FORM L53 Notice to File Proof of Claim Due to Possible Recovery of Assets (v.12.10)

10-53326 - C - 7



# UNITED STATES BANKRUPTCY COURT Eastern District of California

Robert T Matsui United States Courthouse 501 I Street, Suite 3-200 Sacramento, CA 95814

> (916) 930-4400 www.caeb.uscourts.gov M-F 9:00 AM - 4:00 PM

# **FILED**

2/10/11

CLERK, U.S. BANKRUPTCY COURT EASTERN DISTRICT OF CALIFORNIA

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# NOTICE TO FILE PROOF OF CLAIM DUE TO POSSIBLE RECOVERY OF ASSETS

Case Number: 10-53326 - C - 7

Debtor Name(s), Social Security Number(s), and Address(es):

Donald Clyde Willis

12197 S. Stoneridge Circle Paradise, CA 95969

# Deadline to File a Proof of Claim:

Proof of Claim must be received by the Bankruptcy Clerk's Office by 5/13/11

# NOTICE IS HEREBY GIVEN THAT:

The initial notice in this case instructed creditors that it was not necessary to file a Proof of Claim. The trustee has now notified the court that payment of a dividend appears possible.

Creditors who wish to share in any possible distribution of funds must file a Proof of Claim with the Clerk of the Bankruptcy Court at the address above on or before the date indicated above unless otherwise provided by statute or rule. Claims that are not filed by the date indicated above might not be paid.

A Proof of Claim form is included with this notice. If you wish to receive proof of its receipt by the Bankruptcy Court, enclose a photocopy of your completed Proof of Claim form together with a stamped, self-addressed envelope. There is no fee for filing a Proof of Claim. Any creditor who has filed a Proof of Claim in this case already need not file another.

Dated: 2/10/11

For the Court, Wayne Blackwelder, Clerk .

# B10 (Official Form 10) (04/10)

UNITED STATES BANKRUPTCY COURT Eastern District of California		PROOF OF CLAIM
Name of Debtor: Donald Clyde Willis		Case Number: 10-53326-C-7
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property):		Check this box to indicate that this claim amends a previously filed claim.
Name and address w	where notices should be sent:	Court Claim Number:(If known)
Telephone number:		Filed on:
Name and address w	where payment should be sent (if different from above):	Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
Telephone number:		☐ Check this box if you are the debtor or trustee in this case.
	as of Date Case Filed:  \$  claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not	5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.
If all or part of your claim is entitled to priority, complete item 5.		
	claim includes interest or other charges in addition to the principal amount of claim. Attach eent of interest or charges.	Specify the priority of the claim.  Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).
2. Basis for Claim: (See instruction #2 on reverse side.)		□ Wages, salaries, or commissions (up to
3a. Debtor may have scheduled account as: (See instruction #3a on reverse side.)		\$11,725*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507 (a)(4).
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.		□ Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).
Nature of property or right of setoff:		Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. \$507 (a)(7).
Amount of arrearage and other charges as of time case filed included in secured claim,		☐ Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8).
if any: \$ Basis for perfection: Amount Unsecured: \$		☐ Other - Specify applicable paragraph of 11 U.S.C. §507 (a)().
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.		Amount entitled to priority:
7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)  DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.  If the documents are not available, please explain:		*Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the		FOR COURT USE ONLY
Date:	creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.	

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.

# B10 (Official Form 10) (04/10) - Cont.

# INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, there may be exceptions to these general rules.

### Items to be completed in Proof of Claim form

# Court, Name of Debtor, and Case Number:

Fill in the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the bankruptcy debtor's name, and the bankruptcy case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is located at the top of the notice.

#### Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

#### 1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the Bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

#### 2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if the trustee or another party in interest files an objection to your claim.

Last Four Digits of Any Number by Which Creditor Identifies Debtor: State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

# 3a. Debtor May Have Scheduled Account As:

Use this space to report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

#### 4. Secured Claim:

Check the appropriate box and provide the requested information if the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See DEFINITIONS, below.) State the type and the value of property that secures the claim, attach copies of lien documentation, and state annual interest rate and the amount past due on the claim as of the date of the bankruptcy filing.

### 5. Amount of Claim Entitled to Priority Under 11 U.S.C. §507(a):

If any portion of your claim falls in one or more of the listed categories, check the appropriate box(es) and state the amount entitled to priority. (See DEFINITIONS, below.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

### 6. Credits:

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.

#### 7. Documents:

Attach to this proof of claim form redacted copies documenting the existence of the debt and of any lien securing the debt. You may also attach a summary. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary. FRBP 3001(c) and (d). If the claim is based on the delivery of health care goods or services, see instruction 2. Do not send original documents, as attachments may be destroyed after scanning.

