

Index

ABANDONMENT

- Chapter 7, abandonment of estate property, § 7:48, 7:50
- Chapter 12 claims, § 12:23
- Involuntary petition, abandonment of business by debtor as hazard of filing, § 17:2
- Stock abandonment by sole shareholder in order to liquidate small corporation, § 4:3

ABSOLUTE PRIORITY RULE

- Chapter 12 plans
 - debtor representation, § 11:60, 11:61, 11:97
 - objections to confirmation based on, § 11:61, 11:97
 - unsecured creditor as client, § 12:18, 12:21
- Choice of chapter as affected by, § 4:3
- Preplanning and asset structuring, closely-held businesses, § 2:14

ABSTENTION

- Chapter 11 creditor representation, § 15:61
- District Court judges' role in bankruptcy, generally, § 3:4
- Exercise of jurisdiction, § 18:12
- Mini trials over, § 18:14
- State-law claim, right to appeal decision to abstain or not to abstain, § 19:20

ABUSE

- Chapter 7 (this index)

ACCOUNTANTS

- Chapter 7
 - compensation, § 7:76
 - employment by trustee, § 7:54
- Chapter 11
 - creditors' committee's employment of, § 15:38
 - trustee's or examiner's employment of, § 16:9
- Chapter 11 plans
 - application to employ, form, § 14:142
 - employment to assist plan preparation, § 14:141
- Chapter 12 budget preparation, § 11:56

ACCOUNTING

- Final Report and Accounting (this index)

ACCOUNTS RECEIVABLE

- Chapter 12 creditor representation, § 12:23, 12:25
- Preplanning and asset structuring
 - making debtor judgment proof, § 2:13, 2:14
 - professional persons, debtors who are, § 2:3, 2:12, 2:13
- Professional corporations or associations, preplanning and asset structuring for debtor professionals, § 2:3, 2:12, 2:13

ADEQUATE ASSURANCE

- Chapter 11 (this index)
- Chapter 12 (this index)
- Chapter 13 (this index)

ADEQUATE PROTECTION

Chapter 11

cash collateral usage, § 15:48, 15:49

lease assumption motion and order, forms of, § 14:62 to 14:64

trustees or examiners

incurring debt to operate estate's business, § 16:11

use, sale or lease of property to operate estate's business, § 16:12

utilities, motion to determine adequate protection to, § 14:76

Chapter 12

debtor representation, § 11:58

interim protection, § 12:10

mortgage creditor representation, § 12:9

payments, trustees' review of case, § 13:16

pending confirmation, debtor representation, § 11:25

secured creditor as client, § 12:23, 12:25, 12:27

Chapter 13

lessor as client, § 9:9

payments, post-petition plan, § 10:32

Choice of chapter as affected by requirement of, § 4:3

Trust fund taxes, IRS entitlement to adequate protection, preplanning and asset structuring, § 2:23

AD HOC CREDITORS' COMMITTEE

Generally, § 15:32

ADMINISTRATIVE EXPENSES, CHAPTER 11

Trustees or examiners

collecting and preserving estate assets, § 16:10

ADMINISTRATIVE EXPENSES, CHAPTER 11—Cont'd

Trustees or examiners—Cont'd
debt, incurring to operate estate's business, § 16:11

Vendors, motion to grant administrative status to, § 14:95

ADMISSIONS, REQUESTS FOR

Generally, § 18:29

Chapter 11

overstated mortgage claim, § 14:48

relief from stay proceeding, § 14:129, 15:46

Chapter 12, § 12:36

Chapter 13

overstated mortgage claim, § 8:92

relief from stay proceeding, § 8:118

ADMISSION TO PRACTICE

Generally, § 3:29

ADOBE ACROBAT

Case Management/Electronic Case Filings, § 18:13

ADVERSARY PROCEEDINGS

Generally, § 18:1 to 24:35

Abstention from exercise of jurisdiction, § 18:12

Appeal, designation of record on, § 19:11 et seq.

Burden of proof as to jurisdiction, § 18:3

Case Management/Electronic Case Filings, § 18:13

Cash collateral hearings, § 15:48

Claims, proof of, § 18:39

Complaints, § 18:21

Contested matters distinguished, § 18:14

Core proceeding concept, § 18:8

INDEX

ADVERSARY PROCEEDINGS

—Cont'd

Core proceeding determinations,
§ 18:2

Discharge, objections and excep-
tions to, § 14:179, 15:11

Discovery, § 18:24 et seq.

Divorce, § 18:2

Domestic relations, § 18:2

Electronic filing, § 18:13

Injunctive protection, § 18:1

Jurisdictional objections as, § 18:3

Jury trials, § 18:2, 18:34

Mini trials, § 18:14

Northern Pipeline decision, § 18:1

Overlapping bankruptcy court
jurisdiction, § 18:2

Pleadings, § 18:21

Pretrial conferences, § 18:32

Pretrial motions, § 18:31

Pretrial orders, § 18:33

Probate matters, § 18:2

Publication, service by, § 18:22

Related to and pendent jurisdic-
tion, § 18:2

Relief from stay motions, § 18:2

Remand, § 18:19

Removal
generally, § 18:18
form, § 18:20

Rule 7001 matters, § 18:14

Service
generally, § 18:22
foreign defendants, § 18:23

Service differences, § 18:4

Sovereign immunity, § 18:10

State law disputes, § 18:2

Status conferences, § 18:32

Tax disputes, § 18:2

Time for service, § 18:22

Tort claims, § 18:2

Venue, § 18:17

Withdrawals of referrals, § 18:2,
18:16

AFFIDAVITS OF FACTS

Evidence and testimony, local pro-
cedure for presentation by,
§ 3:25

AIRCRAFT

Assignment of lease agreement,
order authorizing and finding
adequate assurance of future
performance, § 16:16

ALIMONY, MAINTENANCE AND SUPPORT

Palimony, § 2:21

Preplanning and asset structuring,
§ 2:21

Relocation of residence to Sixth
Circuit as preplanning
technique, § 2:21

Support obligations. **Domestic
Support Obligations** (this
index)

ALLOWABLE LIVING EXPENSES

Chapter 7 (this index)

ALTERNATIVES TO BANKRUPTCY

Generally, § 1:1 et seq.

Judgment-proof debtors, settle-
ment by, § 2:3

Non-bankruptcy tax
considerations for debtors,
§ 1:2

Out-of-court settlements, § 1:3
nondischargeable debts, § 4:6

Preplanning and asset structuring,
§ 2:3

Single-asset real estate debtors,
difficulty of obtaining suc-
cessful reorganization, § 2:16

Tax consequences to creditors,
§ 1:3

Workouts
IRS, problems in working with,
§ 2:23

AMERICAN RESCUE PLAN

ACT OF 2021 (ARPA)

Chapter 7, debtor representation,
§ 5:5

Chapter 11, small business debtors, § 14:6

Chapter 12, debtor representation,
§ 11:2

Chapter 13, debtor representation,
§ 8:22

Small business debtors, Chapter
11, § 14:6

ANCILLARY CASES

Involuntary petitions, contesting
of, § 17:28

ANNUITIES

Exemption planning, § 2:9

ANSWERS

Claims, objection to proofs of
claim in Chapter 13 cases,
§ 8:140

APARTMENT BUILDINGS

Preplanning and asset structuring
for single-asset real estate
debtors, § 2:16

APPEALS

Generally, § 19:1 et seq.

Abstention or non-abstention
concerning state-law claim,
§ 19:20

Advancing of progress of case,
direct appeals to courts of
appeal for certified questions,
§ 19:21

Alternative routes of appeal,
§ 19:9

Bankruptcy Appellate Panels
(this index)

Briefs

generally, § 19:23

interlocutory order, motion for
leave to appeal, § 19:20

length, § 19:23

APPEALS—Cont'd

Briefs—Cont'd

statement of issues on appeal,
briefs as part of, § 19:9

stay pending appeal, § 19:22
timetable, § 19:23

Burden of proof, interlocutory
appeals, § 19:19

Certified questions, direct appeals
to courts of appeal for,
§ 19:21

Chapter 11 trustee, review of order
authorizing incurring of debt
to operate estate's business,
§ 16:11

Clearly erroneous and de novo
standard of review, § 19:24

Conflicting precedents or deci-
sions, direct appeals to courts
of appeal for certified ques-
tions, § 19:21

Court of Appeals (this index)

Designation of judgment in notice
of appeal, § 19:8

Designation of record
generally, § 19:11 et seq.
form, § 19:14

stay pending appeal, request
prior to preparation and
transmittal of record,
§ 19:22

Dismissal of appeal

errors in appeal process, § 19:1
notice of appeal untimely,
§ 19:2

want of prosecution due to lack
of transcript, § 19:12

District Courts (this index)

Exclusivity period for filing
Chapter 11 plan, modification
of, § 19:19, 19:20

Extension of time

briefs, § 19:23

notice of appeal, time for filing,
§ 19:6, 19:7, 19:10

INDEX

APPEALS—Cont'd

- Extension of time—Cont'd
 - transcript, preparation for inclusion in record, § 19:12
- Fees
 - docketing case for appeal, § 19:10
 - filing fees for notice of appeal, § 19:2, 19:10, 19:20
- Finality of order appealed from, § 19:8, 19:19
- Forms
 - designation of record and statement of issues on appeal, § 19:14
 - notice of appeal, § 19:16
- Interlocutory orders, appeal from, § 19:8, 19:19, 19:20, 19:21
- IRS appeals process, § 2:23
- Notice
 - election to have appeal heard before District Court, § 19:18
 - oral argument, date set for, § 19:23
 - transcript, request for and filing of, § 19:12
- Notice of appeal
 - amended notice, § 19:2, 19:8
 - attachment of order or judgment appealed from, § 19:10
 - copies, number filed, § 19:10
 - cross-appeal, § 19:5
 - designation of judgment in notice, § 19:8
 - District Court, appeal to, § 19:10
 - excusable neglect, § 19:4
 - extension, § 19:2, 19:6
 - form, § 19:16
 - mailing to parties and U.S. Trustee, § 19:10
 - premature filing, § 19:3
 - time requirements for filing, § 19:2 et seq., 19:10

APPEALS—Cont'd

- Oral argument
 - generally, § 19:23
 - interlocutory order, proceedings on motion for leave for to appeal, § 19:20
- Portion of order, notice of appeal on appeal from, § 19:10
- Public importance of question, direct appeals to courts of appeal for certified questions, § 19:21
- Record, designation of
 - generally, § 19:11 et seq.
 - form, § 19:14
 - sealed documents and pleadings, § 19:13
 - stay pending appeal, request prior to preparation and transmittal of record, § 19:22
- Request for certification of question, direct appeals to courts of appeal, § 19:21
- Standard of review, § 19:24
- Statement of issues on appeal
 - generally, § 19:14
 - form, § 19:14
- Stay pending appeal, generally, § 19:22
- Time requirements for filing
 - notice of appeal and cross-appeal, § 19:2, 19:10
- Useless rights of appeal, § 19:20

