

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

010000-PU

<p>In re: PACIFIC GATEWAY EXCHANGE, INC., a Delaware corporation (Tax I.D. No. 943134965); INTERNATIONAL EXCHANGE COMMUNICATIONS, INC., a Delaware corporation (Tax I.D. No. 943291174); ONYX NETWORKS, INC., a Delaware corporation, f/k/a/ PGExpress, Inc. (Tax I.D. No. 943335904); WORLD PATHWAYS, INC., a Delaware corporation (Tax I.D. No. 943282029); WORLDLINK, INC., a Delaware corporation (Tax I.D. No. 943286651); and GLOBAL TIME, INC., a Delaware corporation (Tax I.D. No. 943316865),</p> <p style="text-align: center;">Debtors.</p>	<p>Case Nos. SF 00-33019 DM; SF 01-30027 DM; SF 01-30014 DM; SF 01-30016 DM; SF 01-30017 DM; SF 01-30015 DM</p> <p>(Jointly Administered under Case No. SF 00 33019 DM)</p> <p>Chapter 11</p>
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NOTICE REGARDING MEETING OF CREDITORS, DEADLINES FOR FILING PROOFS OF CLAIM, SANCTIONS FOR FAILURE TO COMPLY THEREWITH, AND OTHER CASE-RELATED PROCEDURES

PLEASE TAKE NOTICE: YOU MAY BE A CREDITOR OF THE ABOVE-REFERENCED DEBTORS. THIS NOTICE DESCRIBES IMPORTANT DEADLINES AND PROCEDURES THAT AFFECT YOUR LEGAL RIGHTS. YOU MAY WISH TO CONSULT WITH AN ATTORNEY TO PROTECT YOUR RIGHTS.

FILING OF CHAPTER 11 BANKRUPTCY CASES

Bankruptcy cases under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code") have been filed in this Court by the above-referenced Debtors, and orders for relief have been entered. These cases were filed on the following dates ("Petition Dates") for each of the following Debtors: Pacific Gateway Exchange, Inc.: December 29, 2000. Onyx Networks, Inc., World Pathways, Inc., WorldLink, Inc., and Global Time, Inc.: January 3, 2001. International Exchange Communications, Inc.: January 4, 2001.

Chapter 11 allows a Debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the Court. You may be sent a copy of the plan and a disclosure statement telling you about the plan, and may have an opportunity to vote on the plan of reorganization. You will be sent a notice of the date of the hearing on confirmation of the plan, and you may object to confirmation of the plan and attend the confirmation hearing.

MEETING OF CREDITORS

The United States Trustee held and conducted a meeting of creditors in these cases, pursuant to Bankruptcy Code section 341(a), on February 13, 2001. Creditors of the Pacific Gateway Exchange, Inc. ("PGE") may not have received notice of that meeting. Accordingly, the United States Trustee will conduct a contingent § 341(a) meeting only if requested to do so in writing by creditors of PGE who were not present for the initial meeting on February 13, 2001. You must write to the Office of the United States Trustee at 250 Montgomery Street, Suite 1010, San Francisco, California, 94104, if you want the contingent meeting of creditors to go forward. This contingent meeting of creditors shall be set for April 10, 2001 at 11:00 a.m. at the Office of the United States Trustee, 250 Montgomery Street, Suite 1000, San Francisco, California, 94104. If no creditor of PGE requests a supplementary § 341(a) meeting in writing by April 2, 2001, there will be no further § 341(a) meeting.

