

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

---

In re:	)	
	)	Chapter 11
	)	
NEWBURY COMMON	)	Case No. 15-12507 (LSS)
ASSOCIATES, LLC <u>et al.</u>	)	
	)	Jointly Administered
Debtors <sup>1</sup> .	)	
	)	<b>Re: Docket Nos. 518-524, 527, 575, 577, 579-583, 585, 586, 589 &amp; 592</b>

---

**NOTICE OF (I) AMENDMENT TO THE DEBTORS’ SCHEDULE E/Fs  
AND (II) AMENDED SCHEDULES BAR DATE**

TO: THE PERSONS OR ENTITIES HOLDING CLAIMS LISTED ON THE AMENDMENT ATTACHED HERETO AS EXHIBIT A

**PLEASE TAKE NOTICE** that, pursuant to Rule 1009(a) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”) and Rule 1009-2 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “**Local Rules**”), each of the following above-captioned debtors and debtors-in-possession (collectively, the “**Debtors**”) hereby amends its Schedule E/F (the “**Previous Schedules**”) as set forth herein:

---

<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are: Newbury Common Associates, LLC (3783); Seaboard Realty, LLC (6291); 600 Summer Street Stamford Associates, LLC (6739); Seaboard Hotel Member Associates, LLC (8984); Seaboard Hotel LTS Member Associates, LLC (6005); Park Square West Member Associates, LLC (9223); Seaboard Residential, LLC (2990); One Atlantic Member Associates, LLC (4120); 88 Hamilton Avenue Member Associates, LLC (5539); 316 Courtland Avenue Associates, LLC (0290); 300 Main Management, Inc. (6365); 300 Main Street Member Associates, LLC (2334); PSWMA I, LLC (6291); PSWMA II, LLC (6291); Tag Forest, LLC (8974); Newbury Common Member Associates, LLC (3909); Century Plaza Investor Associates, LLC (1480); Seaboard Hotel Associates, LLC (2281); Seaboard Hotel LTS Associates, LLC (8811); Park Square West Associates, LLC (9781); Clocktower Close Associates, LLC (3154); One Atlantic Investor Associates, LLC (7075); 88 Hamilton Avenue Associates, LLC (5749); 220 Elm Street I, LLC (7540); 300 Main Street Associates, LLC (8501); and 220 Elm Street, II (7625). The Debtors’ corporate headquarters is located at, and the mailing address for each Debtor is, 1 Atlantic Street, Stamford, CT 06901.

<b>Debtor</b>	<b>Previous Schedule Docket No.</b>
Seaboard Realty, LLC	Docket No. 579
600 Summer Street Stamford Associates, LLC	Docket No. 580
Seaboard Hotel Member Associates, LLC	Docket No. 581
Seaboard Hotel LTS Member Associates, LLC	Docket No. 582
Park Square West Member Associates, LLC	Docket No. 583
One Atlantic Member Associates, LLC	Docket No. 585
88 Hamilton Avenue Member Associates, LLC	Docket No. 586
300 Main Street Member Associates, LLC	Docket No. 589
Tag Forest, LLC	Docket No. 592
Century Plaza Investor Associates, LLC	Docket No. 577
Seaboard Hotel Associates, LLC	Docket No. 522
Seaboard Hotel LTS Associates, LLC	Docket No. 527
Park Square West Associates, LLC	Docket No. 523
Clocktower Close Associates, LLC	Docket No. 524
One Atlantic Investor Associates, LLC	Docket No. 518
220 Elm Street I, LLC	Docket No. 519
300 Main Street Associates, LLC	Docket No. 520
88 Hamilton Avenue Associates, LLC	Docket No. 521
220 Elm Street II, LLC	Docket No. 575

**PLEASE TAKE FURTHER NOTICE** that annexed hereto as **Exhibit A** is an amendment to the Previous Schedules (the “**Amendment**”). Following a review of the Debtors’ prepetition books and records and comparing them to the accounts payable records, the Debtors have been unable to validate the amounts listed in the accounts payable records and are therefore amending the Previous Schedules to list such amounts as contingent/unliquidated/disputed. The Previous Schedules are otherwise unaltered with respect to any and all information previously included therein.<sup>2</sup>

