



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

**09-BK-004**

November 13, 2009

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:

I am the Chief Judge of the United States Bankruptcy Court for the Southern District of Texas. Please accept my comments to the proposed amendments to the Federal Rules of Bankruptcy Procedure. Before addressing detailed comments, please accept my gratitude for the hard work of the Committee. The proposed rules 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.

**Rule 2003**

The proposed change will be very helpful and I fully support the change, as written.

**Rule 3001(c)(2)(A)**

Although I support the concept behind this rule, I do not believe that the rule will ameliorate the problems regarding mortgage proofs of claim unless it is accompanied by a required form. In this District, most home mortgage holders claim interest, fees, expenses or other charges. Most proofs of claim include an "itemization," but not one that is useful. Attached as Exhibit "A" is a typical itemization that was recently attached to a proof of claim<sup>1</sup>. I suggest that a national form be promulgated that would include a loan history on all home mortgage claims. Attached as Exhibit "B" is a loan history form recently approved by this District. Based on my experience, the simple itemization, without detail, will not be particularly helpful in resolving the disputes that exist over these claims.

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<sup>1</sup> I note that the itemization that lists the missed payments by date should not be interpreted as meaning that no payments were made on those dates. The lender typically applies payments made to the oldest payment that has not been paid. Accordingly, a payment made in July, 2008 may have been applied to a payment made in November, 2007 and the itemized detail on this exhibit would remain as shown. Conversely, on the form attached as Exhibit "B", actual payment dates are shown.

**Rule 3001(c)(2)(B)**

I agree with the rule, but again urge the Committee to require a loan history similar to the attached Exhibit "B". The statement of amounts needed to cure the mortgage is generally included on most mortgage proofs of claim filed in this District. See Exhibit "A". Without the detailed history, the statement alone will not remedy the problem.

**Rule 3001(c)(2)(C)**

I have two, distinct concerns with proposed Rule 3001(c)(2)(C).

First, the Rule may lead to results that are inconsistent with the only Circuit Court authority on the issue. See *Campbell v. Countrywide Home Loans, Inc.*, 545 F.3d 348 (5th Cir. 2008). *Campbell* holds that the pre-petition arrearage includes all amounts that could have been demanded to have been paid into an escrow account by the home mortgage lender prior to the petition date. The "escrow account statement" that is required by the proposed rule will possibly reflect a cash deficit in the escrow account on the petition date, but will not be informative as to the amount that may be cured through a chapter 13 plan or of the amount of a future escrow deposit. By way of example, assume the following facts:

DATE	EVENT
1/1/2008	Date of note and mortgage. Annual taxes are estimated at \$2,400; annual insurance is estimated at \$1,200. Escrow funded at closing with \$900 (\$200 for one month tax deposit; \$100 for one month insurance deposit; \$600 RESPA reserve).
2/1/2008-12/1/2008	Debtor makes monthly deposits of \$300.
12/10/2008	Taxes paid out of escrow in amount of \$4,200; insurance paid out of escrow in amount of \$1,200.
1/1/2009	Monthly escrow payment adjusted to \$350 for taxes; \$100 for insurance; \$100 to make up deficit in account; and \$75 to rebuild RESPA reserve, for a total monthly escrow payment of \$625.
1/1/2009 – 6/1/2009	Debtor makes no payments
6/30/2009	Debtor files chapter 13 petition

The following are alternative means of accounting for the foregoing events, only one of which is correct (at least according to *Campbell*). And, the *Campbell-correct* method would not comply with the proposed rule. Inasmuch as *Campbell* is based on statute rather than on a rule, I suggest that the adoption of the rule would, by definition, be inconsistent with the statute.

**CASH ACCOUNTING**

Date	Event	Paid In	Paid Out	Balance
1/1/2008	Date of note	\$900.00	\$0.00	\$900.00
2/1/2008	Deposit	\$300.00	\$0.00	\$1,200.00
3/1/2008	Deposit	\$300.00	\$0.00	\$1,500.00
4/1/2008	Deposit	\$300.00	\$0.00	\$1,800.00
5/1/2008	Deposit	\$300.00	\$0.00	\$2,100.00
6/1/2008	Deposit	\$300.00	\$0.00	\$2,400.00
7/1/2008	Deposit	\$300.00	\$0.00	\$2,700.00
8/1/2008	Deposit	\$300.00	\$0.00	\$3,000.00
9/1/2008	Deposit	\$300.00	\$0.00	\$3,300.00
10/1/2008	Deposit	\$300.00	\$0.00	\$3,600.00
11/1/2008	Deposit	\$300.00	\$0.00	\$3,900.00
12/1/2008	Deposit	\$300.00	\$0.00	\$4,200.00
12/10/2008	Advance	\$0.00	\$5,400.00	(\$1,200.00)
1/1/2009	Deposit	\$0.00	\$0.00	(\$1,200.00)
2/1/2009	Deposit	\$0.00	\$0.00	(\$1,200.00)
3/1/2009	Deposit	\$0.00	\$0.00	(\$1,200.00)
4/1/2009	Deposit	\$0.00	\$0.00	(\$1,200.00)
5/1/2009	Deposit	\$0.00	\$0.00	(\$1,200.00)
6/1/2009	Deposit	\$0.00	\$0.00	(\$1,200.00)

**ARREARAGE ACCOUNTING**

Date	Event	Paid In	Paid Out	Balance	Required Escrow Deposit	Arrearage
1/1/2008	Date of note	\$900.00	\$0.00	\$900.00	\$900.00	\$0.00
2/1/2008	Deposit	\$300.00	\$0.00	\$1,200.00	\$300.00	\$0.00
3/1/2008	Deposit	\$300.00	\$0.00	\$1,500.00	\$300.00	\$0.00
4/1/2008	Deposit	\$300.00	\$0.00	\$1,800.00	\$300.00	\$0.00
5/1/2008	Deposit	\$300.00	\$0.00	\$2,100.00	\$300.00	\$0.00
6/1/2008	Deposit	\$300.00	\$0.00	\$2,400.00	\$300.00	\$0.00
7/1/2008	Deposit	\$300.00	\$0.00	\$2,700.00	\$300.00	\$0.00
8/1/2008	Deposit	\$300.00	\$0.00	\$3,000.00	\$300.00	\$0.00
9/1/2008	Deposit	\$300.00	\$0.00	\$3,300.00	\$300.00	\$0.00
10/1/2008	Deposit	\$300.00	\$0.00	\$3,600.00	\$300.00	\$0.00
11/1/2008	Deposit	\$300.00	\$0.00	\$3,900.00	\$300.00	\$0.00
12/1/2008	Deposit	\$300.00	\$0.00	\$4,200.00	\$300.00	\$0.00
12/10/2008	Advance	\$0.00	\$5,400.00	(\$1,200.00)	\$0.00	\$0.00
1/1/2009	Deposit	\$0.00	\$0.00	(\$1,200.00)	\$625.00	\$625.00
2/1/2009	Deposit	\$0.00	\$0.00	(\$1,200.00)	\$625.00	\$1,250.00
3/1/2009	Deposit	\$0.00	\$0.00	(\$1,200.00)	\$625.00	\$1,875.00
3/31/2009	Deposit	\$0.00	\$0.00	(\$1,200.00)	\$625.00	\$2,500.00

4/30/2009	Deposit	\$0.00	\$0.00	(\$1,200.00)	\$625.00	\$3,125.00
6/1/2009	Deposit	\$0.00	\$0.00	(\$1,200.00)	\$625.00	\$3,750.00

