

United States Bankruptcy Court
District of Idaho

U.S. BANKRUPTCY COURT
DISTRICT OF IDAHO

SEP 16 2004

Chapter 7

M. REC'D _____
LODGED _____ FILED A

BANKRUPTCY CASE NUMBER: 04-01002

IN RE: CORY SCOTT CLAUS
JULINA MARIE CLAUS

SSN (DEBTOR): XXX-XX-2807
SSN (JOINT DEBTOR): XXX-XX-0627

EMPLOYER TAX ID NUMBER:

**NOTICE OF NEED TO FILE PROOF OF CLAIM
DUE TO RECOVERY OF ASSETS**

NOTICE IS GIVEN THAT:

The initial notice in this case instructed creditors that it was not necessary to file a proof of claim. Since that notice was sent, assets have been recovered by the trustee.

Creditors who wish to share in any distribution of funds must file a proof of claim with the Clerk of the Bankruptcy Court at the address below on or before 90 days from the date of this notice.

Creditors who do not file a proof of claim on or before this date will not share in any distribution from the debtor's estate.

The proof of claim form is enclosed with this notice. It may be filed by regular mail. If you wish to receive proof of its receipt by the Bankruptcy Court, enclose a copy of the claim (along with the original), and a stamped, self-addressed envelope.

There is no fee for filing the proof of claim.

Any creditor who has previously filed a proof of claim in this case need not file another claim.

Cameron S. Burke
Clerk of the Bankruptcy Court

Address of the Bankruptcy Court:

U.S. Bankruptcy Court
550 W Fort St MSC 042
Boise ID 83724

DATED: September 16, 2004

**United States Bankruptcy Court
District of Idaho**

PROOF OF CLAIM
THIS SPACE FOR COURT USE ONLY

Complete this form and mail to: **U.S. Bankruptcy Court 550 West Fort MSC 042 Boise, ID 83724**

Name of Debtor: Cory Scott Claus
Julina Marie Claus

Case Number: 04-1002

Chapter: 7

Trustee: Richard F. Crawford

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 U.S.C. §503

Name and Address of Creditor
(The person or other entity to whom the debtor owes money or property):

- 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.
If a business, list officer/agent authorized to receive process of service:

Telephone number:

Account or other number by which identifies debtor:

Check here if this claim: Replaces Amends a previously filed claim dated:

- 1. Basis for Claim** Goods Sold Services Performed Money Loaned Personal Injury/Wrongful Death Taxes
- Retiree benefits as defined in 11 U.S.C. §1114(a) Other (please describe): _____
- Wages, Salaries and compensation: Last four digits of Social Security Number: _____ (date) to _____ (date)
- Unpaid Compensation for services performed from _____ (date) to _____ (date)

2. Date debt was incurred:

3. If court Judgment, date obtained:

4. SECURED CLAIM

- Check 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 the case was filed included in secured claim, if any: \$ _____

5. UNSECURED PRIORITY CLAIM

- Check box if you have an unsecured priority claim

Amount entitled to priority \$ _____

SPECIFY PRIORITY OF CLAIM:

- Wages, Salaries, or commissions (up to \$4,925)* 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 \$2,225* 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.*

Total Amount of Claim at Time Case Filed

\$ _____ (unsecured) \$ _____ (secured) \$ _____ (priority) \$ _____ (total)

- Check box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all additional charges. If all or part of claim is secured or entitled complete Item 4 or 5 above.

- 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, please 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

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

Penalty for presenting fraudulent claim: Fine up to \$500,000 or imprisonment for up to 5 year, or both. 18 U.S.C. §132 and §3571

INSTRUCTIONS FOR PROOF OF CLAIM FORM 04-01002

The instructions and definitions below are general explanations of the law. In particular types of cases or circumstances, such as bankruptcy cases that are not filed voluntarily by a debtor, there may be exceptions to these general rules.