OMNIBUS SALES PROCEDURES

On March 12, 2001, the Court issued the "Order Granting Omnibus Motion To Establish Procedures For The Expedited Sale Of Assets And Authority To Sell Assets Free and Clear Of Liens, Claims, And Encumbrances" ("Sale Order"). Pursuant to Sale Order (and a related employment order) the Court: (i) approved the employment of DoveBid, Inc. as exclusive auctioneer and broker for ~~you~~ ^{your} ~~the~~ ^{the} ~~assets~~ ^{assets} of the Debtors; (ii) approved the sale by auction of furniture, fixtures, and equipment of the Debtors; (iii) established procedures for the sale of "de minimis" assets - defined as

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assets with a sale price of \$75,000 or less – with limited notice and without a hearing or further order of the Court; (iv) established procedures for the expedited consideration of motions to approve the negotiated sale of assets and consider any overbids; and (v) approved the sale of all of the assets of the Debtors free and clear of certain liens, claims and encumbrances pursuant to Bankruptcy Code Section 363(f). Please note that the foregoing is a summary of the Sale Order only; parties in interest should refer to the Sale Order itself for more information regarding these matters.

CLAIMS, CLAIMS BAR DATE, AND SCHEDULES

The United States Bankruptcy Court presiding over the above-captioned chapter 11 cases has entered its "Order Establishing Procedures and Deadlines for Filing Proofs of Claim; and (2) Approving Form and Scope of Notice Thereof and of Related Case Deadlines and Procedures" (the "Order") establishing May 14, 2001 ("Bar Date") as the last date for the filing of Proofs of "Claim" (as defined herein) against the above-referenced Debtors. A Proof of Claim is a signed statement describing a creditor's Claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office or by downloading a Proof of Claim form by using the Internet to access the Court's web site at www.canb.uscourts.gov. (Click on Court Info; Click on Forms; Click on Proof of Claim).

Under the Bankruptcy Code and as utilized in this Notice and the Order, the term "Claim" has been given the broadest possible definition, and includes any right to payment, whether in contract, tort, or by statute, and whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, priority, or unsecured as of the Petition Date for each Debtor. "Claim" includes, by way of example only, situations where acts have occurred prior to the Petition Date but actual injury has not yet been manifested, and equitable remedies for breach of performance if such breach gives rise to a right to payment, whether or not such right to any equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.

The Debtors filed their Schedules of Assets and Liabilities filed on or about January 30, 2001 and subsequent amendments thereto (the "Schedules"), which may be inspected at the Office of the Clerk, United States Bankruptcy Court, 235 Pine Street, 19th Floor, San Francisco, CA 94104. If your Claim is listed in the Schedules, and is not listed as disputed, contingent, or unliquidated, your Claim will be allowed in the amount scheduled unless you file a Proof of Claim, or you are sent further notice about the Claim. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim.

If you assert a Claim against any of the Debtors, you must file a Proof of Claim, if:

- (a) your Claim has not been listed by the appropriate Debtor in its respective Schedules;
- (b) you disagree with the amount of the Claim scheduled by any of the Debtors in their respective Schedules;
- (c) any of the Debtors have scheduled your Claim as disputed, contingent or unliquidated;
- (d) you believe your Claim to be a secured Claim, and any of the Debtors have not so scheduled your Claim; or
- (e) you believe your Claim to be entitled to priority under the Bankruptcy Code, and any of the Debtors have not so scheduled your Claim.

If you fail to file a Proof of Claim by the Bar Date, and your Claim is not scheduled, is scheduled for \$0.00, or is scheduled as disputed, unknown, contingent or unliquidated in the Schedules:

- (a) Your Claim will be disallowed and forever barred, and you will not receive any distribution in these cases, under any plan that may be confirmed in these cases or otherwise; and
- (b) You nevertheless will be bound by the terms of any plan that may be confirmed in these chapter 11 cases.

