

ALFN HOT TOPICS WEBINAR

Revised Proof of Claim Forms

*November 18, 2015
1:00 PM CST*

Presented By

ALFN Bankruptcy Practice Group

Contact information for today's presenters

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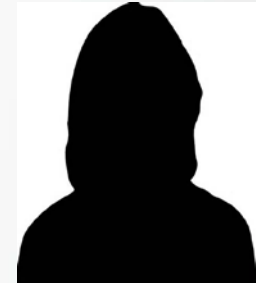
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Revised Proof of Claim Forms

Effective December 1, 2015

Revised Proof of Claim Forms

Forms 410 and 410A

- The new Proof of Claim (PoC) forms were available for comment until February 17, 2015
- The new PoC forms have been approved by the Advisory and Standing Committees on Rules of Bankruptcy Procedure
- Overall the new forms utilize larger fonts, making them easier to read
- The revised forms also contain more instructions, making them easier to fill out
- The questions are more conversational

Revised Proof of Claim Forms

Preparing Form 410

- The information about the claim should be completed as of the date the case was filed
- Attach supporting documents to the form
 - Attach redacted copies of any documents that show the debt exists, a lien secures the debt, or both
 - Also attach copies of document that show perfection of any security interest, or any assignment or transfer of the debt
- The form and any attachments must show only the last 4 digits of any SSN, Tax ID, or financial account number, and only the year of any person's date of birth

Revised Proof of Claim Forms

Form 410 – Case Information

Draft Jan. 17, 2014

Fill in this information to identify the case:

Debtor 1 _____

Debtor 2 _____
(Spouse if filing)

United States Bankruptcy Court for the _____ District of _____
(State)

Case number _____

Official Form 410
Proof of Claim 12/15

Read the instructions before filling out this form. Use this form to make a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

The law requires that filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 305) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?

Name of the current creditor (the person or entity to be paid for this claim) _____

Other names the creditor used with the debtor _____

2. Has this claim been acquired from someone else?

No

Yes. From whom? _____

3. Where should notices and payments to the creditor be sent?

Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)
Name _____	Name _____
Number Street _____	Number Street _____
City State ZIP Code _____	City State ZIP Code _____
Contact phone _____	Contact phone _____
Contact email _____	Contact email _____

Use the claim identifier for electronic payments in chapter 13 if you use one:

4. Does this claim amend one already filed?

No

Yes. Claim number on court claims registry (if known) _____ Filed on MM / DD / YYYY _____

5. Do you know if anyone else has filed a proof of claim for this claim?

No

Yes. Who made the earlier filing? _____



Revised Proof of Claim Forms

Form 410 – Case Information

Fill in this information to identify the case:

Debtor 1 _____

Debtor 2
(Spouse, if filing) _____

United States Bankruptcy Court for the: _____ District of _____
(State)

Case number _____



Revised Proof of Claim Forms

Form 410 – Part 1 – Identifying the Claim

Fill in this information to identify the case:

Debtor 1 _____
Debtor 2 (Spouse of Debtor 1) _____
United States Bankruptcy Court for the _____ District of _____
Case number _____

Draft Jan. 17, 2014

Official Form 410
Proof of Claim 12/15

Read the instructions before filling out this form. Use this form to make a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

The law requires that filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 305) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?
Name of the current creditor (the person or entity to be paid for this claim) _____
Other names the creditor used with the debtor _____

2. Has this claim been acquired from someone else?
 No
 Yes. From whom? _____

3. Where should notices and payments to the creditor be sent?
Where should notices to the creditor be sent?
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)
Name _____
Number Street _____
City State ZIP Code _____
Contact phone _____
Contact email _____
Use the claim identifier for electronic payments in chapter 13 if you use one:

Where should payments to the creditor be sent? (if different)
Name _____
Number Street _____
City State ZIP Code _____
Contact phone _____
Contact email _____

4. Does this claim amend one already filed?
 No
 Yes. Claim number on court claims registry (if known) _____ Filed on MM / DD / YYYY _____

5. Do you know if anyone else has filed a proof of claim for this claim?
 No
 Yes. Who made the earlier filing? _____

Revised Proof of Claim Forms

Form 410 – Part 1 – Identifying the Claim

- The account number does not appear until the second page
- As with form B10, there are boxes to identify in Part 1:
 - Who is the current creditor?
 - Where should notices be sent?
 - Where should payments be sent?
 - Is this an amended claim?
 - Is there a competing claim filed by someone else?
 - Uniform Claim Identifier (no longer in its own box)



Revised Proof of Claim Forms

Form 410 – Part 1

Part 1: Identify the Claim

1. Who is the current creditor?

Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor

2. Has this claim been acquired from someone else?

No

Yes. From whom? _____

- Box 1 is for identifying the creditor
- Other Names – not for transfers, but could include a name change

Revised Proof of Claim Forms

Form 410 – Part 1

Part 1: Identify the Claim

1. Who is the current creditor?

Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor _____

2. Has this claim been acquired from someone else?

No

Yes. From whom? _____

- Box 2 is for indicating whether the claim has been transferred or acquired, and identifying the transferor

Revised Proof of Claim Forms

Form 410 – Part 1

3. Where should notices and payments to the creditor be sent?

Where should notices to the creditor be sent?