**BANKRUPTCY CLAIM ACCOUNTING**  
(In accordance with *Campbell*)

Date	Event	Paid In	Paid Out	Balance	Required Base Escrow Deposit	RESPA Shortfall
1/1/2008	Date of note	\$900.00	\$0.00	\$900.00	\$900.00	\$0.00
2/1/2008	Deposit	\$300.00	\$0.00	\$1,200.00	\$300.00	\$0.00
3/1/2008	Deposit	\$300.00	\$0.00	\$1,500.00	\$300.00	\$0.00
4/1/2008	Deposit	\$300.00	\$0.00	\$1,800.00	\$300.00	\$0.00
5/1/2008	Deposit	\$300.00	\$0.00	\$2,100.00	\$300.00	\$0.00
6/1/2008	Deposit	\$300.00	\$0.00	\$2,400.00	\$300.00	\$0.00
7/1/2008	Deposit	\$300.00	\$0.00	\$2,700.00	\$300.00	\$0.00
8/1/2008	Deposit	\$300.00	\$0.00	\$3,000.00	\$300.00	\$0.00
9/1/2008	Deposit	\$300.00	\$0.00	\$3,300.00	\$300.00	\$0.00
10/1/2008	Deposit	\$300.00	\$0.00	\$3,600.00	\$300.00	\$0.00
11/1/2008	Deposit	\$300.00	\$0.00	\$3,900.00	\$300.00	\$0.00
12/1/2008	Deposit	\$300.00	\$0.00	\$4,200.00	\$300.00	\$0.00
12/10/2008	Advance	\$0.00	\$5,400.00	(\$1,200.00)	\$0.00	\$2,100.00
1/1/2009	Deposit	\$0.00	\$0.00	(\$1,200.00)	\$450.00	\$2,550.00
2/1/2009	Deposit	\$0.00	\$0.00	(\$1,200.00)	\$450.00	\$3,000.00
3/1/2009	Deposit	\$0.00	\$0.00	(\$1,200.00)	\$450.00	\$3,450.00
3/31/2009	Deposit	\$0.00	\$0.00	(\$1,200.00)	\$450.00	\$3,900.00
4/30/2009	Deposit	\$0.00	\$0.00	(\$1,200.00)	\$450.00	\$4,350.00
6/1/2009	Deposit	\$0.00	\$0.00	(\$1,200.00)	\$450.00	\$4,800.00

Under *Campbell*, the Debtor's regular monthly escrow deposit should be established at \$450.00. The six missed escrow payments along with the remainder of the amount needed to restore the escrow account to the amount required by the loan documents would constitute a pre-petition claim totaling \$4,800 (the deficit of \$1,200 plus the RESPA reserve of \$900 plus six months of taxes of \$350 plus six months of insurance of \$100).

To my knowledge, no escrow statement prepared in accordance with applicable non-bankruptcy law would reflect the \$4,800 as a pre-petition claim nor would any statement prepared in accordance with applicable non-bankruptcy law reflect that future escrow deposits should be \$450. Instead, an escrow statement of the type described in the rule would establish future escrow payments of \$850 (i.e., 1/12th of the \$4,800 plus 1/12th of the taxes and insurance). This is, of course, of extreme significance to most chapter 13 debtors. If the \$4,800 constitutes a claim (rather than an escrow adjustment), it will likely be repaid over 60 months at the rate of \$80 pr month. Under non-bankruptcy law, it will be repaid at a rate of \$400 per month. The first 12 month's difference of \$3,820 is extraordinarily material.

I recommend that any escrow report be specialized to meet the requirements of a bankruptcy case.

Second, the escrow report as a stand-alone document will not resolve how mortgage payments were applied by the lender. The loan history should reflect all funds received by the lender and how funds were applied to escrow, to principal, to interest, etc. I urge the Committee to adopt a consolidated loan history report (similar to Exhibit "B") so that the Court and the parties can resolve payment disputes in a consistent manner, with accurate and readable information.

**Rule 3002.1(a)**

I support this rule, but request a minor clarification. Under *Foster v. Heitkamp*, 670 F.2d 478 (5th Cir. 1982), all post-petition payments made to the mortgage company are made pursuant to the plan. The issue is whether the disbursing agent is the trustee or whether the debtor is the disbursing agent. This rule should be clarified as to whether the payment change notice is applicable only in trustee-pay cases or in all cases in which there is a home mortgage.

**Rule 3002.1(b)**

I recommend that a standard, bankruptcy oriented form be adopted. A proposed form, that we have adopted in this District, is attached as Exhibit "C". Please see my comments above regarding escrow payments. If a non-bankruptcy form is filed, it will not reflect the proper amount of payment adjustment. Instead, it will improperly contain an adjustment for escrow deficiencies.

**Rule 3002.1(c)**

I support this rule, but request a minor clarification. Under *Foster v. Heitkamp*, 670 F.2d 478 (5th Cir. 1982), all post-petition payments made to the mortgage company are made pursuant to the plan. The issue is whether the disbursing agent is the trustee or whether the debtor is the disbursing agent. This rule should be clarified as to whether the expense notice is applicable only in trustee-pay cases or in all cases in which there is a home mortgage.

**Rule 3002.1(d)-(f)**

I support this rule, but believe that it does not go far enough. 11 U.S.C. § 1322(b)(5) allows a debtor to maintain payments, not just to cure them. If a lender receives a payment, how is it applied? For example, assume that the debtor pays what the debtor intends to be an ongoing mortgage payment, but the lender applies the funds to the arrearage such that the arrearage is fully cured. The cure notice contemplated by the rule would only apply to the cure of the arrearage. It would be accurate. However, when the debtor departs chapter 13, the debtor would learn that she is behind in her ongoing mortgage payments. The notice (or as proposed below,

the motion) should state both that all cure payments have been made and that the debtor has maintained (i.e., is current on) all ongoing mortgage payments.

I note that this matter is somewhat addressed by Rule 3002.1(e) pursuant to which the lender would file a statement indicating whether the debtor is current on all payments. However, the remedy for the Rule 3002.1(e) notice is provided in Rule 3002.1(f) and will be of limited benefit. If the lender alleges that an ongoing payment has not been made, then the lender is likely to proceed with a state law foreclosure. The remedy in Rule 3002.1(f) is to preclude the use of evidence in the bankruptcy court, but to allow the use of the evidence in a state court proceeding. The bankruptcy case will be over. It is likely that most disputes will occur in a non-bankruptcy forum. That make the proposed remedy devoid of force.

Here is my suggestion:

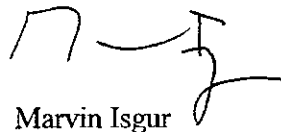
1. The Rule 3002.1(d) notice should not be a notice, but a motion.
2. The motion should seek an order of the Court finding that the Debtor is current on all ongoing mortgage payments and has cured all arrearages.
3. The Rule 3002.1(c) response should be filed as a response to the motion.
4. The Rule 3002.1(f) notice and hearing language is surplus and should be deleted.
5. The Rule 3002(g) remedy provision should apply at any hearing on a Rule 3002.1(d) motion.
6. The Court should issue an order determining the amount of any remaining cure payments and of any deficit in ongoing mortgage payments.
7. Presumably, the Court's order—issued pursuant to the motion filed under Rule 3002.1(d) would have *res judicata* effect in any subsequent state or federal proceeding.

#### Rule 4004

This is an excellent change to this Rule to address the current “gap period” discharge problem. I will note that my colleague, Wesley Steen, recently confronted a related problem that could also be addressed by this rule. *See In re Shankman*, 2009 WL 2855731 (Bankr. S.D. Tex. 2009). For the reasons set forth by Judge Steen, I suggest that the language be broadened to include the concerns raised in *Shankman*.

Thank you for allowing me to express my views on these complex subjects.

