

General Index Supplement

ABILITY TO PAY

- Dischargeability
 - non-alimony, maintenance, or support obligations, § 10A:205
 - undue hardship and student loans, § 10A:187 to 10A:195

ADEQUATE PROTECTION

- Setoff or offset, § 6C:21

AGENTS

- Discharge of indebtedness, § 10A:104

AID TO FAMILIES WITH DEPENDENT CHILDREN

- Dischargeability of support obligations, § 10A:167, 10A:208

ALCOHOLIC BEVERAGES

- Discharge, debts incurred by drunk drivers, § 10A:177 to 10A:179

ALIMONY, SUPPORT, AND SEPARATE MAINTENANCE

- Attorneys' fees, dischargeability of, § 10A:166

ALLOWANCE OF CLAIMS OR INTERESTS

- Setoff, § 6C:24

APPEALS

- Asbestos reorganization cases, supplemental injunctions, § 10A:57
- Costs
 - discharge exception for debts for filing fees, § 10A:207

APPEARANCE

- Discharge of indebtedness proceeding, generally, § 10A:49

ASBESTOS

- Supplemental injunctions in Chapter 11 asbestos cases, § 10A:57

ASSIGNMENTS

- Discharge of indebtedness, § 10A:167, 10A:168

ASSIGNMENTS—Cont'd

- Social Security Act's anti-assignment provision
 - dischargeability of alimony, maintenance, and support debt, § 10A:68

ASSUMPTION OF RISK

- Credit cards, § 10A:119 to 10A:121

ATTORNEYS

- Asbestos injury claimants, appointment of legal representative for, § 10A:57
- Discharge of indebtedness, § 10A:9, 10A:166, 10A:225
- Reaffirmation agreements, § 10A:238

ATTORNEYS' FEES

- Alimony, maintenance or support, dischargeability of fees as, § 10A:166
- Discharge of indebtedness
 - alimony, support, or maintenance, § 10A:166
 - determination of dischargeability, § 10A:232 to 10A:234

AVIATION

- Discharge exception for operation while intoxicated, § 10A:177

BEST INTEREST OF CREDITORS TEST

- Discharge of indebtedness, § 10A:33

BEST INTEREST OF DEBTOR

- Reaffirmation, § 10A:242

BOOKS AND PAPERS

- Discharge, failure to keep or preserve records, § 10A:13 to 10A:17

BREACH OF FIDUCIARY DUTY

- Discharge exception for fiduciary fraud, § 10A:135 to 10A:141, 10A:200

CALL-IN LIMIT

- Discharge of indebtedness, § 10A:122

CAPITAL

Depository institutions, capital maintenance commitments, § 10A:201

CASH ADVANCES

Discharge exceptions, § 10A:124 to 10A:126

CASH COLLATERAL

Setoff or offset, § 6C:22, 6C:41

CHAPTER 15

Ancillary and Other Cross-Border Cases Under BAPCPA (this index)

CHECKS

Discharge exceptions, § 10A:95

CHILDREN

Discharge exceptions
AFDC and child welfare obligations, § 10A:208
non-support obligations, § 10A:205
support obligations, generally, § 10A:161 to 10A:163

CIRCUMSTANTIAL EVIDENCE

Discharge, § 10A:10

CLEAR AND CONVINCING EVIDENCE

Discharge, § 10A:51, 10A:218

CLEAVAGE IN TIME

Bankruptcy petition, setoff or offset, § 6C:33

CLOSING AND REOPENING CASES

Discharge exceptions, § 10A:133
Setoff after closing, § 6C:43

CODEBTORS

Discharge of indebtedness, § 10A:6, 10A:58, 10A:77

COHABITATION

Discharge exceptions and unmarried cohabitants, § 10A:164

COLLATERAL

Discharge of indebtedness, § 10A:28

COLLATERAL ESTOPPEL

Discharge exceptions, § 10A:235 to 10A:237

COMMISSIONS

Discharge exceptions for taxes, § 10A:85

COMMODITY BROKER

LIQUIDATION

Discharge of indebtedness, § 10A:4

COMMUNITY PROPERTY

Discharge of indebtedness, § 10A:56

COMPENSATION

Sick leave pay, discharge of indebtedness, § 10A:85

COMPLAINTS

Filing fees
exception from discharge, § 10A:207

CONCEALMENT

Discharge of indebtedness, § 10A:8 to 10A:12

CONDOMINIUM

Discharge exception, postpetition membership fees or assessments, § 10A:206

CONSENT DECREE

Drunk drivers, former discharge requirement, § 10A:199

CONSTITUTIONAL LAW

Discharge of indebtedness, § 10A:2, 10A:26, 10A:27, 10A:29, 10A:88, 10A:226

CONSTRUCTION AND INTERPRETATION

Discharge of indebtedness, § 10A:3, 10A:42, 10A:73

CONSTRUCTIVE INTENT

Discharge of indebtedness, § 10A:10

CONSUMER CLAIMS AND DEBTS

Discharge exceptions, § 10A:124 to 10A:126, 10A:232, 10A:233

CONTINGENT CLAIMS

Setoff or offset, § 6C:26

CONTINGENT OBLIGATION LOANS

Discharge exceptions, educational loans, § 10A:185

INDEX

CONTRACTS AND AGREEMENTS

Hold harmless agreements, discharge of divorce or separation debts not in nature of alimony, maintenance or support, § 10A:205

CONVERSION OF PROPERTY

Discharge of indebtedness, § 10A:12
Nonexempt to exempt property, § 10A:12

CONVERSION OR DISMISSAL

Expenses. Fees and costs, below

COOPERATIVE HOUSING

Discharge exception, postpetition fees or assessments, § 10A:206

CORPORATIONS

Discharge of indebtedness
generally, § 10A:4, 10A:5
dischargeability of debts, § 10A:68, 10A:69

COSTS AND EXPENSES

Discharge exception for filing fees, costs, and expenses, § 10A:207

COUNTERCLAIMS

Setoff or offset, § 6C:42

CREDIT CARDS

Discharge exceptions
fraud, § 10A:118 to 10A:123
taxes, obligations incurred to pay federal, § 10A:203
Taxation, individual not discharged from debt incurred to pay federal tax, § 10A:203

CREDIT COUNSELING AND FINANCIAL MANAGEMENT INSTRUCTION

Discharge, § 10A:35

CRIMES AND OFFENSES

Discharge of indebtedness
fines, Chapter 13 cases, § 10A:71
restitution obligations, § 10A:54, 10A:181, 10A:202
Distribution and discharge
fines, Chapter 13 cases, § 10A:71
restitution obligations, § 10A:54, 10A:181, 10A:202
Restitution, nondischargeability of, § 10A:54, 10A:181, 10A:202

CRIME VICTIMS' RESTITUTION

Discharge exception, § 10A:54, 10A:181, 10A:202

CUSTOMS DUTIES

Discharge of debts involving customs duties, § 10A:74 to 10A:89

DEFALCATION

Discharge exceptions, § 10A:89, 10A:142, 10A:143, 10A:145

DEFENSES

Setoff or offset, § 6C:39, 6C:42

DEFERRAL

Discharge of indebtedness, § 10A:6

DELEGATION OF POWERS OR DUTIES

Discharge of indebtedness, § 10A:15

DEPOSITS AND DEPOSITORIES

Capital maintenance commitments, discharge exceptions, § 10A:201
Discharge exceptions
capital maintenance commitments, § 10A:201
fraud, § 10A:200, 10A:201
Insiders, fraud, § 10A:200, 10A:201

DESTRUCTION OF PROPERTY

Discharge of indebtedness, § 10A:8 to 10A:12

DISCHARGE

Generally, § 10A:1 to 10A:237
Adult children, support proceedings, § 10A:162
AFDC support obligations, § 10A:208
Agents, § 10A:104
Aid to families with dependent children, § 10A:167, 10A:208
Alimony, support, or maintenance
as to discharge of divorce or separation debts not in nature of alimony, maintenance or support, see, § 10A:205
generally, § 10A:146 to 10A:168
administrative proceedings, § 10A:149
adult children, § 10A:162
assignment of support rights to qualify for AFDC, § 10A:167
attorneys' fees, § 10A:166

