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Bankruptcy Court
Administration Division

February 19, 2004

MEMORANDUM TO PETER G. McCABE

SUBJECT: Bankruptcy Forms

I am writing to you in your capacity as Secretary of the Committee on Rules of Practice and Procedure. The judiciary's Bankruptcy CM/ECF Working Group provides guidance and assistance to the Administrative Office in the development and implementation of the Case Management/Electronic Case Files Project in the bankruptcy courts. The Working Group has recommended, and I agree, that the Committee should consider proposed revisions to official bankruptcy form B-10, Proof of Claim, and adoption of a new Director's form for Transfer of Claim, other than for security, after proof of claim has been filed, pursuant to Rule 3001 e(2).

The Working Group's recommendations are the result of efforts by the Claims Processing Subcommittee of the Working Group and its guest contributors of trustees, creditors and others who were charged with defining electronic claims information and supporting procedures for electronic filing of claims information by national, high volume creditors. Electronic filing of claims would be on an "opt in" basis and not mandatory. Likewise, courts would "opt in" to the national filing model. Although the format and content of the forms have been defined by users of the information, our principal interest is with the forms electronic counterparts-the data elements.

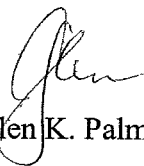
While we appreciate that courts could implement electronic filing of claims information through local rules and administrative orders, pursuant to Rule 5005, we do not feel it appropriate in this circumstance. We are therefore, proceeding with this proposal to amend the existing, official Proof of Claim form.

The Working Group has found that the creditor industry has changed its business processes significantly over the past five years, driven by technology and consolidation of practitioners. One effect is that while cases filed under Chapter 13 increased 17% over the past three years, claims in those cases have increased 73%, and total claims filed in all chapters are projected at 5.5 million for 2003. It is anticipated that not only will registered creditors, currently receiving electronic notice through the Electronic Bankruptcy Noticing program, decide to file claims information electronically, but that more national creditors and their agents will opt for both the electronic notice and electronic claims filing. This would result in large savings for the judiciary and for the creditor community.

Attached is an example of the proposed Proof of Claim form (B-10) with explanations of the recommended changes. The proposed changes will not only assist trustees and claimants, but will also facilitate claims data processing.

Also attached is a proposed Director's Form for the filing and noticing of claims transfers. The number of transfers has risen exponentially the last few years and providing a form and software solution to automatically file the transfers into CM/ECF is a top priority of the Working Group and my office.

Should you have any questions or require additional information, please do not hesitate to contact me at (202) 502-1540.


Glen K. Palman

Attachment

cc: Noel J. Augustyn

UNITED STATES BANKRUPTCY COURT

DISTRICT OF

Complete this form and electronically file at (xxx ecf location) or if unable to electronically file mail a copy of this form to (court address)

**PROOF OF CLAIM
(Form B10)**

COURT ID: _____

Name of Debtor(s)

Case Number

(Chapter e.g. 7,9,11,12, or 13)

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.

Name of Creditor (The person or other entity to whom the debtor owes money or property):

Check this box to indicate that this claim amends a previously filed claim:

Court Claim Number: _____ filed on _____

Name and Address where notices should be sent:

Debtor may have scheduled account as:

Telephone Number:

Telephone Number:

Name and address where payments should be sent (if different from above):

1. Total amount of Claim at case filing:

\$ 0.00

Telephone Number:

2. Basis for claim:

Account or other number by which creditor identifies debtor:

3. Secured Claim

Check this box if your claim is secured by collateral (including a right of setoff).

Brief Description of Collateral:

Real Estate Motor Vehicle Other: _____

Value of Collateral: \$ _____ Annual Interest Rate: _____ %

Amount of arrearage and other charges at time case filed included in secured claim, if any \$ _____

Total Amount of Secured Claim: \$ 0.00
(may not exceed value of collateral)

5. SUMMARY OF PROOF OF CLAIM:

TOTAL AMOUNT OF CLAIM \$ 0.00 (From section 1)

Secured: \$ 0.00 (From Section 3)

Priority: \$ 0.00 (From Section 4)

Unsecured: \$ 0.00 (Total Claim Less Secured Less Priority)

4. Unsecured Claim Entitled to Priority under 11 U.S.C. § 507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.

Specify the priority of the claim

- Wages, salaries, or commissions (up to \$4,650), earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3).
- Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4)
- Up to \$2,100 of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6).
- Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7).
- Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).
- Other - Specify applicable paragraph of 11 U.S.C. § 507(a) (_____).

