

Fill in this information to identify the case:

Debtor 1 Debtor Dan  
Debtor 2 (Spouse, if filing) \_\_\_\_\_  
United States Bankruptcy Court for the: Eastern District of Tennessee  
Case number 99-bk-9999

Official Form 410  
**Proof of Claim**

04/19

Read the instructions before filing 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**

1. Who is the current creditor? ABC Creditor  
Name of the current creditor (the person or entity to be paid for this claim)  
Other names the creditor used with the debtor \_\_\_\_\_

2. Has this claim been acquired from someone else?  
 No  
 Yes. From whom? \_\_\_\_\_

Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<u>ABC Creditor</u>	<u>ABC Creditor Billing</u>
	Name _____	Name _____
	<u>123 First St.</u>	<u>123 Second Ave.</u>
	Number Street _____	Number Street _____
	<u>New York NY 10022</u>	<u>New York NY 10022</u>
City State ZIP Code _____	City State ZIP Code _____	
Contact phone <u>(000) 123-4567</u>	Contact phone <u>(000) 765-4321</u>	
Contact email <u>Abc@AbcCreditor.com</u>	Contact email <u>Billing@AbcCreditor.com</u>	
Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____		

4. Does this claim amend one already filed?  
 No  
 Yes. Claim number on court claims registry (if known) \_\_\_\_\_  
Filed on \_\_\_\_\_ MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim?  
 No  
 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: \_\_\_\_\_

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7. How much is the claim? \$ 154,321.00. 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).

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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.

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Money Loaned

9. Is all or part of the claim secured?  No  
 Yes. The claim is secured by a lien on property.

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**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: \_\_\_\_\_

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**Basis for perfection:** Recorded mortgage

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:** \$ 100,000.00

**Amount of the claim that is secured:** \$ 100,000.00

**Amount of the claim that is unsecured:** \$ 54,321.00 (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:** \$ 20,000.00

**Annual Interest Rate** (when case was filed) 4.00 %

- 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. \$ \_\_\_\_\_

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

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

No

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Yes. Check one:

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

Amount entitled to priority

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

Up to \$3,025\* 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 \$13,650\*) 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 4/01/22 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.

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Executed on date 02/02/2222  
MM / DD / YYYY

/s/ John Smith

Signature

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

Name	<u>John</u>	<u>Smith</u>
	First name	Middle name Last name
Title	<u>President</u>	
Company	<u>ABC Creditor</u>	
	Identify the corporate servicer as the company if the authorized agent is a servicer.	
Address	<u>123 First St.</u>	
	Number	Street
	<u>New York</u>	<u>NY</u> <u>10022</u>
	City	State ZIP Code
Contact phone	<u>(000) 123-4567</u>	Email <u>John@AbcCreditor.com</u>



# Bradley's Bankruptcy Basics

## Proof of Claim Form: Quick Reference Guide

The Proof of Claim (POC) Form (Official Form 410) and the Mortgage Proof of Claim Attachment (Official Form 410A) on the previous pages are the official forms on which creditors' POC should be completed and filed. The information below does not account for all the possible permutations of claims nor the circumstances creditors should detail in their POCs. Additionally, it does not address processes that may be specific to particular bankruptcy jurisdictions. If you have any questions regarding the information to include in a POC or the manner in which your POC should be prepared, please seek legal counsel.

1. The debtor(s)' name and case number will be included on the notice of bankruptcy that you received, as well as any other filings in this bankruptcy case. The creditor should use the exact name/number listed on those official documents.
2. Identify the creditor filling out the POC here. If the creditor's official name is different from a d/b/a or other names previously used in connection with this debtor, include those other names in the space provided.
3. Confirm that the address, phone number, and email address listed here are correct and regularly monitored. Notices of filings and events in the bankruptcy case will be delivered here. Bankruptcy cases move quickly. It is important that someone will receive and review notices sent to this location with sufficient time to respond, if necessary. Additionally, other parties in interest or the court may attempt to contact the creditor at the phone number and email address listed here.
4. Provide the address where payments toward this claim should be remitted. This should be completed if the information is different than the information described in endnote 3.
5. If this is an amendment to a previously filed POC in this bankruptcy case, disclose that here and identify the original POC by claim number and date filed.
6. If the creditor has assigned a number to this claim, such as an account number, the last four digits of that number should be listed here. Remember that POCs are publicly filed documents, and all account numbers, as well as personally identifiable information, must be truncated or redacted on the POC, as well as on any attachments or documents filed with the POC. Failure to redact can result in fines or sanctions.
7. List the total amount of the claim owed as of the bankruptcy filing date here. If the total amount includes interest, fees, expenses, or other charges, a statement itemizing those amounts (i.e., a payoff statement) should be attached to and filed with the POC. Confirm any personally identifiable information and account numbers on attachments are redacted.
8. Identify how the debtor came to owe the debt to the creditor here. Documents supporting the debt owed should be attached to and filed with the POC (i.e., promissory note, financing agreement, lease, judgement, etc.). Confirm any personally identifiable information and account numbers on attachments are redacted.
9. If the creditor's claim is secured by collateral, indicate such here. If the claim is secured by a mortgage, the Mortgage Proof of Claim Attachment (Official Form 410-A) must be filed with the POC.
10. Indicate how the security interest for the claim was perfected. Attach any documents evidencing perfection (i.e., recorded mortgage, vehicle title with creditor listed, UCC-1 statement, etc.). Confirm any personally identifiable information and account numbers on attachments are redacted.
11. In bankruptcy, a claim is only secured to the extent of the value of the collateral securing the claim. Any deficiency amounts are treated as an unsecured claim. Failure to identify amounts of a claim in excess of the value of collateral as unsecured could result in the creditor being barred from receiving any payment toward a deficiency.
12. If the debtor's account was in default on the date he filed for bankruptcy, list the amount here that is needed to cure the default as of that date.
13. If the claim arises from a lease, indicate that here, and list any amounts needed to cure a default as of the date the bankruptcy case was filed.
14. Certain claims, such as those held by banks where the debtor has a deposit account, may be subject to setoff. Creditors should be mindful of the automatic stay, and obtain relief from the stay if necessary, before taking action to set off amounts owed.
15. If the claim is entitled to priority designation under the Bankruptcy Code, indicate that here. Consulting with in-house or outside counsel is advisable if there are questions as to whether priority designation is available.
16. The creditor or its agent will sign and date the POC here. Notably, the individual signing the POC affirms under penalty of perjury that the information included in the POC is true and correct. A person who intentionally files a POC that is false may be prosecuted.
17. List the case number and debtor's name here. This information is found on the notice of bankruptcy and filings in the bankruptcy case. The creditor should use the exact name/number listed on those official documents.
18. List the amounts due as of the date the bankruptcy case was filed here.
19. This amount should match the total claim amount, described in endnote 7.
20. List any arrears owed as of the date the bankruptcy case was filed here.
21. This amount should match the amount necessary to cure the default as of the date the case was filed, described in endnote 12.
22. List the debtor's monthly mortgage payment amount here.
23. If the loan is escrowed, an escrow statement as of the date the bankruptcy case was filed must be attached to and filed with the POC. Confirm any personally identifiable information and account numbers on attachments are redacted.
24. List the requested information from the date of the debtor's first default through the date the debtor filed the bankruptcy case here. Additional pages may be attached if necessary.