

**New Bankruptcy Form: Supplemental Proof of Claim for CARES Forbearance Claim**

On February 5, 2021, the Advisory Committee on Bankruptcy Rules approved Bankruptcy Form B 4100S titled "Supplemental Proof of Claim for CARES Forbearance Claim" (the "CARES Forbearance Form"). Director's Forms are issued under Bankruptcy Rule 9009 by the Director of the Administrative Office of the United States Courts. The use of Director's Forms may be required by local court rules or general orders, but otherwise exist for the convenience of the parties.

On February 26, 2021, the Clerk of the U.S. Bankruptcy Court for the Southern District of Florida issued a Notice advising the implementation of the CARES Forbearance Form. The Southern District of Florida enabled an event through the Court's document filing system for such filing, which will require linkage to an existing claim on the claims register and the docket number will display on both the court docket and claims register.

The CARES Forbearance Form is a temporary form that will retire on **December 27, 2021**. The CARES Forbearance Form is designed to address temporary amendments to sections 501, 502, and 1329 of the Bankruptcy Code made by the Consolidated Appropriations Act of 2021 (the "CAA"), as it addresses Section 1001(d) of Title X of the CAA, which creates a new section 501(f) of the Bankruptcy Code. This new section permits an "eligible creditor" to file a supplemental proof of claim for a CARES Act forbearance claim in a Chapter 13 case. The CARES Forbearance Form addressing the forbearance can be filed even if the claim's bar date has passed. Pursuant to Section 1001(d)(1)(B) of Title X of the CAA, an eligible creditor "means a servicer (as defined in section 6(i) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)) with a claim for a Federally backed mortgage loan or a Federally backed multifamily mortgage loan of the debtor that is provided for by a plan under section 1322(b)(5)".

As of February 26, 2021, the CARES Forbearance Form has to be filed in Chapter 13 Cases in the Southern District of Florida where Debtors have been granted by an eligible creditor a forbearance pursuant to the CARES Act enacted on March 27, 2020. The CARES Forbearance Form is temporary, and the Administrative Office of the United States Courts will retire the same after December 27, 2021, one year after the CAA was enacted.

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