## Date and Signature:

The person filing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2), authorizes courts to establish local rules specifying what constitutes a signature. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. Attach a complete copy of any power of attorney. Criminal penalties apply for making a false statement on a proof of claim.

# DEFINITIONS

# Debtor

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

# Creditor

A creditor is the person, corporation, or other entity owed a debt by the debtor that arose on or before the date of the bankruptcy filing. See 11 U.S.C. §101 (10)

# Claim

A claim is the creditor's right to receive payment on a debt owed by the debtor that arose on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

# Proof of Claim

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

# Secured Claim Under 11 U.S.C. §506(a)

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. 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 is a lien. A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

# **Unsecured Claim**

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien

Claim Entitled to Priority Under 11 U.S.C. §507(a) Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

# Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor should redact and use only the last four digits of any social-security, individual's tax-identification, or financial-account number, all but the initials of a minor's name and only the year of any person's date of birth.

# Evidence of Perfection

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

# \_INFORMATION\_

Acknowledgment of Filing of Claim
To receive acknowledgment of your filing, you may
either enclose a stamped self-addressed envelope and
a copy of this proof of claim or you may access the
court's PACER system

(www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.

# Offers to Purchase a Claim

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the 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 or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.), and any applicable orders of the bankruptcy court.

# Case 10-53326 Filed 02/10/11 Doc 16

# CERTIFICATE OF NOTICE

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The following entities were noticed by first class mail on Feb 12, 2011. db +Donald Clyde Willis, 12197 S. Stoneridge Circle, Parad
                        +Hieu T. Pham, 4375 Jutland Dr #200, PO Box 17933, San Diego, CA 92177-792 +Kendal E. Cornell, 686 Rio Lindo Ave, Chico, CA 95926-1818 Bank of The West, PO Box 829009, Dallas, TX 75382-9009 +GMAC Mortgage, LLC, c/o Hieu T. Pham, 4375 Jutland Dr #200, PO Box 17933, San Diego, CA 92177-7921 Bank of the West
                                                                                                                            Paradise, CA 95969-4750
                                                                                                                                  San Diego, CA 92177-7921
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aty
cr
                        San Diego, CA 92177-7921
Bank of the West, PO Box 727, Omaha NE 68172-9799
+Chase, 3415 Vision Drive OHA-7164, Columbus OH 43219-6009
Citi MasterCard, PO Box 6000, Pullman WA 99163
+Citifinancial, 420 N 11th Ave #107, Hanford CA 93230-4698
Citifinancial Services Inc, 420 N 11th Ave Ste 107, Hanford CA 93230-4698
+Direct Loans, U S Department of Education, P O Box 530560, Atlanta GA 30
USAA Credit Card Payments, PO Box 65020, San Antonio TX 78265-5020
USAA Savings Bank, PO Box 205, Waterloo IA 50704-0205
+White Sands Village, Hawaiiana Management Company Ltd, 711 Kapiolani Boule
Honolulu HI 96813-5249
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                                                                                                                                                   Atlanta GA 30353-0560
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                                                                                                                                        711 Kapiolani Boulevard Suite 700,
18259795
The following entities were noticed by electronic transmission on Feb 11, 2011. tr +EDI: QJWREGER.COM Feb 10 2011 22:48:00 John W. Reger, 280 H
                                                                                                                                          280 Hemsted #C.
                            Redding, CA 96002-0934
                          EDI: BANKAMER.COM Feb 10 2011 22:48:00
18259783
                                                                                                          Bank of America, PO Box 15026,
                            Wilmington DE 19850-5026
18259785
                          EDI: CAPITALONE.COM Feb 10 2011 22:48:00
                                                                                                            Capital One, PO Box 30285,
                          Salt Lake City UT 84130-0285
EDI: CHASE.COM Feb 10 2011 22:48:00
18259786
                                                                                                    Chase,
                                                                                                                    PO Box 15298,
                                                                                                                                                   Wilmington DE 19850-5298
                          EDI: CALTAX.COM Feb 10 2011 22:48:00
Sacramento CA 95812-2952
18259791
                                                                                                      Franchise Tax Board,
                                                                                                                                                 Bankruptcy Unit, PO Box 2952,
                          EDI: IRS.COM Feb 10 2011 22:48:00
18259792
                                                                                              Internal Revenue Service, PO BOX 7346,
                            Philadelphia PA 19101-7346
                                                                                                                                                                            TOTAL: 6
                    ***** BYPASSED RECIPIENTS *****
NONE.
                                                                                                                                                                            TOTAL: 0
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Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 12, 2011 Signature:

Joseph Spertjins