INSTRUCTIONS FOR FILING PROOFS OF CLAIM AND CONSEQUENCES FOR FAILURE TO TIMELY FILE CLAIM

PROOFS OF CLAIM FILED AFTER MAY 14, 2001 WILL BE DISALLOWED. ANY PERSON OR ENTITY THAT IS REQUIRED BY THE ORDER TO FILE A PROOF OF CLAIM AND THAT FAILS TO DO SO BY MAY 14, 2001, SHALL NOT BE TREATED AS A CREDITOR FOR PURPOSES OF VOTING OR DISTRIBUTION IN THESE CASES, AND ANY CLAIM OF SUCH PERSON OR ENTITY SHALL BE FOREVER BARRED AND, IF A DISCHARGE IS GRANTED IN THESE CASES, DISCHARGED.

EACH CREDITOR AND RECIPIENT OF THIS NOTICE AND THEIR RESPECTIVE AGENTS AND ATTORNEYS HAVE AN AFFIRMATIVE DUTY TO REVIEW THIS NOTICE AND TIMELY FILE ANY PROOF OF CLAIM ON OR BEFORE THE BAR DATE, OR BE FOREVER BARRED FROM FILING OR ASSERTING ANY SUCH CLAIM. EACH CREDITOR AND RECIPIENT OF THIS NOTICE IS PERSONALLY RESPONSIBLE FOR REVIEWING THIS NOTICE AND TIMELY FILING ANY PROOF OF

CLAIM AND SHOULD NOT RELY UPON THEIR RESPECTIVE AGENTS AND ATTORNEYS TO MEET THE DEADLINES SPECIFIED IN THIS NOTICE.

PROOFS OF CLAIM SHOULD BE FILED WITH THE COURT'S CLAIMS AGENT, AS SPECIFIED BELOW. HOWEVER, IF YOU ALREADY HAVE FILED A PROOF OF CLAIM WITH THE CLERK OF THE BANKRUPTCY COURT PRIOR TO THE ISSUANCE OF THIS NOTICE, YOU NEED NOT FILE ANY DUPLICATE OR ADDITIONAL CLAIM.

You are encouraged to use the enclosed form of "Proof of Claim" (the "Claim Form") to file your Proof of Claim. If you assert a Claim against more than one of the above-captioned debtors and debtors in possession, check the box(es) corresponding to each of the Debtor(s) against which you assert your Claim. You may check more than one box. However, you need not file more than one Proof of Claim based upon the same invoices, contracts, facts, circumstances or underlying basis for liability. For example, if you assert a Claim against Debtor X based upon Debtor X's obligations under Contract 1, and also assert a Claim against Debtor Y as the guarantor of Contract 1, you need only file one Proof of Claim and check the appropriate boxes corresponding to Debtor X and Debtor Y. If a Proof of Claim is submitted without any box checked, the Proof of Claim will be deemed asserted against the parent Debtor, Pacific Gateway Exchange, Inc.

PROOFS OF CLAIM WILL BE DEEMED FILED ONLY WHEN ACTUALLY RECEIVED BY THE CLAIMS AGENT, ROBERT L. BERGER & ASSOCIATES, INC. Do not file Proofs of Claim with the Court and do not send copies of Proofs of Claim to the Debtors. All Proofs of Claim must be filed so that they are actually received by the Robert L. Berger & Associates, LLC. (the "Claims Agent") on or before May 14, 2001. Proofs of Claim may be filed by mail addressed to:

Pacific Gateway Exchange, Inc.
c/o Robert L. Berger & Associates, LLC.
PMB 1004
10351 Santa Monica Boulevard,
Los Angeles, CA 90025-6908.

Proofs of Claim must be filed in the English language and, pursuant to 11 U.S.C. § 502(b), amounts due shall be stated in lawful currency of the United States as of the applicable Petition Date for each Debtor. Pursuant to the Order, Proofs of Claim not filed with the Claims Agent by the applicable deadline shall be deemed not properly or timely filed.

To receive an acknowledgment that your Proof of Claim has been received by the Claims Agent and filed, you must provide with your original Proof of Claim, one (1) additional copy, and a postage-paid, self-addressed envelope. Copies of Proofs of Claim may be obtained by request to Robert L. Berger & Associates, subject to applicable copy charges. Proofs of claim also may be inspected during the Claims Agent's regular business hours, at 16501 Ventura Boulevard, Suite 440, Encino, California, 91436, Telephone: (818) 906-8300.