Sincerely,

  
Marvin Isgur

<b>UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION</b>		<b>PROOF OF CLAIM</b>
Name of Debtor: Shannon Edwards		Case Number: 08-35106-H1-13
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): CitiMortgage, Inc.	<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.	
Name and address where notices should be sent: CitiMortgage, Inc. P. O. Box 829009 Dallas, Texas 75382-9009	Court Claim Number: _____ (if known)	
Name and address where payment should be sent (if different from above): CitiMortgage, Inc. P.O. 9481 Gaithersburg, Maryland 20898	<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.	
Telephone Number: (800) 723-7906	<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: \$124,042.46 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: xxxxxx3454	<input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) 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).	
3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)	<input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).	
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: 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: \$11,321.27 Basis for perfection; Recordation of Lien  Amount of Secured Claim: \$124,042.46    Amount Unsecured \$0.00	<input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7).	
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:	<input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8).	
Date: December 29, 2008	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/ Hilary B. Bonial /s/ Joe M. Lozano, Jr. as Creditor's Authorized Agent	<input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507 (a)(____).  Amount entitled to priority: \$ _____  <i>*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</i>
FOR COURT USE ONLY		

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.  
8024-N-5307

EXHIBIT "A"

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE:

SHANNON EDWARDS

§  
§  
§  
§  
§  
§

CASE NO. 08-35106-H1-13

CHAPTER 13

JUDGE MARVIN ISGUR

EXHIBIT A

ITEMIZATION OF CLAIM AND SUMMARY OF SUPPORTING  
DOCUMENTS FOR CLAIM OF CITIMORTGAGE, INC., AS SERVICING AGENT FOR FEDERAL  
NATIONAL MORTGAGE ASSOCIATION

SECTION I. ITEMIZATION OF CLAIM

1.	Any distribution and future notices shall be made to the creditor at the address herein printed unless otherwise noted here: Account No.: xxxxxx3454 CitiMortgage, Inc. PO Box 6006 The Lakes, Nevada 88901-6006	
2.	Total Debt (As of August 4, 2008)	\$124,042.46
3.	Monthly payment due each month.	\$1,405.91
4.	Interest rate on mortgage note on August 4, 2008	7.13%
5.	Detail of arrearage: (through August 4, 2008)	
	5 payments 12/1/2007 through 4/30/2008 @ \$1,400.25 each:	\$7,001.25
	4 payments 5/1/2008 through 8/4/2008 @ \$1,405.91 each:	\$5,623.64
	Accrued late charges:	\$275.87
	Attorney Fees and Cost: (charged \$335.04, less \$181.03 recovered)	\$154.01
	Less Suspense Account Balance:	(\$1,733.50)
	<b>TOTAL ARREARAGE</b>	<b>\$11,321.27</b>

The current monthly payment amount is \$1,405.91. The monthly payment amount may change due to escrow requirements and/or interest rate adjustments.

**RESERVATION OF RIGHTS**

Please be advised that reasonable fees and costs for the review of the bankruptcy pleadings, review of client information, preparation and filing of the Proof of Claim will be charged to the lender/servicer for post-petition services rendered subsequent to the filing of this bankruptcy matter. Further, note that future fees and costs for bankruptcy related services are expected to accrue throughout the life of this bankruptcy case, and will be charged to the lender/servicer. If allowed by the underlying security instrument, the bankruptcy code and other applicable law and such fees and costs or charges are not paid through the bankruptcy, the lender reserves the right, at the lender's discretion, to seek future reimbursement for the fees, costs and charges related to services rendered and expenses incurred upon obtaining court approval.

Name of Creditor: CitiMortgage, Inc., as servicing agent for Federal National Mortgage Association  
File Number 8024-N-5307 / poc



**PROOF OF CLAIM ADDENDUM FOR  
RESIDENTIAL HOME MORTGAGE PAID THROUGH CHAPTER 13  
TRUSTEE**

Debtor Name(s) Shannon Edwards

Bk Case # 08-35106-H1-13

Address of Mortgaged Property 4014 Cedar Gardens Drive, Houston, Texas 77082-4006

Legal Description: 17 9 Clayton Section One  
Lot Block Subdivision

Creditor Name CitiMortgage, Inc. Debtor Acct 2004433454

Payment Address P.O. 9481

City Gaithersburg State Maryland Zip 20898

Phone (800) 723-7906

Creditor Attorney Name Brice, Vander Linden & Wernick, P.C.

Attorney Address P. O. Box 829009

City Dallas State Texas

Zip 75382-9009 Phone (972) 643-6600

Mortgage Information

Current Principal Balance \$116,526.60

Regular Monthly Payment Amount \$1,405.91

Current Interest Rate 7.13%

Is this a variable interest loan?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
If yes, date of next adjustment: <u>unavailable</u>				
Are property taxes included in the monthly payment?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Is insurance included in the monthly payment?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Is the loan due in full and payable in less than 5 years?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
If yes, due date: _____				

Arrearage Calculation

see Exhibit A, Section 1(B)

\*\*\*Creditor must notice Trustee of any and all changes to monthly mortgage payment.\*\*\*

**UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS** **PROOF OF CLAIM**

Name of Debtor: John Doe Case Number: 10-99999

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):  
Acme Savings and Loan

Check this box to indicate that this claim amends a previously filed claim.

Name and address where notices should be sent:  
  
Telephone Number:

Court Claim Number: (If known) \_\_\_\_\_

Filed on: \_\_\_\_\_

Name and address where payment should be sent (if different from above):  
  
Telephone Number:

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.

Check this box if you are the debtor or trustee in this case.

1. Amount of Claim as of Date Case Filed: \$180,415.84

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.

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.

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.

Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B)

2. Basis for Claim: Mortgage loan on home.  
(See instruction #2 on reverse side)

Wages, salaries or commissions (up to \$10,950\*) 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).

3. Last four digits of any number which identifies debtor: 9988  
3a. Debtor may have scheduled account as : \_\_\_\_\_  
(See instruction #3a on reverse side)

Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5)

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 required information.

Up to \$2,425\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(7).

Nature of property or right of setoff:  Real Estate  Motor Vehicle  Other

Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).

Value of Property: \_\_\_\_\_ Annual Interest Rate: See attached.

Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(\_\_\_\_)

Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$44,916.37 Basis for perfection: Deed of Trust on Real Estate.

Amount of Secured Claim: \_\_\_\_\_ Amount Unsecured: \_\_\_\_\_

Amount entitled to priority: \_\_\_\_\_

6. Credits: The amount of all payments on this claim have 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.)

\*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

DATE: \_\_\_\_\_ 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.

FOR COURT USE ONLY

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. § § 152 and 3571.

**EXHIBIT "B"**

**Borrower Information**

Borrower Name: John Doe  
 Property Address/Description: 123 Main Street, Houston, Texas 77002  
 Bankruptcy Case #: 10-99999  
 Last 4 digits of SSN: 9988

**Escrow Information**

Escrowed for taxes? Yes  
 Escrowed for insurance? Yes  
 Petition date escrow balance: (\$19,167.93)  
 If all pre-petition payments had been made in the amount set forth on the attached as the "Total Due", would the escrow account have the balance required by RESPA (including any reserves)? no  
 If not, what would be the amount of the escrow shortfall as of the petition date if all payments had been made? \$1,234.00

**Loan Information**

Is interest fixed or variable? Fixed  
 If fixed, list interest rate: 9.12500%  
 If variable, list each historic rate change:

Effective Date of Change	Interest Rate

**Lender Information**

Lender or Servicer Name: Acme Savings and Loan  
 Last 4 Digits of Loan #: \*\*\*\*\*6789  
 Date of loan: 1/1/2001

**Claim information:**

Total past due payments at petition date (including principal, interest, escrow, and unpaid charges): \$34,240.37  
 Principal balance at petition date: \$155,494.24  
 Total fees and other charges: \$9,442.00  
 Total RESPA shortfall: \$1,234.00  
 Unbilled fees and expenses: \$0.00  
 Additional interest claimed on any unpaid amounts (for payoff): \$0.00  
 Additional interest claimed on any unpaid amounts (for cure): \$0.00  
 Total Suspense Balance: \$3,688.33  
 Escrow balance: (\$19,167.93)  
 TOTAL CLAIM (Loan Payoff): \$180,415.84  
 TOTAL ARREARAGES (Included in Total Claim): \$44,916.37