DISCHARGE—Cont'd

Alimony, support, or maintenance
—Cont'd
children, § 10A:161 to 10A:163
fact question, generally, § 10A:147
family situation, § 10A:160 to 10A:164
federal and state law, § 10A:150 to 10A:154
federal question, § 10A:150
illegitimate children, § 10A:163
intent of matrimonial court and/or parties, § 10A:159
label, § 10A:156
marital situation, § 10A:160
military personnel, § 10A:154
modification of award, § 10A:152
need, § 10A:157, 10A:158
non-alimony, maintenance, or support obligations, § 10A:205
paternity judgments, § 10A:163
property settlements, § 10A:148
questions of law and fact, § 10A:147
social security, § 10A:168
survival of debts after discharge, § 10A:146 to 10A:168
third party, debts paid directly to, § 10A:165
unmarried cohabitants, § 10A:164

Amendments
alimony, support, or maintenance award modified, § 10A:152
complaint, § 10A:43, 10A:227, 10A:228
false statements, amending, § 10A:22
time limits for commencing proceedings, § 10A:227, 10A:228

Appellate filing fees, § 10A:207

Asbestos reorganization cases, supplemental injunctions in, § 10A:57

Assignments, alimony or support obligations, § 10A:167, 10A:168

Assumption of risk theory, charge cards, § 10A:119 to 10A:121

Attorneys, § 10A:9, 10A:225

Best efforts, § 10A:33

Best interest of debtor, § 10A:242

Books and records, failure to keep or preserve, § 10A:13 to 10A:17

Call-in limit, charge cards, § 10A:122

DISCHARGE—Cont'd

Capital maintenance commitments of depository institution, willful injury, § 10A:201

Cash advances, § 10A:124 to 10A:126

Charge cards, § 10A:118 to 10A:123

Checks drawn on insufficient funds, § 10A:95

Child and child welfare support, § 10A:161 to 10A:163, 10A:208

Codebtors, § 10A:6, 10A:58, 10A:77

Collateral estoppel, § 10A:235 to 10A:237

Commencement of proceedings, § 10A:219 to 10A:231

Commissions, § 10A:85

Community property, § 10A:56

Complaint
generally, § 10A:213 to 10A:215
amendments, § 10A:43, 10A:228
objecting to discharge, § 10A:43

Concealment, grounds for denial in liquidation cases, § 10A:8 to 10A:12

Condominium membership or cooperative housing fees or assessments, postpetition, § 10A:206

Consent decree, drunk driving, § 10A:199

Constitutional law, § 10A:2, 10A:26, 10A:27, 10A:29, 10A:88, 10A:226

Construction of right to discharge, § 10A:3, 10A:42, 10A:73

Consumer debt litigation, § 10A:124 to 10A:126, 10A:232, 10A:233

Contingent obligation loans, § 10A:185

Conversion of nonexempt to exempt property, § 10A:12

Conversion of property
survival of debts after discharge, § 10A:174 to 10A:176

Conversion or dismissal
reorganization, § 10A:46, 10A:66
revocation of discharge, § 10A:63
time limit for commencing proceeding, § 10A:229
willful and malicious injury, § 10A:174 to 10A:176

Costs and expenses
generally, § 10A:232 to 10A:234
filing fees, § 10A:222

INDEX

DISCHARGE—Cont'd

- Costs and expenses—Cont'd
 - living expenses, § 10A:193
- Crimes and offenses
 - finances, Chapter 13 cases, § 10A:71
 - restitution debts, § 10A:202
 - restitution orders in connection with federal conviction, § 10A:181
- Customs duties, discharge of debts involving, § 10A:74 to 10A:89
- Defalcation, § 10A:89, 10A:142, 10A:143, 10A:145
- Denial of discharge
 - generally, § 10A:8 to 10A:34
 - attendance and appearance, § 10A:49
 - burden of proof, § 10A:50
 - concealment of property as ground for, § 10A:8 to 10A:12
 - discretion of court, § 10A:28
 - failure to explain loss or deficiency of assets to meet liabilities, § 10A:24 to 10A:26
 - fraud in connection with case, § 10A:8 to 10A:34
 - grounds for, § 10A:7 to 10A:34
 - insider, acts within one year before filing in connection with another case concerning, § 10A:30
 - intent, § 10A:9 to 10A:11, 10A:19
 - knowing and fraudulent false oaths, § 10A:20 to 10A:23
 - liquidation, § 10A:7 to 10A:34
 - notice and knowledge, § 10A:6, 10A:20 to 10A:23
 - prior discharge within 8 (formerly 6) years, § 10A:31 to 10A:33
 - questions of law and fact, § 10A:14, 10A:16, 10A:250
 - removal of property, discharge not granted, § 10A:8 to 10A:12
 - self-incrimination privilege invoked, denial due to, § 10A:26, 10A:29
 - time or date, § 10A:8, 10A:31 to 10A:33
 - transfers and related conduct to hinder or defraud creditors, § 10A:8 to 10A:12, 10A:28
 - waiver as grounds to deny discharge, § 10A:34
- Dependents, education loan hardship, § 10A:192

DISCHARGE—Cont'd

- Depository institutions, insiders, § 10A:200, 10A:201
- Destruction of property, discharge not to be granted in case of, § 10A:8 to 10A:12
- Determination of dischargeability, generally, § 10A:212 to 10A:237
- Dischargeability of debts
 - discharge distinguished, § 10A:1, 10A:65 to 10A:73
- Disclosure of false oath or account, § 10A:22
- Discretion of court
 - costs and attorneys' fees awarded, § 10A:233
 - educational loans, § 10A:188
 - objections to discharge, § 10A:47
- Divorce or separation debts not in nature of alimony, maintenance or support, § 10A:205
- Domestic support obligations, generally, 10A:143 to 10A:165 and see Alimony, support, or maintenance, above
- Drunk drivers, debts incurred by, § 10A:177 to 10A:179
- Due process, § 10A:226
- Eighth priority claims, § 10A:79 to 10A:87
- Eight-year rule, § 10A:31 to 10A:33
- Embezzlement, exceptions to discharge, § 10A:89, 10A:145
- Employment tax on wage, salary, or commission, § 10A:85
- Evasion of tax, § 10A:88, 10A:89
- Evidence
 - extrinsic evidence to determine dischargeability, § 10A:151
 - presumptions and burden of proof, § 10A:11, 10A:50, 10A:217
 - standard of proof, § 10A:51
- Exceptions to discharge
 - generally, § 10A:65 to 10A:237
 - ability to pay
 - non-alimony, maintenance, or support obligations, § 10A:205
 - undue hardship and student loans, § 10A:187 to 10A:195
 - alimony, support, or maintenance, debts for, § 10A:146 to 10A:168
 - cash advances, § 10A:124 to 10A:126

DISCHARGE—Cont'd

Exceptions to discharge—Cont'd
 charge cards, § 10A:118 to 10A:123
 consumer debts for luxury goods and services, § 10A:124 to 10A:126
 conversion of property, § 10A:174 to 10A:176
 drunk driving, § 10A:177 to 10A:179
 educational loans, § 10A:183 to 10A:195
 election law fines and penalties, § 10A:204
 falsity and fraud, debts incurred through, § 10A:90 to 10A:126
 family farmer or fisher debt adjustment, § 10A:74, 10A:74 to 10A:211, 10A:78, 10A:79
 fees distinguished from taxes and customs duties, § 10A:76
 fines, penalties, or forfeitures, § 10A:180 to 10A:182
 imputation of fraud, § 27:221
 liquidation, § 10A:74, 10A:74 to 10A:211, 10A:78, 10A:79
 military bonuses and special pay, § 10A:211
 motor vehicle, operation while legally intoxicated, § 10A:177 to 10A:179
 non-alimony, maintenance, or support obligations, § 10A:205
 pension loans, § 10A:209
 priority claims, taxes and customs duties, § 10A:78 to 10A:87
 reorganization, § 10A:74, 10A:74 to 10A:211, 10A:78, 10A:79
 securities law violations, § 10A:210
 student loans, § 10A:183 to 10A:195
 subrogation right of codebtor or surety, § 10A:77
 taxes and customs duties, debts for, § 10A:74 to 10A:89
 time or date, § 10A:74, 10A:80, 10A:81, 10A:85
 unlisted or unscheduled debts, § 10A:127 to 10A:134
 willful and malicious injury, § 10A:169 to 10A:179
 written statement regarding financial condition, § 10A:187 to 10A:117
 Excise tax, § 10A:83, 10A:84

