

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE

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In re	: Chapter 11
AFA INVESTMENT INC., <i>et al.</i> ,	: Case No. 12-11127 (MFW)
Debtors.	: Jointly Administered
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**ORDER ESTABLISHING PROCEDURES TO ASSERT CLAIMS  
ARISING UNDER SECTION 503(b)(9) OF THE BANKRUPTCY CODE**

This matter coming before the Court on the Motion of Debtors for an Order Establishing Procedures to Resolve Claims Arising Under Section 503(b)(9) of the Bankruptcy Code (the "Motion"),<sup>1</sup> filed by the debtors in the above-captioned cases (collectively, the "Debtors"); the following objections and joinders (collectively, the "Objections") to the Motion having been filed with the Court:

- (a) the objection of International Paper Company (Docket No. 109) (the "International Paper Objection");
- (b) the limited objection of San Angelo Packing Co. (Docket No. 115) (the "San Angelo Objection");
- (c) the objection Dale T. Smith & Sons Meat Packing Company (Docket No. 116);
- (d) the objection of Bojalad & Company, LLC (Docket No. 118);
- (e) the objection of ASC-Meyners, Inc., Purcell International and Secrest Watson International (Docket No. 127) (the "ASC-Meyners Objection");
- (f) the objection of the official committee of unsecured creditors (the "Committee") appointed in these chapter 11 cases (Docket No. 146) (the "Committee Objection");

<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings given to them in the Motion.



- (g) the joinder of Lawrence Wholesale, LLC to the International Paper Objection, the San Angelo Objection and the ASC-Meyners Objection (Docket No. 134); and
- (h) the joinder of Walt's Meats, Inc. to the International Paper Objection and the ASC-Meyners Objection (Docket No. 136).

The Debtors having filed the Debtors' Consolidated Reply in Support of Motion of Debtors for an Order Establishing Procedures to Assert Claims Arising Under Section 503(b)(9) of the Bankruptcy Code (Docket No. 138) (the "Reply"); the Court having reviewed the Motion, the First Day Declaration, the Objections and the Reply and having considered the statements of counsel and the evidence adduced with respect to the Motion at a hearing before the Court on the Motion (the "Hearing"); and the Court finding that (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (b) venue is proper in this district pursuant to 28 U.S.C. § 1409, (c) this is a core proceeding pursuant to 28 U.S.C. § 157(b) and (d) notice of the Motion and the Hearing was sufficient under the circumstances; after due deliberation the Court having determined that the relief requested in the Motion is in the best interests of the Debtors, their estates and their creditors; and good and sufficient cause having been shown;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED, and the Committee Objection is RESOLVED, as set forth herein. All other Objections are ~~OVERRULED to the extent not~~ resolved by the terms of this Order.

2. All claims under section 503(b)(9) of the Bankruptcy Code (the "Twenty-Day Claims"), shall be asserted in accordance with the following procedures (the "503(b)(9) Procedures"):

- (a) All Twenty-Day Claims shall be filed by June 11, 2012 at 4:00 p.m. (Eastern Time) (the "Twenty-Day Claim Bar Date"), pursuant to the procedures set forth below.