**LOAN HISTORY**

Debtor:		John Doe		Case #		10-99999		Lender/Service:		Acme Savings and Loan				
Ref	Narrative	Transaction Date	Principal Amount	Interest	Principal	Interest	Substance	Other	Pay Fee and Other	Principal Balance	Payoff Balance	Substance Balance	Late Fees and Other Charges	Balance of Late Fees and Other Charges
	Beginning Balance									\$156,910.97	\$0.00	\$0.00	\$0.00	\$932.25
1	Regular Payment Due	6/1/2006	\$1,583.44		\$1,583.44		\$0.00			\$156,910.97	\$0.00	\$0.00		\$932.25
2	Late Charge Assessed	6/16/2006			\$1,583.44		\$0.00			\$156,910.97	\$0.00	\$0.00		\$932.25
3	Payment Application	6/23/2006	\$1,242.88		\$89.86	\$1,153.30				\$156,821.29	\$0.00	\$0.00		\$932.25
4	Regular Payment Due	7/1/2006	\$1,583.44		\$1,923.30		\$0.00			\$156,821.29	\$0.00	\$0.00		\$932.25
5	Late Charge Assessed	7/1/2006			\$1,923.30		\$0.00			\$156,821.29	\$0.00	\$0.00		\$932.25
6	Reversal of Returned Check	7/11/2006	(\$1,242.98)		(\$89.86)	(\$1,153.30)				\$156,910.97	\$0.00	\$0.00		\$932.25
7	Regular Payment Due	8/1/2006	\$1,583.44		\$4,750.32		\$0.00			\$156,910.97	\$0.00	\$0.00		\$932.25
8	Corporate Advance Disbursement													
	Corporate Cost - Title Search	8/11/2006			\$4,750.32		\$0.00			\$156,910.97	\$0.00	\$0.00	\$850.00	\$1,644.40
9	Corporate Advance Disbursement													
	Corporate Cost - Tax Search	8/11/2006			\$4,750.32		\$0.00			\$156,910.97	\$0.00	\$0.00	\$100.00	\$1,744.40
10	Corporate Advance Disbursement													
	Corporate Cost - Service	8/11/2006			\$4,750.32		\$0.00			\$156,910.97	\$0.00	\$0.00	\$200.00	\$1,944.40
11	Corporate Advance Disbursement													
	Corporate Cost - Lis Pendens	8/11/2006			\$4,750.32		\$0.00			\$156,910.97	\$0.00	\$0.00	\$40.00	\$1,984.40
12	Corporate Advance Disbursement													
	Corporate Cost - Filing Fee	8/11/2006			\$4,750.32		\$0.00			\$156,910.97	\$0.00	\$0.00	\$107.35	\$2,091.75
13	Corporate Advance Disbursement													
	Corporate Cost - Foreclosure	8/11/2006			\$4,750.32		\$0.00			\$156,910.97	\$0.00	\$0.00	\$75.00	\$2,166.75
14	Corporate Advance Disbursement													
	Corporate Cost - Foreclosure	8/11/2006			\$4,750.32		\$0.00			\$156,910.97	\$0.00	\$0.00	\$425.00	\$2,591.75
15	Late Charge Assessed	8/16/2006			\$4,750.32		\$0.00			\$156,910.97	\$0.00	\$0.00	\$62.15	\$2,653.90
16	Corporate Advance Disbursement													
	Corporate Cost - Tax Search	8/18/2006			\$4,750.32		\$0.00			\$156,910.97	\$0.00	\$0.00	\$552.65	\$3,206.55
17	Corporate Advance Disbursement													
	Corporate Cost - Slip Trace	8/18/2006			\$4,750.32		\$0.00			\$156,910.97	\$0.00	\$0.00	\$300.00	\$3,506.55
18	Corporate Advance Disbursement													
	Corporate Cost - Service	8/18/2006			\$4,750.32		\$0.00			\$156,910.97	\$0.00	\$0.00	\$25.00	\$3,531.55
19	Regular Payment Due	9/1/2006	\$1,583.44		\$6,333.76		\$0.00			\$156,910.97	\$0.00	\$0.00		\$3,556.55
20	Corporate Advance Disbursement													
	Corporate Cost	9/1/2006			\$6,333.76		\$0.00			\$156,910.97	\$0.00	\$0.00	\$15.00	\$3,571.55
21	Late Charge Assessed	9/18/2006			\$6,333.76		\$0.00			\$156,910.97	\$0.00	\$0.00	\$62.15	\$3,633.70

Ref	Narrative	TRM (BPO) Date	Installment Payment Due Date	Principal and Escrow	Total Received (Final Date)	Payment Shortfall	Principal	Interest	Escrow	Surplus	Late Fees and Other charges	Taxes	Principals Advance from Escrow	Escrow Balance	Surplus Balance	Late Fees and Other charges	Balance of Late Fees and Other Charges
22	Disbursement from Escrow - City Taxes	9/22/2006			\$6,333.76					\$0.00			\$156,910.97	(\$1,411.66)	\$0.00		\$3,608.70
23	Disbursement from Escrow - City Taxes	9/22/2006			\$6,333.76					\$0.00			\$156,910.97	(\$2,651.65)	\$0.00		\$3,608.70
24	Disbursement from Escrow - City Taxes	9/22/2006			\$6,333.76					\$0.00			\$156,910.97	(\$4,063.31)	\$0.00		\$3,608.70
25	Disbursement from Escrow - City Taxes	9/22/2006			\$6,333.76					\$0.00			\$156,910.97	(\$4,191.12)	\$0.00		\$3,608.70
26	Corporate Advance Disbursement - BPO Cost	9/29/2006			\$6,333.76					\$0.00			\$156,910.97	(\$4,191.12)	\$0.00	\$85.00	\$3,703.70
27	Regular Payment Due	10/1/2006		\$1,583.44	\$7,917.20					\$0.00			\$156,910.97	(\$4,191.12)	\$0.00		\$3,703.70
28	Corporate Advance Disbursement - Inspection Cost	10/6/2006			\$7,917.20					\$0.00			\$156,910.97	(\$4,191.12)	\$0.00	\$15.00	\$3,718.70
28	Late Charge Assessed	10/16/2006			\$7,917.20					\$0.00			\$156,910.97	(\$4,191.12)	\$0.00	\$62.15	\$3,780.85
30	Corporate Advance Disbursement - Attorney Cost - Sheriff Deposit	10/16/2006			\$7,917.20					\$0.00			\$156,910.97	(\$4,191.12)	\$0.00	\$1,000.00	\$4,780.85
31	Corporate Advance Disbursement - Attorney Fee - Foreclosure	10/16/2006			\$7,917.20					\$0.00			\$156,910.97	(\$4,181.12)	\$0.00	\$520.00	\$5,300.85
32	Corporate Advance Disbursement - Attorney Fee - Foreclosure	10/16/2006			\$7,917.20					\$0.00			\$156,910.97	(\$4,191.12)	\$0.00	\$175.00	\$5,475.85
33	Corporate Advance Disbursement - Attorney Cost - Tax Search	10/18/2006			\$7,917.20					\$0.00			\$156,910.97	(\$4,181.12)	\$0.00	\$100.00	\$5,575.85
34	Corporate Advance Disbursement - Attorney Cost - Service	10/18/2006			\$7,917.20					\$0.00			\$156,910.97	(\$4,191.12)	\$0.00	\$132.50	\$5,708.35
35	Corporate Advance Disbursement - Attorney Cost - Recording	10/18/2006			\$7,917.20					\$0.00			\$156,910.97	(\$4,191.12)	\$0.00	\$125.00	\$5,833.35
36	BPO Cost	10/30/2006			\$7,917.20					\$0.00			\$156,910.97	(\$4,191.12)	\$0.00	\$85.00	\$5,928.35
37	Regular Payment Due	11/1/2006		\$1,583.44	\$9,500.64					\$0.00			\$156,910.97	(\$4,191.12)	\$0.00		\$5,928.35
38	Corporate Advance Disbursement - Inspection Cost	11/13/2006			\$9,500.64					\$0.00			\$156,910.97	(\$4,191.12)	\$0.00	\$15.00	\$5,943.35
39	Late Charge Assessed	11/16/2006			\$9,500.64					\$0.00			\$156,910.97	(\$4,191.12)	\$0.00	\$62.15	\$6,005.50
40	Regular Payment Due	12/1/2006		\$1,583.44	\$11,084.08					\$0.00			\$156,910.97	(\$4,191.12)	\$0.00		\$6,005.50
41	Corporate Advance Disbursement - Inspection Cost	12/18/2006			\$11,084.08					\$0.00			\$156,910.97	(\$4,191.12)	\$0.00	\$15.00	\$6,020.50
42	Regular Payment Due	1/1/2007		\$1,583.44	\$12,667.52					\$0.00			\$156,910.97	(\$4,191.12)	\$0.00		\$6,020.50
43	Corporate Advance Disbursement - Attorney Fee - Bankruptcy	1/9/2007			\$12,667.52					\$0.00			\$156,910.97	(\$4,191.12)	\$0.00	\$200.00	\$6,220.50
44	Regular Payment Due	2/1/2007		\$1,583.44	\$14,250.96					\$0.00			\$156,910.97	(\$4,191.12)	\$0.00		\$6,220.50
45	Payment Application	2/27/2007			\$13,667.52					\$556.15			\$156,910.97	(\$4,191.12)	\$556.15		\$6,220.50

