

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re: Chapter 11
THE DIOCESE OF ST. CLOUD, a Minnesota Case No. 20-60337
religious corporation,
Debtor.

NOTICE OF PROOF OF CLAIM DEADLINE

**THIS IS AN IMPORTANT NOTICE – YOUR RIGHTS MAY BE AFFECTED.
YOU MAY WISH TO CONSULT AN ATTORNEY REGARDING THIS MATTER.**

**NOTICE OF PROOF OF CLAIM DEADLINE OF OCTOBER 21, 2020
FOR FILING PROOFS OF CLAIM**

TO ANY CREDITORS OF THE DEBTOR IN THE ABOVE-CAPTIONED CASE WHO ARE NOT ASSERTING CLAIMS FOR SEXUAL ABUSE BY A CLERIC, WORKER, OR OTHER PERSON OR ENTITY ASSOCIATED WITH THE DIOCESE OF ST. CLOUD:

On July 2, 2020, the United States Bankruptcy Court for the District of Minnesota (the “**Court**”) entered an order (the “**Proof of Claim Deadline Order**”) in the above-captioned Chapter 11 case setting **October 21, 2020** (the “**Proof of Claim Deadline**”) as the last date by which proofs of claim (“**Proof of Claim**”) may be filed against The Diocese of St. Cloud (the “**Debtor**”). The Proof of Claim Deadline applies to all Entities (as defined below), except Governmental Units (defined below).

The last date by which Proofs of Claim may be filed against the Debtor by a Governmental Unit is **December 14, 2020**.

KEY DEFINITIONS

As used in this Notice, the term “Claim” or “claim” shall mean, as to or against the Debtor and in accordance with Section 101(5), 11 U.S.C. §§ 101 et seq.: (A) right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (B) right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.

As used in this Notice, the term “Entity” has the meaning given to it in 11 U.S.C. § 101(15), and includes person, estate, trust, governmental unit, and the United States trustee.

As used in this Notice, the term “Governmental Unit” has the meaning given to it in 11 U.S.C. § 101(27) and includes the United States; State; Commonwealth; District; Territory; municipality; foreign state; department, agency, or instrumentality of the United States (but not a United States trustee while serving as a trustee under the Bankruptcy Code).

WHO MUST FILE A PROOF OF CLAIM AND THE DEADLINE TO FILE

1. Proof of Claim Deadline. If you assert a claim against or interest in the Debtor, to preserve your right to be treated as a creditor or interest holder with respect to such claim or interest, for the purposes of voting and distribution, you must file a Proof of Claim by **October 21, 2020** in the following circumstances:

- (i) If the Debtor did not list your claim or interest in its bankruptcy schedules (the “**Schedules**”);
- (ii) If you disagree with the amount of the claim or interest set forth in the Schedules;
- (iii) If the Debtor scheduled your claim as disputed, contingent, or unliquidated;
- (iv) To preserve an unsecured deficiency claim if such claim is not scheduled or is scheduled as disputed, contingent, or unliquidated;
- (v) If you believe your claim is entitled to priority under the Bankruptcy Code, and the Debtor did not so schedule your claim.

Any Proof of Claim or interest timely filed by a creditor or interest holder will supersede any scheduled claim or interest. If your claim is scheduled as disputed, contingent, or unliquidated, the Debtor is required to so notify you.

2. Claims Filed After Amended Schedules Are Filed. If the Debtor amends its Schedules and the amendment reduces the liquidated amount of a scheduled claim or reclassifies a scheduled undisputed, liquidated, or non-contingent claim to a disputed, unliquidated, and/or contingent claim, then the claimant affected by such amendment shall be permitted to file proof of such claim only on or before the later of: (i) the Proof of Claim Deadline; or, (ii) thirty (30) days after the mailing of notice of such amendment to such claimant with a copy of this notice, but only to the extent such Proof of Claim, if filed after the Proof of Claim Deadline, does not exceed the amount scheduled for such claim prior to such amendment. This extended proof of claim deadline does not apply if an amendment to the Schedules increases the claim deemed filed under 11 U.S.C. § 1111(a) or if the creditor previously filed a Proof of Claim before the Proof of Claim Deadline.