DEFINITIONS

Debtor

The person, corporation, or other entity that has filed a bankruptcy case is called the debtor.

Creditor

A creditor is any person, corporation or other entity to whom the debtor owed a debt on the date the bankruptcy case was filed

Proof of Claim

A form telling the bankruptcy court how much the debtor owed a creditor at the time the bankruptcy case was filed (the amount of the creditors claim). This form must be filed with the clerk of the bankruptcy court where the bankruptcy case was filed.

Secured Claim

A claim is a secured claim to the extent that the creditor has a lien on property of the debtor (collateral) that gives the creditor the right to be paid from that property before creditors who do not have liens on the property

Examples of liens are a mortgage on real estate and a security interest in a car, truck, boat, television set or other item of property. A lien may have been obtained through a court proceeding before the bankruptcy case began; in some states a court judgment is a lien. In addition, to the extent a creditor also owes money to the debtor (has a right of setoff), the creditor's claim may be a secured claim.

(See also Unsecured Claim)

Unsecured Claim

If a claim is not secured it is an unsecured claim. A claim may be partly secured and partly unsecured if the property on which a creditor has a lien is not worth enough to pay the creditor in full.

Unsecured Priority Claim

Certain types of unsecured claims are given priority, so they are to be paid in bankruptcy cases before most other unsecured claims (if there is sufficient money or property available to pay these claims). The most common types of priority claims are listed on the proof of claim form. Unsecured claims are not specifically given priority status by the bankruptcy laws are classified as *Unsecured Nonpriority Claims*.

ITEMS TO BE COMPLETED IN PROOF OF CLAIM FORM (IF NOT ALREADY FILLED IN)

Court, Name of Debtor and Case Number:

Fill in the name of the federal judicial district where the bankruptcy case was filed (for example, District of Idaho), the name of the debtor in the bankruptcy case and the case number. If you receive a notice of the case from the court, all of this information is near the top of the notice.

Information about Creditor:

Complete the section giving the name, address and telephone number of the creditor to whom the debtor owes money or property, and the debtor's account number, if any. If anyone else has previously filed a proof of claim relating to this debt, if you have never received notices from the bankruptcy case about this case, if your address differs from that to which the court sent notice or if this proof of claim replaces or changes a proof of claim previously filed, check the appropriate box on the form.

1. Basis for Claim:

Check the type of debt for which the proof of claim is being filed. If the type of debt is not listed, check "Other" and briefly describe the type of debt. If you were an employee of the debtor, fill in your social security number and the dates of work for which you were not paid.

2. Date Debt Incurred:

Fill in the date when the debt first was owed by the debtor

3. Court Judgments:

If you have a court judgment for this debt, state the date the court entered the judgment.

4. Secured Claim:

Case No. 04-01002

Check the appropriate place if the claim is a secured claim. You must state the type and value of property that is collateral for the claim, attach copies of documentation of your lien, and state the amount past due on the claim as of the date the bankruptcy case was filed. A claim may be partly secured and partly unsecured. (See DEFINITIONS, above)

5. Unsecured Priority Claim:

Check the appropriate place if you have an unsecured priority claim, and state the amount entitled to priority. (See DEFINITIONS, above). A claim may be partly priority and partly nonpriority if, for example, the claim is for more than the amount given priority by the law. Check the appropriate place to specify the type of priority claim.

6 Total Amount of Claim at Time Case Filed:

Fill in the total amount of the entire claim. If interest or other charges in addition to the principal amount of the claim are included, check the appropriate place on the form and attach an itemization of the interest and charges

7. Credits:

By signing this proof of claim, you are stating under oath that in calculating the amount of your claim, you have given the debtor credit for all payments received from the debtor.

8. Supporting Documents:

You must attach to this proof of claim form copies of documents that show the debtor owes the debt claimed or if the documents are too lengthy, a summary of those documents. If the documents are not available, you must attach an explanation of why they are not available.