

PROOF OF CLAIM PROCEDURE

TABLE OF CONTENTS:

CODE AND RULE CITES 4

ADDITIONAL DOCUMENTATION REGARDING CLAIMS AND CREDITOR

DATABASE 4

FILING REQUIREMENTS 4

PREPARATION BEFORE SCANNING AND DOCKETING 5

ACKNOWLEDGMENT OF PROOF OF CLAIM - no copy returned 5

DISTRIBUTION OF COPIES AND DISPOSAL 6

RETURNING CLAIMS 7

JUDGMENT CALLS - VARIATIONS BETWEEN NAMES AND ADDRESSES WHEN DOCKETING CLAIMS 7

TIPS FOR ENTERING PROOF OF CLAIMS IN CM 7

TIPS FOR ENTERING NEW CREDITORS INTO THE ADD CREDITOR(S) SCREEN (CREDITOR MAINTENANCE) 8

TIPS FOR ENTERING INFORMATION INTO THE PROOF OF CLAIM INFORMATION SCREEN 9

SEARCHING FOR CREDITORS BEFORE DOCKETING CLAIMS 10

PROOFS OF CLAIM WITH A POWER OF ATTORNEY 11

PROOFS OF CLAIM FILED BY AN ATTORNEY or AGENT BUT WITHOUT POWER OF ATTORNEY	11
NOTICE OF CLAIM FILED BY DEBTOR OR TRUSTEE	11
WITHDRAWAL OF CLAIMS - (for court users only)	12
AMENDED CLAIMS - (for court users only)	12
DUPLICATE CLAIMS - (for court users only)	12
PRINTING A CLAIMS REGISTER	12
ADDITIONAL INFORMATION FOR CLAIMS REGISTERS	12
DILIGENT SEARCH FOR MISSING ORIGINALS	13
YEARLY ACKNOWLEDGMENT OF DEPUTY CLERK RESPONSIBILITIES	13
JUDGMENT CALLS	14

CODE AND RULE CITES

Fed. R. Bankr. P. 3001 - Proof of Claim

Fed. R. Bankr. P. 3004 - Filing(s) of Claims by Debtor or Trustee

ADDITIONAL DOCUMENTATION REGARDING CLAIMS AND CREDITOR DATABASE

Proofs of Claim procedure from IT Systems Deployment, June 7, 2002

Creditor Maintenance procedure from IT Systems Deployment, June 6, 2002

Claims Register procedure from IT Systems Deployment, June 7, 2002

Style Guide for Electronic Case Filing

Approved NDNY Abbreviations

FILING REQUIREMENTS

- A paper proof of claim should be filed with an original and two copies (however, it will not be returned if only an original is filed).
- The proof of claim should be signed by the claimant or by a power of attorney (A copy of the signed power of attorney is acceptable for filing).

PROOF OF CLAIM SIGNATURES		
	UTICA	ALBANY
Signature missing	<p>Case Administrator to request replacement document bearing original signature within 24 hours. The <i>unsigned</i> claim should be then be docketed and in the Remarks field enter "<i>Claim not signed. Claimant called/contacted</i>".</p> <p>When the replacement document is received, docket the claim using the date you actually received the replacement.</p>	<p>Case Administrator to request replacement document bearing original signature within 24 hours. The <i>unsigned</i> claim should be then be docketed and in the Remarks field enter "<i>Claim not signed. Claimant called/contacted</i>".</p> <p>When the replacement document is received, docket the claim using the date you actually received the replacement.</p>
Signature not an original	Original or copy of signature is acceptable on Proof of Claim	Original or copy of signature is acceptable on Proof of Claim

PREPARATION BEFORE SCANNING AND DOCKETING

1. Stamp the claim on the front “Received & Filed” being careful not to obliterate any text. (If an “office space” section is on the claim, please stamp there.)
2. Look at the claim and check both the case number and district information.
3. In CM confirm that the claim belongs to the Northern District of NY. (Whether it belongs to Albany or Utica is irrelevant) If a claim is for a case filed in our other office, you should complete any acknowledgment and docketing of the claim and then send the hard copy to assigned CA in the other office by blue bag.
4. Check claim for signature of claimant or for power of attorney. (A copy of the signed power of attorney is acceptable for filing.)
5. For claims only, the actual claim and any attachments to it can be scanned as one document. If there was an accompanying cover letter it should be the last page scanned. This directive only applies to claims. It does not apply to motions or any other document.

Note on 40 page limit: As with other filings, if the total document is more than 40 pages please be sure to use the “*Divided for Imaging Purposes*” text.