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Contact phone _____

Contact email _____

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

Where should payments to the creditor be sent? (if different)

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Contact phone _____

Contact email _____

- Box 3 is for indicating addresses where notices and payments should be sent
- Notice that UCI is no longer in a separate box



Revised Proof of Claim Forms

Form 410 – Part 1

4. Does this claim amend one already filed?	<input type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____	Filed on _____ MM / DD / YYYY
5. Do you know if anyone else has filed a proof of claim for this claim?	<input type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

- Box 4 is for indicating whether the claimant is filing an amended claim
- Box 5 is for indicating whether the claimant knows if anybody else has filed a PoC for this claim (e.g., the debtor)



Revised Proof of Claim Forms

Form 410 – Part 2: Information About the Claim as of the Date the Case Was Filed

Debtor 1 _____ Case number _____
First Name Middle Name Last Name

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? No
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____

7. How much is the claim? \$ _____ For leases state only the amount of default.
Does this amount include interest or other charges?
 No
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
Attach any documents supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as healthcare information.

9. Is all or part of the claim secured? No
 Yes. The claim is secured by a lien on property.
Nature of property:
 Real estate. If the claim is secured by the debtor's principal residence, file a Mortgage Proof of Claim Attachment (Official Form 410-A) with this Proof of Claim.
 Motor vehicle
 Other. Describe: _____
Basis for perfection: _____
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)
Value of property: \$ _____
Amount of the claim that is secured: \$ _____
Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)
Amount necessary to cure any default as of the date of the petition: \$ _____
Annual Interest Rate (when case was filed) _____ %
 Fixed
 Variable

10. Is this claim based on a lease? No
 Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Does this claim involve a right to setoff? No
 Yes. Explain: _____



Revised Proof of Claim Forms

Form 410 – Part 2: Information About the Claim as of the Date the Case was Filed

- As with form B10, there are boxes to identify in Part 2:
 - The account number (last four digits only)
 - The basis of the claim (e.g., money loaned)
 - The nature of the collateral (if secured)
 - Instructions to attach evidence of perfection appears on the form instead of the instructions
 - The extent a claim is secured
 - The amount of any arrears
 - Interest rate (no longer in its own box)

Revised Proof of Claim Forms

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? No
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____

7. How much is the claim? \$ _____ . For leases state only the amount of default.

Does this amount include interest or other charges?

No

Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
Attach any documents supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as healthcare information.

- Box 6 is for providing the account number or other client identifier



Revised Proof of Claim Forms

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? No
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: ____ ____ ____ ____

7. How much is the claim? \$ _____ . For leases state only the amount of default.

Does this amount include interest or other charges?

- No
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
Attach any documents supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as healthcare information.

- Box 6 is for providing the account number or other client identifier
- Box 7 is for providing the amount of the claim (this number comes from Part 2 of Form 410A)

Revised Proof of Claim Forms

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? No
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: ____ ____ ____ ____

7. How much is the claim? \$_____. For leases state only the amount of default.

Does this amount include interest or other charges?

- No
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
Attach any documents supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as healthcare information.

- Box 6 is for providing the account number or other client identifier
- Box 7 is for providing the amount of the claim
- Box 8 is for basis of the claim (e.g., money loaned)

Revised Proof of Claim Forms

9. Is all or part of the claim secured?

No

Yes. The claim is secured by a lien on property.

Nature of property:

Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.

Motor vehicle

Other. Describe: _____

Basis for perfection: _____

Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

Value of property: \$ _____

Amount of the claim that is secured: \$ _____

Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)

Amount necessary to cure any default as of the date of the petition: \$ _____

Annual Interest Rate (when case was filed) _____ %

Fixed

Variable

Revised Proof of Claim Forms

Form 410 – Part 2: Information About the Claim as of the Date the Case was Filed

- Box 9 is for providing information about secured claims:
 - Nature of the property securing the claim (e.g., a motor vehicle or real estate)
 - Basis for perfection (e.g., certificate of title, mortgage)
 - Value of the property securing the claim
 - Amount of arrears (i.e., the amount to cure any default as of the date of the petition)
 - This number comes from Part 3 of Form 410A
 - Annual Interest Rate (fixed or variable)

Revised Proof of Claim Forms

Form 410 – Part 2: Information About the Claim as of the Date the Case was Filed

10. Is this claim based on a lease?	<input type="checkbox"/> No
	<input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

- Box 10 is for providing information in the event the claim is based on a lease



Revised Proof of Claim Forms

Form 410 – Part 2: Information About the Claim as of the Date the Case was Filed

11. Does this claim involve a right to setoff? No

Yes. Explain: _____

- Box 11 is for indicating whether the claim involves a right to setoff (e.g., a bank account as security for a bank or credit union loan)
- The consensus among attorneys is that this field does not apply to funds in suspense



Revised Proof of Claim Forms

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

No

Yes. *Check all that apply:*

Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

Amount entitled to priority

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* Amounts are subject to adjustment on 4/1/16 and every 3 years after that for cases begun on or after the date of adjustment.

- Box 12 is for providing information about claims entitled to priority status (e.g., taxes, alimony)
- It would be unusual for a mortgage to have priority status



Revised Proof of Claim Forms

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157 and 3571.