APPEARANCE OR ATTENDANCE

- Attorney or pro se appearance before court, § 3:29
- Confirmation hearings
 - Chapter 13, § 10:5
- Creditors' meetings
 - Chapter 11, § 15:52 to 15:53
 - Chapter 12, § 12:46, 13:25
 - Chapter 13, § 10:28, 10:29

**APPEARANCE OR
ATTENDANCE—Cont'd**

Pro se appearance
generally, § 3:29
corporations, necessity for representation by attorney,
§ 3:29

APPENDICES

Director's procedural forms,
§ App B
Official bankruptcy forms, § App
A

**APPRAISALS AND
APPRAISERS**

See also **Valuation** (this index)
Appointment and fees of appraisers, § 7:51
Chapter 11 trustee's appraisal of estate assets when operating business, § 16:10, 16:11
Chapter 12
creditor representation on relief-from-stay motion, § 12:25
debtor representation on relief-from-stay motion, § 11:83
Farmers' preplanning and asset structuring, § 2:18
Preplanning and asset structuring generally, § 2:3
limited partnerships or professional corporations, appraisal of interest in, § 2:3
real estate investors, § 2:15, 2:16
single-asset real estate debtors, § 2:16

ARPA

American Rescue Plan Act of 2021 (this index)

ASSET STRUCTURING

Preplanning and Asset Structuring (this index)

ATTENDANCE

Appearance or Attendance (this index)

ATTORNEYS

Admission to practice
generally, § 3:29
limited admission, pro hac vice motion; form, § 3:30
Appearance before court, § 3:29
Chapter 7
attorney-client contract, § 5:77, 5:78
debtor's transactions with attorney, examination of, § 7:60
employment by trustee, § 7:54
mandated briefing, discovery and disclosure by debtor and counsel, § 5:62
means test, attorney for debtor, and sanctions, § 5:33
terminating representation after discharge, § 5:142
Chapter 11
creditors' committee's employment of, § 15:38
lead/local counsel, application to employ, § 14:103
trustee's or examiner's employment of, § 16:9
Chapter 12, contract between attorney and client, § 11:34, 11:35
Chapter 13, contract between attorney and client, § 8:53, 8:54

Client Contact Card Forms (this index)

Client contract, involuntary cases, § 17:20

Contracts, client

Chapter 7 practice, § 5:77, 5:78, 7:54, 7:55

Chapter 11 practice, § 14:103, 15:38, 16:9

INDEX

ATTORNEYS—Cont'd

Contracts, client—Cont'd

Chapter 12 practice, § **11:34, 11:35**

Chapter 13 practice, § **8:53, 8:54**

creditors' committee representation, § **15:38**

lead/local counsel, application to employ, § **14:103**

trustee's or examiner's employment of, § **16:9**

Debt relief agencies, attorney as DRA prohibited from advising debtors to incur more debt except for valid purposes, § **2:2**

Fees. **Attorneys' Fees** (this index)

Pro hac vice motion; form, § **3:30**

Solicitation of clients, avoiding unethical, § **17:4**

ATTORNEYS' FEES

Applications for, Chapter 11, § **14:43, 14:45**

Chapter 7

assisted persons, § **5:3**

disclosure of fees, § **5:79, 5:80**

trustees

generally, § **7:76 to 7:78**

form of application for compensation by trustee's attorney, § **7:77**

summary of fee application, § **7:78**

Chapter 11

generally, § **14:41**

applications for, § **14:43, 14:45**

contract between attorney and client, § **14:42**

debtor representation

generally, § **14:11, 14:41**

disclosure of compensation received, § **14:44**

ATTORNEYS' FEES—Cont'd

Chapter 12

contract between attorney and client, § **11:34, 11:35**

disclosure of fees, § **11:51, 11:52**

improper use of cash collateral, § **12:23**

payment under plan, § **11:55**

Chapter 13

contract between attorney and client, § **8:53, 8:54**

disclosure of, § **8:70, 8:71**

Contract for, Chapter 11, § **14:42**

Credit card cash advance used to pay, § **2:29**

Dischargeability proceedings, preplanning and asset structuring, § **2:23**

Disclosures

Chapter 7, § **5:79, 5:80**

Chapter 11, § **14:44**

Chapter 12, § **11:51, 11:52**

Chapter 13, § **8:70, 8:71**

Involuntary cases

generally, § **17:34**

conversion of case, recovery by creditors upon conversion, § **17:33**

hazard of filing, liability for fees as, § **17:2**

Ordinary course professionals

monthly compensation

procedures, motion to establish, § **14:105**

motion to pay, § **14:104, 14:105**

questionnaire to use with motion to pay, § **14:106**

Payment under plan

Chapter 12, § **11:55**

AUCTIONEERS

Chapter 7, appointment and fees of auctioneers, § **7:42, 7:51**

AUDITS

Consumer case audits conducted by U.S. Trustees office, § 4:14

AUTOMATIC STAY

Generally, § 18:35 et seq.

Adequate protection, determinations of lack of, § 18:35

Bad faith

challenges, § 18:35

Chapter 7 effective rehabilitation requirement, § 18:35

Chapter 7 (this index)

Chapter 11 (this index)

Chapter 12 (this index)

Chapter 13 (this index)

Chapter 13 serial filings, stay protection, § 8:5

Conversion or dismissal, certificate or affidavit that no relief-from-stay motions filed, advisability of, § 3:7, 4:7

Counterclaims, relief from stay, § 18:35

Effective rehabilitation requirement, § 18:35

Equity, determinations of lack of, § 18:35

Exceptions from stay generally, § 9:4, 18:18, 18:35
BAPCPA, § 8:112

Final hearings, relief from stay, § 18:37

Forms

notice of stay, § 14:25

relief from stay, § 18:38

Hearings on motions for relief from stay, § 18:35

Insurance status of property, § 18:36

Interim relief orders, § 18:36

Interrogatories regarding relief from

Chapter 11, § 14:128, 14:130, 15:45, 15:47

AUTOMATIC STAY—Cont'd

Interrogatories regarding relief from—Cont'd

Chapter 12, § 11:91, 11:93, 12:35

Chapter 13, § 8:117, 8:119
forms, § 18:28, 18:30

Involuntary cases, applicability in, § 17:12

Jurisdictional challenges distinguished, § 18:2

Lack of adequate protection determinations, § 18:35

Liquidation (this index)

Modifications of stay, § 18:35

No equity determinations, § 18:35

Object of stay, § 18:2

Police power enforcements, § 18:18, 18:35

Preliminary hearings, relief from stay, § 18:36

Relief from stay

generally, § 18:35 et seq.

adequate protection determinations, § 18:35

admissions request form, § 18:29

bad faith challenges, § 18:35

burden of proof, § 12:27

certificate or affidavit that no relief-from-stay motions filed, advisability of, § 4:7

counterclaims, § 18:35

discovery

generally, § 18:27

forms, § 18:28 to 18:30

filing fee, § 18:35

final hearings, § 18:37

forms

generally, § 18:38

admissions requests, § 18:29

interrogatories, § 18:28, 18:30

hearings on motions for, § 18:35

INDEX

AUTOMATIC STAY—Cont'd

- Relief from stay—Cont'd
 - insurance status of property, § 18:36
 - interim orders, § 18:36
 - interrogatories, forms, § 18:28, 18:30
 - local rules and practice
 - generally, § 3:22
 - Chapter 12 cases, § 12:27
 - motions, § 18:2
 - no equity determinations, § 18:35
 - pleadings, § 18:35
 - preliminary hearings, § 18:36
 - procedural issues, § 18:21
 - refiling where prior case voluntarily dismissed after granting of, § 3:7, 4:12
 - secured claims, creditors holding, § 6:26
 - time for motions for, § 18:35
- Removals and, § 18:18
- Serial filings
 - Chapter 13, stay protection, § 8:5
 - termination of stay, § 8:111, 9:3
- Settling motion seeking relief from stay, § 14:124
- Stipulations
 - modification of or relief from, Chapter 12, § 12:32
 - relief from stay
 - Chapter 11, § 14:125, 14:126, 15:42, 15:43
 - Chapter 12, § 11:88, 11:89, 12:32, 12:33
 - Chapter 13, § 8:114, 8:115
 - termination of stay, Chapter 12, § 12:33
- Tax enforcements, § 18:35

AVOIDANCE

- Chapter 11
 - examiners, § 16:3, 16:17

AVOIDANCE—Cont'd

- Chapter 11—Cont'd
 - trustees, § 16:17
- Chapter 12
 - checklist of questions for Chapter 12 creditor client, § 12:6
 - exemptions, debtor representation as to liens impairing, § 11:64
- Chapter 13
 - lien exemptions, § 8:95, 8:96
 - trustees, § 10:17
- Exemptions, avoidance of liens impairing
 - Chapter 12 debtor representation, § 11:64
 - Chapter 13 debtor representation, § 8:95
 - choice of chapter as affected by availability of exemptions, § 4:7

BAD FAITH

- Automatic stay relief, § 18:35
- Chapter 7** (this index)
- Chapter 13, serial filings, § 8:6
- Totality of circumstances, § 5:31

BAD-FAITH FILING OF PETITION

- Contested matters jurisdiction, § 18:3
- Involuntary cases
 - counterclaim for damages, § 17:28
 - damages, § 17:8
 - discovery request into operational matters as indicative of bad faith, § 17:29
 - hazard of filing, liability for damages as, § 17:2
 - remedies against bad faith petitioners, § 17:6
 - statutory amendment, § 17:8

BANK ACCOUNTS

- Chapter 7 estate, § 7:56
- Chapter 12 estate, § 11:40, 13:23
- Chapter 13 estate, § 10:40
- Continuation, motion and order, § 14:88 to 14:90
- Operating business, § 14:109
- Trustee's routine review of, § 2:29

BANKRUPT

- Historical use of term, § 3:7

**BANKRUPTCY ABUSE
PREVENTION AND
CONSUMER PROTECTION
ACT**

- BAPCPA (this index)

**BANKRUPTCY APPELLATE
PANELS**

- Generally, § 19:1 et seq., 19:15
- Alternative routes of appeals, § 19:9
- Constitutionality of panels, § 19:1
- Creation by circuit councils, § 19:1, 19:15
- Election to have appeal heard before District Court, § 19:18
- Notice of appeal and statement of issues, § 19:15
- Notice of consent, § 19:15
- Precedential value of opinions, § 19:1
- Timetable for appeal, § 19:15
- Transcripts, § 19:15