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Local Rule 1009-2, as modified by the *Order Establishing Bar Dates for Filing Proofs of Claim and Approving the Form and*

<sup>2</sup> The totals amounts of priority and nonpriority unsecured claims listed in Part 4 of each Amendment reflect the total amount of priority and nonpriority unsecured claims listed in each Debtor’s Previous Schedule. Through the Amendments, the Debtors did not make any revisions to claim amounts.

*Manner of Notice Thereof* [Docket No. 1137] (the “**Bar Date Order**”),<sup>3</sup> each person or entity listed on the Amendment has until February 17, 2017, which is the date that is twenty-one (21) days from the date of service of this Notice (the “**Amended Schedules Bar Date**”), to file a proof of claim (a “**Proof of Claim**”).

**PLEASE TAKE FURTHER NOTICE** that the Court has approved the proof of claim form (the “**Proof of Claim Form**”), attached hereto as **Exhibit B**, for use in these chapter 11 cases.

**PLEASE TAKE FURTHER NOTICE** that, unless otherwise agreed by the Debtors in writing, any entity asserting claims against more than one Debtor must file a separate Proof of Claim with respect to each such Debtor on or before the applicable Bar Date. In addition, any entity filing a Proof of Claim must identify on its Proof of Claim the particular Debtor against which its claim is asserted.

**PLEASE TAKE FURTHER NOTICE** that Proofs of Claim must be sent by first-class mail, overnight courier, or hand-delivery. If the Proof of Claim is sent by mail, it should be sent to: Donlin, Recano & Company, Inc. Re: Newbury Common Associates, LLC, et al. P.O. Box 192328 Blythebourne Station Brooklyn, NY 11219. If the Proof of Claim is sent by overnight courier or hand-delivery, it should be sent to: Donlin, Recano & Company, Inc. Re: Newbury Common Associates, LLC, et al. 6201 15th Avenue Brooklyn, NY 11219. A Proof of Claim filed by a person or entity listed on the Amendment will be deemed timely filed only if it is actually received by Donlin Recano on or before the Amended Schedules Bar Date at the address listed above. Donlin Recano will not accept Proofs of Claim by facsimile, telecopy, e-mail, or

---

<sup>3</sup> This Notice is qualified in its entirety by reference to the Bar Date Order. The Bar Date Order will control in the event of any inconsistency between this Notice and the Bar Date Order. Capitalized terms used but not otherwise defined herein have the meanings ascribed to such terms in the Bar Date Order.

other electronic submission, and Proofs of Claim submitted by such means shall not be deemed timely filed.

**PLEASE TAKE FURTHER NOTICE** that, if a person or entity listed on the Amendment fails to file a Proof of Claim in accordance with the Bar Date Order by the Amended Schedules Bar Date, that person or entity (i) shall not, with respect to such claim, be treated as a Creditor of the Debtors for the purposes of voting upon any plan in this proceeding; and (ii) shall not receive or be entitled to receive any payment or distribution of property from the Debtors or their successors or assigns with respect to such claim; provided, however, that a claimant shall be able to vote upon, and receive distributions under, any plan of reorganization or liquidation in the chapter 11 cases to the extent, and in such amount, as any undisputed, non-contingent, and liquidated claims identified in the Schedules on behalf of the claimant.

**PLEASE TAKE FURTHER NOTICE** that, if a person or entity has already filed a proof of claim on or before the “General Bar Date” of October 21, 2016 at 4:00 p.m. (prevailing Eastern Time), that person or entity is not required to file another Proof of Claim, unless that person or entity wishes to modify the claim set forth in such filed Proof of Claim.