Ref	Narrative	Transaction Date	Payment Date	Principal	Interest	Escrow	Late Fee and Other Charge	Insurance Advance from Escrow	Principal Balance	Escrow Balance	Surplus Balance	Late Fee and Other Charge	Balance of Late Fee and Other Charge
45	Regular Payment Due	3/1/2007	\$1,583.44	\$15,278.25			\$0.00		\$156,910.97	(\$4,191.12)	\$566.15		\$6,220.50
	Corporate Advance Disbursement												
47	Inspection Cost	3/7/2007		\$16,278.25			\$0.00		\$156,910.97	(\$4,191.12)	\$566.15	\$15.00	\$6,235.50
48	Payment Application	3/15/2007	\$566.15	\$14,722.10			\$566.15		\$156,910.97	(\$4,191.12)	\$1,112.30		\$6,235.50
	Adjustment - Late Charge												
49	Assessed	3/19/2007		\$14,722.10			\$0.00		\$156,910.97	(\$4,191.12)	\$1,112.30	\$62.15	\$8,297.65
50	Payment Application	3/27/2007	\$566.15	\$14,165.95			\$566.15		\$156,910.97	(\$4,191.12)	\$1,668.45		\$9,297.65
51	Regular Payment Due	4/1/2007	\$1,583.44	\$15,749.39			\$0.00		\$156,910.97	(\$4,191.12)	\$1,668.45		\$9,297.65
	Corporate Advance Disbursement												
52	Inspection Cost	4/5/2007		\$15,749.39			\$0.00		\$156,910.97	(\$4,191.12)	\$1,668.45	\$16.00	\$9,312.65
53	Payment Application	4/10/2007	\$566.15	\$15,193.24			\$566.15		\$156,910.97	(\$4,191.12)	\$2,224.60		\$9,312.65
54	Payment Application	4/13/2007	\$602.50	\$15,255.39	\$98.68	\$1,153.30	\$62.15		\$156,910.97	(\$4,191.12)	\$919.47	(\$62.15)	\$9,188.35
	Adjustment - Late Charge												
55	Assessed	4/17/2007		\$15,255.39			\$0.00		\$156,910.97	(\$4,191.12)	\$919.47	\$62.15	\$9,250.50
56	Payment Application	4/27/2007	\$566.15	\$14,699.24			\$566.15		\$156,910.97	(\$4,191.12)	\$1,475.62		\$9,250.50
57	Regular Payment Due	5/1/2007	\$1,583.44	\$16,282.68			\$0.00		\$156,910.97	(\$4,191.12)	\$1,475.62		\$9,250.50
58	Payment Application	5/8/2007	\$602.50	\$15,680.18			\$602.50		\$156,910.97	(\$4,191.12)	\$2,078.12		\$9,250.50
	Corporate Advance Disbursement												
59	Attorney Fee - Bankruptcy	5/14/2007		\$15,680.18			\$0.00		\$156,910.97	(\$4,191.12)	\$2,078.12	\$160.00	\$9,400.50
60	Payment Application	5/16/2007	\$602.50	\$15,077.68	\$90.34	\$1,152.64	(\$1,242.98)		\$156,910.97	(\$4,191.12)	\$835.14		\$9,400.50
	Corporate Advance Disbursement												
61	Inspection Cost	5/17/2007		\$15,077.68			\$0.00		\$156,910.97	(\$4,191.12)	\$835.14	\$16.00	\$9,415.50
62	Disbursement from Escrow - Fire	5/18/2007		\$15,077.68			\$0.00	\$2,082.00	\$156,910.97	(\$4,191.12)	\$835.14		\$9,415.50
63	Payment Application	5/22/2007	\$602.50	\$15,077.68			\$602.50		\$156,910.97	(\$4,191.12)	\$1,437.64		\$9,415.50
64	Payment Application	5/24/2007	\$602.50	\$15,077.68	\$81.01	\$1,151.97	(\$1,242.98)		\$156,910.97	(\$4,191.12)	\$194.66		\$9,415.50
	Corporate Advance Disbursement												
65	Attorney Fee - Bankruptcy	5/31/2007		\$15,077.68			\$0.00		\$156,910.97	(\$4,191.12)	\$194.66	\$150.00	\$9,565.50
	Corporate Advance Disbursement												
66	Attorney Cost - Bankruptcy	5/31/2007		\$15,077.68			\$0.00		\$156,910.97	(\$4,191.12)	\$194.66	\$650.00	\$7,215.50
67	Regular Payment Due	6/1/2007	\$1,534.81	\$16,612.49			\$0.00		\$156,910.97	(\$4,191.12)	\$194.66		\$7,215.50
68	Payment Application	6/6/2007	\$602.50	\$16,009.99			\$602.50		\$156,910.97	(\$4,191.12)	\$797.16		\$7,215.50
	Adjustment - Late Charge												
69	Assessed	6/20/2007		\$16,009.99			\$0.00		\$156,910.97	(\$4,191.12)	\$797.16	\$62.15	\$7,277.65
70	Payment Application	6/26/2007	\$602.50	\$15,407.49			\$602.50		\$156,910.97	(\$4,191.12)	\$1,399.66		\$7,277.65
71	Regular Payment Due	7/1/2007	\$1,534.81	\$16,842.30			\$0.00		\$156,910.97	(\$4,191.12)	\$1,399.66		\$7,277.65
72	Payment Application	7/10/2007	\$602.50	\$16,339.80			\$602.50		\$156,910.97	(\$4,191.12)	\$2,002.16		\$7,277.65
	Adjustment - Late Charge												
73	Assessed	7/18/2007		\$16,339.80			\$0.00		\$156,910.97	(\$4,191.12)	\$2,002.16	\$62.15	\$7,339.80
74	Payment Application	7/23/2007	\$602.50	\$15,737.30			\$602.50		\$156,910.97	(\$4,191.12)	\$2,604.66		\$7,339.80
75	Payment Application	7/24/2007	\$602.50	\$15,131.30	\$91.88	\$1,151.30	(\$1,242.98)		\$156,910.97	(\$4,191.12)	\$1,381.68		\$7,339.80
76	Payment Application	7/30/2007	\$602.50	\$15,134.80			\$602.50		\$156,910.97	(\$4,191.12)	\$1,984.18		\$7,339.80
77	Payment Application	7/31/2007	\$602.50	\$15,134.80	\$92.35	\$1,150.83	(\$1,242.98)		\$156,910.97	(\$4,191.12)	\$721.20		\$7,339.80
78	Regular Payment Due	8/1/2007	\$1,534.81	\$16,669.61			\$0.00		\$156,910.97	(\$4,191.12)	\$721.20		\$7,339.80

