

TRANSFER OF CLAIM OTHER THAN FOR SECURITY

Applicable Law and Rules

1. Section 502(a) of the Bankruptcy Code (11 U.S.C. § 502(a)) states that a claim, proof of which has been filed, “is deemed allowed, unless a party in interest . . . objects.”
2. Bankruptcy Rule 3001(f) provides that [a] proof of claim executed and filed in accordance with [the Bankruptcy Rules] shall constitute *prima facie* evidence of the validity and amount of the claim.”
3. Bankruptcy Rule 5003(b) requires the clerk to keep a claims register in every case in which in appears there will be a distribution to unsecured creditors. The claims register is a list of the claims filed, showing the creditor’s name and the number assigned to the claim by the court, and may contain other information, such as the amount claimed, at the discretion of the court.
4. Bankruptcy Rule 3001(e)(2) governs the procedure to be followed when a creditor that has filed a proof of claim in a case sells or otherwise transfers its claim to another entity. Rule 3001(e)(2) requires the transferee to file evidence of the transfer and further requires the clerk to “immediately” notify the alleged transferor by mail of the filing of the evidence of transfer. The notice sent by the clerk also must state that any objection must be filed within 20 days from the date the notice is mailed.
5. The combined Form 210A/B is intended to serve two purposes. It serves as evidence of the transfer of the claim and as a notice. As evidence of the transfer, Form 210A must be verified; that is, the transferee must sign it under penalty of perjury. Bankruptcy Rule 5005(a)(2) allows the court by local rule to permit or require documents to be filed, signed, or verified electronically, and Rule 9036 permits notices to be sent electronically if certain conditions have been met.

Form 210A, Transfer of Claim Other Than for Security, is designed to be completed and filed by the transferee. The clerk will prepare and mail Form 210B, Notice of Transfer of Claim Other Than for Security. The notice will be sent to the alleged transferor’s address in the court’s records.

If the alleged transferor files a timely objection, the court must schedule a hearing to determine the matter. If no objection is filed, the clerk will substitute the transferee for the transferor in the claims register and other records of the court.

Instructions

Caption

1. Identify the Judicial District in which the bankruptcy case was filed by filling in the blanks. Example: “Eastern” [DISTRICT OF] “California.”
2. Insert the Name of [the] Debtor and the Case Number as they appear in the “Notice of Chapter __ Bankruptcy Case, Meeting of Creditors & Deadlines” sent to creditors at the beginning of the bankruptcy case.
3. “Name of Transferee”: Insert the name of the entity that purchased or otherwise acquired the claim and is filing the evidence of transfer. This should be same entity that files the evidence of transfer and that signs or whose agent signs the form.
4. “Name of Transferor”: Insert the name of the creditor that sold or otherwise relinquished the claim.
5. “Name and Address where notices to transferee should be sent”: Insert the name and address of the entity that has acquired the claim and is filing the evidence of transfer. This is the address the court and parties in interest will use when they send notices and other documents in the case. Include a telephone number and the last four digits of any account number assigned by the transferee to the debt that is the basis for the claim.
6. “Name and Address where transferee payments should be sent (if different from above)”: If payments on the claim should be sent to an address different from the one to which notices will be sent, the transferee should provide the payment address in this section of the form. Include a telephone number and the last four digits of any account number assigned by the transferee to the debt that is the basis for the claim.
7. “Court Claim # (if known)”: If the transferee filing the evidence of transfer knows the claim number assigned by the court to the claim purchased or otherwise acquired by the transferee, insert that number here. The transferee may review the claims register in the case to obtain the claim number.
8. “Amount of Claim” and “Date Claim Filed”: Insert the amount of the claim filed with the court by the alleged transferor and the date of the filing. The transferee filing the evidence of transfer may review the claims register in the case to ascertain the amount and date.

9. “Phone” and “Last Four Digits of Acct. #”: Insert the telephone number and the last four digits of the any account number used by the transferor to identify the debt that is the basis for the claim
10. Signature and Date: The transferee filing the evidence of transfer, if the transferee is an individual, or the transferee’s agent, if the transferee is not an individual, must sign the form under penalty of perjury. If an agent signs, the agent should type or print the agent’s name and title or other authority, in addition to signing. The individual signing the evidence of transfer also should date it. Rule 5005(a)(2) permits a court by local rule to permit or require the filing, signing, and verifying of documents electronically. Generally, this requirement can be satisfied by typing “s/(name of individual signing or verifying).” Consult the court in which the evidence of transfer is to be filed for specific requirements if the document is to be signed and verified electronically.
11. The transferee does not need to complete or file Form 210B, the second page of the combined form. The clerk will prepare and mail Form 210B, Notice of Transfer of Claim Other Than for Security.

General Information for the Clerk

When a claim is transferred under terms specified in Rule 3001(e)(2), that is, other than for security and after a proof of claim has been filed or deemed filed pursuant to 11 U.S.C. § 1111(a), the purchaser/transferee must file evidence of the transfer. Rule 3001(e)(2) also requires the clerk “immediately” to give notice of the alleged transfer to the seller/transferor. The notice must state further that any objection must be filed within 20 days of the date the notice is mailed. Form 210A is designed to serve as evidence of the transfer and Form 210B as notice of the transfer.

The transferee completes Form 210A, the first page of the combined form, and signs it under penalty of perjury. The clerk’s prepares and mails Form 210B, the second page of the combined form.

When Form 210A is filed, the Case Management/Electronic Case Files system in the clerk’s office will assemble the information needed for the Form 210B notice and transmit that information to the Bankruptcy Noticing Center (BNC). The BNC will prepare the notice and mail it to the alleged transferor. If the alleged transferor has agreed to receive notices electronically, the Form 210B notice will be transmitted electronically.

If the alleged transferor files a timely objection, either within 20 days of the mailing of the notice or within any extension of the deadline granted by the judge, the court will schedule a hearing to determine the matter. If no objection is timely filed, the clerk substitutes the

transferee for the transferor in the claims register and other records of the court without the necessity of an order.