

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**
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In re:

Case No.:
Chapter: 13

Debtor. _____ /

**AGREED EX PARTE MOTION TO ABATE 3002.1
NOTICES AND RECONCILE ANNUALLY**

[Creditor Name] (the "Secured Creditor") and the Debtor (collectively the "Parties") file this *Agreed Ex Parte Motion to Abate 3002.1 Notices and Reconcile Annually* (the "Motion"), and state:

1. Secured Creditor filed Proof of Claim # [X] (the "Claim").
2. Secured Creditor holds a mortgage lien against the Debtor's real property located at [property address] (the "Property").
3. Debtor is providing for Secured Creditor's Claim through the Chapter 13 Plan.
4. Pursuant to Bankruptcy Rule 3002.1 and Local Rule 3070-1(B), Secured Creditor is required to file a 3002.1 Notice for each payment change that occurs in connection with the Claim, and Debtor is required to file an amended or modified plan to conform to such notices.
5. Pursuant to the terms of the mortgage/note, the amount due Secured Creditor is a variable amount that changes periodically due to either interest rate changes or escrow adjustments. In order not to burden the chapter 13 trustee and the Debtor, Secured Creditor agrees to file one 3002.1 Notice (the "Payment Change Notice") annually during the month of [*insert month in which the debtor's petition was filed*], as it

relates to the payment change(s) during the preceding year.

6. In each annual Payment Change Notice, Secured Creditor must include a table that describes the amount of the monthly payment at the beginning of the annual period, and for each payment change that occurred during the preceding year: the date of such payment change; the amount of such payment change; the reason for the payment change; and the aggregate amount Secured Creditor has not received from the chapter 13 trustee as a result of the Parties' election to remit the additional amount owed by the Debtor as a result of such payment change directly to Secured Creditor annually.

7. If the Debtor contests the amount due Secured Creditor as a result of a Payment Change Notice, the Debtor must file an objection to the Payment Change Notice and request a hearing thereon, within 21 days of the date such Payment Change Notice is filed with the Court. If the Debtor agrees with the Payment Change Notice, the Debtor agrees to pay the additional amount due the Secured Creditor as reflected on the Payment Change Notice directly to the Secured Creditor within 28 days of the date on which the Payment Change Notice is filed.

8. The Debtor acknowledges that the chapter 13 trustee will not remit the additional amount(s) due Secured Creditor as a result of the Payment Change Notice(s), and any such additional amount(s) due Secured Creditor will not be subject to discharge unless paid in full.

9. The Parties request that the court amend the confirmation order previously entered in this case, if any, to direct the Debtor to remit the amount of any payment change, either agreed to by the Debtor or approved by the Court, directly to Secured Creditor outside the Plan.

WHEREFORE, the Parties requests that the Court enter an order approving the

Agreed Ex Parte Motion to Abate 3002.1 Notices and Reconcile Annually, and for such other and further relief as the Court deems just and proper.

<< SIGNER >>
(Secured Creditor Attorney signature block)

<< SIGNER >>
(Debtor Attorney signature block)

Certificate of Service