3. Claims Arising from Rejection of a Contract or Lease or Avoidance of a Transfer. The last day for filing proofs of claim arising from the rejection of an executory contract or unexpired lease, and/or the recovery of a voidable transfer, pursuant to Bankruptcy Code §§ 502(g) and 502(h) respectively, is the later of: (i) the Proof of Claim Deadline; or (ii) thirty (30) days

after the mailing to the claimant of notice of entry of an order approving the rejection of such executory contract or unexpired lease, or the avoidance of such transfer, with a copy of this notice.

4. Governmental Units. The last date by which Proofs of Claim may be filed against the Debtor by a Governmental Unit is **December 14, 2020**.

CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM

If you are required but fail to file a Proof of Claim or interest timely, and your claim or interest is not scheduled, is scheduled for \$0.00, or is scheduled as disputed, contingent or unliquidated in the Schedules, with very limited exceptions: (a) your claim or interest will be barred and you will not participate in the Debtor's estate or receive any distribution under any plan or plans of reorganization filed in this Chapter 11 case; (b) you shall be forever barred from voting with respect to any such plan or plans of reorganization; and (c) you shall be bound by the terms of any such plan or plans of reorganization, if confirmed by the Court.

RESPONSIBILITY TO REVIEW THE SCHEDULES

You are responsible for determining that your claim or interest, including its amount, is accurately scheduled by the Debtor. This determination may be made by: (a) reviewing the Schedules online at www.mnb.uscourts.gov by using a PACER account; (b) reviewing the Schedules in the Office of the Clerk of Court, U.S. Bankruptcy Court District of Minnesota, 301 Diana E. Murphy United States Courthouse, 300 South Fourth Street, Minneapolis, MN 55415, between 8:00 a.m. and 5:00 p.m.; or (c) by contacting the Debtor's attorney: Quarles & Brady LLP, One S. Church Ave., Suite 1700, Tucson, AZ 85701, (520) 770-8712.

PREVIOUSLY FILED CLAIMS

Creditors who have already filed Proofs of Claims or interests need not file them again.

PROCEDURE FOR FILING PROOFS OF CLAIM

If you wish to assert a Claim, you are required to use the form that has been approved by the Court for use by creditors who are **not** asserting claims based upon sexual abuse (the "**Non-Tort Claims Form**"). If you did not receive the Non-Tort Claims Form with this notice, it can be downloaded from the Debtor's website at <http://stcdio.org/> by following the link on the homepage. If you need additional information regarding the Non-Tort Claims Form or other matters associated with the Proof of Claim Deadline, you can also call the Debtor's attorneys, at (520) 770-8712; however, please note that the Debtor's attorneys **cannot give you legal advice**. Failure to use the Non-Tort Claims Form to assert a Claim may lead to such Claim being barred even if it was otherwise properly filed.

If you are a creditor asserting a Claim for sexual abuse by a cleric, worker or other person or entity associated with the Debtor, there is a special Proof of Claim form that you should use which can also be obtained at <http://stcdio.org/>.

A signed original of a completed Non-Tort Claims Form, together with any accompanying or supporting documentation, if not filed electronically, must be delivered by hand delivery, United

States Mail or other delivery means to the address below so as to be received no later than **October 21, 2020** (or **December 14, 2020** only for a Governmental Units).

A signed completed Non-Tort Claims Form, together with any accompanying or support documentation, must be filed electronically, submitted in person or by courier service, hand delivery or mail addressed to the Clerk of the Court at the following address:

**Office of the Clerk of Court
Attention: Heidi Jackson
U.S. Bankruptcy Court District of Minnesota
301 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415**

Proofs of Claim submitted by facsimile or e-mail (other than electronic filing in accordance with electronic filing procedures) will not be accepted and will not be deemed filed until the Proof of Claim is submitted by one of the methods described in the foregoing sentence. Proofs of Claim will be deemed filed only when actually received by the Clerk of the Court. If you wish to receive acknowledgement of the Court's receipt of your Proof of Claim, you must also submit, by the Proof of Claim Deadline and concurrently with submitting your original Proof of Claim, (a) a copy of your original Proof of Claim and (b) a self-addressed, stamped return envelope. Non-Tort Claims Forms must include all documentation required by Federal Rules of Bankruptcy Procedure 3001(c) and 3001(d) and the Non-Tort Claims Form, including a copy of any written document that forms the basis of the Claim.