**PLEASE TAKE FURTHER NOTICE** that the Amendment remains subject to the *Global Notes, Methodology and Specific Disclosures Regarding the Original Debtors’ Amended Schedules of Assets and Liabilities and Statements of Financial Affairs* or the *Global Notes, Methodology and Specific Disclosures Regarding the Additional Debtors’ Schedules of Assets and Liabilities and Statements of Financial Affairs*, respectively, filed with the Previous Schedules.

**RESERVATION OF RIGHTS**

The Debtors reserve all rights and defenses with respect to any Proof of Claim, including, among other things, the right to object to any Proof of Claim, or any claim listed or reflected in the Amendment and the Previous Schedules, on any grounds. The Debtors also reserve their right to amend their schedules and reserve all rights and defenses to any claim listed on their schedules, as may be amended, including, among other things, the right to dispute any such claim and assert any offsets or defenses thereto. To the extent the Debtors dispute any claim listed on their schedules, and such claim is not already listed as “disputed,” “contingent,” or “unliquidated,” the Debtors shall amend their schedules as appropriate.

Dated: January 27, 2017  
Wilmington, Delaware

Respectfully submitted,

By: /s/ Elizabeth S. Justison  
YOUNG CONAWAY STARGATT & TAYLOR, LLP  
Robert S. Brady (No. 2847)  
Sean T. Greecher (No. 4484)  
Elizabeth S. Justison (No. 5911)  
1000 North King Street  
Wilmington, DE 19801  
Telephone: (302) 571-6600  
Facsimile: (302) 571-1253  
rbrady@ycst.com  
sgreecher@ycst.com  
ejustison@ycst.com

*Attorneys for the Debtors and  
Debtors in Possession*

**EXHIBIT A**

**Amendment**

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

**Debtor name:** One Atlantic Member Associates, LLC  
**United States Bankruptcy Court for the:** District of Delaware  
**Case number (if known):** 15-12514

Check if this is an amended filing

Official Form 206E/F

**Schedule E/F: Creditors Who Have Unsecured Claims**

12/15

Be as complete and accurate as possible. Use Part 1 for creditors with PRIORITY unsecured claims and Part 2 for creditors with NONPRIORITY unsecured claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on *Schedule A/B: Assets - Real and Personal Property* (Official Form 206A/B) and on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G). Number the entries in Parts 1 and 2 in the boxes on the left. If more space is needed for Part 1 or Part 2, fill out and attach the Additional Page of that Part included in this form.

**Part 1: List All Creditors with PRIORITY Unsecured Claims**

1. Do any creditors have priority unsecured claims? (See 11 U.S.C. § 507).

- No. Go to Part 2.
- Yes. Go to line 2.

2. List in alphabetical order all creditors who have unsecured claims that are entitled to priority in whole or in part. If the debtor has more than 3 creditors with priority unsecured claims, fill out and attach the Additional Page of Part 1.

2.1. <b>Priority creditor's name and mailing address</b>  _____ _____ _____ _____	<b>As of the petition filing date, the claim is:</b> <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="background-color: #e0e0e0;">Total claim</th> <th style="background-color: #e0e0e0;">Priority amount</th> </tr> <tr> <td style="text-align: center;">\$ _____</td> <td style="text-align: center;">\$ _____</td> </tr> </table>	Total claim	Priority amount	\$ _____	\$ _____	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="background-color: #e0e0e0;">Nonpriority amount</th> </tr> <tr> <td style="text-align: center;">\$ _____</td> </tr> </table>	Nonpriority amount	\$ _____
Total claim	Priority amount								
\$ _____	\$ _____								
Nonpriority amount									
\$ _____									
<b>Date or dates debt was incurred</b>  _____	<b>Basis for the claim:</b>  _____								
<b>Last 4 digits of account number:</b> _____  <b>Specify Code subsection of PRIORITY unsecured claim:</b> 11 U.S.C. § 507(a) (_____)	<b>Is the claim subject to offset?</b> <input type="checkbox"/> No <input type="checkbox"/> Yes								

Debtor **One Atlantic Member Associates, LLC**

Case number (if known) **15-12514**

**Part 2: List All Creditors with NONPRIORITY Unsecured Claims**

**3. List in alphabetical order all of the creditors with nonpriority unsecured claims.** If the debtor has more than 6 creditors with nonpriority unsecured claims, fill out and attach the Additional Page of Part 2.

