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Mr. Peter G. McCabe
Secretary of the Committee on Rules of Practice and Procedure
Judicial Conference of the United States
Washington, D.C. 20544

09-BK-156

Re: Proposed changes to Rules 3001 and 3002 of the Federal Rules of Bankruptcy Procedure

Dear Mr. McCabe and Members of the Committee:

Thank you for the opportunity to comment on the proposed amendments to Rules 3001 and 3002. I strongly support the proposals. To this point certain creditors have simply ignored the requirements provided in the Rules of what they must attach to a proof of claim that is filed with a court. They know the only real option an attorney for a debtor has is to object to the claim and it is simply disallowed. They continue to file these deficient proofs of claim with full knowledge that their worst-case scenario is their bogus claim is disallowed and, if an objection is not filed, the claim is allowed and paid by the debtor. This practice has made a mockery of the claims filing process. Proposed Rule 3001 would give the courts an ability to stop this practice and clean up the claims filing process as well as significantly clear the courts' dockets so they may focus on other matters.

Proposed Rule 3002.1 also is a very important addition. This amendment will assist in providing both debtors and creditors the ability to actually accomplish a fresh start at the conclusion of their Chapter 13 case. It will greatly cut back on the large amount of litigation that results from the lack of disclosure by the mortgage servicers of changes in debtors' mortgage accounts that occur throughout a typical Chapter 13 case.

Sincerely,

William L. Fava
Attorney at Law

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