

**INSTRUCTIONS FOR COMPLETING SCHEDULE D
CREDITORS HOLDING SECURED CLAIMS**

1) The purpose of this schedule is to identify those creditors holding secured claims against property of the estate and the amount owed to them. Only creditors holding secured claims as of the date of the filing of the petition should be listed. The creditors listed will have the opportunity to file a Proof of Claim (Official Form 10), which will have the legal effect of superseding any conflicting information on this schedule. The claims listed on Schedule D should include all claims secured by any type of interest in either personal property or real property, including judgment and statutory liens, garnishments, mortgages, deeds of trust, and other security interests. Although the debtor should provide the most accurate information possible, the amounts of the claims sometimes cannot be stated with exact precision. It is crucial, however, that the names and addresses of all creditors be identified to enable the trustee and creditors to get a reasonably accurate account of the holders of secured claims.

Debtors are directed to place the creditor's name, mailing address, zip code, and account number in the spaces provided, and to use continuation sheets, if necessary. If the debtor has no creditors holding secured claims, the debtor should check the box provided on Schedule D and go on to the next schedule.

2) Secured Claim --- A claim is secured if the creditor has a lien on specific property of the debtor (collateral) that gives the creditor the right to seize that particular property if the debtor defaults in making payments to the creditor. A claim is secured only to the extent to which the value of the creditor's interest in the property equals the amount of the debt. Any amount not protected by collateral is unsecured. 11 U.S.C. § 506. Examples of liens are a mortgage on real estate and a security interest in a car, 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.

The existence of a third-person guarantor of a creditor's claim does not make that claim secured.

3) A debtor should list on this form all claims that are either partially or fully secured claims. A secured claim is any claim for which the creditor holds a security interest in the debtor's property, regardless of how small.

4) The debtor is directed to place an "X" in the column labeled "Codebtor" if an entity other than a spouse may be jointly liable on a claim. Debtors filing a joint petition should designate whether the husband, wife, both of them, or the marital community may be liable on each claim, by placing a "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

- 5) Debtors are directed to state the date the claim was incurred, nature of the lien, description, and market value of the property subject to the lien in the space provided. Debtors should state the market value in dollars.
- 6) If the claim is contingent, unliquidated, or disputed, debtors should place an "X" in one or more of the appropriate columns. Otherwise, leave these columns blank. A general definition of the terms "contingent, unliquidated, or disputed" is provided below.

Definitions:

Contingent Claim --- A claim is contingent if the debtor's liability depends on the occurrence of a certain event, such as where the debtor is a cosignor on another person's loan, and that person fails to pay.

Unliquidated Claim --- An unliquidated claim is a claim the amount of which is not completely certain. The claim exists, but the amount is presently unknown. For example, a debtor may have been at fault in a car accident, but there is no judgment yet establishing the amount of the debtor's liability. The debtor will have to estimate the amount of such a claim and designate it as unliquidated.

Disputed Claim --- A claim is disputed when the debtor and creditor do not agree on the debtor's liability or on the amount of the debt.

These three columns are particularly important for the chapter 11 creditor in determining whether to file a proof of claim. 11 U.S.C. § 1111(a).

- 7) The column entitled "Amount of Claim Without Deducting..." asks the debtor to disclose, to the best of his or her knowledge, the total amount of the claim, unsecured and secured.
- 8) In the column entitled "Unsecured Portion..." the debtor should subtract the value of the collateral from the total amount of the claim, so that the secured and unsecured portions are highlighted and the same creditor need not be listed again, in Schedule F, for the unsecured part of the same claim.
- 9) Debtors should place the subtotal for the claims listed on each page — without deducting the value of the collateral — in the space provided at the bottom of each continuation sheet. Debtors should place the total of all secured claims on the last page only and report the total on the Summary of Schedules in the column marked "Liabilities."