

IT IS SO ORDERED.

Dated: 02:35 PM August 22 2012



**UNITED STATES BANKRUPTCY COURT
 NORTHERN DISTRICT OF OHIO
 EASTERN DIVISION**

In re:)	Case No. 10-50494
)	
FAIR FINANCE COMPANY,)	Chapter 7
)	
Debtor.)	Judge Marilyn Shea-Stonum
)	

**ORDER GRANTING TRUSTEE’S MOTION FOR AN ORDER
 ESTABLISHING PROCEDURES FOR THE ASSIGNMENT OF FILED CLAIMS**

This matter came before the Court on the *Trustee’s Motion for an Order Establishing Procedures for the Assignment of Filed Claims* (the “Motion”) filed by Brian A. Bash, the duly-appointed Chapter 7 Trustee (the “Trustee”) for Fair Finance Company (the “Debtor”) in the Debtor’s pending Chapter 7 bankruptcy case, seeking entry of an order establishing procedures for the assignment of claims filed in the Debtor’s bankruptcy case (collectively, the “Filed Claims”). The Court having considered the Motion; and having found that notice of the Motion was adequate and sufficient under the circumstances, and that no other or further notice need be provided; and the Court having found and determined that the relief sought in the Motion is in the best interests of the estate and other parties in interest, and that the legal and factual bases set



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forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefore:

IT IS HEREBY ORDERED THAT:

1. The Motion is granted.
2. The Claims Trading Procedures, as defined in the Motion, are approved.
3. Filed Claim Transfer. The transferor and transferee shall complete, sign and date the Transfer Form, as defined in the Motion, a copy of which is attached as Exhibit 1 to this Order, to evidence the transfer of a Filed Claim. The completed, signed and dated Transfer Form shall constitute evidence of the Filed Claim Transfer.
4. The transferee or the transferee's agent shall deliver the completed, signed and dated Transfer Form, as set forth in the Motion, to the Trustee's claims agent, Kurtzman Carson Consultants LLC ("KCC") at the following address: Fair Finance Claims Processing Center, c/o Kurtzman Carson Consultants LLC, 2335 Alaska Avenue, El Segundo, California 90245.
5. KCC shall have the right to request and obtain additional information from the transferee or transferee's agent to the extent that KCC determines that the Transfer Form is ambiguous or deficient to evidence the Filed Claim Transfer. If KCC does not receive complete and satisfactory information, as requested, from the purported transferee, the Filed Claim Transfer shall be deemed invalid and unenforceable. In such circumstances, without further notice or a hearing, the transferor would be deemed to be the holder of the Filed Claim for all purposes, including receiving any distribution on such Filed Claim if the Filed Claim is allowed.
6. Notice of Transfer of Filed Claim. If KCC receives satisfactory evidence of the Filed Claim Transfer from the transferee or transferee's agent, including a completed, signed and dated Transfer Form that is not ambiguous or deficient, within five (5) business days thereafter,

KCC shall send the transferor a Notice of Transfer, as defined in the Motion, a copy of which is attached as Exhibit 2 to this Order, together with the Transfer Form received from the transferee and any additional evidence of the Filed Claim Transfer requested or received by KCC. KCC shall promptly file a certificate of service of the Notice of Transfer with the Clerk of the Bankruptcy Court.

7. The Notice of Transfer shall notify the transferor that the transferor has twenty-one (21) days from the date of the Notice of Transfer to object to the Filed Claim Transfer by preparing a written objection (the “Objection”) to the Filed Claim Transfer and explaining the reasons for the Objection.

8. If no Objection is timely filed and served, after expiration of the 21-day notice period, the transferee shall be substituted for the transferor with respect to the transferred Filed Claim and shall receive all distributions made on account of the Filed Claim if the Filed Claim is allowed.

9. Objection to a Filed Claim Transfer. If the transferor objects to the Filed Claim Transfer (a “Contested Transfer”), the transferor shall file the Objection with the Clerk of the Bankruptcy Court and serve a copy of the Objection and a certificate of service upon (a) KCC at the address indicated in paragraph 4 of this Order, and (b) the transferee at the address indicated in the Transfer Form. The transferor shall also promptly file a certificate of service of the Objection with the Clerk of the Bankruptcy Court.

10. Notice of Hearing. If an Objection is timely filed and served, upon receiving a copy of the Objection, the transferee or transferee’s agent shall be responsible for contacting the Clerk of the Bankruptcy Court and requesting that the Court fix a hearing date that is at least thirty (30) days after the date of service of the Objection upon the transferee (the “Hearing

Date”). After contacting the Court to obtain a Hearing Date, the transferee or the transferee’s agent shall file a Notice of Hearing, which shall specify the Hearing Date and identify the Contested Transfer by (a) Filed Claim number and amount; (b) date of the purported transfer; (c) transferor and transferee; and (d) docket entry number of each Objection that will come before the Court during the hearing. The transferee or the transferee’s agent shall serve a copy of the Notice of Hearing and a certificate of service upon (y) KCC at the address indicated in paragraph 4 of this Order, and (z) the transferor at the address indicated in the Transfer Form. The transferee shall also promptly file a certificate of service of the Notice of Hearing with the Clerk of the Bankruptcy Court:

11. The Notice of Hearing shall be in lieu of a motion to bring the Contested Transfer before the Court.

12. The transfer of a Filed Claim will not be valid and enforceable until the Contested Transfer is resolved by a Court order, unless the Objection is withdrawn or settled with Court approval.