ACKNOWLEDGMENT OF PROOF OF CLAIM - no copy returned

Note: This instruction applies only if the party is not requesting return of a copy of the proof of claim.

On occasion the Clerk’s Office may receive requests to acknowledge the **receipt** of a proof of claim. Acknowledgment requests are sometimes submitted to the Clerk’s Office in the following ways:

- By cover letter requesting the stamping, signing, and returning of the cover letter or a duplicate of the cover letter with or without return of the proof of claim
- By submitted postcard requesting acknowledgment by receipt/file stamping the postcard and mailing it back to requester;
- By transmittal sheets requesting acknowledgment of multiple proofs of claim by receipt/file stamping the transmittal and returning it to requester.

Pursuant to LBR 3001-1 the Clerk’s Office will not comply with requests to acknowledge receipt of proofs of claim. If you receive any of the above requests, prepare form [O:LR3001(07/25/2000) and mail it to the requester.

DISTRIBUTION OF COPIES AND DISPOSAL

Chapter	Original	1 st Copy	Additional Copies
7	Case File	Chapter 7 Trustee	Return to Creditor
11	Case File	Return to Creditor	Return to Creditor
12	Case File	Chapter 12 Trustee	Return to Creditor
13	Case File	Chapter 13 Trustee	Return to Creditor

Utica: If sufficient copies are not provided, no action is taken by the case administrator.

File stamped copies of claims should only be returned if a self- addressed stamped envelope is provided. If no envelope provided, discard the extra copy of the proof of claim.

If a cover letter accompanies a proof of claim and a copy is being returned to the claimant, case administrator should mark the cover letter with the date of the return and their initials as documentation.

Once the claim has been docketed in CM:

- Mark the original with the claim number in the bottom right hand corner of the proof of claim and if a copy is going to the trustee mark "ct". *Note: this step is not required under CM but you may wish to continue the practice as a way to organize your work.*
- Mark claim number on the trustee copy.
- Look up Trustee name in CM and mark that name on the copy.

Albany: If sufficient copies are not provided, no action is taken by the case administrator. Copies of claims should only be returned if a self- addressed stamped envelope is provided. If no envelope provided, discard the extra copy of the proof of claim.

Once the claim has been docketed in CM:

- Mark the original with the claim number in the bottom right hand corner of the proof of claim and if you are sending a copy back to the creditor, mark "ack" and date. *Note: this step is not required under CM but you may wish to continue the practice as a way to organize your work.*
- Mark claim number on the trustee copy.
- Look up Trustee name in CM and mark that name on the copy.

RETURNING CLAIMS

1. Using CM, check caption of claim (name of debtor, case number and district.)
 - If case number on the claim is incorrect, search for debtor's name. When docketing the claim, in the **Remarks** field add "*Case number incorrect. Should be xx-xxxxx*". Do not alter claim.
 - If claim or debtor's name is not in our district, return in accordance with the Unfiling and Return of Documents Presented for Filing Procedure.
2. Check claim for signature of claimant or for power of attorney (A copy of the signed power of attorney is acceptable for filing). If there is no signature follow procedures above regarding signatures.

JUDGMENT CALLS - VARIATIONS BETWEEN NAMES AND ADDRESSES WHEN DOCKETING CLAIMS

See attached sheet of examples.

TIPS FOR ENTERING PROOFS OF CLAIM IN CM

- A claim is acceptable without modification only if the name and address on the claim match the name and address already in the creditor database.
- If the claim is filed by the debtor or trustee on behalf of a creditor, follow the instructions under "Claim filed by Debtor or Trustee".
- When entering proof of claim information, do not insert in the CM Database any account number information that may be provided on the actual proof of claim.

TIPS FOR ENTERING NEW CREDITORS INTO THE ADD CREDITOR(S) SCREEN (CREDITOR MAINTENANCE)

- CM provides one (1) line for a creditor name and five (5) lines for an address. However, the total address cannot exceed a total of five (5) lines for the name and address. DO NOT use address line # 5 because the BNC noticing function fails if more than five (5) lines are used.
- Each line has a **40** character maximum limit.
- When entering a proof of claim name that has 40 characters or more, end creditor name at the last full word and continue name on address line #1 only to the extent full address can be included in remaining three (3) lines - otherwise see a supervisor to make a determination of where to stop entering the name of the creditor.

Note: You have a 40 characters limit to enter the proof of claim name and address information. The 40 character restriction is a BNC driven requirement. Anything over 40 characters may cause notices to be rejected by the BNC.

