

Amendments to Rule 3001 and 3002.1
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Rules Comments
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I am a consumer bankruptcy attorney in private practice. I strongly urge support of the above amendments in order to protect debtors and strengthen home-ownership in this country.

First, Rule 3001 will tighten the requirements for a proof of claim filed by creditors. Opposition to this reasonable and necessary change argue the new requirements would be too burdensome and use words such as "difficult" and even "impossible" when arguing about this burden. As a consumer and an attorney who represents consumers, I feel strongly this is a cop-out and lame excuse to avoid responsibility. These requirements may introduce a higher burden, however it is an achievable burden that is both reasonable and necessary. Consumer debtors should not be expected to operate and defend these claims in a vacuum. The new requirements will encourage integrity and accuracy in the system while ensuring debtors have sufficient information about the debt in order to respond appropriately. I should point out that consumers are required to jump through a lot of hoops (called conditions) in order to obtain a loan in the first place particularly in the current environment of tightened lending. It is burdensome but as consumer we comply. Likewise, a creditor should comply with the conditions and disclosures this amendment will require.

Secondly, Rule 3002.1 will require a notice requirement of all payment changes, and of all fees and charges assessed to the debtor's account, and provide an opportunity for the debtor to object. It also establishes a mechanism for the court to determine at the end of the case whether the mortgage has been cured, and precludes a creditor from introducing evidence of any fees or charges for which notice was not provided under the rule. An amendment that requires notice promotes integrity and accountability and should be supported. Given the risk of home loss may occur otherwise, this amendment should be supported as fair and logical public policy.

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