Check the appropriate box:

- I am the creditor.
- I am the creditor's attorney or authorized agent.
- I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
- I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date _____
MM / DD / YYYY

Signature

Print the name of the person who is completing and signing this claim:

Name _____
First name Middle name Last name

Title _____

Company _____
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address _____
Number Street

City State ZIP Code

Contact phone _____ Email _____

Revised Proof of Claim Forms

Form 410 – Part 3 - Signature Box

- Part 3 of Form 410 replaces Section 8 of the current PoC form (i.e., Official Form B10), and includes significant changes
- Part 3 now includes a checkbox for attorneys to indicate the capacity in which they are filing a claim
 - The absence of a checkbox on the current form created a split among attorneys as to whether to check a box
- Section 8 of the current PoC form includes a declaration, under penalty of perjury, that the information provided in the claim is true and correct to the best of the filer's knowledge, information and reasonable belief
 - Form 410 contains a new declaration that is gentler and softer

Revised Proof of Claim Forms

Form 410 – Part 3 - Signature Box

The new declaration is now broken up into 3 parts:

- Signature serves as an acknowledgment that the debtor has received credit for payments received
- I have examined the information in the PoC and have a reasonable belief the information is true and correct
- I declare under penalty of perjury that the foregoing is true and correct (i.e., not that the info is true and correct, but that the debtor has received proper credit, the information has been examined, and there is a reasonable believe about the accuracy of the info)



Revised Proof of Claim Forms

Form 410A – Replaces PoC Attachment (B10A)

- Only required if the loan is secured by principal residence
- A detailed payment history that can be automated should be attached to the PoC
- The disclosure requirements should be uniform nationwide; local variations should be prohibited
- The amount of regular monthly mortgage payment as of the petition date should be included
- Calculation of the total claim should be shown

Revised Proof of Claim Forms

Form 410A – Replaces PoC Attachment (B10A)

Mortgage Proof of Claim Attachment

(12/15)

If you file a claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See separate instructions.

Part 1: Mortgage and Case Information	Part 2: Total Debt Calculation	Part 3: Arrearage as of Date of the Petition	Part 4: Monthly Mortgage Payment
Case number: _____	Principal balance: _____	Principal & interest due: _____	Principal & interest: _____
Debtor 1: _____	Interest due: _____	Prepetition fees due: _____	Monthly escrow: _____
Debtor 2: _____	Fees, costs due: _____	Escrow deficiency for funds advanced: _____	Private mortgage insurance: _____
Last 4 digits to identify: _____	Escrow deficiency for funds advanced: _____	Projected escrow shortage: _____	Total monthly payment: <input style="width: 100px; height: 20px;" type="text"/>
Creditor: _____	Less total funds on hand: _____	Less funds on hand: _____	
Servicer: _____	Total debt: <input style="width: 80px; height: 20px;" type="text"/>	Total prepetition arrearage: <input style="width: 80px; height: 20px;" type="text"/>	
Fixed accrual/daily simple interest/other: _____			

Part 5 : Loan Payment History from First Date of Default																
		Account Activity					How Funds Were Applied/Amount Incurred						Balance After Amount Received or Incurred			
A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.	M.	N.	O.	P.	Q.
Date	Contractual payment amount	Funds received	Amount incurred	Description	Contractual due date	Prin, int & esc past due balance	Amount to principal	Amount to interest	Amount to escrow	Amount to fees or charges	Unapplied funds	Principal balance	Accrued interest balance	Escrow balance	Fees / Charges balance	Unapplied funds balance



Revised Proof of Claim Forms

Form 410A – Loan History

The loan history shows:

- When payments are due
- When the debtor made payments
- How payments were applied
- When fees and charges were incurred
- What the balances were for various components of the loan after amounts were received or fees and charges were incurred



Revised Proof of Claim Forms

Form 410A – Loan History

- The new form requires a home mortgage claimant to provide a loan history starting with the first date of default
- This is the first date on which the borrower failed to make a payment in accordance with the terms of the note and mortgage
 - **UNLESS** the note was subsequently brought current with no principal, interest, fees, escrow payment, or other charges “immediately payable”
 - Query: what if a borrower reinstates by paying all the delinquent payments and late charges, but the fee for an inspection performed while the loan was delinquent is later assessed? Or what if the debtor does not pay the late charge and it remains the only fee outstanding for several years?

Revised Proof of Claim Forms

Form 410A – Replaces PoC Attachment (B10A)

- The new form requires disclosure of all the information on the current attachment A, but in a format that is more transparent and capable of being more easily and accurately completed
- The new form adds information the current form does not include:
 - Statement of the current mortgage payment
 - Calculation of the total amount of the debt

Revised Proof of Claim Forms

Form 410A – Part 1

Mortgage and Case Information

Mortgage Proof of Claim Attachment

(12/15)

If you file a claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See separate instructions.