BANKS

- Accounts. **Bank Accounts** (this index)
- Checklist of questions for creditor client
 - Chapter 12, § 12:6
- Eligibility to be debtor, § 3:7

BAPCPA

- Chapter 13** (this index)

BAPCPA—Cont'd

- Fair and Accurate Credit Transactions Act of 2003 (FACTA), § 8:47
- Filing fees, § 3:27

BIFURCATION OF CLAIMS

- Chapter 13, forfeiture of anti-bifurcation protection for mortgage, § 8:80
- Mortgage debt, § 2:16, 4:9
- Preplanning and asset structuring real estate investors, § 2:15, 2:16
- single-asset real estate debtors, § 2:16
- Strip down of claims, § 11:25

**BIFURCATION OF LIENS,
CHAPTER 13 PLANS**

- Generally, § 8:97 to 8:100
- Any other thing of value, § 8:98
- No discharge effect, § 8:100
- Personal use, § 8:99

BIRTHDAY GIFTS

- Fraudulent conveyances, § 2:28

BLUE LINING

- Exemption planning, § 2:9

BONDS AND UNDERTAKINGS

- Chapter 7 trustees. **Chapter 7** (this index)
- Chapter 11
 - examiners, § 16:7, 16:8
 - trustees, § 16:7, 16:8, 16:10
- Involuntary cases, § 17:30
- Removal, § 18:18
- Stay pending appeal, generally, § 19:22
- Supersedeas bond, stay pending appeal, § 19:22
- Utility service, § 11:41

**BRIEFS OR POINTS AND
AUTHORITIES**

- Appeal
 - generally, § 19:23

INDEX

BRIEFS OR POINTS AND

AUTHORITIES—Cont'd

Appeal—Cont'd

interlocutory order, motion for
leave to appeal, § 19:20

length, § 19:23

statement of issues on appeal,
briefs as part of, § 19:14

stay pending appeal, § 19:22

timetable, § 19:23

Electronic filing, § 18:13

Involuntary cases, setting of time-
table for submission of briefs
at pretrial conference,
§ 17:32

Jurisdictional objections, § 18:3

Objections to jurisdiction, § 18:3

BUDGETS

Chapter 12

form of budget, § 11:57

plans, § 11:56

secured creditor as client,
§ 12:40

trustees, § 13:14, 13:19

unsecured creditor as client,
§ 12:18

Chapter 13

discretionary income, § 8:76

form of budget for small busi-
ness debtor, § 8:77

preparation, § 8:74 to 8:82

trustee's use of, § 10:15, 10:16

BUILDINGS

Preplanning and asset structuring
for single-asset real estate
debtors, § 2:16

BURDEN OF PROOF

Bankruptcy jurisdiction, § 18:3

Chapter 12

plan confirmation, § 12:40

relief from automatic stay,
§ 11:83, 12:27

relief from stay, § 12:25

BURDEN OF PROOF—Cont'd

Chapter 12—Cont'd

valuation of collateral, § 12:26

Chapter 13 cases

proofs of claim, objecting to,
§ 8:140

Interlocutory appeals, § 19:19

Involuntary cases

insolvency, § 17:33

substantial contribution test as
to costs and attorneys'
fees, § 17:34

Jurisdiction, § 18:3

BURIAL PLOT EXEMPTION

Exemption planning, § 2:9, 2:10

Family farmer cases, § 4:7

BUSINESS DEBTORS

See also **Corporations** (this
index)

Chapter 12, business debtor
checklist for meeting of cred-
itors, § 13:21

Chapter 13, questionnaires for use
by debtor's attorney, § 8:50

Choice of chapter, § 4:3

Dissolution of business entity to
make debtor judgment proof,
§ 2:13, 2:14

Single-Asset Real Estate Debtors
(this index)

Small Business Debtors (this
index)

BUY-SELL AGREEMENTS

Preplanning and asset structuring
as to owner/operator of
closely-held business, § 2:14

CANNED REORGANIZATIONS

Debtor representation, § 14:13

CARDS

Client Contact Card Forms (this
index)

CARES ACT

**Coronavirus Aid, Relief, and
Economic Security Act** (this
index)

CASE

**MANAGEMENT/ELECTRONIC
CASE FILINGS (CM/ECF)
SYSTEM**

Generally, § 18:13
Chapter 7, petition, § 5:83

**CASH ASSETS, PREPLANNING
CONCERNING**

Money order or cash as better than
check, § 2:28
Mortgage arrearages, § 2:26
Preferences, § 2:28
Spending of all money before fil-
ing, § 2:29

CASH COLLATERAL

Adequate protection, § 15:48,
15:49
Attorneys' fees, improper use of
cash collateral, § 6:23, 12:23
Chapter 11 (this index)
Chapter 12 cases, § 12:23, 12:25
Costs where collateral misused,
§ 12:23
Creditor representation, § 15:48,
15:49
Damages where collateral
misused, § 12:23
Dismissal for misuse, § 4:3
Hearings
Chapter 11, § 16:12
Chapter 12, § 12:25
Involuntary cases, § 17:4
Valuation, § 12:25

CASH FLOW

Chapter 11, debtor representation,
§ 14:11

CASH FLOW PROJECTIONS

Preplanning and asset structuring,
generally, § 2:3

CASH FLOW STATEMENTS

Small businesses, preplanning and
asset structuring for, § 2:17

CASH FLOW VALUATION

Single-asset real estate debtors,
preplanning and asset
structuring for, § 2:16

**CEMETERY PLOT
EXEMPTION**

Exemption planning, § 2:9, 2:10
Family farmer cases, § 4:7

CERTIFIED QUESTIONS

Appeals, direct appeals to courts
of appeal, § 19:21

CHANGE OF VENUE

Chapter 11 creditor representation,
§ 15:61

CHANUKKAH GIFTS

Fraudulent conveyances, § 2:28

CHAPTER 7

Abandonment of assets
stock abandonment by sole
shareholder in order to
liquidate small corpora-
tion, § 4:3
trustees, below
Abuse
bankruptcy relief, correcting
abuse of, § 6:49, 6:50
dismissal for abuse of Chapter 7
and means test, § 5:12,
6:53, 7:32
dismissal for alleged abuse of
Chapter 7 and means test,
§ 5:17
form of motion to dismiss,
§ 6:53
post-petition creditor abuse,
dealing with in reaffirma-
tion proceedings, § 5:111
preplanning and asset structur-
ing, § 2:7

INDEX

CHAPTER 7—Cont'd

- Abuse—Cont'd
 - presumption of abuse, below reaffirmation agreement, § 6:63
 - review of case, § 7:21
- Accountants, trustee's employment of, § 7:54
- Acknowledgment by debtor prior to execution of reaffirmation agreement, § 5:110
- Administrative expenses, § 7:53
- Adversary proceedings, § 18:1
- Allowable living expenses, local housing and utilities, § 5:60
- Amendment of statement of financial affairs and schedules, § 5:94
- Attorneys
 - attorney-client contract, § 5:77, 5:78
 - debtor's attorney, means test and sanctions, § 5:33
 - debtor's transactions with attorney, examination of, § 7:60
 - declaration of attorney for consumer debtor in support of approval of reaffirmation agreement, § 5:108
 - employment by trustee, § 7:54, 7:55
 - fees. Attorneys' fees, below terminating representation after discharge, § 5:142
 - trustees, below
- Attorneys' fees
 - assisted persons and, § 5:3
 - trustees, below
- Automatic stay
 - action of law, relief from automatic stay by, § 6:31
 - domestic support obligations, § 7:30
 - effective rehabilitation requirement, § 18:35

CHAPTER 7—Cont'd

- Automatic stay—Cont'd
 - emergency motions for stay relief and sequestration, § 6:32
 - exceptions, § 5:64, 6:34
 - mandated and automatic stay terminations for serial filings, § 5:63, 6:35, 6:55, 7:27
 - motion and order, relief from automatic stay through, § 6:30
 - nondischargeable debts in consumer cases, § 6:28
 - relief from stay
 - secured claims, creditors holding, § 6:26
 - statement of intention in consumer cases, § 6:27
 - surrender of collateral, § 6:29
- Avoiding powers. Trustees, below
- Bad faith and totality of circumstances
 - generally, § 6:51
 - means test, § 5:31
- Bank account for estate trustee, § 7:56
- unclaimed funds, § 7:75
- Bankruptcy Code, reclamation of goods under, § 6:25
- Bankruptcy crimes, § 6:65
- Benefits of Chapter 7 relief
 - generally, § 5:7 to 5:11
 - records, lost or altered, § 5:9
 - tax dischargeability period, § 5:10
 - tax election, § 5:8
 - tax refund or earned income credit (EIC), § 5:11
- Bond, trustee's, § 7:23, 7:24
- Briefing, discovery and disclosure by debtor and counsel, mandated, § 5:62

CHAPTER 7—Cont'd

Business debtors
 dissolution of business entity to
 make debtor judgment
 proof, § 2:13
 stock abandonment by sole
 shareholder in order to
 liquidate small corpora-
 tion, § 4:3
 Cancellation of indebtedness,
 § 5:141
 Case management/electronic case
 filings (CM/ECF) system,
 § 5:83
 Certification of completion of
 prepetition credit counseling,
 § 5:66
 Charitable contributions, § 5:25
 Checklists
 conference with Chapter 7
 debtor, § 5:76
 creditor client conference, § 6:7
 creditors' meeting, trustee's
 checklists, § 7:34, 7:35
 exempt property, § 5:101
 redemption, § 5:114
 Choice of relief, notice of, § 5:57
 Civil contempt
 creditor representation, § 6:67
 Claims
 creditor considerations and
 choices, generally, § 6:1
 form, § 6:21
 secured claims, creditors hold-
 ing, below
 trustees, below
 unsecured claims, creditors
 holding, below
 wage claimants, § 6:14
 Client conference. Conferences,
 below
 Closing estate. Trustees, below
 Commercial real property
 defaulted leases, eviction,
 § 5:35

CHAPTER 7—Cont'd

Compensation. Trustees, below
 Complex business debtor, income
 and expense schedule, § 5:91
 Compromising and settlement of
 claims by trustee, § 7:65
 Conferences
 client conference, § 5:75, 5:76
 emergency conference
 confirmation letter in
 Chapter 7 case, § 5:42
 emergency filing, follow-up
 conference, § 5:41
 scheduling client conference
 generally, § 5:43 to 5:45
 confirmation letter in Chapter
 7 case, § 5:48
 payment advices, date
 calculation, § 5:45
 trustee, supporting
 documentation for,
 § 5:44
 Confirmation letter, meeting of
 creditors, § 5:118
 Consumer obligation not secured
 by real estate. Reaffirmation,
 below
 Conversion or dismissal, trustees
 emergency filing, dismissal of
 case after, § 7:25
 motion by trustee for dismissal,
 § 7:28, 7:31
 Convicted debtors domestic sup-
 port obligations, means test,
 § 5:22
 Correction of Social Security
 number, notice, § 5:50
 Credit counseling
 debtor's certification, form,
 § 5:66
 as precondition to discharge,
 § 5:135
 prepetition, § 5:65
 Credit for debtor, post-bankruptcy,
 § 5:138

