



U.S. Department of Justice

Office of the United States Trustee

*Suite 1204  
51 SW First Avenue  
Miami, FL 33130*

*(305) 536-7285  
FAX (305) 536-7360*

[DATE]

RE:

Date of Relief: [DATE]

Dear Creditor:

The above-named debtor filed a petition for relief under Chapter 11 of the Bankruptcy Code, and has identified you as one of the twenty largest creditors. The Bankruptcy Code requires the United States Trustee to appoint a committee of unsecured creditors to participate in the case and to represent the interests of all unsecured creditors. Committee membership affords interested creditors with an additional opportunity to participate in the reorganization process.

As one of the largest unsecured creditors listed on the debtor's petition, you (or a representative) are hereby invited to express your interest in serving on this committee. Please complete the attached information statement and return it to this office on or before [DATE]. We will select the committee from those creditors who show interest and we will notify the members of the committee under separate cover of their appointment.

The United States Trustee urges you to take this opportunity to serve on the creditors' committee. Under the Bankruptcy Code, a creditors' committee has the right to demand that the debtor consult with the committee prior to making significant decisions or changes, to request the appointment of a trustee or examiner, to participate in the formulation of a plan of reorganization, and under certain conditions, to propose its own plan of reorganization. If appropriate, the committee may request that the Bankruptcy Court convert this case to one under chapter 7, at which time the debtor's operations would cease and its assets would be liquidated. If however, a sufficient number of creditors do not elect to serve on the committee, these rights may go unexercised.

An official committee of creditors is authorized by the Bankruptcy Code, subject to Bankruptcy Court approval, to select and employ an attorney and other necessary professionals. The fees of such professionals, with Bankruptcy Court approval, may be paid from available assets, if any, of the bankruptcy estate. Furthermore, actual expenses of committee members may be reimbursed from available estate assets.

After the appointment of the committee, the committee members should hold an organizational meeting at a time and place of their choice, either in person or by telephone. When the committee decides to meet, it should organize and select a permanent chairperson.

Enclosed is a copy of 11 U.S.C. §1103 which lists the powers and duties of a committee.

If you have any questions concerning the creditors' committee, please contact this office or your attorney.

Very truly yours,

Office of the U.S. Trustee

Enclosure

PLEASE TYPE OR PRINT CLEARLY:

Yes, I am willing to serve on the committee.

CREDITOR'S NAME: \_\_\_\_\_

NAME AND TITLE OF PERSON NOMINATED TO SERVE (if the creditor is not an individual):  
\_\_\_\_\_

ADDRESS OF NOMINATED PARTY: \_\_\_\_\_  
\_\_\_\_\_

Approximate amount of unsecured claim \_\_\_\_\_

Nature of unsecured claim \_\_\_\_\_

Are you asserting a mechanic lien claim? \_\_\_\_\_

Are you asserting a claim under a surety bond? \_\_\_\_\_

Are you asserting a priority claim? \_\_\_\_\_

Are you asserting a secured claim? \_\_\_\_\_

If you answered yes to any of the above please explain the nature of that claim.

\_\_\_\_\_  
Except for your claim in this case, do you have any connection with the debtor or anyone employed by or associated with the debtor? \_\_\_\_\_

Are you or have you ever been an officer, director, shareholder, affiliate, partner or employee or are you related to anyone who has or had such an affiliation with the debtor? \_\_\_\_\_ If yes, please explain. \_\_\_\_\_

TEL #: (\_\_\_\_) \_\_\_\_\_ FAX #: (\_\_\_\_) \_\_\_\_\_

E-MAIL \_\_\_\_\_

\_\_\_\_\_  
Signature of nominated party or authorized agent

\_\_\_\_\_  
Date

NOTE: RETURN OF THIS DOCUMENT DOES NOT CONSTITUTE THE FILING OF A PROOF OF CLAIM PURSUANT TO SECTION 501 OF THE CODE. IT IS ONLY A REQUEST TO SERVE ON THE CREDITOR'S COMMITTEE.

**THIS FORM MUST BE RETURNED  
ON OR BEFORE [DATE]**

Office of the United States Trustee  
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11 USC § 1103. Powers and duties of committees

(a) At a scheduled meeting of a committee appointed under section 1102 of this title, at which a majority of the members of such committee are present, and with the court's approval, such committee may select and authorize the employment by such committee of one or more attorneys, accountants, or other agents, to represent or perform services for such committee.

(b) An attorney or accountant employed to represent a committee appointed under section 1102 of this title may not, while employed by such committee, represent any other entity having an adverse interest in connection with the case. Representation of one or more creditors of the same class as represented by the committee shall not per se constitute the representation of an adverse interest.

(c) A committee appointed under section 1102 of this title may --

- (1) consult with the trustee or debtor in possession concerning the administration of the case;
- (2) investigate the acts, conduct, assets, liabilities, and financial condition of the debtor, the operation of the debtor's business and the desirability of the continuance of such business, and any other matter relevant to the case or to the formulation of a plan;
- (3) participate in the formulation of a plan, advise those represented by such committee of such committee's determinations as to any plan formulated, and collect and file with the court acceptances or rejections of a plan;
- (4) request the appointment of a trustee or examiner under section 1104 of this title; and
- (5) perform such other services as are in the interest of those represented.

(d) As soon as practicable after the appointment of a committee under section 1102 of this title, the trustee shall meet with such committee to transact such business as may be necessary and proper.

Treatise References: Norton Bankruptcy Law and Practice 2d, Chapter 78

Rule Reference: 2002(i)