

***In re Norbeck*, 2021 WL 2447339 (Bankr. W.D. Mich. June 15, 2021)**

(Gregg, J.)

Issue:

Are fees asserted by a mortgagee to prepare a Payment Change Notice and a Fee Notice compensable and reasonable?

Facts:

Mortgagee filed a Payment Change Notice and subsequently filed a Fee Notice asserting attorney fees of \$125 for preparation of the Payment Change Notice by a paralegal and \$150 for preparation of the Fee Notice by an attorney. Debtor objected and argued that the two fees asserted were excessive given the largely clerical or administrative nature of the tasks performed.

Analysis:

Rule 3002 requires the holder of a claim to serve notice of any change in payment under a mortgage and establishes the procedure for the mortgagee to assert fees, expenses or charges related to any payment

change. The holder of the claim bears the burden of proof as to the reasonableness of its fees. Here, the mortgagee failed to include a detailed itemized time statement and the court noted the Fannie Guidelines are not binding on the court nor instructional given the administrative nature of the Payment Change Notice. Further, the court was not persuaded Debtor should be required to pay for preparation of a Payment Change Notice as it did not require any substantive analysis or legal expertise. Similarly, to prepare the Fee Notice the mortgagee did not engage in any legal analysis and the preparation of both the Fee Notice and the Payment Change Notice was nothing more than an administrative or clerical endeavor the Debtor should not be required to pay for.

Holding:

Mortgagee's fee requests denied.