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09-BK-K

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December 15, 2009

Peter McCabe Secretary, Committee on Rules of Practice and Procedure Administrative Office of the U. S. Courts One Columbus Circle, N.E. Washington, DC 20544

> Re: Suggestion for Modification to Bankruptcy Proof of Claim Form (Official Form 10) to include a line for "Uniform Claim Identifier"

Dear Mr. McCabe:

With the implementation of Rule 9037(a) requiring redaction of account numbers to enhance privacy protection, difficulties have arisen in the identification of payments being transmitted from Chapter 13 Trustees to creditors who have filed claims. The National Association of Chapter 13 Trustees and Wells Fargo Corporation have been developing an alternative identifier which protects an individual's private information while providing unique identification capacity.

The attached documentation outlines the proposal. While seemingly modest in nature, this small change could have a monumental impact on how chapter 13 payments are distributed to national creditors.

With the advent of electronic fund transfers in conjunction with the use of the Uniform Claim Identifier, I will eliminate over 300 checks per month to Wells Fargo. All the funds for Wells Fargo will be electronically delivered to one bank account from which the funds will automatically be posted to the individual debtors' accounts. This will generate a tremendous savings, will ensure proper application of the funds, and will protect the funds from interception and theft. The use of the unique identifier will have many other benefits as well. Peter McCabe Page 2 December 15, 2009

The National Association of Chapter 13 Trustees and Wells Fargo Corporation would genuinely appreciate your review of our suggestion. If you have additional questions or need further input, you should contact the following:

or

George W. Stevenson Chapter 13 Trustee Telephone: 901-818-5802 email: <u>geste13@aol.com</u> Todd Trobaugh, Compliance Manager Wells Fargo Corporation Telephone: 515-327-4289 email: todd.r.trobaugh@wellsfargo.com

We thank you so much for your assistance in this matter.

Sincerely,

Seorg W. Heveron

George W. Stevenson Chapter 13 Trustee

Enclosure

cc: Elizabeth Gibson Frank Szczebak James Wannamaker Scott Myers James Ishida

B10 (Official Form 10) (12/08)

UNITED STATES BANKRUPTCY COURTDISTRICT OF		PROOF OF CLAIM	
Name of Debtor:	Case Number:		
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement administrative expense may be filed pursuant to 11 U.S.C. § 503.	t of the case. A reque	it för payment of an	
Name of Creditor (the person or other entity to whom the debtor owes money or property):		Check this box to indicate that this claim amends a previously filed	
Name and address where notices should be sent:	claim.	, , , , , , , , , , , , , , , , , , ,	
	Court Claim N (If known)	Court Claim Number: (If known)	
Telephone number:	Filed on:		
Name and address where payment should be sent (if different from above):		Check this box if you are aware that anyone else has filed a proof of claim	
Telephone number:		our claim. Attach copy of ving particulars.	
Uniform Claim Mentifier: (This number will not be reducted)		ox if you are the debtor this case.	
1. Amount of Claim as of Date Case Filed: 5		Claim Entitled to ler 11 U.S.C. §507(a). If	
If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.	any portion one of the f	of your claim falls in ollowing categories, ox and state the	
If all or part of your claim is entitled to priority, complete item 5.	amount.		
Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		rity of the claim.	
2. Basis for Claim:		pport obligations under (07(a)(1)(A) or (a)(1)(B).	
(See instruction #2 on reverse side.) 3. Last four digits of any number by which creditor identifies debtor:		ies, or commissions (up) camed within 180 days	
3a. Debtor may have scheduled account as:	before filing petition or c	(\$10,950*) earned within 180 days efore filing of the bankruptcy eition or cessation of the debtor's usiness, whichever is earlier - 11	
 Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requeste information. 	ed U.S.C. §50		
Nature of property or right of setoff: Real Estate State Other Other Describe:	plan - 11 U.	S.C. §507 (a)(5).	
Value of Property: S Annual Interest Rate?	purchase, les or services f	i* of deposits toward use, or rental of property or personal, family, or	
Amount of arrearage and other charges as of time case filed included in secured claim,	household u (a#7).	se - 11 U.S.C. \$507	
if any: \$Basis for perfection:	Taxes or pen		
Amount of Secured Claim: \$ Amount Unsecured: \$	government (a)(8)	al units - 11 U.S.C. §507	
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.		ify applicable paragraph \$507 (a)().	
7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages, and security agmements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of	Amount	entitled to priority:	
a security interest. You may also attach a summary. (See instruction 7 and definition of "tedacted" on reverse side.)		an address and a state of the	
DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.	4/1/10 and eve	subject to adjustment on rv 3 years thereafter with s commenced on or after	
If the documents are not available, please explain:	the date of adia	stment.	
Date: Signature: The person tiling this claim must sign it. Sign and print name and title, if any, of the other person authorized to file this claim and state address and telephone number if different address above. Attach copy of power of attorney, if any.	creditor or D from the notice	FOR COURT USE ONLY	

