

# Table of Contents

<b>CHAPTER 1. BACKGROUND OF DISCHARGE ISSUES FOR DOMESTIC RELATIONS DEBTS .....</b>	<b>1</b>
§ 1:1 Introduction	
§ 1:2 Legislative background of Bankruptcy Code section 523(a)(5)	
§ 1:3 Legislative background of Bankruptcy Code section 523(a)(15)	
§ 1:4 Changes made by the Bankruptcy Act of 2005 to treatment of section 523(a)(5) and (a)(15) obligations	
<b>CHAPTER 2. OVERVIEW OF BANKRUPTCY AND ITS CHAPTERS FOR RELIEF .....</b>	<b>35</b>
§ 2:1 Introduction	
§ 2:2 Jurisdiction and structure of bankruptcy court	
§ 2:3 Bankruptcy rules and forms	
§ 2:4 Bankruptcy terms	
§ 2:5 Venue	
§ 2:6 Bankruptcy as a debtor's alternative	
§ 2:7 Who may be a debtor?	
§ 2:8 Bankruptcy as a creditor's alternative	
§ 2:9 Chapter 7 liquidation	
§ 2:10 Chapter 11 reorganization or liquidation	
§ 2:11 Chapter 12 adjustment of debts of a family farmer and family fisherman	
§ 2:12 Adjustment of debts of an individual with regular income	
§ 2:13 Employment of attorneys and other professionals	
§ 2:14 The bankruptcy estate, exemptions, and homestead	
§ 2:15 Avoidance of transfers	
§ 2:16 Lien avoidance	
§ 2:17 The automatic stay	
§ 2:18 Definition of claim and proof of claim	

BANKRUPTCY AND DOMESTIC RELATIONS MANUAL

- § 2:19 Conversion and dismissal of cases
- § 2:20 Reopening closed cases
- § 2:21 Debtor's filing requirements and practice alerts

**CHAPTER 3. THE AUTOMATIC STAY .....** 119

- § 3:1 Introduction
- § 3:2 The relevant code provisions—11 U.S.C.A.  
    § 362(a)
- § 3:3 Exceptions to the automatic stay
- § 3:4 Relief from the automatic stay
- § 3:5 Effect of stay in specific domestic relations  
    examples and exceptions from the stay
- § 3:6 Actions in violation of the automatic stay
- § 3:7 Sanctions for violations of the stay
- § 3:8 Waivers of the stay by the debtor
- § 3:9 The stay's implications in reorganization chapters
- § 3:10 Abstention
- § 3:11 Expiration of stay

**CHAPTER 4. OVERVIEW OF DISCHARGE OBJECTION AND EXCEPTIONS FROM DISCHARGE....** 201

- § 4:1 Introduction to discharge
- § 4:2 Complaint to deny discharge
- § 4:3 Exception to discharge of particular debt
- § 4:4 Waivers of discharge
- § 4:5 Revocation of discharge
- § 4:6 Preclusion and related doctrines
- § 4:7 Arbitration agreements

**CHAPTER 5. LITIGATION IN THE BANKRUPTCY COURT .....** 231

- § 5:1 Introduction
- § 5:2 Motion practice
- § 5:3 Procedures and evidence
- § 5:4 Adversary proceeding practice
- § 5:5 Service of process and pleadings
- § 5:6 Jury trials
- § 5:7 Appeals from bankruptcy court order

TABLE OF CONTENTS

**CHAPTER 6. EXCEPTION FROM  
DISCHARGE UNDER SECTION**

<b>523(A)(5).....</b>	243
-----------------------	-----

§ 6:1	Introduction
§ 6:2	Procedural aspects
§ 6:3	Burden of proof
§ 6:4	Obligation payable to, for benefit of, or recoverable by
§ 6:5	In connection with separation agreement, divorce decree, court order or property settlement agreement
§ 6:6	Alimony, maintenance or support in nature
§ 6:7	Changed circumstances
§ 6:8	Hold-harmless or debt-assumption obligations
§ 6:9	Specific expenses and support obligations
§ 6:10	Effect of assignment
§ 6:11	Professional fees
§ 6:12	Summary of circuit authority under 523(a)(5)

