

## Filing of Proof of Claim

**All claims**, including Chapter 13 claims, are to be filed directly with the Court (and not with the Chapter 7 and 13 Trustee's office). Claims in all cases are accepted electronically through the Court's website without the need for a login/password. The Court strongly encourages the e-filing of claims.

The name and complete address of the creditor must appear on the claim form. If an attorney is filing the claim on behalf of a creditor, the attorney should also enter his/her name and address. The name and title, if any, of the person authorized to file the claim is required on the claim form.

**Penalty for filing fraudulent claim: Fine of up to \$500,000 imprisonment for up to 5 years, or both. 11 U.S.C. §§ 152 and 3571.**

## FAQ - Electronic Filing of Proof of Claim (ePoc)

### 1. Can I file an electronic proof of claim in any chapter case?

Yes. The Eastern District of Virginia Bankruptcy Court began accepting electronic claims in all cases, including Chapter 13 cases, effective November 1, 2022.

### 2. Do I need to attach the B 410 claim form as an attachment?

No. The fillable form will create the B 410 form. Any attachments should consist of supporting documentation to the Proof of Claim.

### 3. Is a signature required on the proof of claim?

Yes. Type the name and title, if any, of the person authorized to file the claim on behalf of the creditor. A copy of the power of attorney, if any, should be attached to the claim.

### 4. Can I include a separate mailing address for payments?

Yes. Check the box indicating that the Payment Address is different from the Notice Address. An additional address field will appear for this alternate address for payments.

### 5. Can I change my notice address by filing an amended electronic proof of claim?

No. To change your notice address, file with the appropriate Divisional office a Change of Address form located on the Forms page of our website. Should you wish to file an amended proof of claim which reflects a change in the notice address after you file a Change of Address form, file a paper amended proof of claim conventionally over the counter or through the mail at the appropriate Divisional office in which the case is pending.

**6. Can I change my payment address by filing an amended electronic proof of claim?**

Yes. Follow the steps listed in item 4 above to change your payment address when filing an amended electronic proof of claim.

**7. Can I get a stamp-filed acknowledgment of the proof of claim?**

Yes. The Court's claim number will display with a link to the electronically file-stamped proof of claim upon submitting the proof of claim. The claim will be file stamped as of the entry date. It is recommended that the claim be printed or saved at this time. Please note that any attachment(s) to the claim added will NOT be available to view/print unless you have a PACER account.

**8. I am a creditor's attorney and will be filing a claim on behalf of my client. How do I record the creditor address and my address as attorney?**

When filing the claim, there is a drop-down box on the first screen which allows you, the filer, to select who is submitting the claim. The options are: Creditor; Creditor's Attorney; Debtor; Debtor's Attorney; or Trustee. If the attorney is the filer, you will be able to add the attorney's name and address and select the creditor's name from the listing of creditors in the case or if the creditor is not listed or listed incorrectly, you are able to add the correct creditor. Both names and addresses will be added to the mailing matrix and displayed on the Proof of Claim and Claims Register. Note: You will not receive a notice of electronic filing of the proof of claim unless you have made an appearance on behalf of the party you represent in the case before filing your proof of claim.

**9. I am a guarantor, surety, endorser, or other codebtor. How do I file an electronic proof of claim?**

When filing the claim, there is a drop-down box on the first screen which allows you, the filer, to select who is submitting the claim. The options are: Creditor; Creditor's Attorney; Debtor; Debtor's Attorney; or Trustee. Choose Creditor. In Part 3, you will have an opportunity to check a box stating that "I am a guarantor, surety, endorser, or other codebtor."

**10. I filed a claim and my attachments did not properly attach to the claim filed. How do I get the supporting documentation filed?**

- a) Ensure that the attachment(s) is in PDF format and is being submitted in black and white (no color documents).
- b) Confirm that each PDF document being attached is limited to 50.0 Mb in size.
- c) File an amended claim and attach the correct PDF images.
- d) When filing the amended claim, check the box on the form that designates that the claim is amended. Select the claim number of the claim to be amended.

e) Attachments must be added by the process above. Amendments cannot be faxed or mailed to the Trustee's office.

**11. When will the claim appear on the claims register?**

The claim will immediately appear on the claims register upon submitting the proof of claim.

**12. Will the Trustee be served with the proof of claim?**

Yes. The Trustee will receive notification of the claim filed. You do not need to file a separate paper claim with the Trustee's office.

**13. I need to amend a claim. How do I do this?**

When completing the fillable claim form, check the box (Part 1, Item 4) to indicate that the claim amends a previously filed claim. You can then enter the Court claim number and/or date of the previous claim.