- Avoid the use of special characters (#, &, c/o, are permitted). However, only use the & (ampersand) if it is actually used in the name of a company. Do not abbreviate “and” by using &.
- When you use the & (ampersand) sign it must have a space on both sides of the ampersand. It should appear as follows: Freeman & Company. It should not appear as: Freeman&Company.
- If there is an Attention Line, the attention information must follow the name line. If you place attention on the last line (# 4) the BNC will reject the address.
- City, state and zip must be on last address line used.
- The state must be a two letter abbreviation (See Style Guide for state abbreviations)
- Zip + four must include hyphen. Example: 13502-0328
- All claims should be entered as the **Name of Creditor** box shows on the actual proof of claim. (But see below)

- If the **Name of Creditor** box on the POC shows Sears and the **Name and Addresses** box shows “Sears Roebuck & Co”, the name entered into the **Name** field on the **Add Creditor(s)** screen should be “Sears” and the first address line should reflect Sears Roebuck & Co.
- If the **Name of Creditor** box on the POC and the **Name and Addresses** box on the POC both reflect the same names, it is not necessary to duplicate this information. Enter the name in the **Name** field and begin the address on address line one of the **Add Creditor(s)** screen.
- If the **Name of Creditor** is “*American Express as successor to Bank One*” the claim should be entered as *American Express* in the **Name** field. The *as successor to Bank One* language can go into the **Description** Field on the **Proof of Claim Information** screen.

TIPS FOR ENTERING INFORMATION INTO THE PROOF OF CLAIM INFORMATION SCREEN

- Be sure you enter the correct **Date Filed**. CM always defaults to the actual date.
- Never use the **Amount Allowed** section.
- In the **Amount Claimed** section, never use the **Unsecured**, **Secured**, or **Priority** fields; only use the **Unknown** field.
- Use the **Remarks** field to record unclear amounts. Your text in the **Remarks** field should read: *Amount Unclear* if you find any of the following circumstances on a claim.
 - \$0 listed in proof of claim total amount.
 - Nothing listed in the proof of claim total amount.
 - \$0 listed in the proof of claim total amount and attachment shows a total amount of claim.
 - Nothing listed in the proof of claim total amount and attachment shows a total amount of claim.
 - When the proof of claim shows various amounts that are not listed in the total amount of claim.
 - Proof of claim total amount has reference to “plus interest”.
- The **Description** and **Remarks** fields will appear on the claims register. Both fields are 255 characters long.

- If a certificate of service is filed with a proof of claim, enter *Certificate of Service Filed* in the **Remarks** field.
- The **Description** Field should also be used to record all additional, descriptive text found in the names of creditors from the **Name** field on the **Add Creditor** Screen. For example you receive a POC and the **Name of Creditor** is listed as: *DaimlerChrysler Service North America LLC, successor by merger to Chrysler Financial Company, LLC*. You should enter the name of creditor as DaimlerChrysler Service North America LLC in the Name field. The text of *successor by merger to Chrysler Financial Company, LLC* should be entered in the **Description** Field on the **Proof of Claim Information** screen.
- If a creditor provides an address for payments and an address for noticing, use the address for payments to enter the proof of claim. After the claim has been added, go into **Creditor Maintenance** and add the noticing address to the creditor database.
- When adding a proof of claim to the CM database, be sure to use the approved NYND abbreviations for entering addresses of non-debtor parties & creditors (see addendum #1). You may follow either option #1, option #2 or option #3 on the addendum to add your address of the creditor.
- If a proof of claim is filed in a closed case, it should be docketed in that case. If the case has been archived, enter the claim information on form *[P:M003(07/12/1999)]* and follow the RMS procedure instructions. This instruction only applies to pre-BANCAP cases.

SEARCHING FOR CREDITORS BEFORE DOCKETING CLAIMS

Search Hints for Creditor Database

1. Searching is case sensitive (Smith not smith)
2. Include Punctuation. (Garcia-Barrera)
3. Partial names can be entered. (Smi)
4. Significant words or names are effective. (Radio for Radio Shack and Northwest for Northwest Radiology)
5. Try alternative search clues if your first search is not successful

At the Search for Creditor screen, do not change the default of Creditor in the **Type of Creditor** box.

PROOFS OF CLAIM WITH A POWER OF ATTORNEY

If a proof of claim is filed with a power of attorney (the power of attorney can be a photocopy), add the proof of claim with the name of the creditor and the agent/attorney's name and use the agents/attorney's name in the following manner:

Niagara Mohawk Power Corporation (Name Line)
AND William C. Grossman, Esq. (First Address Line)
POB 5026 (Second Address Line)
Buffalo, NY14206 (Third Address Line)

Remain mindful of the 40 character limit per name/address line and add the power of attorney information on the first address line.