B10 (Official Form 10) (12/07) - Cont.

Court. Name of Debtor, and Case Number:

INSTRUCTIONS FOR PROOF OF CLAIM FORM

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

Items to be completed in Proof of Claim form

4. Secured Claim:

Fill in the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the bankruptcy debtor's name, and the bankruptcy case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is located at the top of the notice.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the Bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if the trustee or another party in interest files an objection to your claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:

Use this space to report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

- Check the appropriate box and provide the requested information if the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See DEFINITIONS, below.) State the type and the value of property that secures the claim, attach copies of lien documentation, and state annual interest rate and the amount past due on the claim as of the date of the bankruptcy filing.
- 5. Amount of Claim Entitled to Priority Under 11 U.S.C. §507(a). If any portion of your claim falls in one or more of the listed categories, check the appropriate box(es) and state the amount entitled to priority. (See DEFINITIONS, below.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. Credits:

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.

7. Documents:

Attach to this proof of claim form redacted copies documenting the existence of the debt and of any lien securing the debt. You may also attach a summary. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary. FRBP 3001(c) and (d). If the claim is based on the delivery of health care goods or services, see instruction 2. Do not send original documents, as attachments may be destroyed after scanning.

Date and Signature:

The person filing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2), authorizes courts to establish local rules specifying what constitutes a signature. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. Attach a complete copy of any power of attorney. Criminal penalties apply for making a false statement on a proof of claim.

___DEFINITIONS_____

Debtor

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

Creditor

A creditor is the person, corporation, or other entity owed a debt by the debtor on the date of the bankruptcy filing.

Claim

A claim is the creditor's right to receive payment on a debt that was owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

Proof of Claim

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

Secured Claim Under 11 U.S.C. §506(a)

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien. A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

Unsecured Claim

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

Claim Entitled to Priority Under 11 U.S.C. §507(a) Priority claims are certain categories of unsecured claims that are paid from the available money or property in a hankruptcy case before other unsecured claims.

Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor should reduct and use only the last four digits of any social-security, individual's taxidentification, or financial-account number, all but the initials of a minor's name and only the year of any person's date of birth.

Evidence of Perfection

Evidence of perfection may include a mongage, lien, centificate of title, financing statement, or other document showing that the lien has been filed or recorded.

INFORMATION____

Acknowledgment of Filing of Claim

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system (www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.

Offers to Purchase a Claim

Certain entities are in the business of purchasing claims for an amount less than the fact value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor decides to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 10) er seq.), and any applicable orders of the bankruptcy court.

Uniform Claim Identifier (UCI) Rules Committee Proposal December 3, 2009

Problem Statement:

Develop a Uniform Claim Identifier (UCI) that will allow for the *automated* receipt, distribution and posting of Chapter 13 Trustee payments received through Electronic Funds Transfer (EFT)

Dependencies and Contingencies:

- Systematically viable (ECF. National Data Center. etc.)
- Supported by the bankruptcy court system and the Trustees
- Consistent application and availability of use (ECF, forms, etc.)
- Privacy concerns (appropriate redaction, etc.)
- Global utility beyond the EFT process

Unique Claim Identifier:

- Unique Company and Individual LOB Identifiers Specifies the company and the internal line of business
- Bankruptcy Case Number Indentifies the bankruptcy case
- Bankruptcy District Identifier Allows the case number to be unique
- Debtor's Redacted Social Security Number Indentifies the SSN for the primary debtor; specifies the correct internal customer
- Debtor's Redacted Accounted Number Ensures the correct account is indentified/credited

Example:

WFCCRD0912345TNW999991220*

- WFC (3) Creditor Designation Wells Fargo & Co.
- CRD (3) Uniform Internal Identifier Card Services
- 0912345 (7) Bankruptcy Case Number
- TNW (3) Three character BK Court/District Identifier (In this example Tennessee-West)
- 9999 (4) Last four of the customer's Social Security Number
- 1220 (4) Last four characters of the Customer Account Number

*Twenty-four (24) characters

Additional Benefits of the UCI:

- Faster application of Trustee payments by creditors
- Increased accuracy in the application of Trustee payments by creditors
- Minimization of payment processing issues/research for creditors related to Trustee payments
- Reduction in telephone calls to Trustee offices from creditors
- Enhanced ability for large banks and holding companies to give Trustees a single physical or EFT address for Chapter 13 payments
- Distinct long-term claim identification/tracking for assignments, servicing and debt sales
- Improved search/matching capabilities for on-line and batch Trustee information through the National Data Center (NDC)
- Enhanced identification/tracking for additional documents/correspondence generated post-Proof of Claim
- Reduced legal risk for violations of FRBP 9037 and Bankruptcy Code Section 107(c) (redaction issues)

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Frequently Asked Questions (FAQs):

- 1. How would the creditor get the information needed to create the UCI? First, there will be a standard three character creditor designation for each organization. For the large organizations, that will be their NYSE symbol. For example, Wells Fargo & Co. will be WFC. The National Data Center (NDC) would be responsible for maintaining the list of creditor designations. The three character internal identifier will be chosen by the organization. Large organizations like Wells Fargo list is attached as an example.) The case number should be self-explanatory. The three character BK court identifier would applicable to the particular case and come from an overall list maintained by the NDC. (The overall court list is attached.) The redacted four character SSN would be for the primary debtor on the case. The four character redacted account number would be derived from the debtor's account number for the claim in question.
- 2. How would the Trustee capture the UCI from the Proof of Claim? The existing Official Proof of Claim Form would be modified in the creditor address section (for payment) to include a line for the UCI. More than enough space currently exists in that section. As such, the rest of the form would not be impacted. In addition, the automated ECF template would be altered so that creditors could input the UCI during automated filing of the POC. Finally, the three main data providers utilized by the Trustees, as well as the NDC, would each need to systematically provide for the UCI. Bankruptcy Software Specialists (13Network) and the NDC are already working to add the UCI to their systems.
- 3. How would the UCI improve the operation of the Trustee's office and distributions to creditors? The UCI would provide a consistent, standard identification method for claims and payments. The UCI would thus allow for improvement and automation throughout the system. Disbursement/payment questions are the number one source of inquiries from creditors. Those questions would be greatly diminished as identification and automation are significantly enhanced. Creditors such as Wells Fargo would be able to provide a single payment address (physical or electronic) to the Trustee community. Paper checks, to multiple addresses, could be virtually eliminated for large creditors through the EFT process.
- 4. What feedback have you received relative to the UCI? Wells Fargo has presented the UCI concept to a number of large creditors, including: VISA, US Bank, Capital One, Discover, Bank of America, Target, HSBC, Citi, Chase, Verizon and T-Mobile. Together with George Stevenson and the NDC, the UCI has also been presented to law firms, Trustees and members of the judiciary. In all presentations, the UCI concept was universally well-received.
- 5. Would the UCI facilitate identity theft or would it provide additional exposure of the debtor's financial records? The UCI would actually reduce risk in this area. The UCI is simply a compilation of information already available and fully redacted where appropriate. The UCI would introduce consistency to the process and greatly reduce "mistakes" by creditors.

