

To: Advisory Committee on Bankruptcy Rules

The major problem I see daily is the difficulty of obtaining the original account application to determine whether a non-filing spouse is an actual co-signer and jointly liable on the account or simply received a "courtesy card" requested by the account holder who is solely liable in most instances (Amex accounts being an exception).

We are now litigating a case in which BOA is taking the position that Debtor's non-filing spouse was a co-signer who is jointly liable although BOA backed off an arbitration against her when I demanded production of the account application and wouldn't discuss the transfer of Debtor's \$33k balance to her post-Discharge because she was "Not on the account"!

I have applied for a position on the Trustee's Panel so I anticipate seeing the problem arise in numerous cases.

There is no logical reason to require debtors to assemble pounds of paper as proof of the info in their Schedules while giving the Credit Card Industry (primarily controlled by only four or so big banks) a free pass on a required account application attachment to a claim. Compare the requirements with regard to documenting a mortgage claim for example. My guess is that the Debt Collectors (including the company headed by the former Chief of the U.S. Trustee Program Larry Friedman) doesn't want to spend the extra \$1.00 to get the application with the collection file and that industry and the banks have more lobby influence with Congress than debtors and Trustees.

It is up to the Rules Committee to maintain some balance in the system which is really just a free collection agency for the financial institutions. Allowing the Credit Card Collection Industry and other similar creditors to squeeze the last dollar out of a collection case by cutting corners simply shifts the proof production burdens to debtors and Trustees (in Chapter 13 and chapter 7 asset cases) and is unconscionable. Allowing it as a "Rule" would be worse. Requiring the account "writings" to be produced upon request is an improvement on the present situation but just unnecessarily delays case administration and increases the cost.

Thank you for your consideration of my comments.

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