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07/14/2009 02:20 PM

To Rules\_Support@ao.uscourts.gov

cc Elizabeth\_Gibson, Jeff\_Bohm,  
Elizabeth Magner

bcc

Subject Revised mortgage history form

Dear Mr. McCabe:

On November 25, 2008 (item 08-BK-K), Judges Magner, Bohm and I submitted a proposal regarding proofs of claim forms in chapter 13 cases. Following that submission, the United States Bankruptcy Court for the Southern District of Texas published the proposed forms for comment as to whether the forms should be adopted locally by this District.

After receipt of comments, our District engaged in substantive discussions with a number of mortgage servicing companies regarding their comments. After much hard, but cooperative work by creditors, trustees and debtors, we arrived at a consensus form for further comment. That revised form is attached. The form utilizes only data that can be automatically obtained from the existing data bases of the servicing companies. The participating servicers advised that they are retaining outside contractors to automate the forms and that they fully support the adoption of the form both locally and nationally. The participating servicers advised me that they jointly service well over half of all mortgages that are in bankruptcy.

Because of this initiative joined by the servicers, I wish to substitute this new form for the one previously submitted with respect to proofs of claim in chapter 13 home mortgage cases.

Judges Bohm and Magner have reviewed and support the revised form.

Thank you and the Committee for your continued diligent work on this issue.