- (b) Within two business days of the entry of this Order, the Debtors shall serve by regular U.S. mail, postage prepaid, a notice of these 503(b)(9) Procedures and the Twenty-Day Claim Bar Date, substantially in the form attached hereto as Annex I (the "Twenty-Day Claim Bar Date Notice"), to all known potential Twenty-Day Claimants. Any Twenty-Day Claimant receiving the Twenty-Day Claim Bar Date Notice that fails to submit its Twenty-Day Claim by the Twenty-Day Claim Bar Date, in the manner set forth in the Twenty-Day Claim Bar Date Notice, shall be deemed to have waived and shall forever be barred from asserting its entitlement, if any, to priority status pursuant to sections 503(b)(9) and 507(a)(2) of the Bankruptcy Code with respect to its Twenty-Day Claim.
- (c) Twenty-Day Claimants shall utilize the modified official proof of claim form B10 attached hereto as Annex II (or similar form) to assert Twenty-Day Claims (the "Claim Form"). A copy of the Claim Form shall be provided with the service copies of the Twenty-Day Claim Bar Date Notice. Twenty-Day Claimants shall attach to each Claim Form copies of invoices, or summaries of invoices, comprising the asserted Twenty-Day Claim. In addition, any Twenty-Day Claimant holding claims against multiple Debtors shall file a separate Claim Form against each Debtor. Twenty-Day Claimants are permitted, but not required, to assert claims in addition to Twenty-Day Claims on the same Claim Form.
- (d) Pending the outcome of the Status Conference (as defined below), all motions or other proceedings initiated by Twenty-Day Claimants to assert rights related to Twenty-Day Claims, whether currently pending or initiated before the Status Conference, shall be stayed until after the Status Conference, at which time the Court and the parties in interest can discuss proposed procedures for handling Twenty-Day Claims.
- (e) Consistent with section 502(a) of the Bankruptcy Code, all timely filed Twenty-Day Claims shall be addressed pursuant to section 502 of the Bankruptcy Code, Bankruptcy Rule 3007 and in accordance with further procedures for resolving claims as may be established by the Court ("Claims Procedures"). Any objection to a Twenty-Day Claim shall be adjudicated in accordance with the Bankruptcy Code, the Bankruptcy Rules, the Local Bankruptcy Rules and any Claims Procedures established by the Court.

12:00 p.m.

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- (f) At the omnibus hearing in these cases scheduled for June ~~15~~, 2012 at ~~3:00 p.m.~~ Eastern Time (the "Status Conference"), the Debtors will (i) present an update to the Court on the status of the Twenty-Day Claims and (ii) either propose Claims Procedures for the resolution of the Twenty-Day Claims or seek additional time to propose such Claims Procedures. Any Twenty-Day Claimant may appear and be heard at the Status Conference with respect to proposed Claims Procedures.
- (g) Nothing in these 503(b)(9) Procedures shall affect the rights and remedies of the Debtors, the Committee or any other party in interest with regard to avoidance actions, and nothing in these 503(b)(9) Procedures shall provide a Twenty-Day Claimant a *prima facie* defense to any avoidance actions.

3. The 503(b)(9) Procedures are the sole and exclusive method for creditors to assert the Twenty-Day Claims. Except as otherwise provided herein, pending the outcome of the Status Conference, all Twenty-Day Claimants are prohibited from seeking any other means for the allowance or treatment of their Twenty-Day Claims, unless leave is specifically granted by the Court in light of events that have occurred in these cases after the entry of this Order.

4. Nothing in the Motion or this Order shall be deemed or construed as:

(a) an admission as to the validity of any claim against the Debtors; (b) a waiver of the Debtors' rights to dispute any claim on any grounds; (c) a promise to pay any claim; (d) an implication or admission that any particular claim is a claim for payments authorized pursuant to the Motion or (e) an assumption, or request to assume, any executive contract under section 365 of the Bankruptcy Code.

5. Pursuant to Bankruptcy Rule 6004(h), this Order shall be immediately effective and enforceable upon its entry.

Dated: May 8, 2012  
Wilmington, Delaware

  
UNITED STATES BANKRUPTCY JUDGE

**ANNEX I**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF DELAWARE**

-----X  
In re : Chapter 11  
AFA INVESTMENT INC., *et al.*, : Case No. 12-11127 (MFW)  
Debtors. : Jointly Administered  
-----X

**NOTICE OF DEADLINE FOR FILING CERTAIN  
PROOFS OF CLAIM SOLELY ON ACCOUNT OF GOODS RECEIVED BY  
THE DEBTORS DURING THE PERIOD FROM MARCH 13, 2012 TO APRIL 1, 2012**

A HOLDER OF A POSSIBLE CLAIM AGAINST THE DEBTORS SHOULD CONSULT AN ATTORNEY REGARDING ANY MATTERS NOT COVERED BY THIS NOTICE, SUCH AS WHETHER THE HOLDER SHOULD FILE A PROOF OF CLAIM.