<p><b>3.2. Nonpriority creditor's name and mailing address</b>                  J. DIMENNA, JR.                  Address Intentionally Omitted</p> <p><b>Date or dates debt was incurred</b>                  VARIOUS</p> <p><b>Last 4 digits of account number:</b></p>	<p><b>As of the petition filing date, the claim is:</b>  <i>Check all that apply.</i></p> <p><input checked="" type="checkbox"/> Contingent  <input checked="" type="checkbox"/> Unliquidated  <input checked="" type="checkbox"/> Disputed</p> <p><b>Basis for the claim:</b>                  NOTE PAYABLE</p> <p><b>Is the claim subject to offset?</b></p> <p><input checked="" type="checkbox"/> No  <input type="checkbox"/> Yes</p>	<p><b>Amount of claim</b></p> <p>\$578,333.34</p>
--	--	---

<p><b>3.3. Nonpriority creditor's name and mailing address</b>                  SEABOARD PROPERTY MANAGEMENT                  ONE ATLANTIC ST 4TH FLR                  STAMFORD CT 06901</p> <p><b>Date or dates debt was incurred</b>                  6/19/13</p> <p><b>Last 4 digits of account number:</b></p>	<p><b>As of the petition filing date, the claim is:</b>  <i>Check all that apply.</i></p> <p><input checked="" type="checkbox"/> Contingent  <input checked="" type="checkbox"/> Unliquidated  <input checked="" type="checkbox"/> Disputed</p> <p><b>Basis for the claim:</b>                  REIMBURSEMENT SKYLINE 2013</p> <p><b>Is the claim subject to offset?</b></p> <p><input checked="" type="checkbox"/> No  <input type="checkbox"/> Yes</p>	<p><b>Amount of claim</b></p> <p>\$312.95</p>
--	--	---



Debtor **One Atlantic Member Associates, LLC**

Case number (if known) **15-12514**

**Part 4: Total Amounts of the Priority and Nonpriority Unsecured Claims**

**5. Add the amounts of priority and nonpriority unsecured claims.**

			Total of claim amounts
<b>5a. Total claims from Part 1</b>	5a.		\$0.00
<b>5b. Total claims from Part 2</b>	5b.	+	\$667,096.33
<b>5c. Total of Parts 1 and 2</b> Lines 5a + 5b = 5c.	5c.		\$667,096.33

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

**Debtor name:** One Atlantic Member Associates, LLC

**United States Bankruptcy Court for the:** District of Delaware

**Case number (if known):** 15-12514

Official Form 202

**Declaration Under Penalty of Perjury for Non-Individual Debtors**

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

**WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.**

**Declaration and signature**

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)
- Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- Schedule H: Codebtors* (Official Form 206H)
- Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- Amended Schedule E/F*
- Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- Other document that requires a declaration \_\_\_\_\_

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

Executed on 1/27/2017  
MM/DD/YYYY

x /s/ Marc Beilinson \_\_\_\_\_

Signature of individual signing on behalf of debtor

Marc Beilinson  
Printed name \_\_\_\_\_

Chief Restructuring Officer  
Position or relationship to debtor \_\_\_\_\_

**EXHIBIT B**

**Proof of Claim Form**

Fill in this information to identify the case:

In re: Newbury Common Associates, LLC, *et al.*

Debtor name: \_\_\_\_\_

United States Bankruptcy Court for the District of Delaware

Case number: \_\_\_\_\_

### 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.**

**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? Name and address of the creditor.</b>	Name and address of 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>  Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).	<b>Where should notices to the creditor be sent?</b>  Name: _____ Address: _____ City: _____ State: ____ Zip: _____  Phone: _____ Email: _____  Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	<b>Where should payments to the creditor be sent? (if different)</b>  Name: _____ Address: _____ City: _____ State: ____ Zip: _____  Phone: _____ Email: _____
<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