13. No Partial Transfers of Filed Claims Permitted. A transferor must transfer the entire amount of a Filed Claim. Any transfer that purports to transfer only part of a Filed Claim, whether expressed by percentage or dollar amount, shall be invalid and unenforceable. In such circumstances, the transferor shall be deemed to be the holder of the Filed Claim for all purposes, including with respect to receiving distributions on such Filed Claim if the Filed Claim is allowed.

14. Any transfer of a Filed Claim that was completed before the Effective Date and purports to have transferred less than the full amount of such Filed Claim is invalid. As to any

such transferred Filed Claim, the transferor and transferee must comply with the Claims Trading Procedures.

15. The Claims Trading Procedures apply to the transfer of Filed Claims, as set forth in the Motion. Following the Claims Trading Procedures will not (a) reverse the Trustee's prior determination of a Filed Claim, (b) have any impact whatsoever on the Trustee's later determination of the Filed Claim, (c) give the transferor or transferee any additional rights with respect to the Filed Claim, or (d) alter or remove any rights of the Trustee as against the transferor or transferee with respect to a Filed Claim.

16. Neither the transferor nor the transferee of a transferred Filed Claim may waive compliance with the Claims Trading Procedures approved by this Order.

#

Submitted and approved by:

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EXHIBIT 1

TRANSFER FORM

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:) Case No. 10-50494
)
FAIR FINANCE COMPANY,) Chapter 7
)
Debtor.) Judge Marilyn Shea-Stonum
)

TRANSFER OF FILED CLAIM

A claim has been filed in this case, designated as Claim No. _____. Transferee hereby gives evidence pursuant to certain Claims Trading Procedures approved by Order of the Court dated _____, 2012 (Dkt. No. ____), of the transfer of the filed claim referenced herein.

Transferee Name: _____ Transferor Name: _____

Name and Address where notices to Transferee should be sent: Name and Address where notices to Transferor should be sent:

Name and Address where potential payments to Transferee should be sent (if different from above):

_____ Filed Claim No. _____
_____ Filed Claim Amount: _____

I declare under penalty of perjury that the information provided herein is true and correct to the best of my knowledge and belief.

By: _____ Date: _____, 20____
Transferee/Transferee's Agent

Penalty for making a false statement: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 & 3571.

EXHIBIT 2

NOTICE OF TRANSFER

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:)	Case No. 10-50494
)	
FAIR FINANCE COMPANY,)	Chapter 7
)	
Debtor.)	Judge Marilyn Shea-Stonum
)	

NOTICE OF TRANSFER

TO: [Transferor Name]
[Street Address]
[City, State and Zip Code]

[Transferee name] _____, as Transferee, has asked the Bankruptcy Court to transfer your filed Claim No. _____ against Fair Finance Company (your "Claim") to the Transferee.

If you do not object to the transfer of your Claim, you do not need to take action.

If you do not want your Claim to be transferred to the Transferee, **WITHIN 21 DAYS OF THE MAILING OF THIS NOTICE, YOU MUST DO THE FOLLOWING:**

1. Prepare a written objection to the transfer explaining your reasons for objecting to the transfer of your Claim to the Transferee. Your written objection must include the caption of this case and the Case Number (10-50494). You must also refer to Claim No. _____ in your objection.
2. File your written objection with the Clerk of the United States Bankruptcy Court, in person between the hours of 9:00 a.m. and 4:00 p.m., or by mail at the following address:

Clerk, United States Bankruptcy Court for the Northern District of Ohio
John F. Seiberling Federal Building & U.S. Courthouse
455 U.S. Courthouse
2 South Main Street
Akron, Ohio 44308

3. Send a copy of your objection to the Transferee at [Transferee address] _____, and send a copy of your objection to the Trustee's claims agent at Fair Finance Claims Processing Center, c/o Kurtzman Carson Consultants LLC, 2335 Alaska Avenue, El Segundo, California 90245.
4. Prepare a written certification including the caption of the case and the Case Number (10-50494), and certifying that you sent a copy of your objection to the Transferee of your Claim and to the Trustee's claims agent, as set forth in paragraph 3 above, and file that written certification with the Clerk of the United States Bankruptcy Court at the address above.

If you file an objection, the purported Transferee of the Allowed Claim must request a hearing before the United States Bankruptcy Court at the address above to resolve the objection before any distribution is made on the Claim, if the Claim is allowed.

IF YOUR OBJECTION IS NOT TIMELY FILED, THE TRANSFEREE WILL BE SUBSTITUTED IN COURT RECORDS AS THE CREDITOR HOLDING YOUR CLAIM AND WILL RECEIVE ANY DISTRIBUTION TO WHICH YOUR CLAIM IS ENTITLED.

SERVICE LIST

Electronic Mail Notice List

The following is the list of **parties** who are currently on the list to receive e-mail notice/service for this case.

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