



## Proposed new Bankruptcy Rules

David Commons o Rules\_Comments

09-BK-027

02/02/2010 06:56 PM

Dear Rules Committee: I am writing to add my comments to the proposed rule changes. I have been involved in the practice of bankruptcy law since 1971 and, as a sole practitioner, last year filed about 200 individual Chapter 7 and Chapter 13 cases (about 100 of each). The proposed changes, especially those commented on below, all seem quite helpful and necessary. Following are my comments on 2 of the proposed rules:

### Rule 3001

These changes are exceedingly helpful. I have seen numerous cases in which there is no back-up information supplied whatsoever with the proof of claim from purchasers of credit card and other consumer debt. In more than one of these cases, the claim was apparently filed in the wrong case. Clients often are unable to determine how the amounts set forth in the proofs of claim got to be so much larger than they were on the last statement, and no documentation is provided. Often, the cost of objecting to these claims is greater than the amount that will be paid to the creditors, so the attorney is left in a quandary about how to handle the matter. The proposed changes will help significantly.

### Rule 3002.1

Thank you, thank you, thank you for these proposed changes. I file a lot of 13's and getting relevant information out of the mortgage holders is a giant problem. There is one very important addition I would recommend: these mortgages are being traded around so fast that, without a Qualified Written Request (which costs money and takes a very long time, if they even bother to respond), it is often impossible to know who owns the loan in question. **PLEASE REQUIRE THAT RESIDENTIAL MORTGAGE HOLDERS ON THE DEBTORS' HOME MUST SUPPLY PROOF OF THE IDENTITY OF THE CURRENT HOLDER OF THE MORTGAGE, INCLUDING THE CHAIN OF TITLE. THEY SHOULD ALSO BE REQUIRED TO PROVIDE THE SAME IN CONNECTION WITH ANY MOTION FOR RELIEF FROM THE AUTOMATIC STAY.**

Thank you for your fine efforts.

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