

**Faye D. English**

Chapter 13 Trustee  
Southern District of Ohio  
10 West Broad Street, Suite 900  
Columbus, Ohio 43215-3449  
Telephone: (614) 420-2555  
Facsimile: (614) 420-2550  
*www.ch13columbus.com*

**CHAPTER 13 TRUSTEE’S POSITION STATEMENT<sup>1</sup> REGARDING NOTICES OF FEES,  
EXPENSES AND CHARGES UNDER FRBP 3002.1**

Rule 3002.1 of the Federal Rules of Bankruptcy Procedure (“FRBP”), which became effective December 1, 2011, concerns claims that are (1) secured by a security interest in the debtor’s principal residence, and (2) provided for under 11 U.S.C. §1322(b)(5).

**Conduit Cases**

In cases where any mortgage on the principal residence is being paid via conduit, the Trustee will pay the notice of fees, expenses and charges (“NOFEC”) if the fees, expenses and charges are legitimate and reasonable (for example, real estate taxes and insurance).

As set forth in Section B(2)(c) of the Mandatory Form Plan, default related fees and services (including but not limited to, late fees, BPOs, inspections, and attorney fees) shall not be assessed to the debtor. If any such fees are included in a NOFEC, the Trustee will file a Motion to Determine pursuant to FRBP 3002.1(e).

**Direct Pay Cases**

In direct pay cases, the Trustee will take no action with respect to NOFECs.

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<sup>1</sup> The Trustee reserves the right to proceed in any manner that is appropriate based upon the facts of each case, and as permitted under applicable bankruptcy law.