

### **Rule 3002-5 NOTICE OF POSTPETITION FEES, EXPENSES, AND CHARGES**

(a) A holder of a claim: (i) for rent for debtor's residence or (ii) secured by a security interest in the debtor's assets asserting recovery against the debtor and/or against the debtor's assets for fees, expenses, or charges, incurred in connection with the claim after the bankruptcy case was filed, shall file a separate "Notice of Postpetition Fees, Expenses, and Charges," which:

- (1) shall be filed as a supplement to the holder's proof of claim;
- (2) shall be served no later than one hundred eighty (180) days after the date when the fees, expenses, or charges are incurred;
- (3) shall not be subject to Fed. R. Bank. P. 3001(f);
- (4) shall be served on the debtor(s), counsel to the debtor(s), and the Chapter 13 trustee;
- (5) need not be filed if fees, expenses, and charges were included in a previously filed "Notice of Mortgage Payment Change"; and
- (6) if not timely filed, shall result in the disallowance of any additional sums claimed by the creditor for the period in question.

(b) Within twenty-one (21) days after a Notice of Postpetition Fees, Expenses, and Charges is filed, 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 modified debt; or
- (3) an objection to the Notice of Postpetition Fees, Expenses, and Charges.

(c) In the absence of a timely filed objection, the postpetition fees, expenses, and/or charges shall be allowed without further order, notice, or hearing. The Chapter 13 trustee shall not be required to pay the postpetition fees, expenses, and/or charges until such time as the debtor has complied with section (b) of this Rule; however, the trustee may make such payment if the trustee determines that the Chapter 13 plan is adequately funded to do so.