

**UPDATED FORMS FOR U.S. BANKRUPTCY COURT**

As of December 1, 2015, many of the Official Forms for use in Bankruptcy Courts were updated. The changes were made as part of a forms modernization effort. Among the forms updated was the Official Proof of Claim Form (formerly Form B 10) used to assert a creditor's claim in a bankruptcy case. The new Proof of Claim Form (Form 410) is particularly worth noting. Although Form 410 requires essentially the same information as its predecessor, it is substantially reformatted. Of significance is now the requirement for a separate attachment to be included and filed with the Proof of Claim for creditors asserting claims against an individual that are secured by the debtor's primary residence; the Proof of Claim must also include a Mortgage Proof of Claim Attachment (Form 410A). This new Official Form substantially changes reporting requirements for mortgage lenders and servicers collecting claims (including loans made for business purposes) secured by a primary residence. While the prior form required an itemized reporting on missed payments and accrued and past due obligations, the new Form 410A requires a complete loan history (provided by way of a detailed spreadsheet) running from the first date of the current default, including a description of all payments made and their application, and all accrued and past due obligations. There are also two supplemental forms for any mortgage payment changes (Supplement 1) or seeking to add any post-petition fees, expenses or charges (Supplement 2). Failing to file the Mortgage Proof of Claim Attachment 9 Form 410A) when required may lead to the Court barring the creditor from presenting the information later in the bankruptcy proceeding.

To learn more about this matter or to discuss it in greater detail, please contact:

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If you have any questions about the issues addressed here, or any other matters involving Bankruptcy and Creditors' Rights issues, please feel free to contact:

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