

CLAIM FORM

TO CLAIMANTS

Persons presenting claims to trustee will expedite settlement by furnishing a complete and detailed statement of all pertinent facts tending to establish the validity of their claims. It is the responsibility of the trustee to investigate and settle all valid claims, and the co-operation of the claimant is therefore solicited. Delayed settlement of claims is frequently due to the failure of the claimant to furnish the necessary information and documents to enable the investigation of said claim to proceed and establish liability promptly. It should be borne in mind that under the terms of the Federal Motor Carrier Safety Administration (as incorporated in the BMC 85) are required to thoroughly investigate each claim before payment. Claims should, therefore, in every case furnish trustee, as far as possible, with the information and documents called for on page 2 of this form.

Claimant should read carefully the information appearing below.

Important Information to Claimants Respecting Payment of Claims

Before presenting A freight Bill claim, the following important information respecting claims should be given careful consideration.

1. The terms under which property is accepted and arranged for and transported are stated on the bill of lading issued by the shipper and is governed by the terms and conditions of Broker /Carrier contract and by the provisions of the Broker issued "Rate Agreements" as to payment terms and other conditions.
2. Brokers, carriers and their agents are bound by the provisions of law, and any deviation therefrom by the payment of claims before the facts and measure of legal liability are established will render them, as well the claimant, liable under the law.
3. Provisions of "Public Law 104-88, Dec 29, 1995, U.S.C. Section 13102.(2) Definitions:

"BROKER.—The term "Broker" means a person, other than a motor carrier, or an employee or agent of a motor carrier, that as a principal or agent sell, offers for sale, negotiates for, or hold itself out by solicitation, advertisement or otherwise as selling, providing or arranging for, transportation by a motor carrier for compensation." Therefore, any claim that involves any arranging of transportation between two or more brokers (Double brokered loads) will be denied.
4. Exempt Transportation under Public Law 104-88, Dec 29, 1995, 49 U.S.C. Section 13506.
(a) In general.—Neither the Secretary nor the Board has jurisdiction under this part over---
(6) transportation by motor vehicle of-
(A) Ordinary livestock;
(B) agricultural or horticultural commodities and products (other than manufactured products thereof); or
(C) commodities listed in (D) through the end of Section 13506.
(This transportation is of property not subject to the Jurisdiction of the FMCSA)
4. Sec. 13504. Exempt motor carrier transportation entirely in one State.
5. Title 49, Department of Transportation, Part 371.7 Misrepresentation.
(a) A broker shall not perform or offer to perform any brokerage service (including advertising), in any other than that in which its registration is issued.
(b) A broker shall not, directly or indirectly, represent its operations to be that of a carrier. Any advertising shall show the status of the operation
6. Claims are to be filed by the delivering carrier, not by third party collection agencies or factoring companies. According to the provisions of the Property Broker's Trust Fund Agreement under 49 U.S.C. 13906, "Paragraph 1 of the Agreement, Trustee agrees that payments made pursuant to this agreement will be exclusively and directly to shippers or motor carriers, that are parties to contracts, agreements or arrangements with Trustor."

STANDARD FORM FOR PRESENTATION OF FREIGHT BILL CLAIMS

| | | |
|---|-----------------------------|-------------------|
| (Claimant's No.) _____ | (Name of Claimant) _____ | |
| (TFS Claim No.) _____ | (Name of Broker) _____ | (Date) _____ |
| (Claimant's MC No.) _____ | (Address of claimant) _____ | (Phone No.) _____ |
| <p>This Claim for \$ _____ is made against the Broker named above by _____ (Name of claimant) for payment of freight charges in connection with the following shipment(s)</p> <p>Description of shipment _____ Name and address of consignor (shipper) _____ Shipped from: _____ (City or town) to: _____ (City or town) Final Destination: (City or Town) _____ Bill of Lading issued by _____ Date of Bill of Lading _____ Name and address of consignee (To whom shipped) _____</p> | | |
| Name and address of the "Broker of Record" _____ | | |
| DETAILED STATEMENT SHOWING HOW AMOUNT CLAIMED IS DETERMINED (Number and description of commodities shipped) | | |
| | | |
| IN ADDITION TO THE INFORMATION GIVEN ABOVE, THE FOLLOWING DOCUMENTS ARE SUBMITTED IN SUPPORT OF THIS CLAIM | | |
| <input type="checkbox"/> 1. Original Bill of lading; <input type="checkbox"/> 2. Original Rate Confirmation or Agreement; <input type="checkbox"/> 3. Copy of freight bill presented to Broker; <input type="checkbox"/> 4. Copy of Contract between Broker and Carrier. | | |
| | | |
| Remarks _____ | | |
| <p>The foregoing statements of facts is hereby certified to as correct.</p> <p style="text-align: right; margin-right: 100px;">_____ Signature of claimant)</p> | | |