<b>6. Do you have any number you use to identify the debtor?</b>	<input type="checkbox"/> No <input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any identification number used: _____	
<b>7. How much is the claim?</b>  \$ _____	<b>Does this amount include interest or other charges?</b> <input type="checkbox"/> No <input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).	
<b>8. What is the basis of the claim?</b>	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. _____ _____	

<p>9. Is all or part of the claim secured?</p>	<p><input type="checkbox"/> No  <input type="checkbox"/> Yes. The claim is secured by a lien on property.</p>	<p><b>Nature of property:</b>  <input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i>.</p>	<p><input type="checkbox"/> Motor vehicle  <input type="checkbox"/> Other (describe): _____</p>
<p><b>Basis for perfection:</b> _____                  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.)</p>			
<p><b>Value of property:</b> \$ _____      <b>Amount of the claim that is secured:</b> \$ _____</p>			
<p><b>Amount of the claim that is unsecured</b> (the sum of the secured and unsecured amounts should match the amount in line 7): \$ _____</p>			
<p><b>Amount necessary to cure any default as of the date of the petition:</b> \$ _____</p>		<p><b>Annual interest rate</b> (when case was filed): _____%      <input type="checkbox"/> Fixed      <input type="checkbox"/> Variable</p>	
<p>10. Is this claim based on a lease?</p>	<p><input type="checkbox"/> No  <input type="checkbox"/> Yes. <b>Amount necessary to cure any default as of the date of the petition.</b> \$ _____</p>		
<p>11. Is this claim subject to a right of setoff?</p>	<p><input type="checkbox"/> No  <input type="checkbox"/> Yes. Identify the property: _____</p>		
<p>12. Is all or part of the claim entitled to: (i) priority under 11 U.S.C. § 507(a), or (ii) administrative expense under 11 U.S.C. § 503?</p> <p>A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.</p> <p><small>* 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.</small></p>	<p><input type="checkbox"/> No  <input type="checkbox"/> Yes. <i>Check all that apply:</i></p> <p><input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).  <input type="checkbox"/> 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).  <input type="checkbox"/> 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).  <input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).  <input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).  <input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)(____) that applies.  <input type="checkbox"/> Administrative expense. Specify subsection of 11 U.S.C. § 503(b)(____).</p>	<p><b>Amount entitled to priority</b></p> <p>\$ _____                  \$ _____                  \$ _____                  \$ _____                  \$ _____                  \$ _____</p>	

**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:**

First name: \_\_\_\_\_ Middle: \_\_\_\_\_ Last: \_\_\_\_\_

Title: \_\_\_\_\_

Company (identify the corporate servicer as the company if the authorized agent is a servicer): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

# Instructions for Proof of Claim

United States Bankruptcy Court

12/15

These instructions and definitions generally explain the law. In certain circumstances, such as bankruptcy cases that debtors do not file voluntarily, exceptions to these general rules may apply. You should consider obtaining the advice of an attorney, especially if you are unfamiliar with the bankruptcy process and privacy regulations.

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.

## How to fill out this form

- Fill in all of the information about the claim as of the date the case was filed.
- Fill in the caption at the top of the form. You must fill in the specific Debtor name and case number against which your claim is being asserted. If you are asserting claims against more than one Debtor, you MUST file a separate proof of claim for each debtor.
- If the claim has been acquired from someone else, then state the identity of the last party who owned the claim or was the holder of the claim and who transferred it to you before the initial claim was filed.
- Attach any supporting documents to this form. Attach redacted copies of any documents that show that the debt exists, a lien secures the debt, or both. (See the definition of *redaction* on the reverse page.)  
  
Also attach redacted copies of any documents that show perfection of any security interest or any assignments or transfers of the debt. In addition to the documents, a summary may be added. Federal Rule of Bankruptcy Procedure (called "Bankruptcy Rule") 3001(c) and (d).
- Do not attach original documents because attachments may be destroyed after scanning.
- If the claim is based on delivering health care goods or services, do not disclose confidential health care information. Leave out or redact confidential information both in the claim and in the attached documents.