6. Is it practical to implement the UCI process on a voluntary basis without changing the Official Proof of Claim Form or on an optional basis with a blank at a specific place on the form? It is important that the official Proof of Claim Form be modified and the ECF system updated. Otherwise, implementation would be limited to Section 3 of the existing form. Trustees often redact whatever number is input there to four digits. However, utilization of the UCI could still be voluntary, even with changes to the official Proof of Claim Form and ECF. Nothing would be eliminated from the overall process that exists today. Creditors could elect to continue to use their normal process and Section 3.

Key Implementation Steps:

- 1. Rules Committee Approval
- 2. Modification of the Official Proof of Claim Form and ECF Process
- 3. Distribution of appropriate instructions/background material to the Trustees, Courts and Creditors
- 4. Enhancement of supplementary systems (NDC, 13Network, etc.)
- 5. Roll-out

Court Name	Chapter 13 Three
	Character Court
	Code
AK - MAIN - ANCHORAGE	AKM
AK - MAIN - FAIRBANKS	AKM
AK - MAIN - JUNEAU	AKM
AK - MAIN - KETCHIKAN	AKM
AK - MAIN - NOME	AKM
AL - NORTHERN - ANNISTON	ALN
AL - NORTHERN - BIRMINGHAM	ALN
AL - NORTHERN - DECATUR	ALN
AL - SOUTHERN - MOBILE	ALS
AL - MIDDLE - MONTGOMERY	ALM
AL - NORTHERN - TUSCALOOSA	ALN
AR - EASTERN - LITTLE ROCK	ARE
AR - WESTERN - FAYETTEVILLE	ARW
AZ - MAIN - PHOENIX	AZM
AZ - MAIN - TUCSON	AZM
AZ - MAIN - YUMA	AZM
CA - EASTERN - FRESNO	CAE
CA - CENTRAL - LOS ANGELES	CAC
CA - EASTERN - MODESTO	CAE
CA - NORTHERN - OAKLAND	CAN
CA - EASTERN - SACRAMENTO	CAE
CA - CENTRAL - RIVERSIDE	CAC
CA - SOUTHERN - SAN DIEGO	CAS
CA - NORTHERN - SAN FRANCISCO	CAN
CA - NORTHERN - SAN JOSE	CAN
CA - CENTRAL - SANTA ANA	CAC
CA - CENTRAL - SANTA BARBARA	CAC
CA - NORTHERN - SANTA ROSA	CAN
CA - CENTRAL - LA SAN FERNANDO	CAC
CO - MAIN - DENVER	COM
CT - MAIN - BRIDGEPORT	CTM
CT - MAIN - HARTFORD	CTM
CT - MAIN - NEW HAVEN	CTM
DC - MAIN - WASHINGTON	DCM
DE - MAIN - WILMINGTON	DEM
FL - SOUTHERN - FT, LAUDERDALE	FLS
FL - MIDDLE - JACKSONVILLE	FLM
FL - SOUTHERN - MIAMI	FLS
FL - MIDDLE - ORLANDO	FLM
FL - NORTHERN - PENSACOLA	FLN
FL - NORTHERN - FENSACOLA	FLN
FL - MIDDLE - TAMPA	FLM
FL - SOUTHERN - W. PALM BEACH	FLS
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GA - MIDDLE - COLUMBUS	GAM
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NC - MIDDLE - GREENSBORO	NCM
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NC - EASTERN - WILSON	NCE
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NY - WESTERN - BUFFALO	NYW
NY - SOUTHERN - NEW YORK	NYS
NY - SOUTHERN - POUGHKEEPSIE	NYS
NY - WESTERN - ROCHESTER	NYW
NY - NORTHERN - UTICA	NYN
NY - EASTERN - CENTRAL ISLIP	NYE
NY - SOUTHERN - WHITE PLAINS	NYS
NY - NORTHERN - SYRACUSE	NYN
NY - EASTERN - BROOKLYN	NYE
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OH - SOUTHERN - DAYTON	OHS
OH - NORTHERN - TOLEDO	OHN
OH - NORTHERN - YOUNGSTOWN	OHN
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PR - MAIN - SAN JUAN	PRM
RI - MAIN - PROVIDENCE	RIM
SC - MAIN - COLUMBIA	SCM
SD - MAIN - PIERRE	SDM
SD - MAIN - SIOUX FALLS	SDM
TN - EASTERN - CHATTANOOGA	TNE
TN - WESTERN - JACKSON	TNW
TN - EASTERN - KNOXVILLE	TNE
TN - WESTERN - MEMPHIS	TNW
TN - MIDDLE - NASHVILLE	TNM
TN - EASTERN - GREENVILLE	TNE
TN - MIDDLE - NASHVILLE	TNM
TN - MIDDLE - NASHVILLE	TNM
TX - EASTERN - BEAUMONT	TXE
TX - EASTERN - PLANO	TXE
TX - NORTHERN - AMARILLO	TXN
TX - WESTERN - AUSTIN	TXW
TX - SOUTHERN - CORPUS CHRISTI	TXS
TX - NORTHERN - DALLAS	TXN
TX - WESTERN - EL PASO	TXW
TX - NORTHERN - FT. WORTH	TXN
TX - SOUTHERN - HOUSTON	TXS
TX - SOUTHERN - LAREDO	TXS
TX - NORTHERN - LUBBOCK	TXN
TX - WESTERN - MIDLAND	TXW
TX - WESTERN - SAN ANTONIO	TXW
TX - EASTERN - TYLER	TXE
TX - WESTERN - WACO	TXW
UT - MAIN - SALT LAKE CITY	UTM
VA - EASTERN - ALEXANDRIA	VAE
VA - WESTERN - HARRISONBURG	VAW
VA - WESTERN - LYNCHBURG	VAW
VA - EASTERN - NEWPORT NEWS	VAE
VA - EASTERN - NORFOLK	VAE
VA - EASTERN - RICHMOND	VAE
VA - WESTERN - ROANOKE	VAW
VI - MAIN - ST THOMAS	VIM
VI - MAIN - ST CROIX	VIM
VT - MAIN - RUTLAND	VTM
WA - WESTERN - SEATTLE	WAW
WA - EASTERN - SPOKANE	WAE
WA - WESTERN - TACOMA	WAW
WI - WESTERN - MADISON	WIW
WI - EASTERN - MILWAUKEE	WIE
WV - SOUTHERN - CHARLESTON	WVS
WV - NORTHERN - WHEELING	WVN
WY - MAIN - CHEYENNE	WYM

