

**Comments on Proposed Changes to FRBP - 3001 and 3002.1**

Alan Ramos o Rules_Comments

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Members of the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States:

I am an attorney with a practice that includes the representation of debtors and creditors in commercial bankruptcy cases and debtors in consumer bankruptcy cases. I believe that the proposed changes to Federal Rules of Bankruptcy Procedure 3001 and 3002.1 are well thought out and both address problems encountered by bankruptcy attorneys and courts every day.

Rule 3001 – Many creditors, particularly debt buyers, provide the debtor, the trustee and the court with little or no documentation to support their claims. I believe that the thinking is that it is more cost-effective to file a bare-bones claim with no documentation than it is to file a claim with comprehensible documentation in support of the claim. The problem is that the cost of objecting to these claims, not to mention the court resources that must be devoted to claims objections is prohibitive. This is a fact that, I believe, these creditors rely upon. The burden should be placed on the creditor to provide documentary support for their claims. This will reduce the necessity for the large majority of claims objections, which will allow more funds to be available for creditors and will free up court resources for more important issues.

Rule 3002.1 – The instances of loan service/lender abuses is rapidly increasing. In my experience, it is unusual to see claims by loan servicers and lender that don't overreach. It is also not unusual for a debtor to have completed their five-year Chapter 13 plan only to have the servicer/lender make a demand on them for additional fees and costs that allegedly accrued during the plan period but were never disclosed to the debtor. This creates a situation in which the debtor, who thought that they exited bankruptcy current on their mortgage and ready for their new start having to grapple with these new charges. They are faced with the prospect of having to retain counsel to reopen their bankruptcy cases and spend more time and money dealing with issues that should have, but were never disclosed,

The proposed requirement is simple, reasonable and is consistent with the requirements placed on debtors: disclose issues, facts and controversies so that they may be brought to the court's attention (if necessary) and resolved during the pendency of the bankruptcy case. It simply requires servicers/lenders to disclose the costs, changes in terms and any additional fees or costs that they wish to claim. In addition to providing notice, the proposed changes allow the debtor an opportunity to object to the changes so noticed. This allows debtor's plans to proceed with no surprises at the end of the case and once their case is closed and a discharge entered, they can truly have a fresh start.

Thank you for your kind consideration of my comments,

Respectfully submitted,

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