

NOTICE OF 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 it 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 “immediately” to 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 B 210 notice is intended to serve two purposes, that of a notice and also as evidence of the transfer of the claim. Accordingly, the notice 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 documents to be filed, signed, or verified electronically, and Rule 9036 permits notices to be sent electronically if certain conditions have been met.

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.

Form B 210 is designed for the transferee to complete partially and file and for the clerk to mail to the alleged transferor. The transferee will provide all of the information on the notice except the “Court ID,” the clerk’s signature and date of signature, and the “Court Record Address of Transferee,” which will be supplied by the court from the court’s CM/ECF or other electronic database. If the transferor’s address supplied by the transferee in the “Name and Current Address of Transferor” section of the form differs from the address in the court’s records, the clerk will send the notice to both addresses.

Instructions

Caption

1. Identify the Judicial District in which the bankruptcy case was filed by filling in the blanks. Example: “Eastern” [DISTRICT OF] “California.” The transferee (the entity that has purchased or otherwise acquired the claim and is filing the notice) should not write anything in the blank labeled “COURT ID.”
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. This should be same entity that files the notice and that signs or whose agent signs the notice.
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 notice. 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. “Court Record Address of Transferor (Court Use Only)” : The court will insert the name and address of the creditor that sold or otherwise relinquished the claim from the records on file in the case. The transferee filing the notice should not write anything on this part of the form.
7. “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.
8. “Name and Current Address of Transferor” : Insert the address of the creditor that sold or otherwise relinquished the claim. Include a 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. If this address differs from the address in the court's records, the court will send notice automatically to both.

9. "Court Claim # (if known)": If the transferee filing the notice 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.
10. "Date Claim Filed": Insert the date the claim was filed with the court by the transferor. The transferee filing the notice may review the claims register in the case to ascertain the date.
11. Signature and Date: The transferee filing the notice, if the transferee is an individual, or the transferee's agent, if the transferee is not an individual, must sign the notice 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 notice also should date it. Rule 5005(a)(2) permits a court by local rule to authorize 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 notice is to be filed for specific requirements if the document is to be signed and verified electronically.
12. The clerk will sign the notice and insert the date it is mailed.

General Information for the Clerk

Whenever 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, 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. This form is designed to serve both as evidence of the transfer and as the notice the clerk sends to the transferor of the claim.

The transferee completes most of the sections of the form where information must be provided and signs it under penalty of perjury. The clerk inserts the court record address of the transferor from the creditor list or other record such as the proof of claim in the case and dates and signs the form for mailing as a notice. If the address of the transferor as provided by the transferee differs from the transferor's address in the court's records, the notice must be sent to both addresses.

If the 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.