

From Judge Barry Schermer, Bankruptcy Judge, Eastern District of Missouri:

We think we have detected a small "hole" in new Rule 3002.1, but we have a proposed solution.

Problem:

If the creditor does not file a response to the Trustee's Notice of Final Cure and Payment within 21 days (or never files a response) under Rule 3002.1(g), then the case proceeds to closing.

Solution:

L.R. 3002.1

Motion for Determination of Final Cure and Payment. If the holder of a claim subject to Fed. R. Bankr. P. 3002.1 does not file the statement required by Fed. R. Bankr. P. 3002.1(g) within the time set forth therein, either the debtor or the Trustee may file a motion for determination of final cure and payment under Fed. R. Bankr. P. 3002.1(h) within 21 days of the expiration of the deadline for filing the Fed. R. Bankr. P. 3002.1(g) statement. The movant shall set any such motion for hearing.

Motion for Determination of Final Cure Amount. If no motion has been filed for determination of final cure and payment under Fed. R. Bankr. P. 3002.1(h) within the time allowed, the Court will proceed with its normal case closing procedures.

This local rule is recommended for consideration as an amendment to the national rule.