



United States Department of Justice

United States Trustee, Region 20
Districts of Kansas, New Mexico, and Oklahoma

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**QUESTIONNAIRE FOR OFFICIAL COMMITTEE
OF UNSECURED CREDITORS***

Please type or print clearly:

Debtor

Case No.

I am willing to serve on a committee of unsecured creditors:

Yes () No ()

A. Unsecured creditor's name and contact information:

Name: _____ Phone: _____

Address: _____ Fax: _____

_____ E-mail: _____

*Note: This is not a proof of claim form. Proof of claim forms are filed with the Clerk of the Bankruptcy Court, not with the United States Trustee.

B. Counsel (if any) for creditor and contact information:

Name: _____ Phone: _____
Address: _____ Fax: _____
_____ E-mail _____

C. If you have been contacted by a professional person (*e.g.*, attorney, accountant, or financial adviser) regarding the formation of this committee, please provide that individual's name and contact information:

D. Amount of unsecured claim (U.S. \$) _____

E. If your claim is against more than one debtor, list all debtors:

F. Describe the nature of your claim(s), *i.e.*, whether arising from goods or services provided; loans made; litigation; etc., including whether any portion is secured. If the claim is secured, please describe the collateral securing it. If any portion of the claim arises from litigation, please state the nature of the claim, the case number and jurisdiction (if applicable), and the status:

G. Amount of unsecured claim entitled to 11 U.S.C. §503(b) treatment as an administrative expense:

H. Would your schedule permit you to actively participate on the committee by attending weekly meetings (either by telephone or in person)? Yes () No ()

Representations:

1. Are you or the company you represent in any way “affiliated” with any of the debtors within the meaning of Section 101(2) of the Bankruptcy Code, or a shareholder of or related to the debtor(s)?

Yes () No ().

If a shareholder, state the number of shares: _____

2. Do you or the company you represent engage in a business that directly or indirectly competes with any of the businesses of the debtor(s)?

Yes () No ()

3. Have you ever been or are you an officer, director, agent, representative or employee of the debtor(s)? Yes () No ().

Does your claim arise from this relationship? Yes () No ().

4. If you acquired the claim from someone else, state when you acquired the claim, the amount paid, and the face amount of the claim:

5. Have you or your attorney entered into a settlement agreement with the debtor regarding resolution of your claim? Yes () No ()

6. Do you have a claim against any entity affiliated with the debtor? Yes () No ().

If the answer is yes, state the name of the entity and the nature and amount of the claims:

7. Do you or any affiliated entities have any other claims against, or debt or equity securities of, the debtors? Yes () No ()
8. Do you or any affiliated entities have any financial arrangement that may affect the value of your claim against or interest in the debtor (personal guarantees, credit insurance, etc.)? Yes () No ()
9. If you have given a proxy to a third party either to represent you at the creditors' committee formation meeting or in connection with your claim, please attach a copy of the written proxy. If a professional person has arranged for someone to hold a proxy on your behalf, please identify that person:

You may attach a written statement to explain or supplement any responses.

Creditors wishing to serve as fiduciaries on an official committee are advised that they may not purchase, sell, or otherwise trade in or transfer claims against the debtor while they are committee members absent an order of the court on application of the creditor.

Once a committee is formed, the United States Trustee will file with the court a notice of appointment containing contact information for any creditor appointed, including the creditor's name, address, and telephone number.

Privacy Act statement. 11 U.S.C. § 1102 authorizes the collection of this information. The information will be used by the United States

Trustee to determine your qualifications for appointment to the committee. Disclosure of this information may be to a bankruptcy trustee or examiner when the information is needed to perform the trustee's or examiner's duties, or to the appropriate federal, state, local, regulatory, tribal, or foreign law enforcement agency when the information indicates a violation or potential violation of law. Other disclosures may be made for routine purposes.

For a discussion of the types of routine disclosures that may be made, you may consult the Executive Office for United States Trustees' systems of records notice, UST-001, "Bankruptcy Case Files and Associated Records."¹ A copy of the notice is available at http://www.justice.gov/ust/eo/rules_regulations/index.htm.

Your disclosure of information is voluntary; however, failure to provide the requested information may result in the rejection of your application to be appointed to the committee.

