

# Index

## **ABANDONMENT OF PROPERTY OF ESTATE**

Text of statute, § **554**

Section 554(a)

core concept, § **554:1**

effect, § **554:5**

judicial action, § **554:4**

notice, § **554:4**

restrictions on abandonment, § **554:3**

revoking abandonment, § **554:6**

value of abandoned property, § **554:2**

Section 554(b)

core concept, § **554:7**

grounds for invoking section 554(b), § **554:8**

judicial action, § **554:9**

Section 554(c)

core concept, § **554:10**

beneficiary of abandonment, § **554:14**

judicial action, § **554:12**

overriding section 554(c), § **554:13**

scheduling requirement, § **554:11**

statute of limitations, § **554:15**

Section 554(d), § **554:16**

## **ABSOLUTE PRIORITY RULE**

Subordination, protection, § **510:6**

## **ABSTENTION**

Text of statute, § **305**

Appeal (section 305(c))

core concept, § **305:12**

District Court, review limited to, § **305:13**

standard of review, § **305:14**

Damages or awards under section 303(i), § **305:9**

Dismissal or suspension, foreign representative may seek (section 305(b))

core concept, § **305:10**

definition of foreign representative, § **305:11**

Foreign proceeding

Dismissal or suspension, above

Grounds, below

Grounds (section 305(a))

core concept, § **305:1**

bad faith not required, § **305:5**

**ABSTENTION—Cont'd**

Grounds (section 305(a))—Cont'd  
best interests of creditors and debtor, § 305:3  
foreign proceeding  
definition of, § 305:7  
entire case, § 305:8  
pendency of, § 305:6  
hearing not required, actual, § 305:4  
rarely invoked, § 305:2

**ABUSE**

Duties of trustee, existence of presumption of abuse under sec. 707(b), § 704:22  
Notice regarding applicability of presumption of abuse (section 342(d)),  
§ 342:15

**ACCOUNTANT**

Employment of professional persons, generally. Professional Persons, this index

**ADDRESS**

Notice, § 342:16, 342:17

**ADEQUATE ASSURANCE**

Executory Contracts and Unexpired Leases, this index  
Utility service  
modification of, § 366:12  
requirement of, § 366:10

**ADEQUATE PROTECTION**

Text of statute, § 361  
Additional or replacement liens, § 361:11  
Application, § 361:9  
Burden of proof, § 361:9  
Cash payments, § 361:10  
Chapter 12, relation to, § 361:8  
Commencement of payments, § 361:4  
Definition, § 361:1  
Determination of, § 361:3  
Equity cushion, § 361:15, 361:16  
Family Farmer and Fisherman Debt Adjustment, this index  
Indubitable equivalent, § 361:12, 361:14  
Lack of, § 361:18  
No realistic chance of reorganization, § 361:19  
Obtaining credit, § 364:23, 364:25, 364:26  
Priorities, § 507:46  
Relation to section 1326, § 361:7  
Relation to section 362, 363, and 364, § 361:6  
Reorganization, no realistic chance of, § 361:19  
Standard of review, § 361:5  
Superpriority expense under section 507(b), § 361:13  
Use, sale, or lease of property, § 363:37, 363:41, 363:42, 363:116

## INDEX

### **ADEQUATE PROTECTION—Cont'd**

Valuation, § **361:17**

When required, § **361:2**

### **ADMINISTRATIVE EXPENSE PRIORITY**

Allowance of administrative expenses

text of statute, § **503**

burden of proof, § **503:12**

criminal cases, creditor's expenses, § **503:23**

custodians, § **503:25**

health care business, expenses of closing, § **503:33**

indenture trustees, § **503:28**

notice and hearing, § **503:10**

postpetition tort claims, § **503:35**

proof of claim, § **503:7**

section 503(a)

core concept, § **503:1**

disallowed administrative expense, § **503:8**

elements, § **503:3**

policy, § **503:2**

prepetition expenses, § **503:5**

priority status vs. secured claim, § **503:6**

proof of claim, § **503:7**

timeliness requirement, § **503:4**

section 503(b)

core concept, § **503:9**

actual benefit, § **503:13**

burden of proof, § **503:12**

claims allowed under section 502(f), § **503:15**

committees appointed under section 1102, § **503:26**

comparison with section 506, § **503:31**

creditors' attorneys and accountants, § **503:27**

criminal cases, creditor's expenses, § **503:23**

custodians, § **503:25**

debtor's attorney, § **503:18, 503:20**

elements of section 503(b)(1)(A) expenses, § **503:11**

expenses allowable under section 503(b)(1), § **503:16**

expenses of trustee, trustee's professional staff, and debtor's attorney,  
§ **503:20**

fees, § **503:29**

governmental exemption from section 503(c), § **503:17**

health care business, expenses of closing, § **503:33**

indenture trustees, § **503:28**

interested parties, substantial contributions, § **503:24**

involuntary bankruptcy, creditor's expenses, § **503:21**

mileage, § **503:29**

notice and hearing, § **503:10**

postpetition tort claims, § **503:35**

**ADMINISTRATIVE EXPENSE PRIORITY—Cont'd**

Allowance of administrative expenses—Cont'd

section 503(b)—Cont'd

professionals retained by trustee, § **503:18**

recovering concealed property, § **503:22**

relation to section 365, § **503:30**

relation to section 502(d), § **503:14**

relation to section 1114, § **503:32**

sales to debtor immediately prior to filing, § **503:34**

valuing benefits, § **503:19**

section 503(c)

core concept, § **503:36**

retain insiders, payments to, § **503:37**

severance pay to insiders, § **503:38**

unusual, unjustified transfers, § **503:39**

Allowance of claims or interests

inapplicability to expenses, section 502(d), § **502:32**

section 502(a), § **502:8**

Obtaining credit

pre-petition debt, effect on lender's, § **364:13**

section 364(a), § **364:3**

section 364(c) superpriority status, § **364:16, 364:18**

Proof of claim

Allowance of administrative expenses, § **503:7**

**ADMINISTRATIVE EXPENSES**

Priorities, § **507:13**

**ADVERTISING**

Petition preparers (section 110(f))

core concept, § **110:13**

prohibited advertising, § **110:14**

**AFFILIATE**

Definition, § **101:3**

**AIRCRAFT EQUIPMENT AND VESSELS**

Reorganization, this index

**AIRCRAFT TERMINALS OR GATES**

Leases of, § **365:31**

**ALLOWANCE OF CLAIMS OR INTERESTS**

Text of statute, § **502**

Administrative expenses

inapplicability of expenses, section 502(d), § **502:32**

section 502(a), § **502:8**

Burden of proof, § **502:5, 502:38**

Claim determined at time of filing, claim, § **502:10**

Collective bargaining agreements, § **502:49**

## INDEX

### ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

#### Contingent claims

section 502(b), § **502:12**

section 502(e), § **502:41**

section 502(c), below

#### Contracts, § **502:39**

Debtor's attorney, claims by, § **502:16**

Determination at time of filing, claim, § **502:10**

Leases of real property, § **502:18**

No-asset cases, § **502:7**

#### Nondischargeable claims

section 502(b), § **502:17**

section 502(h), § **502:53**

Objections, § **502:3, 502:6**

Preferences, enforcing stale, § **502:30**

Priority status, § **502:48**

Proof of claim, § **502:54**

#### Section 502(a)

core concept, § **502:1**

administrative expenses, § **502:8**

application of section 502(a), § **502:4**

burdens of proof and persuasion, § **502:5**

objections

form of, § **502:3**

timing of, § **502:6**

parties in interest, § **502:2**

#### Section 502(b)

core concept, § **502:9**

contingent/unmatured claims, § **502:12**

debtor's attorney, claims by, § **502:16**

insiders, claims by, § **502:16**

leases of real property, § **502:18**

nondischargeable claims, § **502:17**

scope of section 502(b)(1), § **502:13**

taxation

assessments, § **502:15**

lost tax credits, § **502:20**

terminated employment contracts, § **502:19**

timeliness, lack of, § **502:21**

unenforceable claims, § **502:11**

unmatured, nondischargeable claims, § **502:17**

unmatured interest, claims for, § **502:14**

#### Section 502(c)

core concept, § **502:22**

co-debtors' contingent claims, § **502:26**

contingent or unliquidated claims, § **502:23**

defining contingent claims, § **502:24**

**ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd**

Section 502(c)—Cont'd

discretion of court, § **502:25**  
equitable remedies, § **502:28**  
ripeness, § **502:27**

Section 502(d)

core concept, § **502:29**  
administrative expenses, inapplicability to, § **502:32**  
barring other rights of creditors, § **502:31**  
preferences, enforcing stale, § **502:30**  
Securities Investor Protection Act, effect of, § **502:33**  
setoffs, § **502:34**

Section 502(e)

core concept, § **502:35**  
burden of proof for section 502(e)(1)(B), § **502:38**  
contracts, § **502:39**  
elements of section 502(e)(1)(B), § **502:37**  
relation to section 502(c)(1), § **502:36**  
subrogation and relation to section 509, § **502:40**  
torts, § **502:39**  
when contingency occurs, § **502:41**

Section 502(f)

core concept, § **502:42**  
ordinary course of business, § **502:43**  
relation to section 503, § **502:44**  
relation to section 507, § **502:45**

Section 502(g)

core concept, § **502:46**  
collective bargaining agreements, § **502:49**  
priority status, § **502:48**  
timing, § **502:47**

Section 502(h)

core concept, § **502:50**  
application, § **502:52**  
nondischargeable claims, § **502:53**  
proof of claim, § **502:54**  
timing, § **502:51**

Section 502(i), § **502:55**

Section 502(j)

core concept, § **502:56**  
process and determining clause, § **502:58**  
similarly situated creditors, effect on, § **502:60**  
standing, § **502:57**  
timing, § **502:59**

Section 502(k), § **502:61**

Setoffs, § **502:34**

Standing, § **502:57**

## INDEX

### **ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd**

Subrogation, § **502:40**

Timing

determination at time of filing, claim, § **502:10**

section 502(b), § **502:21**

section 502(g), § **502:47**

section 502(h), § **502:51**

section 502(j), § **502:59**

Torts, § **502:39**

### **AMENDMENT**

Filing of proofs of claim or interest, § **501:12, 501:26**

### **ANCILLARY AND OTHER CROSS-BORDER CASES**

Access of foreign representatives and creditors to court

commencement of case under section 301 or 303, § **1511:1, 1511:2**

direct access rights, § **1509:1 to 1509:6**

foreign creditors' access to case, below

limited jurisdiction, § **1510:1**

notification to foreign creditors concerning case under Bankruptcy Code,  
below

participation of foreign representative in case under Bankruptcy Code,  
§ **1512:1**

Actions to avoid acts detrimental to creditors, § **1523:1, 1523:2**

Additional assistance

section 1507(a)

core concept, § **1507:1**

limitation on additional assistance, § **1507:2**

section 1507(b), § **1507:3**

Applicability of chapters under section 103(k), § **103:15**

Authorization to act in foreign country, § **1505:1**

Commencement of ancillary case, procedure for, § **1504:1**

Concurrent proceedings

coordination of Bankruptcy Code case and foreign proceeding

bankruptcy case initiated after recognition, § **1529:4**

coordination with section 305, § **1529:5**

foreign nonmain proceeding, § **1529:5**

limitation on powers of foreign representatives, § **1529:2**

pending cases, coordination of foreign proceedings with, § **1529:1**

prior relief not affected, § **1529:3**

foreign main proceeding, commencement of Bankruptcy Code case after recognition of, § **1528:1, 1528:2**

multiple foreign proceedings, coordination of

generally, § **1530:1**

foreign main proceeding filed first, § **1530:2**

multiple nonmain proceedings, § **1530:4**

nonmain proceeding filed first, § **1530:3**

presumption of insolvency based on recognition of foreign main proceeding,  
§ **1531:1**

**ANCILLARY AND OTHER CROSS-BORDER CASES—Cont'd**

Concurrent proceedings—Cont'd

rule of payment

generally, § **1532:1**

secured creditors, § **1532:2**

Cooperation with foreign courts and representatives

court and foreign courts or representatives, cooperation and communication

between, § **1525:1, 1525:2**

trustee and foreign courts or representatives, cooperation and communication

between, § **1526:1, 1526:2**

types of cooperation authorized, § **1527:1**

Definitions

debtor, § **1502:1**

establishment, § **1502:2**

foreign court, § **1502:3**

foreign main proceeding, § **1502:4**

foreign non-main proceeding, § **1502:5**

recognition, § **1502:7**

territorial jurisdiction of the U.S., § **1502:8**

trustee, § **1502:6**

Foreign creditors' access to case under Bankruptcy Code

section 1513(a), § **1513:1**

section 1513(b)

core concept, § **1513:2**

applicable tax treaties, § **1513:5**

foreign revenue claims, § **1513:4**

nondiscrimination as to priority of claim, § **1513:3**

Foreign main proceeding, effects of recognition of

section 1520(a)

core concept, § **1520:1**

applicable bankruptcy provisions, § **1520:2**

section 1520(b), § **1520:3**

section 1520(c)

core concept, § **1520:4**

additional powers of foreign representative, § **1520:5**

International obligations of the U.S., § **1503:1**

Interpretation, § **1508:1**

Intervention by foreign representative, § **1524:1**

Multiple foreign proceedings. Concurrent proceedings, above

Notification to foreign creditors concerning case under Bankruptcy Code

section 1514(a), § **1514:1**

section 1514(b)

core concept, § **1514:2**

discretion of court, § **1514:3**

formalities of notice, § **1514:4**

section 1514(c), § **1514:5**

section 1514(d), § **1514:6**



## INDEX

### ANCILLARY AND OTHER CROSS-BORDER CASES—Cont'd

#### Order granting recognition

applicability of section 109(a), § **1517:3**

##### section 1517(a)

core concept, § **1517:1**

notice and hearing requirement, § **1517:2**

public policy limitation, § **1517:4**

recognition compared with relief, § **1517:5**

##### section 1517(b)

core concept, § **1517:6**

“pending” requirement, § **1517:8**

relation to section 1502, § **1517:7**

##### section 1517(c), § **1517:9**

##### section 1517(d)

core concept, § **1517:10**

closing of Chapter 15 cases, § **1517:12**

consideration for modification or termination, § **1517:11**

Presumption of insolvency based on recognition of foreign main proceeding,  
§ **1531:1**

Protection of creditors and other interested persons, § **1522:1 to 1522:4**

Public policy exception, § **1506:1**

Purpose and scope of application, § **1501:1 to 1501:5**

Recognition of foreign proceeding and relief

actions to avoid acts detrimental to creditors, § **1523:1, 1523:2**

application for recognition, § **1515:1 to 1515:5**

foreign main proceeding, above

intervention by foreign representative, § **1524:1**

order granting recognition, above

petition for recognition, relief available upon filing, § **1518:1**

presumptions concerning recognition, § **1516:1 to 1516:3**

protection of creditors and other interested persons, § **1522:1 to 1522:4**

relief available upon filing petition for recognition, below

relief that may be granted upon recognition, below

subsequent information, § **1518:1**

Relief available upon filing petition for recognition

core concepts, § **1519:1, 1519:3 to 1519:7**

forms of relief permitted, § **1519:2**

Relief that may be granted upon recognition

##### section 1521(a)

core concept, § **1521:1**

analysis under section 1521 and relation to prior section 304, § **1521:6**

comparison with section 1520, § **1521:2**

limitation on relief, § **1521:4**

relation to section 1522, § **1521:5**

scope of relief, § **1521:3**

##### section 1521(b)

core concept, § **1521:7**

comparing section 1521(a)(5) with section 1521(b), § **1521:9**

**ANCILLARY AND OTHER CROSS-BORDER CASES—Cont'd**

- Relief that may be granted upon recognition—Cont'd
  - section 1521(b)—Cont'd
    - prerequisite, § **1521:8**
  - section 1521(c)
    - core concept, § **1521:10**
    - choice of law, § **1521:11**
  - section 1522, relationship to, § **1519:8**
  - sections 1521(d)-1521(f), § **1521:12 to 1521:14**
- Rule of payment in concurrent proceedings, § **1532:1, 1532:2**
  - generally, § **1532:1**
- Trustee and foreign courts or representatives, cooperation and communication between, § **1526:1, 1526:2**

**ANSWER**

- Involuntary cases, answer to petition (section 303(d)), § **303:30**

**APPEAL**

- Abstention, this index
- Adequate protection, § **361:5**
- Automatic stay, standard of review, § **362:56**
- Interim compensation, § **331:5**
- Involuntary cases, § **303:18**
- Lift of stay order, § **362:57**
- Obtaining credit, § **364:34, 364:35**
- Stay order, lift of, § **362:57**
- Trustee's employment of professional with court approval (section 327(a)), § **327:17**

**APPEARANCE**

- Examination of debtor
  - debtor's inability to appear, § **343:7**
  - proof of inability to appear, § **343:8**
- Foreign representatives
  - text of statute, § **306**
  - applicability, § **306:1**
  - conditions on, § **306:4**
  - effect of, § **306:3**
  - policy rationale, § **306:2**

**APPLICABILITY**

- Definition, § **101:1**

**APPLICABILITY OF CHAPTERS**

- Text of statute, § **103**
- Ancillary and other cross-border cases (section 103(k)), § **103:15**
- Chapters 1, 3 and 5, generally (103(a)), § **103:2**
- Family farmers and fishermen under Chapter 12 (section 103(j)), § **103:13**
- Individual debt adjustment (section 103(i)), § **103:12**
- Liquidation subchapters (section 103(b)-(e)), § **103:4 to 103:8**

## INDEX

### **APPLICABILITY OF CHAPTERS—Cont'd**

Municipal debt adjustment, relation to section 901 on, § **103:2, 103:10**

Railroad reorganization, relation to section 1161 on, § **103:3**

Reorganization subchapters (section 103 (g), (h)), § **103:9, 103:11**

### **APPRAISERS**

Employment of professional persons, generally. Professional Persons, this index

### **ASSIGNMENT**

Executory Contracts and Unexpired Leases, this index

### **ASSISTED PERSONS**

Consumer debt, § **526:6**

Debt relief agencies, § **526:6**

Disclosures, § **527:5**

### **ATTORNEY-CLIENT PRIVILEGE**

Trustee's ability to waive, § **323:8**

### **ATTORNEYS**

Allowance of claims by debtor's attorney, § **502:16**

Creditors meeting, creditor need not have counsel present at, § **341:13**

Debtor's transactions with attorneys

text of statute, § **329**

compensation exceeding reasonable value of services (section 329(b))

core concept, § **329:9**

determination of reasonableness, § **329:10**

estate, return of funds to, § **329:12**

relation to section 330, § **329:11**

relation to section 727, § **329:15**

relation to section 362 and 524, § **329:14**

statute of limitations, § **329:16**

third party, return of funds to, § **329:13**

statement of compensation paid or agreed to be paid (section 329(a))

core concept, § **329:1**

effect of seeking compensation, § **329:5**

failure to disclose, § **329:7**

filing of disclosure statement, § **329:4**

full disclosure required, § **329:2**

matters related to bankruptcy, § **329:6**

one-year preceding filing, disclosure for, § **329:6**

procedural requirements, § **329:3**

Debt Relief Agencies, this index

Definition, § **101:4**

Employment of professional persons, generally. Professional Persons, this index

### **ATTORNEY'S FEES**

Compensation of Officers, this index

Debtor's transactions with attorneys. Attorneys, this index

Interim Compensation, this index

**ATTORNEY'S FEES—Cont'd**

Professional persons' compensation limitations, generally. See Professional Persons  
Sharing of Compensation, this index

**AUCTIONEERS**

Employment of professional persons, generally. Professional Persons, this index

**AUTOMATIC ADJUSTMENTS**

Dollar amount adjustments, § 104:2

**AUTOMATIC STAY**

Text of statute, § 362

Adequate protection, section 362(d), § 362:58

Applicable to claims and actions set forth in code, § 922:3

Attorney's fees, section 362(k), § 362:85

Cause, section 362(d), § 362:58

Certification

lessor certification, section 362(m), § 362:97

Section 362(l), below

Claims and actions set forth in code, stay applicable to, § 922:3

Conversion of case, effect of, § 348:7

Costs, section 362(k), § 362:85

Damages. Section 362(k), below

Dismissal of case

multiple prior cases, effect of dismissal of

section 362(c), § 362:48

prior cases, effect of dismissal of

section 362(c), § 362:47

Educational institution

accreditation, section 362(b), § 362:28

licensing, section 362(b), § 362:29

Fair Debt Collection Practices Act (FDCPA), § 362:89

Higher Education Act, section 362(b), § 362:30

HUD foreclosures, section 362(b), § 362:22

Liens

against property of debtor, section 362(a), § 362:10

against property of estate, section 362(a), § 362:9

government fishing facility liens, section 362(b), § 362:27

government maritime liens, section 362(b), § 362:26

perfection of ad valorem property tax lien, section 362(b), § 362:32

Lift of stay order, appeal of, § 362:57

Municipal Debt Adjustment, this index

Negotiable instrument, section 362(b), § 362:25

Notice and hearing

section 362(d), § 362:51

section 362(e), § 362:63

Paternity and support, section 362(b), § 362:17

Punitive damages, section 362(k), § 362:86

## INDEX

### AUTOMATIC STAY—Cont'd

#### Section 362(a)

- core concept, § **362:1**
- actions in violation of stay, § **362:5**
- collection of prepetition claims, § **362:11**
- enforcement of judgments, § **362:7**
- lien against property
  - of debtor, § **362:10**
  - of estate, § **362:9**
- proceedings against debtor, § **362:6**
- protecting property of estate, § **362:8**
- relation to section 108(b), § **362:4**
- relation to section 362(b), § **362:2**
- relation to sections 541, 542, and 1306, § **362:3**
- setoff of debt, § **362:12**
- state determination of applicability of stay, § **362:14**
- tax court proceedings, § **362:13**

#### Section 362(b)

- core concept, § **362:15**
- additional items not subject to stay by 2005 amendments, § **362:33**
- ad valorem property tax lien, perfection of, § **362:32**
- criminal action or proceeding, § **362:16**
- educational institution, accreditation of, § **362:28**
- educational institution, licensing of, § **362:29**
- enforcement of lien against ineligible debtor, § **362:35**
- enforcement of lien or security interest following relief from stay, § **362:34**
- eviction based on endangerment, § **362:37**
- eviction proceeding under residential lease, § **362:36**
- exclusion from Medicare participation, § **362:42**
- expired lease on nonresidential property, § **362:24**
- governmental police power, § **362:19**
- government fishing facility liens, § **362:27**
- government maritime liens, § **362:26**
- Higher Education Act, § **362:30**
- HUD foreclosures, § **362:22**
- master netting agreement, § **362:41**
- negotiable instrument, presentation of, § **362:25**
- paternity and support, § **362:17**
- perfection of interest in property, § **362:18**
- securities regulatory power, § **362:39**
- set off
  - by commodity broker, § **362:20**
  - by repo participant, § **362:21**
  - by swap participant, § **362:31**
- setoff of income tax refund, § **362:40**
- tax assessments, § **362:23**
- unavoidable transfers, § **362:38**

**AUTOMATIC STAY—Cont'd**

Section 362(c)

- core concept, § **362:43**
- dismissal of multiple prior cases, effect of, § **362:48**
- dismissal of prior case, effect of, § **362:47**
- relation to section 524, § **362:44**
- termination as to other acts, § **362:46**
- termination as to property of estate, § **362:45**

Section 362(d)

- core concept, § **362:49**
- cause and lack of adequate protection, § **362:58**
- conditioning of automatic stay, § **362:54**
- equity and need in reorganization, § **362:59**
- factors in determining lift stay motion, § **362:55**
- flexibility in granting relief, § **362:52**
- notice and hearing, § **362:51**
- party in interest, § **362:50**
- real property and fraud, § **362:61**
- retroactive relief, § **362:53**
- single-asset real estate, § **362:60**
- standard of review, § **362:56**

Section 362(e)

- core concept, § **362:62**
- automatic termination, § **362:65**
- individually owned real estate, § **362:67**
- limited time for final hearing, § **362:66**
- notice and hearing, § **362:63**
- preliminary hearing, § **362:64**

Section 362(f)

- core concept, § **362:68**
- party in interest, § **362:69**
- serial filings, § **362:70**

Section 362(g), § **362:71**

Section 362(h)

- core concept, § **362:72**
- property of consequential value to estate, § **362:75**
- required action, § **362:74**
- statement of intention, § **362:73**

Section 362(i), § **362:76**

Section 362(j), § **362:77**

Section 362(k)

- core concept, § **362:78**
- actual damages, § **362:84, 362:88**
- costs and attorney's fees, § **362:85**
- damages, requirements for recovery of, § **362:79**
- punitive damages, § **362:86**
- relation to section 105, § **362:87**

## INDEX

### **AUTOMATIC STAY—Cont'd**

#### Section 362(k)—Cont'd

##### standing

an individual, § **362:81**

creditors, § **362:82**

survival of action, postbankruptcy claims, § **362:83**

willfulness, § **362:80**

#### Section 362(l)

core concept, § **362:90**

certification of cure, § **362:92**

failure of debtor to file certification, § **362:94**

filing of certification, § **362:91**

information on petition and certification, § **362:95**

lessor objection, § **362:93**

#### Section 362(m)

core concept, § **362:96**

debtor challenge to certification, § **362:98**

lessor certification, § **362:97**

#### Section 362(n), § **362:99, 362:100**

#### Section 362(o), § **362:101**

#### Serial filings, section 362(f), § **362:70**

#### Setoff

section 362(a), § **362:12**

section 362(b), above

#### Standard of review, section 362(d), § **362:56**

#### Standing. Section 362(k), above

#### Statement of intention, section 362(h), § **362:73**

#### Tax assessments, section 362(b), § **362:23**

#### Tax court proceedings, section 362(a), § **362:13**

#### Use, sale, or lease of property, § **363:33**

#### Willfulness, section 362(k), § **362:80**

### **BAD-FAITH FILING**

Conversion of case, effect of, § **348:26, 348:27**

### **BANKRUPTCY COURTS**

Order or Approval of Court, this index

### **BANKS AND OTHER FINANCIAL INSTITUTIONS**

Clearing Bank Liquidation, this index

Duty to maintain capital, priorities, § **507:40**

Eligibility to be debtor, § **109:11**

#### Priorities

generally, § **507:40**

unaffected by exercise of termination and netting rights, § **753:1, 753:2, 767**

### **BONA FIDE PURCHASERS**

Statutory liens, § **545:3**

**BONDS AND UNDERTAKINGS**

Involuntary Cases, this index  
Money of Estates, this index  
Trustees, this index

**BURDEN OF PROOF**

Adequate protection, § 361:9  
Allowance of administrative expenses, § 503:12  
Allowance of claims or interests, § 502:5, 502:38  
Consolidation of estates in joint cases, § 302:10  
Determination of secured status, § 506:29  
Equitable subordination, § 510:13  
Filing of proofs of claim or interest, § 501:10  
Involuntary cases, § 303:9, 303:19  
Limitations on trustee's avoiding powers, § 546:18  
Preferences, § 547:64  
Subordination, § 510:13  
Trustee's employment as attorney or accountant for estate (section 327(d)),  
§ 327:29  
Use, sale, or lease of property, § 363:28, 363:116

**CHAPTER 9**

Municipal Debt Adjustment, this index

**CHAPTER 11**

Reorganization, this index  
Reorganization Plans, this index

**CHAPTER 12**

Family Farmer and Fisherman Debt Adjustment, this index  
Family Farmer and Fisherman Debt Adjustment Plans, this index

**CHAPTER 13**

Individual Debt Adjustment, this index  
Individual Debt Adjustment Plans, this index

**CHAPTER 15**

Ancillary and Other Cross-Border Cases, this index

**CHILD SUPPORT**

Duties of trustee, § 704:23

**CLAIMS**

Allowance of Claims or Interests, this index  
Co-Debtors' Claims, this index  
Construction of claim against the debtor, § 102:2  
Definition of claim, § 101:5  
Filing of Proofs of Claim or Interest, this index  
Reorganization, this index

