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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

THE CORONA VIRUS ECONOMIC
STABILIZATION ACT OF 2020 (“CARES
ACT”) CONCERNING FORBEARANCE
NOTICES

GENERAL ORDER 41

As a result of the COVID-19 pandemic, Congress passed and the President of the United States signed the Corona Virus Economic Stabilization Act of 2020 (“CARES ACT”), which permits individual borrowers on certain federally backed loans to request loan forbearance relief from the lender. In instances where the borrower is a Chapter 13 debtor, the lender or its servicing agent may file a Notice of Forbearance (“Notice”) on the bankruptcy court’s docket or claims registry. To avoid any dispute regarding whether the Notice may require a Chapter 13 debtor to amend or modify their Chapter 13 plan, and to provide an expedited, cost-efficient method for standing Chapter 13 Trustees to process such Notices,

IT IS HEREBY ORDERED THAT:

Upon the filing of a Notice in a Chapter 13 case, the Chapter 13 Trustee shall administer the Notice in the same manner as a Notice of Mortgage Payment Change filed under Federal Rule of Bankruptcy Procedure 3002.1, provided that the Notice:

- (i) identifies the debtor(s);

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- (ii) identifies the claim to which the forbearance is applicable;
- (iii) states the month the forbearance starts; and
- (iv) states the number of months of the forbearance.

If the Notice does not comply with items (i) - (iv), the Trustee and any other interested party may seek any applicable remedy under the Bankruptcy Code. This General Order does not prejudice or alter any interested parties' right to pursue applicable remedies under the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, or other applicable law.

IT IS SO ORDERED.

Dated: May 1, 2020



Charles Novack
Chief Bankruptcy Judge