Marvin Isgur



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	Transaction Description	Transaction Date	Loan Payment Contractual Due Date	Funds Received From Borrower/Trustee/Other	Total Payment Due/Total Payment Change	Principal Amount	Interest Amount	Escrow Amount/Tax or Ins. Advance	Late Charge Assessed/Waived/Paid	Other Fees	Suspense Amount	Principal Balance	Escrow Balance/Tax or Ins. Advance Balance	Suspense Balance	Late Charge Balance	Corporate Advance Amount Recoverable From Borrower	Servicer Advance Balance Recoverable From Borrower	Payee ID Description (If not listed, available on request)
80	Payment Application	12/10/2007	10/01/2006			93.71	1,149.27				(1,242.98)	156,269.17	(6,253.12)	212.08	(1,615.90)	0.00	(6,017.50)	
81	Payment Application	12/07/2007	10/01/2006	602.50							602.50	156,362.88	(6,253.12)	1,455.06	(1,615.90)	0.00	(6,017.50)	
82	Corporate Advance Disbursement - Inspection Cost	12/04/2007										156,362.88	(6,253.12)	852.56	(1,615.90)	(15.00)	(6,017.50)	MCS Property Preservation, Inc.
83	Payment Application	11/21/2007	10/01/2006	150.00							150.00	156,362.88	(6,253.12)	852.56	(1,615.90)	0.00	(6,002.50)	
84	Corporate Advance Disbursement - Inspection Cost	11/07/2007										156,362.88	(6,253.12)	702.56	(1,615.90)	(15.00)	(6,002.50)	MCS Property Preservation, Inc.
85	Payment Application	10/05/2007		586.26								156,362.88	(6,253.12)	702.56	(1,615.90)	0.00	(5,987.50)	
86	Adjustment - Restricted Corporate Advance	10/05/2007										156,362.88	(6,253.12)	702.56	(1,615.90)	0.00	(5,987.50)	
87	Payment Application	09/21/2007	10/01/2006	19.34							19.34	156,362.88	(6,253.12)	702.56	(1,615.90)	0.00	(5,987.50)	
88	Adjustment - Late Charge Assessed	09/18/2007	10/01/2006						(62.15)			156,362.88	(6,253.12)	683.22	(1,615.90)	0.00	(5,987.50)	
89	Payment Application	08/31/2007	09/01/2006			93.03	1,149.95				(1,242.98)	156,362.88	(6,253.12)	683.22	(1,553.75)	0.00	(5,987.50)	
90	Payment Application	08/27/2007	09/01/2006	602.50							602.50	156,455.91	(6,253.12)	1,926.20	(1,553.75)	0.00	(5,987.50)	
91	Adjustment - Late Charge Assessed	08/17/2007	09/01/2006						(62.15)			156,455.91	(6,253.12)	1,323.70	(1,553.75)	0.00	(5,987.50)	
92	Payment Application	08/15/2007	09/01/2006	602.50							602.50	156,455.91	(6,253.12)	1,323.70	(1,491.60)	0.00	(5,987.50)	
93	Corporate Advance Disbursement - Inspection Cost	08/02/2007										156,455.91	(6,253.12)	721.20	(1,491.60)	(15.00)	(5,987.50)	MCS Property Preservation, Inc.
94	Payment Application	07/31/2007	08/01/2006			92.35	1,150.63				(1,242.98)	156,455.91	(6,253.12)	721.20	(1,491.60)	0.00	(5,972.50)	
95	Payment Application	07/30/2007	08/01/2006	602.50								156,548.26	(6,253.12)	1,964.18	(1,491.60)	0.00	(5,972.50)	
96	Payment Application	07/24/2007	07/01/2006			91.68	1,151.30				(1,242.98)	156,548.26	(6,253.12)	1,361.68	(1,491.60)	0.00	(5,972.50)	
97	Payment Application	07/23/2007	07/01/2006	602.50							602.50	156,639.94	(6,253.12)	2,604.66	(1,491.60)	0.00	(5,972.50)	
98	Adjustment - Late Charge Assessed	07/18/2007	07/01/2006						(62.15)			156,639.94	(6,253.12)	2,002.16	(1,491.60)	0.00	(5,972.50)	
99	Payment Application	07/10/2007	07/01/2006	602.50							602.50	156,639.94	(6,253.12)	2,002.16	(1,429.45)	0.00	(5,972.50)	
100	Payment Application	06/26/2007	07/01/2006	602.50							602.50	156,639.94	(6,253.12)	1,399.66	(1,429.45)	0.00	(5,972.50)	
101	Adjustment - Late Charge Assessed	06/20/2007	07/01/2006						(62.15)			156,639.94	(6,253.12)	797.16	(1,429.45)	0.00	(5,972.50)	
102	Payment Application	06/06/2007	07/01/2006	602.50							602.50	156,639.94	(6,253.12)	797.16	(1,367.30)	0.00	(5,972.50)	
103	Corporate Advance Disbursement - Attorney Fee - Bankruptcy	05/31/2007										156,639.94	(6,253.12)	194.66	(1,367.30)	(650.00)	(5,972.50)	Zucker, Goldberg & Ackerman, LLC
104	Corporate Advance Disbursement - Attorney Cost - Bankruptcy	05/31/2007										156,639.94	(6,253.12)	194.66	(1,367.30)	(150.00)	(5,322.50)	Zucker, Goldberg & Ackerman, LLC
105	Payment Application	05/24/2007	06/01/2006			91.01	1,151.97				(1,242.98)	156,639.94	(6,253.12)	194.66	(1,367.30)	0.00	(5,172.50)	
106	Payment Application	05/22/2007	06/01/2006	602.50							602.50	156,730.95	(6,253.12)	1,437.64	(1,367.30)	0.00	(5,172.50)	
107	Disbursement from Escrow - Fire or Homeowners Insurance	05/18/2007						(2,062.00)				156,730.95	(6,253.12)	835.14	(1,367.30)	0.00	(5,172.50)	American Safeguard Insurance Co.
108	Corporate Advance Disbursement - Inspection Cost	05/17/2007										156,730.95	(4,911.12)	835.14	(1,367.30)	(15.00)	(5,172.50)	MCS Property Preservation, Inc.
109	Payment Application	05/16/2007	05/01/2006			90.34	1,152.64				(1,242.98)	156,730.95	(4,911.12)	835.14	(1,367.30)	0.00	(5,157.50)	
110	Corporate Advance Disbursement - Attorney Fee - Bankruptcy	05/14/2007										156,821.29	(4,911.12)	2,078.12	(1,367.30)	(150.00)	(5,157.50)	Zucker, Goldberg & Ackerman, LLC