**CLASS ACTIONS**

Filing of proofs of claim or interest, § 501:7



## INDEX

### **CLEARING BANK LIQUIDATION**

Additional powers of trustee

section 783(a), § **783:1**

section 783(b)

core concept, § **783:2**

merging the bank, § **783:5**

notice and hearing, § **783:3**

selling the bank, § **783:4**

transferring contracts, § **783:6**

Definitions

board defined, § **781:1**

clearing bank defined, § **781:3**

depository institution defined, § **781:2**

Selection of trustee

section 782(a)

core concept, § **782:1**

action by board, § **782:3**

role of conservator or receiver, § **782:2**

successor trustees, § **782:4**

section 782(b), § **782:5**

### **CLERK OF COURT**

Notice and Hearing, this index

### **CLOSING CASES**

Text of statute, § **350**

Core concept, § **350:1**

Discharge of trustee, § **350:3**

Dismissal of case, § **350:4**

Full administration of case, § **350:2**

Relation to section 350(b), § **350:4**

### **CO-DEBTORS' CLAIMS**

Text of statute, § **509**

Section 509(a)

core concept, § **509:1**

co-debtor, duty to pay claim, § **509:2**

elements of subrogation, § **509:3**

limitations imposed by section 507(d), § **509:5**

obligation of co-debtor, § **509:8**

partial payment, § **509:7**

payment defined, § **509:6**

relation to section 553, § **509:9**

scope of subrogation, § **509:4**

Section 509(b)

core concept, § **509:10**

allowed claims, § **509:11**

benefits, co-debtors who receive, § **509:14**

disallowed claims, § **509:12**

**CO-DEBTORS' CLAIMS—Cont'd**

Section 509(b)—Cont'd

exception under section 503(e), § **509:12**

subordinated claims, § **509:13**

Section 509(c)

core concept, § **509:15**

relation to section 502, § **509:16**

settled claims, § **509:17**

subordination and disallowed claims, § **509:18**

Subordinated claims, § **509:13, 509:18**

Subrogation, § **509:3, 509:4**

**COLLECTIVE BARGAINING AGREEMENTS**

Allowance of claims or interests, § **502:49**

Reorganization, this index

**COMFORT ORDERS**

Individual debt adjustment, debtor not engaged in business, § **1304:10**

**COMMENCEMENT OF CASE**

Abstention, this index

Involuntary Cases, this index

Joint Cases, this index

Order for relief. Voluntary cases, below

Voluntary cases

order for relief (section 301(b))

core concept, § **301:5**

copies, number of, § **301:13**

designation of chapter, § **301:6**

dismissal previously and effect of section 109(g), § **301:7**

eligibility to file and state law, § **301:10**

form of filing, § **301:12**

ineligibility under particular chapter, § **301:9**

ineligible filing, remedy for, § **301:8**

relation to section 541, § **301:11**

petition, commencement by filing of (section 301(a))

core concept, § **301:1**

text of statute, § **301**

definition of debtor, § **301:4**

eligibility and relation to section 109, § **301:3**

filing of petition, § **301:2**

text of statute, § **301**

**COMMODITIES AND FORWARD CONTRACTS**

Clearing Bank Liquidation, this index

Liquidation, termination, or acceleration

text of statute, § **556**

applicability, § **556:1**

bylaws and common law, § **556:3**

parties eligible, § **556:4**

## INDEX

### COMMODITIES AND FORWARD CONTRACTS—Cont'd

Liquidation, termination, or acceleration—Cont'd

reasons, § 556:2

Timing of damage measurement, § 561:1 to 562:4

### COMMODITY BROKER LIQUIDATION

Text of statutes, § 761 to 767

Customer instructions

section 765(a)

core concept, § 765:1

instructions to trustee, § 765:3

proofs of claim, § 765:2

relation to section 342, § 765:4

section 765(b)

core concept, § 765:4

commodity contracts affected, § 765:5

means of protection, § 765:6

section 765(c)

core concept, § 765:7

limitations, § 765:9

timing, § 765:8

section 765(d)

core concept, § 765:10

cash deposit, § 765:11

trustee's duty, § 765:12

section 765(e)

core concept, § 765:13

mandatory liquidation, § 765:14

section 765(f)

core concept, § 765:15

exceptions, § 765:17

trustee's discretion, § 765:16

section 765(g), § 765:18

section 765(h)

core concept, § 765:19

form of distribution, § 765:22

proprietary accounts, § 765:23

pro rata distribution, § 765:20

relation to section 507, § 765:21

section 765(i)

core concept, § 765:24

customer property, § 765:25

member property, § 765:26

section 765(j)

core concept, § 765:27

claims in excess of customer property, § 765:29

subordinated claims and section 510, § 765:30

surplus customer property, § 765:28

**COMMODITY BROKER LIQUIDATION—Cont'd**

Definitions

- commodity contract defined, § **761:1**
- customer defined, § **761:3**
- futures commission merchant defined, § **761:2**
- margin payment defined, § **761:4**
- net equity defined, § **761:5**

Notice to commission and right to be heard

section 762(a)

- core concept, § **762:1**
- commodity broker defined, § **762:2**
- relation to section 342, § **762:3**
- section 762(b), § **762:4**

Priority unaffected by exercise of termination and netting rights, § **753:1, 753:2, 767**

Treatment of accounts

section 763(a)

- core concept, § **763:1**
- comparison with section 745, § **763:3**
- relation to section 763(c), § **763:2**

section 763(b), § **763:4**

section 763(c), § **763:5**

Voidable transfers

section 764(a)

- core concept, § **764:1**
- customers, avoidable transfers to, § **764:4**
- effect of avoidance, § **764:3**
- relation to section 544, 545, 547, 548, 549, and 724(a), § **764:2**

section 764(b)

- core concept, § **764:5**
- elements of excepted transfers, § **764:6**

**COMMUNITY CLAIM**

Definition, § **101:6**

**COMMUNITY CLAIMS**

Discharge of debtor, community claims barred, § **524:13**

**COMMUNITY PROPERTY**

Discharge of debtor, § **524:12**

Property of estate, § **541:13**

**COMPENSATION**

Debtor's transactions with attorneys. Attorneys, this index

Interim Compensation, this index

Officers. Compensation of Officers, this index

Trustees, this index

**COMPENSATION OF OFFICERS**

Text of statute, § **330**

## INDEX

### **COMPENSATION OF OFFICERS—Cont'd**

- Interim Compensation, this index
- Minimum monthly trustee compensation in Chapter 12 and 13 cases (section 330(c)), § **330:24, 330:25**
- Small cases (section 330(b))
  - core concept, § **330:21**
  - no-asset vs. asset cases, § **330:21**
  - no fee cases, § **330:23**
- Standard of compensation (section 330(a))
  - core concept, § **330:1**
  - burden of proof, § **330:4**
  - cap in compensation set by section 326, § **330:13**
  - Chapter 12 and 13 cases, § **330:18**
  - Chapter 13 presumptive fee guidelines, relation to, § **330:20**
  - contingency fee contracts, § **330:9**
  - denial or decrease of compensation, § **330:19**
  - enhancements of fees, § **330:10**
  - estate, funds must be derived from debtor's, § **330:15**
  - expense reimbursement, § **330:5**
  - fee hearings, § **330:3**
  - interest awards, § **330:11**
  - interim fee awards, § **330:21**
  - jurisdiction of fees after dismissal, § **330:16**
  - reasonable compensation, determination of, § **330:7**
  - reasonableness standard, § **330:17**
  - recovery for defense of fee applications, § **330:6**
  - recovery under section 503, § **330:12**
  - relationship to section 328, § **330:8**
  - res judicata effect, § **330:14**
  - threshold requirement of employment, § **330:2**
  - trustee's compensation, § **330:22**
  - U.S. trustee serving as case trustee (section 330(d)), § **330:26**

### **COMPROMISE OF CLAIMS**

- Use, sale, or lease of property, § **363:12**

### **COMPUTERIZED FILINGS**

- Dollar amount adjustments, § **104:8**

### **CONDOMINIUM OR COOPERATIVE FEES**

- Dischargeability of debts, § **523:25**

### **CONFLICT OF INTEREST**

- Meeting of creditors and equity security holders, § **341:15**
- Professional persons, employment of, § **327:24, 327:25**
- Trustee authorized to serve as attorney or accountant for estate, compensation limitations on, § **328:14**

### **CONSENT**

- Determination of secured status, § **506:32**

**CONSTITUTIONAL MATTERS**

- Eleventh Amendment. Waiver of Sovereign Immunity, this index
- Self-Incrimination, this index
- Tenth Amendment and municipal debt adjustment, § 903:7
- Thirteenth Amendment and property of estate, § 1306:11

**CONSTRUCTION**

- Rules of construction, this index

**CONSTRUCTIVE TRUSTS**

- Successor to certain creditors and purchasers and lien creditor, trustee as, § 544:8

**CONSUMER DEBT**

- Assisted person, § 526:6
- Definition, § 101:7

**CONSUMER PRIVACY OMSBUDSMEN**

- Text of statute, § 332

**CONTEMPORANEOUS EXCHANGE**

- Preferences, § 547:39

**CONTEMPT**

- Order or approval of court, § 105:11
- Powers, § 105:5

**CONTINGENT CLAIMS**

- Allowance of Claims or Interests, this index

**CONTRACTS**

- Allowance of claims or interests, § 502:39
- Clearing Bank Liquidation, this index
- Executory Contracts and Unexpired Leases, this index
- Statutory liens, § 545:12

**CONVERSION OF CASE**

- Text of statute, § 706
- Creditors' meeting convened by U.S. Trustee, § 341:5
- Effect of conversion
  - text of statute, § 348
  - section 348(a)
    - core concept, § 348:1
    - applicable law, § 348:3
    - automatic stay, § 348:7
    - creditors' meeting, § 348:5
    - date of order of relief not changed, § 348:4
    - deadlines after creditors' meeting, § 348:6
    - relating back, § 348:2
  - section 348(b)
    - core concept, § 348:8
  - section 348(c)
    - core concept, § 348:11

## INDEX

### CONVERSION OF CASE—Cont'd

#### Effect of conversion—Cont'd

##### section 348(c)—Cont'd

executory contracts and unexpired leases, § **348:13**

notice requirements, § **348:12**

##### section 348(d)

core concept, § **348:14**

generally, § **348:16**

inapplicable to section 503(b), § **348:15**

##### section 348(e)

core concept, § **348:17**

no discretion for court, § **348:19**

termination of authority, § **348:18**

##### section 348(f)

core concept, § **348:20**

bad-faith filing, § **348:26, 348:27**

collateral valuation, § **348:23**

disbursement postpetition property, § **348:25**

fraudulent disposal of property, § **348:22**

property of estate, § **348:21**

secured claims, § **348:24**

##### section 706(a), § **706:5**

Family Farmer and Fisherman Debt Adjustment, this index

From Chapter 7 to Chapter 11 or 13

text of statute, § **707**

##### section 707(a)

core concept, § **707:1**

enumerated grounds, § **707:4**

for cause, § **707:4**

list not exhaustive, § **707:2**

notice and hearing, § **707:3**

relation to section 305, § **707:6**

relation to section 727, § **707:7**

unenumerated grounds, § **707:5**

##### section 707(b)

core concept, § **707:8**

appealing order denying motion to dismiss, § **707:21**

attorney sanctions, § **707:14**

creditor sanctions, § **707:15**

crimes of violence, § **707:18**

drug trafficking, § **707:18**

initiating dismissal, § **707:10**

means test, limitation on, § **707:17**

notice and hearing, § **707:9**

presumption of abuse, § **707:11, 707:12, 707:19**

rebutting presumption of abuse, § **707:12**

religious or charitable contributions, § **707:20**

safe harbor, § **707:16**

**CONVERSION OF CASE—Cont'd**

From Chapter 7 to Chapter 11 or 13—Cont'd

section 707(b)—Cont'd

totality of circumstances, § **707:13**

Individual Debt Adjustment, this index

Notice and hearing, § **348:12, 707:3, 707:9**

Reorganization, this index

Section 706(a)

core concept, § **706:1**

debtor's right not absolute, § **706:2**

effect of conversion, § **706:5**

re-conversion under, § **706:7**

timing, § **706:3**

waiver, § **706:4**

Section 706(b)

core concept, § **706:8**

judicial discretion, § **706:12**

limitation to conversion to Chapter 11 only, § **706:13**

notice and hearing, § **706:11**

re-conversion under, § **706:14**

relation to section 706(a), § **706:9**

request from party in interest, § **706:10**

timing, § **706:15**

Section 706(c)

core concept, § **706:16**

re-conversion under, § **706:17**

Section 706(d), § **706:18**

Subchapter V, § **348:10**

**CORE PROCEEDINGS**

Order or approval of court, § **105:11**

**CORPORATION**

Definition, § **101:8**

**CORPORATIONS**

Trustee, service as, § **321:6**

**COSTS**

Sovereign immunity, waiver of, § **106:7**

**CREDIT**

Obtaining credit

Text of statute, § **364**

appeal, § **364:34, 364:35**

good faith of creditor, § **364:33**

ordinary course of business, § **364:5, 364:6, 364:8**

section 364(a)

core concept, § **364:1**

administrative expense priority, § **364:3**



## INDEX

### **CREDIT—Cont'd**

#### Obtaining credit—Cont'd

##### section 364(a)—Cont'd

court approval not required, § **364:4**

determining ordinary course of business, § **364:6**

incentive to creditors, § **364:2**

ordinary course of business not defined, § **364:5**

##### section 364(b)

core concept, § **364:7**

effect of court approval, § **364:10**

failure to obtain court approval, § **364:11**

notice and court approval required, § **364:9**

ordinary course of business, § **364:8**

retroactive approval, § **364:12**

##### section 364(c)

core concept, § **364:14**

additional security interests, § **364:22**

cross collateralization, § **364:21**

failure to obtain approval under section 364(c), § **364:19**

inability to obtain unsecured credit, § **364:15**

pre-petition debt, effect on lender's, § **364:13**

relation to superpriority interest, § **364:18**

retroactive approval, § **364:20**

security interest in property of estate, § **364:17**

superpriority administrative expense status, § **364:16**

##### section 364(d)

core concept, § **364:23**

burden of proof on adequate protection, § **364:27**

need for adequate protection, § **364:25**

nunc pro tunc order, § **364:28**

postconfirmation borrowing, § **364:29**

unavailability of other credit, § **364:24**

##### section 364(e)

core concept, § **364:30**

appeal, § **364:34, 364:35**

court error in granting priority under section 364, § **364:32**

encourage extension of credit, § **364:31**

good faith of creditor, § **364:33**

##### section 364(f)

core concept, § **364:36**

exemption from securities laws, § **364:37**

### **CREDIT BIDDING**

Use, sale, or lease of property, § **363:89 to 363:91**

### **CREDIT COUNSELING**

Eligibility to be Debtor, this index

Nonprofit budget and credit counseling agencies, § **111**

**CREDITOR**

Definition, § 101:9

**CREDITORS' AND EQUITY SECURITY HOLDERS' COMMITTEES**

Reorganization, this index

**CREDITORS' COMMITTEES**

Text of statute, § 705

Reorganization, this index

Section 705(a)

core concept, § 705:1

election procedure, § 705:2

membership, § 705:3

Section 705(b)

core concept, § 705:4

Bankruptcy Rules, relation to, § 705:5

counsel's compensation, § 705:7

standing, § 705:6

**CREDITORS' MEETINGS**

Meetings of Creditors and Equity Security Holders, this index

**CRIMINAL ACTION OR PROCEEDING**

Allowance of administrative expenses, § 503:23

Automatic stay, § 362:16

Dischargeability of debts based on criminal restitution orders, § 523:22

Self-Incrimination, this index

**CROSS-BORDER CASES**

Ancillary and Other Cross-Border Cases, this index

**CROSS COLLATERALIZATION**

Obtaining credit, § 364:21

**CURRENT MONTHLY INCOME**

Definition, § 101:10

**CUSTODIANS**

Allowance of administrative expenses, § 503:25

Definition, § 101:11

Dismissal of case, reinstatement of custodian upon, § 349:10

**CUSTOMS DUTIES**

Priorities, § 507:36

**DAMAGES**

Automatic Stay, this index

Petition Preparers, this index

Reorganization, this index

Waiver of Sovereign Immunity, this index

**DEBT**

Definition, § 101:12

## INDEX

### DEBTOR

- Definition, § 101:14
- Eligibility to be Debtor, this index
- Failure to file, consequences, § 308:4
- Reporting intervals, § 308:3
- Reporting requirements, § 308:1 to 308:4

### DEBTOR IN POSSESSION

- Family Farmer and Fisherman Debt Adjustment, this index
- Reorganization, this index

### DEBTOR'S DUTIES AND BENEFITS

- Text of statute, § 521
- Debt Relief Agencies, this index
- Dischargeability of Debts, this index
- Discharge of Debtor, this index
- Discrimination, this index
- Dismissal of case. Section 521(i), *infra*
- Exemptions, this index
- Section 521(a)
  - core concept, § 521:1
  - abandonment, § 521:8
  - additional duties under section 521(a), § 521:4
  - admissions, § 521:6
  - alternative to 521(a)(2), § 521:15
  - Chapter 7, personal property, and secured creditors, § 521:21
  - Chapter 11 cases, § 521:7
  - debt repayment plan, § 521:25
  - description of assets, § 521:5
  - employee benefit plan, administration of, § 521:22
  - exemptions, § 521:10, 521:11
  - hearing, § 521:20
  - list of creditors, § 521:3
  - list of duties, nonexhaustive, § 521:2
  - reaffirmation, § 521:10, 521:13
  - redemption, § 521:10, 521:12
  - relation to
    - section 524(d), § 521:20
    - section 554, § 521:8
    - section 704, § 521:16
  - schedules of assets, § 521:3
  - secured consumer debts, § 521:9
  - surrendering property, § 521:14
  - surrender of records, § 521:19
  - trustee, cooperation with, § 521:17, 521:18
- Section 521(b)
  - core concept, § 521:23
  - certificate of services provided, § 521:24

**DEBTOR'S DUTIES AND BENEFITS—Cont'd**

Section 521(b)—Cont'd

debt repayment plan, § **521:25**

Section 521(c), § **521:26**

Section 521(d), § **521:27**

Section 521(e)

core concept, § **521:28**

Chapter 13 plan, obtaining copy of, § **521:32**

federal tax returns, § **521:30**

financial statements, § **521:29**

petition, § **521:29**

sanction for failure to comply, § **521:31**

schedules, § **521:29**

Section 521(f)

core concept, § **521:33**

amended tax returns, § **521:37**

applicability, § **521:36**

Chapter 13 case, financial information in, § **521:38**

criminal sanction, § **521:40**

tax information, who may seek, § **521:34**

timing, § **521:35, 521:39**

Section 521(g)

core concept, § **521:41**

debtor's disclosures, persons who may access, § **521:43**

mandatory elements of statement under section 521(f)(4), § **521:42**

Section 521(h), § **521:44**

Section 521(i)

core concept, § **521:45**

automatic dismissal, § **521:46**

dismissal on interested party's motion, § **521:47**

extension of time, § **521:48**

forestalling dismissal, § **521:49**

Section 521(j), § **521:50**

Timing, section 521(f), § **521:35, 521:39**

**DEBTORS IN POSSESSION**

Order or approval of court, interference with trustee or DIP, § **105:7**

**DEBTOR'S PRINCIPAL RESIDENCE**

Definition, § **101:15**

**DEBT RELIEF AGENCIES**

Text of statutes, § **526 to 528**

Assisted persons, § **526:6**

Core concepts involving section 526, § **526:1 to 526:6**

Disclosures, core concepts involving, § **527:1 to 527:4**

Notice requirements, § **526:4**

Requirements, core concepts involving, § **528:1, 528:2**

## INDEX

### **DEBT RELIEF AGENCY**

Definition, § 101:13

### **DEFAMATION**

Public Access to Papers, this index

### **DEFINITIONS**

Text of statute, § 102

See also Rules of Construction, this index

Adverse interests, § 327:9

Affiliate, § 101:3

Aggregate value of liens, § 363:51

Applicability, § 101:1

Attorney, § 101:4

Bankruptcy petition preparer, § 110:2

Board, § 781:1

Cash collateral, § 363:2

Claim, § 101:5

Clearing bank, § 781:3

Commodity broker, § 762:2

Commodity contract, § 761:1

Community claim, § 101:6

Consumer debt, § 101:7

Corporation, § 101:8, 303:4

Creditor, § 101:9, 501:4, 547:24

Current monthly income, § 101:10

Custodian, § 101:11, 543:2

Customer, § 741:1, 747:3, 761:3

Customer name security, § 741:2, 750:2, 751:2

Customer property, § 741:3, 749:4, 752:3

Debt, § 101:12, 547:26

Debtor, § 101:14, 1502:1

Debtor in possession, § 1182:2

Debtor's principal residence, § 101:15

Debt relief agency, § 101:13

Dependent, § 522:2

Depository institution, § 781:2

Discrimination, § 366:2

Disinterested person, § 101:16, 327:10, 328:17

Disposable income, § 1225:14

Document for filing, § 110:3

Domestic support obligations, § 101:17

Entity, § 101:18

Equity cushion, § 361:15

Equity security, § 101:19

Establishment, § 1502:2

Excise taxes, § 507:35

Executory contract, § 365:3

**DEFINITIONS—Cont’d**

Family farmer, § 101:20  
 Farming operation, § 101:21  
 Final distribution, § 347:2  
 Foreign court, § 1502:3  
 Foreign main proceeding, § 1502:4  
 Foreign nonmain proceeding, § 1502:5  
 Foreign proceeding, § 101:22  
 Foreign representative, § 101:23  
 Forward contract, § 101:24  
 Forward contract merchant, § 101:25  
 Futures commission merchant, § 761:2  
 Governmental unit, § 101:26, 106:3  
 Individual with regular income, § 101:27  
 Insider, § 101:28, 747:4  
 Insolvent, § 101:29  
 Insured depository institution, § 365:86  
 Intellectual property, § 101:30, 365:76  
 Inventory, § 547:3  
 Judicial lien, § 101:31  
 Lien, § 101:32  
 Margin payment, § 741:4, 761:4  
 Median family income, § 101:33  
 Net equity, § 741:5, 747:2, 761:5  
 New value, § 547:4  
 “Nonbankruptcy law,” § 511:2  
 Ordinary meaning, § 101:2  
 Person, § 101:34  
 Property, § 542:3  
 Property of estate, § 902:1  
 Receivable, § 547:7  
 Recognition, § 1502:7  
 Repo agreement, § 546:33  
 Repo participant, § 546:32  
 Repurchase agreement, § 101:35  
 Securities contract, § 741:6  
 Security, § 101:36  
 Security interest, § 101:37  
 Settlement payment, § 741:7  
 Shopping centers, § 365:21  
 Single-asset real estate, § 101:38  
 Small business debtor, § 101:39, 1182:1  
 Special revenues, § 902:2  
 Special taxpayer, § 902:3  
 Special taxpayer affected by the plan, § 902:4  
 State, § 101:40  
 Statutory lien, § 101:41

## INDEX

### DEFINITIONS—Cont'd

- Stockbroker, § 742:1, 743:1, 744:1, 746:4, 747:1, 748:1, 749:3, 751:1, 752:2
- Swap agreements, § 101:42
- Territorial jurisdiction of the U.S., § 1502:8
- Timeshare plan, § 365:65
- Transfer, § 101:43
- Trustee, § 902:5, 1502:6
- Unexpired lease, § 365:4
- Value, § 522:3

### DELAY

- Removal of trustee or examiner, § 324:9

### DEPOSITORY INSTITUTIONS

- Dischargeability of debts
  - failure to maintain capital, § 523:21
  - fraud against, § 523:20

### DERIVATIVES

- Clearing Bank Liquidation, this index

### DETERMINATION OF SECURED STATUS

- Text of statute, § 506
- Burden of proof, § 506:29
- Consent, § 506:32
- Interest. Section 506(b), below
- Notice of hearing, § 506:9
- Res judicata, § 506:8
- Section 506(a)
  - core concept, § 506:1
  - Chapter 13 case, inapplicability to section 1325(a)(5)(C) in, § 506:14
  - letters of credit, § 506:15
  - measurement date, valuation, § 506:7
  - methods of valuation, § 506:6
  - notice of hearing, § 506:9
  - proposed disposition of property, § 506:5
  - relation to
    - section 106, § 506:10
    - section 109, § 506:11
    - section 502, § 506:12
    - section 506(b), § 506:4
    - section 506(d) and 1322(b)(2), § 506:13
  - res judicata, § 506:8
  - setoffs, § 506:3
  - sovereign immunity, § 506:10
  - stripdown, § 506:13
  - undersecured liens, § 506:12
  - unsecured lienholders, § 506:15
  - use of property, § 506:5
  - value of creditor's interest, § 506:2

**DETERMINATION OF SECURED STATUS—Cont'd**

Section 506(a)—Cont'd

value of property, § **506:5**

Section 506(b)

core concept, § **506:17**

interest

creditors eligible for, § **506:18**

determining interest rates, § **506:21**

equity cushion as source of, § **506:19**

rate determinations, § **506:22**

timing of, § **506:20**

no private right of action, § **506:26**

payment, method of, § **506:24**

standard of reasonableness, § **506:23**

unreasonable fees, treatment of, § **506:25**

Section 506(c)

core concept, § **506:27**

administrative expenses, comparison with, § **506:28**

benefit, what constitutes, § **506:31**

burden of proof, § **506:29**

consent, § **506:32**

discretion of bankruptcy court, § **506:30**

elements and burden of proof, § **506:29**

relation to section 366, § **506:34**

standing, § **506:33**

Section 506(d)

core concept, § **506:35**

consequences of void liens, § **506:40**

enumerated exceptions

no proof of claim, § **506:37**

section 502(b)(5) and (e), § **506:36**

lien avoidance, § **506:39**

relation to Section 551, § **506:41**

time limit for challenges to unsecured liens, § **506:38**

Setoffs, § **506:3**

Sovereign immunity, § **506:10**

Standing, § **506:33**

Stripdown, § **506:13**

Time limit for challenges to unsecured liens, § **506:38**

Value of creditor's interest, § **506:2**

**DISCHARGEABILITY OF DEBTS**

Text of statute, § **523**

Allowance of claims or interests

nondischargeable claims, § **502:17, 502:53**

Condominium or cooperative fees, § **523:25**

Criminal restitution orders, § **523:22**



## INDEX

### DISCHARGEABILITY OF DEBTS—Cont'd

- Depository institutions
  - failure to maintain capital, § 523:21
  - fraud against, § 523:20
- Discriminatory treatment, protection against, § 525:9
- Domestic support obligations, § 523:14
- Driving while intoxicated, § 523:18
- Embezzlement, § 523:13
- Fiduciary fraud, § 523:13
- Filing of proofs of claim or interest, nondischargeable claims and Chapter 7, § 501:22
- Fines and penalties, § 523:16
- Fraud, § 523:11
- Larceny, § 523:13
- Priorities, § 507:9
- Rule 4007, deadline for actions, § 523:7
- Section 523(a)
  - core concept, § 523:1
  - applications, generally, § 523:2
  - collateral estoppel and nondischargeability, § 523:9
  - condominium or cooperative fees, § 523:25
  - criminal restitution orders, § 523:22
  - depository institutions
    - failure to maintain capital, § 523:21
    - fraud against, § 523:20
  - divorce or separation debts to which section 523(a)(5) is not applicable, § 523:24
  - domestic support obligations, § 523:14
  - driving while intoxicated, § 523:18
  - effect of nondischargeability, § 523:5
  - embezzlement, § 523:13
  - federal or state securities laws, violations, § 523:28
  - fiduciary fraud, § 523:13
  - finances and penalties, § 523:16
  - fraud, § 523:11
  - grounds for excepting debt from discharge, § 523:10 to 523:23
  - larceny, § 523:13
  - litigious acts, fees imposed for, § 523:26
  - pensions, debts relating to, § 523:27
  - relation to section 727, 1141, 1228, and 1328, § 523:6
  - securities law violations, federal or state, § 523:28
  - standard of proof, § 523:3
  - student loans, § 523:17
  - taxes
    - debts incurred to pay nondischargeable, § 523:23
    - unpaid taxes, § 523:10
  - unclean hands doctrine, § 523:8
  - unlisted debts, § 523:12

## **DISCHARGEABILITY OF DEBTS—Cont'd**

### **Section 523(a)—Cont'd**

waiver or denial of discharge, § **523:19**

willful and malicious injury, § **523:15**

### **Section 523(b)**

core concept, § **523:29**

applications, § **523:30**

limitation, § **523:31**

### **Section 523(c)**

core concept, § **523:32**

affected provisions, § **523:33**

Bankruptcy Rule 4007(c), relation to, § **523:34**

exceptions

federal regulatory agencies, § **523:36**

section 523(a)(3)(B), § **523:35**

### **Section 523(d)**

core concept, § **523:37**

applications, § **523:38**

judicial discretion, § **523:39**

### **Section 523(e), § 523:40**

Student loans, § **523:17**

### **Taxes**

debts incurred to pay nondischargeable, § **523:23**

unpaid taxes, § **523:10**

Waiver or denial of discharge, § **523:19**

Willful and malicious injury, § **523:15**

## **DISCHARGE OF DEBTOR**

Text of statute, § **727**

### **Effect of discharge**

text of statute, § **524**

fraudulent conveyances, § **524:36**

jurisdiction, § **524:33**

reaffirmation

court's obligations, § **524:25**

elements of, § **524:19**

hearing, failure to attend, § **524:26**

### **section 524(a)**

core concept, § **524:1**

arbitration agreements, § **524:16**

community claims barred, § **524:13**

community property, § **524:12**

guarantors' claims, § **524:11**

injunction against collection, § **524:6**

insurers, § **524:10**

limitation, § **524:5**

limits of injunction, § **524:7**

limits on injunction, § **524:14**

## INDEX

### DISCHARGE OF DEBTOR—Cont'd

#### Effect of discharge—Cont'd

##### section 524(a)—Cont'd

- modifying injunction, § **524:10**
- persons protected by injunction, § **524:9**
- relation to section 362, § **524:2**
- relation to section 553, § **524:3**
- remedy for violation of injunction, § **524:15**
- scope of claims affected, § **524:8**
- void judgments, § **524:4**

##### section 524(b), § **524:17**

##### section 524(c)

- core concept, § **524:18**
- creditor's rights, § **524:20**
- reaffirmation, elements of, § **524:19**
- relation to section 521, § **524:21**
- relation to section 722, § **524:22**

##### section 524(d)

- core concept, § **524:23**
- discretion of court, § **524:24**
- reaffirmation, § **524:25, 524:26**

##### section 524(e)

- core concept, § **524:27**
- Chapter 11 cases, § **524:29**
- debtor's insurers, § **524:28**

##### section 524(f), § **524:30**

##### section 524(g)

- core concept, § **524:31**
- Chapter 11 powers, retaining, § **524:37**
- elements, § **524:32**
- fraudulent conveyances, § **524:36**
- jurisdiction, § **524:33**
- obligations arising out of injunction, § **524:35**
- scope of injunction, § **524:34**

##### section 524(h)

- core concept, § **524:38**
- additional provisions, § **524:40**
- ratification of court's decision, § **524:39**

