



UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
THOMAS F. EAGLETON U.S. COURTHOUSE  
111 SOUTH TENTH STREET, FOURTH FLOOR  
ST. LOUIS, MISSOURI 63102  
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DANA C. McWAY  
CLERK OF COURT

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## **PUBLIC NOTICE**

### **Revised Local Rule 3002.1 and New Local Form 28**

Please be advised that the Court has revised Local Rule 3002.1 effective July 1, 2012. This rule is revised to allow the debtor or the trustee to file a motion for final determination of cure and payment under Fed. R. Bankr. P. 3002.1(h) even if no statement has been filed by a claim holder under Fed. R. Bankr. P. 3002.1(g). It also provides that the Court will move forward with closing the case if no statement or motion has been filed pursuant to Fed. R. Bankr. P. 3002.1(g) and (h) within the time provided. The revised rule is set forth below. The purpose of these revisions is to continue to allow the parties to work out the final amounts out of court if they so choose while providing the debtor or trustee an avenue to seek a judicial determination of the final cure amount and payment if the claim holder does not file the Fed. R. Bankr. P. 3002.1(g) statement. It also gives guidance on how the Court will proceed in the event that no statement or motion has been filed under Fed. R. Bankr. P. 3002.1(g) or (h). There are no other revisions to the [Local Rules](#) at this time. A permissive form, Form 28 - Motion for Determination of Final Cure and Payment, will be added to the Forms section of the Court's web site under [Chapter 13](#) and may be used when making a motion under new L.R. 3002.1(B).

#### **LR 3002.1 - Claims Secured by Security Interest in the Debtor's Principal Residence**

- A. **Filing.** Any notice required by Fed. R. Bankr. P. 3002.1 to be filed as a supplement to a proof of claim shall be filed on the case docket instead of in the claims register. The Clerk's Office shall cause any such notice, once it has been filed on the case docket, to be linked to the appropriate proof of claim as a supplement in the claims register without any further action required by the filer. The filer shall still be responsible for serving the notice on the requisite parties as provided under applicable noticing procedures, including certificate of service procedures, and for taking any other action required in relation to the notice.
- B. **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.

- C. **Closing Case.** 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.

A handwritten signature in blue ink that reads "Dana C. McWay". The signature is written in a cursive style with a large initial 'D'.

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Dana C. McWay  
Clerk of Court

June 29, 2012