Part 1: Mortgage and Case Information	Part 2: Total Debt Calculation	Part 3: Arrearage as of Date of the Petition	Part 4: Monthly Mortgage Payment
Case number: _____	Principal balance: _____	Principal & interest due: _____	Principal & interest: _____
Debtor 1: _____	Interest due: _____	Prepetition fees due: _____	Monthly escrow: _____
Debtor 2: _____	Fees, costs due: _____	Escrow deficiency for funds advanced: _____	Private mortgage insurance: _____
Last 4 digits to identify: _____	Escrow deficiency for funds advanced: _____	Projected escrow shortage: _____	Total monthly payment: <input type="text"/>
Creditor: _____	Less total funds on hand: - _____	Less funds on hand: - _____	
Servicer: _____	Total debt: <input type="text"/>	Total prepetition arrearage: <input type="text"/>	
Fixed accrual/daily simple interest/other: _____			

Part 5 : Loan Payment History from First Date of Default

Account Activity					How Funds Were Applied/Amount Incurred							Balance After Amount Received or Incurred				
A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.	M.	N.	O.	P.	Q.
Date	Contractual payment amount	Funds received	Amount incurred	Description	Contractual due date	Prin, int & esc past due balance	Amount to principal	Amount to interest	Amount to escrow	Amount to fees or charges	Unapplied funds	Principal balance	Accrued interest balance	Escrow balance	Fees / Charges balance	Unapplied funds balance



Revised Proof of Claim Forms

Form 410A – Part 1

Mortgage and Case Information

- Case number
- the names of Debtor 1 and Debtor 2
- last 4 digits of number used to identify the mortgage
- the creditor's name
- the servicer's name, if applicable
- the method used to calculate interest on the debt (i.e., fixed accrual, daily simple interest, or other method)

Part 1: Mortgage and Case Information

Case number:	_____
Debtor 1:	_____
Debtor 2:	_____
Last 4 digits to identify:	_____
Creditor:	_____
Servicer:	_____
Fixed accrual/daily simple interest/other:	_____

Revised Proof of Claim Forms

Form 410A – Part 2

Total Debt Calculation

Mortgage Proof of Claim Attachment

(12/15)

If you file a claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See separate instructions.

Part 1: Mortgage and Case Information	Part 2: Total Debt Calculation	Part 3: Arrearage as of Date of the Petition	Part 4: Monthly Mortgage Payment
Case number: _____	Principal balance: _____	Principal & interest due: _____	Principal & interest: _____
Debtor 1: _____	Interest due: _____	Prepetition fees due: _____	Monthly escrow: _____
Debtor 2: _____	Fees, costs due: _____	Escrow deficiency for funds advanced: _____	Private mortgage insurance: _____
Last 4 digits to identify: _____	Escrow deficiency for funds advanced: _____	Projected escrow shortage: _____	Total monthly payment: <input type="text"/>
Creditor: _____	Less total funds on hand: _____	Less funds on hand: _____	
Servicer: _____	Total debt: <input type="text"/>	Total prepetition arrearage: <input type="text"/>	
Fixed accrual/daily simple interest/other: _____			

Part 5 : Loan Payment History from First Date of Default

Account Activity					How Funds Were Applied/Amount Incurred							Balance After Amount Received or Incurred				
A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.	M.	N.	O.	P.	Q.
Date	Contractual payment amount	Funds received	Amount incurred	Description	Contractual due date	Prin, int & esc past due balance	Amount to principal	Amount to interest	Amount to escrow	Amount to fees or charges	Unapplied funds	Principal balance	Accrued interest balance	Escrow balance	Fees / Charges balance	Unapplied funds balance



Revised Proof of Claim Forms

Form 410A – Part 2

Total Debt Calculation

- the principal balance on the debt
- the interest due and owing
- any fees or costs owed under the note or mortgage and outstanding as of the date of the bankruptcy filing
- Any escrow deficiency for funds advanced
 - the amount of any prepetition payments for taxes and insurance that the servicer or mortgagee made out of its own funds and for which it has not been reimbursed

Part 2: Total Debt Calculation

Principal balance:	_____
Interest due:	_____
Fees, costs due:	_____
Escrow deficiency for funds advanced:	_____
Less total funds on hand:	- _____
Total debt:	<input type="text"/>

Revised Proof of Claim Forms

Form 410A – Part 2

Total Debt Calculation

- the principal balance on the debt
- the interest due and owing
- any fees or costs owed under the note or mortgage and outstanding as of the date of the bankruptcy filing
- Any escrow deficiency for funds advanced
 - the amount of any prepetition payments for taxes and insurance that the servicer or mortgagee made out of its own funds and for which it has not been reimbursed

Part 2: Total Debt Calculation

Principal balance:	_____
Interest due:	_____
Fees, costs due:	_____
Escrow deficiency for funds advanced:	_____
Less total funds on hand:	- _____
Total debt:	<input type="text"/>

Revised Proof of Claim Forms

Form 410A – Part 2

Total Debt Calculation

- the principal balance on the debt
- the interest due and owing
- any fees or costs owed under the note or mortgage and outstanding as of the date of the bankruptcy filing
- Any escrow deficiency for funds advanced
 - the amount of any prepetition payments for taxes and insurance that the servicer or mortgagee made out of its own funds and for which it has not been reimbursed

Part 2: Total Debt Calculation

Principal balance:	_____
Interest due:	_____
Fees, costs due:	_____
Escrow deficiency for funds advanced:	_____
Less total funds on hand:	- _____
Total debt:	<input type="text"/>



Revised Proof of Claim Forms

Form 410A – Part 2

Total Debt Calculation

- the principal balance on the debt
- the interest due and owing
- any fees or costs owed under the note or mortgage and outstanding as of the date of the bankruptcy filing
- Any escrow deficiency for funds advanced
 - the amount of any prepetition payments for taxes and insurance that the servicer or mortgagee made out of its own funds and for which it has not been reimbursed

Part 2: Total Debt Calculation

Principal balance:	_____
Interest due:	_____
Fees, costs due:	_____
Escrow deficiency for funds advanced:	_____
Less total funds on hand:	- _____
Total debt:	<input type="text"/>

Revised Proof of Claim Forms

Form 410A – Part 2

Total Debt Calculation

Also disclose the *Total amount of funds on hand*.