Ref. Narrative	Transaction Date	Payment Due This Escrow	Total Funds Received This Date	Principal Payment	Interest Escrow	Suspense	Late Fees and Other Charges	Principal Balance	Escrow Balance	Suspense Balance	Late Fees and Other Charges	Balance of Late Fees and Other Charges
Corporate Advance Disbursement												
79 - Inspection Cost	8/2/2007					\$0.00		\$156,455.91	(\$6,253.12)	\$721.20	\$15.00	\$7,354.80
80 Payment Application	8/15/2007	\$602.50	\$602.50	\$16,067.11		\$602.50		\$156,455.91	(\$6,253.12)	\$1,323.70		\$7,354.80
Adjustment - Late Charge												
81 Assessed	8/17/2007			\$16,067.11		\$0.00		\$156,455.91	(\$6,253.12)	\$1,323.70	\$62.15	\$7,416.95
82 Payment Application	8/27/2007	\$602.50	\$602.50	\$15,464.61		\$602.50		\$156,455.91	(\$6,253.12)	\$1,926.20		\$7,416.95
83 Payment Application	8/31/2007	\$602.50	\$602.50	\$15,464.61		\$602.50		\$156,362.88	(\$6,253.12)	\$683.22		\$7,416.95
84 Regular Payment Due	9/1/2007	\$1,534.81	\$1,534.81	\$16,999.42		(\$1,242.99)	\$93.03	\$156,362.88	(\$6,253.12)	\$683.22		\$7,416.95
Adjustment - Late Charge												
85 Assessed	9/18/2007			\$16,999.42		\$0.00		\$156,362.88	(\$6,253.12)	\$683.22	\$62.15	\$7,479.10
86 Payment Application	9/27/2007	\$19.34	\$19.34	\$16,999.42		\$19.34		\$156,362.88	(\$6,253.12)	\$702.56		\$7,479.10
87 Regular Payment Due	10/1/2007	\$1,534.81	\$1,534.81	\$18,514.83		\$0.00		\$156,362.88	(\$6,253.12)	\$702.56		\$7,479.10
88 Payment Application	10/5/2007	\$588.26	\$588.26	\$17,928.63		\$588.26		\$156,362.88	(\$6,253.12)	\$1,288.82		\$7,479.10
Adjustment - Restricted Corporate												
89 Advance	10/5/2007			\$17,928.63		\$0.00		\$156,362.88	(\$6,253.12)	\$1,288.82		\$7,479.10
90 Regular Payment Due	11/7/2007	\$1,534.81	\$1,534.81	\$19,463.44		\$0.00		\$156,362.88	(\$6,253.12)	\$1,288.82		\$7,479.10
Corporate Advance Disbursement												
91 - Inspection Cost	11/7/2007			\$19,463.44		\$0.00		\$156,362.88	(\$6,253.12)	\$1,288.82	\$15.00	\$7,494.10
92 Payment Application	11/21/2007	\$150.00	\$150.00	\$19,313.44		\$150.00		\$156,362.88	(\$6,253.12)	\$1,438.82		\$7,494.10
93 Regular Payment Due	12/7/2007	\$1,534.81	\$1,534.81	\$20,848.25		\$0.00		\$156,362.88	(\$6,253.12)	\$1,438.82		\$7,494.10
Corporate Advance Disbursement												
94 - Inspection Cost	12/4/2007			\$20,848.25		\$0.00		\$156,362.88	(\$6,253.12)	\$1,438.82	\$15.00	\$7,509.10
95 Payment Application	12/7/2007	\$602.50	\$602.50	\$20,245.75		\$602.50		\$156,362.88	(\$6,253.12)	\$2,041.32		\$7,509.10
96 Payment Application	12/10/2007	\$602.50	\$602.50	\$19,643.25	\$93.71	(\$1,242.99)		\$156,269.17	(\$6,253.12)	\$796.34		\$7,509.10
97 Payment Application	12/24/2007	\$602.50	\$602.50	\$18,040.75		\$602.50		\$156,269.17	(\$6,253.12)	\$1,400.84		\$7,509.10
98 Payment Application	12/24/2007	\$130.66	\$130.66	\$18,171.41		\$130.66		\$156,269.17	(\$6,253.12)	\$1,531.50		\$7,509.10
99 Regular Payment Due	1/1/2008	\$1,534.81	\$1,534.81	\$21,047.40		\$0.00		\$156,269.17	(\$6,253.12)	\$1,531.50		\$7,509.10
100 Payment Application	1/3/2008			\$21,047.40		\$0.00		\$156,269.17	(\$6,253.12)	\$1,531.50		\$7,509.10
Adjustment - Restricted Corporate												
101 Advance	1/3/2008			\$21,047.40		\$0.00		\$156,269.17	(\$6,253.12)	\$1,531.50		\$7,509.10
Corporate Advance Disbursement												
102 - Inspection Cost	1/3/2008			\$21,047.40		\$0.00		\$156,269.17	(\$6,253.12)	\$1,531.50	\$15.00	\$7,524.10
103 Late Charge Assessed	1/16/2008			\$21,047.40		\$0.00		\$156,269.17	(\$6,253.12)	\$1,531.50	\$62.15	\$7,586.25
Adjustment - Late Charge												
104 Assessed	1/18/2008			\$21,047.40		\$0.00		\$156,269.17	(\$6,253.12)	\$1,531.50	\$62.15	\$7,648.40
Disbursement from Escrow - City												
105 Taxes	1/28/2008			\$21,047.40		\$0.00		\$156,269.17	(\$7,586.58)	\$1,531.50		\$7,648.40
Disbursement from Escrow - City												
106 Taxes	1/28/2008			\$21,047.40		\$0.00		\$156,269.17	(\$8,957.31)	\$1,531.50		\$7,648.40
Disbursement from Escrow - City												
107 Taxes	1/28/2008			\$21,047.40		\$0.00		\$156,269.17	(\$10,290.71)	\$1,531.50		\$7,648.40
Disbursement from Escrow - City												
108 Taxes	1/28/2008			\$21,047.40		\$0.00		\$156,269.17	(\$10,591.78)	\$1,531.50		\$7,648.40
Corporate Advance Disbursement												
109 -BPO Cost	1/30/2008			\$21,047.40		\$0.00		\$156,269.17	(\$10,591.78)	\$1,531.50	\$95.00	\$7,743.40
110 Adjustment - Late Charge Waived	1/31/2008			\$21,047.40		\$0.00		\$156,269.17	(\$10,591.78)	\$1,531.50	(\$62.15)	\$7,681.25

