

Form RD 455-22  
(Rev. 7-98)

UNITED STATES DEPARTMENT OF AGRICULTURE  
FARMERS HOME ADMINISTRATION  
Rural Development  
Farm Service Agency

**INFORMATION FOR LITIGATION**  
(Required by Federal Claims Collection Act and 4 CFR Ch. II)

Used to gather and  
consolidate information  
on cases to be litigated.

1. DEBTOR(S) - IDENTIFICATION AND FINANCIAL CONDITION

A. Name(s) and Address(es) of Debtor(s) \_\_\_\_\_

Address(es) unknown. Last known address \_\_\_\_\_

Efforts to locate: (Unchecked boxes indicate "couldn't contact", "not feasible", etc.)

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Neighbors        | <input type="checkbox"/> Local Govt. Agencies    | <input type="checkbox"/> Drivers' license records       |
| <input type="checkbox"/> Relatives        | <input type="checkbox"/> Dist. Dir. Int. Revenue | <input type="checkbox"/> Auto title and license records |
| <input type="checkbox"/> Friends          | <input type="checkbox"/> Telephone directory     | <input type="checkbox"/> Employer                       |
| <input type="checkbox"/> Local businesses | <input type="checkbox"/> Postal tracer           | <input type="checkbox"/> Other                          |

B. Assets Liabilities and Related Data.

Can Collect:  in full; or  Substantial part

Chattels and Fixtures: See attached Form FSA 455-1, "Request for Legal Action."

Amount of claim - Item 4                      Income - Item 13  
Assets and liabilities - Items 7, 8 and 9      Expenses - Item 14

Conversion: See attached Form FSA 455-2, "Evidence of Conversion," with respect to security property sold, assets and liabilities of purchasers, etc.

Real Estate: See attached Form RD 465-7, "Report on Real Estate Problem Case."

Amount of claim - Item 8                      Income - Items 11 and 14  
Assets and liabilities - Items 11, 15 and 16      Expenses - Item 14

Deceased Debtor: See attached Form RD 455-17, "Report on Deceased Borrower," for assets, liabilities, and other information regarding the estate.

C. Claims Under \$250 Principal: If the claim is under \$250 principal, failure to file suit would have the following adverse effects on Agency programs:

(see reverse)

PROCEDURE FOR PREPARATION : RD Instructions 1955-A and 1962-A.

PREPARED BY : Agency Official.

NUMBER OF COPIES : Original and one.

SIGNATURE REQUIRED : Field Office Official and State or State Executive Director.

DISTRIBUTION OF COPIES : Original to State Office, copy in borrower case file.

The following instructions are given to assist in completing certain items on the Form:

Item I A – If the spouse is obligated for the debt or claim, include her name along with the borrower.

Item I B – Place and "X" in the block to show whether, in your opinion, the debtor has assets or income out of which the claim can be collected in full or in substantial part. Also, place an "X" in the blocks to show that the debtor has "Chattels and Fixtures" or "Real Estate Assets," as appropriate, and whether the items with respect to "Conversion" or Deceased Debtor" are involved.

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II. COLLECTION ACTIVITIES. Complete this Part II ~~except~~ when (a) an emergency exists, or (b) criminal action is recommended.

A. Demand Letters and Personal Interviews.

Required demand letter(s) were mailed to all debtor(s) with negative results; and

Debtor(s) interviewed personally. Summary of interview: \_\_\_\_\_  
 \_\_\_\_\_, or

Debtor(s) not interviewed personally because:

Interview refused  Cannot be located

Too remotely located  Other

B. Setoff (Offset)

Agri. program payments exhausted, or  not currently available; and  Not a Federal employee, or

Is a Federal employee, but efforts to collect have been ineffectual because \_\_\_\_\_; and

Has no judgment against Federal Government of which we are aware.

C. Compromise - Not permissible because:

Can collect in full, or

Debtor(s) submitted offer for less than ability to pay, or

Debtor(s) would not submit offer, but able to pay substantial part of debt.

D. Temporary Suspension of Collection Activities - not permissible because:

Debtor(s) either can be located, or if cannot be located, a substantial collection can presently be made.

E. Termination (Charge-Off) - Not permissible because:

Debtor(s) is reasonably able to make a substantial payment on the claim and has assets or income out of which such collection may presently be made, or

Can recover more than costs of collection, or

Claim has legal merit, or

Claim can be substantiated by evidence.

F. Transfer, Voluntary Conveyance, Non-Court Foreclosure

Transfer of security property to third parties, with their assumption of the amount of the secured debts equal to the value of the security therefor, cannot be made in accordance with existing authorities, and

Voluntary conveyance of any real estate security to the Government for credit of its value on the secured debts cannot be obtained in accordance with existing authorities, and

- Item II - Complete this part of the Form in all cases except those in which an emergency exists and all the actions that normally would be taken under this part cannot be accomplished in time to protect the interests of the Government, or in which criminal action is being recommended, in which case the actions referred to in this part are not to be taken except upon direction of the Office of the General Counsel or United States Attorney.
- Item II A - Place an "X" in the first block to show that the demands required by appropriate RD Instructions were mailed to the debtor. Also, place an "X" in the block to show whether the debtor was interviewed personally and, if so, give a summary of the interview. If the debtor was not interviewed personally, place an "X" in the block to show this fact as well as an "X" in the appropriate blocks to indicate why the debtor was not interviewed. If the block opposite "Other" is checked, indicate the action taken or situation involved.
- Item II B - Complete this item to show why setoff was not possible in this case. While it is quite unlikely that the debtor would have a judgment against the Federal Government, the last item must be covered.
- Item II D - An "X" already has been printed in the block in this item because either (1) the debtor's whereabouts will be known, or (2) if his whereabouts is unknown, it already would have been determined that a substantial collection could be made from assets, otherwise this Form would not be completed. This statement is required by the Federal Claims Collection Act and the General Accounting Office - Justice Regulations issued pursuant thereto. Therefore, it is necessary to make this statement to the Department of Justice.

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Foreclosure out of court under power of sale or by trustee cannot be made.

G. Voluntary Liquidation Sale Cannot be Arranged Because:

- Debtor(s) will not agree to sell the security property and apply the net proceeds on the secured debts in accordance with lien priorities, and
- Debtor(s) will not execute an agreement for voluntary liquidation of chattel security to permit the Government to sell the security property and apply the net sale proceeds on the secured debts in accordance with lien priorities, or
- Other lienholders will not agree to sale of security property and application of net sale proceeds in accordance with lien priorities, or
- Other reasons:

III. AGENCY OFFICIAL'S RECOMMENDATIONS

A. Civil Action

B. Criminal Action

Recommended

Recommended

Not Recommended

Not Recommended

Reasons: See Item 17 of Form ESA 455-1 or Item 18 of Form RD 465-7, as appropriate

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Agency Official*

IV. AGENCY OFFICIAL'S RECOMMENDATIONS

A. Civil Action

B. Criminal Action

Recommended

Recommended

Not Recommended

Not Recommended

Reasons: See Item 19 of Form ESA 455-1 or Item 20 of Form RD 465-7, as appropriate

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Agency Official*

Position 2

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