

#### **Rule 3002-4 NOTICE OF MORTGAGE PAYMENT CHANGE**

(a) A narrative summary of the chain of title, copies of all applicable lien assignments(s) and other appropriate evidence of the Creditor's authority to act and be paid, shall be filed as attachments to the Notice of Mortgage Payment Change, if filed by a creditor who, at the time of filing, is not a creditor of record.

(b) Within twenty-one (21) days after a Notice of Mortgage Payment Change is filed by the holder of a mortgage against property of a debtor which is being paid by the trustee under a Chapter 13 plan, the debtor(s) shall file:

- (1) an amended Chapter 13 plan;
- (2) a declaration certifying that the existing Chapter 13 plan is sufficient to pay the new payment amount; or
- (3) an objection to the Notice of Mortgage Payment Change.

(c) In the absence of a timely objection filed by the debtor, the new mortgage payment amount shall be allowed without further order, notice, or hearing. The Chapter 13 trustee shall not be required to implement the payment change until such time as the debtor has complied with section (b) of this Rule; however, the trustee may implement the payment change if the trustee determines that the Chapter 13 plan is adequately funded to do so.

(d) A debtor with mortgage payment amounts subject to changes more frequently than twice per year may satisfy the recurring obligations imposed by section (b) of this Rule:

- (1) by providing in the Chapter 13 plan that a monthly payment be made to the creditor in an amount calculated to be no less than the average payment in effect over the preceding twelve (12) months and no more than \$50 above the average payment in effect over the preceding twelve (12) months; and
- (2) the calculation used in section (d)(1), above, shall be reviewed annually by the Debtor to assure compliance with this Rule; and
- (3) by filing, and serving on the trustee and the affected creditor, an omnibus declaration substantially complying with Local Form 15 (Declaration Regarding Fluctuating Mortgage Payments).