Ref	Narrative	Transaction Date	Installment Payment Due (Principals and Escrow)	Loan Payment (Principals and Escrow)	Principal	Escrow	Subst. Funds Applied	Late Fees and Other Charges	Tax or Insurance Advance from Escrow	Principal Balance	Escrow Balance	Subst. Balance	Late Fees and Other Charges	Balance of Late Fees and Other Charges
111	Corporate Advance Disbursement	2/1/2008	\$1,534.81					\$0.00		\$156,269.17	(\$10,591.76)	\$1,531.50		\$7,691.25
112	- Inspection Cost	2/4/2008		\$22,692.21				\$0.00		\$156,269.17	(\$10,591.76)	\$1,531.50	\$15.00	\$7,696.25
113	Late Charge Assessed	2/19/2008		\$22,692.21				\$0.00		\$156,269.17	(\$10,591.76)	\$1,531.50	\$62.15	\$7,750.40
114	Regular Payment Due	3/1/2008	\$1,534.81					\$0.00		\$156,269.17	(\$10,591.76)	\$1,531.50		\$7,758.40
115	Disbursement from Escrow - Fire or Homeowners Insurance	3/4/2008		\$24,117.02				\$0.00	\$2,094.99	\$158,269.17	(\$12,686.77)	\$1,531.50		\$7,759.40
116	Corporate Advance Disbursement	3/5/2008		\$24,117.02				\$0.00		\$156,269.17	(\$12,686.77)	\$1,531.50	\$15.00	\$7,773.40
117	Corporate Advance Disbursement	4/1/2008		\$24,117.02				\$0.00		\$156,269.17	(\$12,686.77)	\$1,531.50	\$500.00	\$8,273.40
118	- Attorney Fee - Bankruptcy Regular Payment Due	4/1/2008	\$1,534.81					\$0.00		\$156,269.17	(\$12,686.77)	\$1,531.50		\$8,273.40
119	Corporate Advance Disbursement	4/4/2008		\$25,651.83				\$0.00		\$158,269.17	(\$12,686.77)	\$1,531.50	\$200.00	\$8,473.40
120	Corporate Advance Disbursement	4/11/2008		\$25,651.83				\$0.00		\$156,269.17	(\$12,686.77)	\$1,531.50	\$15.00	\$8,488.40
121	Taxes	4/15/2008		\$25,651.83				\$0.00	\$1,156.37	\$156,269.17	(\$13,843.14)	\$1,531.50		\$8,488.40
122	Payment Application	4/16/2008		\$23,601.83	\$2,050.00			\$0.00		\$156,269.17	(\$13,843.14)	\$1,531.50		\$8,488.40
123	Regular Payment Due	4/16/2008		\$23,601.83	\$94.40	\$1,148.58	\$798.06	(\$2,041.04)		\$166,174.77	(\$13,045.08)	\$1,540.46		\$8,488.40
124	Regular Payment Due	5/1/2008	\$1,534.81					\$0.00		\$158,174.77	(\$13,045.08)	\$1,540.46		\$8,488.40
125	Corporate Advance Disbursement	5/16/2008		\$25,136.64				\$0.00		\$156,174.77	(\$13,045.08)	\$1,540.46	\$15.00	\$8,503.40
126	Adjustment - Late Charge Assessed	5/19/2008		\$25,136.64				\$0.00		\$156,174.77	(\$13,045.08)	\$1,540.46	\$62.15	\$8,565.55
127	Corporate Advance Disbursement	5/20/2008		\$25,136.64				\$0.00		\$156,174.77	(\$13,045.08)	\$1,540.46	\$15.00	\$8,580.55
128	Payment Application	5/21/2008	\$1,000.00					\$1,000.00		\$168,174.77	(\$13,045.08)	\$2,540.46		\$8,580.55
129	Corporate Advance Refund	5/27/2008		\$24,138.64				\$0.00		\$156,174.77	(\$13,045.08)	\$2,540.46		\$8,580.55
130	Corporate Advance Refund	5/27/2008		\$24,138.64				\$0.00		\$158,174.77	(\$13,045.08)	\$2,540.46		\$8,580.55
131	Inspection Fee	5/27/2008		\$24,138.64				\$0.00		\$158,174.77	(\$13,045.08)	\$2,540.46		\$8,580.55
132	Payment Application	5/28/2008		\$950.00				\$950.00		\$156,174.77	(\$13,045.08)	\$2,540.46		\$8,580.55
133	Regular Payment Due	6/1/2008	\$1,534.81					\$0.00		\$156,174.77	(\$13,045.08)	\$3,390.46		\$8,580.55
134	Payment Application	6/11/2008		\$850.00	\$95.10	\$1,147.88	\$0.01	(\$392.99)		\$158,079.67	(\$13,045.07)	\$2,997.47		\$8,580.55
135	Corporate Advance Disbursement	6/19/2008		\$23,971.45				\$0.00		\$156,079.67	(\$13,045.07)	\$2,997.47	\$15.00	\$8,596.55
136	Regular Payment Due	7/1/2008	\$1,534.81					\$0.00		\$156,079.67	(\$13,045.07)	\$2,997.47		\$8,596.55
137	Reversal of Misapplied Funds	7/1/2008		\$23,506.26	(\$64.40)	(\$1,148.59)	(\$798.06)	\$2,041.04		\$156,174.07	(\$13,843.13)	\$5,038.51		\$8,596.55
138	Reversal of Misapplied Funds	7/1/2008		\$23,506.26	(\$95.10)	(\$1,147.88)	(\$0.01)	\$1,242.99		\$156,269.17	(\$13,843.14)	\$6,281.50		\$8,596.55
139	Payment Application	7/17/2008		\$23,506.26	\$95.10	\$1,147.88	\$0.01	(\$1,242.99)		\$156,174.07	(\$13,843.13)	\$5,038.51		\$8,596.55
140	Payment Application	7/17/2008		\$23,506.26	\$94.40	\$1,148.58	\$0.01	(\$1,242.99)		\$156,079.67	(\$13,843.12)	\$3,796.52		\$8,596.55