In the **Remark** Field enter the text: *Power of Attorney Filed.*

PROOFS OF CLAIM FILED BY AN ATTORNEY or AGENT BUT WITHOUT A POWER OF ATTORNEY

1. If a proof of claim is filed with the name and address of the creditor on the proof of claim and a cover letter from the creditor's attorney or agent is sent along with the claim, add the proof of claim with the creditor name and address.
2. If the cover letter specifically requests the addition of the name to the matrix, note that addition on the cover letter prior to scanning and add the name through creditor maintenance.

NOTICE OF CLAIM FILED BY DEBTOR OR TRUSTEE

When a claim is filed by a debtor OR a trustee on a creditor's behalf:

- Docket claim in CM. When docketing be sure to select the correct "**Filed By**" entity (attorney, creditor, or trustee) on the **Proof of Claim Information** screen.
- Prepare and docket "Notice of Claim Filed by Debtor"
[O:R3004(09/17/1999)U] or [O:R3004(09/17/1999)A]. Make necessary copies and mail.

WITHDRAWAL OF CLAIMS - (for court users only)

The withdrawal of claims is usually initiated by a letter sent to the Court. Scan and docket the letter using the Withdrawal of Claim event found under the Claims Actions menu. Do not manually change the Status field on the Claims Register.

AMENDED CLAIMS - (for court users only)

If you receive a claim with “Amended” clearly indicated on the face of the claim, and there really is an existing claim on the Claims Register and you have enough information to determine the claim number being amended, you may note the information on the Claims Register in the Amends Claim # field.

If you receive a claim with “Amended” clearly indicated on the face of the claim but there is no existing claim that you can find, docket claim as you normally would. Do not manually change the Status field on the Claims Register.

DUPLICATE CLAIMS - (for court users only)

If you receive what appears to be a duplicate claim, note in the Remarks field, “This claim may be a duplicate”.

PRINTING A CLAIMS REGISTER

See the Claims Register Procedure from IT Systems Deployment.

ADDITIONAL INFORMATION FOR CLAIMS REGISTERS

It is not necessary to attach a CM generated claims register to the docket at the time of closing.

It is the trustee’s and the U.S. Trustee’s responsibility to retrieve a claims register via the PACER system.

If a proof of claim is filed after a claims register has been generated by the Trustee, the claim should be docketed and it is the trustee’s responsibility to verify with the clerk that their records match the official records.

DILIGENT SEARCH FOR MISSING ORIGINALS

The Clerk's Office handles large quantities of paper on a daily basis. On occasion original documents are misplaced or misfiled. Every effort must be made to assure the accuracy of our case files and claims registers. If you discover at any time during the life of a case (and especially at closing) that original proofs of claim have been added to the claims register but are physically missing from the case file please follow the **Diligent Search for Missing Documents Procedure**. (This procedure will only apply when actual paper must be accounted for.)

YEARLY ACKNOWLEDGMENT OF DEPUTY CLERK RESPONSIBILITIES

The requirement that proofs of claim be processed accurately cannot be taken lightly. Errors made in the Clerk's Office could prove harmful in a bankruptcy case.

On a yearly basis deputy clerks will be required to read, understand, adhere to, and sign an Acknowledgment of Responsibility for Processing Proofs of Claim form [HR:33(07/28/2000)]. Signed acknowledgments are to be given to the Chief Deputy and will be placed in personnel folders.

JUDGMENT CALLS
VARIATIONS BETWEEN NAMES AND ADDRESSES WHEN DOCKETING CLAIMS
(Examples as of March 2003)

You will always be correct if you enter the name and address on a claim exactly as presented. This directive generally remains the same under CM. There are, however, some limited exceptions you may use that will not be counted against you as QC errors.

Abbreviations in the name

Within a creditor name, you may abbreviate the following:

Company as Co.
Corporation as Corp.
Incorporated as Inc.
Association as Assoc.

Abbreviations in the address

Within a creditor address, you may abbreviate according to the approved NDNY listing. Thus, for example, you can use variations of P.O. Box, etc. etc.

The name of the state must **ALWAYS** show the official two letter abbreviation. If the state is not abbreviated it may cause a BNC notice to fail.

Descriptions in names (or the information after the comma in a name)

Many times, on a claim the name of the creditor will include long, descriptive information which will cause you to enter more than 40 characters on the name line or will cause you to use multiple address lines to hold the name. Because a notice will reach its destination if we enter enough of the correct name and address, please add name descriptions to the Description field. Examples of what can be added in Description are:

- ...assignee of Household Bank and its assigns
- ...dba Resurgent Acquisition
- ...fkn BNB USA Merchant
- ...successor by Merger to Chrysler Financial
- ...by eCast Settlement Corporation as its agent