INDEX

CHAPTER 7—Cont'd

Creditor representation
generally, § 6:1 to 6:66
abuses of bankruptcy relief,
correction of, § 6:49, 6:50
bad faith and totality of circum-
stances, § 6:51
civil contempt, § 6:67
client conference
generally, § 6:2
agenda for discussion, § 6:4
card for recording informa-
tion, form of, § 6:6
checklist, § 6:7
deadlines, § 6:5
form of letter confirming
conference, § 6:3
scheduling, § 6:2
creditor and trustee, § 6:61
criminal offenses, § 6:65
deadlines, client conference,
§ 6:5
dischargeability of debts, § 6:28
discharge violations, § 6:67
dismissal for abuse of Chapter
7, § 6:53
distribution, § 6:66
domestic support creditor,
representing, § 6:18
exemptions, objecting to debt-
or's claim of
generally, § 6:44 to 6:48
considerations, § 6:45
form, § 6:48
procedural objections, § 6:47
timeliness, § 6:46
farmer as client, § 6:16
fisherman as client, § 6:16
fraudulent conveyance actions,
defense of, § 6:30
intellectual property licensor or
licensee as client, § 6:17
lessee as client, § 6:13
lessor as client, § 6:10 to 6:12

CHAPTER 7—Cont'd

Creditor representation—Cont'd
licensor or licensee as client,
§ 6:17
liens and security interests,
post-petition perfection
and enforcement, § 6:33
mandated and automatic stay
terminations for serial fil-
ings, § 6:35, 6:55
motion to dismiss for abuse of
Chapter 7 relief, § 6:53
nondischargeability complaints,
procedure for, § 6:41
post-petition perfection and
enforcement of liens and
security interests, § 6:33
PPP and other “stimulus” loans,
§ 6:39
preference actions, defense of,
§ 6:23, 6:37
redemption, § 6:36
retirees as clients, § 6:15
reviewing status of case, § 6:64
secured claim holder as client
generally, § 6:23 to 6:33
proof of claim, preparing and
filing of, § 6:24
reclamation, § 6:25
relief from stay, § 6:26 et
seq.
serial filings, § 6:54
special debtors and means test,
§ 6:51
“stimulus” loans, PPP and
other, § 6:39
time frame, § 6:1
unsecured claim holder as client
proof of claim, preparation
and filing of, § 6:20
remedies, § 6:19
U.S. trustee's mandatory state-
ment or motion to dismiss,
§ 6:52
wage claimant as client, § 6:14

CHAPTER 7—Cont'd

Creditors
 information requests to trustee, § 7:59
 meeting of creditors. Creditors' meeting, below
 notice to, § 5:98, 5:99
 post-petition creditor abuse, dealing with in reaffirmation proceedings, § 5:111
 priority of secured and unsecured creditors, § 5:70, 5:71
 representation of. Creditor representation, above
 secured claims, creditors holding, below
 unsecured claims, creditors holding, below
 Creditors' meeting
 generally, § 5:116 to 5:119, 6:56
 business debtor, documents and questionnaire available in case by, § 6:58
 confirmation letter, § 5:118
 consumer debtor, questionnaire for, § 5:47
 creditor representation, generally, § 6:56
 individual debtor, documents and questionnaire available in case by, § 6:57
 nondischargeability of debts, § 5:121 et seq.
 preparing debtor
 generally, § 5:116
 confirmation letter, § 5:118
 immunity and Fifth Amendment, § 5:120
 scope and follow-up, § 5:119
 questionnaire for business debtor, § 5:117
 questions for examination of debtor, § 6:60

CHAPTER 7—Cont'd

Creditors' meeting—Cont'd
 reaffirmation agreements, § 6:62
 scope and follow-up, § 5:119
 Trustees, below
 Credit reporting, § 5:139
 Criminal offenses, creditor representation, § 6:65
 Criminal prosecution or conviction, denial of discharge, § 5:136
 Deadlines, client conference, § 6:5
 Debtor identification requirements, § 5:49, 7:12, 7:13
 Debtor representation
 generally, § 5:1 to 5:140
 Acknowledgment of receipt, Form, § 5:59
 American Rescue Plan Act of 2021 (ARPA), § 5:5
 attorney-client contract, § 5:77, 5:78
 automatic stay, above
 bad faith and totality of circumstances, § 5:31
 briefing, discovery and disclosure by debtor and counsel, mandated, § 5:62
 CARES Act, § 5:5
 choice of relief, notice of, § 5:57
 client conference, § 5:75, 5:76
 corporate debtor, § 5:72, 5:73
 creditors, above
 debtor identification requirements, § 5:49
 deductions from current monthly income and means test, § 5:23
 discharge, below
 dismissal for alleged abuse of Chapter 7 and means test, § 5:17
 emergency filings, below

INDEX

CHAPTER 7—Cont'd

Debtor representation—Cont'd
 exemptions, below
 fees, disclosure of, § 5:79, 5:80
 initial interview, below
 intent, statement of, § 5:60
 interrogatories, § 5:104
 liens, avoidance of, § 5:102, 5:103
 mandatory DRA notices, § 5:58
 means test decision tree. Means test, below
 meeting of creditors questionnaire for consumer debtor, § 5:47
 partnership, filing suggestions, § 5:74
 petition, below
 presumption of abuse, applicability, § 5:16
 priority, secured and unsecured creditors, § 5:70, 5:71
 questionnaires, below
 reaffirmation, below
 redemption, § 5:113 to 5:115
 self-employed income statement, § 5:46
 Social Security, below
 special debtors and means test, § 5:19 to 5:21
 statement of financial affairs and schedules, below
Debtor with sudden reduction of income, means test, § 5:21
Debt relief agencies, reaffirmation liability, § 3:19
Deductions
 current monthly income, deductions and means test, § 5:23
Defending preference action
 against secured creditor, § 6:37
 against unsecured creditor, § 6:22

CHAPTER 7—Cont'd

Discharge of debtor
 generally, § 5:120 to 5:142
 audit of debtor, trustee, § 5:137
 bankruptcy crimes, § 6:65
 benefits of Chapter 7 relief, § 5:10
 cancellation of indebtedness, § 5:141
 credit counseling as precondition to discharge, § 5:135
 creditor representation, § 6:28
 credit reporting, § 5:139
 credit request letter, § 5:140
 criminal prosecution or conviction, denial of discharge, § 5:136
 denial of discharge, criminal prosecution or conviction, § 5:136
 exceptions, determination of, § 6:40
 hearings, § 5:134
 nondischargeability of debts, below
 objecting to the discharge in its entirety, § 6:42
 objections, procedure for complaint objection to discharge or to revoke discharge, § 6:43
 post-bankruptcy credit for debtor, § 5:138
 revocation of discharge, procedure for complaint objection to discharge or, § 6:43
 terminating representation, § 5:142
 trustee audit of debtor, § 5:137
Discharge violations
 creditor representation, § 6:67
Discovery and disclosure by debtor and counsel, mandated, § 5:62

CHAPTER 7—Cont'd

Dismissal
 abuse of Chapter 7 and means test, § **5:12, 6:52**
 conversion or dismissal, above defending against motion to dismiss, § **5:18**
 U.S. Trustee's mandatory statement, § **5:32**
 Disposable income, means test, § **5:13**
 Distribution
 generally, § **7:74**
 creditor representation, § **6:66**
 Document request, trustee's letter, § **7:22**
 Domestic support creditor, representing, § **6:18**
 Domestic support obligations
 automatic stay, § **7:30**
 convicted debtors, means test, § **5:22**
 nondischargeability of debts, § **5:130**
 DRA notices, mandatory, § **5:58**
 Educational loans, nondischargeability
 generally, § **5:127 to 5:129**
 medical personnel, § **5:128**
 nondischargeable loan strategy, § **5:129**
 Effective rehabilitation requirement, automatic stay, § **18:35**
 Electronic filing of petition, fees, § **5:85**
 Emergency filing
 bare petition, § **5:40**
 emergency conference
 confirmation letter in Chapter 7 case, § **5:42**
 follow-up conference, § **5:41**
 trustee's review, § **7:25**
 Employment of attorney, accountant, or other professional person, § **7:54**

CHAPTER 7—Cont'd

Environmental cleanup obligations, § **7:49**
 Examination of parties by trustee, § **7:61**
 Exceptions to automatic stay, § **5:64, 6:34**
 Exceptions to discharge, determination of, § **6:40**
 Executory contracts and unexpired leases
 schedule of, § **5:53**
 trustee's review, § **7:18**
 Exemptions
 generally, § **5:100**
 checklist, § **5:101**
 individual debtor, objecting to exemptions of, § **6:44**
 spouses, § **11:63**
 trustees, below
 Ex parte contact of trustee with court, § **7:10**
 Farmer as creditor client, § **6:16**
 Fees
 disclosure of, § **5:79, 5:80**
 professional's compensation, § **7:76**
 Fifth Amendment, preparing debtor for meeting of creditors, § **5:120**
 Filing statement of financial affairs and schedules, § **5:93**
 Final report and accounting. Trustees, below
 Financial affairs. Statement of financial affairs and schedules, below
 Fisherman as creditor client, § **6:16**
 Forms
 abuse of Chapter 7 relief, motion to dismiss, § **6:53, 7:32**
 acknowledgment by debtor prior to execution of reaf-

INDEX

CHAPTER 7—Cont'd

Forms—Cont'd

- firmation agreement,
§ 5:110
- B122A means test, § 5:26 to
5:30, 5:97
- business debtor questionnaire,
§ 6:58, 7:41
- client conference
 - card for recording informa-
tion, § 6:6
 - letter confirming, § 6:3
- compensation, disclosure under
FRBP 2016 taken from
Official Form 2030, § 5:80
- consumer obligation not
secured by real estate,
interrogatories in support
of motion for sanctions
under Rule 9011(b),
§ 5:112
- corporate resolution for liquida-
tion case, § 5:73
- credit counseling, debtor's certi-
fication, § 5:66
- creditors' meeting, trustee's
checklists, § 7:34, 7:35
- credit request letter, § 5:140
- debtor representation, attorney-
client contract, § 5:78
- debtor's certification of comple-
tion of prepetition credit
counseling, § 5:66
- document request, trustee's let-
ter, § 7:22
- emergency conference
 - confirmation letter, § 5:42
- exemptions of individual
debtor, objecting to, § 6:48
- hearings, order of final hearings,
§ 7:72
- individual debtor, documents
and questionnaire available
in case by, § 6:57
- initial client contact card, § 5:39