Amount Entitled to Priority \$ _____

6. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

FOR COURT USE ONLY

7. **Supporting Documents:** Attach a summary of claim and how it is computed. If secured, attach redacted pages from security documents showing parties, collateral, description, signatures, and evidence of perfection of lien. Provide name, address, telephone number, and email address of person, if different than person signing below who could provide complete documents supporting claim.

DO NOT SEND ORIGINAL DOCUMENTS AND DO NOT ATTACH MORE THAN 10 PAGES OR THE ELECTRONIC EQUIVALENT THEREOF.

If the documents are not available, explain. _____

Date:

The person filing this claim should sign it, unless the person is filing this claim electronically using the bankruptcy court electronic case filing system. Print name and title, if any, and state address, email address and Telephone number if different from notice address above. Attach a copy of power of attorney, if any.

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In particular types of cases or circumstances, such as bankruptcy cases that are not filed voluntarily by a debtor, there may be exceptions to these general rules.

DEFINITIONS

Debtor

The person, corporation, or other entity that has filed a bankruptcy case is called the debtor.

Creditor

A creditor is any person, corporation, or other entity to whom the debtor owes money or property at the time bankruptcy case was filed or that has a claim listed in 11 U.S.C. § 101(10).

Proof of Claim

A form telling the bankruptcy court how much the debtor owed a creditor at the time the bankruptcy case was filed (the amount of the creditor's claim). This form must be filed with the clerk of the bankruptcy court where the bankruptcy case was filed.

Unsecured Claim

If a claim is not secured claim it is an unsecured claim. A claim may be partly secured and partly unsecured if the property on which a creditor has a lien is not worth enough to pay the creditor in full.

Unsecured Claim Entitled to Priority under 11 U.S.C. 507(a)

Certain types of unsecured claims are given priority, so they are to be paid in bankruptcy cases before most other unsecured claims (if there is sufficient money or property available to pay these claims). The most common types of priority claims are listed on the proof of claim form. Unsecured claims that are not specifically given priority status by the bankruptcy laws are classified as Unsecured Nonpriority Claims.

Debtor may have scheduled account as

The name, address, and account number of the person, corporation, or other entity, whom the debtor may have listed in the schedules as the holder of the claim.

Secured Claim under 11 U.S.C. 506(a)

A claim is a secured claim to the extent that the creditor has a lien against the property of the debtor ("collateral"), provided that the amount of the secured claim may not exceed the value of the debtors interest in the collateral less the aggregate amount (senior liens) against the debtors interest in that collateral.

Examples of liens are a mortgage on real estate and a security interest in a car, truck, boat, television set, or other item of property. A lien may have been obtained through a court proceeding before the bankruptcy case began; in some states a court judgment is a lien. In addition, to the extent a creditor also owes money to the debtor (has a right of setoff), the creditor's claim may be a secured claim. (See also Unsecured Claim.)

INFORMATION

Offers to Purchase Claims

Certain entities are in the business of purchasing claims held by a creditor against a debtor for an amount that is less than the face amount of the claims. One or more of these entities may contact you and offer to purchase your claim against the Debtor. Some of the written communications from these entities may be easily confused with official Court documentation or communications from the Debtor. These entities do not represent the Bankruptcy Court or the Debtor. Therefore, you have no obligation to sell your claim to these entities. In the event you do decide to sell your claim, any transfer of such claim is subject to Federal Rule of Bankruptcy Procedure 3001(e), any applicable provisions of the Bankruptcy Code, and any applicable orders of the Bankruptcy Court.

Date Stamped Copy

To receive an acknowledgement of the filing of your claim, enclose a stamped, self-addressed envelope and a copy of this proof of claim. Date stamped copies can also be downloaded from the Courts Electronic Case Filing Web site.

