

**Bankruptcy Rules 3001 and 3002.1**

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02/20/2010 02:05 PM

As a sole practitioner representing consumer Chapter 7 and Chapter 13 debtors, I add my voice to the other debtors' counsel who have commented on the acute need for the solutions this Rules would provide.

Rule 3001:

Currently no practical mechanism exists to require secured creditors and debt buyers to attach documentation to Proofs of Claim establishing that the claimant either owns the debt obligation or has any contractual relationship of any kind with the actual creditor. This requires debtors' counsel to either ignore the issue of the claimant's apparent lack of standing, or else consume the debtor's resources and the Court's time in efforts to resolve the standing issue through an objection to the claim or an adversary proceeding. This is highly inefficient since the necessary documentation, if it exists, is in the possession of, or accessible to, the claimant in the ordinary course of its business.

In addition to inefficiency, the status quo creates an inequitable mismatch between the duties of debtors versus the duties of creditors in the bankruptcy process. The Code and local rules of the Courts require the debtor to file payroll advices and copies of tax returns as prerequisites to obtaining bankruptcy relief. No comparably enforceable rules currently exist requiring creditors to document their standing to receive distributions from the estate pursuant to a Proof of Claim, or to receive the Court's permission to foreclose or repossess property of the estate.

Rule 3002.1:

As other practitioners have commented, an acute need exists for a mechanism whereby a Chapter 13 debtor can obtain timely, binding disclosure of fees and charges added to their mortgage during the course of the Plan, to allow for resolution of disputed charges and adjustment of Plan payments if necessary, as opposed to the status quo under which the debtor first learns of surprise additions to arrearage claims only after completing a Chapter 13 Plan designed and performed in good faith for the express purpose of curing all arrearages.

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