Ref. Narrative	Transaction Date	Payment Due This Date	Total (Principal, Interest, Fees, Penalties, etc.)	Principal	Interest	Escrow	Suspense	Late Fees and Other Charges	Tax of Advance from Escrow	Principal Balance	Escrow Balance	Supersede Balance	Late Fees and Other Charges	Balance of Late Fees and Other Charges
Corporate Advance Disbursement														
141 - BPO Cost	7/30/2008	\$25,606.26					\$0.00			\$156,079.67	(\$13,843.12)	\$3,795.52	\$95.00	\$8,690.55
142 Regular Payment Due	8/1/2008	\$27,041.07				\$0.00				\$156,079.67	(\$13,843.12)	\$3,795.52		\$8,690.55
Disbursement from Escrow - City														
143 Taxes	8/5/2008	\$27,041.07				\$0.00			\$1,310.51	\$156,079.67	(\$15,153.63)	\$3,795.52		\$8,690.55
Adjustment - Late Charge														
144 Assessed	8/19/2008	\$27,041.07				\$0.00				\$156,079.67	(\$15,153.63)	\$3,795.52	\$62.16	\$6,752.70
145 Regular Payment Due	9/1/2008	\$28,575.88				\$0.00				\$156,079.67	(\$15,153.63)	\$3,795.52		\$8,752.70
Corporate Advance Disbursement														
146 - Attorney Fee - Bankruptcy	9/8/2008	\$28,575.88				\$0.00				\$156,079.67	(\$15,153.63)	\$3,795.52	\$300.00	\$9,052.70
Corporate Advance Disbursement														
147 - Attorney Fee - BK Filing Fee	9/8/2008	\$28,575.88				\$0.00				\$156,079.67	(\$15,153.63)	\$3,795.52	\$150.00	\$9,202.70
Corporate Advance Disbursement														
148 - Inspection Cost	9/18/2008	\$28,575.88				\$0.00				\$156,079.67	(\$15,153.63)	\$3,795.52	\$15.00	\$9,217.70
149 Regular Payment Due	10/1/2008	\$30,110.59				\$0.00				\$156,079.67	(\$15,153.63)	\$3,795.52		\$9,217.70
Disbursement from Escrow - City														
150 Taxes	10/6/2008	\$30,110.59				\$0.00			\$1,310.51	\$156,079.67	(\$16,464.14)	\$3,795.52		\$9,217.70
151 Payment Application	10/7/2008	\$30,110.59				\$0.01	(\$1,242.99)			\$155,983.17	(\$16,464.13)	\$2,552.53		\$9,217.70
152 Payment Application	10/7/2008	\$4,096.00				\$1,479.11				\$155,983.17	(\$15,090.22)	\$4,031.64		\$9,217.70
153 Payment Application	10/16/2008	\$28,014.89				\$0.01	(\$1,242.99)			\$155,791.69	(\$15,090.21)	\$2,788.95		\$9,217.70
154 Reversal of Missapplied Funds	10/16/2008	\$28,014.89				(\$0.01)	\$2,616.89			\$155,687.38	(\$16,464.12)	\$5,405.84		\$9,217.70
155 Reversal of Missapplied Funds	10/16/2008	\$28,014.89				(\$0.01)	\$1,242.99			\$155,993.88	(\$16,464.13)	\$6,548.63		\$9,217.70
156 Payment Application	10/30/2008	\$28,014.89				\$0.01	(\$1,242.99)			\$155,788.75	(\$16,464.11)	\$4,182.55		\$9,217.70
157 Payment Application	10/30/2008	\$28,014.89				\$0.01	(\$1,242.99)			\$155,892.25	(\$16,464.10)	\$2,519.56		\$9,217.70
158 Payment Application	10/30/2008	\$28,014.89				\$0.01	(\$1,242.99)			\$155,692.25	(\$16,464.10)	\$2,519.56		\$9,217.70
159 Regular Payment Due	11/1/2008	\$27,549.50				\$0.00				\$155,692.25	(\$16,464.10)	\$2,519.56		\$9,217.70
Adjustment - Late Charge														
160 Assessed	11/17/2008	\$27,549.50				\$0.00				\$155,692.25	(\$16,464.10)	\$2,519.56	\$62.16	\$9,279.85
161 Payment Application	11/19/2008	\$27,549.50				\$226.57				\$155,692.25	(\$16,464.10)	\$3,146.13		\$9,279.85
Corporate Advance Disbursement														
162 - Attorney Fee - Bankruptcy	11/19/2008	\$27,549.50				\$0.00				\$155,692.25	(\$16,464.10)	\$3,146.13	\$100.00	\$9,379.85
163 Regular Payment Due	12/1/2008	\$28,857.74				\$0.00				\$155,692.25	(\$16,464.10)	\$4,906.13		\$9,379.85
164 Payment Application	12/19/2008	\$1,760.00				\$1,760.00				\$155,692.25	(\$16,464.10)	\$4,906.13		\$9,379.85
165 Payment Application	12/22/2008	\$159.28				\$159.28				\$155,692.25	(\$16,464.10)	\$5,065.41		\$9,379.85
166 Regular Payment Due	1/1/2009	\$28,473.27				\$0.00				\$155,692.25	(\$16,464.10)	\$5,065.41		\$9,379.85
167 Payment Application	1/8/2009	\$28,473.27				\$2,041.04				\$155,693.81	(\$15,666.04)	\$3,024.37		\$9,379.85
168 Payment Application	1/16/2009	\$26,833.27				\$1,640.00				\$155,693.81	(\$15,666.04)	\$4,664.37		\$9,379.85
Disbursement from Escrow - City														
169 Taxes	1/30/2009	\$26,833.27				\$0.00			\$1,439.90	\$155,693.81	(\$17,105.94)	\$4,664.37		\$9,379.85
170 Regular Payment Due	2/1/2009	\$28,368.08				\$0.00				\$155,693.81	(\$17,105.94)	\$4,664.37		\$9,379.85
171 Payment Application	2/5/2009	\$28,368.08				\$0.01	(\$1,242.99)			\$155,494.24	(\$17,105.93)	\$3,421.38		\$9,379.85
Disbursement from Escrow - Fire														
172 of Homeowners Insurance	2/27/2009	\$28,368.08				\$0.00			\$2,062.00	\$155,494.24	(\$18,167.93)	\$3,421.38		\$9,379.85
173 Regular Payment Due	3/1/2009	\$29,902.89				\$0.00				\$155,494.24	(\$18,167.93)	\$3,421.38		\$9,379.85

Ref. Narrative	Transaction Date	Installment Payment Due this Date (Principal, Interest and Escrow)	Total Funds Received This Date	Payment Shortage	Lands Applied			Tax or Insurance Advance from Escrow	Principal Balance	Escrow Balance	Suspense Balance	Late Fees and Other Charges	Balance of Late Fees and Other Charges
					Principal	Interest	Escrow						
					Principal	Interest	Escrow	Late Fees and Other Charges					
174 Payment Application	3/1/2009		\$201.30	\$29,701.59				\$201.30	\$165,494.24	(\$19,167.93)	\$3,622.68		\$9,379.85
176 Payment Application Adjustment - Late Charge	3/1/2009		\$65.65	\$29,635.94				\$65.65	\$165,494.24	(\$19,167.93)	\$3,688.33		\$9,379.85
176 Assessed	3/20/2009			\$28,635.94				\$0.00	\$165,494.24	(\$19,167.93)	\$3,688.33	\$62.15	\$9,442.00
177 Regular Payment Due	4/1/2009	\$1,534.81		\$31,170.75				\$0.00	\$165,494.24	(\$19,167.93)	\$3,688.33		\$9,442.00
178 Regular Payment Due	5/1/2009	\$1,534.81		\$32,705.56				\$0.00	\$165,494.24	(\$19,167.93)	\$3,688.33		\$9,442.00
179 Regular Payment Due	6/1/2009	\$1,534.81		\$34,240.37				\$0.00	\$165,494.24	(\$19,167.93)	\$3,688.33		\$9,442.00

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
\_\_\_\_\_ DIVISION

In re:  
John Doe,  
Debtor.

§  
§  
§

Case 10-99999

UNLESS AN OBJECTION IS FILED IN WRITING WITH THE CLERK OF THE COURT  
WITHIN 21 DAYS OF THE DATE ON WHICH THIS DOCUMENT WAS FILED AND SERVED,  
THE CHANGE PROPOSED IN THIS NOTICE WILL BECOME EFFECTIVE WITHOUT A HEARING  
AND WITHOUT FURTHER NOTICE. THE MONTHLY PAYMENT TO THE CHAPTER 13 TRUSTEE  
WILL BE ADJUSTED TO ACCOUNT FOR THE CHANGE CONTAINED IN THIS NOTICE.

Notice to Debtor, Trustee and Debtor's Counsel  
Of Mortgage Payment Adjustment

Creditor Name: \_\_\_\_\_

This is a notice of mortgage payment adjustment in a Chapter 13 proceeding. **If this notice becomes effective, the new monthly payment to be made to creditor by the chapter 13 trustee, including principal, interest and escrow will be \$ \_\_\_\_\_, effective on \_\_\_\_\_.** This new amount results from:

**Escrow Adjustment**

**Required.** An escrow analysis is attached. The analysis states all costs to be escrowed, escrow period, and escrow calculation. No codes are used. The escrow analysis should not attempt to recover any pre-petition shortages.

The Effective Date of the payment adjustment is: \_\_\_\_\_  
The Effective Date must be at least 45 days after the date of this notice.

Monthly escrow payments after the Effective Date are: \$ \_\_\_\_\_

This adjustment does not adjust principal and interest of the mortgage payment. The adjusted total mortgage payment at the Effective Date will be the current principal and interest amount plus the monthly escrow payment above.

**Interest Rate Change**

**Required.** An analysis showing the basis for the adjustment is attached. The analysis includes a description of any rate setting formula, a calculation of the new rate and the corresponding new payment amount.

The Effective Date of the payment adjustment is: \_\_\_\_\_  
Note: The Effective Date must be at least 45 days after the date of this notice.

Monthly principal and interest payments after adjustment are: \$ \_\_\_\_\_

EXHIBIT "C"

This adjustment does not adjust the escrow portion, if any, of the mortgage payment. The adjusted total mortgage payment at the Effective Date will be the above principal and interest amount plus the existing escrow payment amount.

The next projected interest rate adjustment will be in approximately \_\_ months.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature and Title  
As agent for the above named creditors

Certificate of Service:

I certify that the foregoing notice has been served electronically on Debtor's counsel and the Chapter 13 Trustee, and has been mailed to Debtor at the following address:

Signed: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_  
Direct Telephone No. \_\_\_\_\_ Mail, fax or email address: \_\_\_\_\_