I hereby certify that, to the best of my knowledge and belief, the answers to this questionnaire are true and correct. By executing this questionnaire, I also agree to the restrictions and conditions set forth in the preceding paragraphs and in the committee information sheet, and I agree to provide the periodic certifications upon the request of the United States Trustee.

Date: _____

Signature

Print Name

Title

¹ See 71 Fed. Reg. 59,818 *et seq.* (Oct. 11, 2006).

Creditors' Committee Information

Purpose of unsecured creditors' committees. To increase participation in the chapter 11 proceeding, § 1102 of the Bankruptcy Code requires that the United States Trustee appoint a committee of unsecured creditors as soon as practicable after the order for relief has been entered. The committee ordinarily consists of the persons, willing to serve, who hold the seven largest unsecured claims of the kinds represented on the panel. The debtor has filed a list indicating that your claim may be among the largest unsecured claims against the debtor, and for that reason, you may be eligible to serve on the committee. There must be at least three unsecured creditors willing to serve in order to form a committee.

Powers and duties of unsecured creditors' committees. Members of the committee are fiduciaries who represent all unsecured creditors as a group without regard to the types of claims that individual unsecured creditors hold against the debtor. Section 1103 of the Bankruptcy Code provides that the committee may consult with the debtor, investigate the debtor and its business operations, and participate in the formulation of a plan of reorganization. The committee may also perform other services that are in the interests of the unsecured creditors that it represents. Moreover, Federal Rule of Bankruptcy Procedure 2019 requires each member of an official committee to file a verified statement disclosing its name, its address, and the nature and amount of each "disclosable economic interest"² related to the debtor on the date the committee was formed. When the committee takes a position before the court or solicits votes on a plan, Rule 2019 also requires it to file a verified supplemental statement if information previously disclosed has materially changed.

Employment of professionals. Section 1103 of the Bankruptcy Code provides that the committee may, subject to the bankruptcy court's approval, employ one or more attorneys, accountants, or other

² "Disclosable economic interest" means any claim, interest, pledge, lien, option, participation, derivative instrument, or any other right or derivative right granting the holder an economic interest that is affected by the value, acquisition, or disposition of a claim or interest.

professionals to represent or perform services for the committee. The decision to employ particular professionals should occur at a scheduled meeting of the committee where a majority is present. All professionals retained by the committee may be compensated from assets of the debtor's estate under § 330 of the Bankruptcy Code. Applications for the payment of professional fees may be monitored by the Office of the United States Trustee and are subject to the Court's approval. However, the committee should carefully review all applications and should not rely on the Court or the United States Trustee to discover and object to unreasonable or unnecessary professional fees or costs.

Other matters. The committee should elect a chairperson and may adopt bylaws. As a party in interest, the committee may be heard on any issue in the bankruptcy proceeding. Federal Bankruptcy Rule 2002(i) requires that the committee (or its authorized agent) receive all notices concerning motions and hearings in the bankruptcy proceeding.

In the event you are appointed to an official committee of creditors, the United States Trustee may require periodic certifications of your claims while the bankruptcy case is pending. Creditors wishing to serve as fiduciaries on any official committee may not purchase, sell, or otherwise trade in or transfer claims against the debtor while they are committee members, absent an order of the Court. By submitting the enclosed questionnaire and accepting membership on an official committee of creditors, you agree to this prohibition. The United States Trustee reserves the right to take appropriate action, including removing a creditor from any committee, if the information provided in the questionnaire is inaccurate, if the foregoing prohibition is violated, or for any other reason the United States Trustee believes is proper in the exercise of its discretion. The United States Trustee may share this information with the Securities and Exchange Commission if appropriate.

Privacy Act statement. 11 U.S.C. § 1102 authorizes the collection of this information. The information will be used by the United States Trustee to determine your qualifications for appointment to the

committee. Disclosure of this information may be to a bankruptcy trustee or examiner when the information is needed to perform the trustee's or examiner's duties, or to the appropriate federal, state, local, regulatory, tribal, or foreign law enforcement agency when the information indicates a violation or potential violation of law. Other disclosures may be made for routine purposes.

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Your disclosure of information is voluntary; however, failure to provide the requested information may result in the rejection of your application to be appointed to the Committee.

If you have any questions about Committee operations or membership, please contact the Office of the United States Trustee.

³ See 71 Fed. Reg. 59,818 *et seq.* (Oct. 11, 2006).