AMENDMENTS TO CLAIMS, AMENDMENTS TO SCHEDULES, AND CLAIM TRANSFERS

After the deadline for filing Claims, a creditor may not seek to amend upward a Claim deemed filed on its behalf under 11 U.S.C. § 1111(a) by virtue of the listing of such Claim by the Debtors in their respective Schedules. After the deadline for filing Claims, amendments to timely filed Claims may be allowed without the consent of the applicable Debtor only to the extent permitted by applicable law (i.e., where the amended Claim is based on the same facts and circumstances as the timely asserted Claim, and the additional amounts asserted by the amended Claim were not reasonably ascertainable by the applicable deadline for filing Claims).

Following notice of any amendment to the Schedules reducing the liquidated amount of a scheduled Claim, or that reclassifies a scheduled, undisputed, liquidated or non-contingent Claim as disputed, unliquidated or contingent, any creditor so affected shall have until the later of (i) thirty (30) days after notice of the amendment, or (ii) May 14, 2001, to file a Proof of Claim; provided, however, that following May 14, 2001, Proofs of Claim filed as a result of amendments to the Debtor's Schedules shall be limited in amount to the amount previously scheduled by the Debtor, unless the creditor has otherwise timely filed a Proof of Claim. No extension of time is granted if the Debtor's amendment to its Schedules increases the Claim of a creditor deemed filed under 11 U.S.C. § 1111(a). Amendments to the Schedules regarding creditors who previously have filed Proofs of Claim shall not affect any Proof of Claim already on file or extend the deadline for filing Proofs of Claim. Nothing set forth herein shall be deemed to preclude the Debtor from objecting to any Claim, whether scheduled or filed, on any grounds.

If a timely filed Claim is transferred, the transferee must both (i) file a notice of transfer of the Claim, as provided by Bankruptcy Rule 3001(e), (except that such notice shall be filed with the Claims Agent, Robert L. Berger & Associates, LLC, PMB 1004, 10351 Santa Monica Boulevard, Los Angeles, CA 90025-6908) and (ii) serve a copy of the notice of transfer on the Debtors' counsel, Klee, Tuchin, Bogdanoff & Stern LLP, Attn: Shanda D. Pearson, Legal Assistant, 1880 Century Park East, Suite 200, Los Angeles, CA 90067.

EQUITY INTEREST HOLDERS

Pursuant to Bankruptcy Rule 3003(b)(2), it is not necessary for an equity interest holder to file a proof of interest based solely upon such interest; provided, however, that if an equity interest holder asserts any rights as a creditor of a Debtor, a Proof of Claim is required, except as set forth herein.

SPECIAL CLAIMS TO WHICH AN ALTERNATE DEADLINE MAY APPLY

If you assert a Claim against any of the Debtors arising from: (a) rejection of an executory contract or unexpired lease, (b) recovery by a Debtor of an avoidable transfer, or (c) certain taxes as described in 11 U.S.C. § 502(i), you must file a Proof of Claim with respect to such Claim by the later of (i) May 14, 2001; or (ii) the first business day that is at least thirty (30) calendar days after (x) entry of an order or judgment rejecting the lease or contract, or recovering the avoidable transfer, or (y) the relevant tax Claim arises, respectively.

The last day for an entity that is co-liable to a creditor with the debtor or that has secured such creditor to file a Proof of Claim in these Cases pursuant to Federal Rule of Bankruptcy Procedure 3005 is governed by the terms of Rule 3005.

The last day for the Debtors to file a Proof of Claim in these Cases pursuant to Federal Rule of Bankruptcy Procedure 3004 is governed by the terms of Rule 3004.

The last day for any governmental unit to file a Proof of Claim in these Cases is July 3, 2001.