- This amount is the total of the following, if applicable:
- a positive escrow balance,
- unapplied funds, and
- amounts held in suspense accounts.

Part 2: Total Debt Calculation

Principal balance: _____

Interest due: _____

Fees, costs due: _____

Escrow deficiency for funds advanced: _____

Less total funds on hand:  _____

Total debt: _____



Revised Proof of Claim Forms

Form 410A – Part 2

Total Debt Calculation

To determine the total debt due:

Total the amounts owed

Then subtract the total funds on hand

Insert ~~this amount~~ under **Total debt**.

Part 2: Total Debt Calculation

Principal balance: _____

Interest due: _____

Fees, costs due: _____

Escrow deficiency for funds advanced: _____

Less total funds on hand. → _____

Total debt: →



Revised Proof of Claim Forms

Form 410A – Part 3

Arrearage as of the Date of the Petition

Mortgage Proof of Claim Attachment

(12/15)

If you file a claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See separate instructions.

Part 1: Mortgage and Case Information	Part 2: Total Debt Calculation	Part 3: Arrearage as of Date of the Petition	Part 4: Monthly Mortgage Payment
Case number: _____	Principal balance: _____	Principal & interest due: _____	Principal & interest: _____
Debtor 1: _____	Interest due: _____	Prepetition fees due: _____	Monthly escrow: _____
Debtor 2: _____	Fees, costs due: _____	Escrow deficiency for funds advanced: _____	Private mortgage insurance: _____
Last 4 digits to identify: _____	Escrow deficiency for funds advanced: _____	Projected escrow shortage: _____	Total monthly payment: <input type="text"/>
Creditor: _____	Less total funds on hand: _____	Less funds on hand: _____	
Servicer: _____	Total debt: <input type="text"/>	Total prepetition arrearage: <input type="text"/>	
Fixed accrual/daily simple interest/other: _____			

Part 5 : Loan Payment History from First Date of Default

Account Activity							How Funds Were Applied/Amount Incurred					Balance After Amount Received or Incurred				
A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.	M.	N.	O.	P.	Q.
Date	Contractual payment amount	Funds received	Amount incurred	Description	Contractual due date	Prin, int & esc past due balance	Amount to principal	Amount to interest	Amount to escrow	Amount to fees or charges	Unapplied funds	Principal balance	Accrued interest balance	Escrow balance	Fees / Charges balance	Unapplied funds balance



Revised Proof of Claim Forms

Form 410A – Part 3

Arrearage as of the Date of the Petition:

- Insert the amount of the principal and interest portion of all prepetition monthly installments that remain outstanding as of the petition date
- **The escrow portion of prepetition monthly installment payments should NOT be included in this figure**

Part 3: Arrearage as of Date of the Petition

Principal & interest due: _____

Prepetition fees due: _____

Escrow deficiency for funds advanced: _____

Projected escrow shortage: _____

Less funds on hand: - _____

Total prepetition arrearage:

Revised Proof of Claim Forms

Form 410A – Part 3

Arrearage as of the Date of the Petition:

- Insert the amount of fees and costs outstanding as of the petition date
 - This amount should equal the *Fees/Charges balance* as shown in the last entry in Part 5, Column P

Part 3: Arrearage as of Date of the Petition

Principal & interest due: _____

Prepetition fees due: _____

Escrow deficiency for funds advanced: _____

Projected escrow shortage: _____

Less funds on hand: - _____

Total prepetition arrearage: _____



Revised Proof of Claim Forms

Form 410A – Part 3

Arrearage as of the Date of the Petition:

- Insert any escrow deficiency for funds advanced
- This amount should be the same as the amount of escrow deficiency stated in Part 2

Part 3: Arrearage as of Date of the Petition

Principal & interest due: _____

Prepetition fees due: _____

Escrow deficiency for funds advanced: _____

Projected escrow shortage: _____

Less funds on hand: - _____

Total prepetition arrearage:



Revised Proof of Claim Forms

Form 410A – Part 3

Arrearage as of the Date of the Petition:

- The escrow deficiency amount (i.e., the negative balance in the escrow account on the day the case was filed) is ordinarily the starting balance for the escrow analysis
- Although not spelled out in the instructions, it has been determined that because the escrow deficiency is being listed on a separate line in Part 3, the escrow account needs to be brought up to zero prior to running the escrow analysis

Part 3: Arrearage as of Date of the Petition

Principal & interest due: _____

Prepetition fees due: _____

Escrow deficiency for funds advanced: _____

Projected escrow shortage: _____

Less funds on hand: - _____

Total prepetition arrearage: _____

This may require a programming change for the first escrow analysis run after the filing of a bankruptcy case



Revised Proof of Claim Forms

Form 410A – Part 3

Arrearage as of the Date of the Petition:

- Insert the projected escrow shortage as of the date the bankruptcy petition was filed (should be based on and consistent with escrow analysis performed as of the date of the petition under Rule 3001)
- The calculation should include 1/6 of the anticipated annual charges against the escrow account or 2 months of the monthly pro rata installments due by the borrower as calculated under RESPA guidelines