DISCHARGE—Cont'd

Exemptions
 liquidation, § 10A:12, 10A:56
 Extension of time, § 10A:47, 10A:230, 10A:231
 False oath or account by debtor, denial of discharge on grounds of, § 10A:20 to 10A:23
 False pretenses, false representation, or actual fraud, § 10A:90 to 10A:95
 Family or relatives
 generally, § 10A:55, 10A:56
 Federal question as to alimony, support, or maintenance, § 10A:150
 Federal statutory privilege, discharge as, § 10A:2
 Fiduciaries, fraud, § 10A:135 to 10A:141, 10A:200
 Filing fees
 condominium or similar membership fees, § 10A:206
 dischargeability complaint filing fees, § 10A:222
 exception from discharge for debts, § 10A:207
 Fines and penalties, § 10A:87, 10A:180 to 10A:182
 Five-year period of nondischargeability of educational loans, § 10A:185
 Forbearance, fraud, § 10A:103
 Forfeitures, § 10A:180 to 10A:182
 Fraud
 generally, § 10A:90 to 10A:126
 agents of debtor, § 10A:104
 business acumen, § 10A:113
 business standards and practices, § 10A:114
 charge cards, § 10A:118 to 10A:123
 checks drawn on insufficient funds, § 10A:95
 concealment, § 10A:8 to 10A:12
 denial of discharge for fraud in connection with case, § 10A:8 to 10A:34
 depository institutions, § 10A:200, 10A:201
 false oaths, § 10A:20 to 10A:23
 false pretenses, false representation, or actual fraud, § 10A:90 to 10A:95
 falsity of representation, § 10A:97

INDEX

DISCHARGE—Cont'd

Fraud—Cont'd
fiduciaries, § 10A:135 to 10A:141, 10A:200
forbearance, § 10A:103
inferring intent, § 10A:99
insiders, § 10A:108
intent, § 10A:11, 10A:19, 10A:98, 10A:99, 10A:117, 10A:123
investigations, § 10A:112
materiality, § 10A:96, 10A:109
new value, § 10A:107
objections to discharge, § 10A:45
obtaining money, property, service, etc., § 10A:102 to 10A:104, 10A:106
partial reliance, § 10A:115, 10A:116
promises or opinions as to future, § 10A:94
question of fact, § 10A:111
refinancing agreements, § 10A:107
reliance, § 10A:100, 10A:101, 10A:110 to 10A:116
revocation of discharge, § 10A:62, 10A:63
survival of debts after discharge, § 10A:90 to 10A:126
tax return, § 10A:89
written statements as to financial condition, § 10A:187 to 10A:117
Future prospects, educational loans, § 10A:194
Governmental units, generally, § 10A:69, 10A:214
Gross receipts tax, § 10A:80
Guarantors, § 10A:58, 10A:77
Hardship
educational loans, § 10A:187 to 10A:195
family farmer or fisher debt adjustment cases, § 10A:41
individual debt adjustment cases, § 10A:41, 10A:74
Health Education Assistance (HEAL) loans, § 10A:185
Health problems, hardship, § 10A:191
Homestead exemption violations, § 10A:35
Illegitimate children, § 10A:163

DISCHARGE—Cont'd

Implied representation theory, § 10A:118
Income or gross receipts tax, § 10A:80
Inferring intent for fraud, § 10A:99
Injunction
generally, § 10A:6, 10A:55 to 10A:57, 10A:59
asbestos reorganization cases, § 10A:57
discharge operating as, § 10A:6, 10A:55 to 10A:57, 10A:59
Insiders, discharge prevented for conduct in connection with another case, § 10A:30, 10A:148
Instructional course in personal financial management, § 10A:35
Insurers, effect of discharge of indebtedness on insurers, § 10A:59
Intent
alimony, support, or maintenance, § 10A:159
charge cards, § 10A:123
defalcation, § 10A:143
fraud, § 10A:11, 10A:19, 10A:98, 10A:99, 10A:117, 10A:123
liquidation, § 10A:11, 10A:19
transfer, removal, destruction, mutilation, or concealment of property, § 10A:9 to 10A:11, 10A:19
Investigation of debtor, § 10A:112
Involuntary gap (third priority) claims, § 10A:78
Jurisdiction
federal question, § 10A:150
Justifiable reliance, § 10A:101
Liability and enforcement thereof, effect of discharge on, § 10A:53 to 10A:61
Living expenses, § 10A:193
Loss or deficiency
Chapter 7 cases, § 10A:24 to 10A:26
failure to explain loss or deficiency of assets as grounds to deny discharge, § 10A:24 to 10A:26
Luxury goods or services, § 10A:124 to 10A:126
Mail and mailing, § 10A:6, 10A:227, 10A:228
Mass charge card solicitations, § 10A:120

DISCHARGE—Cont'd

Method of obtaining, generally, § 10A:6 to 10A:41

Military personnel, § 10A:154, 10A:211

Mortgage payments, status for purposes of discharge, § 10A:55

Motions

 costs and expenses incident to filing, § 10A:207

Motor vehicle drunk driving debts, § 10A:177 to 10A:179

National Health Service Corps scholarships, § 10A:185

New value, § 10A:107

Non-alimony, maintenance, or support obligations, § 10A:205

Nondischargeable debt, generally, § 10A:1, 10A:42 to 10A:52 and see **Exceptions to discharge, above**

Notice and hearing

 commencement of proceedings, § 10A:223 to 10A:226

 denial of discharge, § 10A:6, 10A:20 to 10A:23

 dismissal, § 10A:52

 exceptions to discharge, § 10A:48, 10A:49

 hardship discharge, § 10A:41

 order of discharge, § 10A:6

 reaffirmation, § 10A:243, 10A:244

 revocation of discharge, § 10A:62

 unlisted or unscheduled debts, § 10A:130

 waiver of discharge, § 10A:34

Oaths, denial of discharge on grounds of false oath or account by debtor, § 10A:20 to 10A:23

Objection to discharge, generally, § 10A:1, 10A:42 to 10A:52

Obtaining money, property, service, etc. by fraud, § 10A:102 to 10A:104, 10A:106

Omissions, § 10A:21, 10A:23

Open end credit plan, § 10A:126

Orders of court

 notice and knowledge, § 10A:6

 reaffirmation, § 10A:241, 10A:242

 refusal to obey lawful court order as preventing discharge, § 10A:27 to 10A:29

Palimony, § 10A:164

DISCHARGE—Cont'd

Partial listing or scheduling, § 10A:131

Parties, generally, § 10A:4, 10A:5, 10A:213 to 10A:215

Paternity judgments, § 10A:163

Personal financial management course, § 10A:35

Petitions, exception to discharge for debts for fees, costs and expenses incident to filing, § 10A:207