##### section 524(i), § **524:41**

##### section 524(j), § **524:42**

##### section 524(k), § **524:43**

##### section 524(l), § **524:44**

##### section 524(m), § **524:45, 524:46**

Exceptions to discharge. Dischargeability of Debts, this index

Family Farmer and Fisherman Debt Adjustment Plans, this index

Individual Debt Adjustment Plans, this index

#### Section 727(a)

- core concept, § **727:1**

**DISCHARGE OF DEBTOR—Cont'd**

Section 727(a)—Cont'd

- alternative violations, § 727:6
- bribes, § 727:14
- burden of proof, § 727:3
- case law exception to discharge, § 727:29
- construction, § 727:3
- cooperate with court, failure to, § 727:16
- debtor education requirement, § 727:21
- debts discharged, § 727:25
- denial of discharge, effect of, § 727:8
- fraud, denial of discharge for debtor commits, § 727:22
- fraudulent misrepresentations, § 727:14
- individuals vs. entities, § 727:11
- judicial discretion, § 727:2
- misconduct in related cases, § 727:17
- mysterious depletion or disappearance of assets, § 727:15
- postpetition debts, § 727:26
- records, unjustified failure to maintain, § 727:13
- relation to
  - Chapter 11, § 727:10
  - section 523, § 727:9, 727:27
  - section 525, § 727:28
  - section 707, § 727:22
- serial filings
  - Chapters 7 and 11, § 727:18
  - Chapters 12 and 13, § 727:19
- settlement of action, § 727:43
- standard of proof, § 727:4
- statutory violation vs. injury to party, § 727:5
- timing of objection, § 727:7
- transfer, destruction, concealment, etc., § 727:12

Section 727(b)

- core concept, § 727:24
- case law exception to discharge, § 727:29
- debts discharged, § 727:25
- postpetition debts, § 727:26
- relation to
  - section 523, § 727:27
  - section 524, § 727:28
- settlement of action, § 727:43

Section 727(c)

- core concept, § 727:30
- settlement of action, § 727:43
- standing, § 727:31
- trustee investigations, § 727:32

## INDEX

### DISCHARGE OF DEBTOR—Cont'd

#### Section 727(d)

- core concept, § 727:33
- burden of proof, § 727:36
- grounds for revocation, § 727:34
- modification of discharge, § 727:37
- settlement of action, § 727:43
- standing, § 727:35

#### Section 727(e)

- core concept, § 727:38
- comparison
  - with section 105, § 727:42
  - with section 1144, § 727:41
- revocation
  - under section 727(d)(1), § 727:39
  - under section 727(d)(2) or (3), § 727:40
- settlement of action, § 727:43
- Settlement of section 727 actions, § 727:43
- Trustee investigations, § 727:32

### DISCLOSURE

- Assisted persons, § 527:5
- Debtor's attorney, statement of compensation paid or agreed to be paid.
  - Attorneys, this index
- Debtor's transactions with attorneys. Attorneys, this index
- Debt relief agencies' disclosures, core concepts involving, § 527:1 to 527:5
- Reorganization Plans, this index

### DISCRIMINATION

- Jurisdiction, § 525:3
- Protection against discriminatory treatment
  - text of statute, § 525
  - section 525(a)
    - core concept, § 525:1
    - causation, § 525:7
    - debtors, past and present, § 525:8
    - discrimination, § 525:5
    - federal laws relating to agriculture, § 525:2
    - government activity, § 525:4
    - jurisdiction, § 525:3
    - nondischargeable debts, § 525:9
    - persons protected, § 525:6
    - relation to section 365, § 525:10
    - relation to section 366, § 525:11
  - section 525(b)
    - core concept, § 525:12
    - causation, § 525:14
    - comparison with section 525(a), § 525:16
    - debtors, past and present, § 525:15

**DISCRIMINATION—Cont'd**

Protection against discriminatory treatment—Cont'd

section 525(b)—Cont'd

employment defined, § **525:13**

section 525(c)

core concept, § **525:17**

causation, § **525:18**

government and private lenders, § **525:18**

**DISINTERESTED PERSON**

Definition, § **101:16**

**DISMISSAL OF CASE**

Text of statute, § **349**

Automatic Stay, this index

Closing cases, § **350:4**

Debtor's Duties and Benefits, this index

Effect of dismissal

section 349(a)

core concept, § **349:1**

discharge of debts not prohibited, § **349:2**

discretion of court, § **349:5**

postdischarge dismissal, § **349:3**

prejudice, dismissal with, § **349:6**

refiling, § **349:4, 349:7**

section 349(b)

core concept, § **349:8**

altering effect of section 349(b), § **349:16**

custodian, reinstatement of, § **349:10**

liens, reinstating, § **349:13**

restoring avoided transfers, § **349:11, 349:12**

retaining funds, § **349:17**

revesting of property, § **349:15**

undo effects of bankruptcy, § **349:9**

vacating orders, judgment, or transfers, § **349:14**

Eligibility to be Debtor, this index

Failure to file, consequences, § **308:4**

Family Farmer and Fisherman Debt Adjustment, this index

Individual Debt Adjustment, this index

Involuntary cases (section 303(j)), § **303:53**

Municipal Debt Adjustment, this index

Reorganization, this index

Section 707(a)

core concept, § **707:1**

enumerated grounds, § **707:4**

for cause, § **707:4**

list not exhaustive, § **707:2**

notice and hearing, § **707:3**

relation to section 305, § **707:6**

## INDEX

### **DISMISSAL OF CASE—Cont'd**

#### Section 707(a)—Cont'd

relation to section 727, § **707:7**

unenumerated grounds, § **707:5**

#### Section 707(b)

core concept, § **707:8**

appealing order denying motion to dismiss, § **707:21**

attorney sanctions, § **707:14**

creditor sanctions, § **707:15**

crimes of violence, § **707:18**

drug trafficking, § **707:18**

duties of trustee, existence of presumption of abuse, § **704:22**

initiating dismissal, § **707:10**

means test, limitation on, § **707:17**

notice and hearing, § **707:9**

presumption of abuse, § **707:11, 707:12, 707:19**

rebutting presumption of abuse, § **707:12**

religious or charitable contributions, § **707:20**

safe harbor, § **707:16**

totality of circumstances, § **707:13**

### **DISTRIBUTION**

Text of statute, § **726**

Effect of distribution other than under Bankruptcy Code, § **508:1, 508:2**

#### Section 726(a)

core concept, § **726:1**

finest, penalties, etc., § **726:8**

general unsecured creditors, § **726:6**

interest payments, § **726:9**

payments to debtor, § **726:10**

priority unsecured claims, § **726:5**

relation to

allowed claims only, § **726:4**

Chapter 11, § **726:11**

section 510, § **726:2**

secured claims, § **726:3**

subordination, § **726:2**

untimely filings, § **726:7**

#### Section 726(b)

core concept, § **726:12**

converted cases and superseded custodians, § **726:13**

exceptions created by section 724, § **726:14**

partnerships, payments to debtor, § **726:15**

timing of pro rata payments, § **726:16**

#### Section 726(c)

core concept, § **726:17**

administrative expense claims, § **726:18**

community property, other claims against, § **726:19**

**DISTRICT COURTS**

Order or approval of court (section 105(c)), § **105:10**

**DOCKETS OF COURT**

Public Access to Papers, this index

**DOLLAR AMOUNT ADJUSTMENTS**

Text of statute, § **104**

Automatic adjustments made, § **104:2**

Computerized filings, practical effect on, § **104:8**

Prospective application of adjustment (section 104(c))  
core concept, § **104:6, 104:7**

Rounding off dollar amounts, § **104:3**

Three-year adjustments (section 104(b))

core concept, § **104:1, 104:4**

computerized filings, practical effect on, § **104:8**

publication notice, § **104:5**

rounding off dollar amounts, § **104:3**

**DOMESTIC SUPPORT OBLIGATIONS**

Definition, § **101:17**

Dischargeability of debts, § **523:14**

Priorities, § **507:12**

**DRIVING WHILE INTOXICATED**

Dischargeability of debts, § **523:18**

Priorities for injuries from, § **507:41**

**EARMARKING DOCTRINE**

Preferences, § **547:19**

**EDUCATIONAL INSTITUTIONS**

Automatic Stay, this index

Property of estate, § **541:22**

**EDUCATIONAL IRAS**

Property of estate, § **541:24**

**ELEVENTH AMENDMENT**

Waiver of Sovereign Immunity, this index

**ELIGIBILITY**

Debtor. Eligibility to be Debtor, this index

Involuntary Cases, this index

Joint cases, § **302:2**

Trustees, this index

**ELIGIBILITY TO BE DEBTOR**

Text of statute, § **109**

Chapter 7 cases (section 109(b))

core concept, § **109:9**

banks and other financial institutions, § **109:11**

foreign insurance and financial institutions, § **109:12**



## INDEX

### **ELIGIBILITY TO BE DEBTOR—Cont'd**

#### Chapter 7 cases (section 109(b))—Cont'd

insurance companies, § **109:11**

railroads, § **109:10**

#### Chapter 9 cases (section 109(c))

core concept, § **109:13**

authorization to file, § **109:15**

insolvency, § **109:16**

municipalities, generally, § **109:14**

negotiation requirement and futility, § **109:18**

plan to adjust debts, § **109:17**

#### Chapter 11 cases (section 109(d))

core concept, § **109:19**

Chapter 7 debtors, § **109:20**

natural persons, § **109:23**

railroads, § **109:22**

stockbrokers and commodity brokers, § **109:21**

#### Chapter 12 cases (section 109(f))

core concept, § **109:31**

debt limitations, § **109:34**

family farmers, § **109:32**

regular annual income, § **109:33**

#### Chapter 13 cases (section 109(e))

core concept, § **109:24**

individual or individual with spouse, § **109:25**

individual with regular income, § **109:26**

lien valuation, § **109:29**

non-contingent, liquidated, secured debt, § **109:28**

non-contingent, liquidated, unsecured debt, § **109:27**

stockbrokers and commodity brokers, § **109:30**

#### Credit counseling requirement (section 109(h))

core concept, § **109:42**

exceptions, § **109:45**

failure to obtain counseling, § **109:47**

pre-filing counseling required, § **109:43**

provider of counseling, § **109:44**

waiver of counseling requirement, § **109:46**

#### Dismissal of case previously (section 109(g))

core concept, § **109:35**

applicability, § **109:36**

filing in violation of section 109(g), § **109:41**

judicial discretion, § **109:40**

180-day limit, § **109:37, 109:40**

voluntary dismissal after lift-stay motion, § **109:39**

willful debtor misconduct, § **109:38**

#### Domicile, § **109:3**

**ELIGIBILITY TO BE DEBTOR—Cont'd**

General requirements (section 109(a))

core concept, § 109:1

good faith, § 109:7

insolvency, § 109:8

municipalities, § 109:6

person, § 109:2

place of business, § 109:4

property in U.S., § 109:5

residence or domicile, § 109:3

Insolvency

Chapter 9 cases (section 109(c)), § 109:16

general requirements (section 109(a)), § 109:8

Involuntary Cases, this index

Person, § 109:2

Residence, § 109:3

**EMBEZZLEMENT**

Dischargeability of debts, § 523:13

**EMOTIONAL DISTRESS**

Damages, waiver of sovereign immunity (section 106(a)), § 106:8

**EMPLOYEE BENEFIT PLANS**

Priorities, § 507:19, 507:20

**ENTITY**

Definition, § 101:18

**EQUITABLE SUBORDINATION**

Subordination, this index

**EQUITY CUSHION**

Adequate protection, § 361:15, 361:16

**EQUITY SECURITY**

Definition, § 101:19

**EQUITY SECURITY HOLDERS' MEETINGS**

Meetings of Creditors and Equity Security Holders, this index

**ESTATE**

Debtor's attorney's compensation exceeding reasonable value of services,  
§ 329:12

Defenses of estate

text of statute, § 558

available defenses, § 558:2

elementary recoupment, § 558:7

elementary setoff, § 558:6

setoff and recoupment, special problems of, § 558:5

setoff and recoupment as section 558 defenses, § 558:8

setoffs, section 558 and, § 558:9

## INDEX

### **ESTATE—Cont'd**

- Defenses of estate—Cont'd
  - standing to assert defenses, § **558:1**
  - waiving a defense, § **558:3, 558:4**
- Money of Estates, this index

### **EXAMINATION OF DEBTOR**

- Text of statute, § **343**
- Appearance
  - debtor's inability to appear, § **343:7**
  - proof of inability to appear, § **343:8**
- Cooperate, debtors failure to, § **343:5**
- Method of examination, § **343:2**
- Oral examination of Chapter 7 debtor at creditors' meeting by trustee (section 341(d)), § **341:16, 341:17**
- Participants in examination, § **343:1**
- Practical limits on examination, § **343:4**
- Privilege against self-incrimination, § **343:6**
- Scope of examination, § **343:3**

### **EXAMINERS**

- Compensation of Officers, this index
- Interim Compensation, this index
- Professional person, trustee not to employ former examiner as, § **327:36**
- Removal of Trustee or Examiner, this index
- Trustee, ineligibility to serve as, § **321:7, 321:8**

### **EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

- Text of statute, § **365**
- Adequate assurance. Section 365(b), below
- Aircraft terminals or gates, leases of, § **365:31**
- Assignment
  - section 365(c), below
  - section 365(f), below
- Collective bargaining agreements. Reorganization, this index
- Conversion of case, effect of, § **348:13**
- Preferences, § **547:36**
- Section 365(a)
  - core concept, § **365:1**
  - collective bargaining agreement and section 1113, § **365:13**
  - definitions
    - executory contract, § **365:3**
    - unexpired lease, § **365:4**
  - effective date of assumption or rejection, § **365:10**
  - expired vs. terminated leases, § **365:5**
  - hearing and judicial approval, § **365:9**
  - nondebtor rights, § **365:8**
  - relation to other subsections, § **365:2**
  - relation to section 765 and 766, § **365:12**

**EXECUTORY CONTRACTS AND UNEXPIRED LEASES—Cont'd**

Section 365(a)—Cont'd

- scope of assumption, § **365:7**
- standard for assumption or rejection, § **365:6**
- validity of lease or contract, § **365:11**

Section 365(b)

- core concept, § **365:14**
- adequate assurance
  - compensation for loss, § **365:17**
  - cure of defaults, § **365:16**
  - future performance, § **365:18**
  - shopping centers, § **365:20**
- cure of defaults
  - adequate assurance, § **365:16**
  - relation to section 525, § **365:23**
  - relation to section 547, § **365:22**
- default that need not be cured, § **365:19**
- incidents of unexpired leases, § **365:24**
- shopping centers
  - adequate assurance, § **365:20**
  - defined, § **365:21**
- termination by default, § **365:15**

Section 365(c)

- core concept, § **365:25**
- aircraft terminals or gates, leases of, § **365:31**
- assignment prohibition
  - applicable law, § **365:27**
  - contractual prohibitions, § **365:26**
  - hypothetical vs. actual assignee, § **365:28**
- contracts for loans to debtor, § **365:29**
- relation to section 365(f), § **365:32**
- terminated nonresidential leases, § **365:30**

Section 365(d)

- core concept, § **365:33**
- Chapter 9, 11, 12, or 13 cases, § **365:35**
- Chapter 7 cases, § **365:34**
- nonresidential leases of real property, § **365:37**
- personalty, Chapter 11 and obligations on leases of, § **365:38**
- relation to section 503(b), § **365:38**
- trustee's duties prior to assumption/rejection, § **365:36**

Section 365(e)

- core concept, § **365:40**
- antibankruptcy law, § **365:42**
- contractual antibankruptcy clauses, § **365:41**
- exceptions enumerated, § **365:44**
- other grounds for termination, § **365:43**
- relationship to section 362, § **365:46**

## INDEX

### EXECUTORY CONTRACTS AND UNEXPIRED LEASES—Cont'd

- Section 365(e)—Cont'd
  - relation to section 365(c), § **365:45**
- Section 365(f)
  - core concept, § **365:47**
  - assignment
    - clauses and law prohibiting, § **365:48**
    - clauses and law terminating assigned agreements is, § **365:52**
    - requirements for, § **365:51**
  - relationship to section 365(d)(5), § **365:50**
  - relation to section 365(c), § **365:49**
- Section 365(g)
  - core concept, § **365:53**
  - measuring damages, § **365:57**
  - rejection of agreements never assumed, § **365:54**
  - rejection of agreements previously assumed, § **365:55**
  - relation to section 365(h)(2) and (i)(2), § **365:56**
  - rescinded, agreement not, § **365:58**
- Section 365(h)
  - core concept, § **365:59**
  - alternative remedies for lessees, § **365:60**
  - definition of lessee, § **365:63**
  - rejected lease, impact on third parties, § **365:67**
  - relationship to section 363(f), § **365:66**
  - shopping center lessees, § **365:62**
  - timeshare purchasers, alternative remedies for, § **365:64**
  - timeshare plan defined, § **365:65**
- Section 365(i)
  - core concept, § **365:68**
  - relation to section 365(g), § **365:70**
  - termination or possession, § **365:69**
- Section 365(j)-(m), § **365:71 to 365:72**
- Section 365(n)
  - core concept, § **365:75**
  - intellectual property defined, § **365:76**
  - licensee's duties when rights retained, § **365:80**
  - retention of contract rights, § **365:78**
  - termination remedy, § **365:77**
  - trustee's duties prior to rejection, § **365:81**
  - trustee's duties when rights retained, § **365:79**
- Section 365(o)
  - core concept, § **365:82**
  - Chapter 11 cases, limitation to, § **365:83**
  - exception, § **365:87**
  - insured depository institution defined, § **365:86**
  - mandatory assumption, § **365:84**
  - remedy for breach, § **365:85**

**EXECUTORY CONTRACTS AND UNEXPIRED LEASES—Cont'd**

- Section 365(p), § **365:88**
- Section 363(f), relationship to, § **365:61**
- Shopping centers
  - section 365(h), § **365:62**
  - section 365(b), above
- Timeshare purchasers and plans
  - section 365(h), § **365:64, 365:65**

**EXEMPTIONS**

- Text of statute, § **522**
- Avoidance of liens impairing exemption. Section 522(f), below
- Choice of exemption list, § **522:11**
- Choosing applicable state, § **522:16**
- Converting nonexempt property to exempt status, § **522:23**
- Debtor's duties and benefits, § **521:10, 521:11**
- Debtor's interest v. asset itself, § **522:32**
- Family farmers, § **522:82**
- Federal bankruptcy list of exemptions. Section 522(d), below
- Homestead, § **522:33**
- Jewelry, § **522:36**
- Joint cases, § **522:12**
- Joint tenancies, § **522:17**
- Liens. Section 522(f), below
- Life insurance
  - contracts, § **522:39**
  - dividends, § **522:40**
- Motor vehicle, § **522:34**
- Retirement funds. Section 522(b), below
- Rollover distributions, § **522:22**
- Section 522(a)
  - core concept, § **522:1**
  - definition and case law treatment, § **522:4**
  - dependent defined, § **522:2**
  - exemptions vs. exclusions, § **522:6**
  - insolvency, § **522:5**
  - relation to section 542, § **522:7**
  - relation to section 551, § **522:8**
  - value defined, § **522:3**
- Section 522(b)
  - core concept, § **522:10**
  - applicable federal law, § **522:13**
  - change of law, § **522:15**
  - choice of exemption list, § **522:11**
  - choosing applicable state, § **522:16**
  - converting nonexempt property to exempt status, § **522:23**
  - formatting exemptions, § **522:14**
  - husband and wife, § **522:12**

## INDEX

### EXEMPTIONS—Cont'd

#### Section 522(b)—Cont'd

- joint cases, § 522:12
- joint tenancies, § 522:17
- retirement funds
  - generally, § 522:18
  - direct transfers between retirement funds, § 522:21
- presumptions, § 522:20
- rollover distributions, § 522:22
- savings clause, § 522:19
- spouses, § 522:12
- state lists, § 522:13
- tenancies by the entirety, § 522:17
- timing of state exemptions, § 522:15

#### Section 522(c)

- core concept, § 522:24
- exception
  - enforceable secured claims, § 522:26
  - mandatory victims restitution act, § 522:29
  - section 523(a)(1) or (5), § 522:26
  - section 523(a)(4) or (6), § 522:28
- general rule, § 522:25

#### Section 522(d)

- core concept, § 522:30
  - alimony payments, § 522:42
  - applicability, § 522:31
  - health aides, § 522:41
  - homestead, § 522:33
  - household items, § 522:35
  - jewelry, § 522:36
  - life insurance contracts, § 522:39
  - life insurance dividends, § 522:40
  - motor vehicle, § 522:34
  - payments for losses, § 522:44
  - relation of
    - section 522(d)(10) to section 541, § 522:43
    - section 522(d)(11) to section 541, § 522:45
  - residence, § 522:33
  - Social Security payments, § 522:42
  - subsections (d)(1) through (d)(11), § 522:33 to 522:45
  - tax-exempt retirement funds, § 522:46
  - tools of trade, § 522:38
  - wildcard, § 522:37
- #### Section 522(e), § 522:47
- #### Section 522(f)
- core concept, § 522:48
  - avoiding judicial liens, § 522:52

**EXEMPTIONS—Cont'd**

Section 522(f)—Cont'd

- extent to which lien may be avoided, § **522:55**
- judgments resulting from mortgage foreclosures, § **522:60**
- judicial liens and state exemption lists, § **522:53**
- liens impairing exemptions, § **522:50**
- non-possessory, nonpurchase-money liens, § **522:54**
- relation between section 522(f)(1) and (3), § **522:51**
- relation to
  - section 502, § **522:58**
  - section 523, § **522:59**
- subsection (f)(1), generally, § **522:49**
- timing of debtor's interest and lien, § **522:56**
- trustee standing in Chapter 13 cases, § **522:57**

Section 522(g)

- core concept, § **522:62**
- limitations on section 522(g), § **522:63**
- relation to section 329, § **522:64**

Section 522(h)

- core concept, § **522:65**
- applicability and limitations, § **522:66**
- relation to section 502, § **522:67**

Section 522(i)

- core concept, § **522:68**
- relation to
  - section 550, § **522:69**
  - section 551, § **522:70**

Section 522(j), § **522:71**

Section 522(k)

- core concept, § **522:72**
- exceptions
  - costs debtor has not paid, § **522:74**
  - costs incident to avoiding transfers, § **522:73**

Section 522(l)

- core concept, § **522:75**
- relation to Bankruptcy Rule 4003, § **522:76**

Section 522(m)

- core concept, § **522:77**
- relation to section 522(b), § **522:78**

Section 522(n), § **522:79**

Section 522(o), § **522:80**

Section 522(p)

- core concept, § **522:81**
- exceptions
  - family farmers, § **522:82**
  - homeowners buying another house, § **522:83**

Section 522(q), § **522:84**



## INDEX

### **EXEMPTIONS—Cont'd**

- Secured claims, enforceable, § 522:26
- Social Security payments, § 522:42
- State lists, § 522:13
- Tenancies by the entirety, § 522:17
- Timing
  - of debtor's interest and lien, § 522:56
  - of state exemptions, § 522:15
- Tools of trade, § 522:38
- Wildcard, § 522:37

### **EXTENSION OF TIME**

- Text of statute, § 108
- Creditors, extension of statute of limitations for (section 108 (c))
  - core concept, § 108:15
  - measuring period, § 108:17
  - relation to other statutes
    - section 362, § 108:16
    - section 524, § 108:18
  - special circumstances, § 108:20
  - tolling vs. extension of limitations, § 108:19
- Debtor's duties and benefits, § 521:48
- Measuring period, § 108:4, 108:9, 108:17
- Trustee's commencement of action (section 108 (a))
  - core concept, § 108:1
  - expiration of rights, determining, § 108:3
  - measuring period, § 108:4
  - prepetition claims and unexpired rights, § 108:2
  - standing, § 108:5
- Trustee's time to take actions other than commencement of suit (section 108 (b))
  - core concept, § 108:6
  - measuring period, § 108:9
  - relation to other statutes
    - other Code provisions, § 108:13
    - section 105, § 108:10
    - section 108 (a), § 108:7
    - section 362, § 108:12
    - section 365, § 108:11
  - standards for nondisclosure, § 108:8

### **FAIR DEBT COLLECTION PRACTICES ACT (FDCPA)**

- Automatic stay, § 362:89

### **FALSE REPRESENTATIONS**

- Involuntary Cases, this index

### **FAMILY FARMER OR FISHERMAN DEBT ADJUSTMENT**

- Adequate protection
  - generally, § 361:8
  - text of statute, § 1205

**FAMILY FARMER OR FISHERMAN DEBT ADJUSTMENT—Cont'd**

Adequate protection—Cont'd

section 1205(a), § **1205:1**

section 1205(b)

core concept, § **1205:2**

additional liens, § **1205:6**

cash payments, § **1205:5**

property interest protected, § **1205:4**

reasonable rent, § **1205:7**

relation to section 362, 363, and 364, § **1205:3**

remedy for lack of adequate protection, § **1205:10**

valuation, § **1205:9**

section 1205(b)(4), other relief, § **1205:8**

Applicability of chapters pursuant to section 103(j), § **103:13**

Codebtor stay

text of statute, § **1201**

section 1201(a)

core concept, § **1201:1**

application of Chapter 13 case law, § **1201:4**

definition of codebtor, § **1201:2**

requirement of consumer debt, § **1201:3**

section 1201(b), § **1201:5**

section 1201(c)

core concept, § **1201:6**

considerations in lifting stay, § **1201:7**

section 1201(d), § **1201:8**

Conversion or dismissal

text of statute, § **1208**

section 1208(a)

core concept, § **1208:1**

consequence of conversion, § **1208:4**

conversion to or from other chapters, § **1208:3**

waiver, § **1208:2**

section 1208(b)

core concept, § **1208:5**

cases previously converted to Chapter 12, § **1208:7**

consequences of dismissal, § **1208:9**

fraud alleged, § **1208:8**

waiver, § **1208:6**

section 1208(c)

core concept, § **1208:10**

causes, enumerated, § **1208:15**

causes, nonexclusive list of, § **1208:14**

consequences of dismissal, § **1208:16**

judicial discretion, § **1208:13**

notice and hearing, § **1208:12**

standing, § **1208:11**

## INDEX

### **FAMILY FARMER OR FISHERMAN DEBT ADJUSTMENT—Cont'd**

#### Conversion or dismissal—Cont'd

##### section 1208(d)

- core concept, § **1208:17**
- consequences of conversion, § **1208:22**
- discretion of court, § **1208:20**
- notice and hearing, § **1208:19**
- relation to section 1208(b), § **1208:21**
- standing, § **1208:18**

##### section 1208(e)

- core concept, § **1208:23**
- conversion to Chapter 11, § **1208:25**
- relation to section 109, § **1208:24**

#### Debtor's rights and powers

- compensation, no right to, § **1203:2**
- debtor-in-possession, rights as, § **1203:1**
- exceptions to duties required, § **1203:4**
- functions and duties required, § **1203:3**

#### Definition of family farmer, § **101:20**

#### Involuntary cases, ineligibility for, § **303:7**

#### Notice and hearing

- conversion or dismissal, § **1208:12, 1208:19**
- domestic support claim, notice of, § **1202:9**
- sales free of interests, § **1206:1**

#### Plans. Family Farmer or Fisherman Debt Adjustment Plans

#### Property of estate

##### text of statute, § **1207**

##### section 1207(a)

- core concept, § **1207:1**
- converted cases, § **1207:5**
- debtor's postfiling earnings, § **1207:4**
- property acquired postpetition, § **1207:3**
- relation to section 541, § **1207:2**

##### section 1207(b)

- core concept, § **1207:6**
- enumerated exceptions, § **1207:7**

#### Removal of debtor as debtor-in-possession

##### text of statute, § **1204**

##### section 1204(a)

- core concept, § **1204:1**
- causes for removal, § **1204:2**

##### section 1204(b), § **1204:3**

#### Sales free of interests

##### text of statute, § **1206**

- authorized parties, § **1206:3**
- notice and hearing, § **1206:1**
- proceeds of sale, interest in, § **1206:5**

