Marshall Federal Judiciary Building  
One Columbus Circle N.E.  
Washington, D.C. 20544

Re: Proposed amendments to the Federal Rules of Bankruptcy Procedure,  
Rule 3001(d)

Dear Mr. McCabe:

I write relative to the May 2, 2005 memorandum of the Hon. Thomas S. Zilly, Chair of the Advisory Committee on Bankruptcy Rules to the Hon. David F. Levi, Chair of the Standing Committee on the Rules of Practice and Procedure of the Judicial Conference of the United States. The memorandum proposed changes to certain bankruptcy rules. Thank you for the opportunity to comment.

At a meeting of this district's bankruptcy bar that I attended practitioners expressed concern with the proposed amendment to Rule 3001(d), Evidence of Perfection of Security Interest relative to a Proof of Claim, and I offered to convey their concern to the Committee.

The proposed amendment limits to five pages the writing evidencing perfection of the security interest. Typically, the writing would be a copy of the mortgage document. Practitioners stated that although they understand the need to limit the quantity of electronic bytes submitted into the court's computers, and the merit of submitting just the "critical" pages, today's mortgages are approximately 15 pages. Restricting the writing to five pages, thus requiring the claimant to *file a copy of relevant excerpts of the writing and a summary of the evidence of perfection*, would be cumbersome for the claimant, but moreover would not serve the interests of members of the public reading the document because different readers have different needs as to what they would

consider relevant in the document. Moreover, if the mortgages are available in electronic format and hence submitted in PDF they would not be likely to clog the system in the same way that scanned in documents of the past would.

Thus, on behalf of the Vermont bankruptcy bar I would request that the Committee increase the page limitation in Rule 3001(d) to 15 pages.

The practitioners also took notice of the proposed amendment to Rule 3001(c), Claim Based on a Writing, limiting the writing to 25 pages, and wondered whether in the interest of "electronic byte control" this limit could be lowered somewhat, allowing the requested increase in Rule 3001(d) to approximately 15 pages. I believe this is a sound and reasonable suggestion. Thus, I convey this request on their behalf as well.

Again, I thank you for the opportunity to comment and would be happy to answer any question you or your committee has about these comments.

Yours truly,

*/s/*

Thomas J. Hart  
Clerk of Court