

Claims Collection Litigation Report Instructions

7/8/14

CCLR INSTRUCTIONS

INSTRUCTIONS

Section 904.2 of the Federal Claims Collection Standards, 31 CFR §§ 900-904, requires that all claims referred to Department of Justice (DOJ) Civil Division, other responsible litigating divisions, or U.S. Attorneys' Offices (USAO) be accompanied by a Claims Collection Litigation Report (CCLR). By referring this claim, you certify that your agency has complied with the appropriate collection requirements of 31 CFR §§ 900-904. All applicable sections of this CCLR **MUST** be completed and included. **INCOMPLETE CCLRS WILL BE RETURNED.** The package **MUST** contain **all** the items listed in the **Agency Checklist** that accompanies the CCLR.

All CCLRs should be sent to the Nationwide Central Intake Facility (NCIF) except for referrals with a total principal due greater than \$1,000,000 or referrals requesting a DOJ concurrence for Compromise, Suspension or Termination. These referrals should be mailed to the Civil Division's Commercial Litigation Branch. Addresses are listed on Page 8.

These instructions are numbered to correspond with the numbered blocks on the CCLR. If this is a foreclosure case, you must also fill in blocks 28-31. **Ensure you include all asset information when completing the "Debtor Ability to Pay" section.**

REQUIRED INFORMATION FOR ALL REFERRALS: "The Claim at a Glance" section (1-11); the "Debtor Information" and "Debtor's Ability to Pay" sections (12-28); and the "Agency claim History" section (33-38).

THE CLAIM AT A GLANCE (required for all submissions)

1. Agency Claim No.: Insert the number that your agency uses to identify the claim. Please record this number at the top of all subsequent pages of the CCLR (fillable pdf will populate this on the top of all pages).
2. Submission Date: Insert the date that the CCLR was sent to the DOJ component or to the NCIF.
- 3a. Referring Agency/Sub Agency Name and Address: Insert the name and complete mailing address of the agency/office referring the claim.
- 3b. Original Creditor Agency Name & Address: If the referring agency is U.S. Treasury/Bureau of Fiscal Service, insert name and complete mailing address of the original creditor agency office.
- 3c. Referring Agency Contact: Insert the name, phone numbers, and email address of the person at your agency whom the DOJ/USAO individual assigned to the claim should contact if questions arise. **This must be someone knowledgeable about this claim.**
- 3d. Referring Agency Location Code (ALC) for Collections: Include the ALC for the agency that is to receive payments. *An ALC is a unique identifier assigned by the Treasury's Intra-Governmental Payment and Collection (IPAC) system for the federal agencies. This is needed to ensure any collections are credited to the correct agency.*
- 3e. Total Amount of Claim: Insert the total amount of the claim (same amount placed in 9a.)