**FAMILY FARMER OR FISHERMAN DEBT ADJUSTMENT—Cont'd**

Sales free of interests—Cont'd

relation to section 363, § **1206:2**

scope of authority, § **1206:4**

Trustee

text of statute, § **1202**

compensation limitations. Trustees, this index

section 1202(a)

core concept, § **1202:1**

methods of appointing trustee, § **1202:2**

section 1202(b)

core concept, § **1202:3**

debtor ceasing to be in possession, § **1202:8**

domestic support claim, notice of, § **1202:9**

duties set forth in Chapter 7, § **1202:4**

hearings, attendance at, § **1202:6**

investigative powers, § **1202:5**

timely payments, ensuring, § **1202:7**

section 1202(c), § **1202:10**

**FAMILY FARMER OR FISHERMAN DEBT ADJUSTMENT PLANS**

Confirmation of plan

text of statute, § **1225**

effect of confirmation, below

hearing on confirmation

text of statute, § **1224**

expedited notice, § **1224:1**

nature of hearing, § **1224:2**

standing, § **1224:3**

tardiness, consequence of, § **1224:5**

timing and exception for cause, § **1224:4**

section 1225(a)

core concept, § **1225:1**

comparison to Chapter 7, § **1225:7**

compliance with Chapter 12 and Code, § **1225:4**

domestic support obligations, § **1225:10**

fees, payment of required, § **1225:5**

good faith, § **1225:6**

judicial discretion, § **1225:3**

realistic plan, § **1225:9**

relation to section 1225 (b), § **1225:2**

secured claims, treatment of allowed, § **1225:8**

unsecured claims, § **1225:7**

section 1225(b)

core concept, § **1225:11**

consenting unsecured creditors, § **1225:12**

disposable income, § **1225:14, 1225:15**

relation to section 1225(a), § **1225:13**

## INDEX

### FAMILY FARMER OR FISHERMAN DEBT ADJUSTMENT PLANS

#### —Cont'd

#### Confirmation of plan—Cont'd

section 1225(c), § **1225:16**

#### Contents of plan

text of statute, § **1222**

#### section 1222(a)

core concept, § **1222:1**

domestic support obligations, payment on, § **1222:7**

payment up priority claims, § **1222:3**

relation to section 1229, § **1222:5**

same class, same treatment, § **1222:4**

submission of future income, § **1222:2**

trustee, payment to, § **1222:6**

#### section 1222(b)

core concept, § **1222:8**

care and maintenance, long-term debt, § **1222:13**

catchall provision, § **1222:20**

class discrimination, § **1222:9**

concurrent payments, § **1222:12**

executory contracts and unexpired leases, § **1222:14**

hearing or waiving defaults, § **1222:11**

long-term security debt, time limits and, § **1222:17**

modification of claims, § **1222:10**

nondischargeable claims, interest on, § **1222:19**

property of estate, payment from, § **1222:15**

sale of property, payment from, § **1222:16**

vesting of property of estate, § **1222:18**

#### section 1222(c)

core concept, § **1222:21**

relation to section 1222(b)(5) and (b)(9), § **1222:22**

#### section 1222(d), § **1222:23**

#### Discharge

text of statute, § **1228**

#### section 1228(a)

core concept, § **1228:1**

comparison with section 727, § **1228:8**

effect of discharge, § **1228:7**

eligibility, full compliance with plan, § **1228:2**

exceptions, hardship discharge, § **1228:4**

exceptions, payments under section 1228(b)(5) and (9), § **1228:3**

hardship discharge, § **1228:4**

prior bankruptcies, § **1228:8**

relation to section 524, § **1228:7**

relation to section 1227, § **1228:9**

relation to section 1229, § **1228:10**

scope of discharge, § **1228:6**

timing of discharge, § **1228:5**

**FAMILY FARMER OR FISHERMAN DEBT ADJUSTMENT PLANS**

**—Cont'd**

Discharge—Cont'd

section 1228(b)

core concept, § **1228:11**

hardship discharge, § **1228:13**

notice and hearing, § **1228:12**

section 1228(c), § **1228:14**

section 1228(d)

core concept, § **1228:15**

revocation, exclusive ground for, § **1228:17**

revocation, prerequisites to, § **1228:16**

section 1228(e), § **1228:18**

section 1228(f), § **1228:19**

Disposition of property used in farming operation, claim by governmental unit

Section 1232(a)

core concept, § **1232:1**

priority stripping, application of, § **1232:2**

Section 1232(b), § **1232:3**

Section 1232(c), § **1232:4**

Section 1232(d), § **1232:5**

Effect of confirmation

text of statute, § **1227**

section 1227(a)

core concept, § **1227:1**

binding trustee, § **1227:5**

relation to section 1208(b), § **1227:2**

relation to section 1228, § **1227:3**

relation to section 1229, § **1227:4**

section 1227(b), § **1227:6**

section 1227(c)

core concept, § **1227:7**

exception, section 1228(a), § **1227:9**

exception, terms of plan or confirmation order, § **1227:8**

Filing of plan

text of statute, § **1221**

deadline, § **1221:2**

debtor's right and duty, § **1221:1**

extensions, § **1221:3**

relation to section 1208, § **1221:4**

Modification of plan after confirmation

section 1229(c)

core concept, § **1229:11**

comparison with section 1222(c), § **1229:12**

time limits, § **1229:12**

section 1229(d), § **1229:13**

Modification of plan before confirmation

text of statute, § **1223**

## INDEX

### FAMILY FARMER OR FISHERMAN DEBT ADJUSTMENT PLANS

#### —Cont'd

#### Modification of plan before confirmation—Cont'd

##### section 1223(a)

core concept, § **1223:1**

relation to section 1222, § **1223:2**

relation to section 1229, § **1223:3**

timing, previous denial of confirmation, § **1223:4**

##### section 1223(b), § **1223:5**

##### section 1223(c), § **1223:6**

#### Modifying the plan after confirmation

##### text of statute, § **1229**

##### section 1229(a)

core concept, § **1229:1**

change circumstances, § **1229:7**

comparison with section 1223, § **1229:2**

exclusive authority for modification, § **1229:3**

provisions subject to modification, § **1229:6**

relation to section 1227, § **1229:7**

standing, § **1229:5**

timing, § **1229:4**

##### section 1229(b)

core concept, § **1229:8**

compliance with section 1222, 1223, and 1225, § **1229:9**

displacing original plan, § **1229:10**

notice and hearing, § **1229:10**

#### Notice and hearing

confirmation of plan, § **1224:1**

discharge, § **1228:12**

modification of plan after confirmation, § **1229:10**

#### Payments

##### text of statute, § **1226**

##### section 1226(a)

core concept, § **1226:1**

denial of confirmation, § **1226:4**

disposition of funds upon plan confirmation, § **1226:3**

preconfirmation payments to trustee, § **1226:2**

standing trustee's fee, § **1226:5**

##### section 1226(b)

core concept, § **1226:6**

references to section 1202(c) and (d), § **1226:8**

timing of administrative and trustee payments, § **1226:7**

trustee fees on payment of administrative claims, § **1226:9**

##### section 1226(c)

core concept, § **1226:10**

direct payments by debtor, § **1226:11**

#### Revocation of confirmation

##### text of statute, § **1230**

**FAMILY FARMER OR FISHERMAN DEBT ADJUSTMENT PLANS**

**—Cont'd**

Revocation of confirmation—Cont'd

section 1230(a)

core concept, § **1230:1**

fraud, § **1230:2**

limitation period, § **1230:4**

relation to Rule 60(b), § **1230:5**

relation to section 105, § **1230:3**

section 1230(b), § **1230:6**

Special tax provisions, § **1231:1, 1231:2**

**FAMILY FARMERS**

Definition, § **101:20**

Exemptions, § **522:82**

**FARMING OPERATION**

Definition, § **101:21**

**FEES**

Compensation of Officers, this index

Interim Compensation, this index

Petition Preparers, this index

Professional persons' compensation limitations, generally. See Professional Persons

Sharing of Compensation, this index

**FIDUCIARIES**

Trustee compensation, denial of, § **326:23**

**FIDUCIARY FRAUD**

Dischargeability of debts, § **523:13**

**FILING OF PROOFS OF CLAIM OR INTEREST**

Text of statute

Amendment, § **501:12, 501:26**

Burden of proof, § **501:10**

Class action representatives, § **501:7**

Indenture trustees, § **501:6**

Municipal debt adjustment plan confirmation, § **944:2**

Nondischargeable claims and Chapter 7, § **501:22**

Section 501(a)

core concept, § **501:1**

alternatives to section 501, § **501:14**

amending timely proofs of claim, § **501:12**

applicability, § **501:2**

burden of proof, § **501:10**

class action representatives, § **501:7**

creditor defined, § **501:4**

creditors who must file, § **501:9**

effect of filing, § **501:10**



## INDEX

### **FILING OF PROOFS OF CLAIM OR INTEREST—Cont'd**

- Section 501(a)—Cont'd
  - equity interests, § **501:3**
  - form, § **501:8**
  - indenture trustees, § **501:6**
  - late filings, § **501:11**
  - relation to section 726, § **501:16**
  - relation to section 1111, § **501:15**
  - sovereign immunity, § **501:13**
  - unenforceable claims under FDCPA, § **501:5**
- Section 501(b)
  - core concept, § **501:17**
  - form and effect of filing, § **501:18**
  - standing, § **501:20**
  - timing, § **501:19**
- Section 501(c)
  - core concept, § **501:21**
  - alternative to section 501(c), § **501:25**
  - amending proof of claim, § **501:26**
  - Chapter 11, applicability to, § **501:23**
  - form and effect of filing, § **501:27**
  - nondischargeable claims and Chapter 7, § **501:22**
  - sovereign immunity, § **501:28**
  - timing, § **501:24**
- Section 501(d)
  - core concept, § **501:29**
  - applicability, § **501:30**
  - postpetition claims, § **501:31**
- Section 501(e)
  - core concept, § **501:31**
- Sovereign immunity
  - section 501(a), § **501:13**
  - section 501(c), § **501:28**
- Standing, § **501:20**
- Timing, § **501:19**

### **FINANCIAL INSTITUTIONS**

- Banks and Other Financial Institutions, this index
- Clearing Bank Liquidation, this index

### **FINES AND PENALTIES**

- Dischargeability of debts, § **523:16**
- Petition Preparers, this index

### **FIXTURES**

- Successor to certain creditors and purchasers and lien creditor, trustee as, § **544:8**

### **FORECLOSURE**

- Limitations on trustee's avoiding powers, § **546:14**

**FOREIGN INSURANCE AND FINANCIAL INSTITUTIONS**

Eligibility to be debtor, § 109:12

**FOREIGN PROCEEDINGS**

Abstention, this index

Definitions, § 101:22

Involuntary cases, commencement by filing of petition, § 303:22

**FOREIGN REPRESENTATIVES**

Appearance, this index

Definitions, § 101:23

**FOREIGN REPRESENTATIVES AND CREDITORS**

Ancillary and Other Cross-Border Cases, this index

**FORWARD CONTRACT**

Definitions, § 101:24

**FORWARD CONTRACT MERCHANT**

Definition, § 101:25

**FORWARD CONTRACT MERCHANTS**

Priority unaffected by exercise of termination and netting rights, § 753:1, 753:2,  
767

**FRAUD**

Conversion of case, effect of, § 348:22

Dischargeability of debts, § 523:11

Involuntary Cases, this index

Removal of trustee or examiner, § 324:12

**FRAUDULENT TRANSFERS AND OBLIGATIONS**

Text of statute, § 548

Discharge of debtor, § 524:36

Section 548(a)

core concept, § 548:1

actual fraud, § 548:17

burden of proof, § 548:7

comparison with section 547, § 548:13

constructive fraud, § 548:18

debtor's property, § 548:10

general considerations, § 548:3

involuntary acts, § 548:9

pleading requirements: Fed. R. Civ. P. 8(a) and 9(b), § 548:2

recovered property, § 548:6

relation to section 544(b), § 548:12

relation to section 549, § 548:14

relation to section 550, § 548:15

relation to section 551, § 548:16

religious or charitable contributions, exception four, § 548:19

standing and enforceability, § 548:5

timing, § 548:4

## INDEX

### **FRAUDULENT TRANSFERS AND OBLIGATIONS—Cont'd**

#### Section 548(a)—Cont'd

- transferees, persons liable, § **548:11**
- transfers, § **548:8**

#### Section 548(b)

- core concept, § **548:20**
- applicability, § **548:21**
- enumerated elements, § **548:22**
- partnership requirement, § **548:24**
- reasonably equivalent value, § **548:23**

#### Section 548(c)

- core concept, § **548:25**
- for value, § **548:27**
- good faith, § **548:28**
- overlap with other sections, § **548:26**
- remedy, § **548:29**

#### Section 548(d)

- core concept, § **548:30**
- applicable law, § **548:32**
- charitable contributions and charities, § **548:37**
- failure to perfect, consequences of, § **548:33**
- time and hypothetical bona fide purchaser, § **548:31**
- value
  - generally, § **548:34**
  - exception to value, § **548:35**
  - specific transactions, § **548:36**

#### Section 548(e), § **548:38**

### **GARBAGE SERVICE**

- Utilities, § **366:6**

### **GENERAL PROVISIONS**

- Applicability of chapters, this index
- Definitions, this index

### **GOOD OR BAD FAITH**

- Municipal debt adjustment, § **921:9, 921:10**
- Obtaining credit, § **364:33**
- Turnover of property to estate, § **542:19**

### **GOVERNMENTAL UNIT**

- Definitions, § **101:26**

### **GRAIN ASSETS**

- Expedited determination of interests; abandonment or other disposition
  - text of statute, § **557**
- section 557(a)
  - core concept, § **557:1**
  - substantive law, § **557:2**

**GRAIN ASSETS—Cont'd**

Expedited determination of interests; abandonment or other disposition—Cont'd

section 557(b)

core concept, § **557:3**

relation to section 507(a)(5), § **557:4**

section 557(c)

core concept, § **557:5**

judicial discretion, § **557:6**

relation to section 557(f), § **557:8**

timetable, factors affecting, § **557:7**

section 557(h)

core concept, § **557:13**

applicability, § **557:14**

nondebtors' obligations, § **557:16**

relation to section 326, § **557:17**

relation to section 503(b) and 507(a)(1), § **557:15**

section 557(i), § **557:18**

sections 557(d) to (g), § **557:9 to 557:12**

**GUARANTY**

Discharge of debtor, guarantors' claims, § **524:11**

**HEALTH CARE**

Allowance of administrative expenses, § **503:33**

Exemptions for health aides, § **522:42**

Patient Care Ombudsman, this index

Patient records, disposal of

Property of estate, health benefit plan contributions, § **541:26**

**HOMESTEAD**

Exemption, § **522:33**

**HOUSEHOLD ITEMS**

Exemptions, § **522:35**

**HYDROCARBONS**

Property of estate, § **541:23**

**IDENTITY**

Minor children, prohibition on disclosure of name of, § **112**

**IDENTITY THEFT**

Protection against (section 107(c)), § **107:12 to 107:14**

**INDENTURE TRUSTEES**

Allowance of administrative expenses, § **503:28**

Filing of proofs of claim or interest, § **501:6**

**INDIVIDUAL DEBT ADJUSTMENT**

Applicability of chapters pursuant to section 103(i), § **103:12**

Codebtor stay

text of statute, § **1301**

## INDEX

### INDIVIDUAL DEBT ADJUSTMENT—Cont'd

#### Codebtor stay—Cont'd

##### section 1301(a)

core concept, § **1301:1**

activities prohibited, § **1301:3**

applicability, § **1301:4**

comparison with Chapter 11, § **1301:9**

comparison with section 362(h), § **1301:8**

comparison with section 1201, § **1301:10**

comparison with section 362, generally, § **1301:7**

consumer debts and section 101(8), § **1301:4**

effect of stay, § **1301:6**

exceptions, § **1301:11, 1301:12**

ordinary course of business, § **1301:11**

parties protected, § **1301:5**

remedying violations, § **1301:8**

termination of Chapter 13 case, § **1301:12**

timing of stay, § **1301:2**

##### section 1301(b), § **1301:13**

##### section 1301(c), § **1301:13**

core concept, § **1301:14**

alternate grounds, § **1301:15**

debtor's lack of consideration, § **1301:17**

incomplete payment under plan, § **1301:18**

irreparable harm, § **1301:19**

notice and hearing, § **1301:18**

##### section 1301(d), § **1301:20**

#### Conversion or dismissal

text of statute, § **1307**

##### section 1307(a)

core concept, § **1307:1**

other chapters, conversion to, § **1307:4**

relation to section 1307(f), § **1307:5**

rights after conversion, § **1307:3**

waiver, § **1307:2**

##### section 1307(b)

core concept, § **1307:6**

comparison with section 707, § **1307:12**

conversion vs. dismissal, § **1307:7**

nearly unqualified right, § **1307:10**

preventing abuse of subsection, § **1307:15**

relation to section 109(g), § **1307:11**

relation to section 1327, § **1307:13**

relation to section 1329, § **1307:14**

timing of dismissal, § **1307:8**

waiver, § **1307:9**

**INDIVIDUAL DEBT ADJUSTMENT—Cont'd**

Conversion or dismissal—Cont'd

section 1307(c)

- core concept, § **1307:16**
- causes enumerated, § **1307:21**
- causes unenumerated, § **1307:20**
- comparison and relation to section 1325, § **1307:27**
- comparison with section 1330, § **1307:28**
- comparison with section 1307(a) and (b), § **1307:17**
- discretion of court, § **1307:23**
- motions to convert, § **1307:29**
- notice and hearing, § **1307:22**
- notices of dismissal, § **1307:29**
- relation to section 362, § **1307:26**
- relation to section 1307(e), § **1307:18**
- relation to section 1307(f), § **1307:19**
- standing, § **1307:25**
- sua sponte conversion or dismissal, § **1307:24**

section 1307(d)

- core concept, § **1307:30**
- cause, conversion for, § **1307:36**
- notice and hearing, § **1307:35**
- relation to section 1307(f), § **1307:31**
- relation to section 1307(g), § **1307:32**
- standing, § **1307:34**
- timing of conversion, § **1307:33**

section 1307(e), § **1307:37**

section 1307(f), § **1307:38**

section 1307(g)

- core concept, § **1307:39**
- relation to section 109, § **1307:40**

Debtor engaged in business

text of statute, § **1304**

comfort orders, debtor not engaged in business, § **1304:10**

section 1304(a)

- core concept, § **1304:1**
- production of income, § **1304:3**
- self employment, § **1304:2**
- trade credit, § **1304:3**

section 1304(b)

- core concept, § **1304:4**
- discretion of court, § **1304:5**
- losses in business, § **1304:7**
- relation to Chapter 5, § **1304:12**
- relation to section 363, § **1304:8**
- relation to section 364, § **1304:9**
- relation to section 365, § **1304:11**

## INDEX

### INDIVIDUAL DEBT ADJUSTMENT—Cont'd

#### Debtor engaged in business—Cont'd

##### section 1304(b)—Cont'd

relation to section 1302, § **1304:6**

trustee's role, § **1304:6**

##### section 1304(c)

core concept, § **1304:13**

failure to perform duties, consequences of, § **1304:15**

relation to section 704(8), § **1304:14**

Exemptions and trustee standing in Chapter 13 cases, § **522:57**

#### Filing and allowance of postpetition claims

text of statute, § **1305**

##### section 1305(a)

core concept, § **1305:1**

consequences, section 1322(b) and 1328, § **1305:8**

consequences of not filing, § **1305:10**

consumer debts, certain postpetition, § **1305:5**

creditor's option, § **1305:3**

permissive filing, § **1305:2**

postpetition claims, § **1305:11**

relation to section 1305(c), § **1305:6**

relation to section 1329, § **1305:9**

relation to section 503 and 507, § **1305:7**

tax claims, § **1305:4**

##### section 1305(b)

core concept, § **1305:12**

relation to section 502, § **1305:13**

relation to section 1305(c), § **1305:14**

##### section 1305(c)

core concept, § **1305:15**

court approval prior to incurring debt, § **1305:16**

creditor's actual or constructive knowledge, § **1305:17**

disallowance, § **1305:18**

nondischargeability and section 1328(d), § **1305:18**

#### Notice and hearing

codebtor stay, § **1301:18**

conversion or dismissal, § **1307:22, 1307:29**

domestic support obligation claimants, notice to, § **1302:12**

#### Plans. Individual Debt Adjustment Plans, this index

#### Property of estate

text of statute, § **1306**

##### section 1306(a)

core concept, § **1306:1**

applicability, § **1306:2**

cases converted to Chapter 7, § **1306:5**

comparison with Chapter 11, § **1306:6**

comparison with Chapter 12, § **1306:7**

duty to disclose, § **1306:4**

**INDIVIDUAL DEBT ADJUSTMENT—Cont'd**

Property of estate—Cont'd

section 1306(a)—Cont'd

property acquired postpetition, but prior to Chapter 7 conversion (section 348(f)), § **1306:5**

relation to section 362, § **1306:8**

relation to section 541, § **1306:3**

relation to section 1325, § **1306:9**

relation to section 1327(b), § **1306:10**

Thirteenth Amendment, § **1306:11**

section 1306(b)

core concept, § **1306:12**

comparison with Chapter 7, § **1306:13**

debtor's duty, § **1306:14**

exempt property, § **1306:16**

relation to section 521, § **1306:15**

Rights and powers of debtor

text of statute, § **1303**

comparison with Chapter 11, § **1303:5**

exclusive right of debtor, § **1303:3**

incorporating other powers, § **1303:4**

relation to section 363, § **1303:1, 1303:2**

standing to sue, § **1303:4**

Tax returns, filing of prepetition, § **1308:1 to 1308:4**

Trustee compensation limitations. Trustees, this index

Trustees

text of statute, § **1302**

capacity to sue and be sued, § **323:15**

section 1302(a)

core concept, § **1302:1**

standing trustees, § **1302:2, 1302:3**

section 1302(b)

core concept, § **1302:4**

advising and assisting debtor, § **1302:10**

appearance and hearing, § **1302:8**

comparison with Chapter 7 trustee, § **1302:6**

distribution of funds, § **1302:9**

domestic support obligation claimants, notice to, § **1302:12**

ensuring compliance with plan, § **1302:11**

relation to debtor, § **1302:5**

relation to section 704, § **1302:7**

section 1302(c)

core concept, § **1302:13**

additional duties, § **1302:16**

engaged in business, § **1302:14**

relation to section 1106(a)(3) and (4), § **1302:15**

section 1302(d), § **1302:17**



## INDEX

### INDIVIDUAL DEBT ADJUSTMENT PLANS

#### Confirmation of plan

- text of statute, § **1325**
- effect of confirmation, below
- hearing on confirmation
  - text of statute, § **1324**
  - failure to object, § **1324:6**
  - notice, § **1324:2**
  - objections, § **1324:4, 1324:5**
  - section 1324(a), § **1324:1 to 1324:6**
  - section 1324(b), § **1324:7**
- section 1325(a)
  - core concept, § **1325:1**
  - judicial discretion, § **1325:2**
  - compliance with Code, § **1325:4**
  - domestic support obligations, § **1325:11**
  - fees, payment of, § **1325:5**
  - good faith, § **1325:6, 1325:10**
  - making the payments, § **1325:9**
  - relation to section 1329, § **1325:3**
  - secured claims, § **1325:8**
  - tax returns, filing, § **1325:12**
  - unsecured claims, protecting, § **1325:7**
- section 1325(b)
  - core concept, § **1325:13**
  - definitions, § **1325:17**
  - full payment of claim, § **1325:15**
  - holder of allowed unsecured claim, § **1325:18**
  - parties authorized to object, § **1325:14**
  - projected disposable income, § **1325:16**
  - Social Security and other types of income, § **1325:18**
- section 1325(c)
  - core concept, § **1325:20**
  - antiassignment laws, § **1325:22**
  - appealability of order denying confirmation, § **1325:23**
  - judicial discretion, § **1325:21**

#### Contents of plan

- text of statute, § **1322**
- payments beyond 60-month limit and dismissal, § **1322:25**
- section 1322(a)
  - core concept, § **1322:1**
  - amount to be paid, § **1322:3**
  - domestic support obligations, § **1322:7**
  - equal treatment of claims, § **1322:6**
  - future earnings or income, payment from, § **1322:2**
  - priority claims, payment of, § **1322:5**
  - trustee, payment to, § **1322:4**

**INDIVIDUAL DEBT ADJUSTMENT PLANS—Cont'd**

Contents of plan—Cont'd

section 1322(b)

- core concept, § **1322:8**
- claims allowed by section 1305, § **1322:19**
- concurrent payment of claims, § **1322:17**
- consumer debt exception, § **1322:12**
- curing any default, § **1322:16**
- discrimination against classes, § **1322:11**
- executory contracts and unexpired leases, § **1322:20**
- hearing defaults on long-term debt, § **1322:18**
- liquidating property, payment by, § **1322:21**
- other appropriate provisions, § **1322:24**
- relation to section 1122, § **1322:10**
- relation to section 1322(a), (c), (d), and (e), § **1322:9**
- secured and unsecured claims, modification of, § **1322:13**
- security interest in personal residence, § **1322:15**
- unsecured claims, classes of, § **1322:10**
- valuation date, § **1322:14**
- vesting of estate property, § **1322:22**

section 1322(c)

- core concept, § **1322:25**
- mortgages maturing during performance of plan, § **1322:27**
- payments beyond 60-month limit and dismissal, § **1322:25**
- termination of right to cure, § **1322:26**

section 1322(e)

- core concept, § **1322:28, 1322:33**
- computing time, § **1322:31**
- median state level, income above or below, § **1322:29, 1322:30**
- relation to section 506, 1322(b)(2), and 1325(a)(5), § **1322:34**

section 1322(f), § **1322:35**

Discharge

- text of statute, § **1328**
- other section 1328 sections apply, § **1328:35**

section 1328(a)

- core concept, § **1328:1**
- comparison with section 1328(b), § **1328:3**
- compliance with plan, § **1328:2**
- debts discharged, § **1328:8, 1328:9**
- debts not discharged, § **1328:10**
- debts provided for, § **1328:8**
- judicial discretion, § **1328:5**
- postpetition consumer claims, § **1328:4**
- timing, § **1328:6**
- waiver of discharge, § **1328:7**

section 1328(b)

- core concept, § **1328:11**

## INDEX

### INDIVIDUAL DEBT ADJUSTMENT PLANS—Cont'd

#### Discharge—Cont'd

##### section 1328(b)—Cont'd

judicial discretion, § **1328:12**

notice and hearing, § **1328:13**

prerequisites to discharge, § **1328:14**

scope of discharge, § **1328:16**

timing, § **1328:15**

##### section 1328(c)

core concept, § **1328:17**

disallowed claims, § **1328:19**

exceptions to discharge, § **1328:20**

postpetition consumer claims, § **1328:21**

unsecured claims, § **1328:18**

##### section 1328(d)

core concept, § **1328:22**

prerequisites to discharge, § **1328:24**

scope, § **1328:23**

##### section 1328(e)

core concept, § **1328:25**

grounds for revocation, § **1328:26, 1328:27**

##### sections 1328(f)

core concept, § **1328:28**

no discharge, Chapter 13 cases, § **1328:29**

##### sections 1328(g), § **1328:30**

##### sections 1328(h), § **1328:31**

##### sections 1328(i)

core concept, § **1328:32**

discretionary decision, § **1328:34**

requirements, § **1328:33**

#### Effect of confirmation

text of statute, § **1327**

##### section 1327(a)

core concept, § **1327:1**

comparison with section 1141, § **1327:12**

enforcement, § **1327:4**

notice and hearing prerequisite, § **1327:2**

relation to section 362, § **1327:10**

relation to section 502, § **1327:11**

relation to section 1307, § **1327:6**

relation to section 1325, § **1327:7**

relation to section 1329, § **1327:8**

relation to section 1330, § **1327:9**

relation to section 523 and 1328, § **1327:5**

res judicata, § **1327:3**

##### section 1327(b)

core concept, § **1327:13**

relation to section 348, § **1327:15**

**INDIVIDUAL DEBT ADJUSTMENT PLANS—Cont'd**

Effect of confirmation—Cont'd

section 1327(b)—Cont'd

relation to section 1306, § **1327:14**

section 1327(c)

core concept, § **1327:16**

exception, § **1327:17**

impact on liens, § **1327:18**

Filing of plan

text of statute, § **1321**

debtor's duty, § **1321:1**

debtor's prerogative, § **1321:1**

failure to file, § **1321:3**

modification of plan, postconfirmation, § **1321:7**

modification of plan, preconfirmation, § **1321:6**

relation to section 1322, § **1321:5**

timing, § **1321:2**

Modification of plan after confirmation

text of statute, § **1329**

grace period, payments not modification, § **1329:23**

section 1329(a)

core concept, § **1329:1**

change in circumstances, § **1329:5**

comparison with section 1321, § **1329:4**

grounds, § **1329:5**

health insurance expenditures, § **1329:11**

judicial discretion, § **1329:6**

limitations on modification, § **1329:8**

relation to section 1327, § **1329:9**

relation to section 1328, § **1329:10**

scope, § **1329:7**

scope of payment under the plan, § **1329:3**

standing, § **1329:4**

timing, § **1329:2**

section 1329(b)

core concept, § **1329:12**

applicability, § **1329:16**

displacing the plan: new effective date, notice, and hearing, § **1329:18**

effective date, determining property value and, § **1329:17**

relation to section 1323(c), § **1329:14**

requirements of section 1322, § **1329:13**

requirements section 1325(a), § **1329:15**

section 1329(c)

core concept, § **1329:19**

comparison with section 1322(d), § **1329:21**

exception for cause, § **1329:20**

measuring time, § **1329:22**

## INDEX

### INDIVIDUAL DEBT ADJUSTMENT PLANS—Cont'd

#### Modification of plan before confirmation

text of statute, § **1323**

##### section 1323(a)

core concept, § **1323:1**

debtor's right, § **1323:2**

hearing on notice, § **1323:5**

limitation on modification, § **1323:3**

relation to section 1329, § **1323:4**

timing, § **1323:4**

##### section 1323(b), § **1323:6**

##### section 1323(c)

core concept, § **1323:7**

presumptions, rebutting, § **1323:9**

rejection vs. objections, § **1323:10**

unsecured claims, § **1323:8**

#### Notice and hearing

confirmation of plan, § **1324:2**

discharge, § **1328:13**

displacing the plan: new effective date, notice, and hearing, § **1329:18**

modification of plan before confirmation, § **1323:5**

#### Obtaining copy of plan, § **521:32**

#### Payments

text of statute, § **1326**

##### section 1326(a)

core concept, § **1326:1**

bar date for claims, § **1326:5**

insurance coverage, maintenance of required, § **1326:8**

late payments, § **1326:3**

relation to section 363, § **1326:7**

relation to section 1307, § **1326:3**

timing, § **1326:2**

trustee, payments by, § **1326:4**

unconfirmed plans, returning payments, § **1326:6**

##### section 1326(b)

core concept, § **1326:9**

administrative expenses, § **1326:10**

Chapter 7 trustee in previously converted or dismissed case, fee for,  
§ **1326:12**

standing trustee, fee for, § **1326:11**

##### section 1326(c)

core concept, § **1326:13**

judicial discretion, § **1326:14**

relation to section 1322(a)(1), § **1326:15**

##### section 1326(d), § **1326:16**

### INDIVIDUAL WITH REGULAR INCOME

Definition, § **101:27**

**INDUBITABLE EQUIVALENT**

Adequate protection, § **361:12, 361:14**

**INJUNCTIONS**

Discharge injunction. Discharge of debtor, this index

Petition Preparers, this index

**INSIDERS**

Allowance of administrative expenses, § **503:37, 503:38**

Allowance of claims or interests, § **502:16**

Definition, § **101:28**

Preferences, § **547:32**

**INSOLVENCY**

Eligibility to be debtor

Chapter 9 cases (section 109(c)), § **109:16**

general requirements (section 109(a)), § **109:8**

Exemptions, § **522:5**

Preferences, § **547:31**

Property of estate, § **541:31**

**INSOLVENT**

Definition, § **101:29**

**INSURANCE**

Discharge of debtor, § **524:10**

**INSURANCE COMPANIES**

Eligibility to be debtor, § **109:11**

**INTELLECTUAL PROPERTY**

Definitions, § **101:30**

**INTEREST ON MONEY**

Determination of Secured Status, this index

Taxation, this index

**INTERIM COMPENSATION**

Text of statute, § **331**

Generally, § **331:1**

Discretion of court, § **331:6**

Limit on applications, § **331:4**

Notice and hearing requirement, § **331:3**

Relation to section 330, § **331:2**

Review of interim awards, § **331:5**

**INTERIM TRUSTEES**

Text of statute, § **701**

Involuntary Cases, this index

Section 701(a)

core concept, § **701:1**

absence of willing trustees, § **701:6**

already-serving trustees, § **701:3**

## INDEX

### INTERIM TRUSTEES—Cont'd

- Section 701(a)—Cont'd
  - qualifications, § **701:4**
  - removal, § **701:5**
  - timing, § **701:2**
- Section 701(b)
  - core concept, § **701:7**
  - carryover trustees, § **701:8**
- Section 701(c)
  - core concept, § **701:9**
  - practical limitations, § **701:10**
  - relation to section 546(a)(1), § **701:10**

