

TRANSFER OF CLAIM

Transfer of claim may only be accomplished by compliance with Rule 3001 (e) of the Federal Rule of the Bankruptcy Procedure. This rule and our local procedure require.

1. The documentation evidencing the transfer of the claim to be filed with:

United States Bankruptcy Court
Middle District of North Carolina
Office of the Clerk
P O Box 26100
Greensboro, NC 27420-6100

2. A copy to:

Chapter 13 Office
Attn: Claims Department
P O Box 1720
Greensboro, NC 27402-1720

3. The documentation evidencing the transfer requires the following information:

- a. Name and address of transferor;
- b. Name and address of transferee;
- c. The amount of the claim being transferred;
- d. Whether the transfer is unconditional;
- e. The claim number;
- f. The old account number and the new account number.

4. Form CO-123 (2/95) should be prepared by your office and addressed to the original claimant on record in the case. Failure to indicate the correct name and address of the original claimant will result in your request for transfer not being processed due to incorrect information being provided in reference to your request.

The above information should be included in a separate document for each claim and each document should include the original signature of the filer. Please see the Memorandum Re: Clerks Office's Requirements For Giving A Notice of Transfer of Claim.

Upon receipt of the above information, the Clerk's Office will process the Notice filed by your office. The Notice will be forwarded to the original claimant to provide them the opportunity to object. If no objections are timely filed, our office will enter the transfer within approximately 35 days. All disbursements by our office will be made to the original claimant until the transfer process is completed.

Any documentation evidencing the transfer of a claim should be mailed to the Clerks Office at the following address: Clerk, U.S. Bankruptcy Court, Post Office Box 26100, Greensboro, North Carolina, 27420-6100. The documentation should meet the Clerks Office's requirements, which are summarized in the following excerpt from a Clerks Office memorandum:

**MEMORANDUM RE:
CLERKS OFFICE'S REQUIREMENTS FOR GIVING
A NOTICE OF TRANSFER OF CLAIM
PURSUANT TO RULE 3001 (e)**

If a notice of transfer of claim is being filed with the Clerks Office pursuant to Federal Bankruptcy Rule 3001 (e), the Clerks Office requires that the transferee or transferor provide the following information for each transfer:

- 1) the name and address of transferor;
- 2) the name and address of transferee;
- 3) the amount of the claim being transferred;
- 4) whether a proof of claim has been filed by the transferor or transferee or deemed filed pursuant to 11 U.S.C. 1111(a)
- 5) whether the transfer is unconditional; and
- 6) if the transfer is not unconditional, whether the transfer was made for security purposes (for example, a transfer made as collateral on a loan).

The above information should be included in a separate document for each claim. In addition, the above details of a transfer are the requirements of the Clerks Office for the Middle District of North Carolina, and do not purport to limit or satisfy the requirements of Bankruptcy Rule 3001 (e). Refer to Rule 3001(e) for further requirements.

Also, the Clerks Office does not require the above information to change a claimant's address from one divisional office to another divisional office within the same company. In such an instance, only the name of the claim, the new address and the old address is necessary.

If the claim being transferred was filed in a Chapter 13 case, then a copy of the above information should also be submitted to the Chapter 13 Standing Trustee's Office.

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA

}
} Case #
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NOTICE OF TRANSFER OF CLAIM AND WAIVER OF NOTICE

Pursuant to Federal Bankruptcy Rule 3001(e)(2), notice is hereby given that the proof of claim filed by (transferor) on (date) in the sum of \$(amount listed on proof of claim) has been unconditionally transferred to (transferee) on (date), for consideration received. The transferor specifically waives notice of the transfer and hearing required by Federal Bankruptcy Rule 3001(e)(2). The transferor requests that any dividend checks be made payable to (transferee name, address, and account number).

Submitted by:

(Transferee)

Approved:

ATTORNEY NAME
Attorney for (Transferor)
State Bar #

I certify that on this date, I mailed a copy of this document to:

Trustee (Debtor in Possession for Chapter 11)
Address

NAME

(EXAMPLE ONLY)

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA

IN RE:

Debtors

Case Number _____

NOTICE OF TRANSFER OF CLAIM NO. _____

The undersigned hereby gives notice of the assignment and transfer of the above filed claim and submits the following information:

Name and address of transferor (original claimant):

Name and address of transferee:

Amount of claim being transferred \$ _____

This transfer is unconditional.

This ____ day of _____, 19__.

(signed by original claimant or transferee)

Original forwarded and addressed to:

Clerk, US Bankruptcy Court
P.O. Box 26100
Greensboro, NC 27401

Copy forwarded and addressed to:

Chapter 13 Office
P.O. Box 1720
Greensboro, NC 27402

(This form is a sample of a notice only that may be filed with the Court and is not to be relied upon as a document to sufficiently assign or transfer title and interest to a proof of claim.)

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
OFFICE OF THE CLERK
P.O. BOX 26100
GREENSBORO, NORTH CAROLINA 27420-6100

WILLIAM L. SCHWENN
CLERK

TELEPHONE COM-(336) 333-5647

To: _____ -

Pursuant to Bankruptcy Rule 3001(e), you are hereby advised that the attached evidence of transfer of claim(s) has been filed in this Clerks Office. If you have any objection to the transfer, it must be filed on or before twenty days from the date of this notice with the Clerk, U. S. Bankruptcy Court at the above address. If an objection is timely filed, the Clerks Office will schedule and notice the objection for hearing. If you do not file an objection, the transferee will be substituted in your place as the original claimant without an order of the Court.

OFFICE OF THE CLERK

DATE: _____

BY: _____
DEPUTY CLERK

Attachment: Evidence of Transferred Claim(s)

cc: Trustee (Chapter 13 cases only)