



**Electronic Proof of Claim (ePOC)
&
Filing Claims and Getting Paid in Chapter 13**

January 15, 2014

ePOC – What is it?

- Electronic Proof of Claim
- Access ePOC at the court website
 - www.hib.uscourts.gov
- Developed by Bankruptcy Court, Eastern District of North Carolina
 - over 90% of claims are filed using ePOC
- Now used in over 40 bankruptcy courts

ePOC Advantages

- Creates Official Form B10 – Proof of Claim
- Ensures use of up-to-date version of form
- Allows attachment of supporting documents
- Files it with court – no CM/ECF login required
- Allows download of file-stamped copy of claim

With ePOC, you can file:

Proof of Claim – Official Form B 10

Original or Amended

B10 (Official Form 10) (04/13)

UNITED STATES BANKRUPTCY COURT District of Hawaii		PROOF OF CLAIM
Name of Debtor: A Leu	Case Number: 13-01848	FILED U.S. Bankruptcy Court District of Hawaii 1/3/2014 Michael B. Dowling, Clerk COURT USE ONLY
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.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): Maui County Financial Credit Union		
Name and address where notices should be sent: Maui County Financial Credit Union Maui County FCU c/o Craig Nakamura, Carlsmith Ball 2200 Main Street, Suite 400 One Main Plaza Wailuku, HI 96793-1086 Telephone number: 8082424535 email: cnakamura@carlsmith.com		<input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ Filed on: _____ (If known)
Name and address where payment should be sent (if different from above): Maui County FCU c/o Midwest Loan Services, Inc. 816 Sheldon Avenue, Suite 300 P.O. Box 144 Houghton, MI 49931-0144 Telephone number: 800-262-6574 email: _____		
1. Amount of Claim as of Date Case Filed: \$ <u>291472.18</u> If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input checked="" 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: <u>Promissory Note and Mortgage</u> (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor: <u>3270</u>	3a. Debtor may have scheduled account as: <u>3270</u> (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 checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: <u>1 LI ROAD, LAHAINA, HI 96761</u> Value of Property: \$ _____ Annual Interest Rate (when case was filed) <u>4.6%</u> <input checked="" type="checkbox"/> Fixed <input type="checkbox"/> Variable		Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ <u>0.00</u> Basis for perfection: <u>Recorded Mortgage</u> Amount of Secured Claim: \$ _____ Amount Unsecured: \$ <u>291472.18</u>
5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any part of the claim 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 \$12,475* 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"/> Contributions to an employee benefit plan - 11 U.S.C. §507(a)(5). Amount entitled to priority: \$ _____
<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"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507(a)(8).	<input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507(a)(). \$ _____
*Amounts are subject to adjustment on 4/01/16 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, security agreements, or in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). 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. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (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. (See Bankruptcy Rule 3004.) I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)

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: Seth T. Buckley, Esq.
 Title: Attorney at Law
 Company: Carlsmith Ball LLP
 Address and telephone number (if different from notice address above):
ASB TOWER, STE 2100, 1001 BISHOP ST.
 Honolulu, HI 96813
 Telephone number: 808-622-2678 email: SBUCKLEY@CARLSMITH.COM
 (Signature) /s/ Seth T. Buckley, Esq. 1/3/2014 (Date)

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.

Withdrawal of Claim

Filer's Name, Address, Phone, Email:

hib_3006-1 (12/13)



UNITED STATES BANKRUPTCY COURT
DISTRICT OF HAWAII
1132 Bishop Street, Suite 250
Honolulu, Hawaii 96813

Debtor(s):

Case No.:

Chapter:

NOTICE OF WITHDRAWAL OF CLAIM

In accordance with Fed. R. Bankr. P. 3006, the undersigned creditor or authorized agent of the creditor hereby gives notice of the withdrawal of the following claim filed in this case:

Name of Claimant	Claim No.	Filing Date	Amount

Reason for withdrawal (e.g., Filed in error, Satisfied in full, Collateral surrendered, etc.):

Dated: _____

/s/ _____

Response to Notice of Final Cure Payment

Response to
Trustee's
Notice:

UNITED STATES BANKRUPTCY COURT District of Hawaii	
In re: <u>HOWARD M.S. HU</u> <u>TRUSTEE OF REAL ESTATE</u>	Case No. 12-00974 Chapter 13
Notice of Final Cure Payment and Completion of Payments under the Plan	
Pursuant to Fed. Bankr. Rule 3002.1(f), the Trustee files Notice that the amount required to cure the default in the below claim has been paid in full and that the Debtor has completed all payments under the plan.	
Name of creditor: AMERICA'S SERVICING COMPANY Trustee claim no. (if known): 011	
Last four digits of any number used to identify the debtor's account: 6650	
Final Cure Amount	
Amount of Allowed Arrearage	\$3,299.10
Amount Paid by Trustee	\$3,299.10
Monthly Ongoing Mortgage Payment is Paid	
Monthly ongoing mortgage payment is paid directly by debtor.	
Within 21 days of the service of this Notice, the creditor must file and serve same on the debtor, debtor's counsel and the trustee, pursuant to Fed. Bankr. Rule 3002.1(g), a statement indicating whether it agrees that the debtor has paid in full the amount required to cure the default and whether, consistent with §1322(b)(5), the debtor is otherwise current on all payments or be subject to further action of the court including possible sanctions.	
Dated: July 9, 2013	
Respectfully Submitted: <u>/s/ Howard M.S. Hu</u> Standing Trustee	
U.S. Bankruptcy Court - Hawaii #12-00974 Dkt #27 Filed 07/09/13 Page 1 of 2	