(Please Note: If you are going to personally deliver the Non-Tort Claims Form to the Clerk's office or have someone deliver it on your behalf, the filing window is only open until 5:00 p.m. Central Time, and you may need to arrive at the Clerk's office earlier due to wait times in order for your Proof of Claim to be timely filed. The Clerk's office hours are subject to change.)

YOU MAY WISH TO CONSULT AN ATTORNEY REGARDING THIS MATTER.

Fill in this information to identify the case:

Debtor The Diocese of St. Cloud

United States Bankruptcy Court for the: District of Minnesota
(State)

Case number 20-60337

**DO NOT USE THIS FORM IF YOUR CLAIM IS BASED ON SEXUAL ABUSE BY CLERGY,
WORKERS, OR OTHER PERSONS OR ENTITIES ASSOCIATED WITH
THE DIOCESE OF ST. CLOUD**

Official Form 410

Proof of Claim

04/19

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?

Name of the current creditor (the person or entity to be paid for this claim) _____

Other names the creditor used with the debtor _____

2. Has this claim been acquired from someone else?

No

Yes. From whom? _____

3. Where should notices and payments to the creditor be sent?

Where should notices to the creditor be sent?

Where should payments to the creditor be sent? (if different)

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

Name _____

Name _____

Number _____ Street _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

City _____ State _____ ZIP Code _____

Contact phone _____

Contact phone _____

Contact email _____

Contact email _____

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

4. Does this claim amend one already filed?

No

Yes. Claim number on court claims registry (if known) _____

Filed on _____
MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim?

No

Yes. Who made the earlier filing? _____

Part 2:

Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? No
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____

7. How much is the claim? \$_____. Does this amount include interest or other charges?
 No
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as health care information.

9. Is all or part of the claim secured? No
 Yes. The claim is secured by a lien on property.

Nature of property:
 Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
 Motor vehicle
 Other. Describe: _____

Basis for perfection: _____
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

Value of property: \$ _____
Amount of the claim that is secured: \$ _____
Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)

Amount necessary to cure any default as of the date of the petition: \$ _____

Annual Interest Rate (when case was filed) ____%
 Fixed
 Variable

10. Is this claim based on a lease? No
 Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff? No
 Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

No

Yes. *Check one:*

Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Up to \$3,025* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

Wages, salaries, or commissions (up to \$13,650*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

Amount entitled to priority

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3:

Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

I am the creditor.

I am the creditor's attorney or authorized agent.

I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that 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.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date _____
MM / DD / YYYY

Signature

Print the name of the person who is completing and signing this claim:

Name _____
First name Middle name Last name

Title _____

Company _____
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address _____
Number Street

City State Zip Code

Contact phone _____ Email _____

Instructions for Proof of Claim

(SEE ALSO THE NOTICE OF PROOF OF CLAIM DEADLINE ACCOMPANYING THIS PROOF OF CLAIM FORM)

DO NOT USE THIS FORM IF YOUR CLAIM IS BASED ON SEXUAL ABUSE BY CLERGY, WORKERS, OR OTHER PERSONS OR ENTITIES ASSOCIATED WITH THE DIOCESE OF ST. CLOUD

USE THIS FORM IF YOUR CLAIM IS NOT BASED ON SEXUAL ABUSE

These instructions and definitions generally explain the law. In certain circumstances, such as bankruptcy cases that debtors do not file voluntarily, exceptions to these general rules may apply. You should consider obtaining the advice of an attorney, especially if you are unfamiliar with the bankruptcy process and privacy regulations.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.
18 U.S.C. § 152, 157 and 3571.

How to fill out this form

- Fill in all of the information about the claim as of the date the case was filed.
- Fill in the caption at the top of the form.
- If the claim has been acquired from someone else, then state the identity of the last party who owned the claim or was the holder of the claim and who transferred it to you before the initial claim was filed.
- **Attach any supporting documents to this form.** Attached redacted copies of any documents that show that the debt exists, a lien secures the debt, or both. (See the definition of *redaction* on the next page.)

