

# **Helpful Information**

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## **Documents to Submit**

- Required
  - Copy of Current Deed
  - Claim Form
- Optionally depending upon claim
  - Property settlement document listing transfer fee collected at closing
  - Deeds that were changed in chain of deeds

## **Where to find claim form and instructions:**

- [https://www.uscourts.gov/sites/default/files/2024-12/form-b410\\_1224\\_instructions.pdf](https://www.uscourts.gov/sites/default/files/2024-12/form-b410_1224_instructions.pdf)
- [https://www.uscourts.gov/sites/default/files/2024-12/form\\_b\\_410\\_0.pdf](https://www.uscourts.gov/sites/default/files/2024-12/form_b_410_0.pdf)

## **Where to mail claim form**

### **For Knoxville:**

U.S. Bankruptcy Court Clerk's Office  
Howard H. Baker Jr. U.S. Courthouse  
800 Market Street, Suite 330  
Knoxville, TN 37902

# Claim Form

There has been some confusion around the Proof of Claim form.

We have discussed some of the issues with the form with our lawyers and have some thoughts regarding the claims form. Every property owner in Rarity Bay may have a potential claim for at least the By-Law change that SPC made back in 2015 and for the claim that SPC is obligated to turn over the Declarant rights to the homeowners association.

As mentioned during the meeting, not all claims need to be financial in nature. Many property owners will have multiple claims, but just one Proof of Claim form needs to be submitted. For example, property owners in phase 6 - 16 would have the By-Law claim, the Master Declaration claim, and possibly the transfer fee claim and they may have a claim for the Club failing to provide the services which it should provide.

Only one claim needs to be filed per property. If you have multiple properties in Rarity Bay, you can elect to file just one form and list the properties, or file multiple forms. The decision is up to you. Also remember each property owner must file a claim. Just because your neighbor filed a claim, that does not mean it protects you.

The name of the creditor needs to be the name as it appears on your deed. Some warranty deeds have the name of a trust, or just the husband or just the wife or both the husband and the wife. Just use what's on the deed.

The name of the debtor is "Salem Pointe Capital, LLC"

The Bankruptcy Court is the "Eastern District of Tennessee"

The Case number is "3:24-bk-31702-SHB"

Question 1 is where you put the information from the warranty deed as to who the creditor is.

In most situations, we plan to answer Questions 2, 4, 5, 6, 9, 10, 11 and 12 as "No". Read the question and analyze it. If you have any questions, contact an attorney.

Question 3 should be your contact information; it is not likely that you will have a Uniform Claim Identifier.

Question 7 is about the amount of the claim or damages which you feel that you have because of SPC's actions or failures to act. It could be TBD (to be determined) or if you know the actual amount, put it down. For example, if you paid a transfer fee of \$5,000, then put down \$5,000. If you feel like your house has gone down in value since SPC bought the club and the decrease in value is a result of some of their actions or inactions, then it may be that decrease in value too.

Question 8, we feel that our claims are based upon a "Breach of Contract" and a "Breach of Fiduciary Duty".

In Part 3 Check the "I am the Creditor" if you filled out the form and fill out your information.