The Order does not establish any deadline for the filing of requests for payment of administrative expenses arising under Bankruptcy Code sections 503, 507(a)(1), 507(b), 330(a), 331 or 364.

CREDITORS MAY NOT TAKE CERTAIN ACTIONS

The filings of these bankruptcy cases automatically stays certain actions to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Prohibited actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the Debtors by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the Debtors; repossessing the Debtors' property; starting or continuing lawsuits or foreclosures.

COURT FILINGS

The filing of pleadings and other papers or documents, except Proofs of Claim, may be presented in person between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, except Federal Holidays, at the division office located at the United States Bankruptcy Court, 235 Pine Street, 19th Floor, San Francisco, CA 94104, or if by mail to P.O. Box 7341, San Francisco, CA 94120. An original and three (3) copies of all pleadings and other papers or documents, other than Proofs of Claim, must be submitted for filing. Backings, bindings or covers are not required, but all papers should be two-hole-punched at the top of the papers. To receive a conformed copy of your filing showing the Clerk's file stamp if submitting by mail, you must provide a postage-paid, self addressed envelope.

All documents filed in these cases, except Proofs of Claim, may be inspected at the United States Bankruptcy Clerk's office located at 235 Pine Street, 19th Floor, San Francisco, CA 94104. (Dockets may be viewed electronically on PACER – call 1-800-676-6856 for information.) Note: The staff of the Bankruptcy Clerk's Office cannot give legal advice. You may want to consult an attorney to protect your rights. As noted above, Proofs of Claim may be inspected at the premises of the Claims Agent.

ADMINISTRATIVE AND NOTICE PROCEDURES ORDER

The Court has entered an Order Limiting Notice and Establishing Notice Procedures (the "Procedures Order"). If you wish to receive copies of the pleadings filed in these cases you must file with the Clerk of the Court (235 Pine Street, 19th Floor, San Francisco, California 94104), and serve on counsel for the Debtors (Klee, Tuchin, Bogdanoff & Stern LLP, Attn: Martin R. Barash, 1880 Century Park East, Suite 200, Los Angeles, CA 90067) a request for service of such papers. A copy of the Procedures Order, and of the current list of parties who are entitled to receive notice of all matters in these cases may be obtained from Klee, Tuchin, Bogdanoff & Stern LLP, Attn: Shanda D. Pearson, 1880 Century Park East, Suite 200, Los Angeles, CA 90067. If you do not file a request for notice, you will receive notice only of certain limited matters with respect to which the Procedures Order requires you to receive notice.

PHOTOCOPY REQUESTS

All requests for photocopies of pleadings and other papers or documents in these cases, except Proofs of Claim, should be addressed directly to the following independent photocopy service: Eddie's Document Retrieval, 1095 Market Street, Suite 318, San Francisco, CA 94103. Telephone: (415) 998-5556 and Facsimile: (415) 487-1031.

A description of the photocopying services, charges and billing procedures is available from Eddie's Documents Retrieval upon written request to the above-referenced address, or by telephone or facsimile at the number indicated above. **PLEASE DO NOT ADDRESS PHOTOCOPY REQUESTS TO THE BANKRUPTCY COURT OR TO COUNSEL FOR THE DEBTORS.**

This Notice contains only a summary of the Order, the Procedures Order, and the Sale Order. All creditors and other parties in interest are referred to the text of those Orders themselves, and to the Bankruptcy Code, Bankruptcy Rules and Local Bankruptcy Rules for additional information regarding the filing and treatment of Proofs of Claim and the other matters addressed on this Notice, and should consult with their own legal advisors.