Presumptions and burden of proof, § 10A:11, 10A:50, 10A:217

Priority claims, taxes and customs duties, § 10A:78 to 10A:87

Privileges and immunities, § 10A:2, 10A:26, 10A:29

Promises or opinions as to future, § 10A:94

Property of estate, destruction, § 10A:8 to 10A:12

Property settlements, § 10A:148

Property tax, § 10A:81

PSAP grants, § 10A:185

Questions of law and fact

 alimony, support, or maintenance, § 10A:147

 denial of discharge, § 10A:14, 10A:16, 10A:25

 fraud, § 10A:111

Records, failure to keep or preserve, § 10A:13 to 10A:17

Redemption, § 10A:34

Refinancing agreements, § 10A:107

Rehabilitative cases, § 10A:37 to 10A:41

Relation back of discharge to time of filing, § 10A:43

Reliance, fraud, § 10A:100, 10A:101, 10A:110 to 10A:116

Removal of property, denial of discharge, § 10A:8 to 10A:12

Reopening cases, § 10A:133

Repayment of debt, § 10A:61, 10A:240

Res judicata and collateral estoppel, § 10A:235 to 10A:237

Restitution, § 10A:54, 10A:181, 10A:182, 10A:202

Revocation of discharge

 generally, § 10A:62 to 10A:64

 family farmer or fisher debt adjustment, § 10A:63

INDEX

DISCHARGE—Cont'd

- Revocation of discharge—Cont'd
 - fraud, § 10A:62, 10A:63
 - liquidation, § 10A:32, 10A:62, 10A:64
 - notice and knowledge, § 10A:6
 - real estate license, § 10A:55
 - reorganization, § 10A:62
 - trustees, § 10A:62, 10A:64
 - United States trustees, § 10A:62, 10A:64
- Sale or transfer as ground for denial, § 10A:8 to 10A:12, 10A:28
- Securities law violations, § 10A:210
- Self-incrimination privilege, § 10A:26, 10A:27, 10A:29
- Service of process, § 10A:27, 10A:43, 10A:227, 10A:228
- State law, § 10A:140, 10A:151 to 10A:153
- Subrogated codebtor, § 10A:77
- Superdischarge, § 10A:72
- Support of persons
 - child and child welfare support, § 10A:161 to 10A:163, 10A:208
 - obligations enforceable under Social Security Act, § 10A:208
- Sureties, § 10A:77
- Third parties
 - survival of debts after discharge, § 10A:165
- Time or date
 - generally, § 10A:6 to 10A:41
 - commencement of proceedings, § 10A:219 to 10A:231
 - denial of discharge, § 10A:8, 10A:31 to 10A:33
 - educational loans, § 10A:185
 - entry of discharge, § 10A:6
 - extension of time, § 10A:47, 10A:230, 10A:231
 - insiders, § 10A:30
 - objections to discharge, § 10A:45 to 10A:47
 - prior discharge within 8 (formerly 6) years, § 10A:31 to 10A:33
 - revocation of discharge, time to request, § 10A:63
 - survival of debts after discharge, § 10A:74, 10A:80, 10A:81, 10A:85

DISCHARGE—Cont'd

- Time or date—Cont'd
 - tax return, § 10A:88
- Trustees
 - filing of complaint, § 10A:215
 - objection to discharge, right of trustee, § 10A:44
 - revocation of discharge on request of trustee, § 10A:62, 10A:64
- Trust fund taxes, § 10A:82, 10A:84
- Trusts, § 10A:137 to 10A:141
- Truth in Lending, § 10A:126, 10A:245
- 2, 4, 6 claims, § 10A:128
- Unconscionability, § 10A:185
- United States trustees, § 10A:44, 10A:62, 10A:64
- Unlisted debts from prior case, § 10A:202
- Unmarried cohabitants, § 10A:164
- Value and valuation, § 10A:107
- Voluntary bankruptcy, § 10A:24
- Voluntary repayment, § 10A:61, 10A:240
- Willful and malicious injury
 - generally, § 10A:169 to 10A:173
 - conversion, § 10A:174 to 10A:176
 - depository institutions capital maintenance commitments, § 10A:201
 - drunk drivers, debts incurred by, § 10A:177 to 10A:179
 - survival of debts after discharge, § 10A:169 to 10A:179
- Witnesses
 - debtor's duty to attend and testify, § 10A:49
 - self-incrimination privilege, § 10A:26, 10A:27, 10A:29
- Written statements as to financial condition, fraud, § 10A:187 to 10A:117

DISCHARGEABILITY OF DEBTS

- Discharge distinguished, § 10A:1, 10A:65 to 10A:73

DISCLOSURE

- Liquidation, false oath or account, § 10A:22

DISTRICT COURTS

- Asbestos reorganization cases, § 10A:57

DIVORCE

Discharge exceptions
 alimony, support, and separate main-
 tenance, § 10A:146 to 10A:168
 debts not in nature of alimony, main-
 tenance or support, § 10A:205
 Hold harmless agreements and
 dischargeability, § 10A:205

DRUGS

Dischargeability of debts incurred by
 drivers under influence of drugs,
 § 10A:199

DRUNK DRIVERS

Discharge, debts incurred by drunk driv-
 ers, § 10A:177 to 10A:179

DUE PROCESS

Discharge of indebtedness, § 10A:226

DUNNING

Discharge of indebtedness, § 10A:55

DWI

Discharge, debts incurred by drunk driv-
 ers, § 10A:177 to 10A:179

ELECTION OR VOTE

Discharge exception for election fines or
 penalties, § 10A:204

EMBEZZLEMENT

Discharge of debtor, § 10A:89, 10A:145

EMPLOYMENT TAXES

Discharge of indebtedness, § 10A:85

EQUAL PROTECTION

Discharge of indebtedness, § 10A:88

EVASION OF TAX

Discharge of indebtedness, § 10A:88,
 10A:89

EVIDENCE

Clear and convincing evidence, dis-
 charge, § 10A:51

**EXAMINATION OR
 INVESTIGATION**

Discharge of indebtedness, § 10A:112

EXCISE TAXES

Discharge of indebtedness, § 10A:83,
 10A:84

**EXECUTORY CONTRACTS AND
 UNEXPIRED LEASES**

Setoff or offset, § 6C:23

EXEMPTIONS

Conversion of nonexempt property to
 exempt property
 generally, § 10A:12
 Setoff or offset, § 6C:48

EXTENSION OF TIME

Discharge of indebtedness, § 10A:47,
 10A:230, 10A:231

FALSE PRETENSES

Discharge of indebtedness, § 10A:90 to
 10A:95

**FAMILY FARMER OR FISHER DEBT
 ADJUSTMENT**

Conversion or dismissal
 discharge of indebtedness, § 10A:46
 Discharge of indebtedness
 generally, § 10A:4, 10A:40, 10A:41,
 10A:70

denial of discharge, § 10A:32

hardship discharge, § 10A:41

judgments voided, § 10A:54

objections to discharge, § 10A:46

revocation of discharge, § 10A:63

survival of debt after discharge,
 § 10A:74, 10A:74 to 10A:211,
 10A:78, 10A:79

Hardship discharge, § 10A:41

Objections, discharge of indebtedness,
 § 10A:46

Revocation

discharge, § 10A:63

Survival of debt after discharge,
 § 10A:74, 10A:74 to 10A:211,
 10A:78, 10A:79

FEDERAL GOVERNMENT

Discharge of indebtedness, § 10A:2

FEEES AND CHARGES

Discharge of indebtedness
 complaint for dischargeability, filing
 fees for, § 10A:221, 10A:222
 condominium or similar membership
 fees, § 10A:206
 filing fees, exception for debts for,
 § 10A:207

INDEX

FIDUCIARIES

Discharge of debtor, § 10A:135 to 10A:141, 10A:200

FINES AND PENALTIES

Discharge of debtor, § 10A:71, 10A:87, 10A:180 to 10A:182, 10A:204

Petition preparers, § 1A:55

Setoff of multiple penalties, § 6C:27

FORBEARANCE

Denial of discharge, § 10A:103

FOREIGN COUNTRIES OR PROCEEDINGS

Ancillary and Other Cross-Border Cases Under BAPCPA (this index)

FORFEITURES

Discharge of indebtedness, § 10A:180 to 10A:182

FORMS

Liquidation, summons in Chapter 15 case seeking recognition of a foreign nonmain proceeding, § 71:423

FRAUD AND DECEIT

False oaths, § 10A:20 to 10A:23

FRAUDULENT TRANSFERS AND CONCEALMENT OF ASSETS

Asbestos reorganization debtor, postconfirmation transfers, § 10A:57

FUTURE EARNINGS OR INCOME

Discharge of debt, § 10A:194

GOOD OR BAD FAITH

Discharge of indebtedness, § 10A:9, 10A:198

Student loans, § 10A:198

GOVERNMENTAL UNITS

Setoff or offset, § 6C:29, 6C:30

GROSS RECEIPTS TAX

Discharge of indebtedness, § 10A:80

GUARANTY

Discharge of indebtedness, § 10A:58, 10A:77

HARDSHIP

Student loans, undue hardship discharge of, § 10A:187 to 10A:195

HEAL LOANS

Health Education Assistance Loans, discharge, § 10A:185

HEALTH

Sick leave pay, discharge of indebtedness, § 10A:85

HEALTH EDUCATION ASSISTANCE LOANS

Discharge in bankruptcy, § 10A:185

HOLD HARMLESS AGREEMENTS

Discharge of divorce or separation debts not in nature of alimony, maintenance or support, § 10A:205