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4. Debtor(s) Name, Address and identifying number (individual or entity): Insert the debtor(s) first, middle, and last name and the full address of the all debtors (both individual and entity) and include the SSN/EIN for each debtor, if available (if not available, check Unknown). List all of the debtors related to this claim (use the Supplementary Data Sheet, if more than 4 debtors).
5. SOL Expiration Date: Insert the date you believe the Statute of Limitations (SOL) for filing suit on this claim will expire. Also insert the basis used for determining the SOL expiration date (e.g., date of last voluntary payment (involuntary payments such as TOP offsets do not count); written acknowledgment of the debt, first demand, date lender or guarantor assigned this claim to your agency, etc.). Include the statute associated with your basis. Use the Supplementary Data Sheet if additional space is needed.
6. Foreclosure Address (if applicable): **If this is a foreclosure case,** insert the address of the property to be foreclosed on here. If the property to be foreclosed on has no street address, be sure to include directions to the property in the Supplementary Data Sheet. Also be sure to complete blocks 28-31 if it is a foreclosure.
7. Delinquency Date (for loans): Insert the date the debtor originally defaulted on the loan, note or other obligation, unless the debtor later "cured" that default. In such a case, insert the date of the last "uncured" default which resulted in this claim being referred for litigation.
- 8a. Request for DOJ concurrence (for Compromise, Suspension or Termination): Check **Yes** or **No** for Concurrence. If **Yes**, complete the remainder of 8a. This block means you want DOJ to concur with your proposed action to compromise, suspend or terminate the claim, as indicated. **Include detailed facts that explain and support the basis for your request for compromise, suspension or termination in your attached information.** Required data: Blocks 1-11; 12-27; 33-38. If **No**, go to 8b.
- 8b. Referred for: Check the appropriate referral reason. (NOTE: In addition to any other box you check in block 8b, if debtor has already filed a petition for Bankruptcy, select the appropriate bankruptcy category in 8c and follow the instructions in 8c.) Required data: Blocks 1-11; 12-27; 33-38
 - Enforced Collection: Means you want DOJ to get a judgment against the debtor and pursue all available post-judgment remedies (wage garnishment, liens filed against property, etc.). If this is selected, agency should cease all contact with the debtor in accordance with the CFR.
 - Judgment Lien Only: Means you only want DOJ to get a judgment against the debtor, record the judgment as a lien against debtor's property, and return it to you for surveillance, IRS refund offset, etc. DOJ will not pursue any post-judgment collection remedies in these cases. Provide where the lien is to be filed in the Supplementary Data.
 - Renew Judgment Lien Only: Means that you already have a judgment against the debtor for this claim but the judgment lien is due to expire and all you want DOJ to do is to renew the lien and return it to you.
 - Renew Judgment Lien & Enforce Collection: Means that your judgment lien is about to expire and you want it renewed, and, you have now found some debtor assets which you want DOJ to pursue collection under the renewed lien. PROVIDE information on all new assets in this CCLR package.
 - Program Enforcement: Means you are referring a claim for less than the minimal referral amount in 31 CFR 904.4, but you want DOJ to collect it because it is important to the enforcement of an agency program.

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Foreclosure Only: Means you want DOJ to foreclose on the debtor's real estate and/or other property which is collateral for the loan that is now in default. However, you do not want DOJ to obtain a deficiency judgment against the debtor if the amount recovered from the sale of the property is less than the amount of your claim. Additional Required data: Blocks 28-31.

Foreclosure & Deficiency Judgment: Means you want DOJ to foreclose on property which is collateral for the loan and get a deficiency judgment against the debtor if the proceeds from the foreclosure are less than the total amount of your claim against the debtor. Additional Required data: Blocks 28-31.

File Proof of Claim Only: Means you only want DOJ to file the Proof of Claim in the debtor's bankruptcy case (Proof of Claim or copy should be included with this submission). NOTE: Per the Agency Checklist at the end of the CCLR, the Proof of Claim or a copy should be included with your submission.

*Attach to the CCLR a copy of any notice(s) you received from the Bankruptcy Court.

File Real Property Lien Only: Means you only want DOJ to file a real property lien against the debtor's real property. DOJ will not pursue any post-judgment collection remedies in these cases. NOTE: Block 41 must identify the real property on which you seek to place a lien.

Other: Means you want DOJ to take one or more actions not specified in Block 9b. Please indicate the other action(s) you want DOJ to take.

Additional Explanation for 8b: Please provide any additional information related to your "Referred for" selection in 8b.

- 8c. Debtor in Bankruptcy: CHECK THE APPROPRIATE BOX TO INDICATE CHAPTER 7, 9, 11, 12, or 13. The Bankruptcy Court Number and Filing Date should be inserted. Checking this box means you want DOJ /USAO to seek relief from the automatic stay, or take other appropriate action in the bankruptcy proceedings to further protect your interests.

*Attach to the CCLR a copy of the notice(s) you received from the Bankruptcy Court and the "Proof of Claim" or a copy of what was filed. Required data: Blocks 1-11; 12-27; 33-38