**CHAPTER 7. DISCHARGEABILITY OF  
DEBTS UNDER SECTION**

<b>523(A)(15).....</b>	389
------------------------	-----

§ 7:1	Introduction to exception
§ 7:2	Timing of complaint in various code chapters
§ 7:3	Jurisdiction for determinations of dischargeability
§ 7:4	Standing to file complaint
§ 7:5	Standard and burdens of proof
§ 7:6	Elements of exception
§ 7:7	Date for determination under pre-2005 sections 523(a)(15)(A) and (B)
§ 7:8	Ability to pay test—Pre-2005 section 523(a)(15)(A)
§ 7:9	Greater benefit test—Pre-2005 section 523(a)(15)(B)
§ 7:10	Partial discharge
§ 7:11	What 2005 amendment really means
§ 7:12	Summary of circuit authority under section 523(a)(15)

**CHAPTER 8. ADDITIONAL REMEDIES  
FOR DOMESTIC RELATIONS  
CREDITORS .....** 439

**I. GENERALLY**

§ 8:1 Introduction

**II. OTHER EXCEPTIONS FROM DISCHARGE**

- § 8:2 Section 523(a)(2)(A)
- § 8:3 Section 523(a)(2)(B)
- § 8:4 Section 523(a)(3)
- § 8:5 Section 523(a)(4)
- § 8:6 Section 523(a)(6)
- § 8:7 Section 523(a)(18)
- § 8:8 Other exceptions from discharge

**III. OBJECTIONS TO DISCHARGE**

- § 8:9 Introduction to denial of discharge
- § 8:10 Section 727(a)(2)
- § 8:11 Section 727(a)(3)
- § 8:12 Section 727(a)(4)
- § 8:13 Section 727(a)(5)

**IV. DISMISSAL OF CASE**

- § 8:14 Dismissal of case as creditor remedy
- § 8:15 Dismissal of Chapter 7 case under section 707(b)
- § 8:16 Dismissal of cases in other Chapters

**CHAPTER 9. PRIORITY OF DOMESTIC  
RELATIONS OBLIGATIONS .....** 489

**I. PRIOR TO THE BANKRUPTCY ACT OF 2005**

- § 9:1 Introduction
- § 9:2 Legislative background
- § 9:3 Section 507(a)(7)
- § 9:4 Requirements for allowance
- § 9:5 Priority treatment in bankruptcy chapters

**II. AFTER THE BANKRUPTCY ACT OF 2005**

- § 9:6 Legislative background

TABLE OF CONTENTS

§ 9:7	Section 507(a)(1)	
§ 9:8	Requirements for allowance	
§ 9:9	Treatment in bankruptcy chapters	
§ 9:10	Effects of conversion	
<b>CHAPTER 10. PROPERTY OF BANKRUPTCY ESTATE, MARITAL PROPERTY, AND EXEMPTIONS.....</b>		527
<b>I. BANKRUPTCY ESTATE</b>		
§ 10:1	Introduction to property of bankruptcy estate	
§ 10:2	Legal and equitable interests of debtor	
§ 10:3	Community property	
§ 10:4	Property recovered by a trustee or preserved for the estate's benefit	
§ 10:5	Property acquired after the bankruptcy filing	
§ 10:6	Tenancy by entirety and other joint tenancies	
§ 10:7	Exclusions from property of the bankruptcy estate	
<b>II. MARITAL PROPERTY</b>		
§ 10:8	Introduction	
§ 10:9	Effect of trusts	
<b>III. EXEMPTIONS</b>		
§ 10:10	Introduction to exemptions	
§ 10:11	Effect of exemption after bankruptcy	
§ 10:12	Exemptions added by 2005 Act	
<b>CHAPTER 11. AVOIDANCE ACTIONS .....</b>		569
§ 11:1	Introduction	
§ 11:2	Preferential transfers	
§ 11:3	Fraudulent transfers	
§ 11:4	Postbankruptcy transfers	
§ 11:5	Lien avoidance	
<b>CHAPTER 12. DOMESTIC RELATIONS CLAIMS IN THE REORGANIZATION CHAPTERS .....</b>		587
§ 12:1	Introduction	

BANKRUPTCY AND DOMESTIC RELATIONS MANUAL

- § 12:2 Chapter 11 plans
- § 12:3 Chapter 12 plans
- § 12:4 Chapter 13 plans
- § 12:5 Effect of confirmation
- § 12:6 Modification of plans

**APPENDIX**

- Appendix A. Sample Forms ..... 615

**Table of Laws and Rules**

**Table of Cases**

**Index**