- A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, individual's tax identification number, or financial account number, and only the year of any person's date of birth. See Bankruptcy Rule 9037.
- For a minor child, fill in only the child's initials and the full name and address of the child's parent or guardian. For example, write *A.B., a minor child (John Doe, parent, 123 Main St., City, State)*. See Bankruptcy Rule 9037.

## Confirmation that the claim has been filed

To receive confirmation that the claim has been filed, either enclose a stamped self-addressed envelope and a copy of this form or you may access the claims agent's website ([www.donlinrecano.com/nca](http://www.donlinrecano.com/nca)) to view the filed form.

## Understand the terms used in this form

**Administrative expense:** Generally, an expense that arises after a bankruptcy case is filed in connection with operating, liquidating, or distributing the bankruptcy estate. 11 U.S.C. § 503.

**Claim:** A creditor's right to receive payment for a debt that the debtor owed on the date the debtor filed for bankruptcy. 11 U.S.C. § 101 (5). A claim may be secured or unsecured.

**Creditor:** A person, corporation, or other entity to whom a debtor owes a debt that was incurred on or before the date the debtor filed for bankruptcy. 11 U.S.C. §101 (10).

**Debtor:** A person, corporation, or other entity who is in bankruptcy. Use the debtor's name and case number as shown in the bankruptcy notice you received. 11 U.S.C. § 101 (13).

**Evidence of perfection:** Evidence of perfection of a security interest may include documents showing that a security interest has been filed or recorded, such as a mortgage, lien, certificate of title, or financing statement.

**Information that is entitled to privacy:** A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, an individual's tax identification number, or a financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If a claim is based on delivering health care goods or services, limit the disclosure of the goods or services to avoid embarrassment or disclosure of confidential health care information. You may later be required to give more information if the trustee or someone else in interest objects to the claim.

**Priority claim:** A claim within a category of unsecured claims that is entitled to priority under 11 U.S.C. §507(a). These claims are paid from the available money or property in a bankruptcy case before other unsecured claims are paid. Common priority unsecured claims include alimony, child support, taxes, and certain unpaid wages.

**Proof of claim:** A form that shows the amount of debt the debtor owed to a creditor on the date of the bankruptcy filing. The form must be filed in the district where the case is pending.

**Redaction of information:** Masking, editing out, or deleting certain information to protect privacy. Filers must redact or leave out information entitled to **privacy** on the *Proof of Claim* form and any attached documents.

**Do not file these instructions with your form.**

**Secured claim under 11 U.S.C. §506(a):** A claim backed by a lien on particular property of the debtor. A claim is secured to the extent that a creditor has the right to be paid from the property before other creditors are paid. The amount of a secured claim usually cannot be more than the value of the particular property on which the creditor has a lien. Any amount owed to a creditor that is more than the value of the property normally may be an unsecured claim. But exceptions exist; for example, see 11 U.S.C. § 1322(b) and the final sentence of 1325(a).

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 may be a lien.

**Setoff:** Occurs when a creditor pays itself with money belonging to the debtor that it is holding, or by canceling a debt it owes to the debtor.

**Uniform claim identifier:** An optional 24-character identifier that some creditors use to facilitate electronic payment.

**Unsecured claim:** A claim that does not meet the requirements of a secured claim. A claim may be unsecured in part to the extent that the amount of the claim is more than the value of the property on which a creditor has a lien.

### **Offers to purchase a claim**

Certain entities purchase claims for an amount that is less than the face value of the claims. These entities may contact creditors offering to purchase their claims. Some 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, the bankruptcy trustee, or the debtor. A creditor has no obligation to sell its claim. However, if a creditor decides to sell its claim, any transfer of that claim is subject to Bankruptcy Rule 3001(e), any provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.) that apply, and any orders of the bankruptcy court that apply.