### INTERLOCUTORY ORDERS

- Order or approval of court, § **105:12**

### INVOLUNTARY CASES

- Answer to petition (section 303(d)), § **303:29, 303:30**
- Appeal, § **303:18**
- Bad faith exception to joinder as petitioning creditor (section 303(c)), § **303:28**
- Bond indemnifying debtor (section 303(e))
  - core concept, § **303:31**
  - amount of bond, § **303:32**
  - failure to post, § **303:33**
- Burden of proof as to claim validity, § **303:19**
- Burden of proof as to eligibility, § **303:9**
- Counterclaim or affirmative defenses, existence of, § **303:17**
- Damages, discretion of court to award, § **303:51**
- Debtor's power to continue business and use, acquire, or dispose of property (section 303(f)), § **303:34**
- Dismissal (section 303(j)), § **303:53**
- Eligibility (section 303(a))
  - core concept, § **303:1**
  - burden of proof, § **303:9**
  - chapter under which filed, § **303:2**
  - corporation defined, § **303:4**
  - effect of filing petition, § **303:10**
  - farmer and family farmer ineligible, § **303:7**
  - form of petition, § **303:11**
  - involuntary joint petition prohibited, § **303:8**
  - nonbusiness trust ineligible, § **303:5**
  - nonmoneyed corporation ineligible, § **303:6**
  - persons, filing limited to, § **303:3**
- False or fraudulent petitions, remedies for (section 303(l))
  - core concept, § **303:54**
  - debtor action required, § **303:55**
- Interim trustee, appointment of (section 303(g))
  - core concept, § **303:35**
  - accounting requirements for debtor, § **303:40**

## **INVOLUNTARY CASES—Cont'd**

Interim trustee, appointment of (section 303(g))—Cont'd  
application and hearing, § **303:36**

proof required, § **303:37**

regaining of property by debtor, § **303:39**

trustee powers, § **303:38**

Joinder as petitioning creditor (section 303(c))

core concept, § **303:24**

bad faith exception, § **303:28**

effect of additional creditor, § **303:27**

eligibility requirements, § **303:26**

timeliness, § **303:25**

Judgment by court (section 303(i))

core concept, § **303:48**

bad faith and parties' liability, § **303:52**

consent, dismissal without, § **303:49**

damages, discretion of court to award, § **303:51**

object to dismissal, failure debtor to, § **303:50**

Order for relief (section 303(h))

core concept, § **303:41**

bona fide dispute, debt subject to, § **303:46**

effect of order for relief, § **303:47**

failure of debtor to contest petition, § **303:42**

inquiry for court on contested petition, § **303:44**

not paying debts when due, § **303:45**

procedure if petition contested, § **303:43**

Petition, commencement by filing of (section 303(b))

core concept, § **303:12**

appeal of judgment, § **303:18**

burden of proof on claim validity, § **303:19**

conversion, effect of debtor, § **303:23**

counterclaim or affirmative defenses, existence of, § **303:17**

creditor participation requirements, § **303:15**

determining eligible holders, § **303:20**

eligible claims, § **303:16**

foreign proceeding, § **303:22**

limitation on right to file, § **303:14**

partnership, proceeding against, § **303:21**

requirements, question as to whether jurisdictional, § **303:13**

subject matter jurisdiction, § **303:13**

Priorities, § **507:14**

Sharing of compensation, § **504:11**

Subject matter jurisdiction, § **303:13**

Text of statute, § **303**

Timeliness of joinder as petitioning creditor (section 303(c)), § **303:25**

## **JEWELRY**

Exemptions, § **522:36**



## INDEX

### JOINDER

Involuntary Cases, this index

### JOINT CASES

Consolidation of estates (section 302(b))

core concept, § 302:5

burden of proof, § 302:10

designation of chapter, § 302:6

factors considered, § 302:9

facts, importance of, § 302:8

motion for consolidation, § 302:11

not automatic, § 302:7

Exemptions, § 522:12

Involuntary joint petition prohibited, § 303:8

Order for relief, § 302:4

Petition, commencement by filing of (section 302(a))

core concept, § 302:1

consent to petition, § 302:4

eligibility, § 302:2

relation to section 109, § 302:3

Text of statute, § 302

### JOINT TENANCIES

Exemptions, § 522:17

### JUDGMENT CREDITORS

Preferences, § 547:27

### JUDGMENTS

Discharge of debtor, void judgments, § 524:4

Involuntary Cases, this index

### JUDICIAL LIEN

Definition, § 101:31

### JUDICIAL REVIEW

Abstention, this index

### JURISDICTION

Compensation of officers after dismissal, jurisdiction over, § 330:16

Discharge of debtor, § 524:33

Discrimination, protection against, § 525:3

Municipal Debt Adjustment, this index

Municipal Debt Adjustment Plans, this index

Professional persons

retained even after bankruptcy concludes, § 328:24

Sovereign immunity, waiver of, § 106:6

Tax liability determinations, § 505:4

### JURY TRIAL

Use, sale, or lease of property, § 363:112

**KNOWLEDGE**

Successor to certain creditors and purchasers and lien creditor, trustee as,  
§ 544:4, 544:18

**LARCENY**

Dischargeability of debts, § 523:13

**LEASES**

Allowance of claims or interests, leases of real property, § 502:18

Executory Contracts and Unexpired Leases, this index

Municipal debt adjustment, § 929

Use, Sale, or Lease of Property, this index

**LEVERAGED BUYOUTS**

Limitations on trustee's avoiding powers, § 546:28

**LIENS**

Adequate protection, additional or replacement liens, § 361:11

Automatic Stay, this index

Definitions

generally, § 101:32

judicial lien, § 101:31

statutory lien, § 101:41

Dismissal of case, reinstatement of liens upon, § 349:13

Eligibility to be Chapter 13 debtor, lien valuation and, § 109:29

Exemptions, this index

Floating liens, preferences, § 547:56

Judicial lien, definition, § 101:31

Liquidation

section 724(a)

core concept, § 724:1

applicability, § 724:2

effect on underlying claim, § 724:3

section 724(b)

core concept, § 724:4

abandonment, § 724:8

administrative expenses, § 724:11

applicability, § 724:5

competing tax liens, § 724:9

distribution, order of, § 724:6

postpetition taxes, § 724:12

relation to Chapter 11, § 724:10

relation to section 363(f), § 724:7

relation to section 554(b), § 724:8

relation to section 724(c), § 724:9

section 724(c)

core concept, § 724:13

as applied, § 724:14

section 724(d)-(f), § 724:16 to 724:17

Property of estate, § 541:15

## INDEX

### LIENS—Cont'd

- Statutory Liens, this index
- Successor to certain creditors and purchasers and lien creditor, trustee as
  - text of statute, § 544
  - constructive trusts, § 544:8
  - fixtures, § 544:20
  - hypothetical lien creditors, § 544:17
  - knowledge, § 544:4, 544:18
  - perfection, § 544:16, 544:21
- section 544(a)
  - core concept, § 544:1
  - applicable law, § 544:3
  - comparison with section 545, § 544:9
  - comparison with section 547, § 544:11
  - comparison with section 548, § 544:12
  - constructive trusts, § 544:8
  - exceptions, § 544:4, 544:5
  - fixtures, § 544:20
  - good faith, § 544:22
  - hypothetical lien creditors, § 544:17
  - knowledge, trustee's actual, § 544:4
  - knowledge vs. constructive knowledge, § 544:18
  - perfected, liens that cannot be, § 544:16
  - perfected liens, § 544:21
  - property of debtor, § 544:2
  - realty vs. personalty, § 544:19
  - relation to section 550, § 544:13
  - relation to section 551, § 544:14
  - relation to section 552(b), § 544:15
  - scope of avoidance, § 544:23
  - spendthrift trusts, § 544:7
  - standing, § 544:6
  - statute of limitations, § 544:4
- section 544(b)
  - core concept, § 544:24
  - actual creditor, requirement of, § 544:32
  - applicable law, § 544:25
  - charitable contributions, § 544:30
  - comparison with section 548(a)(1), § 544:30
  - relation to section 550, § 544:31
  - relation to section 546(e), (f), and (g), § 544:29
  - standing, § 544:27
  - statute of limitations, § 544:28
  - trustee's right to sell claim, § 544:33
- section 106, relationship to, § 544:26
- spendthrift trusts, § 544:7
- standing, § 544:6

**LIENS—Cont'd**

Successor to certain creditors and purchasers and lien creditor, trustee as

—Cont'd

statute of limitations, § **544:4**

Trustee. Successor to certain creditors and purchasers and lien creditor, above

Use, sale, or lease of property, § **363:50**

**LIFE INSURANCE**

Exemptions

contracts, § **522:39**

dividends, § **522:40**

**LIMITATIONS OF ACTIONS**

Statute of Limitations, this index

**LIMITED APPEARANCE**

Appearance, this index

**LIQUIDATION**

Applicability of liquidation subchapters pursuant to section 103(b)-(e), § **103:4 to 103:8**

Trustee compensation limitations. Trustees, this index

**MASTER NETTING AGREEMENTS**

Liquidation, termination, acceleration, or offset, § **561:1 to 561:4**

Priority unaffected by exercise of termination and netting rights, § **753:1, 753:2, 767**

Timing of damage measurement, § **561:1 to 562:4**

**MEDIAN FAMILY INCOME**

Definition, § **101:33**

**MEETING OF CREDITORS AND EQUITY SECURITY HOLDERS**

Text of statute, § **341**

Attendees (section 341(c))

core concept, § **341:10**

conflict, limiting potential, § **341:15**

creditor need not have counsel, § **341:13**

relief from administrative duties, § **341:14**

Convening of creditors' meeting by U.S. Trustee (section 341(a))

core concept, § **341:1**

adjournment and conclusion of meeting, § **341:10**

conduct at meeting, § **341:4**

conversion of case, § **341:5**

necessity of meeting, § **341:6**

notice, providing of adequate, § **341:7**

relation to Rule 2003, § **341:9**

relation to Rule 4007, § **341:8**

rule of U.S. Trustee, § **341:3**

time of meeting, § **341:2**

## INDEX

### MEETING OF CREDITORS AND EQUITY SECURITY HOLDERS

#### —Cont'd

- Convening of equity security holders' meeting by U.S. Trustee (section 341(b)),  
§ **341:11**
- Conversion of case, effect of, § **348:5, 348:6**
- Oral examination of Chapter 7 debtor by trustee (section 341(d))
  - core concept, § **341:16**
  - type of oral examination, § **341:17**
- Plan acceptances solicited prepetition (section 341(e)), § **341:18**

### MINOR CHILDREN

- Prohibition on disclosure of name of, § **112**

### MISTAKE

- Removal of trustee or examiner, § **324:11**

### MONEY OF ESTATES

- Text of statute, § **345**
- Bond, posting of (section 345(b))
  - core concept, § **345:8**
  - approval of surety, § **345:11**
  - mandatory requirements, § **345:10**
  - posting of bond, § **345:9**
- Depository authorized to deposit or invest funds (section 345(c)), § **345:12**
- Trustee's investment duties (section 345(a))
  - core concept, § **345:1**
  - failure to invest, § **345:6**
  - flexibility of investment, § **345:4**
  - investment by trustee expected, § **345:2**
  - safety of investment, § **345:5**
  - standing to object, § **345:7**
  - unusual circumstances, § **345:3**

### MONEY ORDERS

- Property of estate, § **541:28**

### MOTIONS

- Order or approval of court (section 105(d)), § **105:13, 105:14**

### MOTOR VEHICLES

- Exemptions, § **522:34**

### MUNICIPAL DEBT ADJUSTMENT

- Applicability of chapters, § **103:2, 103:10**
- Applicability of other Code sections
  - section 901(a)
    - core concept, § **901:1**
    - excluded sections, inapplicability of, § **901:3**
    - relation to section 103, § **901:2**
  - section 901(b)
    - core concept, § **901:4**

**MUNICIPAL DEBT ADJUSTMENT—Cont'd**

Applicability of other Code sections—Cont'd

section 901(b)—Cont'd

making excluded sections applicable, § **901:7**

relation to section 902, § **901:6**

terms in incorporated sections, § **901:5**

section 901(c), § **901:8**

Automatic stay, generally

order supporting, § **904:4**

reservation of state power to control municipalities, § **903:3**

Automatic stay on enforcement of claims against debtor

text of statute, § **922**

section 922(a)

core concept, § **922:1**

claims against municipal officers, § **922:4**

liens on assessments for tax revenues, § **922:5**

relation to section 362(a), § **922:2**

sections 922(b), § **922:6**

sections 922(c), § **922:7**

sections 922(d)

core concept, § **922:8**

special revenues, § **922:9**

Avoiding powers

text of statute, § **926**

section 926(a)

core concept, § **926:1**

prerequisite, § **926:2**

relevant avoidance sections, § **926:4**

requirements, § **926:3**

scope of trustee's authority, § **926:5**

section 926(b), § **926:6**

Definitions

property of estate, § **902:1**

special revenues, § **902:2**

special taxpayer, § **902:3**

special taxpayer affected by the plan, § **902:4**

trustee, § **902:5**

Dismissal

text of statute, § **930**

section 930(a)

core concept, § **930:1**

cause, dismissal for, § **930:4**

judicial discretion, § **930:3**

notice and hearing, § **930:2**

trustee, appointment of, § **930:5**

section 930(b)

core concept, § **930:6**

judicial discretion, § **930:7**

## INDEX

### MUNICIPAL DEBT ADJUSTMENT—Cont'd

Good faith, § 921:9, 921:10

Jurisdiction

limitation on jurisdiction and powers of court, below  
petition and related proceedings, § 921:15

Leases, § 929

Limitation on jurisdiction and powers of court

automatic stay, order supporting, § 904:4

exceptions

consent of debtor, § 904:6

orders supporting confirmed plan, § 904:7

interim payments for professional services, § 904:3

judicial leverage and plan confirmation, § 904:8

scope, § 904:1

trustee, appointment of, § 904:2

use, sale, or lease of property, § 904:5

Limitation on recourse

relation to section 1111(b), § 927:2

special revenues defined, § 927:1

List of claims, effect of

exceptions, § 925:1

relation to section 501, § 925:2

List of creditors, § 924:1

Notice and hearing

text of statute, § 923

affected events, § 923:1

burden of notice, § 923:2

form of notice, § 923:3

petition and related proceedings, § 921:8

Objection to petition, § 921:7

Petition and related proceedings

section 921(a)

core concept, § 921:1

relation to section 301, § 921:4

relation to section 109(c) and (d), § 921:3

who may file, § 921:2

section 921(b), § 921:5

section 921(c)

core concept, § 921:6

compliance with section 109(c), § 921:11

good faith, § 921:9, 921:10

judicial discretion, § 921:9

legal and factual standards, § 921:10

notice and hearing, § 921:8

objection to petition, § 921:7

section 921(d), § 921:12

**MUNICIPAL DEBT ADJUSTMENT—Cont'd**

Petition and related proceedings—Cont'd

section 921(e)

core concept, § **921:13**

jurisdiction lacking, § **921:15**

prohibition on stays, § **921:14**

Plans. Municipal Debt Adjustment Plans, this index

Postpetition effect of security interest

text of statute, § **928**

section 928(a)

core concept, § **928:1**

general vs. special revenues, § **928:4**

relation to section 552(a), § **928:3**

relation to section 928(b), § **928:5**

special revenues defined, § **928:2**

section 928(b)

core concept, § **928:6**

municipal betterment assessments, § **928:7**

Puerto Rico and Section 903, § **903:10**

Recourse. Limitation on recourse, above

Reservation of state power to control municipalities

text of statute, § **903**

automatic stay, § **903:3**

control of local government, § **903:1**

expenditures for government services, § **903:2**

plan implementation, § **903:6**

prioritizing unsecured claims, § **903:4**

reducing claims, § **903:5**

relation to

debt limitation efforts of state, § **903:9**

section 109, § **903:8**

state judgments reducing debts, § **903:11**

Tenth Amendment, § **903:7**

Trustees

appointment of, § **904:2**

avoiding powers, § **926:5**

definitions, § **902:5**

Use, sale, or lease of property, § **904:5**

**MUNICIPAL DEBT ADJUSTMENT PLANS**

Closing of case and continuing jurisdiction, § **945:1 to 945:3**

Confirmation

effect of confirmation, below

section 943(a)

core concept, § **943:1**

scope of standing, § **943:3**

special tax payer defined, § **943:2**



## INDEX

### MUNICIPAL DEBT ADJUSTMENT PLANS—Cont'd

#### Confirmation—Cont'd

##### section 943(b)

core concept, § **943:4**

denial of confirmation, § **943:7**

elements, § **943:6**

judicial discretion, § **943:5**

Continuing jurisdiction and closing of case, § **945:1 to 945:3**

#### Effect of confirmation

##### section 944(a)

core concept, § **944:1**

acceptance or rejection of plan, § **944:4**

allowed or disallowed claims, § **944:3**

proof of claim, failure to file, § **944:2**

##### section 944(b)

core concept, § **944:5**

additional steps, § **944:6**

##### section 944(c)

core concept, § **944:8**

discharge exceptions and section 523, § **944:7**

exception created by plan or judicial decision, § **944:9**

lack of notice or actual knowledge, § **944:10**

#### Filing of plan

consequences of failure to file, § **941:4**

duty of debtor, § **941:1**

sole prerogative of debtor, § **941:2**

timing, § **941:3**

#### Jurisdiction

continuing jurisdiction and closing of case, § **945:1 to 945:3**

judicial leverage and plan confirmation, § **904:8**

#### Modification of plan

debtor's prerogative, § **942:1**

effect of modification, § **942:4**

standard for modified plan, § **942:3**

timing, § **942:2**

Notice or actual knowledge, lack of, § **944:10**

Reservation of state power to control municipalities, plan implementation,  
§ **903:6**

Securities exchange before filing of petition, effect of, § **946**

### NEGLIGENCE

Removal of trustee or examiner, § **324:8**

### NEW VALUE

Preferences, this index

### NO-ASSET CASES

Allowance of claims or interests, § **502:7**

**“NONBANKRUPTCY LAW”**

Definitions, § **511:2**

**NON-CORE PROCEEDINGS**

Order or approval of court, § **105:12**

**NOTICE AND HEARING**

Text of statute, § **342**

Abandonment of property of estate, § **554:4**

Abstention, actual hearing not required, § **305:4**

Address (section 342(e), (f)), § **342:16, 342:17**

Administrative expense priority, § **503:10**

Allowance of administrative expenses, § **503:10**

Ancillary and other cross-border cases, § **1514:4**

Automatic Stay, this index

Clearing bank liquidation, § **783:3**

Clerk. Individual with primarily consumer debts, below

Commodity broker liquidation, § **762:1**

Conversion of case, § **348:12, 707:3, 707:9**

Creditors' meeting, § **341:7**

Debtor's notice to creditor (section 342(c))

core concept, § **342:12**

failure to comply, § **342:13**

notice to creditors, § **342:14**

Debt relief agencies, § **526:4**

Determination of secured status, § **506:9**

Dismissal of case, § **707:3, 707:9**

Dollar amount adjustments, § **104:5**

Family Farmer or Fisherman Debt Adjustment, this index

Family Farmer or Fisherman Debt Adjustment Plans, this index

Individual Debt Adjustment, this index

Individual Debt Adjustment Plans, this index

Individual with primarily consumer debts, clerk's prepetition notice to (section 342(b))

core concept, § **342:7**

clerk's notification, § **342:8**

definition of consumer debts, § **342:10**

duty of clerk, § **342:11**

Official Form 1, relation to, § **342:9**

Interim compensation, § **331:3**

Limitations on trustee's avoiding powers, § **546:40**

Municipal Debt Adjustment, this index

Obtaining credit, § **364:9**

Order for relief (section 342(a))

core concept, § **342:1**

appropriate notice, § **342:2**

community claim, definition of, § **342:5**

conversion of case, § **342:4**

## INDEX

### **NOTICE AND HEARING—Cont'd**

- Order for relief (section 342(a))—Cont'd
  - nexus between representative and creditor, requirement of, § **342:3**
  - relation to Bankruptcy Rule 1007, § **342:6**
- Organization, person delegated to receive notice for (section 342(g))
  - core concept, § **342:18**
  - procedures for receipt of notice, § **342:19**
- Petition preparer's signature with name and address (section 110(b)), § **110:5**
- Presumption of abuse (section 342(d)), § **342:15**
- Receipt of notice, procedures, § **342:19**
- Removal of Trustee or Examiner, this index
- Reorganization, this index
- Reorganization plans
  - postpetition disclosure and solicitation, § **1125:8**
  - who may file plan, § **1121:12**
- Rules of construction, § **102:1**
- Turnover of property
  - by custodian, § **543:9, 543:15**
  - to estate, § **542:24**
- Void or voidable transfers, limitations on trustee's avoiding powers, § **546:40**

### **OBJECTIONS**

- Allowance of claims or interests, § **502:3, 502:6**
- Municipal debt adjustment petition, § **921:7**

### **OBTAINING CREDIT**

- Credit, this index

### **OMSBUDSMEN**

- Compensation of Officers, this index
- Consumer privacy ombudsmen
  - Text of statute, § **332**
- Patient Care Ombudsmen, this index

### **OPERATING BUSINESS OF DEBTOR**

- Text of statute, § **721**
- Comparison with section 1108 and 1304, § **721:7**
- Court's authority and discretion, § **721:1**
- Relation to
  - section 327, § **721:3**
  - section 363, § **721:4**
  - section 364, § **721:5**
  - section 704, § **721:6**
- Reorganization, this index
- Trustee's authority, § **721:2**

### **OPERATION OF DEBTOR'S BUSINESS**

- Reorganization, this index

### **ORDER FOR RELIEF**

- Commencement of Case, this index

**ORDER FOR RELIEF—Cont'd**

- Conversion of case, effect of, § 348:4
- Involuntary Cases, this index
- Joint cases, § 302:4
- Notice and Hearing, this index
- Rules of construction, § 102:6

**ORDER OR APPROVAL OF COURT**

- Text of statute, § 105
- Ancillary and Other Cross-Border Cases, this index
- Contempt authority, § 105:11
- Contempt powers, § 105:5
- Core proceedings, § 105:11
- District courts (section 105(c))
  - core concept, § 105:10
  - contempt authority, § 105:11
  - interlocutory orders, § 105:12
- Examples of actions permitted under section 105 (a), § 105:3
- Initiative of court, § 105:2
- Interference with trustee or DIP, § 105:7
- Interlocutory orders, § 105:12
- Limitations on applicability, § 105:4
- Motion (section 105(d)), § 105:13, 105:14
- Non-core proceedings, § 105:12
- Other orders, § 105:15
- Power of court, generally (section 105(a))
  - core concept, § 105:1
  - contempt powers, § 105:5
  - examples of actions permitted, § 105:3
  - initiative of court, § 105:2
  - limitations on applicability, § 105:4
- Professional compensation limitations. Professional Persons, this index
- Receivers
  - core concept (section 105(b)), § 105:6
  - ancillary proceedings, § 105:8
  - interference with trustee or DIP, § 105:7
  - pre-existing receivers, § 105:9
- Status conference, § 105:14
- Sua sponte (section 105(d))
  - core concept, § 105:13, 105:14
  - other orders, § 105:15
  - status conference, § 105:14

**ORDINARY COURSE OF BUSINESS**

- Obtaining credit, § 364:5, 364:6, 364:8
- Section 502(f), § 502:43
- Use, sale, or lease of property, § 363:23

## INDEX

### ORDINARY MEANING

Definitions, § 101:2

### PARALEGALS

Trustee compensation limitations, § 326:9

### PARTNERS AND PARTNERSHIPS

Distribution other than under Bankruptcy Code, effect of, § 508:1, 508:2

Involuntary cases, § 303:21

Rights of partnership trustee against general partners

text of statute, § 723

section 723(a)

core concept, § 723:1

general partners only, § 723:2

nonbankruptcy law, applicability of, § 723:4

partnership obligations only, § 723:5

relation to Chapter 11, § 723:9

relation to section 541, § 723:6

relation to section 553, § 723:8

relation to section 544 and 546, § 723:7

setoff, § 723:8

standing, § 723:3

section 723(b)

core concept, § 723:10

dissipation of assets, § 723:12

priority, order of, § 723:11

section 723(c)

core concept, § 723:13

nominally contrary bankruptcy provisions, § 723:14

relation to section 726(c), § 723:15

section 723(d)

core concept, § 723:16

applicability, § 723:19

equitable distribution, § 723:18

notice and hearing, § 723:17

### PATIENT CARE OMBUDSMAN

Core concept, § 333:1

Text of statute, § 333

Availability of legal counsel, § 333:6

Compensation, § 333:5

Definition in section 101(27A), meeting, § 333:2

Factors to consider in appointment, § 333:4

Opposition to appointment, § 333:3

### PATIENT RECORDS

Disposal, § 351

### PERFECTION OF INTEREST

Preferences, this index

**PERFECTION OF INTEREST—Cont'd**

Statutory liens, § **545:6**

Successor to certain creditors and purchasers and lien creditor, trustee as,  
§ **544:16, 544:21**

**PERSON**

Definition, § **101:34**

**PETITION**

Commencement of Case, this index

**PETITION PREPARERS**

Text of statute, § **110**

Advertising (section 110(f))

core concept, § **110:14**

prohibited advertising, § **110:14**

Bankruptcy court's authority

enjoining preparer (section 110(j)), § **110:34**

Copy to be given debtor (section 110(d))

core concept, § **110:9**

timing, § **110:10**

Court fees (section 110(g))

core concept, § **110:15**

scope of prohibition, § **110:16**

Damages recoverable by debtor (section 110(i))

core concept, § **110:24**

bankruptcy court's authority, § **110:29**

debtor, damages available to, § **110:26**

nondebtors, damages to, § **110:28**

relationship of damages to fines, § **110:27**

sanctionable activities, § **110:25**

standing, § **110:28**

Definitions (section 110(a))

core concept, § **110:1**

bankruptcy petition preparer, § **110:2**

document for filing, § **110:3**

Enjoining preparer (section 110(j))

core concept, § **110:30**

attorney's fees and costs, § **110:35**

bankruptcy court's authority, § **110:34**

grounds for injunction, § **110:32**

scope of injunction, § **110:33**

standing, § **110:31**

Execution of document and provision of legal advice (section 110(e))

core concept, § **110:11**

prohibition on legal advice, § **110:12**

Fees of preparer (section 110(h))

core concept, § **110:17**

disallowance and turn over, § **110:19**

## INDEX

### PETITION PREPARERS—Cont'd

Fees of preparer (section 110(h))—Cont'd

find for failure to turn over funds, § **110:23**

forfeiture of all fees, § **110:20**

recovery of fees by debtor, § **110:21**

standing, § **110:22**

timing, § **110:18**

Fines against preparers (section 110(l))

core concept, § **110:38**

relationship of damages to fines (section 110(i)), § **110:38**

standard fine for violation, § **110:39**

standing and enforcement, § **110:41**

trebling of fines, § **110:40**

Identifying number of preparer (section 110(c))

core concept, § **110:7**

privacy issues, § **110:8**

Injunctions. Enjoining preparer (section 110(j)), above

Privacy, identifying number of preparer (section 110(c)), § **110:8**

Prohibitions outside this section (section 110(k))

core concept, § **110:36**

unauthorized practice of law, § **110:37**

Signature with name and address (section 110(b))

core concept, § **110:4**

bankruptcy court's authority, § **110:6**

required notification, § **110:5**

Standing

damages recoverable by debtor (section 110(i)), § **110:28**

enjoining preparer (section 110(j)), § **110:31**

fees of preparer (section 110(h)), § **110:22**

fines against preparers (section 110(l)), § **110:41**

Timing

copy to be given debtor (section 110(d)), § **110:10**

fees of preparer (section 110(h)), § **110:18**

### POSTPETITION TRANSACTIONS

Text of statute, § **549**

Section 549(a)

core concept, § **549:1**

authorization under section 303(f) or section 542(c), § **549:8**

debtor, transfer by, § **549:6**

definition of transfer, § **549:3**

elements, § **549:2**

good faith, § **549:13**

property of estate, § **549:5**

relation to

section 362, § **549:9**

section 546, § **549:15**

section 547, § **549:10**

**POSTPETITION TRANSACTIONS—Cont'd**

Section 549(a)—Cont'd

relation to—Cont'd

section 550, § **549:11**

section 553, § **549:16**

sovereign immunity, § **549:12**

standing, § **549:14**

timing of transfer, § **549:4**

unauthorized transfers, § **549:7**

Section 549(b)

core concept, § **549:17**

good faith, § **549:20**

knowledge of bankruptcy, § **549:20**

timing of transfer, § **549:18**

value exchanged, § **549:19**

Section 549(c)

core concept, § **549:21**

elements, § **549:22**

good faith, § **549:23**

notice of filing, § **549:24**

perfection, § **549:24**

relation to section 362, § **549:25**

Section 549(d)

core concept, § **549:26**

equitable tolling, § **549:27**

**PREFERENCES**

Text of statute, § **547**

Allowance of claims or interests, enforcing stale preferences, § **502:30**

Burden of proof, § **547:64**

Contemporaneous exchange, § **547:39**

Earmarking doctrine, § **547:19**

Executory contracts and unexpired leases, § **547:36**

Floating liens, § **547:56**

Insiders and outsiders, § **547:32**

Insolvency, § **547:31**

Judgment creditors, § **547:27**

New value. Section 547(a), below

Perfection. Section 547(e), below

Presumption of section 547(f), § **547:66**

Recoupment, § **547:18**

Section 547(a)

core concept, § **547:1**

definitions not terms of art, § **547:2**

inventory defined, § **547:3**

new value

definition, § **547:4**

examples of new value, § **547:6**



## INDEX

### PREFERENCES—Cont'd

#### Section 547(a)—Cont'd

##### new value—Cont'd

exclusion from new value definition, § 547:5

##### receivables

defined, § 547:7

not in ordinary course of business, § 547:8

##### taxation

estimated tax payments, § 547:10

tax debts, when incurred, § 547:9

#### Section 547(b)

core concept, § 547:11

antecedent debt, § 547:30

comparison with section 548, § 547:14

creditor defined, § 547:24

debt defined, § 547:26

diminution requirement, § 547:20

earmarking doctrine, § 547:19

equitable claims, § 547:25

executory contracts and unexpired leases, § 547:36

gaining an advantage, § 547:33

insiders and outsiders, § 547:32

insolvency, § 547:31

involuntary transfers, § 547:27

judgment creditors, § 547:27

nature of interest transferred, § 547:23

recoupment, § 547:18

##### relationship with

section 550(b), § 547:16

section 553, § 547:17

section 547(c) and (i), § 547:13

section 547(f) and (g), § 547:14

relation to section 546(e), § 547:35

standing, § 547:34

tactics, § 547:2

third party's interest, transfer of, § 547:22

to or for the benefit of, § 547:29

transactions that are transfers, § 547:21

warning indicator, § 547:12

#### Section 547(c)

core concept, § 547:37

consumer debts, minor individual, § 547:46

contemporaneous exchange, § 547:39

floating security interests, § 547:43

nonavoidable statutory liens, § 547:44

purchase money security interests, exception for perfected, § 547:41

relation to section 547(g), § 547:38

repayment of ordinary debt, § 547:40

**PREFERENCES—Cont'd**

Section 547(c)—Cont'd

- small transfers in nonconsumer cases, § 547:47
- spouses/dependents, transfer of debt to, § 547:45
- subsequent advance rule, § 547:42