**TO ALL PERSONS AND ENTITIES WITH CLAIMS ON ACCOUNT OF GOODS RECEIVED BY THE DEBTORS DURING THE PERIOD FROM MARCH 13, 2012 TO APRIL 1, 2012 AGAINST ANY OF THE DEBTOR ENTITIES LISTED ON APPENDIX A ATTACHED HERETO:**

On April 2, 2012 (the "Petition Date"), the above-captioned debtors (collectively, the "Debtors") filed voluntary petitions commencing these chapter 11 cases.

On May \_\_\_\_\_, 2012, the United States Bankruptcy Court for the District of Delaware (the "Court") entered an order (Docket No. \_\_\_\_ ) (the "Twenty-Day Claim Procedures Order") in the Debtors' chapter 11 cases establishing certain procedures solely with respect to the assertion of claims under section 503(b)(9) of the United States Bankruptcy Code, 11 U.S.C. §§ 101-1532 (the "Bankruptcy Code"), on account of goods received by the Debtors during the 20-day period immediately prior to the Petition Date – i.e., from March 13, 2012 to April 1, 2012 (collectively, the "Twenty-Day Claims"). A list of all of the Debtors and their respective case numbers is attached hereto as Appendix A.

By the 20-Day Claim Procedures Order, June 11, 2012 at 4:00 p.m., Eastern Time (the "Twenty-Day Claim Bar Date") has been established as the deadline for claimants holding Twenty-Day Claims (any such claimant, a "Twenty-Day Claimant") to file proofs of claim in the Debtors' cases asserting all claims seeking priority status pursuant to sections 503(b)(9) and 507(a)(2) of the Bankruptcy Code.

**FOR THE AVOIDANCE OF DOUBT, ONLY CLAIMANTS HOLDING TWENTY-DAY CLAIMS SEEKING PRIORITY STATUS UNDER SECTIONS 503(b)(9) AND 507(a)(2) ARE REQUIRED TO FILE A PROOF OF CLAIM BY THE**

**TWENTY-DAY CLAIM BAR DATE. PARTIES WISHING TO FILE ANY OTHER CLAIMS AGAINST THE DEBTORS ARE NOT REQUIRED TO FILE A PROOF OF CLAIM AT THIS TIME. NOTICE OF ANY ADDITIONAL DEADLINES TO FILE PROOFS OF CLAIM WILL BE PROVIDED IN THE FUTURE.**

**FILING TWENTY-DAY CLAIMS**

For your convenience, enclosed with this Notice is a copy of a modified official proof of claim form B10 that can be used for filing Twenty-Day Claims. If you hold a Twenty-Day Claim against any of the Debtors, you should use this proof of claim form to assert your Twenty-Day Claim. If you believe you hold Twenty-Day Claims against multiple Debtors, you must utilize a separate proof of claim form for each Debtor. In addition, you are permitted, but not required, to assert claims in addition to Twenty-Day Claims on the same proof of claim form. Additional copies of the proof of claim form are available at the following website: [www.kccllc.net/afa](http://www.kccllc.net/afa).

All proof of claim forms must be signed by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant. The proof of claim form must be written in English and be denominated in United States currency. You should attach to your completed proof of claim any documents on which the claim is based (or, if such documents are voluminous, attach a summary) or an explanation as to why the documents are not available. In particular, you should attach to each proof of claim form copies of invoices, or summaries of invoices, comprising the asserted Twenty-Day Claim.

Any entity filing a proof of claim must identify on its proof of claim form the particular Debtor against which its claim is asserted. An alphabetical list of all of the Debtors, together with their respective case numbers, is found on Appendix A attached hereto. Any claim filed under the joint administration case number (AFA Investment Inc., Case No. 12-11127 (MFW)) or that otherwise fails to identify a Debtor shall be deemed as filed only against Debtor AFA Investment Inc. If more than one Debtor is listed on the form, the proof of claim will be treated as filed only against the first listed Debtor.

All proofs of claim asserting Twenty-Day Claims must be filed so as to be received on or before the **Twenty-Day Claim Bar Date**, at the following address:

**AFA Investment Inc. Claims Processing Center  
c/o Kurtzman Carson Consultants LLC  
2335 Alaska Avenue  
El Segundo, California 90245**

Proofs of claim will be deemed filed only when actually received by the Debtors' claims agent, Kurtzman Carson Consultants LLC ("KCC"), on or before the **Twenty-Day Claim Bar Date**. Proofs of claim may not be delivered by facsimile or electronic mail transmission. Any facsimile or electronic mail submissions will not be accepted and will not be deemed filed until a proof of claim is submitted by one of the methods described above.

