

10-BK-032

As a debtor's counsel, I am encouraged to see the acknowledgement that creditor's claim filings routinely suffer from inaccuracy and misinformation. The mortgage forms, in particular, will be of tremendous assistance in formulating, proposing and succeeding with Chapter 13 plans (I often wait to file the plan until I have seen the creditor's proof of claim).

However, I have a couple of comments:

1. I see no reason to carve out the requirement that credit card creditors and assignees provide at least a copy of the account opening document or an explanation of where it went. Our legal system and its evidentiary requirements have always required the presentation of the contract sued upon in order to pursue judgment or the filing of an affidavit that the original has been lost but disclosing the terms contained therein.
2. I do not believe the forms identified for use in meeting obligations imposed by Rule 3002.1 should be restricted to Chapter 13. They should be required in ANY case where the opportunity to file a claim is given (i.e., Chapter 7 cases found to be asset cases and Chapter 11).

Thank you all for your hard work -

Ellen C. Carlson

Ellen C. Carlson, Esq.
COMMANDER & CARLSON
5442 Tidewater Drive
Norfolk, VA 23509
Carlson@Commander-Carlson.com
(757) 533-5400
(757) 533-5155 FAX
www.CommanderLaw.com