DATED: March 16, 2001

/s/
MARTIN R. BARASH, an Attorney with
KLEE, TUCHIN, BOGDANOFF & STERN LLP
Bankruptcy Counsel for the Debtors and Debtors in Possession

PROOF OF CLAIM

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT COURT OF CALIFORNIA
SAN FRANCISCO DIVISION

PROOF OF CLAIM

Debtor Names and Case Numbers (Check Applicable Box(es)):

- Pacific Gateway Exchange, Inc. a Delaware corporation (Case No. SF 00-33019 DM)
Commencement of Case: December 29, 2000
- International Exchange Communications, Inc., a Delaware corporation (Case No. SF 01-30027 DM)
Commencement of Case: January 4, 2001
- Onyx Networks, Inc., a Delaware corporation (Case No. SF 01-30014 DM)
Commencement of Case: January 3, 2001
- WorldLink, Inc., a Delaware Corporation (Case No. SF 01-30017 DM)
Commencement of Case: January 3, 2001
- World Pathways, Inc., a Delaware corporation (Case No. SF 01-30016 DM)
Commencement of Case: January 3, 2001
- Global Time, Inc., a Delaware Corporation (Case No. SF 01-30015 DM)
Commencement of Case: January 3, 2001

PLEASE TAKE NOTICE: If no box is checked, this Proof of Claim will be deemed filed in the case of and asserted against Pacific Gateway Exchange, Inc. only.

Creditor Number **E-014-208540**

THIS SPACE IS FOR COURT USE ONLY

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 11 U.S.C. § 503.

Name and Address of Creditor:

FLORIDA PUBLIC SERVICE COMMISSION
2540 SHUMARD OAK BLVD.
TALLAHASSEE, FL 32399-0850

Name and Address of Creditor (if different from information shown to the left)

Account or other number by which creditor identifies debtor

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 sent to you by the court

The foregoing creditor has been listed on Schedule E (Creditors Holding Unsecured Priority Claims) of the Schedules of Assets and Liabilities filed by Onyx Networks, Inc., a Delaware corporation Case No. SF 01-30014 DM for a total claim in the amount of \$0.00, of which a \$0.00 amount is listed as being entitled to priority.

Check one if this claim.

replaces a previously filed claim dated _____

amends a previously filed claim dated _____

1. Basis for Claim

- Goods sold
- Services performed
- Money loaned
- Personal injury/wrongful death
- Taxes
- Other _____

- Retiree benefits as defined in 11 U.S.C. § 1114(a)
- Wages, salaries, and compensation (fill out below)

Your SS # _____

Unpaid compensation for services performed

from _____ (Date) to _____ (Date)

2. Date debt was incurred:

3. If court judgment, dated obtained

4. Total Amount of Claim at Time Case Filed: \$ _____

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below

Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

5. Secured Claim.

Check this box if 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 case filed included in secured claim, if any

\$ _____

6. Unsecured Priority Claim.

Check this box if you have an unsecured priority claim

Amount entitled to priority \$ _____

Specify the priority of the claim:

- Wages, salaries, or commissions (up to \$4,300)*, earned within 90 days before the 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 \$1,950* 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 U.S.C. § 507(a)-____.

**Amounts are subject to adjustment on 04/01/01 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment*

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 documents are not available, explain. If documents are voluminous, attach summary.

9. DATE-STAMPED COP To receive an acknowledgement of the filing of your claim, enclose a self-addressed envelope and copy of this proof of claim.

THIS SPACE IS FOR COURT USE ONLY

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

Penalty for presenting fraudulent claim Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. § 152 and 3571

INSTRUCTIONS FOR PROOF OF CLAIM FORM

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 to the date that 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 creditor's 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 claim 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 that 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, Central District of California), the name of the debtor in the bankruptcy case, and the bankruptcy case number. If you received 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 already filed a proof of claim relating to this debt, if you never received notices from the bankruptcy court 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 that was already 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. 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.

5. Secured Claim:

Check the appropriate place if the claim is a secured claim. You must state the type of value of property that is collateral for the claim, attach copies of the 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).

6. 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.

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 documents are not available, you must attach an explanation of why they are not available.