

ch 11

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF IDAHO (COEUR D'ALEN)

PROOF OF CLAIM

Name of Debtor  
Frank L Chapin  
Sydney L Gutierrez-Chapin

Case Number  
02-20218

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. §563



Name of Creditor (The person or other entity to whom the debtor owes money or property):  
Jay & Nancy Whitson  
Name and Address where notices should be sent:

- Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
- Check box if you have never received any notices from the bankruptcy court in this case.
- Check box if the address differs from the address on the envelope sent to you by the court.

Jay & Nancy Whitson  
1923 E. Buena Vista Drive  
Tempe, AZ 85284

THIS SPACE IS FOR COURT USE ONLY

Telephone Number:

Account or other number by which creditor identifies debtor:

Check here if  replaces this claim  amends a previously filed claim, dated \_\_\_\_\_

1. Basis for Claim

- Goods sold
- Services performed
- Money loaned
- Personal injury/wrongful death
- Taxes
- Other

- Retiree benefits as defined in 11 U.S.C. §1114(a)
- Wages, salaries, and compensation (fill out below)  
Your SS #: \_\_\_\_\_  
Unpaid compensation for services performed from \_\_\_\_\_ to \_\_\_\_\_  
(date) (date)

2. Date debt was incurred:

February 22, 2002

3. If court judgment, date obtained:

4. Total Amount of Claim at Time Case Filed:

\$ 20,000.00

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.

Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

5. Secured Claim.

Check this box if your claim is secured by collateral (including a right of setoff).

Brief Description of Collateral:

- Real Estate  Motor Vehicle
- Other \_\_\_\_\_

Value of Collateral: \$ \_\_\_\_\_

Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ \_\_\_\_\_

6. Unsecured Priority Claim.

Check this box if you have an unsecured priority claim

Amount entitled to priority \$ \_\_\_\_\_  
Specify the priority of the claim:

- Wages, salaries, or commissions (up to \$4,650)\* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3).
- Contributions to an employee benefit plan - 11 U.S.C. §507(a)(4).
- Up to \$ 2,100\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6).
- Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7).
- Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).
- Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(\_\_\_\_\_).

\*Amounts are subject to adjustment on 4/1/04 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

7. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

8. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.

9. Date-Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

Date

6/18/02

Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):

Jay R. Whitson Jay R. Whitson

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

Chapter 12 and 13 claims, along with any supporting must be filed in duplicate.

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## UNITED STATES BANKRUPTCY COURT

District of Idaho (Coeur d'Alene)

**Notice of Chapter 11 Bankruptcy Case, Meeting of Creditors, & Deadlines**

A chapter 11 bankruptcy case concerning the debtor(s) listed below was filed on 2/22/02.

You may be a creditor of the debtor. This notice lists important deadlines. You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

**See Reverse Side For Important Explanations.****Debtor(s) (name(s) and address):**

Frank L Chapin

POB 781

Sandpoint, ID 83864

POB 2028

Sandpoint, ID 83864

Sydney L Gutierrez-Chapin

Sydney L Gutierrez

POB 2028

Sandpoint, ID 83864-

USA

**Case Number:**

02-20218

**Social Security/Taxpayer ID Nos.:**

518-44-6544

268-38-7542

**Attorney for Debtor(s) (name and address):**

Bruce A Anderson

POB 1049

Sandpoint, ID 83864

Telephone number: (208) 263-8517

**Meeting of Creditors:****Date:** 04/05/02**Time:** 12:00 pm**Location:** US Courthouse, 205 N 4th Fed Bldg Rm #214, Coeur d'Alene, ID 83814**Deadlines:**

Papers must be received by the bankruptcy clerk's office by the following deadlines:

**Deadline to File a Proof of Claim:**

For all creditors (except a governmental unit): 07/04/02

For a governmental unit: 09/04/02

**Deadline to File a Complaint to Determine Dischargeability of Certain Debts:**

06/04/02

**Deadline to File a Complaint Objecting to Discharge of the Debtor:***First date set for hearing on confirmation of plan.*

Notice of that date will be sent at a later time.

