

Jason Wilson-Aguilar

CHAPTER 13 BANKRUPTCY TRUSTEE
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WESTERN DISTRICT OF
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August 3, 2020

Honorable Dennis R. Dow
 United States Bankruptcy Court
 Chair, Advisory Committee on Bankruptcy Rules
 for the United States Courts
 Charles Evans Whittaker U.S. Courthouse
 400 East Ninth Street, Room 6562
 Kansas City, MO 64016

RE: Proof of Claim
 Form B 410

Dear Judge Dow:

I am the Chapter 13 Trustee for the Seattle Division of the Western District of Washington. I am also a member of the Auto Committee of the National Association of Chapter 13 Trustees. At our most recent Auto Committee meeting, I raised some concerns about Official Bankruptcy Form 410 (Proof of Claim):

- 1) It would be beneficial for the form to include an indication from a vehicle creditor whether the creditor asserts its claim is one protected by the anti-modification provisions of the "handing paragraph" of 11 U.S.C. § 1325(a) ("910 Claims"). Understanding that assertion could be incorrect, it would still assist trustees and debtor attorneys in reviewing the claim.
- 2) Another issue that arises is vehicle creditors incorrectly completing the claim form regarding the secured portion of "Non-910 Claims." With some frequency vehicle creditors assert that the secured amount of their non-910 claim is greater than the value of the vehicle. For example:

7.	How much is the claim?	<u>\$10,000</u>

9.	Value of property?	<u>\$5,000</u>
	Amount of the claim that is secured:	<u>\$10,000</u>
	Amount of the claim that is unsecured:	<u>\$0</u>

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Page 2 of 2

In my opinion, the amount of the claim that is secured is \$5,000 because the debtor can bifurcate the claim into a secured claim and an unsecured claim. While I am not entirely certain of the solution, the issue does arise with regularity.

Thank you for your consideration.

Respectfully,



Jason Wilson-Aguilar
Chapter 13 Trustee

cc: Lon Jenkins, Chapter 13 Trustee
Pamela Simmons-Beasley, Chapter 13 Trustee
Alice Whitten, Wells Fargo Bank