Demo

DEMO

- File a Claim – Secured (Car Loan)
- Attach Supporting Documents
- File a Rule 3002.1 Supplement
- Withdraw a Claim

Do not use ePOC to file a:



- Request for Payment of Administrative Expense (including Compensation for Chapter 13 Debtor's Attorney)
- Transfer of Claim
- Notice of Change of Address – Proof of Claim

CM/ECF Limited Filer

File transfers, reaffirmations, requests for notice

UNITED STATES BANKRUPTCY COURT
DISTRICT OF HAWAII

Electronic Case Filing

ECF/PACER
Registration

Register for CM/ECF

Forms Local Rules Guidelines Resources Calendars Opinions

CM/ECF REGISTRATION

Case Management
CM / ECF
Electronic Case Files

GENERAL INFORMATION

Documents may be electronically filed with the court by attorneys and certain other persons using the Case Management/Electronic Case Files (CM/ECF) system, in accordance with Local Bankruptcy Rule 5005-4. Filing privileges are determined by the type of user, as noted below. In order for an individual to file documents in CM/ECF, the court must create a user account and issue a login and password. Generally, the court requires training before issuing logins and passwords to attorneys and their filing agents. All filers must submit a completed and signed registration form, agreeing to abide by the court's rules and procedures regarding electronic filing. Access to electronic filing is a privilege and may be withdrawn at any time solely at the court's discretion. (In contrast to electronic filing, online viewing of court documents is possible through the federal judiciary's Public Access to Case Electronic Records (PACER) system. Read here for information about obtaining a PACER account and login.)

Online registration for CM/ECF user account is available for all types of users. Registering online is the quickest and easiest way to obtain a CM/ECF login and password. Please click on the links below to begin the registration process.

LIMITED FILERS

▶ ONLINE REGISTRATION FOR LIMITED FILERS

(Creditors, Claims Agents, Transcribers, Financial Management Course Providers.; access to filing proofs of claims, transfers of claims, requests for notice, reaffirmation agreements, applications for unclaimed funds, transcripts, and certain other documents not requiring an attorney's signature)

ATTORNEYS

▶ ONLINE REGISTRATION FOR ATTORNEYS

FILING AGENTS FOR ATTORNEYS

▶ ONLINE REGISTRATION FOR FILING AGENTS FOR ATTORNEYS

Filing Claims and Getting Paid in Chapter 13

Howard M.S. Hu
Chapter 13 Trustee

- General guidance on procedures
- Information as to how Trustee reviews and pays claims
- No discussion of specific cases

- I received a notice of a bankruptcy case. Do I need to file a proof of claim?

- When is the deadline to file a claim?
- Is this going to change?

- What does it mean to be paid “outside the plan”?

- Do I need to file a proof of claim even if the debt is secured?

- I have a secured claim but the debtor is not behind on payments. Should I file a proof of claim?

- What types of supporting documents should be attached to the proof of claim form?

Real Property

- Note & Mortgage
- Itemized Statement of Amount Owed
 - Principal
 - Interest
 - Fees
- Escrow Account Statement
- If Principal Residence: Attachment A
Mortgage Proof of Claim Attachment

Vehicle Loan

- Certificate of Title
- Sales Contract
- Itemized Statement of Account
- Valuation of Collateral (e.g. Kelly Blue Book)

Credit Card and Revolving Credit (not HELOC)

- Rule 3001(c)(3)
 - Name of entity from whom creditor purchased the account
 - Name of entity owed the debt at time of last transaction
 - Date of last transaction
 - Date of last payment
 - Date of charge-off

- We don't have a mortgage with the debtors – do we need to file the Mortgage Proof of Claim Attachment (Attachment A)?

- Why did the debtor's attorney file a claim for the debt owed to me?
- What if the information is incorrect?

- It took 9 months for the debtor to get a plan confirmed. Will I get paid for the preconfirmation period?

- I filed a proof of claim. Why am I not getting payments?

- I filed my claim late because I did not receive notice. What can I do to get paid?

- The debtor undervalued the debt amount in her plan. Will the trustee pay that amount or the amount in my proof of claim?

- The trustee is sending plan payments to the attorney who filed the claim. How can I direct payments to the lender?

- Do we need to file a Notice of Mortgage Payment Change if there was no prepetition arrearage and the debtor is making postpetition payments directly to us?

- We merged with United Bank of the Universe. How do we change the name of the payee for the checks sent by the trustee?

- The first mortgagee obtained relief from stay to foreclose on the note. Will we still receive plan payments on our second mortgage claim?

More Questions?