CHAPTER 7—Cont'd

Forms—Cont'd

- list of creditors of Chapter 7
debtors, § 5:71
- meeting of creditors question-
naire
 - business debtor, § 5:117
 - consumer debtor, § 5:47
- notice to creditors of bank-
ruptcy filing in action in
non-bankruptcy forum,
§ 5:99
- order approving reaffirmation
agreement for consumer
obligation not secured by
real estate, § 5:109
- proof of claim to Chapter 7
creditor, letter transmitting,
§ 6:21
- reaffirmation, below
 - request for notices, § 6:9
- RESPA request letter, § 5:55
- schedule of income and
expenses
 - for business, § 5:90
 - for complex business debtor,
§ 5:91
- scheduling client conference,
confirmation letter in
Chapter 7 case, § 5:48
- self-employed income state-
ment, § 5:46
- spousal exemption and tax
privacy waiver, form,
§ 7:36
- transmittal letter for drafts of
statement of financial
affairs and schedules,
§ 5:92
- trustees
 - attorney, application to
employ, § 7:55
 - attorney for trustee, applica-
tion for compensation,
§ 7:77, 7:78

CHAPTER 7—Cont'd

Forms—Cont'd
 trustees—Cont'd
 bond for individual case,
 § 7:24
 claims, form for objection to,
 § 7:64
 debtor identification report,
 § 7:13
 final report and accounting,
 § 7:71
 motion for order authorizing
 abandonment of prop-
 erty and notice of
 abandonment, § 7:50
 motion for order of sale and
 notice of sale, § 7:52
 no-asset case, report of,
 § 7:69
 Fraudulent transfer, defending
 action to recover, § 6:38
 Hearings
 discharge of debtor, § 5:134
 order of final hearings, § 7:72
 redemption hearing, question-
 naire, § 5:115
 trustees, below
 Housing, local, allowable living
 expenses, § 5:60
 Identification requirements,
 debtor, § 5:49, 7:12
 Immunity and Fifth Amendment,
 § 5:120
 Income and expense schedules for
 business
 generally, § 5:90
 complex business debtor, § 5:91
 Income reduction, means test,
 § 5:21
 Initial interview, preparing for
 generally, § 5:38
 initial client contact card, § 5:39
 RESPA request letter, § 5:54,
 5:55

CHAPTER 7—Cont'd

Injunctions, intellectual property
 information, § 6:17
 Intellectual property, licensor or
 licensee as client, § 6:17
 Intent, statement of, § 5:60
 Interrogatories
 generally, § 5:104
 consumer obligation not
 secured by real estate,
 interrogatories in support
 of motion for sanctions
 under Rule 9011(b),
 § 5:112
Involuntary Cases (this index)
 Leases
 commercial real property,
 defaulted leases, § 5:35
 defaulted leases, eviction,
 § 5:35, 5:36
 personal property leases, state-
 ment of intent, § 5:37
 residential and personal prop-
 erty in Chapter 7, § 5:34
 residential property, defaulted
 leases, § 5:36
 Lessee as client, § 6:13
 Lessor as client, § 6:10 to 6:12
 Letters
 document request, trustee's let-
 ter, § 7:22
 proof of claim to Chapter 7
 creditor, letter transmitting,
 § 6:21
 Liens
 avoidance of
 generally, § 5:102
 motion to avoid lien pursuant
 to 11 U.S.C.A.
 § 522(f)(2), § 5:103
 post-petition perfection and
 enforcement, § 6:33
Liquidation (this index)
 List of creditors of Chapter 7 debt-
 ors, § 5:71

INDEX

CHAPTER 7—Cont'd

- Mandatory documents, § 5:86
- Mandatory DRA notices
 - in general, § 5:58
 - acknowledgment of receipt, Form, § 5:59
- Marital obligation, Statement of financial affairs and schedules, amendment, § 5:95
- Means test
 - attorney for debtor and sanctions, § 5:33
 - bad faith under totality of circumstances, § 5:31
 - charitable contributions, § 5:25
 - convicted debtors, domestic support obligations, § 5:22
 - debtor with sudden reduction of income, § 5:21
- decision tree
 - charitable contributions, § 5:25
 - local housing and utilities allowable living expenses, § 5:60
 - median income, above six-month period, § 5:24
- dismissal for alleged abuse of Chapter 7 and means test, § 5:17
- disposable income, § 5:13
- domestic support obligations, convicted debtors, § 5:22
- Form B22A
 - generally, § 5:26 to 5:30
 - claimed deductions, § 5:30
 - IRS standard deductions, § 5:27
 - payment of debt, § 5:29
 - statutory expense deductions, § 5:28
- Form B122A, § 5:97
- local housing and utilities allowable living expenses, § 5:60

CHAPTER 7—Cont'd

- Means test—Cont'd
 - median income, below six-month period, § 5:24
 - special debtors, § 5:19 to 5:21
 - trustee's duties, § 7:20, 7:21
 - U.S. Trustee's mandatory statement, § 5:32
 - veterans, § 5:20
- Medical personnel educational loans, nondischargeability, § 5:128
- Meeting of creditors. Creditors' meeting, above
- Non-bankruptcy forum, notice to creditors of bankruptcy filing, § 5:99
- Nondischargeability of debts
 - generally, § 5:121 to 5:133
 - complaints, procedure for nondischargeability, § 6:41
 - domestic support obligations, § 5:130
 - educational loans
 - generally, § 5:127 to 5:129
 - medical personnel, § 5:128
 - nondischargeable loan strategy, § 5:129
 - sovereign immunity, § 5:132
 - strategy, § 5:132
- taxes
 - generally, § 5:122 to 5:126
 - admission to practice before IRS, § 5:125
 - failure to file tax return, § 5:123
 - tax liabilities, post-discharge collection, § 5:126
 - trust fund taxes, § 5:124
- Notice
 - choice of relief, notice of, § 5:57
 - correction of Social Security number, § 5:50

CHAPTER 7—Cont'd

Notice—Cont'd
 creditor representation, request
 for notices, § 6:8, 6:9
 creditors, notice to, § 5:98, 5:99
 mandatory DRA notices, § 5:58
 trustees, below
 Objectives, § 5:2
 Order approving reaffirmation
 agreement for consumer
 obligation not secured by real
 estate, § 5:109
 Partnership, filing suggestions,
 § 5:74
 Payment advices
 date calculation; scheduling
 client conference, § 5:45
 petition, mandatory documents,
 § 5:86
 Personal property, lessor as client,
 § 6:12
 Personal property leases, § 5:34,
 5:37
 Petition
 generally, § 5:81 to 5:86
 case management/electronic
 case filings (CM/ECF)
 system, § 5:83
 electronic filing, fees, § 5:85
 emergency filing, bare petition,
 § 5:40
 filing, § 5:83
 mandatory documents, § 5:86
 payment advices, § 5:86
 preparation, § 5:81
 required documents after peti-
 tion, § 5:85
 tenant debtors, § 5:82
 trustees
 emergency filing, § 7:25
 review of case, § 7:15
 PPP and other “stimulus” loans
 Creditor representation, § 6:39
 Trustees, § 7:2

CHAPTER 7—Cont'd

Preferences
 secured creditor, defending
 preference action against,
 § 6:37
 unsecured creditor, defending
 preference action against,
 § 6:22
 Preparing for filing
 generally, § 5:1 et seq.
 abuse, above
 automatic stay, above
 briefing, discovery and
 disclosure by debtor and
 counsel, mandated, § 5:62
 choice of relief, notice of,
 § 5:57
 client conference, § 5:75, 5:76
 conferences, above
 corporate debtor, § 5:72, 5:73
 debtor identification require-
 ments, § 5:49
 emergency filings, above
 Initial interview, above
 intent, statement of, § 5:60
 mandatory DRA notices, § 5:58
 means test, above
 median income, above
 meeting of creditors question-
 naire for consumer debtor,
 § 5:47
 partnership, filing suggestions,
 § 5:74
 priority, secured and unsecured
 creditors, § 5:70, 5:71
 questions and questionnaires,
 below
 self-employed income state-
 ment, § 5:46
 Social Security, below
 statement of financial affairs
 and schedules, § 5:52, 5:53
 Presumption of abuse
 applicability, § 5:16, 6:50

INDEX

CHAPTER 7—Cont'd

- Presumption of abuse—Cont'd
 - post-petition changes in ability to pay, § 5:15
 - special circumstances, § 5:14
- Priorities
 - retirees, § 6:15
 - secured and unsecured creditors generally, § 5:70
 - list of creditors of Chapter 7 debtors, § 5:71
 - unsecured claims, creditors holding, below
 - wage claimants, § 6:14
- Professional organizations, staying current, § 5:4
- Professional persons. Trustees, below
- Proof of claim
 - claims, above
 - secured claim, preparing and filing proof of claim, § 6:24
 - unsecured claims, creditors holding, below
- Property interest. Statement of financial affairs and schedules, amendment, § 5:96
- Property of estate
 - generally, § 7:44 to 7:52
 - abandonment, § 7:48, 7:50
 - environmental cleanup obligations, § 7:49
 - objecting to debtor's exemptions, § 7:46, 7:47
 - possession, trustee's taking of, § 7:45
 - sale, § 7:51, 7:52
- Questions and questionnaires
 - conference with creditor client, § 6:7
 - creditors' meeting, questions for examination of debtor, § 6:60

CHAPTER 7—Cont'd

- Questions and questionnaires—Cont'd
 - debtor client conference, § 5:76
 - debtor engaged in business, § 5:68
 - debtor not engaged in business, § 5:69
 - meeting of creditors questionnaire
 - business debtor, § 5:117
 - consumer debtor, § 5:47
 - redemption hearing, § 5:115
 - use of, generally, § 5:67
- Reaffirmation
 - generally, § 5:105, 6:62
 - abusive reaffirmation agreement, § 6:63
 - consumer obligation not secured by real estate
 - acknowledgment by debtor prior to execution of reaffirmation agreement, § 5:110
 - declaration of attorney for consumer debtor in support of approval of reaffirmation agreement, § 5:108
 - interrogatories in support of motion for sanctions under Rule 9011(b), § 5:112
 - motion for order approving reaffirmation, § 5:107
 - order approving reaffirmation agreement, § 5:109
 - reaffirmation agreement, § 5:109, 5:110
 - debt relief agencies, reaffirmation liability, § 3:19
 - liability, debt relief agencies, § 3:19
 - post-petition creditor abuse, dealing with in reaffirmation proceedings, § 5:111

