

Comments to proposed rule change Bankruptcy Rule 3001
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09-BK-002

to:

Rules_Comments

10/28/2009 02:36 PM

These comments are made to Bankruptcy Rule Change 3001: Supporting Documentation.

Under the proposed amendment, Rule 3001 (Proof of Claim) is expanded to require that additional supporting information be filed with proofs of claim in individual debtor cases. The amendment authorizes a court to impose sanctions against a creditor that fails to provide the required information

This provision is unnecessary and will create additional burdens upon the courts and Bankruptcy Trustee's. The fact that an individual debtor who files bankruptcy on an unsecured debt is required under oath to accurately and honestly state all outstanding obligations on the Schedule F of the filing makes this requirement burdensome to the Trustee. If the debtor filing the petition (under oath and threat of perjury) acknowledges the debt and the approximate amount of the debt owed then providing additional documentation will only create additional administrative costs for the courts. I can see if there is a dispute of the amount of the proof of claim and what the debtor has already acknowledged in their filing, a supporting document may be required.

An unintended consequence will also be a severe increase in perjury claims made by creditors against debtors who are less than honest in their initial filing. I have seen hundred of fraudulent and deceptive filings within the past several months and creditors will start to file civil lawsuits against these debtors in that event. This will only burden the court system which is already severely overloaded with creditor/debtor litigation. In some cases, the Federal statutes involving bank record retention periods may also prevent the ability to obtain a last statement. Currently banks are only required to retain such documents for 25 months. If the debtor files more than 25 months after charge-off the statement may no longer exist.

If the intent is to validate a proof of claim, an affidavit should suffice.

Regards,

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