Section 547(d), § 547:48

Section 547(e)

- core concept, § 547:49
- exclusions and inclusions of 547(e)(1)(A), § 547:53
- floating liens, § 547:56
- made, when transfer is, § 547:55, 547:56
- perfection
  - and section 547(e), § 547:51
  - in fixtures or personalty, § 547:54
  - of interest in real property, § 547:52
- relationship of section 547(e)(3) to 547(c)(5), § 547:57
- relationship with section 547(e)(1), (2), and (3), § 547:50

Section 547(f)

- core concept, § 547:58
- Federal Rule of Evidence 301, relationship with, § 547:60
- limitation to 90 days, § 547:62
- purpose, § 547:59
- rebutting presumption, § 547:61

Section 547(g)

- core concept, § 547:63
- presumption of section 547(f), § 547:66
- quantum of proof, § 547:65
- trustee's burden, § 547:64

Section 547(h), § 547:67

Section 547(i), § 547:68

Spouses/dependents, transfer of debt to, § 547:45

Standing, § 547:34

Subordination, relation of, § 510:17

Third party's interest, transfer of, § 547:22

**PREJUDICE**

Dismissal of case

- determining to dismiss case with prejudice
- extreme remedy, dismissal with prejudice as, § 349:6

**PRESUMPTIONS**

Ancillary and other cross-border cases, § 1531:1

Duties of trustee, existence of presumption of abuse under sec. 707(b), § 704:22

Notice regarding applicability of presumption of abuse (section 342(d)),  
§ 342:15

**PRIORITIES**

Text of statute, § 507

Adequate protection, prior approval of, § 507:46

## INDEX

### PRIORITIES—Cont'd

- Administrative expenses, § 507:13
- Allowance of claims or interests, § 502:48
- Customs duties, § 507:36
- Dollar limits on section 507(a)(5), § 507:21
- Domestic support obligations, § 507:12
- DUI, injuries from, § 507:41
- Employee benefit plans, § 507:19, 507:20
- Financial institutions' duty to maintain capital, § 507:40
- Identical priorities, claims with, § 507:9
- Involuntary cases, § 507:14
- Nondischargeability, § 507:9
- Plan confirmation, § 507:10
- Section 507(a)
  - core concept, § 507:1
  - administrative expenses, § 507:13
  - consumer purchases, § 507:23
  - customs duties, § 507:36
  - dollar limits on section 507(a)(5), § 507:21
  - domestic support obligations, § 507:12
  - DUI, injuries from, § 507:41
  - employee benefit plans, § 507:19, 507:20
  - financial institutions' duty to maintain capital, § 507:40
  - identical priorities, claims with, § 507:9
  - involuntary cases, § 507:14
  - nondischargeability, § 507:9
  - plan confirmation, § 507:10
  - prebankruptcy tax claims, § 507:24
  - priority under section 507(a)(6), § 507:22
  - relation between section 507(a)(4) and section 1113(f), § 507:17
  - relation of section 507(a)(8)
    - to section 507(a)(2), § 507:27
    - to section 523, § 507:28
  - relation of section 507(a)(4) to section 507(a)(5), § 507:18
  - relation to
    - section 330, § 507:4
    - section 365, § 507:5
    - section 507(b), § 507:6
    - section 726(a), § 507:8, 507:9
    - secured claims, § 507:3
    - untimely filings of priority claims, § 507:2
  - settlements and structured dismissals, § 507:11
  - taxation
    - actual pecuniary losses, § 507:38
    - applicable law, § 507:25
    - customs duties, § 507:36
    - elements, § 507:26

## **PRIORITIES—Cont’d**

### Section 507(a)—Cont’d

#### taxation—Cont’d

excise taxes, § **507:34, 507:35**

income/gross receipts, § **507:29**

penalties for pecuniary tax losses, § **507:37**

prebankruptcy tax claims, § **507:24**

property taxes, § **507:30**

wages under section 507(a)(4), employment taxes on, § **507:32**

withholding taxes, § **507:31**

#### time or date

“flush language,” tolling time limits, § **507:39**

tolling time limits, “flush language,” § **507:39**

untimely filings of priority claims, § **507:2**

vacation pay, timing of, § **507:16**

wages, commissions, etc., § **507:15**

### Section 507(b)

core concept, § **507:42**

actual use vs. opportunity to use collateral, § **507:46**

adequate protection, prior approval of, § **507:46**

elements of section 507(b), § **507:45**

impact of section 362, 363, and 364 on secured claims, § **507:43**

superpriority, § **507:44, 507:48**

### Section 507(c), § **507:49**

### Section 507(d), § **507:50**

Settlements and structured dismissals, § **507:11**

Superpriority, § **507:44, 507:48**

Taxation. Section 507(a), above

Tax liability determinations, § **505:5**

Time or date. Section 507(a), above

## **PRIVACY**

Identity theft, protection against (section 107(c)), § **107:12 to 107:14**

Minor children, prohibition on disclosure of name of, § **112**

Petition preparer, identifying number of (section 110(c)), § **110:8**

## **PROFESSIONAL PERSONS**

### Compensation limitations on

text of statute, § **328**

denial of compensation for lack of disinterestedness

exceptions to authority to deny compensation, § **328:19**

denial of compensation for lack of disinterestedness or holding of adverse interest (section 328(c))

core concept, § **328:16**

adverse interest not defined, § **328:18**

definition of disinterested person, § **328:17**

discretion of court, § **328:20**

penalty for avoiding conflict of interest, § **328:23**

per se rule, absence of, § **328:22**

## INDEX

### PROFESSIONAL PERSONS—Cont'd

#### Compensation limitations on—Cont'd

- denial of compensation for lack of disinterestedness or holding of adverse interest (section 328(c))—Cont'd

- standing to object, § 328:23

- time disqualifying interest arises, § 328:21

#### employment on reasonable terms (section 328(a))

- core concept, § 328:1

- alter compensation, court's power to, § 328:6

- decrease or increase in compensation, § 328:8

- determination of reasonableness, § 328:4

- increasing fees, § 328:10

- order of retention, § 328:5

- reducing fees, § 328:9

- relation to section 327, § 328:2

- relation to section 330, § 328:11

- terms of employment, § 328:3

- unanticipated developments, § 328:7

#### trustee authorized to serve as attorney or accountant for estate (section 328(b))

- core concept, § 328:12

- conflict of interest, § 328:14

- distinguishing services, § 328:15

- services of trustee, § 328:13

#### Compensation of Officers, this index

#### Employment of

- text of statute, § 327

#### creditor, effect of employment by or representation of (section 327(c))

- core concept, § 327:22

- actual conflict of interest, § 327:24

- non-waivable, conflict, § 327:25

- standing to object, § 327:23

#### examiner, trustee not to employ person who served as (section 327(f)), § 327:36

#### retention or replacement of regularly employed professionals (section 327(b))

- core concept, § 327:19

- court approval not required, § 327:20

- salary, regularly employed on, § 327:21

#### specified special purpose, employment of debtor's attorney for (section 327(e))

- core concept, § 327:30

- adverse interest on retained matter, lack of, § 327:33

- attorney retention only, § 327:35

- best interest of estate, § 327:31

- creditor's attorney, trustee retention of, § 327:34

- employment for special purpose, § 327:32

#### trustee's employment as attorney or accountant for estate (section 327(d))

- core concept, § 327:26

- best interest of estate, § 327:28

**PROFESSIONAL PERSONS—Cont'd**

Employment of—Cont'd

trustee's employment as attorney or accountant for estate (section 327(d))  
—Cont'd

burden of persuasion on trustee, § 327:29

restriction on self-employment, § 327:27

trustee's employment of professional with court approval (section 327(a))

1107, relation to section, § 327:4

core concept, § 327:1

adverse interests, definition of, § 327:9

adverse interests, holding or representing, § 327:8

appealability of appointment or disqualification orders, § 327:17

approval of trustee, employment without, § 327:18

burden of disclosure of interests, § 327:11

creditor of debtor, § 327:13

decision on disqualification and remedies, § 327:14

definition of professionals, § 327:7

disclosure of interests, burden of, § 327:11

disinterested persons, § 327:10

effect of approval, § 327:6

estate rather than debtor, representation of, § 327:3

fee recovery for defense of fee application, § 327:16

necessity of prior court approval, § 327:2

restrictions on employment due to section 101(14), § 327:15

retroactive approval, § 327:5

vicarious disqualification, § 327:12

Interim Compensation, this index

Jurisdiction

retained even after bankruptcy concludes, § 328:24

Sharing of Compensation, this index

Transactions with professionals (Section 1195)

1195: core concept, § 1195:1

text of statute, § 1195

**PROMISSORY ESTOPPEL**

Subordination, § 510:4

**PROOFS OF CLAIM OR INTEREST**

Allowance of administrative expenses, § 503:7

Allowance of Claims or Interests, this index

Filing of Proofs of Claim or Interest, this index

**PROPERTY OF ESTATE**

Text of statute, § 541

Abandonment of Property of Estate, this index

Community property, § 541:13

Constructive trusts, § 541:38

Conversion of case, effect of, § 348:21

Educational accreditation, § 541:22

## INDEX

### PROPERTY OF ESTATE—Cont'd

- Education individual retirement accounts, § 541:24
- Family Farmer and Fisherman Debt Adjustment, this index
- Health benefit plan contributions, § 541:26
- Hydrocarbons, debtor's interest in liquid or gas, § 541:23
- Individual Debt Adjustment, this index
- Insolvency provisions and forfeiture, § 541:31
- Liens preserved for estate, § 541:15
- Money orders, debtor's sales of, § 541:28
- Pension plans, § 541:26, 541:33
- Reorganization, this index
- Section 541(a)
  - core concept, § 541:1
  - after-acquired property, § 541:16
  - avoidable transfers, § 541:6
  - community property, § 541:13
  - legal or equitable interest of the debtor, § 541:10
  - liens preserved for estate, § 541:15
  - proceeds, § 541:17
  - property acquired by estate, § 541:18
  - recovered property, § 541:14
  - relation to
    - Chapter 11, § 541:7
    - Chapter 12, § 541:8
    - Chapter 13, § 541:9
    - section 362, § 541:4
    - section 522, § 541:5
  - scope, § 541:2
  - state law and other nonbankruptcy law, § 541:3
  - third parties, assets belonging to, § 541:11
  - trustee's rights, limits on, § 541:12
- Section 541(b)
  - core concept, § 541:19
  - educational accreditation, § 541:22
  - education individual retirement accounts, § 541:24
  - federal aid, eligibility for, § 541:22
  - health benefit plan contributions, § 541:26
  - hydrocarbons, debtor's interest in liquid or gas, § 541:23
  - money orders, debtor's sales of, § 541:28
  - pension plan contributions, § 541:26
  - personal property as collateral for loans, § 541:27
  - powers exercised for benefit of another, § 541:20
  - terminated nonresidential leases of realty, § 541:21
  - tuition tax credits, § 541:25
- Section 541(c)
  - core concept, § 541:29
  - general nonalienability provisions, § 541:30

**PROPERTY OF ESTATE—Cont'd**

- Section 541(c)—Cont'd
  - income payments, § **541:34**
  - insolvency provisions and forfeiture, § **541:31**
  - pension plans, § **541:33**
  - relation to section 541(a)(5), § **541:34**
  - spendthrift trusts, § **541:32**
- Section 541(d)
  - core concept, § **541:35**
  - applicability, § **541:37**
  - constructive trusts, § **541:38**
  - secondary mortgages, § **541:36**
- Section 541(e), § **541:39**
- Section 541(f), § **541:40**
- Small business reorganization (Section 1186)
  - 1186(a): core concept, § **1186:1**
  - 1186(b): core concept, § **1186:2**
  - text of statute, § **1186**
- Spendthrift trusts, § **541:32**
- State law and other nonbankruptcy law, § **541:3**
- Third parties, assets belonging to, § **541:11**
- Trustee
  - as representative of estate, § **323:3**
  - limits on rights of, § **541:12**
- Tuition tax credits, § **541:25**

**PROSPECTIVE APPLICATION**

- Dollar amount adjustments, § **104:6, 104:7**

**PUBLIC ACCESS TO PAPERS**

- Text of statute, § **107**
- Defamation. Protection with respect to commercial and defamatory information (section 107(b)), below
- Filings and dockets (section 107(a))
  - core concept, § **107:1**
  - fees, § **107:4**
  - privacy issues, § **107:5**
  - public access, § **107:3**
  - scope, § **107:2**
- Identity theft, protection against (section 107(c)), § **107:12 to 107:14**
- Protection with respect to commercial and defamatory information (section 107(b))
  - core concept, § **107:6**
  - Federal Rule 26 compared, § **107:10**
  - judicial discretion, § **107:9**
  - sealing of document, § **107:8**
  - section 105, relation to, § **107:11**
  - standards for nondisclosure, § **107:6**



## INDEX

### **PUBLIC ACCESS TO PAPERS—Cont'd**

Trade secrets. Protection with respect to commercial and defamatory information  
(section 107(b)), above

### **PUBLICATION NOTICE**

Dollar amount adjustments, § 104:4, 104:5

### **PUNITIVE DAMAGES**

Sovereign immunity, waiver of, § 106:7

### **RAILROAD REORGANIZATION**

Applicability of chapters, § 103:3

Reorganization, this index

### **RAILROADS**

Eligibility to be debtor, § 109:10, 109:22

### **REAFFIRMATION**

Court's obligations, § 524:25

Debtor's duties and benefits, § 521:10, 521:13

Elements, § 524:19

Hearing, failure to attend, § 524:26

### **RECEIVERS**

Order or Approval of Court, this index

### **RECOUPMENT**

Preferences, § 547:18

### **REDEMPTION**

Text of statute, § 722

Chapter 7 cases only, § 722:3

Debtor's duties and benefits, § 521:10, 521:12

Discharge injunction, relation to, § 722:7

Elements, § 722:1

Exclusivity vel non of section 524(c) and 722, § 722:6

Relation to

section 522(f), § 722:4

section 524(c), § 722:5

Waiver, § 722:2

### **REMOVAL OF TRUSTEE OR EXAMINER**

Text of statute, § 324

All cases, removal in (section 324(b))

core concept, § 324:15

discretion of court, § 324:16

Cause, notice and hearing (section 324(a))

core concept, § 324:1

actual injury or fraud, requirement of, § 324:12

considerations in seeking removal, § 324:6

court alone as having power of removal, § 324:3

disinterest, lack of, § 324:10

**REMOVAL OF TRUSTEE OR EXAMINER—Cont'd**

Cause, notice and hearing (section 324(a))—Cont'd

- extreme remedy, removal as, § **324:13**
- intentional misconduct or negligence, § **324:8**
- interested parties seeking removal, § **324:5**
- liability of removed trustee, § **324:14**
- mistake in judgment, § **324:11**
- requirement of notice and hearing, § **324:4**
- unreasonable delay in completing job, § **324:9**
- U.S. Trustee, inapplicability to, § **324:2**
- what constitutes cause, § **324:7**

**RENT**

Turnover of property by custodian, § **543:6**

**REOPENING CASES**

Text of statute, § **350**

Core concept, § **350:5**

Administering assets, § **350:8**

Cause, reopening for, § **350:10**

Discovery of estate asset, § **350:10**

Effect of reopening, § **350:13**

Notice and hearing not required, § **350:7**

Prejudice to creditor, § **350:9**

Relation to Bankruptcy Rule 5010, § **350:6**

Relief to debtor, § **350:9**

Standard of review, § **350:11**

Time from case closing, § **350:12**

**REORGANIZATION**

Aircraft equipment and vessels

- text of statute, § **1110**
- section 1110(a)
  - core concept, § **1110:1**
  - breach of section 1110 promise, § **1110:8**
  - conditional vendors, § **1110:2**
  - damages, measure of, § **1110:8**
  - defense to repossession, § **1110:7**
  - lessors, § **1110:2**
  - property subject to section 1110, § **1110:3**
  - relation to section 547, § **1110:9**
  - relation to section 362, 363, and 1129, § **1110:5**
  - repossession, prior agreement on, § **1110:4**
  - secured creditors, § **1110:2**
  - timing, § **1110:6**
- section 1110(b)-(d)
  - core concept, § **1110:10 to 1110:12**

Applicability of subchapters pursuant to section 103 (g), (h), § **103:9, 103:11**

## INDEX

### REORGANIZATION—Cont'd

#### Claims and interests

text of statute, § **1111**

##### section 1111(a)

core concept, § **1111:1**

when claim must be filed, § **1111:2**

##### section 1111(b)

core concept, § **1111:3**

deficiency claims, effect of subsection on, § **1111:4**

electing fully secured status, § **1111:5**

relation to section 506, § **1111:6**

relation to section 1122, § **1111:7**

relation to section 1129, § **1111:8**

Collective bargaining agreements. Rejection of collective bargaining agreements, below

#### Conversion or dismissal

text of statute, § **1112**

##### section 1112(a)

core concept, § **1112:1**

criteria for conversion by debtor, § **1112:2**

##### section 1112(b)

core concept, § **1112:3**

comparison with section 1112(a), § **1112:4**

exceptions, § **1112:5**

good faith as cause, lack of, § **1112:11**

grounds, enumerated and unenumerated, § **1112:10**

judicial discretion, § **1112:9**

multiple filings as ground for dismissal, § **1112:13**

notice and hearing, § **1112:8**

relation to section 362, § **1112:12**

relation to section 706, § **1112:14**

relation to section 348 and 349, § **1112:15**

standing, § **1112:6**

sua sponte conversion or dismissal, § **1112:7**

##### section 1112(c)

core concept, § **1112:16**

applicability, § **1112:17**

available remedy, § **1112:18**

##### section 1112(d)

core concept, § **1112:19**

Chapter 12 equitable conversion, § **1112:21**

debtor's request, no prior discharge under section 1141, § **1112:20**

##### section 1112(e)

core concept, § **1112:22**

applicability, § **1112:24**

standing, § **1112:23**

##### section 1112(f)

core concept, § **1112:25**

**REORGANIZATION—Cont'd**

Conversion or dismissal—Cont'd

section 1112(f)—Cont'd

relation to section 109, § **1112:26**

Creditors' and equity security holders' committees

text of statute, § **1102**

powers and duties of committees, below

section 1102(a)

core concept, § **1102:1**

additional committees, appointment of, § **1102:4**

adjusting membership, protecting small-business creditors, § **1102:7**

appointment of committees and eligibility, § **1102:3**

conversion to Chapter 7, § **1102:8**

court review of committee membership, § **1102:5**

role of committees, § **1102:2**

small business exception, § **1102:6**

section 1102(b)

core concept, § **1102:9**

compensation of committees, § **1102:10, 1102:11**

disclosure duties, § **1102:13**

removal of member from committee, § **1102:12**

Debtor in possession

text of statute, § **1107**

failure to fulfill duties, § **1116:1**

section 1107(a)

core concept, § **1107:1**

avoidance powers, § **1107:5**

definition, § **1107:2**

powers withheld, § **1107:3**

section 1107(b)

core concept, § **1107:6**

other grounds for barring employment, § **1107:7**

small business cases duties of DIP in, § **1116**

Debtor's duties and benefits, § **521:7**

Definitions

text of statute, § **1101**

section 1101(1)

core concept, § **101:13**

applicability, § **101:14**

relation to section 1107, § **101:16**

relation to section 1112, § **101:17**

relation to section 1306 (b), § **101:15**

section 1101(2)

core concept, § **101:18**

comparison with section 350, § **1101:11**

equitable mootness, § **1101:12**

relation to Bankruptcy Rule 3022, § **1101:10**

relation to section 1112, § **101:20**

## INDEX

### REORGANIZATION—Cont'd

#### Definitions—Cont'd

##### section 1101(2)—Cont'd

relation to section 1127(b), § **101:21**

standard of review, § **1101:12**

substantial consummation, elements of, § **101:19**

Expired collective bargaining agreements, § **1113:17**

Limitations on trustee's avoiding powers, § **546:39**

#### Notice and hearing

conversion or dismissal, § **1112:8**

rejection of collective bargaining agreements, § **1113:23**

retiree benefits protection, § **1114:36**

trustee or examiner, appointment of, § **1104:3, 1104:4, 1104:21**

trustee's and examiner's duties, § **1106:11**

#### Operation of debtor's business, authorization for

text of statute, § **1108**

comparison with section 721, § **1108:4**

obligation under other laws, § **1108:6**

presumption, § **1108:4**

##### relation to

section 363, § **1108:1**

section 364, § **1108:2**

section 549, § **1108:3**

section 1104, § **1108:5**

#### Post-confirmation matters

##### distribution

text of statute, § **1143**

sections, § **1143:1 to 1143:4**

##### effect of confirmation

sections 1141(a)-1141(d), § **1141:1 to 1141:34**

text of statute, § **1141**

##### implementation of plan

text of statute, § **1142**

sections 1142(a)-1142(b), § **1142:1 to 1142:7**

##### revocation of confirmation order

text of statute, § **1144**

sections, § **1144:1 to 1144:9**

##### securities law, exemptions

text of statute, § **1145**

sections 1145(a)-1145(d), § **1145:1 to 1145:11**

##### special tax provisions

text of statute, § **1146**

sections 1146(a)-1146(b), § **1146:1 to 1146:8**

#### Powers and duties of committees

text of statute, § **1103**

##### section 1103(a)

core concept, § **1103:1**

agents, selection of, § **1103:2**

**REORGANIZATION—Cont'd**

Powers and duties of committees—Cont'd

section 1103(a)—Cont'd

compensation approval under section 330 and 331, § **1103:4**

counsel, conditional privilege to committee, § **1103:6**

employment under section 328, authority for, § **1103:3**

fiduciary duty, § **1103:5**

section 1103(b)

core concept, § **1103:7**

denial of compensation under section 328, § **1103:9**

per se conflicts of interest, § **1103:8**

section 1103(c)

generally, § **1103:11**

core concept, § **1103:10**

debtor, investigation of, § **1103:13**

fiduciary duty, § **1103:18**

immunity, limited, § **1103:19**

plan formulation, participation in, § **1103:14**

postconfirmation powers, § **1103:17**

suit, right to bring, § **1103:16**

trustee, right to consult with, § **1103:12**

trustee, right to request appointment of, § **1103:15**

section 1103(d)

core concept, § **1103:20**

failure to meet with committee, § **1103:21**

Property of estate

text of statute, § **1115**

section 1115(a)

core concept, § **1115:1**

conversion, property included after, § **1115:2**

section 1115(b)

core concept, § **1115:3**

relation to section 1129(b)(2)(B)(ii), § **1115:4**

Railroad reorganization

abandonment of railroad line

text of statute, § **1170**

sections 1170(a)-1170(3), § **1170:1 to 1170:19**

collective bargaining agreements

text of statute, § **1167**

altering agreement, § **1167:1**

labor contracts, applicability, § **1167:2**

relation to section 365, § **1167:3**

relation to section 1113, § **1167:4**

relation to section 1165, § **1167:5**

confirmation of plan

text of statute, § **1173**

sections 1173(a)-1173(b), § **1173:1 to 1173:6**

## INDEX

### REORGANIZATION—Cont'd

#### Railroad reorganization—Cont'd

##### contents of plan

text of statute, § **1172**

sections 1172(a)-1172(c), § **1172:1 to 1172:13**

##### definition, text of statute, § **1162**

##### federal, state, or local regulations

text of statute, § **1166**

##### inapplicability of other sections

text of statute, § **1161**

sections, § **1161:1 to 1161:4**

##### liquidation

text of statute, § **1174**

hearing, § **1174:2**

judicial discretion, § **1174:3**

mandatory time limit, § **1174:4**

motion of party in interest, § **1174:1**

notice, § **1174:2**

section 1165

method of liquidation, § **1174:6**

public interest, § **1174:5**

##### priority claims

text of statute, § **1171**

sections 1171(a)-1171(b), § **1171:1 to 1171:9**

##### public interest protection

text of statute, § **1165**

sections, § **1165:1 to 1165:5**

##### rejection of lease of railroad line

text of statute, § **1169**

sections 1169(a)-1169(c), § **1169:1 to 1169:8**

##### right to be heard, text of statute 1164, § **1164:1 to 1164:3**

##### rolling stock equipment

text of statute, § **1168**

sections 1168(a)-1168(d), § **1168:1 to 1168:13**

##### subtitle IV of title 49, and of federal, state, or local regulations

text of statute, § **1166**

sections, § **1166:1 to 1166:5**

##### trustee appointment

text of statute, § **1163**

sections, § **1163:1 to 1163:3**

#### Rejection of collective bargaining agreements

text of statute, § **1113**

expired agreements, § **1113:17**

section 1113(a)

core concept, § **1113:1**

assumption of CBAs, § **1113:4**

railway bankruptcies, § **1113:2**

**REORGANIZATION—Cont'd**

Rejection of collective bargaining agreements—Cont'd

section 1113(a)—Cont'd

relation to section 365, § **1113:3**

section 1113(b)

core concept, § **1113:5**

disclosure to employees' representative, § **1113:10**

fair and equitable treatment, § **1113:9**

good faith, § **1113:11**

modifications necessary to reorganization, § **1113:8**

negotiation with union, § **1113:11**

proposal to union, § **1113:6**

reliable basis for proposal, § **1113:7**

section 1113(c)

core concept, § **1113:12**

balance of equities, § **1113:15**

damages, § **1113:16**

proposal under section 1113(b)(1), § **1113:13**

union failure to accept without good cause, § **1113:14**

section 1113(d)

core concept, § **1113:18**

hearing, time and scope of, § **1113:19**

protective orders, § **1113:21**

time limit for decision, § **1113:20**

section 1113(e)

core concept, § **1113:22**

damages, § **1113:26**

duration, § **1113:25**

notice and hearing, § **1113:23**

timing, § **1113:24**

section 1113(f)

core concept, § **1113:27**

application to Chapter 7 cases, § **1113:29**

effect, § **1113:28**

preferences, effect on attempts to avoid, § **1113:32**

priority status, § **1113:31**

relation to section 362, § **1113:30**

relation to section 503 and 507, § **1113:31**

Retiree benefits protection

text of statute, § **1114**

section 1114(a)

core concept, § **1114:1**

maintaining and establishing plan, fund or program, § **1114:4**

plan, fund or program, § **1114:3, 1114:4**

retired employee, § **1114:2**

section 1114(b)

core concept, § **1114:5**

committee of retired employees, § **1114:7**



## INDEX

### REORGANIZATION—Cont'd

#### Retiree benefits protection—Cont'd

##### section 1114(b)—Cont'd

identifying authorized representatives, § **1114:6**

##### section 1114(c)

core concept, § **1114:8**

alternative authorized representative, § **1114:11**

exceptions, § **1114:10**

presumption in favor of union, § **1114:9**

##### section 1114(d)

core concept, § **1114:12**

appointment process, § **1114:13**

committee authority and duties, § **1114:14**

##### section 1114(e)

core concept, § **1114:15**

agreement of parties, exception for, § **1114:18**

comparison with section 1113, § **1114:24**

court order altering obligation, exception for, § **1114:18**

enforcement of altered agreement, § **1114:19**

exceptions, § **1114:17, 1114:18**

expiration/termination of agreement, § **1114:20**

priority of claims for retiree benefits, § **1114:22**

priority status, effect on secured claims, § **1114:23**

relation to section 365, § **1114:16**

##### section 1114(f), § **1114:25**

##### section 1114(g)

core concept, § **1114:26**

judicial discretion, limit on, § **1114:30**

mobile applications for modification, § **1114:32**

necessary modifications, balance of equities, § **1114:29**

proposal refused without good cause, § **1114:28**

proposal satisfying section 1114(f), § **1114:27**

restoration of benefits, § **1114:31**

##### section 1114(h)

core concept, § **1114:33**

application for modification, effect on, § **1114:38**

notice and hearing, § **1114:36**

standard for interim relief, § **1114:35**

time, § **1114:34**

timing of hearing, § **1114:37**

##### section 1114(i), § **1114:39**

##### section 1114(j), § **1114:40**

##### section 1114(k)

core concept, § **1114:41**

protective orders, § **1114:44**

standing, § **1114:42**

time for hearing, § **1114:42**

time limit for ruling, § **1114:43**

**REORGANIZATION—Cont'd**

Retiree benefits protection—Cont'd

section 1114(l), § **1114:45**

section 1114(m)