Part 3: Arrearage as of Date of the Petition

Principal & interest due: _____

Prepetition fees due: _____

Escrow deficiency for funds advanced: _____

Projected escrow shortage: _____

Less funds on hand: - _____

Total prepetition arrearage: _____



Revised Proof of Claim Forms

Form 410A – Part 3

Arrearage as of the Date of the Petition:

- The shortage is the difference between the actual amount in the escrow account and the required amount
- The amount actually held should equal the amount of a positive escrow account balance as shown in the last entry in Part 5, Column O
- The amount actually held should also equal the ending balance for the previous escrow computation period on the escrow analysis

Part 3: Arrearage as of Date of the Petition

Principal & interest due: _____

Prepetition fees due: _____

Escrow deficiency for funds advanced: _____

Projected escrow shortage: _____

Less funds on hand: - _____

Total prepetition arrearage: _____



Revised Proof of Claim Forms

Form 410A – Part 3

Arrearage as of the Date of the Petition:

IMPORTANT

- The escrow portion of missed prepetition mortgage payments will not be recovered
- This may require a programming change

Part 3: Arrearage as of Date of the Petition

Principal & interest due: _____

Prepetition fees due: _____

Escrow deficiency for funds advanced: _____

Projected escrow shortage: _____

Less funds on hand: - _____

Total prepetition arrearage:



Revised Proof of Claim Forms

Form 410A – Part 3

Arrearage as of the Date of the Petition:

- Insert the amount of funds on hand as of the petition date
- Subtract this number from the total amounts due listed in Part 3 to arrive at the Total Prepetition Arrearage

Part 3: Arrearage as of Date of the Petition

Principal & interest due: _____

Prepetition fees due: _____

Escrow deficiency for funds advanced: _____

Projected escrow shortage: _____

Less funds on hand: - _____

Total prepetition arrearage: _____

Revised Proof of Claim Forms

Form 410A – Part 4

Monthly Mortgage Payment

Mortgage Proof of Claim Attachment

(12/15)

If you file a claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See separate instructions.

Part 1: Mortgage and Case Information	Part 2: Total Debt Calculation	Part 3: Arrearage as of Date of the Petition	Part 4: Monthly Mortgage Payment
Case number: _____	Principal balance: _____	Principal & interest due: _____	Principal & interest: _____
Debtor 1: _____	Interest due: _____	Prepetition fees due: _____	Monthly escrow: _____
Debtor 2: _____	Fees, costs due: _____	Escrow deficiency for funds advanced: _____	Private mortgage insurance: _____
Last 4 digits to identify: _____	Escrow deficiency for funds advanced: _____	Projected escrow shortage: _____	Total monthly payment: <input type="text"/>
Creditor: _____	Less total funds on hand: - _____	Less funds on hand: - _____	
Servicer: _____	Total debt: <input type="text"/>	Total prepetition arrearage: <input type="text"/>	
Fixed accrual/daily simple interest/other: _____			

Part 5 : Loan Payment History from First Date of Default

Account Activity							How Funds Were Applied/Amount Incurred						Balance After Amount Received or Incurred				
A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.	M.	N.	O.	P.	Q.	
Date	Contractual payment amount	Funds received	Amount incurred	Description	Contractual due date	Prin, int & esc past due balance	Amount to principal	Amount to interest	Amount to escrow	Amount to fees or charges	Unapplied funds	Principal balance	Accrued interest balance	Escrow balance	Fees / Charges balance	Unapplied funds balance	



Revised Proof of Claim Forms

Form 410A – Part 4

Monthly Mortgage Payment:

- Insert the principal and interest payment amount of the monthly payment as of the petition date

Part 4: Monthly Mortgage Payment

Principal & interest: _____

Monthly escrow: _____

Private mortgage insurance: _____

Total monthly payment: _____



Revised Proof of Claim Forms

Form 410A – Part 4

Monthly Mortgage Payment:

- Insert the monthly escrow portion of the monthly payment
- This amount should take into account the receipt of any amounts claimed in Part 3 as escrow deficiency and projected escrow shortage
 - Therefore, the PoC should assume that the escrow deficiency and shortage will be paid through the plan and provide for a credit of the same amount when calculating postpetition escrow installment payments.

Part 4: Monthly Mortgage Payment

Principal & interest: _____

Monthly escrow: _____

Private mortgage insurance: _____

Total monthly payment: _____

Revised Proof of Claim Forms

Form 410A – Part 4

Monthly Mortgage Payment:

- Add any amounts for private mortgage insurance
- Add lines for additional amounts included in the monthly payment such as credit life insurance

Part 4: Monthly Mortgage Payment

Principal & interest: _____

Monthly escrow: _____

Private mortgage insurance: _____

Total monthly payment: _____

Revised Proof of Claim Forms

Form 410A – Part 4

Monthly Mortgage Payment:

- The Total Monthly Payment is the sum of the principal and interest, monthly escrow, PMI, and other amounts (e.g., credit life insurance)

Part 4: Monthly Mortgage Payment

Principal & interest: _____

Monthly escrow: _____

Private mortgage insurance: _____

Total monthly payment: _____

Revised Proof of Claim Forms

Form 410A – Part 5

Loan Payment History from the First Date of Default

Mortgage Proof of Claim Attachment

(12/15)

If you file a claim secured by a security interest in the debtor's principal residence, you must use this form as an attachment to your proof of claim. See separate instructions.

