

FILED  
Date 12/4/12  
Time 4:35 pm  
UNITED STATES BANKRUPTCY COURT  
NSC

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE  
SOUTHERN DISTRICT OF GEORGIA

General Order Number 2012-1

Implementing Federal Rule of Bankruptcy Procedure 3002.1

This order is promulgated to provide for the uniform implementation of Rule 3002.1 of the Federal Rules of Bankruptcy Procedure, which became effective on December 1, 2011.

Pursuant to Rule 3002.1(c), the holder of a claim that is secured by a security interest in the debtor's principal residence and is provided for in the debtor's plan under 11 U.S.C. § 1322(b)(5)

shall file and serve on the debtor, debtor's counsel, and the trustee a notice itemizing all fees, expenses, or charges (1) that were incurred in connection with the claim after the bankruptcy case was filed, and (2) that the holder asserts are recoverable against the debtor or against the debtor's principal residence.

**IT IS HEREBY ORDERED** that the chapter 13 trustee shall not pay any fees, expenses, or charges disclosed by a creditor pursuant to Rule 3002.1(c) unless the debtor's plan is modified after the filing of the notice to provide for payment of such fees, expenses, or charges.

Rule 3002.1(f) states that

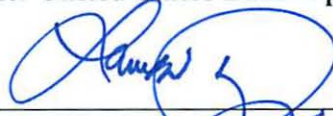
[w]ithin 30 days after the debtor completes all payments under the plan, the trustee shall file and serve on the holder of the claim [that is secured by a security interest in the debtor's principal residence and is provided for in the debtor's plan under 11 U.S.C. § 1322(b)(5)], the debtor, and debtor's counsel a notice stating that the debtor has paid in full the amount required to cure any default on the claim.

**IT IS FURTHER ORDERED** that the chapter 13 trustee shall file the form notice attached hereto and entitled "Notice of Completion of Plan Payments and Notice of Final Cure Payment" within 30 days after the debtor's completion of plan payments.

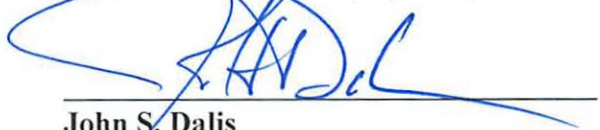
**IT IS FURTHER ORDERED** that upon the granting of stay relief in favor of a creditor that holds a claim secured by a security interest in the debtor's principal residence and that is provided for in the debtor's plan under 11 U.S.C. § 1322(b)(5), further compliance with the requirements of Rule 3002.1 are waived as to such creditor and as to the chapter 13 trustee.



Susan D. Barrett  
Chief United States Bankruptcy Judge



Lamar W. Davis, Jr.  
United States Bankruptcy Judge



John S. Dalis  
United States Bankruptcy Judge

Dated this 4<sup>th</sup> day of December, 2012.

Savannah, Georgia

**UNITED STATES BANKRUPTCY COURT**  
**Southern District of Georgia**

In the matter of:

) )  
) ) Chapter 13  
) )  
) )  
) )  
) ) Case No.: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
) )  
Debtor(s) ) )  
) )  
) )

**NOTICE OF COMPLETION OF PLAN PAYMENTS**  
**AND NOTICE OF FINAL CURE PAYMENT**

*Please read this notice carefully. It advises you of certain rights and deadlines imposed pursuant to law.*  
**Your rights may be adversely affected.**

\_\_\_\_\_, Standing Chapter 13 Trustee, files and serves this notice pursuant to Federal Rule of Bankruptcy Procedure 3002.1(f) and General Order 2012-1 of the United States Bankruptcy Court for the Southern District of Georgia.

The Trustee reports to the Court that the above-named Debtor(s) have completed all payments under the confirmed Chapter 13 plan.

This notice is provided pursuant to Rule 3002.1(f) to claimants whose claims are secured by a security interest in the principal residence of the Debtor(s) and whose claims are provided for under 11 U.S.C. § 1322(b)(5).