- 9a. Amount of Claim: Insert the figures and dates requested. NOTE: If an interest amount is provided, an Interest Through Date is required.
- 9b. Interest Rate: Check **Yes** or **No** to indicate if Pre-Judgment interest accrued on debt. If **Yes**, indicate the legal authority for the accrual of interest, whether interest rate is Annual, Daily or Other, and provide the specific rate and the amount accrued daily. Provide the same information for penalties.
- 9c. What is the legal authority for the accrual of penalties: Indicate the legal authority for the accrual of penalties. Also indicate whether the penalty rate is Annual, Daily or Other, and provide the specific rate and the amount accrued daily.
- 9d. Should DOJ compromise on your agency's behalf: Check **Yes** or **No** to indicate if DOJ should compromise on your agency's behalf. If **Yes**, insert minimum dollar amount, or percentage of the total amount of this claim your agency will accept to compromise or settle it.
10. Explanation of Claim: Check the appropriate box to indicate whether this claim is evidenced by a note, guaranty or some other written authority; or cite statute or regulation giving rise to this claim; or indicate if it is an improper or erroneous payment. **Include appropriate supporting documentation.**
11. Verification (for all parts of the CCLR): Insert name of person who verified each part of the CCLR. Check the appropriate box to select the specific parts of the CCLR an individual verified. Please include the date the data was verified.

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DEBTOR INFORMATION and DEBTOR'S ABILITY TO PAY (required for all submissions) – *Separate page required for each Debtor*

- 12a. Debtor Type: Indicate if the debtor is an Individual or an Entity.
 - 12b. Debtor Status: Indicate the type of debtor – Primary, Co-Debtor, Co-Signer, or Guarantor
 - 13a. Debtor's Full Name and Address: Insert debtor's full name and address. (NOTE: If the primary debtor is married but his or her spouse is not a co-debtor, guarantor or co-signer, use a CCLR Supplementary Data Sheet to furnish the data called for in blocks 13-16 on the debtor's spouse, in addition to the data furnished on the primary individual debtor.)
 - 13b. Debtor's Identification Number: Insert the debtor's **complete 9-Digit** Social Security Number (SSN) or Employer Identification Number (EIN). Include any **other identifying numbers** (alien number, Individual Taxpayer Identification Number (ITIN), Dun & Bradstreet (DUNS) Number, etc.). If there is no identifying number available, mark Unknown.
 14. Debtor Contact Information: Insert all known contact telephone numbers for the debtor. If applicable, include the debtor's email address and website. Include any jobtitles of the debtor if they are associated with an entity.
 15. Date of Birth: (Individual debtors) Insert debtor's date of birth. Also, include the relationship to the primary debtor, if applicable.
 16. Alias or Other Names Used: Insert any known name(s) the debtor uses/has used, including maiden name, other than the name in blocks 4 and 13a. If the debtor is an entity, provide any other business names used.
 17. Basis of Liability: (Individual debtors) Insert facts giving rise to any liability for this debt, including any family relationship to the primary debtor (if applicable). Include any applicable statute that relates to the basis of the liability.
 18. Form of Business: (If Entity) Indicate the form of the debtor's business, such as corporation, sole proprietorship, partnership, etc. If partnership, use CCLR Supplementary Data Sheet to list names and addresses of **all** partners. Check the appropriate box to indicate if the Entity is in legal existence, and the date of incorporation or dissolution, whichever is applicable.
 19. Best Place to Serve: Insert where summons and complaint may be served on debtor personally, if it is not the address provided in blocks 4 and 13a. Do NOT give a P.O. Box.
 20. Name, address and phone number or registered agent of service process: (If Entity) Insert name, address, and phone number of registered agent authorized to accept service of summons and complaint for debtor, if applicable.
 21. Is Debtor Represented by an Attorney: Check **Yes** or **No** to indicate if the debtor is represented by an attorney. If **Yes**, provide contact information for the attorney.
 22. Debtor's Job Title: (Individual debtors) Insert debtor's job title and/or description.
 23. Employer's Name and Address: (Individual debtors) Insert full name and address of debtor's employer, including part-time employers.
- It is important to provide all asset information available!***
24. Debtor's Salary: (Individual debtors) Insert debtor's salary and indicate whether gross or net, and how often paid. If actual salary not available, provide an estimated salary.

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25. Debtor Property: Insert data on any real estate or personal property, (such as cars, boats, etc.), the debtor(s) and/or co- debtor(s), own or are buying. The DOJ/USAO needs data on property against which liens can be attached to enforce collection of this claim. Include data on the value of the property, the address where it is located, any other liens on that property, and what equity is available to satisfy the claim.
26. Assets in which the Government has a secured interest: Insert data on any debtor assets in which the Government has a secured interest which may be sold to pay the claim.
27. Other Assets: Insert data on any other assets the Government might be able to attach to pay the claim, such as bank or credit union addresses and account numbers, etc. This data may be obtained from any checks your agency may have received from the debtor. Include information on the Financial Institution, Account Number and Type, and the Account Owners for all assets identified.