CHAPTER 7—Cont'd

Reaffirmation—Cont'd
 questions for reaffirmation hearing, § 5:105
 secured claim holders, § 6:36
 Receipt
 acknowledgment of receipt, Form, § 5:59
 Reclamation of goods under U.C.C and Bankruptcy Code, § 6:25
 Records, lost or altered; benefits of Chapter 7 relief, § 5:9
 Redemption
 generally, § 5:113 to 5:115
 checklist, § 5:114
 questionnaire, hearing, § 5:115
 secured claim holders, § 6:36
 Reduction of income, means test, § 5:21
 Reports. Trustees, below
 Request, notices, creditor representation, § 6:9
 Residential leases, lessor as client, § 6:11
 Residential property defaulted leases, eviction, § 5:36
 Residential property leases in Chapter 7, § 5:34
 Retirees as clients, § 6:15
 Review of case. Trustees, below
 Revocation of discharge, procedure for complaint objection to discharge or, § 6:43
 Sanctions, attorney for debtor and means test, § 5:33
 Schedules
 generally, § 5:87
 executory contracts, § 5:53
 statement of financial affairs and schedules, below
 trustee's review, § 7:17, 7:18
 Scheduling client conference. Conferences, above

CHAPTER 7—Cont'd

Secured claims, creditors holding automatic stay, relief from, § 6:26
 fraudulent transfer, defending action to recover, § 6:38
 liens and security interests, post-petition perfection and enforcement, § 6:33
 preparing and filing, § 6:24
 reaffirmation and redemption, § 6:36
 reclamation of goods under UCC and Bankruptcy Code, § 6:25
 remedies, § 6:23
 Security interests, post-petition perfection and enforcement, § 6:33
 Self-employed income statement, § 5:46
 Sequestration, emergency motions for stay relief and, § 6:32
 Serial filing
 creditor representation, § 6:54
 mandated and automatic stay terminations, § 5:63, 6:35, 6:55, 7:27
 trustee's duties, § 7:26, 7:27
 Social Security
 notice of correction of Social Security number, § 5:50
 obtaining replacement or new Social Security card, § 5:51
 statement of Social Security number, § 5:61
 Sovereign immunity, Nondischargeability of debts, § 5:132
 Special debtors and means test, § 5:19 to 5:21
 Spouses, exemptions, § 7:36, 11:63
 Statement of financial affairs and schedules
 generally, § 5:52, 5:89

INDEX

CHAPTER 7—Cont'd

Statement of financial affairs and schedules—Cont'd
amendment, § 5:94 to 5:96
executory contracts, schedule of, § 5:53
filing, § 5:93
income and expenses for business, schedule, § 5:90
income and expenses for complex business debtor, schedule, § 5:91
marital obligation, amendment, § 5:95
property interest, amendment, § 5:96
transmittal letter for drafts of statement and schedules, § 5:92
trustee's review of case, § 7:16 to 7:18
Statement of intent
generally, § 5:88
debtor representation, § 5:60
personal property leases, § 5:37
trustee's review of, § 7:19
Status of case, reviewing, § 6:64
Stay. Automatic stay, above
Staying current, professional organizations, § 5:4
“Stimulus” loans, PPP and other
Creditor representation, § 6:39
trustees, § 7:2
Stock abandonment by sole shareholder in order to liquidate small corporation, § 4:3
Taxes
benefits of Chapter 7 relief, § 5:8, 5:10, 5:11
earned income credit (EIC), § 5:11
nondischargeability of debts
generally, § 5:122 to 5:126

CHAPTER 7—Cont'd

Taxes—Cont'd
nondischargeability of debts
—Cont'd
admission to practice before IRS, § 5:125
failure to file tax return, § 5:123
tax liabilities, post-discharge collection, § 5:126
trust fund taxes, § 5:124
trustees, § 7:58
trustee's administration of estate, § 7:58
Tenant debtors, petition, § 5:82
Totality of circumstances, bad faith and, § 5:31, 6:51
Trustees
generally, § 7:1 et seq.
abandonment of assets
form of motion for order authorizing and notice of abandonment, § 7:50
account. Final report and accounting, below this group
administration of estate
generally, § 7:44 et seq.
administrative expenses, § 7:53
bank accounts, § 7:56
claims, below
creditor requests for information, § 7:59
debtor's transactions with attorney, examination of, § 7:60
employment of attorney, accountant, or other professional person, § 7:54
executory contracts, § 7:57
parties, examination of, § 7:61
property of estate, above

CHAPTER 7—Cont'd

Trustees—Cont'd
 administration of estate
 —Cont'd
 taxes, § 7:58
 administrative expenses, § 7:53
 administrator, trustee's role as,
 § 7:8
 appointment, § 7:6
 attorneys' fees
 generally, § 7:76
 form of application for
 compensation by
 trustee's attorney, § 7:77
 summary of fee application,
 § 7:78
 audit of debtor, discharge,
 § 5:137
 bank account for estate
 generally, § 7:56
 unclaimed funds, § 7:75
 bond, trustee's, § 7:23, 7:24
 checking account for estate,
 unclaimed funds, § 7:75
 claims
 compromise and settlement,
 § 7:65
 objecting to, § 7:63, 7:64
 reviewing claims, § 7:62
 closing estate
 generally, § 7:67
 asset and nominal asset cases,
 § 7:70
 final report and accounting,
 below this group
 no-asset cases, § 7:68, 7:69
 order of final hearings, § 7:72
 compensation
 professional's compensation,
 § 7:76
 trustee's compensation,
 § 7:73
 compromise and settlement of
 claims, § 7:65

CHAPTER 7—Cont'd

Trustees—Cont'd
 conversion or dismissal
 emergency filing, dismissal
 of case after, § 7:25
 form of motion by trustee for
 dismissal, § 7:31
 creditor and trustee, § 6:61
 creditor requests for informa-
 tion, § 7:59
 creditors' meeting
 generally, § 7:33 *et seq.*
 business debtor checklist,
 § 7:35
 checklists, § 7:34, 7:35
 electing trustee, § 6:59
 follow-up by trustee, § 7:42
 individual debtor checklist,
 § 7:34
 notice of, § 7:14
 preparation by trustee, § 7:33
 questions to be asked debtor,
 § 7:39 to 7:41
 report at conclusion of,
 § 7:43
 requesting documents from
 debtor prior to, § 7:22
 role of trustee, § 7:38
 scope of, § 7:37
 spousal exemption and tax
 privacy waiver, § 7:36
 debtor's transactions with
 attorney, examination of,
 § 7:60
 discharge of debtor, trustee
 audit, § 5:137
 distribution to creditors, gener-
 ally, § 7:74
 document request, trustee's let-
 ter, § 7:22
 electing at creditors' meeting,
 § 6:59
 employment of attorney,
 accountant, or other
 professional person, § 7:54

INDEX

CHAPTER 7—Cont'd

Trustees—Cont'd

- environmental cleanup obligations, § 7:49
- executory contracts, § 7:57
- exemptions, objecting to debtor's claim, § 7:36
- ex parte contact with court, § 7:10
- fees, professional's compensation, § 7:76
- final report and accounting, § 7:71
- forms
 - abandonment, motion for order authorizing and notice of abandonment, § 7:50
 - dismiss case, motion by trustee to, § 7:31
 - objecting to debtor's claim of exemptions, § 7:47
- litigant, trustee's role as, § 7:9
- means test, § 7:20, 7:21
- parties, examination of, § 7:61
- petition, emergency filing, § 7:25
- PPP and other "stimulus" loans, § 7:2
- property of estate, above qualifications, § 7:5
- questions to be asked debtor at creditors' meeting, § 7:39 to 7:41
- reports
 - final report and accounting, § 7:71
 - interim reports, § 7:66
 - status report, below this group
- reviewing claims, § 7:62
- review of case, § 7:21
 - generally, § 7:11
 - bond, trustee's, § 7:23, 7:24

CHAPTER 7—Cont'd

Trustees—Cont'd

- review of case, § 7:21—Cont'd
 - debtor identification requirements, § 7:12, 7:13
 - dismissal, § 7:25, 7:31
 - document request, trustee's letter, § 7:22
 - executory contracts and leases, § 7:18
 - notice of commencement of case, meeting of creditors, and fixing of dates, § 7:14
 - petition, § 7:15
 - schedules, § 7:17, 7:18
 - statement of financial affairs, § 7:16
 - role of trustee
 - generally, § 7:7 to 7:10
 - administrator, trustee as, § 7:8
 - ex parte contact with court, § 7:10
 - litigant, trustee as, § 7:9
 - scheduling client conference, supporting documentation, § 5:44
 - selection, § 7:6
 - serial filings, § 7:26, 7:27
 - statement of intention, trustee's review of, § 7:19
 - "stimulus" loans, PPP and other, § 7:2
 - taxes, § 7:58
 - unclaimed funds, § 7:75
 - what is a bankruptcy trustee, § 7:3
 - who is a bankruptcy trustee, § 7:5
 - why be a bankruptcy trustee, § 7:4
- Trust fund taxes, nondischargeability of debts, § 5:124

CHAPTER 7—Cont'd

- U.C.C., reclamation of goods under, § **6:25**
- Unclaimed funds, § **7:75**
- Unsecured claims, creditors holding
 - defending preference action against unsecured creditor, § **6:22**
 - proof of claim
 - letter transmitting proof of claim to Chapter 7 creditor, § **6:21**
 - preparing and filing, § **6:20**
 - remedies, § **6:19**
- U.S. trustee's mandatory statement or motion to dismiss, § **5:32, 6:52**
- Utilities, allowable living expenses, § **5:60**
- Veterans, means test, § **5:20**
- Wage claimant as client, § **6:14**

CHAPTER 11

- Accountants, trustee's or examiner's employment of, § **16:9**
- Accounts receivable, trustee's collection of, § **16:10**
- Adequate assurance of future performance
 - lease assumption, forms of motion and order for, § **14:62 to 14:64**
 - utility service, § **14:91 to 14:93**
- Adequate protection
 - cash collateral usage, § **15:48, 15:49**
 - motion and order for lease assumption, forms of, § **16:14 to 16:16**
 - trustees or examiners
 - incurring debt to operate estate's business, § **16:11**

CHAPTER 11—Cont'd

- Adequate protection—Cont'd
 - trustees or examiners—Cont'd
 - use, sale or lease of property to operate estate's business, § **16:12**
- Ad hoc creditors' committees, § **15:32**
- Administrative expenses
 - trustees or examiners
 - collecting and preserving estate assets, § **16:10**
 - debt, incurring to operate estate's business, § **16:11**
- Administrative status of vendors, motion to grant, § **14:95**
- Admissions, request for; relief from automatic stay, § **15:46**
- Adversary proceedings, § **18:1**
- Aircraft, debtor representation, § **14:65**
- Amendment of schedules and statement of financial affairs, § **14:71**
- Appeal of interlocutory order
 - modifying exclusivity period for filing Chapter 11 plan, § **19:19, 19:20**
- Assignment of executory contracts or unexpired leases, § **16:13 to 16:16**
- Assumption of lease agreement, motion and order, § **16:14 to 16:16**
- Attorneys, trustee's or examiner's employment of, § **16:9**
- Attorneys' fees
 - generally, § **14:41**
 - applications for, § **14:43, 14:45**
 - contract between attorney and client, § **14:42**
 - disclosure of compensation received, § **14:44**
 - summary, § **14:45**

