

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

Bankruptcy Rule 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, Fed. R. Bankr. P. 2002(e) permits the clerk to advise creditors not to file claims unless assets are discovered.

Fed. R. Bankr. P. 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 204 is designed for the clerk to use in the discharge of this responsibility. A proof of claim form should be attached. The Proof of Claim (Official Form 10) is discussed in the instructions for that form.

The clerk is to fill in the date claims are due, which is at least 90 days after the notice is mailed. Pursuant to Bankruptcy Rule 9006, if day 90 is a Saturday, Sunday, or legal holiday, or a day on which the clerk's office is inaccessible, the deadline for filing claims is extended to the next business day.