core concept, § **1114:46**

exception, § **1114:47**

other restrictions on protection, § **1114:48**

Right to be heard

text of statute, § **1109**

section 1109(a)

core concept, § **1109:1**

amicus curiae, comparison to, § **1109:2**

standing to appeal, § **1109:4**

section 1109(b)

core concept, § **1109:4**

amicus curiae, comparison to, § **1109:7**

examiners, standing and, § **1109:9**

examples of grant or denial of standing, § **1109:8**

relation to section 1103, § **1109:6**

scope of standing, § **1109:5**

Subordination in Chapter 11 cases, § **510:3**

Time or date

rejection of collective bargaining agreements, § **1113:20**

retiree benefits protection, § **1114:34, 1114:42, 1114:43**

trustee or examiner, appointment of, § **1104:2, 1104:16**

Trustee compensation limitations. Trustees, this index

Trustee or examiner, appointment of

text of statute, § **1104**

section 1104(a)

core concept, § **1104:1**

debtor-in-possession, effect of appointment on, § **1104:8**

grounds for appointment, § **1104:5**

judicial discretion, § **1104:7**

motion to appoint trustee, § **1104:3**

notice and hearing, § **1104:3, 1104:4**

presumption and standard of proof, § **1104:6**

relation to section 546, § **1104:9**

time, § **1104:2**

section 1104(b)

core concept, § **1104:10**

certificate of election, § **1104:13**

exception, § **1104:12**

procedure for election of trustee, § **1104:11**

section 1104(c)

core concept, § **1104:14**

comparing trustee and examiner, § **1104:20**

examiner, motion to appoint, § **1104:17**

## INDEX

### REORGANIZATION—Cont'd

#### Trustee or examiner, appointment of—Cont'd

##### section 1104(c)—Cont'd

grounds for appointment, § **1104:18**

notice and hearing, § **1104:21**

no trustee, § **1104:15**

scope of examiner's authority, § **1104:19**

time, § **1104:16**

##### section 1104(d)

core concept, § **1104:22**

consultation with interested parties, § **1104:25**

disinterested person, appointment, § **1104:26**

relation to section 1104(d), § **1104:23**

selection of examiner, § **1104:24**

##### section 1104(e), core concept, § **1104:27**

#### termination of appointment

text of statute, § **1105**

applicability, § **1105:1**

grounds for termination, § **1105:3**

standing to proceed, § **1105:2**

#### Trustee's and examiner's duties

text of statute, § **1106**

failure to fulfill duties, § **1116:1**

##### section 1106(a)

core concept, § **1106:1**

Chapter 7 duties incorporated in section 1106(a)(1), § **1106:4**

comparison to Chapter 7 trustee, § **1106:3**

filing obligations under section 1106(a)(2), § **1106:5**

filing plan or alternative to plan under section 1106(a)(5), § **1106:8**

filing postconfirmation reports under section 1106(a)(7), § **1106:10**

furnishing tax information under section 1106(a)(6), § **1106:9**

investigations under section 1106(a)(3), § **1106:6**

notice to creditors seeking domestic support, § **1106:11**

powers conferred by other provisions, § **1106:2**

reporting investigative results under section 1106(a)(4), § **1106:7**

##### section 1106(b)

core concept, § **1106:14**

debtor-in-possession, relation to, § **1106:16**

investigative duties, § **1106:15**

trustee, relation to, § **1106:17**

##### section 1106(c), § **1106:18**

small business cases, duties in, § **1116**

Vessels. Aircraft equipment and vessels, above

### REORGANIZATION PLANS

#### Acceptance of plan

text of statute, § **1126**

## REORGANIZATION PLANS—Cont'd

### Acceptance of plan—Cont'd

#### section 1126(a)

core concept, § **1126:1**

holders of allowed claims or interests, § **1126:2**

vote, right and duty to, § **1126:3**

voting by U.S., § **1126:4**

#### section 1126(b)

core concept, § **1126:5**

compliance with non-bankruptcy law, § **1126:6**

compliance with section 1125, § **1126:7**

#### section 1126(c)

core concept, § **1126:8**

class acceptance of section 1129, § **1126:11**

disqualified voters, § **1126:12**

more than half the voters, § **1126:10**

relation to section 1126(e), § **1126:12**

two-thirds of value claims, § **1126:9**

#### section 1126(d)

core concept, § **1126:13**

acceptance requirement, § **1126:14**

disqualified voters, § **1126:15**

relation to section 1126(e), § **1126:15**

#### section 1126(e)

core concept, § **1126:16**

consequences, § **1126:20**

hearing, § **1126:18**

lack of good faith, § **1126:19**

notice, § **1126:18**

sanctions, § **1126:20**

standing, § **1126:17**

#### section 1126(f), § **1126:21**

#### section 1126(g)

core concept, § **1126:22**

language, comparison to section 1126(f), § **1126:23**

### Classification of claims or interests

#### text of statute, § **1122**

#### section 1122(a)

core concept, § **1122:1**

exception for minor unsecured claims, § **1122:4**

grouping of dissimilar claims or interests, § **1122:3**

separate classes or similar claims or interests, § **1122:5**

significance of subsection, § **1122:2**

#### section 1122(b)

core concept, § **1122:6**

administrative convenience, § **1122:7**

impaired small claims, § **1122:8**

## INDEX

### REORGANIZATION PLANS—Cont'd

#### Confirmation hearing

text of statute, § **1128**

##### section 1128(a)

core concept, § **1128:1**

amount and quality of notice, § **1128:2**

comparison with section 102, § **1128:4**

failure to give notice, § **1128:3**

##### section 1128(b)

core concept, § **1128:5**

party interest defined, § **1128:6**

relation to section 1109, § **1128:6**

relation to section 1124, § **1128:7**

unimpaired creditors, § **1128:7**

voting vs. objecting to plan, section 1126, § **1128:8**

#### Confirmation of plan

text of statute, § **1129**

confirmation, appealable, § **1129:35**

##### section 1129(a)

core concept, § **1129:1**

acceptance, single impaired class, § **1129:11**

acceptance or no impairment, § **1129:9**

applicable law, § **1129:4**

applicable nonbankruptcy law, conforming to, § **1129:17**

bankruptcy fees, payment, § **1129:13**

best interests of creditors, § **1129:8**

Code Sec. 103 compliance, § **1129:2, 1129:3**

domestic support obligations, § **1129:15**

full payment of priority claims, § **1129:10**

good faith, § **1129:4**

impaired claims, § **1129:8**

individual debtors, § **1129:16**

officers, disclosure of, § **1129:6**

payments and fees, approval, § **1129:5**

proponent compliance with Code Sec. 103, § **1129:3**

rates, regulatory approval, § **1129:7**

retiree benefits, payment, § **1129:14**

standard of proof, § **1129:18**

successful reorganization, likelihood, § **1129:12**

unsecured creditors, § **1129:16**

##### section 1129(b)

core concept, § **1129:19**

additional requirements, section 1129(b), § **1129:27**

cramdown, § **1129:22**

fair and equitable, § **1129:22**

fairness, § **1129:22 to 1129:25**

interest holders, section 1129(b)(2)(C), § **1129:26**

**REORGANIZATION PLANS—Cont'd**

Confirmation of plan—Cont'd

section 1129(b)—Cont'd

new value, exception, § **1129:28**

relation to section 506, § **1129:24**

relation to section 510(a), § **1129:20**

relation to section 1129(a), § **1129:21**

secured creditors, section 1129(b)(2)(A), § **1129:23**

unsecured creditors, section 1129(b)(2)(B), § **1129:25**

section 1129(c)

core concept, § **1129:29**

competing confirmable plans, § **1129:32**

relation to section 1127, § **1129:30**

relation to section 1144, § **1129:31**

section 1129(d), § **1129:33**

section 1129(e), § **1129:34**

Contents of plan

text of statute, § **1123**

section 1123(a), § **1123:1**

core concept, § **1123:1**

adequate means for implementation, § **1123:6**

designating classes of claims and interests, § **1123:2**

duties of individual Chapter 11 debtors, § **1123:9**

nonvoting stock, prohibition on, § **1123:7**

officers, selecting controlling, § **1123:8**

similar claims or interests, same treatment for, § **1123:5**

specifying claims or interests not impaired, § **1123:3**

treatment of impaired claims or interests, § **1123:4**

section 1123(b)

core concept, § **1123:10**

discretion to impair claims or interests, § **1123:11**

executory contracts and unexpired leases, § **1123:12**

modification of claims, § **1123:15**

other appropriate provisions, § **1123:16**

sale of estate property, § **1123:14**

settling, adjusting, or enforcing claims, § **1123:13**

section 1123(c), § **1123:17**

section 1123(d), § **1123:18**

Impairment of claims or interests

text of statute, § **1124**

broadly applied, § **1124:4**

examples of impairment/nonimpairment, § **1124:5**

exceptions, § **1124:6 to 1124:8**

manufactured/de minimis impairment, § **1124:6**

relation to section 1111, § **1124:2**

relation to section 1122, § **1124:3**

significance of impairment, § **1124:1**

## INDEX

### REORGANIZATION PLANS—Cont'd

#### Modification of plan

text of statute, § **1127**

##### section 1127(a)

core concept, § **1127:1**

denial of confirmation, modification after, § **1127:5**

filing modification, no required motions, § **1127:4**

scope and discretion, sections 1122, 1123, 1127(c), § **1127:3**

standing, § **1127:2**

##### section 1127(b)

core concept, § **1127:6**

hearing, § **1127:11**

judicial discretion, modification of section 105, § **1127:8**

notice, § **1127:11**

relation to sections 1121, 1122, 1123, 1127(c), § **1127:10**

scope and timing, section 1101, § **1127:9**

standing, § **1127:7**

##### section 1127(c)

core concept, § **1127:12**

exception, minor modifications, § **1127:14**

scope, § **1127:13**

##### section 1127(d)

core concept, § **1127:15**

consequences of inaction, § **1127:18**

Federal Rules of Bankruptcy Procedure 3019, relation to, § **1127:17**

material adverse modifications, § **1127:16**

scope, § **1127:16**

time limitation, § **1127:18**

##### section 1127(e)

core concept, § **1127:19**

modification approval, requirements for, § **1127:20**

relation to sections 1229 and 1329, § **1127:21**

##### section 1127(f), § **1127:22**

#### Notice and hearing

postpetition disclosure and solicitation, § **1125:8**

who may file plan, § **1121:12**

#### Postpetition disclosure and solicitation

text of statute, § **1125**

##### section 1125(a)

core concept, § **1125:1**

adequate information, § **1125:2**

typical claimant or interest holder, § **1125:3**

##### section 1125(b)

core concept, § **1125:4**

flawed disclosure statement, § **1125:7**

notice and hearing, § **1125:8**

other communications and additional information, § **1125:6**

**REORGANIZATION PLANS—Cont'd**

Postpetition disclosure and solicitation—Cont'd

section 1125(b)—Cont'd

sanctions, § **1125:7**

timing and relation to section 1126, § **1125:5**

valuation or appraisal, no requirement for, § **1125:9**

section 1125(c), § **1125:10**

section 1125(d)

core concept, § **1125:11**

agency's right to be heard vs. right to appeal, § **1125:13**

scope, § **1125:12**

section 1125(e)

core concept, § **1125:14**

compliance with Bankruptcy Code, § **1125:16**

conduct not immunized, § **1125:17**

good faith requirement, § **1125:15**

section 1125(f)

core concept, § **1125:18**

applicable modifications, § **1125:20**

defining a small business, § **1125:19**

section 1125(g), § **1125:21**

Tax liability determination, relation to plan confirmation of, § **505:9**

Who may file plan

text of statute, § **1121**

section 1121(a)

core concept, § **1121:1**

discretionary filing, § **1121:2**

section 1121(b)

core concept, § **1121:3**

exclusivity period, other actions available during, § **1121:6**

relation to section 1121(c) and (d), § **1121:4**

tactical advantage, § **1121:5**

section 1121(c)

core concept, § **1121:7**

exclusivity, circumstances that terminate, § **1121:9**

failure to file and relation to 1112, § **1121:10**

standing and relation to 307, § **1121:8**

section 1121(d)

core concept, § **1121:11**

for cause, § **1121:14**

motion, § **1121:12**

notice and hearing, § **1121:12**

party in interest, § **1121:12**

time, § **1121:13**

section 1121(e)

core concept, § **1121:15**

defining small business, § **1121:16**

electing small business treatment, § **1121:17**



## INDEX

### REORGANIZATION PLANS—Cont'd

Who may file plan—Cont'd  
section 1121(e)—Cont'd  
time limits, § 1121:18, 1121:19

### REPORTS

Debtor reporting requirements, § 308:1 to 308:4  
Failure to file, consequences, § 308:4

### REPURCHASE AGREEMENT

Definition, § 101:35

### REPURCHASE AGREEMENTS

Defined for purposes of limitations on trustee's avoiding powers, § 546:33  
Liquidation, termination, or acceleration  
generally, § 559:1  
text of statute, § 559  
applicable nonbankruptcy law, § 559:3  
contractual right, § 559:5  
excess funds, § 559:4  
relation to  
section 362, § 559:6  
section 365(e), § 559:7  
section 562, § 559:8  
repo participant, § 559:2  
Priority unaffected by exercise of termination and netting rights, § 753:1, 753:2,  
767  
Repo participant defined for purposes of limitations on trustee's avoiding pow-  
ers, § 546:32  
Timing of damage measurement, § 561:1 to 562:4

### RESIDENCE

Exemption, § 522:33  
Trustee, eligibility to serve as, § 321:5

### RES JUDICATA

Determination of secured status, § 506:8  
Determination of tax liability, § 505:6

### RETIREE BENEFITS PROTECTION

Reorganization, this index

### RETIREMENT

Exemptions, this index  
Property of estate, pension plans, § 541:26, 541:33

### RUBBISH SERVICE

Utilities, § 366:6

### RULE 4007

Dischargeability of debts, § 523:7, 523:34  
Meeting of creditors and equity security holders, § 341:8

**RULES OF CONSTRUCTION**

- Text of statute, § 102
- Claim against the debtor, § 102:2
- Includes and including, § 102:3
- Incorporated or referred definitions, § 102:7
- May not, § 102:4
- Notice and hearing, § 102:1
- Order for relief, § 102:6
- Or, § 102:05
- Singular as including plural, § 102:7
- U.S. Trustee, § 102:9

**SALES**

- Use, Sale, or Lease of Property, this index

**SECRET LIENS**

- Statutory liens, § 545:11

**SECURED CLAIMS**

- Exemptions, § 522:26

**SECURITIES**

- Municipal debt adjustment plans, effect of exchange of securities before filing of petition, § 946
- Obtaining credit, exemption from securities laws, § 364:37
- Priority unaffected by exercise of termination and netting rights, § 753:1, 753:2, 767

**SECURITIES CONTRACTS**

- Liquidation, termination, or acceleration
  - text of statute, § 555
  - applicability, § 555:1
  - bylaws, § 555:5
  - procedure, § 555:4
  - reasons, § 555:2
  - relation to federal securities laws, § 555:3
- Timing of damage measurement, § 561:1 to 562:4

**SECURITIES INVESTOR PROTECTION ACT**

- Allowance of claims or interests, § 502:33

**SECURITY**

- Definition, § 101:36

**SECURITY INTEREST**

- Definition, § 101:37
- Determination of Secured Status, this index
- Postpetition effect
  - text of statute, § 552
  - section 552(a), § 552:1
  - section 552(b)
    - core concept, § 552:2

## INDEX

### **SECURITY INTEREST—Cont'd**

- Postpetition effect—Cont'd
  - section 552(b)—Cont'd
    - applicability, § 552:3
    - exception for equities of the case, § 552:8
    - exceptions, § 552:4
    - hearing, § 552:9
    - permissible scope of security agreement, § 552:5
    - proceeds, product, and offspring, § 552:6
    - rent or profits, § 552:6, 552:7

### **SELF-INCRIMINATION**

- Text of statute, § 344
- Discharge of debts, § 344:5
- Examination of debtor, § 343:6
- Fifth Amendment rights, § 344:4
- Immunity not automatically available, § 344:1
- Refusal to testify, § 344:5
- Requesting immunity, § 344:2
- Scope of immunity, § 344:3
- Title 18, relation to, § 344:6
- Use immunity, § 344:3

### **SETOFF OR OFFSET**

- Text of statute, § 553
- Determination of secured status, § 506:3
- Section 553(a)
  - core concept, § 553:1
  - amount of setoff, § 553:5
  - authority for setoff, § 553:2
  - comparison with section 558, § 553:20
  - conflict between section 522 and section 553, § 553:9
  - debtor's assets transferred to create setoff, § 553:19
  - disallowed claims, § 553:17
  - discharge, setoff subsequent to debtor's, § 553:15
  - discretion of court, § 553:10
  - fraudulent transfers, § 553:13
  - mutuality requirement, § 553:3
  - perfected security interests, § 553:16
  - preferences, § 553:13
  - proof of claim, § 553:14
  - recoupment compared, § 553:11
  - relation to
    - section 362, § 553:6
    - section 363, § 553:7
    - section 506, § 553:12
    - section 542, § 553:8
  - third-party claims, transferring, § 553:18
  - timing of debts, § 553:4

**SETOFF OR OFFSET—Cont'd**

Section 553(b)

core concept, § 553:21

application, § 553:22

exceptions, § 553:23

Section 553(c)

core concept, § 553:24

defining insolvency, § 553:25

rebutting presumption, § 553:26

relation to section 547(f), § 553:26

Turnover of property to estate, § 542:14

**SETTLEMENT**

Trusteeship, vacancy in, § 325:1

Trustee's settlement of claims, § 323:17

**SHARING OF COMPENSATION**

Text of statute, § 504

Section 504(a)

core concept, § 504:1

applications, § 504:2

local counsel and state law, § 504:5

nonlawyers, § 504:7

practical consequences, § 504:8

prepetition fee sharing, § 504:4

relation to section 330, § 504:3

remedies, § 504:6

Section 504(b)

core concept, § 504:9

applications, § 504:10

involuntary bankruptcies, § 504:11

Section 504(c), § 504:12

**SHOPPING CENTERS**

Executory Contracts and Unexpired Leases, this index

**SINGLE-ASSET REAL ESTATE**

Definition, § 101:38

**SMALL BUSINESS DEBTOR**

Definition, § 101:39

**SMALL BUSINESS REORGANIZATION**

Debtor in possession

aggregate noncontingent liquidated debt, § 1182:4, 1182:5

Definition, § 1182:1

Removal of, § 1185:1, 1185:2

Rights and powers of, § 1184:1

Definitions

debtor in possession, § 1182:2

Small business debtor, § 101:39, 1182:1

## INDEX

### **SMALL BUSINESS REORGANIZATION—Cont'd**

- Duties and reporting requirements of debtors
  - generally, § **1187:1 to 1187:4**
  - modifications of section 1125(f), § **1187:4**
- Inapplicability of other sections (Section 1181), § **1181:1 to 1181:3**
- Payments, § **1194:1 to 1194:3**
- Plan
  - Confirmation of, § **1191:1 to 1191:5**
  - Contents of, § **1190:1 to 1190:3**
  - Filing of, § **1189:1, 1189:2**
  - Modification of, § **1193:1 to 1193:4**
- Professionals, transactions with, § **1195:1**
- Property of the estate, § **1186:1, 1186:2**
- Status conference, § **1188:1 to 1188:3**
- Trustee, § **1183:1 to 1183:3**

### **SOCIAL SECURITY**

- Exemptions, § **522:42**

### **SOVEREIGN IMMUNITY**

- Determination of secured status, § **506:10**
- Determination of tax liability, § **505:3**
- Filing of proofs of claim or interest, § **501:13, 501:28**
- Turnover of property to estate, § **542:9**
- Waiver of Sovereign Immunity, this index

### **SPENDTHRIFT TRUSTS**

- Property of estate, § **541:32**
- Successor to certain creditors and purchasers and lien creditor, trustee as, § **544:7**

### **SPOUSES**

- Preferences, § **547:45**

### **STANDARD OF REVIEW**

- Adequate protection, § **361:5**
- Appeal (section 305(c)), § **305:14**
- Automatic stay, section 362(d), § **362:56**
- Reopening cases, § **350:11**
- Reorganization definitions, section 1101(2), § **1101:12**

### **STANDING**

- Allowance of claims or interests, § **502:57**
- Automatic Stay, this index
- Determination of secured status, § **506:33**
- Exclusive standing to bring suit, trustee, § **323:14**
- Exemptions and trustee standing in Chapter 13 cases, § **522:57**
- Filing of proofs of claim or interest, § **501:20**
- Petition Preparers, this index
- Pre- and post-petition claims, § **323:18**
- Professional compensation for lack of disinterestedness or holding of adverse interest, objection to denial of, § **328:23**

**STANDING—Cont'd**

- Professional persons, objection to employment of, § 327:23
- Statutory liens, § 545:7
- Subordination, § 510:18
- Successor to certain creditors and purchasers and lien creditor, trustee as, § 544:6
- Tax liability, determination of, standing to bring claims, § 505:2
- Trustee
  - exclusive standing to bring suit, § 323:14
  - investment of estate funds, standing to object to, § 345:7
  - pre- and post-petition claims, § 323:18

**STATE**

- Definitions, § 101:40

**STATUS CONFERENCE**

- Order or approval of court, § 105:14

**STATUTE OF LIMITATIONS**

- Abandonment of property of estate, § 554:15
- Debtor's attorney's compensation in excess of reasonable value of services,  
§ 329:16
- Determination of secured status, time limit for challenges to unsecured liens,  
§ 506:38
- Liens, § 544:4, 544:28
- Reorganization plans, time for filing of, § 1121:13, 1121:18, 1121:19
- Stockbroker liquidation, time for assumption or rejection of executory contracts  
in, § 744:4
- Successor to certain creditors and purchasers and lien creditor, trustee as, § 544:4
- Use, sale, or lease of property, § 363:113

**STATUTORY LIENS**

- Text of statute, § 545
- Applicable law, § 545:5
- Avoidance
  - limits on, § 545:10
  - results of, § 545:13
- Bona fide purchasers, § 545:3
- Comparison of section 541(a)(1) and (2), § 545:4
- Contractual liens, § 545:12
- Definition, § 101:41
- Distress for rent, liens for, § 545:16
- Financial distress, liens based on, § 545:2
- Landlord-tenant relationship, § 545:15
- Perfection, liens not requiring, § 545:6
- Relation to section 101, § 545:1
- Relation to section 546, § 545:8
- Relation to section 547, § 545:9
- Rent, statutory liens for, § 545:14
- Secret liens, § 545:11
- Standing, § 545:7

## INDEX

### STAYS

- Automatic Stay, this index
- Codebtor stays
  - Family Farmer or Fisherman Debt Adjustment, this index
  - Individual Debt Adjustment, this index
- Municipal Debt Adjustment, this index

### STOCKBROKER LIQUIDATION

- Text of statutes, § 741 to 753
- Automatic stay, effect of
  - liquidation of stockbroker debtor, § 742:3
  - SIPA and role of SIPC, § 742:2
  - stockbroker defined, § 742:1
- Customer claims, extent of
  - section 746(a)
    - core concept, § 746:1
    - customer defined, § 746:5
    - eligibility and involuntary cases, § 746:2
    - relation to section 751 and 752, § 746:3
    - stockbroker defined, § 746:4
  - section 746(b)
    - core concept, § 746:6
    - applicability, § 746:7
- Customer name securities
  - customers in debt, § 751:3
  - defined, § 751:2
  - relation to section 750, § 751:4
  - stockbroker defined, § 751:1
- Customer property
  - section 752(a)
    - core concept, § 752:1
    - defined, § 752:3
    - distribution among customers, § 752:6
    - relation to section 507(a)(2), § 752:4
    - stockbroker defined, § 752:2
  - section 752(b)
    - core concept, § 752:6
    - shortages of customer property, § 752:8
    - surplus customer property, § 752:7
  - section 752(c)
    - core concept, § 752:9
    - pro rata distribution, § 752:10
    - relation to section 741(4)(B), § 752:11
- Definitions
  - customer, § 741:1, 747:3
  - customer name security, § 741:2, 750:2, 751:2
  - customer property, § 741:3, 752:3
  - insider, § 747:4

**STOCKBROKER LIQUIDATION—Cont'd**

Definitions—Cont'd

- margin payment, § 741:4
- net equity, § 741:5, 747:2
- securities contract, § 741:6
- settlement payment, § 741:7
- stockbroker, § 742:1, 743:1, 744:1, 746:4, 747:1, 748:1, 749:3, 751:1, 752:2

Distribution of securities

- generally, § 750:3
- customer name security defined, § 750:2
- relation to
  - section 751, § 750:4
  - section 507 and 752, § 750:5
- stockbroker defined, § 750:1

Executory contracts

- generally, § 744:2
- assumption or rejection and time limits therefor, § 744:4
- failure to assume, consequence of, § 744:56
- relation to section 365, § 744:5
- scope, § 744:3
- stockbroker defined, § 744:1

Notice

- relation to section 342, § 743:3
- stockbroker defined, § 743:1
- the commission, § 743:2

Priority unaffected by exercise of termination and netting rights

- core concept, § 753:1
- definitions, § 753:2

Reduction of securities to money

- exception, customer named securities, § 748:2
- limitation, good market practice, § 748:3
- stockbroker defined, § 748:1

Subordination of certain customer claims

- customer defined, § 747:3
- customers affected, § 747:5
- effect of subordination, § 747:7
- net equity defined, § 747:2
- relation to section 510, § 747:8
- stockbroker defined, § 747:1
- timing of influence, § 747:6

Treatment of accounts

- section 745(a), § 745:1
- section 745(b)
  - core concept, § 745:2
  - relation to section 745(a), § 745:3
- section 745(c), § 745:4



## INDEX

### **STOCKBROKER LIQUIDATION—Cont'd**

#### Voidable transfers

##### section 749(a)

core concept, § **749:1**

customer property defined, § **749:4**

property recovered from customer, § **749:6**

recovered customer property, § **749:4**

relation to section 544, 545, 547, 548, and 549, § **749:2**

stockbroker defined, § **749:3**

##### section 749(b)

core concept, § **749:7**

elements of transfer excepted from avoidance, § **749:8**

### **STOCKBROKERS AND COMMODITY BROKERS**

Eligibility to be debtor, § **109:21, 109:30**

#### Liquidation

Commodity Broker Liquidation, this index

Stockbroker Liquidation, this index

### **STRIPDOWN**

Determination of secured status, § **506:13**

### **SUA SPONTE**

Order or Approval of Court, this index

### **SUBORDINATION**

Text of statute, § **510**

Absolute priority rule, § **510:6**

Burden of proof, § **510:13**

Co-debtors' claims, § **509:13, 509:18**

Equitable subordination. Section 501(c), below

Preferences, relation to, § **510:17**

Promissory estoppel, § **510:4**

Purpose, § **510:6**

Recharacterization distinguished from subordination, § **510:20**

#### Section 501(a)

core concept, § **510:1**

applicable law, § **510:2**

Chapter 11 cases, § **510:3**

promissory estoppel, § **510:4**

relation to section 510(c), § **510:4**

#### Section 501(b)

core concept, § **510:5**

applicability, § **510:7**

mandatory subordination, § **510:8**

no fraud requirement, § **510:10**

scope, § **510:9**

#### Section 501(c)

core concept, § **510:11**

allowed claims requirement, § **510:15**

**SUBORDINATION—Cont'd**

Section 501(c)—Cont'd

burden of proof, § 510:13

elements, § 510:12

limitations on equitable subordination, § 510:18

nonbankruptcy federal law, § 510:16

penalties, claims based on, § 510:14

preferences, relation to, § 510:17

standing, § 510:18

Standing, § 510:18

**SUBROGATION**

Allowance of claims or interests, § 502:40

Co-debtors' claims, § 509:3, 509:4

**SUPERPRIORITY**

Administrative expenses, § 364:16, 364:18

Obtaining credit, § 364:16

Priorities, § 507:44, 507:48

**SWAP AGREEMENTS**

Definition, § 101:42

Liquidation, termination, or acceleration

text of statute, § 560

applicability, § 560:4

contractual right, § 560:3

swap agreement defined, § 560:1

swap participant, § 560:2

Priority unaffected by exercise of termination and netting rights, § 753:1, 753:2, 767

