

TABLE OF CONTENTS

SECTION 1: INTRODUCTION	1
COMMON TERMS	3
OVERVIEW	3
HOW TO USE THIS HANDBOOK	5
SECTION 2: INTRODUCTION TO BANKRUPTCY	7
BANKRUPTCY CODE, RULES AND OFFICIAL BANKRUPTCY FORMS.....	7
BANKRUPTCY CODE CHAPTERS.....	8
THE BANKRUPTCY COURT	10
U.S. TRUSTEE AND BANKRUPTCY TRUSTEES.....	11
DEADLINES IN A BANKRUPTCY CASE.....	13
WHEN TO USE A BANKRUPTCY ATTORNEY	14
SECTION 3: THE BANKRUPTCY CASE	17
STARTING A BANKRUPTCY CASE	17
Filing the Petition	17
Choosing a Chapter under the Bankruptcy Code.....	18
Exhibits, Schedules, Statement of Financial Affairs and the Official Forms.....	19
The Bankruptcy Estate.....	25
First Meeting of Creditors.....	25
CONVERSION TO ANOTHER BANKRUPTCY CHAPTER	27
MULTIPLE FILINGS	28
DISCHARGE	28
DISMISSAL OF A BANKRUPTCY CASE.....	29

SECTION 4: NOTICE OF THE BANKRUPTCY CASE	31
THE NOTICE OF BANKRUPTCY	31
NOTICE TO ONE IS NOTICE TO ALL.....	33
DESIGNATING AN ADDRESS FOR NOTICE	34
EFFECTIVE NOTICE UNDER BAPCPA.....	35
NOTICE TO ATTORNEYS	36
OTHER BANKRUPTCY PAPERS YOU MAY RECEIVE	36
SECTION 5: THE AUTOMATIC STAY	39
STOP ALL CONTACT WITH THE DEBTOR.....	40
CO-OBLIGORS AND THE AUTOMATIC STAY	41
Chapter 13 Automatic Stay Applies	
to Nondebtor Co-obligors.....	41
Chapter 7 and Chapter 11 Automatic Stay Applies	
to the Debtor Only	42
EXCEPTIONS TO THE AUTOMATIC STAY	42
Exception for Post-Petition Perfection of a Lien	42
Exception for Serial Filing—One Prior Bankruptcy Case.....	43
Exception for Serial Filing—Two Prior Bankruptcy Cases.....	45
Obtaining an <i>In Rem</i> Order.....	45
Monthly Statements	46
RELIEF FROM THE AUTOMATIC STAY.....	47
MOTION FOR RELIEF FILED BY A SENIOR LIENHOLDER	49
WHEN THE AUTOMATIC STAY ENDS	49
Discharge	49
Dismissal.....	51
If the Debtor Fails to Timely File the Statement of Intention	
or Fails to Perform the Statement of Intention with Respect	
to Personal Property	51
If the Debtor Fails to Timely Redeem Personal Property	
Subject to a Purchase Money Security Interest.....	51

SECTION 6: THE BANKRUPTCY ESTATE	53
THE LEGAL REPRESENTATIVE OF THE BANKRUPTCY ESTATE	54
PROPERTY OF THE BANKRUPTCY ESTATE.....	54
MOTION OR COMPLAINT TO COMPEL TURNOVER OF PROPERTY OF THE ESTATE	57
EXEMPTIONS.....	57
ABANDONMENT	61
 SECTION 7: THE PROOF OF CLAIM	63
WHEN TO FILE THE PROOF OF CLAIM: THE BAR DATE.....	63
COMPLETING THE PROOF OF CLAIM.....	66
FILING THE PROOF OF CLAIM.....	68
OBJECTIONS TO THE PROOF OF CLAIM	68
 SECTION 8: THE CHAPTER 7 BANKRUPTCY CASE	71
THE MEANS TEST.....	71
THE CHAPTER 7 BANKRUPTCY TRUSTEE.....	73
THE DEBTOR’S STATEMENT OF INTENTION	74
Property Surrendered	75
Property Redeemed.....	76
Debt Reaffirmed.....	77
Retain and Pay	78
CHAPTER 7 DISTRIBUTIONS	79
A NO-ASSET BANKRUPTCY CASE.....	80
CHAPTER 7 DISCHARGE.....	81
 SECTION 9: THE CHAPTER 13 BANKRUPTCY CASE	83
THE CHAPTER 13 PLAN	84
THE TERM OF AND PAYMENTS UNDER THE CHAPTER 13 PLAN.....	85

CONFIRMATION OF THE CHAPTER 13 PLAN	85
PAYMENTS TO THE CHAPTER 13 TRUSTEE	
AND TO CREDITORS PRE-CONFIRMATION	86
TREATMENT OF UNSECURED CLAIMS	87
TREATMENT OF SECURED CLAIMS	87
Long-Term Secured Debt.....	87
Other Secured Debt.....	89
MODIFYING THE SECURED CLAIM IN A CHAPTER 13 BANKRUPTCY CASE.....	90
SECURED CLAIMS THAT CANNOT BE MODIFIED IN A CHAPTER 13	
BANKRUPTCY CASE.....	91
REVIEWING THE CHAPTER 13 PLAN	92
OBJECTION TO THE CHAPTER 13 PLAN	93
APPLICATION OF PAYMENTS AFTER THE CHAPTER 13 PLAN	
IS CONFIRMED	95
MODIFICATIONS TO THE CHAPTER 13 PLAN	95
CHAPTER 13 DISCHARGE.....	95
SECTION 10: THE CHAPTER 11 BANKRUPTCY CASE.....	97
INDIVIDUAL CHAPTER 11 BANKRUPTCY CASE.....	98
SECTION 11: REAFFIRMATION.....	101
REQUIREMENTS FOR REAFFIRMATION	102
THE PRESUMPTION OF UNDUE HARDSHIP.....	107
RESCINDING THE REAFFIRMATION AGREEMENT.....	108
SECTION 12: LIENS IN BANKRUPTCY.....	109
AVOIDING A LIEN BASED ON INSUFFICIENT COLLATERAL VALUE.....	109
AVOIDING A SECURITY INTEREST NOT PROPERLY PERFECTED	112
AVOIDING WITH A TRUTH-IN-LENDING RESCISSION CLAIM	113

AVOIDING A NONPOSSESSORY NONPURCHASE-MONEY LIEN.....	113
How to Determine Whether to Object to a Motion to Avoid a Nonpossessory Nonpurchase-Money Lien	115
AVOIDING A JUDICIAL LIEN.....	116
AVOIDING A PURCHASE MONEY SECURITY INTEREST LIEN	116
SECTION 13: PREFERENTIAL TRANSFERS.....	119
SECTION 14: EXECUTORY CONTRACTS.....	123
SECTION 15: NONDISCHARGEABILITY OF DEBTS	125
DEBTS THAT ARE NOT DISCHARGEABLE	126
SEEKING NONDISCHARGEABILITY OF A DEBT	127
REQUIREMENTS FOR DISCHARGE	128
DENIAL OF DISCHARGE	129
SECTION 16: AFTER THE BANKRUPTCY DISCHARGE	131
THE POST-DISCHARGE INJUNCTION.....	131
DEBTS THAT ARE COLLECTIBLE AFTER THE BANKRUPTCY DISCHARGE	132
SECURED DEBTS THAT ARE NOT REAFFIRMED	133
APPENDIX A: COMMONLY ASKED QUESTIONS.....	135
APPENDIX B: GLOSSARY OF TERMS.....	145
APPENDIX C: COMPARISON OF CHAPTER 7, 13 AND 11 BANKRUPTCY CASES	153