[Once you have completed the “Debtor Information” and “Debtor’s Ability to Pay” sections for the first debtor, check the “Click to Add Additional Debtor and Information” box if there are additional debtors. You will be taken to another “Debtor Information” section to fill out. DO THIS FOR ALL DEBTORS ON THIS CLAIM. When you have completed the debtor information for all of the debtors; check the “Click here to return to the “Foreclosures” section in order to complete the CCLR” box and you will be sent to the “Foreclosures” section to resume completion of the CCLR.]

FORECLOSURES (if applicable)

28. Mortgage Recording Information: Insert County in which mortgage is recorded, date of recording, and the liber (book or volume) and folio (page number) of the recording. Also include the mortgage company name, address, telephone number and email.
29. Property Occupancy: Check "Yes" or "No" to questions about the current occupancy of the property. If property is occupied (even if by a tenant), occupant's name(s) and contact information are necessary to institute foreclosure proceedings.
30. Chattels: If chattels (any property except real estate, such as cars, boats, farm equipment, etc.) are to be recovered in the foreclosure, list them in the space provided or use the Supplementary Data Sheet if necessary. Be sure to specify the location (address) where the chattels are located, including the county.
31. Other Liens (Federal, state, other) against property: Insert the names of any other agencies (Federal, state, other) which also have liens or claims against the same property which is collateral for the debt owed your agency.

AGENCY CLAIM HISTORY (required for all submissions: 33-38)

32. Additional Agency Contact Information: Add additional contact information for administrative units, collections units, and any other appropriate units in your agency that would assist DOJ in its collection efforts.
33. Brief Description of the Program That Suffered a Loss: Provide details on the program that suffered a loss.
34. Last Demand Date: Insert date of last demand on debtor to pay this claim and summary of the debtor's response to that demand. Include details and date of any admission of debt by the debtor.
35. Compromise Information: Insert details of any compromise or settlement offers made by, or to, the debtor and any responses to them.
36. Collection Actions Taken: Insert data on actions taken by your agency to collect this claim up to this point.

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37. Total Payments Received to Date: (include date of last payment): Show all payments received to date.
38. Explanation if referral was previously submitted to DOJ: Provide a brief explanation if the referral was previously submitted to DOJ for litigation.

ADDITIONAL INFORMATION

39. HHS Referrals: If an HHS case, insert data on medical and/or other professional memberships, etc., which might help locate the debtor.
40. Treasury Referrals: If a Treasury case, insert additional information which might assist in collection efforts. Provide a summary of collection actions taken by the original creditor agency and DMS.
41. CCLR Supplementary Data Sheet: Use the space provided to capture any additional information that was not recorded in the CCLR. Indicate the number(s) of the block(s) on the CCLR that any additional data is intended to supplement.

Agency CCLR Submission Checklist: Use this to ensure that the CCLR package is complete. **An incomplete package will delay the process or may cause your CCLR to be returned to your agency for completion.**

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CCLR MAILING INSTRUCTIONS

After you have completed this CCLR, if the amount of claim in the TOTAL PRINCIPAL DUE, Block 9a, is *less than \$1,000,000*, mail this CCLR to:

**U.S. Department of Justice
Nationwide Central Intake Facility
2 Constitution Square
145 N Street, NE
Washington, DC
20530**

After you have completed this CCLR, if the amount of claim in the TOTAL PRINCIPAL DUE, Block 9a, is **\$1,000,000 or greater**, or if DOJ concurrence for compromise, suspension or termination was checked on block 8a, mail this CCLR to the Civil Division.

If sending the CCLR to the Civil Division through the United States Postal Service, mail the CCLR to:

**Commercial Litigation Branch
U.S. Department of Justice
Civil Division
P.O. Box 875
Ben Franklin Station
Washington, DC 20044**

If sending the CCLR to the Civil Division through FedEx or another private service, or hand delivering the CCLR, mail the CCLR to:

**Commercial Litigation Branch
U.S. Department of Justice
Civil Division
1100 L Street, NW
Washington, DC 20005**