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To: <Rules\_Support@ao.uscourts.gov>  
Date: 09/28/2011 06:22 PM  
Subject: Suggestion to the Bankruptcy Rules Committee

I would like to propose that the Rules Committee consider putting a procedural rule in place about deficiency claims.

As you may be aware, currently a creditor has no time limit to file a deficiency claim after the sale of the collateral as long as they filed a claim prior to the bar date. As trustees, we are having car creditors file a proof of claim at the end of the case- sometimes years after the date of sale- and we are then forced to go back to other unsecured creditors, have money returned in order to pay the deficiency claim a pro rata amount with the other unsecured claims.

I would propose that the creditor be given a time limit in the Rules- perhaps 60 days from the date of sale or expiration of the bar date, whichever is later. The result of non-compliance could then either be that the deficiency claim is disallowed as if not timely filed by the bar date. Also, I would suggest a savings provision for the debtor who has a co-signed loan to allow them to file a deficiency claim on the creditors behalf under Bankruptcy Rule 3004.

Please let me know if you have any questions.

Thank you in advance!

Deb Miller

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