INDEX

CHAPTER 11—Cont'd

Automatic stay
admissions, request for, § 15:46
discovery in motion for relief
from stay proceeding,
§ 15:44
interrogatories by movant
directed to debtor, § 15:45,
15:47
interrogatories regarding relief
from stay, forms, § 14:128,
14:130
modification of stay, partial or
interim stipulation, § 15:42
notice of stay, § 14:25
relief from stay
generally, § 15:40
admissions, request for,
§ 14:129, 15:46
debtor's response to motion
for, § 14:122 to 14:126,
14:123
discovery, § 14:127 to
14:130
discovery in motion for relief
from stay proceeding,
§ 15:44
forms
admissions, request for,
§ 14:129
interrogatories, § 14:128,
14:130
stipulations, § 14:125,
14:126
interrogatories by movant
directed to debtor,
§ 15:45, 15:47
settling motion seeking relief,
§ 15:41
stipulation for relief from and
termination of stay (real
property), § 15:43
stipulations, § 14:125,
14:126
settling motion for relief from
stay, § 14:124

CHAPTER 11—Cont'd

Automatic stay—Cont'd
stipulations regarding relief
from stay, § 14:125,
14:126
Bank account, § 14:109
Bonds and undertakings
examiners, § 16:7, 16:8
trustees, § 16:7, 16:8, 16:10
Cancellation of indebtedness,
§ 14:40
Canned reorganizations, debtor
representation, § 14:13
Cash collateral
generally, § 14:113
hearings, § 16:12
motion for use of cash collat-
eral, form of, § 14:114
order authorizing use and grant-
ing adequate protection,
§ 15:49
preventing improper use,
§ 15:48
trustee's use in operating
estate's business, § 16:12
Cash flow, debtor representation,
§ 14:11
Cash management system, bank
accounts, and business forms,
motion and order to continue,
§ 14:88 to 14:90
Checking account, § 14:109
Checklists for client conference
corporate debtors, § 14:35
creditor representation, § 15:6
individual debtors, § 14:37
partnership debtors, § 14:36
Claiming exemptions for individ-
ual debtor, § 14:66
Claims
examiner's examination of and
objection to, § 16:3
proof of claim
secured creditors, § 15:50

CHAPTER 11—Cont'd

Claims—Cont'd
 proof of claim—Cont'd
 unsecured creditors, § 15:34, 15:35
 setting deadline to file, § 14:167
 trustee's examination of and objection to, § 16:2
 Clerical staffing to court, providing, § 14:54, 14:55
 Closing case
 generally, § 14:184 to 14:188
 tax liabilities, payment in full, motion for order, § 14:185
 trustees or examiners, termination of case and discharge of, § 16:24
 Collective bargaining agreement, rejecting, § 14:133 to 14:135
 Commercial shipping, debtor representation, § 14:65
 Controlling costs, § 14:108
 Conversion or dismissal, trustee's service terminated upon conversion, § 16:24
 Corporations
 checklist for corporate debtors client conference, § 14:35
 conference with corporate debtor, checklist, § 14:35
 resolution authorizing filing, § 14:53
 Credit, debtor's incurring of.
 Financing for Debtor (this index)
 Credit, post-petition
 generally, § 14:115
 motion to obtain credit in exchange for security, § 14:116
 Credit card issuer, representing, § 15:27
 Creditor representation
 generally, § 15:1 et seq.
 abstention, § 15:61

CHAPTER 11—Cont'd

Creditor representation—Cont'd
 ad hoc creditors' committees, § 15:32
 automatic stay, above
 client conference
 generally, § 15:2 to 15:6
 agenda for discussion, § 15:4
 checklist, § 15:6
 information card, § 15:5
 letter confirming, form, § 15:3
 scheduling, § 15:2
 credit card issuer, representing, § 15:27
 defenses to litigation
 generally, § 15:72 to 15:75
 fraudulent transfer, action to recovery, § 15:75
 objection to claim, defending, § 15:72
 preference actions
 secured creditor, § 15:74
 unsecured creditor, § 15:73
 denial of discharge, § 15:12
 dismissal or conversion, § 15:60
 disposable income objection to confirmation, § 15:15
 examiner, appointing, § 15:54, 15:55
 exceptions to discharge, § 15:11
 executory contracts, § 15:24
 fisherman, commercial, representing, § 15:29
 fraud creditors, representing, § 15:27
 general unsecured claims, below
 grain farmer, representing, § 15:28
 information, obtaining
 generally, § 15:51
 meeting of creditors, § 15:52 to 15:53

INDEX

CHAPTER 11—Cont'd

Creditor representation—Cont'd
intellectual property licensors
and licensees, representing,
§ 15:23
meeting of creditors, § 15:52 to
15:53
notice, obtaining
generally, § 15:7
request for notices, § 15:8
objection to claim, defending,
§ 15:72
plan and disclosure statement
generally, § 15:62 to 15:71
alternate plans and exclusiv-
ity, § 15:70
contesting valuation, § 15:68
cramdown, § 15:69
distribution, § 15:71
making recourse election,
§ 15:66
objecting to confirmation,
§ 15:67
objecting to disclosure state-
ment, § 15:63
soliciting acceptances,
§ 15:64
voting, § 15:65
real and personal property,
representing lessors and
lessees, § 15:18 to 15:21
reclamation creditor, represent-
ing, § 15:30
remedies and strategy
considerations, individual
debtor cases
generally, § 15:10 to 15:15
denial of discharge, § 15:12
disposable income objection
to confirmation, § 15:15
exceptions to discharge,
§ 15:11
objection to exemptions,
§ 15:13, 15:14

CHAPTER 11—Cont'd

Creditor representation—Cont'd
remedies for special creditors
generally, § 15:16 to 15:32
credit card issuer, represent-
ing, § 15:27
executory contracts, § 15:24
fisherman, commercial,
representing, § 15:29
fraud creditors, representing,
§ 15:27
grain farmer, representing,
§ 15:28
intellectual property licensors
and licensees, represent-
ing, § 15:23
real and personal property,
representing lessors and
lessees, § 15:18 to
15:21
reclamation creditor,
representing, § 15:30
retirees, representing, § 15:25
shopping center lessors and
lessees, representing,
§ 15:22
special needs creditors,
representing, § 15:23
special remedies or obliga-
tions creditors,
representing, § 15:16
unsecured trade creditor,
representing, § 15:17
utility creditor, representing,
§ 15:31
wages, salaries or commis-
sions, representing cred-
itors holding claims for,
§ 15:26
request for notices, § 15:8
retirees, representing, § 15:25
secured claims, below
shopping center lessors and
lessees, representing,
§ 15:22

CHAPTER 11—Cont’d

Creditor representation—Cont’d
 single-asset real estate and
 small business debtors and
 their creditors, § 15:9
 transfer to place of appropriate
 venue, § 15:61
 trustees, below
 unsecured trade creditor,
 representing, § 15:17
 utility creditor, representing,
 § 15:31
 wages, salaries or commissions,
 representing creditors
 holding claims for, § 15:26
 Creditors’ committees
 ad hoc committees, § 15:32
 application for appointment of
 official committee, § 15:37
 appointment to, § 15:36
 professional persons, employing
 and compensating, § 15:38
 Credit reporting, § 14:38
 Criminal offenses, trustee’s or
 examiner’s reporting of bank-
 ruptcy crimes, § 16:20
 Critical vendors, motion to pay,
 § 14:94
 Cure of defaults
 aircraft and commercial vessels,
 § 14:65
 executory contracts and
 unexpired leases, assump-
 tion or rejection in
 trustee’s operating estate’s
 business, § 16:13
 lease assumption, forms of
 motion and order for,
 § 14:62 to 14:64, 16:14 to
 16:16
 Customer relations, debtor repre-
 sentation, § 14:12
 Deadline to file claims, setting,
 § 14:167
 Debtor representation
 amendment of schedules and
 statement of financial

CHAPTER 11—Cont’d

Debtor representation—Cont’d
 affairs, § 14:71
 American Rescue Plan Act of
 2021 (ARPA), § 14:6
 attorneys’ compensation
 generally, § 14:11, 14:41
 applications for, § 14:43,
 14:45
 contract between attorney
 and client, § 14:42
 disclosure of compensation
 received, § 14:44
 summary, § 14:45
 automatic stay of litigation,
 notice of, § 14:25
 cancellation of indebtedness,
 § 14:40
 canned reorganizations, § 14:13
 CARES Act, § 14:6
 cash collateral, generally,
 § 14:113, 14:114
 cash flow, § 14:11
 clerical staffing to court, provid-
 ing, § 14:54, 14:55
 client conference
 generally, § 14:34
 checklists, § 14:35 to 14:37
 emergency filings, § 14:18
 initial client contact card,
 § 14:17
 letter confirming emergency
 conference, § 14:19
 letter confirming
 nonemergency confer-
 ence, § 14:21
 preparing for initial
 interview, § 14:15
 scheduling conference,
 § 14:20
 closing case, § 14:184 to
 14:188
 controlling costs, § 14:108
 credit, post-petition, § 14:115,
 14:116

INDEX

CHAPTER 11—Cont'd

Debtor representation—Cont'd
credit reporting, § 14:38
credit request letter, § 14:39
customer relations, § 14:12
emergency filing, client conference, § 14:18
equity security holders, list of, § 14:68
Federal Rules of Bankruptcy, § 14:4.30
health care debtors, § 14:7
home mortgages for individual debtors, § 14:46 to 14:50
individual debtor identification requirements, § 14:22
information gathering, generally, § 14:27
initial client contact or interview
generally, § 14:16
contact card, § 14:17
preparation for, § 14:15
scheduling client conference, § 14:20
initiation of case, notice to creditors, § 14:70
lease assumption, forms of motion and order for, § 14:62 to 14:64
list of creditors, § 14:33
natural persons, § 14:8
notices
commencement and purpose of case, § 14:24 to 14:26
letter to creditors, § 14:26
third-party noticing services, § 14:14
operating business, § 14:107 to 14:139
operating reports, § 14:119 to 14:121
paralegals, § 14:14
petition, filing, § 14:59