HUSBAND AND WIFE

Discharge of indebtedness
alimony, support, and separate maintenance, § 10A:146 to 10A:168
false financial statement, § 10A:106
injunctions, § 10A:56

ILLEGITIMATE CHILDREN

Child support obligations, discharge, § 10A:163

IMPLIED REPRESENTATION THEORY

Discharge of indebtedness, § 10A:118

IMPROVEMENT IN POSITION TEST

Setoff or offset, § 6C:44 to 6C:48

INDIGENTS

Filing fees
discharge exception for debts for, § 10A:207

INDIVIDUAL

Discharge of individual Chapter 11 debtor, § 10A:39

INDIVIDUAL DEBT ADJUSTMENT

Conversion or dismissal
discharge of indebtedness, § 10A:46, 10A:66

Discharge of indebtedness
generally, § 10A:4, 10A:39 to 10A:41, 10A:71, 10A:72

INDIVIDUAL DEBT ADJUSTMENT

—Cont'd

Discharge of indebtedness—Cont'd
conversion or dismissal, § 10A:46,
10A:66

denial of discharge, § 10A:32

hardship cases, § 10A:41, 10A:74

judgments voided, § 10A:54

objections to discharge, § 10A:46

revocation of discharge, § 10A:63

survival of debt after discharge,
§ 10A:74, 10A:74 to 10A:211,
10A:78, 10A:79

Hardship discharge of indebtedness,
§ 10A:41, 10A:74

Objections

discharge of indebtedness, § 10A:46

Revocation of discharge, § 10A:63

Superdischarge, § 10A:72

Survival of debt after discharge,
§ 10A:74, 10A:74 to 10A:211,
10A:78, 10A:79

INJUNCTIONS

Asbestos cases

supplemental injunctions in, § 10A:57

Petition preparers, § 1A:48

INSIDERS

Depository institutions, fraud,
§ 10A:200, 10A:201

Discharge, conduct in connection with
another case concerning insider as
preventing, § 10A:30, 10A:108

Liquidation, § 10A:30

**INSURANCE AND INSURANCE
COMPANIES**

Discharge of indebtedness, effect on
insurers, § 10A:59

INTENT

Setoff or offset, § 6C:37

**INTERESTED PERSONS OR
PARTIES**

Professional persons, generally, § 1A:29
to 1A:41 (Bankruptcy Rule 2014)

INTOXICATED DRIVERS

Discharge of debtor, § 10A:177 to
10A:179

INVOLUNTARY BANKRUPTCY

Setoff or offset, § 6C:42

INVOLUNTARY GAP

Discharge of indebtedness, § 10A:78

JUDGMENTS AND DECREES

Discharge

alimony, support, or maintenance,
§ 10A:163

drunk driving, § 10A:199

res judicata, § 10A:235 to 10A:237

voiding of judgments, § 10A:54

Municipal debt adjustment, § 10A:54

JURISDICTION

Asbestos reorganization cases, § 10A:57

Discharge

federal question, § 10A:150

LARCENY AND THEFT

Discharge

exceptions to discharge, § 10A:145

LIENS AND ENCUMBRANCES

Discharge of indebtedness

effect of discharge on liens, § 10A:56,
10A:60

LIMITATIONS OR RESTRICTIONS

Setoff or offset, § 6C:9 to 6C:36

LIQUIDATION

Amendment or disclosure of false oath
or account, discharge, § 10A:22

Best effort test, prior discharge,
§ 10A:33

Concealment of property
denial of discharge, ground for,
§ 10A:8 to 10A:12

Conversion or dismissal
discharge of indebtedness, § 10A:46,
10A:66

Corporations
dischargeability in liquidation cases,
§ 10A:5

Deficiency of assets, denial of discharge
for failure to explain, § 10A:24 to
10A:26

Denial of discharge, generally, § 10A:7
to 10A:34

Discharge of indebtedness
generally, § 10A:1, 10A:4, 10A:6 to
10A:36, 10A:66

amendment or disclosure of false oath
or account, § 10A:22

INDEX

LIQUIDATION—Cont'd

Discharge of indebtedness—Cont'd
best effort test, prior discharge,
§ 10A:33
concealment of property, denial of
discharge, § 10A:8 to 10A:12
conversion of case, § 10A:46, 10A:66
conversion of nonexempt property to
exempt property, § 10A:12
corporations, § 10A:5
denial of discharge, generally,
§ 10A:7 to 10A:34
false oath or account, § 10A:20 to
10A:23
fraud
generally, § 10A:18 to 10A:23
amendment or disclosure of false
oath or account, § 10A:22
false oath or account, § 10A:20 to
10A:23
intent, § 10A:11, 10A:19
grounds for denial, generally, § 10A:7
to 10A:34
insider, § 10A:30
intent, § 10A:9 to 10A:11, 10A:19
judgments voided, § 10A:54
justification for failure to keep or
preserve information, § 10A:16,
10A:17
liberal construction, § 10A:3
loss or deficiency of assets, failure to
explain, § 10A:24 to 10A:26
mutilation of property, § 10A:8 to
10A:12
objections to discharge, § 10A:46
planning for bankruptcy, § 10A:12
plans, § 10A:7
prior discharge within 8 (formerly 6)
years, § 10A:31 to 10A:33
recorded information, failure to keep
or preserve, § 10A:13 to 10A:17
refusal to obey lawful court order or
to answer material question,
§ 10A:27 to 10A:29
removal of property, § 10A:8 to
10A:12
reorganization plans, § 10A:7
revocation of discharge, § 10A:32,
10A:62, 10A:64
self-incrimination, § 10A:26, 10A:29

LIQUIDATION—Cont'd

Discharge of indebtedness—Cont'd
sufficiency of recorded information,
§ 10A:14, 10A:15
survival of debt after discharge,
§ 10A:74, 10A:74 to 10A:211,
10A:78, 10A:79
transfer of property, § 10A:8 to
10A:12
unlisted or unscheduled debts,
§ 10A:132
waiver of discharge, § 10A:34
Disclosure, false oath or account,
§ 10A:22
Exemptions
discharge of indebtedness, conversion
of nonexempt to exempt prop-
erty, § 10A:12
False oath or account, § 10A:20 to
10A:23
Insider status, § 10A:30
Intent
discharge denied because of intent to
defraud creditors, § 10A:9 to
10A:11, 10A:19
Loss or deficiency of assets, denial of
discharge for failure to explain,
§ 10A:24 to 10A:26
Mutilation of property, discharge not to
be granted in case of, § 10A:8 to
10A:12
Objections and exceptions
discharge, objection to as right of
creditor, § 10A:46
Order or approval of court
discharge of indebtedness, § 10A:27
to 10A:29
Prior discharge within 8 (formerly 6)
years, denial of discharge,
§ 10A:31 to 10A:33
Records and reports
denial of discharge for failure of
debtor to keep or preserve
recorded information, § 10A:13
to 10A:17
Removal of property, discharge not to be
granted in case of, § 10A:8 to
10A:12
Revocation of discharge, § 10A:12,
10A:32, 10A:62
Self-incrimination privilege, denial of
discharge for exercise of, § 10A:26,
10A:29

LIQUIDATION—Cont'd

- Survival of debt after discharge,
§ 10A:74, 10A:74 to 10A:211,
10A:78, 10A:79
- Time or date
denial of discharge, time period,
§ 10A:31 to 10A:33
- Unlisted or unscheduled debts, discharge
of indebtedness, § 10A:132
- Waiver and estoppel
discharge, § 10A:34