111	Payment Application	05/08/2007	05/01/2006	602.50							602.50	156,821.29	(4,911.12)	2,078.12	(1,367.30)	0.00	(5,007.50)	
112	Payment Application	04/27/2007	05/01/2006	556.15							556.15	156,821.29	(4,911.12)	1,475.62	(1,367.30)	0.00	(5,007.50)	
113	Adjustment - Late Charge Assessed	04/17/2007	05/01/2006						(62.15)			156,821.29	(4,911.12)	919.47	(1,367.30)	0.00	(5,007.50)	
114	Payment Application	04/13/2007	04/01/2006			89.68	1,153.30				(1,305.13)	156,821.29	(4,911.12)	919.47	(1,305.15)	0.00	(5,007.50)	
115	Payment Application	04/10/2007	04/01/2006	556.15							556.15	156,910.97	(4,911.12)	2,224.60	(1,367.30)	0.00	(5,007.50)	
116	Corporate Advance Disbursement - Inspection Cost	04/05/2007										156,910.97	(4,911.12)	1,668.45	(1,367.30)	(15.00)	(5,007.50)	MCS Property Preservation, Inc.
117	Payment Application	03/27/2007	04/01/2006	556.15							556.15	156,910.97	(4,911.12)	1,668.45	(1,367.30)	0.00	(4,992.50)	
118	Adjustment - Late Charge Assessed	03/19/2007	04/01/2006						(62.15)			156,910.97	(4,911.12)	1,112.30	(1,367.30)	0.00	(4,992.50)	
119	Payment Application	03/15/2007	04/01/2006	556.15							556.15	156,910.97	(4,911.12)	1,112.30	(1,305.15)	0.00	(4,992.50)	
120	Corporate Advance Disbursement - Inspection Cost	03/07/2007										156,910.97	(4,911.12)	556.15	(1,305.15)	(15.00)	(4,992.50)	MCS Property Preservation, Inc.
121	Payment Application	02/27/2007	04/01/2006	556.15							556.15	156,910.97	(4,911.12)	556.15	(1,305.15)	0.00	(4,977.50)	
122	Corporate Advance Disbursement - Attorney Fee - Bankruptcy	01/09/2007										156,910.97	(4,911.12)	(0.00)	(1,305.15)	(200.00)	(4,977.50)	Zucker, Goldberg & Ackerman, LLC
123	Corporate Advance Disbursement - Inspection Cost	12/18/2006										156,910.97	(4,911.12)	(0.00)	(1,305.15)	(15.00)	(4,777.50)	MCS Property Preservation, Inc.
124	Late Charge Assessed	11/16/2006	04/01/2006						(62.15)			156,910.97	(4,911.12)	(0.00)	(1,305.15)	0.00	(4,762.50)	
125	Corporate Advance Disbursement - Inspection Cost	11/13/2006										156,910.97	(4,911.12)	(0.00)	(1,243.00)	(15.00)	(4,762.50)	MCS Property Preservation, Inc.
126	Corporate Advance Disbursement - BPO Cost	10/30/2006										156,910.97	(4,911.12)	(0.00)	(1,243.00)	(95.00)	(4,747.50)	Primer Real Estate Assessments
127	Corporate Advance Disbursement - Attorney Cost - Tax Search	10/18/2006										156,910.97	(4,911.12)	(0.00)	(1,243.00)	(100.00)	(4,652.50)	Federman & Phelan, LLP
128	Corporate Advance Disbursement - Attorney Cost - Service	10/18/2006										156,910.97	(4,911.12)	(0.00)	(1,243.00)	(132.50)	(4,552.50)	Federman & Phelan, LLP
129	Corporate Advance Disbursement - Attorney Cost - Recording	10/18/2006										156,910.97	(4,911.12)	(0.00)	(1,243.00)	(125.00)	(4,420.00)	Federman & Phelan, LLP
130	Late Charge Assessed	10/16/2006	04/01/2006						(62.15)			156,910.97	(4,911.12)	(0.00)	(1,243.00)	0.00	(4,295.00)	
131	Corporate Advance Disbursement - Attorney Cost - Sheriff Depos	10/16/2006										156,910.97	(4,911.12)	(0.00)	(1,180.85)	(1,000.00)	(4,295.00)	Federman & Phelan, LLP
132	Corporate Advance Disbursement - Attorney Fee - Foreclosure	10/16/2006										156,910.97	(4,911.12)	(0.00)	(1,180.85)	(175.00)	(3,295.00)	Federman & Phelan, LLP
133	Corporate Advance Disbursement - Attorney Fee - Foreclosure	10/16/2006										156,910.97	(4,911.12)	(0.00)	(1,180.85)	(520.00)	(3,120.00)	Federman & Phelan, LLP
134	Corporate Advance Disbursement - Inspection Cost	10/06/2006										156,910.97	(4,911.12)	(0.00)	(1,180.85)	(15.00)	(2,800.00)	MCS Property Preservation, Inc.
135	Corporate Advance Disbursement - BPO Cost	09/29/2006										156,910.97	(4,911.12)	(0.00)	(1,180.85)	(95.00)	(2,585.00)	Primer Real Estate Assessments
136	Disbursement from Escrow - City Taxes	09/22/2006						(1,411.66)				156,910.97	(4,911.12)	(0.00)	(1,180.85)	0.00	(2,490.00)	Tax Collector, City of Abilene
137	Disbursement from Escrow - City Taxes	09/22/2006						(1,239.99)				156,910.97	(2,779.46)	(0.00)	(1,180.85)	0.00	(2,490.00)	Tax Collector, City of Abilene
138	Disbursement from Escrow - City Taxes	09/22/2006						(1,411.66)				156,910.97	(1,539.47)	(0.00)	(1,180.85)	0.00	(2,490.00)	Tax Collector, City of Abilene
139	Disbursement from Escrow - City Taxes	09/22/2006						(127.81)				156,910.97	(127.81)	(0.00)	(1,180.85)	0.00	(2,490.00)	Tax Collector, City of Abilene
140	Late Charge Assessed	09/18/2006	04/01/2006						(62.15)			156,910.97	0.00	(0.00)	(1,180.85)	0.00	(2,490.00)	
141	Corporate Advance Disbursement - Inspection Cost	09/07/2006										156,910.97	0.00	(0.00)	(1,118.70)	(15.00)	(2,490.00)	MCS Property Preservation, Inc.
142	Corporate Advance Disbursement - Attorney Cost - Tax Search	08/18/2006										156,910.97	0.00	(0.00)	(1,118.70)	(25.00)	(2,475.00)	Federman & Phelan, LLP
143	Corporate Advance Disbursement - Attorney Cost - Skip Trace	08/18/2006					</											