Timing of damage measurement, § 561:1 to 562:4

**TAXATION**

Debtor's duty to provide copies of federal tax returns, § 521:30

Debtor's duty to provide tax information, § 521:34, 521:37

Determination of tax liability

Text of statute, § 505

section 505(a)

core concept, § 505:1, 505:13

ad valorem taxes on real or personal property, § 505:11

applicable law, § 505:10

Chapter 11 plan confirmation, relation to, § 505:9

contact with taxing authority, ways to establish, § 505:14

discharge, § 505:15

IRS audits, § 505:12

jurisdiction of tax courts, § 505:4

nondebtors' tax liabilities, § 505:7

priority, § 505:5

refunds due estate, § 505:8

res judicata, § 505:6

## INDEX

### TAXATION—Cont'd

#### Determination of tax liability—Cont'd

##### section 505(a)—Cont'd

sovereign immunity, § **505:3**

standing to bring claims, § **505:2**

trustee's discretion, § **505:16**

section 505(c), core concept, § **505:17**

#### Dischargeability of debts

debts incurred to pay nondischargeable, § **523:23**

unpaid taxes, § **523:10**

#### Interest rate on tax claims

text of statute, § **511**

“nonbankruptcy” law, definition, § **511:2**

##### section 511(a)

core concept, § **511:1**

modification in Chapter 13 cases, § **511:3**

tax claims vs. tax liens, § **511:4**

section 511(b), § **511:5**

“Nonbankruptcy” law, definition, § **511:2**

#### Preferences

estimated tax payments, § **547:10**

tax debts, when incurred, § **547:10**

#### Priorities, this index

#### State and local taxes, special provisions on treatment of

Text of statute, § **346**

##### section 346(a)

core concept, § **346:1**

dismissal, effect, § **346:3**

filing returns, § **346:4**

separate state responsible for taxes, § **346:2**

##### section 346(b)

core concept, § **346:5**

debtor responsible for taxes, § **346:6**

partnerships, § **346:7**

section 346(c)-346(h), § **346:8 to 346:13**

##### section 346(i)

core concept, § **346:14**

carry back losses or taxes, § **346:17**

carryover taxes, § **346:15**

case closure or dismissal, § **346:16**

##### section 346(j)

core concept, § **346:18**

discharge, impact on tax attributes, § **346:20**

discharge of debt, not income, § **346:19**

##### section 346(k)

core concept, § **346:21**

filing tax returns, § **346:22**

limitations of section 346, § **346:23**

**TAXATION—Cont'd**

Tuition tax credits, Property of estate, § **541:25**

**TENANCIES BY THE ENTIRETY**

Exemptions, § **522:17**

**THIRD PARTIES**

Debtor's attorney's compensation exceeding reasonable value of services,  
§ **329:13**

Preferences, § **547:22**

Property of estate, § **541:11**

**TIME OR DATE**

Administrative expenses, timeliness requirement regarding allowance of, § **503:4**

Allowance of Claims or Interests, this index

Claims or interests

determined at time of filing, § **502:10**

lack of timeliness as affecting allowance of, § **502:21**

Creditors' meeting, § **341:2**

Debtor's duties and benefits, § **521:35, 521:39**

Determination of secured status, time limit for challenges to unsecured liens,  
§ **506:38**

Distribution, untimely filings, § **726:7**

Exemptions

debtor's interest and lien, timing of, § **522:56**

state exemptions, timing of, § **522:15**

Extension of Time, this index

Family farmer or fisherman debt adjustment plans, § **1222:17, 1229:12**

Filing

claim determined at time of, § **502:10**

proofs of claim or interest, § **501:19, 501:24**

Fraudulent transfers, hypothetical bona fide purchaser, § **548:31**

Grain assets, expedited determination of interests in. Grain Assets, this index

Individual debt adjustment plans, computing time regarding, § **1322:31**

Involuntary cases, joinder as petitioning creditor (section 303(c)), § **303:25**

Limitations. Statute of Limitations, this index

Meeting of creditors and equity security holders, time of, § **341:2**

Municipal debt adjustment plans, timing filing of, § **941:3**

Payments beyond 60-month limit and dismissal, § **1322:32**

Petition Preparers, this index

Priorities, this index

Professional compensation denied for lack of disinterestedness or holding of  
adverse interest, § **328:21**

Reopening cases, § **350:12**

Reorganization, this index

Statute of Limitations, this index

Trustee's performance bond, failure to timely file, § **322:6**

Turnover of property to estate, § **542:1**

Unclaimed property, expiration of time regarding, § **347:7**

## INDEX

### **TIME OR DATE—Cont'd**

Valuation, measurement date, § **506:7**

Void or Voidable Transfers, this index

### **TIMESHARE PURCHASERS AND PLANS**

Executory contracts and unexpired leases, § **365:64, 365:65**

### **TOOLS OF TRADE**

Exemptions, § **522:38**

### **TORTS**

Allowance of administrative expenses, § **503:35**

Allowance of claims or interests, § **502:39**

### **TRADE SECRETS**

Public Access to Papers, this index

### **TRANSFER**

Causes of action (section 363(m)), § **363:105**

Definition, § **101:43**

### **TRASH SERVICE**

Utilities, § **366:6**

### **TRUSTEES**

#### **Bond**

Money of Estates, this index

qualification of trustee, below

Clearing Bank Liquidation, this index

Closing cases, § **350:3**

Compensation limitations, § **326**

Chapter 7 or 11 cases (section 326(a))

core concept, § **326:1**

absolute fee limit, § **326:8**

actual moneys disbursed and interim compensation, § **326:10**

administered or converted, cases not fully, § **326:15**

debtor, disbursements to, § **326:11**

entitlement, limit as not meaning, § **326:5**

fee applications, fees for defending, § **326:7**

not by trustee, disbursements, § **326:13**

paralegals, payments to, § **326:9**

parties other than debtor, distribution to, § **326:12**

percentage of moneys dispersed, limit as, § **326:2**

presumed compensation, § **326:6**

relation to section 330, § **326:6**

result oriented, compensation as, § **326:4**

secured creditors, payments to, § **326:14**

what constitutes moneys, § **326:3**

Chapter 12 or 13 cases (section 326(b))

core concept, § **326:16**

court purview, standing trustee's fees not under, § **326:18**

**TRUSTEES—Cont'd**

- Compensation limitations, § **326**—Cont'd
  - Chapter 12 or 13 cases (section 326(b))—Cont'd
    - lack of authority to compensate standing trustee, § **326:17**
    - nonstanding trustee, fees receivable by, § **326:19**
  - Converted cases (section 326(c)), § **326:21**
  - denial of allowance of compensation (section 326(d))
    - core concept, § **326:22**
    - breach of fiduciary duty, § **326:23**
    - discretion of court, § **326:24**
  - multiple trustees, aggregate compensation of (section 326(c)), § **326:20**
- Compensation of Officers, this index
- Debtor's duty to cooperate with trustee, § **521:17, 521:18**
- Defined, § **1502:6**
- Determination of tax liability, § **505:16**
- Disposition of property in which entity other than estate has interest
  - affected interests, § **725:5**
  - duty imposed, § **725:3**
  - notice and hearing, § **725:1**
  - relation to
    - other sections affecting property, § **725:6**
    - section 704, § **725:7**
    - section 507 and 726, § **725:5**
  - standing, § **725:4**
  - timing, § **725:2**
- Duties of trustee
  - text of statute, § **704**
  - abandoning assets, § **704:6**
  - accountability of trustee, § **704:14**
  - asset collection, § **704:3**
  - breach of duty, liability for, § **704:1**
  - business judgment, § **704:10**
  - care, duty of, § **704:2**
  - child support, § **704:23**
  - closing of estate, § **704:3**
  - counsel, retention of, § **704:4**
  - creditors' claims, § **704:9**
  - discharge, opposing, § **704:18**
  - expeditious timing, § **704:11**
  - final report and accounting, § **704:21**
  - financial and tax reports, § **704:20**
  - information, furnishing, § **704:19**
  - investigatory duty, § **704:16**
  - maximization of estate, § **704:5**
  - nonbankruptcy law, compliance with, § **704:13**
  - nonexempt property, § **704:8**
  - parties in interest, § **704:7**
  - presumption of abuse, existence under sec. 707(b), § **704:22**

## INDEX

### TRUSTEES—Cont'd

#### Duties of trustee—Cont'd

- proofs of claim, examining and/or challenging, § **704:17**
- relation to section 721, § **704:12**
- Reorganization, this index
- retention of counsel, § **704:4**
- shareholders, § **704:7**
- supervision of debtor, § **704:15**
- tax reports, § **704:20**
- use, sale, or lease of property, § **363:14**

#### Election of trustee

- text of statute, § **702**
- Reorganization, this index
- section 702(a)
  - core concept, § **702:1**
  - ineligible claims, § **702:3**
  - insiders, § **702:5**
  - materially adverse claims, § **702:4**
  - relation to section 546(a)(1), § **702:2**
- section 702(b)
  - core concept, § **702:6**
  - meeting of creditors, § **702:7**
  - percentage of total value of claims, § **702:8**
  - proxy voting, § **702:9**
  - relation to section 702(c), § **702:10**
- section 702(c)
  - core concept, § **702:10**
  - majority of value of claims voted, § **702:13**
  - percentage of total value of claims, § **702:12**
  - proxy voting, § **702:14**
- section 702(d), § **702:15**

#### Eligibility to serve as trustee

- text of statute, § **321**
- basic requirements (section 321(a))
  - core concept, § **321:1**
  - corporation as trustee, § **321:6**
  - definition of competence, § **321:2**
  - determination of competence, § **321:4**
  - residency requirements, § **321:5**
  - selection by U.S. Trustee, § **321:3**
- examiners ineligible (section 321(b)), § **321:7, 321:8**

#### Exclusive standing to bring suit, § **323:14**

#### Executory contracts and unexpired leases, § **365:79, 365:81**

#### Exemptions and trustee standing in Chapter 13 cases, § **522:57**

#### Extension of Time, this index

#### Family Farmer and Fisherman Debt Adjustment, this index

#### Foreign courts or representatives, cooperation and communication between trustee and, § **1526:1, 1526:2**

**TRUSTEES—Cont'd**

- Individual Debt Adjustment, this index
- Interim Compensation, this index
- Interim trustees
  - Involuntary Cases, this index
  - Voluntary Cases. Interim Trustees, this index
- Investigations, discharge, **§ 727:32**
- Investment duties. Money of Estates, this index
- Lien creditor, trustee as. Liens, this index
- Limitations on trustee's avoiding powers. Void or Voidable Transfers, this index
- Municipal Debt Adjustment, this index
- Order or approval of court, interference with trustee or DIP, **§ 105:7**
- Property of estate
  - limits on trustee's rights, **§ 541:12**
  - representative of estate, trustee as, **§ 323:3**
- Qualification of trustee
  - text of statute, **§ 322**
  - performance bond (section 322(a))
    - core concept, **§ 322:1**
    - applicability to chapters, **§ 322:2**
    - condition of bond, **§ 322:5**
    - failure to timely file bond, **§ 322:6**
    - requirement of filing bond, **§ 322:3**
    - time deadline for filing bond, **§ 322:4**
  - personal liability (section 322(c)), **§ 322:12**
  - statute of limitation on action on trustee's bond (section 322(d))
    - core concept, **§ 322:13**
    - proceeding against trustee personally, **§ 322:15**
    - types of actions on bond, **§ 322:14**
- U.S. trustee (section 322(b))
  - core concept, **§ 322:7**
  - automatic qualification, **§ 322:8, 322:11**
  - blanket bond, use of, **§ 322:10, 322:11**
  - determination of bond and surety, **§ 322:9**
- Removal of Trustee or Examiner, this index
- Reorganization, this index
- Role and capacity
  - text of statute, **§ 323**
  - capacity to sue and be sued (section 323(b))
    - core concept, **§ 323:11**
    - Chapter 13 cases, **§ 323:15**
    - decision whether to file suit, **§ 323:13**
    - defenses against debtor, trustee subject to, **§ 323:19**
    - options for trustee when pursuing claims not possible, **§ 323:16**
    - other forums, suits in, **§ 323:20**
    - pre- and post-petition claims, **§ 323:18**
    - pursue assets, ability of trustee to, **§ 323:12**



## INDEX

### TRUSTEES—Cont'd

#### Role and capacity—Cont'd

capacity to sue and be sued (section 323(b))—Cont'd

settlement of claims, § 323:17

standing to bring suit, exclusive, § 323:14

representative of estate (section 323(a))

core concept, § 323:1

appointment as eliminating DIP, § 323:10

attorney-client privilege, ability to waive, § 323:8

broad powers, grant to trustee of, § 323:7

filing of petition as creating estate, § 323:2

government, trustee not representative of, § 323:6

independence of trustee, § 323:5

postpetition interests, § 323:4

powers of DIP, § 323:9

property of estate, § 323:3

Standing to bring suit, exclusive, § 323:14

Successor to certain creditors and purchasers, trustee as. Liens, this index, § 544

#### Successor trustee

text of statute, § 703

section 703(a)

core concept, § 703:1

relation to section 546, § 703:2

relation to section 702, § 703:3

section 703(b), § 703:4

section 703(c)

core concept, § 703:5

eligible appointees, § 703:6

failure to elect or appoint successor, § 703:8

unavailability of eligible appointees, § 703:7

Tax liability, determination of, § 505:16

#### Unclaimed property

failure of trustee to disburse funds, § 347:9

mandatory obligation of trustee, § 347:3

United States Trustees, this index

#### Vacancy in office

text of statute, § 325

settlement, lack of trustee not fatal to, § 325:1

substitution of new trustee as party, § 325:2

### TRUSTS

Constructive trusts, property of estate, § 541:38

Spendthrift trusts property of estate, § 541:32

### TUITION TAX CREDITS

Property of estate, § 541:25

## **TURNOVER OF PROPERTY**

### **Custodian, turnover by**

text of statute, § **543**

#### **section 543(a)**

core concept, § **543:1**

definition of custodian, § **543:2**

relation to section 542, § **543:3**

title transfers to custodian, § **543:4**

#### **section 543(b)**

core concept, § **543:5**

additional duties of custodian, § **543:7**

rents and other proceeds, § **543:6**

#### **section 543(c)**

core concept, § **543:8**

exceptions to surcharges against custodians, § **543:9**

notice and hearing, § **543:9**

#### **section 543(d)**

core concept, § **543:11**

discretionary factors, § **543:13**

discretion to waive, § **543:12**

mandatory waiver, § **543:16**

notice and hearing, § **543:15**

relation to section 362, § **543:14**

### **Estate, turnover to**

text of statute, § **542**

good faith, § **542:19**

notice and hearing, § **542:24**

possession requirement, § **542:7**

#### **section 542(a)**

core concept, § **542:1**

competing property interests, § **542:5**

debtor's obligation, § **542:8**

definition of property, § **542:3**

exceptions, § **542:10**

relation to section 522, § **542:2**

relation to section 543, § **542:4**

timing of obligation, § **542:6**

#### **section 542(b)**

core concept, § **542:11**

applicability, § **542:12**

debtors possessing property of estate, § **542:13**

setoff, exception for, § **542:14**

sovereign immunity, § **542:15**

#### **section 542(c)**

core concept, § **542:16**

good faith, § **542:19**

relation to section 362(a)(7), § **542:17**

## INDEX

### **TURNOVER OF PROPERTY—Cont'd**

- Estate, turnover to—Cont'd
  - section 542(c)—Cont'd
    - relation to section 542(d), § **542:18**
  - section 542(d)
    - core concept, § **542:20**
    - elements, § **542:21**
  - section 542(e)
    - core concept, § **542:22**
    - applicable privileges, § **542:23**
    - discretion of court, § **542:25**
    - notice and hearing, § **542:24**
    - setoff, exception for, § **542:14**
- Notice and hearing
  - custodian, turnover by, § **543:9, 543:15**
  - estate, turnover to, § **542:24**
- Timing of obligation, § **542:6**

### **UNCLAIMED PROPERTY**

- Text of statute, § **347**
- Section 347(a)
  - core concept, § **347:1**
  - definition of final distribution, § **347:2**
  - disposition of funds paid into court, § **347:4**
  - payments not made as final distributions, § **347:5**
  - trustee's mandatory obligation, § **347:3**
- Section 347(b)
  - core concept, § **347:6**
  - determination of unclaimed property, § **347:10**
  - disbursement of unclaimed property, § **347:9**
  - expiration of time, § **347:7**
  - plan confirmation required, § **347:8**
  - trustee's failure to disburse funds, § **347:9**

### **UNITED STATES TRUSTEES**

- Text of statute, § **307**
- Appeal, standing to, § **307:5**
- Case trustee, eligibility to serve as, § **321:9, 321:10**
- Discretion to act, § **307:6**
- Function of, § **307:1**
- Intervention and Rule 24(a), § **307:9**
- Pecuniary interest not required, § **307:4**
- Plan, prohibition on filing, § **307:7**
- Qualification as case trustee. Trustees, this index
- Removal of case trustee or examiner, § **324:2**
- Rules of construction, § **102:9**
- Scope of, § **307:2**
- 1325(b), relation to section, § **307:8**
- 28 U.S.C.A. section 586, not limited by, § **307:3**

**USE, SALE, OR LEASE OF PROPERTY**

Text of statute, § **363**

Burden of proof, § **363:28, 363:116**

Cash collateral. Section 363(c), below

Compromise of claims constituting a sale, § **363:12**

Consent

consent of co-owner to sale, § **363:63**

sale by consent, § **363:49**

Co-owners

section 363(h), below

section 363(j), below

Credit bidding, § **363:89 to 363:91**

Good or bad faith. Section 363(m), below

Liens, section 363(f), aggregate value of liens, § **363:50**

Limitation on trustee's actions, § **363:14**

Municipal debt adjustment, § **904:5**

Ordinary course of business, § **363:23**

Private sales, § **363:109**

Public sales, § **363:109**

Sale of claims, § **363:103**

Section 363(a)

core concept, § **363:1**

cash equivalent, § **363:3**

definition of cash collateral, § **363:2**

failure to have perfected security interest, § **363:9**

hotels, motels, and other lodging properties, § **363:7**

interest of estate and other entity, § **363:4**

perfection determined by state law, § **363:8**

postpetition rent on real property of estate, § **363:10**

products and proceeds of property, § **363:6**

relation to section 552(b), § **363:5**

Section 363(b)

core concept, § **363:11**

basis for court approval of sale, § **363:17**

Clayton Act notification, § **363:19**

debtor in possession, § **363:13**

ordinary course of business, § **363:15**

personally identifiable information, restrictions regarding, § **363:18**

sale of assets, § **363:20**

unauthorized sale, § **363:16**

Section 363(c)

core concept, § **363:21**

application for use of cash collateral, § **363:27**

burden of proof, preliminary hearing, § **363:28**

consent of interested party, § **363:26**

continued operation of business, § **363:22**

no obligation to return cash collateral, § **363:30**

## INDEX

### USE, SALE, OR LEASE OF PROPERTY—Cont'd

#### Section 363(c)—Cont'd

- ordinary course of business, § **363:23**
- penalty for failure to segregate cash collateral, § **363:31**
- prepetition obligations, § **363:24**
- restricted use of cash collateral, § **363:25**
- segregation of cash collateral, § **363:29**

#### Section 363(d)

- core concept, § **363:32**
- relief from stay, § **363:33**

#### Section 363(e)

- core concept, § **363:34**
- adequate protection, request for, § **363:37**
- adequate protection upon sale of property, § **363:41, 363:42**
- leases of real property, § **363:39**
- prompt relief, court may grant, § **363:38**
- protection of interest, § **363:36**
- relation to section 361, § **363:40**
- secured creditor, § **363:35**

#### Section 363(f)

- core concept, § **363:43**
- aggregate value of liens, § **363:50**
- applicable nonbankruptcy law, § **363:48**
- bona fide dispute, § **363:52**
- capacity to sell property, § **363:45**
- consent, sale by, § **363:49**
- effect of sale, § **363:46**
- executory contracts and unexpired leases, relationship to, § **365:61**
- full payment requirement, § **363:55**
- interest in property, § **363:47**
- money satisfaction, § **363:54**
- nature of dispute, § **363:53**
- relation to section 363(e), § **363:44**
- relation to section 365(h), § **363:56**

#### Section 363(g)

- core concept, § **363:57**
- monetary compensation, § **363:58**

#### Section 363(h)

- core concept, § **363:59**
- adversary proceeding, filing of, § **363:65**
- balancing test, § **363:68**
- benefit to estate, § **363:69**
- consent of co-owner to sale, § **363:63**
- co-owner as debtor in bankruptcy, § **363:64**
- debtor's ownership interest, § **363:60**
- harm to co-owner, § **363:70**
- partition impracticable, § **363:66**

**USE, SALE, OR LEASE OF PROPERTY—Cont'd**

Section 363(h)—Cont'd

- proceeds from sale of entireties property, § **363:72**
- relation to section 363(m), § **363:73**
- required elements, § **363:62**
- tenants by entireties property, sale of, § **363:61**
- undivided interest, sale of, § **363:67**
- utility service, § **363:71**

Section 363(i)

- core concept, § **363:74**
- community property of debtor and spouse, § **363:75**

Section 363(j)

- core concept, § **363:77**
- dispute as to ownership interest, § **363:83**
- expenses of sale, § **363:78**
- interest of spouse or co-owners, § **363:81**
- option, granting co-owner purchase, § **363:76**
- presumption of one-half interest of spouse, § **363:82**
- sale of property to co-owner under section 363(i), § **363:80**
- trustee compensation not deductible, § **363:79**

Section 363(k)

- core concept, § **363:85**
- allowed claim, § **363:86**
- benefit to secured lien holder, § **363:88**
- credit bidding
  - court may prohibit, § **363:89**
  - in reorganization plan, § **363:90**
- secured creditor, § **363:87**

Section 363(l)

- core concept, § **363:92**
- common carrier of freight, § **363:94**
- termination provisions, § **363:93**

Section 363(m)

- core concept, § **363:95**
- assignment as sale, § **363:104**
- causes of action, transfer of, § **363:105**
- definition of good faith, § **363:97**
- evidence of bad faith, § **363:98**
- failure to obtain stay, § **363:100**
- general mootness rule, § **363:102**
- narrow exception to finality, bad faith as, § **363:99**
- other relief, § **363:106**
- protection of good faith purchaser, § **363:96**
- state law exception to mootness rule, § **363:101**

Section 363(n)

- core concept, § **363:107**
- available remedies, § **363:110**

## INDEX

### USE, SALE, OR LEASE OF PROPERTY—Cont'd

#### Section 363(n)—Cont'd

- control of sales price, § **363:108**
- jury trial, right to, § **363:112**
- public and private sales, § **363:109**
- statute of limitations, § **363:113**
- willful disregard, § **363:111**

#### Section 363(o), § **363:114**

#### Section 363(p)

- core concept, § **363:115**
- entity asserting interest in property, § **363:117**
- trustee burden on adequate protection, § **363:116**

#### Trustee's actions, limitations, § **363:14**

### UTILITY SERVICE

#### Text of statute, § **366**

#### Garbage pick up service, § **366:6**

#### Government trash pick up service, § **366:6**

#### Rubbish pick up service, § **366:6**

#### Section 366(a)

- core concept, § **366:1**
- cable provider not a utility, § **366:5**
- discrimination defined, § **366:2**
- prepetition debts, § **366:3**
- relation to section 366(b), § **366:7**
- tampering or unauthorized use, § **366:4**

#### Section 366(b)

- core concept, § **366:8**
- adequate assurance
  - modification of, § **366:12**
  - requirement of, § **366:10**
- administrative claims, § **366:13**
- debts exceeding deposit, § **366:13**
- filing and first 20 days, § **366:9**
- postfiling default, § **366:11**
- termination, procedure for, § **366:14**

#### Section 366(c), § **366:15**

#### Trash pick up service, § **366:6**

#### Waste removal service, § **366:6**

### VALUATION

#### Adequate protection, § **361:17**

#### Conversion of case, effect of, § **348:23**

#### Determination of secured status, value of creditor's interest, § **506:2**

### VESSELS

#### Reorganization, this index

**VOID OR VOIDABLE TRANSFERS**

Automatic preservation of avoided transfer

applicability, § **551:1**

automatic preservation, § **551:2**

limitations, § **551:3**

relation to

section 522, § **551:3, 551:4**

section 541, § **551:5**

section 550, § **551:6**

section 554(c), § **551:7**

Commodity Broker Liquidation, this index

Liability of transferee of avoided transfer

text of statute, § **550**

corporate principals, § **550:9**

section 550(a)

core concept, § **550:1**

applicability, § **550:2**

change in value, § **550:4**

discretion of court, § **550:3**

duty to return or pay, § **550:6**

immediate or mediate transferees, § **550:8**

initial transferees, § **550:7**

property or value of property, § **550:3**

section 550(b)

core concept, § **550:10**

for value, § **550:12**

good faith, § **550:13**

initial transferees and section 550(b)(1), § **550:11**

transferees of section 550(b)(1), § **550:15**

without knowledge, § **550:14**

section 550(c)

core concept, § **550:16**

applicability, section 547, § **550:14**

section 550(d), § **550:18**

section 550(e)

core concept, § **550:19**

good faith, § **550:20**

improvement, § **550:23**

initial transferee and section 550(e), § **550:21**

profit, § **550:22**

relation to section 522, § **550:24**

section 550(f), § **550:25**

Limitations on trustee's avoiding powers

text of statute, § **546**

burden of proof, § **546:18**

Chapter 11 cases, § **546:39**

foreclosure, § **546:14**



## INDEX

### VOID OR VOIDABLE TRANSFERS—Cont'd

#### Limitations on trustee's avoiding powers—Cont'd

- government's avoidance actions as creditor, § **546:5**
- leveraged buyouts, § **546:28**
- notice and hearing, § **546:40**
- repo participant defined, § **546:32**
- repurchase agreement defined, § **546:33**
- section 546(a)
  - core concept, § **546:1**
  - debtors in possession, § **546:4**
  - equitable tolling, § **546:3**
  - government's avoidance actions as creditor, § **546:5**
  - limitations periods, § **546:2**
  - relation to section 502(d), § **546:6**
- section 546(b)
  - core concept, § **546:8**
  - construction, § **546:12**
  - foreclosure, § **546:14**
  - nonbankruptcy law, § **546:9**
  - relation to section 362, § **546:11**
  - relation to section 547 and 548, § **546:10**
  - rotating tax liens, § **546:13**
- section 546(c)
  - core concept, § **546:15**
  - burden of proof, § **546:18**
  - discretion of court, § **546:20**
  - exclusive remedy, § **546:19**
  - implicit requirements, § **546:17**
  - relation to section 546(d), § **546:21**
  - statutory elements, § **546:16**
- section 546(d)
  - core concept, § **546:22**
  - comparison with section 546(c), § **546:23**
- section 546(e)
  - core concept, § **546:24**
  - leveraged buyouts, § **546:28**
  - prerequisite, § **546:25**
  - relation to section 548, § **546:27**
  - relation to section 101, 741, and 761, § **546:26**
- section 546(f)
  - core concept, § **546:29**
  - relation to section 548, § **546:31**
  - relation to section 741 and 761, § **546:30**
  - repo participant defined, § **546:32**
  - repurchase agreement defined, § **546:33**
- section 546(g), § **546:34**

**VOID OR VOIDABLE TRANSFERS—Cont'd**

Limitations on trustee's avoiding powers—Cont'd

section 546(h)

core concept, § **546:35**

Chapter 11 cases, § **546:39**

creditor's approval, § **546:41**

notice and hearing, § **546:40**

relation to section 553, § **546:42**

relation to section 544(b) and 548, § **546:38**

timing, § **546:37**

trustee's motion, § **546:36**

section 546(i), § **546:43**

section 546(j), § **546:44**

time

equitable tolling, section 546(a), § **546:3**

limitations periods, section 546(a), § **546:2**

return of goods shipped to debtor prepetition, § **546:37**

Stockbroker Liquidation, this index

Time. Limitations on trustee's avoiding powers, above

**WAGES, COMMISSIONS, ETC.**

Priorities, § **507:15**

**WAIVER**

Attorney-client privilege, trustee's ability to waive, § **323:8**

Conversion of case, section 706(a), § **706:4**

Conversion or dismissal

family farmer or fisherman debt adjustment cases

waiver, § **1208:2, 1208:6**

Credit counseling requirement, § **109:46**

Defenses of estate, § **558:3**

Dischargeability of debts, § **523:19**

Discharge of debtor, section 727(a), § **727:20**

Family farmer or fisherman debt adjustment cases, § **1222:11**

Individual debt adjustment cases, § **1307:2, 1307:9, 1328:7**

Redemption, § **722:2**

Sovereign immunity. Waiver of Sovereign Immunity, this index

Turnover of property by custodian, § **543:12, 543:16**

**WAIVER OF SOVEREIGN IMMUNITY**

Text of statute, § **106**

Abrogation of governmental unit's immunity (section 106(a))

core concept, § **106:1**

comparison with section 106 (b) and (c), § **106:2**

costs and punitive damages, § **106:7**

definition of governmental unit, § **106:3**

Eleventh Amendment considerations, § **106:4**

emotional distress, damages for, § **106:8**

foreign sovereigns, § **106:11**

## INDEX

### **WAIVER OF SOVEREIGN IMMUNITY—Cont'd**

- Abrogation of governmental unit's immunity (section 106(a))—Cont'd
  - jurisdiction, § **106:6**
  - orders and judgments, § **106:7**
  - process for payment, § **106:9**
  - sections to which abrogation applies, § **106:5**
  - substantive rights not created, § **106:10**

#### Counterclaim

- limitations on recovery, § **106:17, 106:24**
- on behalf of estate, § **106:14**

#### Deemed waiver by governmental unit filing proof of claim (section 106(b))

- core concept, § **106:12**
- counterclaim on behalf of estate, § **106:14**
- counterclaim recovery, imitations on, § **106:17**
- Eleventh Amendment considerations, § **106:16**
- previously-filed claim, § **106:13**
- same transaction or occurrence, § **106:15**
- substantive rights not created, § **106:18**
- unitary creditors, § **106:19**
- waiver not argued below, § **106:20**

#### Eleventh Amendment considerations, § **106:4, 106:16, 106:23**

#### Jurisdiction, § **106:6**

#### Offset (section 106(c))

- core concept, § **106:21**
- counterclaim recovery, limitations on, § **106:24**
- Eleventh Amendment considerations, § **106:23**
- relationship of claims, § **106:22**

#### Substantive rights not created, § **106:10, 106:18**

#### Unitary creditors, § **106:19**

### **WASTE REMOVAL SERVICE**

- Utilities, § **366:6**

### **WILDCARD**

- Exemptions, § **522:37**

### **WILLFUL AND MALICIOUS INJURY**

- Dischargeability of debts, § **523:15**

### **WORDS AND PHRASES**

- Definitions, this index