

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA**

IN RE:

Debtor.

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Case No. _____

Chapter 13

**MOTION UNDER RULE 3002.1(g)(4) TO DETERMINE THE FINAL CURE
AND PAYMENT OF THE MORTGAGE CLAIM AND NOTICE OF
OPPORTUNITY FOR HEARING NOTICE OF OPPORTUNITY FOR
HEARING**

Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document. If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 28 days from the date of filing of the motion. You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the Court.

[Note – this is a flat twenty-eight (28) days regardless of the manner of service.]

The [trustee/debtor] states as follows:

1. The following information relates to the mortgage claim at issue:

Name of Claim Holder: _____ **Court claim no. (if known):** _____

Last 4 digits of any number used to identify the debtor's account: _____

Property address: _____

City

State

ZIP Code

2. As of the date of this motion, [I have/the trustee has] disbursed payments to cure arrearages as follows:

- a. Allowed amount of the prepetition arrearage, if any: \$ _____
- b. Total amount of the prepetition arrearage disbursed, if known: \$ _____
- c. Allowed amount of postpetition arrearage, if any: \$ _____
- d. Total amount of postpetition arrearage disbursed, if known: \$ _____
- e. Total amount of arrearages disbursed: \$ _____

3. As of the date of this motion, [I have/the trustee has] disbursed payments for postpetition fees, expenses, and charges as follows:

- a. Amount of postpetition fees, expenses, and charges noticed under Rule 3002.1(c) and not disallowed: \$ _____
- b. Amount of postpetition fees, expenses, and charges disbursed: \$ _____

4. As of the date of this motion, [I have/the trustee has] made the following payments on the postpetition obligations: \$ _____

5.

6. I ask the court for an order under Rule 3002.1(g)(4) determining whether the debtor has cured all arrearages, if any, and paid all postpetition amounts required by the plan to be made as of the date of this motion.

Dated: _____

s/ _____

Attorney's Name - Bar Number

Address

City, State, and Zip Code

Telephone Number

Fax Number

Email Address

Counsel for _____

Official Form 41013-M2

Instructions for Motion Under Rule 3002.1(g)(4) to Determine Final Cure and Payment of the Mortgage Claim

United States Bankruptcy Court

12/25

Introduction

This form is used only in chapter 13 cases. It may be filed by a trustee or debtor within 45 days after service of the claim holder's response to the trustee's end-of-case Notice of Disbursements Made or within 45 days after service of the notice if no response is filed.

Applicable Law and Rules

Rule 3002.1 of the Federal Rules of Bankruptcy Procedure addresses claims secured by a security interest in a chapter 13 debtor's principal residence. Subdivision (g) of that rule requires the trustee at the end of the case to file a notice stating the total amount the trustee disbursed to the claim holder to cure any default and the total amount disbursed for payments that came due during the pendency of the case. The claim holder must respond to the notice. Thereafter Rule 3002.1(g)(4) authorizes the trustee or debtor to file a motion seeking a court determination of whether the debtor has cured all defaults and paid all required postpetition amounts. The rule requires that this form be used for the motion and that it be served on the debtor and the debtor's attorney, if the trustee is the movant; the trustee, if the debtor is the movant; and the claim holder.

Directions

Indicate whether the movant is the trustee or the debtor(s).

Information required in 1

Insert on the appropriate spaces:

- the claim holder's name;
- the court claim number, if known;
- the last 4 digits of the loan account number or any other number used to identify the account;
- the address of the principal residence securing the claim.

Information required in 2

This section concerns disbursements made on account of arrearages. To the extent known by the movant, insert on the appropriate lines:

- the allowed amount of any arrearage that arose prepetition;
- the total amount of any prepetition arrearage disbursed as of the date of the motion;
- the allowed amount of any arrearage that arose postpetition;
- the total amount of any postpetition arrearage disbursed as of the date of the motion;
- the total amount of arrearages disbursed as of the date of the motion.

The amount listed on line 2a should be the same amount as “Amount necessary to cure any default as of the date of the petition” that was reported on line 9 of Form 410 and that has not been disallowed or, in districts in which the plan controls, the amount specified in the plan. The amount on line 2c should be the allowed amount from line 9 of an amended Form 410, the plan, or an order allowing cure of arrearages. If line 9 of an amended Form 410 or such plan or order combines the amounts necessary to cure defaults as of the date of the petition with amounts necessary to cure defaults after the petition, then insert the combined total on line 2c and leave line 2a blank. Use line 5 to explain that line 2c includes the amounts to cure both the prepetition default and the postpetition default.

Information required in 3

This section concerns disbursements made on account of postpetition fees, expenses, and charges.

Insert on the appropriate lines:

- the amount of postpetition fees, expenses, and charges noticed under Rule 3002.1(c) and not disallowed;
- the amount of postpetition fees, expenses, and charges disbursed.

The amount listed on line 3a should be the total of the amounts reported on Form 410S-2 as of the date of the motion that have not been disallowed. Line 3b should indicate the amount of those fees, expenses, and charges that have been disbursed.

Information required in 4

This section concerns disbursements made on account of postpetition obligations on the loan that are not reported on prior lines of this form. For example, the amount reported on this line should include regular monthly payments on the loan. Insert that amount in the space provided, to the extent known by the movant. If the movant is the trustee and has not been making these payments, insert \$0 if unknown. If the movant is the debtor, insert the sum of the payments made by the debtor and the trustee after the date of the petition and prior to the date of this motion.

Information required in 5

Space is provided here for the movant to add any other information that may be relevant to determining the status of the mortgage claim.

Information required 6

This section states the relief the movant is seeking, followed by spaces for the movant’s name and contact information.