Part 1: Mortgage and Case Information	Part 2: Total Debt Calculation	Part 3: Arrearage as of Date of the Petition	Part 4: Monthly Mortgage Payment
Case number: _____	Principal balance: _____	Principal & interest due: _____	Principal & interest: _____
Debtor 1: _____	Interest due: _____	Prepetition fees due: _____	Monthly escrow: _____
Debtor 2: _____	Fees, costs due: _____	Escrow deficiency for funds advanced: _____	Private mortgage insurance: _____
Last 4 digits to identify: _____	Escrow deficiency for funds advanced: _____	Projected escrow shortage: _____	Total monthly payment: <input type="text"/>
Creditor: _____	Less total funds on hand: - _____	Less funds on hand: - _____	
Servicer: _____	Total debt: <input type="text"/>	Total prepetition arrearage: <input type="text"/>	
Fixed accrual/daily simple interest/other: _____			

Part 5 : Loan Payment History from First Date of Default

Account Activity					How Funds Were Applied/Amount Incurred							Balance After Amount Received or Incurred				
A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.	M.	N.	O.	P.	Q.
Date	Contractual payment amount	Funds received	Amount incurred	Description	Contractual due date	Prin, int & esc past due balance	Amount to principal	Amount to interest	Amount to escrow	Amount to fees or charges	Unapplied funds	Principal balance	Accrued interest balance	Escrow balance	Fees / Charges balance	Unapplied funds balance



Revised Proof of Claim Forms

Form 410A – Part 5

Loan Payment History from the First Date of Default

Beginning with the First Date of Default, enter:
 – the date of the default in Column A

Part 5 : Loan Payment History from First Date of Default

		Account Activity				How Funds Were Applied/Amount Incurred						Balance After Amount Received or Incurred				
A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.	M.	N.	O.	P.	Q.
Date	Contractual payment amount	Funds received	Amount incurred	Description	Contractual due date	Prin, int & esc past due balance	Amount to principal	Amount to interest	Amount to escrow	Amount to fees or charges	Unapplied funds	Principal balance	Accrued interest balance	Escrow balance	Fees / Charges balance	Unapplied funds balance



Revised Proof of Claim Forms

Form 410A – Part 5

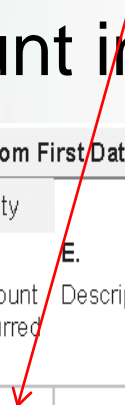
Loan Payment History from the First Date of Default

Beginning with the First Date of Default, enter:

- the date of the default in Column A
- amount incurred in Column D

Part 5 : Loan Payment History from First Date of Default

Account Activity				How Funds Were Applied/Amount Incurred									Balance After Amount Received or Incurred				
A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.	M.	N.	O.	P.	Q.	
Date	Contractual payment amount	Funds received	Amount incurred	Description	Contractual due date	Prin, int & esc past due balance	Amount to principal	Amount to interest	Amount to escrow	Amount to fees or charges	Unapplied funds	Principal balance	Accrued interest balance	Escrow balance	Fees / Charges balance	Unapplied funds balance	



Revised Proof of Claim Forms

Form 410A – Part 5

Loan Payment History from the First Date of Default

Beginning with the First Date of Default, enter:

- the date of the default in Column A
- amount incurred in Column D
- description of the charge in Column E

Part 5 : Loan Payment History from First Date of Default

Account Activity					How Funds Were Applied/Amount Incurred							Balance After Amount Received or Incurred				
A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.	M.	N.	O.	P.	Q.
Date	Contractual payment amount	Funds received	Amount incurred	Description	Contractual due date	Prin. int & esc past due balance	Amount to principal	Amount to interest	Amount to escrow	Amount to fees or charges	Unapplied funds	Principal balance	Accrued interest balance	Escrow balance	Fees / Charges balance	Unapplied funds balance

Revised Proof of Claim Forms

Form 410A – Part 5

Loan Payment History from the First Date of Default

Beginning with the First Date of Default, enter:

- the date of the default in Column A
- amount incurred in Column D
- description of the charge in Column E
- principal balance, escrow balance, and unapplied or suspense funds balance as of that date in Columns M, O, and Q, respectively

Part 5 : Loan Payment History from First Date of Default

Account Activity					How Funds Were Applied/Amount Incurred							Balance After Amount Received or Incurred				
A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.	M.	N.	O.	P.	Q.
Date	Contractual payment amount	Funds received	Amount incurred	Description	Contractual due date	Prin, int & esc past due balance	Amount to principal	Amount to interest	Amount to escrow	Amount to fees or charges	Unapplied funds	Principal balance	Accrued interest balance	Escrow balance	Fees / Charges balance	Unapplied funds balance



Revised Proof of Claim Forms

Form 410A – Part 5

For:

- (1) all subsequently accruing installment payments;
- (2) any subsequent payment received;
- (3) any fee, charge, or amount incurred; and
- (4) any escrow charge satisfied since the date of first default

enter the information in date order, showing:

- the amount paid, accrued, or incurred
- description of the transaction
- contractual due date
- how the amount was applied or assessed
- the resulting principal balance, accrued interest balance, escrow balance, outstanding fees or charges balance, and the total unapplied funds held or in suspense