Items to be completed in Proof of Claim form (if not already filled in)

Court, Name of Debtor, and Case Number:

Fill in the name of the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the name of the debtor in the bankruptcy case, and the bankruptcy case number. If you received a notice of the case from the court, all of this information is near the top of the notice.

Information about Creditor:

Complete the section giving the name, address, and telephone number of the creditor to whom the debtor owes money or property, and the debtor's account number, if any. If anyone else has already filed a proof of claim relating to this debt, if you never received notices from the bankruptcy court about this case, if your address differs from that to which the court sent notice, or if this proof of claim replaces or changes a proof of claim that was already filed, check the appropriate box on the form.

1. Total Amount of Claim at Time Case Filed:

This is the total amount of the claim at the time of case filing. The amount listed in this section should not exceed the sum of the total amount of the secured claim, unsecured priority claim, and unsecured claim totals.

2. Basis for Claim:

This is the type of debt. Examples: goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, credit card, or others that you may specify.

3. Secured Claim:

Check the appropriate place if the claim is a secured claim. You must state the value and type of property that is collateral for the claim, attach copies of the documentation of your lien, and state the amount past due on the claim as of the date the bankruptcy case was filed. A claim may be partly secured and partly unsecured. (See DEFINITIONS, above).

4. Unsecured Claim Entitled to Priority under 11 U.S.C. 507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.

Check the appropriate place if you have an unsecured priority claim, and state the amount entitled to priority. (See DEFINITIONS, above). A claim may be partly priority and partly nonpriority if, for example, the claim is for more than the amount given priority by the law. Check the appropriate place to specify the type of priority claim.

5. Summary of Proof of Claim

Total amount of claim should match the total amount of claim from Section 1. The secured line should match the total amount of the Secured Claim from Section 3. The priority line should match the total amount of the Amount Entitled to Priority from Section 4. The unsecured amount should be the total amount of the claim less secured and priority from sections 3 and 4. If the claim is fully Unsecured, the total amount of the claim from Section 1 and total amount of claim in Section 5 should match this line.

6. Credits:

By signing this proof of claim, you are stating under oath that in calculating the amount of your claim you have given the debtor credit for all payments received from the debtor.

7. Supporting Documents:

You must attach to this proof of claim form copies of documents that show the debtor owes the debt claimed or, if the documents are too lengthy, a summary of those documents. If documents are not available, you must attach an explanation of why they are not available. **DO NOT SEND ORIGINAL DOCUMENTS AND DO NOT ATTACH MORE THAN 10 PAGES OR THE ELECTRONIC EQUIVALENT THEREOF.**

1. Original:

FORM B10 (Official Form 10) (12/03)	
UNITED STATES BANKRUPTCY COURT _____ DISTRICT OF _____	
Name of Debtor _____	Case Number _____
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.	

CHANGES
 Addition of Court Identification Number and Chapter. The court ID will be furnished on the 341 Notice and facilitate processing; Chapter has been requested by trustees.

1. Proposed:

UNITED STATES BANKRUPTCY COURT _____ DISTRICT OF _____		PROOF OF CLAIM (Form B10)
Complete this form and electronically file at (xxx ecf location) or if unable to electronically file mail a copy of this form to (court address)		COURT ID: _____
Name of Debtor(s) _____	Case Number _____	(Chapter e.g. 7,9,11,12, or 13)
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		

Addition of a Court Identification number (furnished with 341 Notice) for electronic processing;
 Addition of Chapter

2. Original:

Name of Creditor (The person or other entity to whom the debtor owes money or property): _____
Name and address where notices should be sent: _____
Telephone number: _____
Account or other number by which creditor identifies debtor: _____

2. Proposed:

Name of Creditor (The person or other entity to whom the debtor owes money or property): _____
Name and Address where notices should be sent: _____
Telephone Number: _____
Name and address where payments should be sent (if different from above): _____
Telephone Number: _____
Account or other number by which creditor identifies debtor: _____

CHANGES
 Addition of payment name, address and phone number for the benefit of trustees

