



# Brown Bag Meeting

## December 16, 2015



### MINUTES

NORTH BANK BLDG.  
432 N. SAGINAW ST. STE 300  
FLINT MI

<b>MEETING CALLED BY</b>	Chapter 13 Trustee's Office-Carl L. Bekofske
<b>TYPE OF MEETING</b>	BROWN BAG
<b>FACILITATOR</b>	Carl L. Bekofske, Chapter 13 Trustee, Melissa Caouette, Staff Attorney
<b>NOTE TAKER</b>	Katie Dykowski
<b>ATTENDEES</b>	Carl Bekofske, Marcy Ford, Jennifer Clark, Laura Hutson, Stacy Davis, Eric Mulka, Nicole Lalonde, George Jacobs, Beth Hudson, Lynn Oberhausen, Dareth Wilson, Sumita Nagpal, John Hicks, Benjamin Allyn, Pete Mooney, Melissa DiGiamberdine, Juanita Massey, Mark Van Epps, Melissa Caouette, Leo Foely Jr., Steve Robinson, Diane Smith, Kris Ennis, Cindy Amey, Sara Skutt, Stephanie Foust, Tenee Smith, Mark Plude, Katie Dykowski

### Opening Remarks: Carl L. Bekofske

<b>DISCUSSION BY CARL:</b>	We must run fast to keep up with all the changes that come with this line of work. There is a constant flow of change and currently, the change is in the form of new bankruptcy forms.
<b>AGENDA:</b>	<ol style="list-style-type: none"> <li>1. Proof of Claim Form 410 &amp; Form 410A- Marcy Ford, Trott Law</li> <li>2. Common deficiencies &amp; form issues- Jennifer Clark, US Bankruptcy Court, Eastern District of Michigan</li> </ol>

### PROOF OF CLAIM FORM 410 & 410A

**MARCY FORD**

<b>DISCUSSION</b>	<ul style="list-style-type: none"> <li>-We're all new to the changed POC form &amp; attachment &amp; want open communication to avoid objections.</li> <li>-Form 410 replaces Form B10, Form 410A replaces Form B10A- effective Dec. 1, 2015.</li> <li>-Exception: Original POC filed before Dec. 1, 2015- amendment to that claim MAY use old form.</li> <li>-Form 410A is mandated for primary residence only, so Form B10A may still be used accompanying Form 410 on cases of rental/vacation properties.</li> <li>-Form 410 is not that different from Form B10, mainly cosmetic.</li> <li>-Form 410A contains many changes &amp; takes much longer to prepare.</li> <li>-Sections in Part 2, 3, &amp; 4, correspond to parts in Part 5 &amp; currently Part 5 (loan history) is not automated, causing lots of time and math calc.</li> <li>-Asks for patience- it will take longer to process these!</li> </ul>
-------------------	--

### COMMON DEFICIENCIES & FORM ISSUES

**JENNIFER CLARK**

<b>DISCUSSION</b>	<ul style="list-style-type: none"> <li>-Specific items looked at: AKA, DBA, Exhibit D is now on Petition, Look for both Debtor 1 AND Debtor 2 Certificates of Budget &amp; Credit Counseling,</li> <li>-Need J-2 if debtors have separate households.</li> <li>-New items have been added to the Orders Directing.</li> <li>-Problem areas include: Coversheet for Amendments; New form must be filed even on cases that were filed before Dec. 1, 2015!</li> <li>-Need a separate Schedule C for each debtor if joint case.</li> </ul>
-------------------	---

**BROWN BAG AGENDA 12/16/2015**

New Bankruptcy Forms effective 12/1/2015

1. Carl Bekofske – Opening Remarks
2. Marcy Ford of Trott Law – Proof of Claim Form and its attachment
3. Jennifer Clark from the United States Bankruptcy Court Eastern District of Michigan
4. Melissa Caouette and Leo Foley – New Form changes to the Schedules and Statement of Financial Affairs.

**Fill in this information to identify the case:**

Debtor 1 \_\_\_\_\_  
Debtor 2 \_\_\_\_\_  
(Spouse, if filing)  
United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
(State)  
Case number \_\_\_\_\_

**Official Form 410**

**Proof of Claim**

12/15

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

**Part 1: Identify the Claim**

<b>1. Who is the current creditor?</b>		
Name of the current creditor (the person or entity to be paid for this claim) _____		
Other names the creditor used with the debtor _____		
<b>2. Has this claim been acquired from someone else?</b>		
<input type="checkbox"/> No		
<input type="checkbox"/> Yes. From whom? _____		
<b>3. Where should notices and payments to the creditor be sent?</b>	<b>Where should notices to the creditor be sent?</b>	<b>Where should payments to the creditor be sent? (if different)</b>
	Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	
Name _____	Name _____	
Number _____ Street _____	Number _____ Street _____	
City _____ State _____ ZIP Code _____	City _____ State _____ ZIP Code _____	
Contact phone _____	Contact phone _____	
Contact email _____	Contact email _____	
Uniform claim identifier for electronic payments in chapter 13 (if you use one): -----		
<b>4. Does this claim amend one already filed?</b>		
<input type="checkbox"/> No		
<input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY		
<b>5. Do you know if anyone else has filed a proof of claim for this claim?</b>		
<input type="checkbox"/> No		
<input type="checkbox"/> Yes. Who made the earlier filing? _____		

**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

6. Do you have any number you use to identify the debtor?  No  
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: \_\_\_\_\_

7. How much is the claim? \$\_\_\_\_\_. Does this amount include interest or other charges?  
 No  
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.  
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).  
Limit disclosing information that is entitled to privacy, such as health care information.  
\_\_\_\_\_

9. Is all or part of the claim secured?  No  
 Yes. The claim is secured by a lien on property.  
**Nature of property:**  
 Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.  
 Motor vehicle  
 Other. Describe: \_\_\_\_\_

**Basis for perfection:** \_\_\_\_\_  
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

**Value of property:** \$\_\_\_\_\_

**Amount of the claim that is secured:** \$\_\_\_\_\_

**Amount of the claim that is unsecured:** \$\_\_\_\_\_ (The sum of the secured and unsecured amounts should match the amount in line 7.)

**Amount necessary to cure any default as of the date of the petition:** \$\_\_\_\_\_

**Annual Interest Rate (when case was filed)** \_\_\_\_\_ %

Fixed  
 Variable

10. Is this claim based on a lease?  No  
 Yes. Amount necessary to cure any default as of the date of the petition. \$\_\_\_\_\_

11. Is this claim subject to a right of setoff?  No  
 Yes. Identify the property: \_\_\_\_\_

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

No

Yes. Check all that apply:

Amount entitled to priority

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

\$ \_\_\_\_\_

Up to \$2,775\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ \_\_\_\_\_

Wages, salaries, or commissions (up to \$12,475\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ \_\_\_\_\_

Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ \_\_\_\_\_

Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ \_\_\_\_\_

Other. Specify subsection of 11 U.S.C. § 507(a)( ) that applies.

\$ \_\_\_\_\_

\* Amounts are subject to adjustment on 4/01/16 and every 3 years after that for cases begun on or after the date of adjustment.

**Part 3: Sign Below**

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

I am the creditor.

I am the creditor's attorney or authorized agent.

I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date

MM / DD / YYYY

Signature

Print the name of the person who is completing and signing this claim:

Name

First name Middle name Last name

Title

Company

Identify the corporate servicer as the company if the authorized agent is a servicer.

Address

Number Street

City State ZIP Code

Contact phone

Email