	LOB Acronym
	0.01
	3 Characters
Business Line	NER STREET STREET, STRE
Auto Finance	AUT
Auto Finance Recovery	AUR
Business Direct AFS BN	BDA
Business Direct AFS Guarantor	BGA
Business Direct FDR BN	BDF
Business Direct FDR Guarantor	BGF
Business Direct TSYS	BDT
Card Services	CRD
CMG/BBSG BN	CMB
CMG/BBSG Guarantor	CMG
Dealer Services (Wachovia)	DLR
Deposits Hogan	DDA
Deposits Emerald	DDE COMPANY
Education Finance HELMS FL	EFL
Education Finance HELMS PR	EPR
Education Finance EFS LSS	ELS
Equipment Finance	EQF
Home Equity	HEQ INV MEP
	MER
Mortgage (Wachovia San Antonio)	MPP
Mortgage 106 (Wells Fargo)	MGA
Mortgage 472 (Wells Fargo)	MGB
Mortgage 591 (Wells Fargo)	MGC
Mortgage 685 (Wells Fargo)	MGD
Mortgage 708 (Wells Fargo)	MGE
Mortgage 936 (Wells Fargo)	MGF
Overdraft	OVR
Personal Credit Management	PCM
Personal Credit Management FDR	PCF
Reverse Mortgage	RMS
Safe Deposit	SBX
Trust	TRU
Wells Fargo Advisors	WFA
WFF Bankcard	BKC
WFF Island	ISL
WFF Leasing Lease Works	LSE
WFF Leasing LIMS	LIM
WFF Retailer 42	RTA
WFF Retailer 45	RTB
WFF Retailer 95	RTC
WFF US Consumer	USC
WFF US Consumer Mortgage/Real Estate	USM

Wholesale	WHL
Wholesale Foothill	WHF
Addl Bus Lines	
Addi Bus Lines	
Addl Bus Lines	