Also attach redacted copies of any documents that show perfection of any security interest or any assignments or transfers of the debt. In addition to the documents, a summary may be added. Federal Rule of Bankruptcy Procedure (called "Bankruptcy Rule") 3001(c) and (d).

- **Do not attach original documents because attachments may be destroyed after scanning.**
- **If the claim is based on delivering health care goods or services, do not disclose confidential health care information. Leave out or redact confidential information both in the claim and in the attached documents.**

- **A Proof of Claim form and any attached documents must show only the last 4 digits of any social security number, individual's tax identification number, or financial account number, and only the year of any person's date of birth.** See Bankruptcy Rule 9037.
- **For a minor child, fill in only the child's initials and the full name and address of the child's parent or guardian.** For example, write *A.B., a minor child (John Doe, parent, 123 Main St., City, State)*. See Bankruptcy Rule 9037.

Confirmation that the claim has been filed

To receive confirmation that the claim has been filed, either enclose a stamped self-addressed envelope and a copy of this form or go to the court's PACER system (www.pacer.psc.uscourts.gov) to view the filed form.

Understand the terms used in this form

Administrative expense: Generally, an expense that arises after a bankruptcy case is filed in connection with operating, liquidating, or distributing the bankruptcy estate. 11 U.S.C. § 503.

Claim: A creditor's right to receive payment for a debt that the debtor owed on the date that the debtor filed for bankruptcy. 11 U.S.C. § 101(5). A claim may be secured or unsecured.

Creditor: A person, corporation, or other entity to whom a debtor owes a debt that was incurred on or before the date the debtor filed for bankruptcy. 11 U.S.C. § 101(10).

Debtor: A person, corporation, or other entity who is in bankruptcy. Use the debtor's name and case number as shown in the bankruptcy notice you received. 11 U.S.C. § 101(13).

Evidence of perfection: Evidence of perfection of a security interest may include documents showing that a security interest has been filed or recorded, such as a mortgage, lien, certificate of title, or financing statement.

Information that is entitled to privacy: A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, an individual's tax identification number, or a financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If a claim is based on delivering health care goods or services, limit the disclosure of the goods or services to avoid embarrassment or disclosure of confidential health care information. You may later be required to give more information if the trustee or someone else in interest objects to the claim.

Priority claim: A claim within a category of unsecured claims that is entitled to priority under 11 U.S.C. § 507(a). These claims are paid from the available money or property in a bankruptcy case before other unsecured claims are paid. Common priority unsecured claims include, alimony, child support, taxes, and certain unpaid wages.

Proof of claim: A form that shows the amount of debt the debtor owed to a creditor on the date of the bankruptcy filing. The form must be filed in the district where the case is pending.

Redaction of information: Masking, editing out, or deleting certain information to protect privacy. Filers must redact or leave out information entitled to **privacy** on the *Proof of Claim* form and any attached documents.

Secured claim under 11 U.S.C. § 506(a): A claim backed by a lien on particular property of the debtor. A claim is secured to the extent that a creditor has the right to be paid from the property before other creditors are paid. The amount of a secured claim usually cannot be more than the value of the particular property on which the creditor has a lien. Any amount owed to a creditor that is more than the value of the property normally may be an unsecured claim. But exceptions exist; for example, see 11 U.S.C. § 1322(b) and the final sentence of 1325(a).

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 may be a lien.

Setoff: Occurs when a creditor pays itself with money belonging to the debtor that it is holding, or by canceling a debt it owes to the debtor.

Uniform claim identifier: An optional 24-character identifier that some creditors use to facilitate electronic payment.

Unsecured claim: A claim that does not meet the requirements of a secured claim. A claim may be unsecured in part to the extent that the amount of the claim is more than the value of the property on which a creditor has a lien.

Offers to purchase a claim

Certain entities purchase claims for an amount that is less than the face value of the claims. These entities may contact creditors offering to purchase their claims. Some 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, the bankruptcy trustee, or the debtor. A creditor has no obligation to sell its claim. However, if a creditor decides to sell its claim, any transfer of that claim is subject to Bankruptcy Rule 3001(e), any provisions of the Bankruptcy Code (11 U.S.C. § 101 et. seq.) that apply, and any orders of the bankruptcy court that apply.

Do not file these instruction with your form.