LISTS

- Discharge of indebtedness
debts not listed, § 10A:127 to
10A:134, 10A:202
- name and address of creditor, degree
of exactness as to, § 10A:129
- no asset chapter 7 case, § 10A:132
- notice or actual knowledge of case,
§ 10A:130
- partial listing or scheduling,
§ 10A:131
- prior case
debts owed before prior case com-
menced, § 10A:134
- exception for unlisted debts from,
§ 10A:202
- reopening case to add omitted credi-
tor, § 10A:133
- survival of debts after discharge,
§ 10A:127 to 10A:134
- 2, 4, 6 claims, § 10A:128

LOANS OR CREDIT

- Asbestos reorganization debtor, liability
of postconfirmation lender to,
§ 10A:57
- Discharge
exception for pension loans,
§ 10A:209
- HEAL loans, discharge, § 10A:185

LOSS OR DEFICIENCY

- Liquidation, denial of discharge for fail-
ure to explain satisfactorily loss or
deficiency of assets to meet
liabilities, § 10A:24 to 10A:26

LUXURY GOODS OR SERVICES

- Discharge, exceptions to, § 10A:124 to
10A:126

MAIL AND MAILING

- Discharge of indebtedness, § 10A:6,
10A:227, 10A:228

**MASS CHARGE CARD
SOLICITATIONS**

- Discharge of indebtedness, § 10A:120

MEDICARE

- Setoff or recoupment, § 6C:29

MILITARY

- Bonuses and special pay, exceptions to
discharge, § 10A:211
- Discharge of indebtedness, § 10A:154,
10A:211

**MORTGAGES AND DEEDS OF
TRUST**

- Discharge of debts, § 10A:55

**MOTION, APPLICATION, OR
REQUEST**

- Discharge
costs and expenses incident to filing
motions, § 10A:207
- Filing fees, exception from discharge,
§ 10A:207

MOTOR VEHICLES

- Discharge of drunk driving debts,
§ 10A:177 to 10A:179
- Drunk drivers, discharge of debts
incurred by, § 10A:177 to 10A:179

MULTIPLE PENALTIES

- Setoff of multiple penalties, § 6C:27

MUNICIPAL DEBT ADJUSTMENT

- Concealment of assets, denial of dis-
charge, § 10A:8 to 10A:12
- Destruction of assets, denial of dis-
charge, § 10A:8 to 10A:12
- Discharge
generally, § 10A:5, 10A:37, 10A:67
- destruction of assets, denial of dis-
charge, § 10A:8 to 10A:12
- judgments voided, § 10A:54
- Judgments
discharge, § 10A:54
- Mutilation of assets, denial of discharge,
§ 10A:8 to 10A:12
- Removal of assets, denial of discharge,
§ 10A:8 to 10A:12

INDEX

MUNICIPAL DEBT ADJUSTMENT

—Cont'd

Sale or transfer, denial of discharge for transfer of assets, § 10A:8 to 10A:12

NATIONAL HEALTH SERVICE CORPS SCHOLARSHIPS

Dischargeability, § 10A:185

NOTICE AND HEARING

Restitution, requirements as to separate hearing, § 10A:243

OATH OR AFFIRMATION

Discharge denied, knowing and fraudulent false oaths, § 10A:20 to 10A:23

OBJECTIONS AND EXCEPTIONS

Discharge, objection to, § 10A:1, 10A:42 to 10A:52

U. S. trustees, § 10A:44

United States trustees, § 10A:44

OPEN END CREDIT PLAN

Discharge, extensions of consumer credit, § 10A:126

PARTNERSHIP

Discharge of indebtedness generally, § 10A:4
survival of debts after discharge, § 10A:77

PENDING CASES OR PROCEEDINGS

Discharge of indebtedness, § 10A:32

PENSION OR RETIREMENT

Discharge exception for pension loans, § 10A:209

PERJURY

Discharge of indebtedness, § 10A:20 to 10A:23

PERSONAL INJURY

Asbestos reorganization cases, § 10A:57

PETITIONS

Discharge exception for debts for fees, costs and expenses incident to filing, § 10A:207

PHYSICIANS AND SURGEONS

HEAL loans, discharge, § 10A:185

PLEDGES

Asbestos reorganization debtor, pledge in consequence of postconfirmation loan to, § 10A:57

POSTPETITION MATTERS

Retroactive court approval of postpetition financing, § 5:70

PREFERENCES AND PREFERENTIAL TRANSFERS

Setoff or offset, § 6C:25, 6C:35, 6C:44

PREPONDERANCE OF EVIDENCE

Discharge of indebtedness, § 10A:51

PRESUMPTIONS AND BURDEN OF PROOF

Discharge of indebtedness, § 10A:11, 10A:50, 10A:205, 10A:217

Reaffirmation agreement, undue hardship regarding, § 10A:241

Setoff or offset, § 6C:40

PRIOR CASE

Discharge of indebtedness denial of discharge, § 10A:31 to 10A:33
survival of debts after discharge, § 10A:134
unlisted debts from prior case, § 10A:202

PRIORITIES

Discharge of indebtedness, taxes and customs duties, § 10A:78 to 10A:87

Order of payment, generally, § 10A:8, 10A:9

PRISONS AND PRISONERS

Filing fees, discharge exception for debts for, § 10A:207

PRIVILEGES AND IMMUNITIES

Discharge of indebtedness, § 10A:2, 10A:26, 10A:29

PROOF OF CLAIM

Setoff or offset, § 6C:38

PROPERTY OF ESTATE

Discharge not to be granted where estate property destroyed, § 10A:8 to 10A:12

PROPERTY SETTLEMENT

Discharge of indebtedness, § 10A:148

PROPERTY TAXES

Tax treatment of discharge, § 10A:81

PSAP GRANTS

Discharge of indebtedness, § 10A:185

RAILROADS

Discharge of indebtedness, § 10A:4

REAFFIRMATION OF DEBTS

Generally, § 10A:238 to 10A:245

Approval of court, § 10A:241, 10A:242

Attorneys, § 10A:239

Best interest of debtor, § 10A:242

Clear and conspicuous statement advising debtor reaffirmation is not required, § 10A:239

Hearing, § 10A:243, 10A:244

Liquidation, § 10A:6

Objections to discharge, § 10A:48

Refinancing agreements, § 10A:107

Truth in Lending Act, § 10A:245

Voluntariness, § 10A:61, 10A:240

RECORDS AND REPORTS

Discharge, failure to keep or preserve records, § 10A:13 to 10A:17

REDEMPTION

Discharge of indebtedness, § 10A:34

RELATION BACK

Discharge, § 10A:43

RELIANCE

Discharge of indebtedness, § 10A:100, 10A:101, 10A:110 to 10A:116

REMOVAL OF PROPERTY

Discharge of indebtedness, denial, § 10A:8 to 10A:12

REORGANIZATION

Asbestos reorganization cases, § 10A:57

Conversion or dismissal discharge of indebtedness, § 10A:46, 10A:66

Discharge of indebtedness generally, § 10A:4, 10A:38, 10A:39, 10A:68, 10A:69

exceptions to discharge, § 10A:46 judgments voided, § 10A:54

REORGANIZATION—Cont'd

Discharge of indebtedness—Cont'd revocation of discharge of debtor, § 10A:62

survival of debt after discharge, § 10A:74, 10A:74 to 10A:211, 10A:78, 10A:79

Individual debtors, § 10A:39

Judgments and decrees discharge of indebtedness, § 10A:54

Objections and exceptions discharge of indebtedness, effect of confirmation of plan, § 10A:46