7. Original:

7. Unsecured Priority Claim.
 Check this box if you have an unsecured priority claim
Amount entitled to priority \$ _____
Specify the priority of the claim:
 Wages, salaries, or commissions (up to \$4,650)* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3).
 Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4).
 Up to \$2,100* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6).
 Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7).
 Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).
 Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(_____).
**Amounts are subject to adjustment on 4/1/04 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.*

7. Proposed:

4. Unsecured Claim Entitled to Priority under 11 U.S.C. § 507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.
Specify the priority of the claim
 Wages, salaries, or commissions (up to \$4,650), earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3).
 Contributions to an employee benefit plan - 11 U.S.C. § 507(a) (4).
 Up to \$2,100 of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a) (6).
 Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a) (7).
 Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a) (8).
 Other - Specify applicable paragraph of 11 U.S.C. § 507(a) (_____).
Amount Entitled to Priority \$ _____

CHANGES
None

8. Original:

6. Unsecured Nonpriority Claim \$ _____
 Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or only part of your claim is entitled to priority.

8. Proposed: Eliminated – subsumed as the difference between Total Amount and Secured + Priority, in Item 5. *supra*.

9. Original:

<p>8. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.</p> <p>9. Supporting Documents: <i>Attach copies of supporting documents</i>, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.</p> <p>10. Date-Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim</p>	<p>THIS SPACE IS FOR COURT USE ONLY</p>
<p>Date _____ Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):</p>	
<p><i>Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.</i></p>	

9. Proposed:

<p>6. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.</p> <p>7. Supporting Documents: Attach a summary of claim and how it is computed. If secured, attach redacted pages from security documents showing parties, collateral, description, signatures, and evidence of perfection of lien. Provide name, address, telephone number, and email address of person, if different than person signing below who could provide complete documents supporting claim.</p> <p><u>DO NOT SEND ORIGINAL DOCUMENTS AND DO NOT ATTACH MORE THAN 10 PAGES OR THE ELECTRONIC EQUIVALENT THEREOF.</u></p> <p>If the documents are not available, explain. _____</p>	<p>FOR COURT USE ONLY</p>
<p>Date: _____ The person filing this claim should sign it, unless the person is filing this claim electronically using the bankruptcy court electronic case filing system. Print name and title, if any, and state address, email address and Telephone number if different from notice address above. Attach a copy of power of attorney, if any.</p>	
<p>PENALTY FOR PRESENTING FRAUDULENT CLAIMS: FINE OF UP TO \$500,000 OR IMPRISONMENT FOR UP TO 5 YEARS OR BOTH 18 U.S.C. § 152 AND § 3571</p>	

CHANGES: Note concerning filers using fill-able PDF form which accepts keyed text but not handwritten data

UNITED STATES BANKRUPTCY COURT _____ DISTRICT OF _____
COURT ID _____

NOTICE OF TRANSFER OF CLAIM

Name of Debtor _____

Case Number _____

NOTE: A CLAIM HAS BEEN FILED IN THIS CASE. Transferee gives notice of the unconditional sale and transfer of all right, title and interest in and to the claims as defined in the purchase/ sale agreement dated _____ by and between Seller/ Transferor and Purchaser/ Transferee/ Assignee including the claim referenced in this notice.

Name of Transferee _____

Name of Transferor _____

Name and Address where notice should be sent _____

Court Record or Trustee Record Address of Transferee _____

Phone: _____
Acct #: _____

Phone: _____
Acct #: _____

Name and Address where transferee payments
Should be sent (if different from above) _____

Current Address of Transferor (if different from above) _____

Phone: _____
Acct # (if different from above) _____

Phone: _____

Claim information:

_____ Court Number
_____ Trustee Number
Date Claim Filed: _____
Amount of Claim as Filed: _____

By: _____
Transferee/Transferee's Agent

The transferor of claim named above is advised that this Notice of Transfer of Claim has been filed in the clerk's office of this court. Objections to this transfer must be filed with the court on or before twenty (20) days from the date of this notice. If no objection to transfer is received by the court within the time specified, the transferee will be substituted as the original claimant without further order of the court.

CLERK OF THE COURT

Date: _____