**Deadline to Object to Exemptions:**

Thirty (30) days after the conclusion of the meeting of creditors.

**Creditors May Not Take Certain Actions:**

The filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized.

**Address of the Bankruptcy Clerk's Office:**

US Bankruptcy Court

205 N 4th Fed Bldg Rm 214

Computerized Case Info (208) 334-9386

Coeur d'Alene, ID 83814

Telephone number: Computerized Case information: (208)

334-9386/Web Site: www.id.uscourts.gov

**For the Court:**

Clerk of the Bankruptcy Court:

Cameron Burke

**Hours Open:**

8:00 a.m. to 5:00 p.m.

**Date:**

03/08/02

C. 87

ORIGINAL

PROMISSORY NOTE

\$20,000.00

February 22, 2002

FOR VALUE RECEIVED, FRANK L. CHAPIN, a married man, does promise to pay to JAY WHITSON, a married man, or order, the sum of TWENTY THOUSAND AND 00/100 DOLLARS (\$20,000.00) in lawful money of the United States of America, together with interest thereon in like money at the rate of eight percent (8.0%) per annum from the 22<sup>nd</sup> day of February, 2002, until paid, and computed on the unpaid principal balance.

This is a promissory note and shall be paid in full on or before February 22, 2003 plus interest accrued on the unpaid portion of the principal.

The Maker reserve the right to prepay this Note, in whole or in part, at any time, without penalty; but in the event additional payments are made, said amounts shall be applied to any accrued interest and then to the principal, and the Maker is not relieved of its obligation to make each and every installment when due, until the full amount of principal and interest has been paid.

If the Maker becomes delinquent in payment of any of the annual installments, the entire amount of principal and interest may be declared due and payable, at the option of the holder(s).

If any installment is not paid when due and owing, and if this Note is placed with an attorney for collection, or if suit is instituted to collect the same, or any portion thereof, the Maker agrees to pay reasonable attorney fees, which shall be determined by the Judge of the Court in which suit is brought.

The Maker of this note severally waives presentation for payment, notice of dishonor, protest, and notice of protest.

MAKER:

FRANK L. CHAPIN

  
FRANK L. CHAPIN

02-22-02

C0811

ORIGINAL

DATED THIS 22<sup>nd</sup> day of February, 2002.

SECURED PARTY:

DEBTOR:

  
\_\_\_\_\_  
JAY R. WHITSON

  
\_\_\_\_\_  
FRANK L. CHAPIN

SECURITY AGREEMENT

Secured Party: JAY R. WHITSON, a married man.  
1923 E. Buena Vista Drive  
Tempe, AZ 85284

Debtor: FRANK L. CHAPIN, a married man  
P.O. Box 781  
Sandpoint, ID 83864

Collateral: As per UCC Financing Statement

For and in consideration of the mutual covenants herein, the Secured Party and the Debtor, hereby agree, on the terms and conditions as set forth herein, as follows:

1. The Secured Party loaned to the Debtor, the sum of \$20,000.00, which is to be repaid in lawful money of the United States of America, pursuant to a Secured Promissory Note of an even date herewith, with a due and payable in full date of February 22, 2003.
2. The Debtor agrees to allow no liens of any type or description, voluntary or involuntary, to become attached to the Collateral except for the Secured Parties interest therein. The Debtor further agrees to pay all taxes and assessments as levied against the Collateral, without default or delinquency. The Collateral shall remain in the State of Idaho at all times.
3. The Debtor specifically grants a security interest to the Secured Party, and the Secured Party specifically takes a security interest in the described Collateral and all the rights of the Secured Party under the Uniform Commercial Code and the laws of the State of Idaho, as is in effect in the State of Idaho.
4. The Debtor and Secured Party agree that the Secured Party shall be entitled to possession of the Collateral upon demand.