Revocation of discharge, § 10A:62

Setoff or offset, § 6C:37

Survival of debt after discharge, § 10A:74, 10A:74 to 10A:211, 10A:78, 10A:79

REORGANIZATION PLANS

Asbestos cases supplemental injunctions, § 10A:57

Confirmation of plan discharge of indebtedness, § 10A:68, 10A:69

Liquidating plans discharge of indebtedness, § 10A:7

REPAYMENT

Discharge of indebtedness, § 10A:61, 10A:240

Voluntary repayment, discharge, § 10A:61, 10A:240

REPOSSESSION

Discharge operating to enjoin threats of repossession, § 10A:55

RES JUDICATA

Discharge of indebtedness, § 10A:235 to 10A:237

RESTITUTION

Discharge, § 10A:54, 10A:181, 10A:182, 10A:202

RULES OF BANKRUPTCY PROCEDURE

Adversary proceedings dismissal (Bankruptcy Rule 7041), § 10A:52

pleadings (Bankruptcy Rules 7005, 7007 to 7010, 7012 to 7015), § 10A:43

**RULES OF BANKRUPTCY
PROCEDURE—Cont'd**

- Attorneys' fees
 - disclosure of compensation paid or promised debtor's attorney (Bankruptcy Rule 2016), § **1A:56 to 1A:61, 1A:100, 1A:101**
 - examination of debtor's transactions with own attorney (Bankruptcy Rule 2017), § **1A:61, 1A:92**
- Burden of proof
 - discharge objections (Bankruptcy Rule 4005), § **10A:50**
- Creditors or equity security holders meetings (Bankruptcy Rule 2003), generally, § **3B:1 et seq.**
- Debtor's duties, generally (Bankruptcy Rule 4002), § **10A:49**
- Discharge
 - generally (Bankruptcy Rule 4004), § **10A:6, 10A:45, 10A:47**
 - burden of proof on objection (Bankruptcy Rule 4005), § **10A:50**
 - hearing (Bankruptcy Rule 4008), § **10A:48, 10A:243, 10A:244**
 - notice of no discharge (Bankruptcy Rule 4006), § **10A:6, 10A:34, 10A:62, 10A:64**
- Dischargeability of particular debts (Bankruptcy Rule 4007), § **10A:212 to 10A:237**
- Dismissal
 - adversary proceeding (Bankruptcy Rule 7041), § **10A:52**
- Examination of debtor and others
 - debtor's transactions with own attorney (Bankruptcy Rule 2017), § **1A:61, 1A:92**
- Examination under Rule 2004, generally, § **3B:25 to 3B:42**
- Examiners
 - record of compensation awarded (Bankruptcy Rule 2013), § **1A:114**
- Family farmer or fisher debt adjustment plans
 - dischargeability of debts, § **10A:230**
- Federal Rules of Civil Procedure
 - entry of judgment (Bankruptcy Rule 9021), § **10A:6**

**RULES OF BANKRUPTCY
PROCEDURE—Cont'd**

- Federal Rules of Civil Procedure
 - Cont'd
 - time computation (Bankruptcy Rule 9006), § **10A:47, 10A:227, 10A:230**
- Filing
 - family farmer or fisher debt adjustment plan, filing of complaint, § **10A:230**
- Intervention
 - generally (Bankruptcy Rule 2018), § **7:2**
- Judgments, orders, and decrees
 - entry of judgment (Bankruptcy Rule 9021), § **10A:6**
- Mail and mailing
 - time for service (Bankruptcy Rule 9006), § **10A:227**
- Meetings of creditors and equity security holders (Bankruptcy Rule 2003), § **3B:1 et seq.**
- Motions
 - time for service of motion and affidavits (Bankruptcy Rule 9006), § **10A:47, 10A:230**
- Petitions, verification (Bankruptcy Rules 1008, 9011), § **1A:107**
- Pleadings in adversary proceedings (Bankruptcy Rules 7005, 7007 to 7010, 7012 to 7015), § **10A:43**
- Professional persons
 - compensation, generally (Bankruptcy Rule 2016), § **1A:56 to 1A:61, 1A:100, 1A:101**
 - employment application (Bankruptcy Rule 2014), § **1A:23, 1A:26**
 - record of compensation awarded (Bankruptcy Rule 2013), § **1A:114**
- Reaffirmation (Bankruptcy Rule 4008), § **10A:48, 10A:243, 10A:244**
- Record
 - compensation awarded trustee, examiner, or professional person (Bankruptcy Rule 2013), § **1A:114**
- Service
 - ancillary petition and summons (Bankruptcy Rule 1010), § **3A:49**

**RULES OF BANKRUPTCY
PROCEDURE—Cont'd**

- Statements
 - representatives of multiple creditors
(Bankruptcy Rule 2019),
§ 1A:14
- Time and date
 - generally (Bankruptcy Rule 9006),
§ 10A:47, 10A:227, 10A:230
 - enlargement or reduction of time
periods (Bankruptcy Rule 9006),
§ 5:45 to 5:47, 10A:47, 10A:230
- Trustees
 - record of compensation awarded
(Bankruptcy Rule 2013),
§ 1A:114

SALE OR TRANSFER

- Asbestos reorganization debtor, liability
of postconfirmation transferee of,
§ 10A:57
- Discharge, ground for denial, § 10A:8 to
10A:12, 10A:28
- Liquidation
 - discharge of indebtedness, § 10A:8 to
10A:12
- Municipal debt adjustment, denial of
discharge for transfer of assets,
§ 10A:8 to 10A:12

SCHEDULES

- Exceptions and objections
 - debts not scheduled, § 10A:127 to
10A:134
 - name and address of creditor, degree
of exactness as to, § 10A:129
 - no asset chapter 7 case, § 10A:132
 - notice or actual knowledge of case,
§ 10A:130
 - partial listing or scheduling,
§ 10A:131
 - prior case, § 10A:134
 - reopening case to add omitted credi-
tor, § 10A:133
 - survival of debts after discharge,
§ 10A:127 to 10A:134
 - “2, 4, 6” claims, § 10A:128
- Omission of creditor, § 10A:133

SECURITIES

- Discharge of indebtedness, § 10A:210

SELF-INCRIMINATION

- Discharge in Chapter 7 cases, invoking
privilege as grounds for denial of,
§ 10A:26, 10A:27, 10A:29

**SERVICE OF PETITIONS, PROCESS,
AND PAPERS**

- Discharge of debts and use of process,
§ 10A:27, 10A:43, 10A:227,
10A:228

SETOFF OR OFFSET

- Generally, § 6C:1 to 6C:49
- Adequate protection, § 6C:21
- Administrative powers, generally,
§ 6C:14 to 6C:24
- Allowance of claims or interests,
§ 6C:24
- Automatic stay
 - governmental units, claims against,
§ 6C:29
 - income tax return, setoff of, § 6C:19
 - master netting agreement participant’s
setoff, § 6C:20
 - postpetition exercise of setoff rights,
§ 6C:41
 - relief from stay, necessity of, § 6C:41
 - secured status of claim, § 6C:28
- Burden of proof, § 6C:40
- Cash collateral, § 6C:22, 6C:41
- Chapter 11 cases, generally, § 6C:37
- “Cleavage in time, “ bankruptcy peti-
tion as, § 6C:33
- Closing of case, setoff after, § 6C:43
- Counterclaims, generally, § 6C:42
- Debtor’s right of setoff
 - recovery by debtor of amount offset,
§ 6C:48
- Defense, asserting setoff as, § 6C:39,
6C:42
- Disallowed claims, § 6C:24
- Exceptions, § 6C:9 to 6C:36
- Executory contracts and unexpired
leases, § 6C:23
- Governmental units as party, § 6C:29,
6C:30
- Improvement in position test, § 6C:44
to 6C:48
- Income tax return, setoff of, § 6C:19
- Insolvency of debtor, role of, § 6C:25,
6C:31

INDEX

SETOFF OR OFFSET—Cont'd

- Insufficiency under improvement in position test, § 6C:44 to 6C:48
- Intent, § 6C:37
- Involuntary cases, § 6C:42
- Limitations and restrictions, § 6C:9 to 6C:36
- Master netting agreement participants, applicability of automatic stay to setoff by, § 6C:20
- Medicare overpayments, § 6C:29
- Mutual postpetition obligations, offset of, § 6C:34
- Netting agreement setoffs, § 6C:20
- Nonbankruptcy law, generally, § 6C:36
- Penal liability, § 6C:27
- Postpetition matters
 - exercise of setoff rights postpetition, generally, § 6C:37 to 6C:43
 - mutual postpetition obligations, § 6C:34
 - pre- and postpetition obligations, offset as between, § 6C:31, 6C:33
- Preferences and preferential transfers, § 6C:25, 6C:35, 6C:44
- Prepetition matters
 - among prepetition obligations, offset, § 6C:32
 - exercise of setoff prepetition, § 6C:36
 - pre- and postpetition obligations, § 6C:31, 6C:33
- Proof of claim, filing of, § 6C:38
- Real property leases, § 6C:23
- Rejection power, § 6C:23
- Remedial liability, § 6C:27
- Reorganization cases, generally, § 6C:37
- Secured status of claim, § 6C:28, 6C:47
- Taxation, generally, § 6C:30, 6C:43
- Third party's transfer of claim, § 6C:31
- Time and date
 - cleavage in time, § 6C:33
 - filing of bankruptcy petition, ninety day period within, § 6C:25, 6C:31, 6C:35, 6C:44
 - fractions of day, § 6C:33
 - third party's transfer of claim, time of, § 6C:31
 - unmatured claims, § 6C:26

