

## Proof of Claim

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### Docketing Event

N/A

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### Negative Notice: N/A

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### Accompanying Orders: N/A

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### Code and Rule References:

[Fed. R. Bankr. P. 3001](#)

[Fed. R. Bankr. P. 3004](#)

[Fed. R. Bankr. P. 3005](#)

[Fed. R. Bankr. P. 9037](#)

[Local Rule 1001-2](#)

[Official Form B 410 \(Proof of Claim\)](#)

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Fee: N/A

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### Applicable Chapters: 7, 11, 12, 13

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Implemented: 2/9/2016

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Last Revision: 6/14/2022 7:48:13 AM

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### Description

A proof of claim is a written statement setting forth a creditor's claim. A proof of claim shall conform to [Official Form B 410](#). Claims may be filed via the Court's CM/ECF system by CM/ECF registered users. Creditors, whether represented by an attorney or not, are requested to file Proof of Claim forms for all chapters electronically using the eProof of Claim hyperlink located on the Court's website. A login and password are not required. If the filer cannot file the claim electronically through the eProof of Claim hyperlink or CM/ECF, it may be filed in paper at the Clerk's Office in person or by mail.

- ❖ **Note:** All claimants who have filed or expect to file ten or more claims and/or claim-related papers, such as transfers of claims and withdrawals of claims, within any one-year period, shall file these claims and documents electronically through CM/ECF or the eProof of Claim hyperlink.
- ❖ **Note:** Local Rule 3001-2(c) requires the following: A creditor filing a proof of claim in a Chapter 13 case where the debtor is not represented by counsel shall serve the proof of claim on the debtor at the address indicated on the docket and file proof of service in accordance with Local Rule 9013-3.

If a creditor does not timely file a proof of claim, the debtor or trustee may file a proof of claim within 30 days after the expiration of the time for filing claims. If that happens, the clerk shall give notice of the filing to the creditor, the debtor, and the trustee.

Additionally, if a creditor does not timely file a proof of claim, any entity that is or may be liable with the debtor to that creditor or who has an interest in property securing a debt due to the creditor may file a proof of the claim within 30 days after the expiration of the time for filing claims. No

distribution shall be made on the claim unless there is satisfactory proof that the original debt will be diminished by the amount of distribution.

Pursuant to Fed. R. Bankr. P. 9037 all personal identifiers such as a complete social security number, complete date of birth, a complete financial account number, or the full name of a minor individual should be redacted from the proof of claim and all supporting documentation.

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## **Filing Checklist**

Review the proof of claim to determine if it is:

- Timely filed via CM/ECF or the eProof of Claim Hyperlink on the Court's website (see below for eProof of Claim Hyperlink)
- Being registered in the correct court and the correct case;
- If claimant is an insured depository institution, the correct name is used
  - ❖ **Note:** Click [HERE](#) to access the FDIC BankFind Suite search locator
- Legible;
- Served on the Debtor at the address listed on the docket and contains a proof of service (**only** applicable in Chapter 13 cases where the debtor is unrepresented by counsel (pro se)); and
- Registered correctly for a creditor, creditor's authorized agent, debtor, or trustee.
  - ❖ **Note:** If claim is filed by the debtor or trustee on behalf of a creditor, a Notice of Claim will be sent to that creditor.
  - ❖ **Note:** When registering claims via CM/ECF, separate the claim form and attachments into separate PDF files. Upload the claim PDF file at the prompt and add the supporting attachment PDF files to the claim as additional attachments.

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## **eProof of Claim Hyperlink**

Creditors, whether represented by an attorney or not, are requested to file Proof of Claim forms for all chapters electronically using the eProof of Claim [hyperlink](#) located on the Court's website. A login and password are not required. Information on filing a proof of claim through this online program:

- This program contains a fillable B410 proof of claim form. Supplemental documentation to the claim may be attached. In the "filed by:" field, indicate on whose behalf the claim is being filed (e.g. "creditor" or "debtor"). An attorney may file the proof of claim through the website, or may submit via CM/ECF after obtaining a live CM/ECF login and password.
- Upon submission of a proof of claim through this program, the address of the creditor is automatically added to the mailing matrix of a case when a proof of claim is filed to ensure service of case-wide documents.
- **Amended claims:** if the claim amends a previously filed claim, the filer checks the box indicating that the claim amends a previously filed claim and selects the claim number being amended from the dropdown list of claim numbers.

- As part of the filing process through this program, the filer enters the full name and title of a creditor or other person authorized to file a proof of claim. If a party other than the creditor files the proof of claim, the address of that party is included. Filing a proof of claim electronically deems the claim signed by the creditor or authorized person.