

Rule 3002-1 Claims for Mortgages on Residential Real Property

(a) In cases under Chapter 13, regarding the holder of a mortgage secured by residential real property:

(1) Creditor need not file a proof of claim for the “contractual” monthly payments (i.e. those payments which have not come due as of the date of the petition), in those instances where the Debtor’s plan proposes to make those payments directly to the holder of the mortgage.

(2) Creditor shall file a proof of claim for the "contractual" monthly payment in those instances where the debtor's plan proposes to maintain the contractual monthly mortgage payments through payments to the Chapter 13 Trustee. Said claim should include the amount of the contractual monthly payment and escrow amount. If during the pendency of the plan, the contractual monthly payment should change due to a change in interest rates or escrow amounts, then the creditor shall either amend its claim or file a notice advising the debtor and the Trustee of the change.

(3) Claims for mortgage delinquencies (i.e. those payments which came due prior to the date of the petition but which have not been paid as of the date of the petition) accruing prior to the petition shall be filed in accordance with Bankruptcy Rule 3002 and shall be calculated separately from the amount due for postpetition monthly payments.