SETOFF OR OFFSET—Cont'd

- Timeshare purchasers, generally, § 6C:23
- Trustees
 - improvement in position test, trustee's recovery under, § 6C:44 to 6C:48
- Truth in Lending Act, § 6C:27, 6C:38
- Unliquidated claims and obligations, § 6C:26
- Unmatured claims, § 6C:26
- Waiver and estoppel, § 6C:42, 6C:44

SEVERANCE PAY

- Discharge of indebtedness, § 10A:85

SICK LEAVE PAY

- Discharge of indebtedness, § 10A:85

SIGNATURES

- Rules of Bankruptcy Procedure, § 3A:80

SOCIAL SECURITY

- Discharge exceptions
 - alimony, support, or maintenance debts, generally, § 10A:168
 - support obligations enforceable under Social Security Act, § 10A:208

SOLICITATION

- Discharge of indebtedness, § 10A:120

STATE

- Discharge of indebtedness, § 10A:140, 10A:150 to 10A:153

STATE LAW

- Discharge of indebtedness, § 10A:140, 10A:151 to 10A:153

STATEMENTS

- Reaffirmation, clear and conspicuous statement advising debtor reaffirmation is not required, § 10A:238, 10A:239

STATUTE OF LIMITATIONS

- Discharge of indebtedness, § 10A:6

STOCKBROKERS

- Discharge of indebtedness, § 10A:4

STUDENT LOANS

- Contingent obligation loans, § 10A:185
- Discharge exceptions generally, § 10A:183 to 10A:195

STUDENT LOANS—Cont'd

- Discharge exceptions—Cont'd
 - contingent obligation loans, § 10A:185
 - dependents, § 10A:192
 - discretion of court, § 10A:188
 - future prospects of debtor, § 10A:194
 - good faith effort to repay, § 10A:198
 - hardship, § 10A:187 to 10A:195
 - HEAL loans, § 10A:185
 - health problems, § 10A:191
 - liability of person other than student, § 10A:186
 - living expenses, § 10A:193
 - medical problems, § 10A:191
 - PSAP grants, § 10A:185
 - seven year period of nondischargeability (former), § 10A:183
 - survival of debts after discharge, § 10A:183 to 10A:195
 - tests for hardship, § 10A:189
- Discretion of court, § 10A:188
- Good faith, § 10A:189, 10A:198
- Hardship, § 10A:187 to 10A:195
- Health problems, § 10A:191
- Living expenses, § 10A:193
- Mechanical test for hardship, § 10A:189
- National Health Service Corps scholarships, § 10A:185
- Policy test, § 10A:189
- PSAP grants, § 10A:185
- Seven year period of nondischargeability (former), § 10A:183
- Tests for hardship, § 10A:189
- Undue hardship, § 10A:187 to 10A:195

SUBROGATION

- Codebtor claims, generally, § 10A:77

SUBSIDIARY

- Asbestos reorganization cases, § 10A:57

SUCCESSORS OR SUCCESSION

- Asbestos reorganization debtor, liability of postconfirmation successor of, § 10A:57

SUMMONS

- Liquidation, foreign nonmain proceeding, § 71:423

SUPERDISCHARGE

- Individual debt adjustment, § 10A:72

SUPPLEMENTAL INJUNCTIONS

- Asbestos reorganization cases, § 10A:57

SURETIES

- Discharge of indebtedness, § 10A:77

SURRENDER OF PROPERTY

- Discharge of indebtedness, § 10A:62

TAXATION

- Discharge of debt
 - corporations in Chapter 11, generally, § 10A:69
 - debt surviving, generally, § 10A:74 to 10A:89
 - evasion of tax, § 10A:88, 10A:89
 - excise tax, § 10A:83, 10A:84
 - federal taxes
 - debts to pay, § 10A:203
 - liens, § 10A:60
 - income or gross receipts tax, § 10A:80
 - property tax, § 10A:81
 - trust fund taxes, § 10A:82, 10A:84
- Limitations period for assessment, § 1B:75
- Offsets, § 6C:30, 6C:43
- Returns
 - discharge of indebtedness, § 10A:88, 10A:89
- Setoffs, § 6C:30, 6C:43

TAX LIENS

- Discharge as affecting tax liability secured by tax lien, § 10A:56, 10A:60

TAX TREATMENT OF DISCHARGE

- Eighth priority claims, § 10A:79 to 10A:87
- Employment taxes, § 10A:85
- Evasion of tax, § 10A:88, 10A:89
- Excise tax, § 10A:83, 10A:84
- Income or gross receipts tax, § 10A:80
- “Involuntary gap” (third priority) claims, § 10A:78
- Penalty, § 10A:87
- Priority of claims, § 10A:78 to 10A:87
- Property taxes, § 10A:81
- Taxes surviving discharge, § 10A:74 to 10A:89
- “Trust fund” taxes, § 10A:82, 10A:84
- Withheld taxes, § 10A:82

INDEX

THIRD PERSONS OR PARTIES

- Asbestos reorganization debtors, supplementary injunction as barring actions against third parties, § 10A:57
- Setoff or offset, § 6C:31

TIME SHARE INTERESTS

- Setoff or offset, § 6C:23

TRUST FUND TAXES

- Discharge of indebtedness, § 10A:82, 10A:84

TRUSTS

- Asbestos reorganization cases, § 10A:57
- Discharge of indebtedness, § 10A:137 to 10A:141

TRUTH IN LENDING

- Discharge of indebtedness, § 10A:126, 10A:245
- Setoff or recoupment, § 6C:27, 6C:38

UNDUE HARDSHIP

- Student loans, § 10A:187 to 10A:195

UNITED STATES TRUSTEES

- Discharge of indebtedness, § 10A:44, 10A:62, 10A:64
- Objections, § 10A:44

UNLIQUIDATED CLAIMS

- Setoff or offset, § 6C:26

UNMATURED CLAIMS

- Setoff or offset, § 6C:26

USE, SALE, OR LEASE OF PROPERTY

- Commercial fishing property, § 5:50
- Fishing property, commercial, § 5:50
- Setoff or offset
 - approval of use, sale, or lease, necessity for, § 6C:22, 6C:41
- Value of property, § 5:22

VACATION PAY

- Discharge of indebtedness, § 10A:85

VALUE AND VALUATION

- Discharge of indebtedness, § 10A:107

VESSELS

- Discharge exception for operation while intoxicated, § 10A:177

VOLUNTARINESS

- Discharge as affected by voluntary repayment, § 10A:61
- Reaffirmation, § 10A:240

VOLUNTARY BANKRUPTCY

- Discharge of indebtedness, § 10A:24

WAIVER AND ESTOPPEL

- Discharge of indebtedness
 - grounds to deny discharge, waiver as, § 10A:34
 - notice and knowledge, § 10A:6
 - objections to discharge, § 10A:45
- Setoff or offset, § 6C:42, 6C:43
- Written waiver, § 10A:34

WORDS AND PHRASES

- Demand, § 10A:57
- False pretenses, § 10A:92
- Federal depository institutions regulatory agency, § 10A:200, 10A:201
- Institution-affiliated party, § 10A:200
- Insured credit union, § 10A:200
- Insured depository institution, § 10A:200, 10A:201
- Involuntary gap, § 10A:78
- Knowingly and fraudulently, § 10A:19
- Related party, § 10A:57

WRITING

- Discharge of indebtedness, § 10A:187 to 10A:117

WRONGFUL DEATH

- Asbestos reorganization cases, § 10A:57