**Name of Creditor:** \_\_\_\_\_

**Final Cure Amount**

<u>Court</u> <u>Claim #</u>	<u>Account</u> <u>Number</u>	<u>Claim</u> <u>Asserted</u>	<u>Claim</u> <u>Allowed</u>	<u>Amount</u> <u>Paid by Trustee</u>
_____	_____	\$ _____	\$ _____	\$ _____

Monthly Ongoing Payment on the Debtor(s) principal residence is paid:

Through the Chapter 13 Trustee

Direct by the Debtor(s)

**IF YOUR CLAIM WAS PAID BY THE TRUSTEE, THE DEBTOR(S) HAVE PAID IN FULL THE AMOUNT REQUIRED TO CURE ANY DEFAULT ON YOUR CLAIM AND REMAIN CURRENT POSTFILING.**

**IF YOUR CLAIM WAS PAID DIRECTLY BY THE DEBTOR(S) OR THE AUTOMATIC STAY WAS LIFTED DURING THE TERM OF THE CHAPTER 13 CASE, THE TRUSTEE DOES NOT HAVE ANY INFORMATION REGARDING WHETHER THIS OBLIGATION IS CURRENT.**

**NOTICE TO CREDITOR**

Pursuant to Federal Rule of Bankruptcy Procedure 3002.1(g), you are required to file and serve a response on the Debtor(s), counsel for the Debtor(s), and the Trustee no later than 21 days after service of this Notice. The response required under Rule 3002.1(g) must indicate (1) whether you agree that the Debtor(s) have paid in full the amount required to cure the default on the claim; and (2) whether the Debtor(s) are otherwise current on all payments consistent with 11 U.S.C. § 1322(b)(5). Your response must itemize the required cure or post-petition amounts, if any, that the holder contends remain unpaid as of the date of the statement. The response shall be filed as a supplement to the holder's proof of claim and is not subject to Federal Rule of Bankruptcy Procedure 3001(f). Failure to notify may result in sanctions.

**NOTICE OF DEBTOR'S RIGHTS AND DUTIES**

**Duty of Debtors regarding long-term debt obligations under 11 U.S.C. § 1322(b)(5):** Every Debtor, regardless of whether the Debtor is or claims to be entitled to a discharge, must

1. Immediately begin and/or continue making the required payments on debt obligations (such as security deeds, leases, and student loans) to avoid defaulting; and
2. Continue to make required payments on long-term debt obligations until those obligations are paid in full. If the Court determines that the Debtor(s) are eligible for a discharge, the Chapter 13 discharge will not relieve the Debtor(s) from any obligation on any continuing long-term debt obligation payments that come due after the date of the last payment under the Chapter 13 plan.

**Closing of the Bankruptcy Case:**

The Trustee's records indicate that you have paid sufficient funds to complete your case. The final disbursement has been mailed to your creditors. In order for the Court to issue a discharge order, if appropriate, you must **complete and submit a Debtor's Certification of Plan Completion and Request for Discharge** within 30 days of the date of this notice. **This certification form is available on the Court's website, [www.gasb.uscourts.gov](http://www.gasb.uscourts.gov).** In addition, you are reminded that Official Form B423, Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management, must be filed before a discharge can be granted. **Contact your attorney, who will assist you in reviewing, completing and submitting the Debtor's Certification of Plan Completion and Request for Discharge and Official Form B423 via electronic filing.** If you are not represented by an attorney, you must return the certificate and Official Form B423 to:

United States Bankruptcy Court  
[ADDRESS/P.O. BOX]  
[CITY, STATE, ZIP]

Notice of Completion of Plan Payments and

Notice of Final Cure Payment, Page 3

Case No. \_\_\_\_-\_\_\_\_-\_\_\_\_

**You should also contact your attorney to make sure you have done all that is necessary to receive a discharge pursuant to 11 U.S.C. § 1328.**

A release of wages has been issued to your employer (if applicable). This order directs your employer to stop deducting from your pay. Once the Trustee completes a final audit in your case a check will be mailed to you for any excess funds on hand. Please cash the check as soon as possible.

After all disbursement checks issued in your case have cleared the Trustee's account, the Trustee will submit a final report and accounting to the Court showing the total funds received and disbursed on your behalf, with copies to you and your attorney. The closing process may take as much as 180 days.

OFFICE OF THE CHAPTER 13 TRUSTEE

\_\_\_\_\_, Chapter 13 Trustee

Date: \_\_\_\_\_

\_\_\_\_\_  
[NAME]  
[STREET ADDRESS/P.O. BOX]  
[CITY, STATE, ZIP]  
[GEORGIA BAR NUMBER]  
[TELEPHONE NUMBER]  
[EMAIL ADDRESS]

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Completion of Plan Payments and Notice of Final Cure Payment was served on the parties listed below by ordinary U.S. Mail or served electronically through the Court's ECF System at the email address registered with the Court.

[SERVICE LIST]

Date: \_\_\_\_\_

\_\_\_\_\_  
[NAME]  
[STREET ADDRESS/P.O. BOX]  
[CITY, STATE, ZIP]  
[GEORGIA BAR NUMBER]  
[TELEPHONE NUMBER]  
[EMAIL ADDRESS]