

Bankruptcy Rules Changes 2010

My name is Sonja Ann Becker. I have been a consumer bankruptcy attorney since May, 1984, practicing in the Bankruptcy Court for the District of Colorado.

I want to speak in support of Proposed Amendments to Rule 3001 and 3002.

The rules clearly need to be updated and strengthened to protect the Debtors and provide sanctions for creditors not providing information needed for the Debtors and their counsel to review and monitor the debts on behalf of their clients.

I was not surprised by the results of Professor Katherine Porter's study named "*Misbehavior and Mistake in Bankruptcy Mortgage Claims*" 78 Texas L. Review 121 (2008). I have routinely seen incomplete documentation and suspicious changes. My office has had cases where we suspected the Debtors were having to pay too much; however, due to case load and other factors, we needed to accept the Proofs of Claim and complete the Chapter 13 Plan to save the Debtor's home.

I have reviewed Chapter 7 claims where duplications of claims were suspected. The parties change and the Proof of Claim have often not been clear in stating the original parties and their successors.

We appreciate the Rules Committee proposing Amendments that relate to issues affecting Proofs of Claims and other accounting required to protect Debtors from abusive practices. These protections are needed.

My office has began filing Adversary Complaints for abuse of personal identifiers such as SSN'S, full DOB's and other private information put into filed Proofs of Claims.

We welcome the possibility of awards for sanctions by the Court in the new proposed rules.

Thank you, Thank you,

Sonja Ann Becker