Revised Proof of Claim Forms

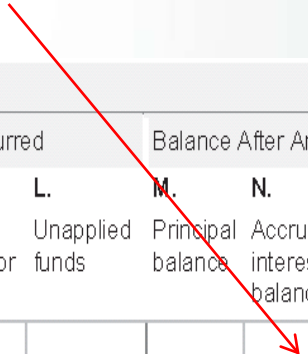
Form 410A – Part 5

Loan Payment History from the First Date of Default

Column N is for showing the accrued (i.e., running) interest balance for daily simple interest loans

Part 5 : Loan Payment History from First Date of Default

		Account Activity				How Funds Were Applied/Amount Incurred							Balance After Amount Received or Incurred			
A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.	M.	N.	O.	P.	Q.
Date	Contractual payment amount	Funds received	Amount incurred	Description	Contractual due date	Prin, int & esc past due balance	Amount to principal	Amount to interest	Amount to escrow	Amount to fees or charges	Unapplied funds	Principal balance	Accrued interest balance	Escrow balance	Fees / Charges balance	Unapplied funds balance



Revised Proof of Claim Forms

Form 410A – Part 5

Loan Payment History from the First Date of Default

The principal balance, escrow balance, and unapplied funds balance on the date the bankruptcy case was filed should be the figures in the last row of the history for Columns M, O, and Q, respectively.

Part 5 : Loan Payment History from First Date of Default

Account Activity							How Funds Were Applied/Amount Incurred					Balance After Amount Received or Incurred				
A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.	M.	N.	O.	P.	Q.
Date	Contractual payment amount	Funds received	Amount incurred	Description	Contractual due date	Prin, int & esc past due balance	Amount to principal	Amount to interest	Amount to escrow	Amount to fees or charges	Unapplied funds	Principal balance	Accrued interest balance	Escrow balance	Fees / Charges balance	Unapplied funds balance



Revised Proof of Claim Forms

Form 410A – Part 5

Loan Payment History from the First Date of Default

The principal balance, escrow balance, and unapplied funds balance on the date the bankruptcy case was filed should be the figures in the last row of the history for Columns M, O, and Q, respectively. If the amount at the bottom of Column O is negative, this is the amount of the escrow deficiency to be entered in Parts 2 and 3 of Form 410A.

Part 5 : Loan Payment History from First Date of Default

Account Activity			How Funds Were Applied/Amount Incurred					Balance After Amount Received or Incurred								
A.	B.	C.	D.	E.	F.	G.	H.	I.	J.	K.	L.	M.	N.	O.	P.	Q.
Date	Contractual payment amount	Funds received	Amount incurred	Description	Contractual due date	Prin, int & esc past due balance	Amount to principal	Amount to interest	Amount to escrow	Amount to fees or charges	Unapplied funds	Principal balance	Accrued interest balance	Escrow balance	Fees / Charges balance	Unapplied funds balance



Revised Proof of Claim Forms

Form 410A – Servicer Challenges

- The requirement to produce a history back to the “first date of default” could mean the servicer must go back several years
 - If the loan has been transferred, the transferee will need detailed information about any fees or costs incurred prior to the transfer of the loan
 - Otherwise, fees and costs assessed before the transfer need to be waived
 - Similarly, if the loan is contractually delinquent as of the transfer date, the transferee will need a detailed history going back to the first date of default
 - Otherwise, the loan will need to be brought current at least through the date in which detailed information is available
- The requirement to bring the escrow account up to zero before running the first post-petition escrow analysis may require programming that is unique for borrowers in bankruptcy

WEBINAR WRAP-UP: QUESTIONS & ANSWERS

If you did not submit a question during your registration process, you may now use your GoToWebinar toolbox on the right side of your screen to submit a question directly to our panelists live on the air. Note: not all questions will be answered during the live Q&A. Should our panelists not be able to address your question, you may reach out to them directly or they will attempt to contact you with further information.

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SAVE THE DATES: 2016 EVENTS

ALFN #WILLPOWER Summit (Women in Legal Leadership)

April 18, 2016 – Westin Georgetown, Washington DC

www.ALFNEVENTS.org Registration Available Jan/Feb 2016

Advocacy Day – ALFN’s 7th Annual Advocacy Day

April 18-19, 2016 – Westin Georgetown, Washington DC

www.ALFNEVENTS.org Registration Available Jan/Feb 2016

ANSWERS – ALFN’s 14th Annual Leadership Conference

July 17-20, 2016- Omni Grove Park Inn, Asheville, NC

www.ALFNANSWERS.org Registration Available Jan/Feb 2016

ALFN TEACH Midwest Regional Servicer Training

September, 2016 – Cincinnati, OH (Date & location TBD)

www.ALFNEVENTS.org Registration Available June 2016

ALFN TEACH South Regional Servicer Training

November, 2016 – Dallas, TX (Date & location TBD)

www.ALFNEVENTS.org Registration Available August 2016

MBA’s National Mortgage Servicing Conference, Feb. 16-19 2016, Orlando, FL -
ALFN will be in the exhibit hall. Stop by and see us, enter our raffles, or contact Liz Potter (lpotter@alfn.org) to setup a time to meet with us during the conference.



Thank you for attending this ALFN webinar presentation.

WEBINAR CONCLUSION

If you have any further questions that were not addressed in this presentation, or want to contact one of our speakers, please email Ashleigh Bouselli, ALFN Administrative & Events Coordinator at abouselli@alfn.org. Thank you for your participation in this webinar. Please complete the brief survey which you will be directed to at the conclusion of this presentation.

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