Proofs of claims will be collected, docketed and maintained by KCC. If you wish to receive acknowledgement of KCC's receipt of a proof of claim, you must submit by the



Twenty-Day Claim Bar Date and concurrently with submitting your original proof of claim (a) a copy of the original proof of claim and (b) a self-addressed, postage prepaid return envelope.

**CONSEQUENCES OF FAILURE TO FILE A  
PROOF OF CLAIM BY THE TWENTY-DAY CLAIM BAR DATE**

Pursuant to the Twenty-Day Claim Procedures Order, any Twenty-Day Claimant receiving this Notice that fails to file a proof of claim pursuant to this Notice by the Twenty-Day Claim Bar Date, shall be deemed to have waived and shall be forever barred from asserting its entitlement, if any, to priority status pursuant to sections 503(b)(9) and 507(a)(2) of the Bankruptcy Code with respect to its Twenty-Day Claim.

**EFFECT OF THE TWENTY-DAY CLAIM PROCEDURES  
ORDER ON MOTIONS ASSERTING TWENTY-DAY CLAIMS**

Under the Twenty-Day Claim Procedures Order, the filing of a proof of claim form shall be deemed to satisfy the procedural requirements for the assertion of administrative priority claims under section 503(b)(9) of the Bankruptcy Code, without the need for any further request for payment to be made to the Court.

Pending the outcome of the Status Conference (as defined below), all motions or other proceedings initiated by Twenty-Day Claimants to assert rights related to Twenty-Day Claims, whether currently pending or initiated before the Status Conference shall be stayed until after the Status Conference.

At the omnibus hearing in the Debtors' cases scheduled for June 15, 2012 at 11:30 a.m., Eastern Time (the "Status Conference"), the Debtors will (a) present an update to the Court on the status of the Twenty-Day Claims and (b) either propose procedures for the resolution of the Twenty-Day Claims or seek additional time to propose such procedures. If you hold a Twenty-Day Claim, you may appear and be heard with respect to any such procedures at the Status Conference.

**FOR THE AVOIDANCE OF DOUBT, ALL TWENTY-DAY CLAIMANTS RECEIVING THIS NOTICE MUST ASSERT THEIR TWENTY-DAY CLAIMS PURSUANT TO THE PROCEDURES SET FORTH HEREIN, WHETHER OR NOT THEY PREVIOUSLY ASSERTED THEIR TWENTY-DAY CLAIMS BY OTHER MEANS.**

All other claims asserting administrative priority under section 503(b) of the Bankruptcy Code must be made by separate requests for payment in accordance with sections 503(a) of the Bankruptcy Code and shall not be deemed proper if made by proof of claim.

**RESERVATION OF RIGHTS**

The Debtors reserve the right to dispute, or to assert offsets or defenses against, any filed claim as to nature, amount, liability, priority, classification or otherwise. Nothing contained in this Notice shall preclude the Debtors from objecting to any claim on any grounds.

### **ADDITIONAL INFORMATION**

Copies of the Twenty-Day Claim Procedures Order and other filings and information regarding the Debtors' chapter 11 cases are available, free of charge, on KCC's website at [www.kccllc.net/afa](http://www.kccllc.net/afa). This information also is available for a fee at the Court's website at <http://www.deb.uscourts.gov>. A login identification and password to the Court's Public Access to Court Electronic Records ("**PACER**") are required to access this information and can be obtained through the PACER Service Center at <http://www.pacer.psc.uscourts.gov>. Copies of all documents filed in these cases also may be examined between the hours of 8:00 a.m. and 4:00 p.m., Eastern Time, Monday through Friday, at the Office of the Clerk of the Bankruptcy Court, 824 North Market Street, 3rd Floor, Wilmington, Delaware 19801.

