

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

Federal Rule of Bankruptcy Procedure 2002(f) specifies that notice of the time fixed for filing claims is to be given by the clerk, unless the court directs otherwise. In chapter 7 no asset cases, Rule 2002(e) permits the clerk to advise creditors not to file claims unless assets are discovered. Rule 3002(c)(5) provides that, when assets are subsequently discovered, the clerk shall notify creditors that proofs of claims are to be filed and inform them of the deadline for filing. The clerk is required to give at least 90 days' notice of the deadline.

Form 2040 is designed for the clerk to use in the discharge of this responsibility. A proof of claim form should be attached. The clerk is to fill in the date claims are due, which is at least 90 days after the notice is mailed.