If you require additional information, you may contact the Debtors' claims agent, KCC, directly by calling (888) 647-1744 or writing to:

**Kurtzman Carson Consultants LLC**  
**Attn: AFA Investment Inc. Claims Processing**  
**2335 Alaska Avenue**  
**El Segundo, California 90245**

KCC cannot advise you how to file, or whether you should file, a proof of claim. You should consult an attorney for assistance regarding any inquiries, such as questions concerning whether you must file a proof of claim, whether you should file such proof of claim, and the proper completion or filing of a proof of claim.

Dated: Wilmington, DE  
\_\_\_\_\_, 2012

BY ORDER OF THE COURT

**APPENDIX A**

**ALPHABETICAL LIST OF DEBTORS AND CASE NUMBERS**

AFA Foods, Inc.: Case Number 12-11128 (MFW)

AFA Investment Inc.: Case Number 12-11127 (MFW)

American Foodservice Corporation: Case Number 12-11129 (MFW)

American Foodservice Investment Company, LLC: Case Number 12-11131 (MFW)

American Fresh Foods, Inc.: Case Number 12-11130 (MFW)

American Fresh Foods, LLC: Case Number 12-11132 (MFW)

American Fresh Foods, L.P.: Case Number 12-11133 (MFW)

Fairbank Reconstruction Corporation: Case Number 12-11135 (MFW)

United Food Group LLC: Case Number 12-11134 (MFW)

**ANNEX II**

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE		PROOF OF CLAIM
Name of Debtor:	Case Number:	
<p><i>NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. §503.</i></p>		
Name of Creditor (the person or other entity to whom the debtor owes money or property):		
Name and Address where notices should be sent:		<b>COURT USE ONLY</b>
Telephone number:	email:	<input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (if known) Filed on: _____
Name and address where payment should be sent (if different from above):		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars
Telephone number:	email:	
1. Amount of Claim as of Date Case Filed: \$ _____ If all or part of your claim is secured, complete item 4. If all or part of your claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
2. Basis for Claim: _____ (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor:	3a. Debtor may have scheduled account as: _____ (See instruction #3a)	3b. Uniform Claim Identifier (optional): _____ (See instruction #3b)
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.  Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: See Attached  Value of Property: \$ _____  Annual Interest Rate _____% <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)		Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____  Basis for perfection: _____  Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____
5. Amount of Claim Entitled to Priority under 11 U.S.C. §§ 503(b)(9) or 507(a). If any part of the claims falls into one of the following categories, check the box specifying the priority and state the amount.		
<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).		<input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier - 11 U.S.C. § 507 (a)(4).
<input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507 (a)(7).		<input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507 (a)(5).
		<input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507 (a)(____).
		Amount entitled to priority: \$ _____
* Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment		
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)		

7. Documents: Attached are 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. If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #7, and the definition of "redacted".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

8. Signature: (See instruction #8)

Check the appropriate box.

- I am the creditor. I am the creditor's authorized agent. I am the trustee, or the debtor, or their authorized agent. I am a guarantor, surety, indorser, or other codebtor.

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information and reasonable belief.

Print Name: Title: Company: Address and telephone number (if different from notice address above):

(Signature) (Date)

Telephone number: email:

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.

INSTRUCTIONS FOR PROOF OF CLAIM FORM

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

Items to be completed in Proof of Claim form

Court, Name of Debtor, and Case Number:

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State the type of debtor how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor: State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. §507(a).

If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. Credits:

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.

7. Documents:

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, attach a complete copy of any power of attorney, and provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

## DEFINITIONS

## INFORMATION

**Debtor**

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

**Creditor**

A creditor is a person, corporation, or other entity to whom debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. §101 (10).

**Claim**

A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

**Proof of Claim**

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

**Secured Claim Under 11 U.S.C. § 506(a)**

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien.

A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

**Unsecured Claim**

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

**Claim Entitled to Priority Under 11 U.S.C. § 507 (a)**

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

**Redacted**

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

**Evidence of Perfection**

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

**Acknowledgment of Filing of Claim**

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system ([www.pacer.psc.uscourts.gov](http://www.pacer.psc.uscourts.gov)) for a small fee to view your filed proof of claim.

**Offers to Purchase a Claim**

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.