CHAPTER 11—Cont'd

Debtor representation—Cont'd
petition, preparation, § 14:56
priority, secured and unsecured creditors, § 14:32, 14:33
quarterly charges of United States Trustee, § 14:118
questionnaires, § 14:30, 14:31
resolution authorizing filing, § 14:52, 14:53
schedules, § 14:62
secured creditors, § 14:32, 14:33
single asset real estate debtors, § 14:29
small business debtors
generally, § 14:28
petition, § 14:57
special requirements small business debtors, § 14:57
staffing, § 14:14
statement of financial affairs, generally, § 14:67 et seq.
status conferences, post-petition, § 14:117
supplier relations, § 14:12
taxes, generally, § 14:111
third-party noticing services, § 14:14
unsecured creditors, § 14:32, 14:33
utility service, generally, § 14:110
Denial of discharge, creditor representation, § 15:12
Dischargeability of debts, individual debtors, § 14:183
Discharge of individual debtors, § 14:183
Discovery in motion for relief from stay proceeding, § 15:44
Dismissal or conversion, creditor representation, § 15:60

CHAPTER 11—Cont'd

- Disposable income objection to confirmation, creditor representation, § **15:15**
- Emergency filing
 - client conference, generally, § **14:18**
 - letter confirming client conference, form of, § **14:19**
- Employers and employees
 - insurance benefits
 - continue insurance, motion to, § **14:132**
 - modifying or terminating retirees', § **14:131, 14:132**
 - prepayment before filing, § **14:96 to 14:98**
 - prepetition employee obligations, interim order to pay, § **14:98**
 - prepetition employee obligations, motion and order to pay, § **14:96**
 - wages, below
- Equity security holders, list of, § **14:68**
- Examiners
 - generally, § **16:1 et seq.**
 - accountants employed by, § **16:9**
 - amended order for corrected bond, § **16:7**
 - applications
 - compensation, application for, § **16:6**
 - professional person, application to employ, § **16:9**
 - appointment
 - generally, § **16:4**
 - acceptance or rejection of, § **16:7**
 - creditor representation, § **15:54, 15:55**
 - termination, § **16:24**

CHAPTER 11—Cont'd

- Examiners—Cont'd
 - attorneys employed by, § **16:9**
 - avoidance actions, § **16:3, 16:17**
 - bankruptcy crimes, reporting of, § **16:20**
 - blanket bond, § **16:7**
 - bond
 - generally, § **16:7, 16:8**
 - operation of estate's business, § **16:10**
 - choice of, § **16:4**
 - compensation, § **16:6**
 - debt, incurring to operate estate's business, § **16:11**
 - executory contracts and unexpired leases, assumption or rejection in operating estate's business, § **16:13**
 - immunity, § **16:21**
 - investigations, § **16:3, 16:18**
 - operation of estate's business, § **16:10 et seq.**
 - professional persons employed by, § **16:9**
 - reports, § **16:18, 16:19**
 - role, generally, § **16:3**
 - termination of case and discharge of examiner, § **16:24**
 - trustees distinguished, § **16:1**
- Exceptions to discharge, creditor representation, § **15:11**
- Executory contracts and unexpired leases
 - assumption or rejection, forms of motion and order for assumption, § **14:62 to 14:64**
 - collective bargaining agreement, rejecting, § **14:133 to 14:135, 14:135**
 - creditor representation, § **15:24**

INDEX

CHAPTER 11—Cont'd

Executory contracts and unexpired leases—Cont'd
schedules, § 14:62, 16:13
trustees or examiners, assumption or rejection in operating estate's business, § 16:13

Exemptions

individual debtor, claiming, § 14:66
objection to exemptions, § 15:13, 15:14

Extraordinary remedies

abstention, § 15:61
dismissal or conversion, § 15:60
examiner, appointing, § 15:54, 15:55
transfer to place of appropriate venue, § 15:61
trustees, § 15:56 to 15:59

Facsimile transmissions to debtor, routing to trustee operating estate's business, § 16:10

Farmers, preplanning and asset structuring, § 2:18

Federal Rules of Bankruptcy

Small Business Reorganization Act (SBRA), § 14:4.30

Fifth Amendment claim and immunity, § 14:181, 16:22

Final report and accounting, trustees, § 16:2, 16:24, 16:25

Fisherman, creditor representation, § 15:29

Forms

accountant, application to employ, § 14:142
admissions, requests for overstated mortgage claim, § 14:48
relief from stay proceeding, § 14:129
application, compensation of attorney, § 14:43, 14:45

CHAPTER 11—Cont'd

Forms—Cont'd

appointment of official committee, application for, § 15:37

assignment of lease and provision of adequate assurance of future performance, motion and order, § 16:14 to 16:15

assumption of lease, provision of adequate protection, and cure of default etc., motion and order, § 16:14 to 16:15

automatic stay

relief from, § 15:45 to 15:47

stipulations concerning modification of or relief from, § 15:42, 15:43

bond of examiner or trustee, § 16:8

business debtor, simple operating report, § 14:121

cash collateral

motion to use, § 14:114

order authorizing use and granting adequate protection, § 15:49

clerical staffing to court, order directing debtor to provide, § 14:55

client conference

initial client contact card, § 14:17

letter confirming emergency conference, § 14:19

letter confirming nonemergency conference, § 14:21

collective bargaining agreement, rejecting, § 14:134, 14:135

contract between attorney and client, § 14:42

CHAPTER 11—Cont'd

Forms—Cont'd

- corporate resolution authorizing filing, § **14:53**
- credit facility, motion for approval, § **14:101**
- credit in exchange for security, motion by debtor, § **14:116**
- creditor representation
 - client conference, letter confirming, § **15:3**
 - information card, § **15:5**
 - notices, request for, § **15:8**
 - objections to claim of exemptions, § **15:14**
- creditors' committee, application for appointment of, § **15:37**
- credit request letter, § **14:39**
- customer program obligations, motion to pay prepetition, § **14:99**
- discharge order, motion for entry of, § **14:183**
- disclosure of compensation by attorney, § **14:44**
- disclosure statement, § **14:153**
- examiner, order appointing, § **15:55**
- final report and accounting of trustee, § **16:25**
- first day motions
 - additional time to file schedules and statements, § **14:86**
 - cash management system, bank accounts, and business forms, motion and order to continue, § **14:88 to 14:90**
 - credit facility, motion for approval of DIP, § **14:101**
 - critical vendors, motion to pay, § **14:94**

CHAPTER 11—Cont'd

Forms—Cont'd

- first day motions—Cont'd
 - customer program obligations, prepetition, motion to pay, § **14:99**
 - DIP credit facility, motion for approval, § **14:101**
 - DIP financing, interim order authorizing, § **14:102**
 - employee obligations, interim order to pay prepetition, § **14:98**
 - employee obligations, motion and order to pay prepetition, § **14:96**
 - expedited hearing
 - motion, § **14:82**
 - order, § **14:83**
 - joint administration, motion for, § **14:84**
 - joint administration, order for, § **14:85**
 - notice procedures, motion to establish, § **14:87**
 - ordinary course professionals
 - motion to pay, § **14:104, 14:105**
 - questionnaire to use with motion to pay, § **14:106**
 - sales and use taxes, prepetition, motion to pay, § **14:100**
 - utility services, motion and order determining adequate assurance of payment for, § **14:91 to 14:93**
- free and clear, motion to sell with bid protection and auction, § **14:137**
- interrogatories
 - overstated mortgage claim, § **14:49**

INDEX

CHAPTER 11—Cont'd

Forms—Cont'd

- large business debtor, operating report, § **14:120**
- lease assumption, motion and order for, § **14:62 to 14:64**
- letter soliciting acceptances, form of, § **14:164**
- list of creditors, § **14:33**
- mortgages
 - request for admissions by debtor for overstated mortgage claim, § **14:48**
 - RESPA request letter, § **14:47**
- notice of automatic stay, § **14:25**
- operating reports, § **14:120, 14:121**
- ordinary course professionals
 - monthly compensation procedures, motion to establish, § **14:105**
 - motion to pay, § **14:104, 14:105**
 - questionnaire to use with motion to pay, § **14:106**
- plan, § **14:151**
- proof of claim, letter transmitting, § **15:35**
- questionnaire
 - debtor questionnaire, § **14:31**
 - motion to pay ordinary course professionals, § **14:106**
- questions for examination of debtor, § **15:53**
- relief from stay
 - admissions, request for, § **14:129**
 - debtor's response to motion for, § **14:123**
- interrogatories, § **14:128, 14:130**
- stipulations, § **15:42, 15:43**

CHAPTER 11—Cont'd

Forms—Cont'd

- request for production of documents regarding overstated mortgage claim, § **14:50**
- RESPA request letter, § **14:47**
- sale of assets, motion for approval of, § **14:139**
- sales and use taxes, motion to pay prepetition, § **14:100**
- stipulations regarding relief from stay, § **15:42, 15:43**
- summary, compensation of attorney, § **14:45**
- tax liabilities, payment in full, motion for order, § **14:185**
- trustees
 - appointing
 - motion, § **15:57**
 - order, § **15:58**
 - bond, § **16:8**
 - report, § **16:19**
- vendors, motion to grant administrative status to, § **14:95**
- Fraud creditors, representing, § **15:27**
- Fraudulent transfers or conveyances
 - examiner's bringing of actions to recover, § **16:3, 16:17**
 - trustee's bringing of actions to recover, § **16:17**
- General unsecured claims, remedies for creditors holding generally, § **15:33 to 15:38**
 - application for appointment of official committee, § **15:37**
 - appointment to creditors' committee, § **15:36**
- professional persons, employing and compensating, § **15:38**
- proof of claim
 - letter transmitting, § **15:35**
 - preparing and filing, § **15:34**

CHAPTER 11—Cont'd

Grain farmer, representing,
§ 15:28
 Health care debtors, debtor representation, **§ 14:7**
 Hearings
 cash collateral, **§ 16:12**
 examiners
 appointment, **§ 16:4, 16:24**
 compensation, **§ 16:6**
 termination of appointment,
 § 16:24
 trustees
 appointment, **§ 16:4, 16:24**
 cash collateral, trustee's use
 in operating estate's
 business, **§ 16:12**
 compensation, **§ 16:6**
 termination of appointment,
 § 16:24
 Hearings, expedited
 motion, **§ 14:82**
 order, **§ 14:83**
 Home mortgages for individual
 debtors, **§ 14:46 to 14:50**
 Immunity, **§ 14:181, 16:21, 16:22**
 Individual debtors
 checklist for client conference,
 § 14:37
 claiming exemptions for,
 § 14:66
 conference with individual
 debtor, checklist, **§ 14:37**
 discharge of, **§ 14:182, 14:183**
 exemptions, **§ 14:66**
 identification requirements,
 § 14:22
 Information gathering, generally,
 § 14:27
 Insurance
 continue insurance, motion to,
 § 14:132
 modifying or terminating
 retirees' benefits, **§ 14:131,**
 14:132

CHAPTER 11—Cont'd

Insurance—Cont'd
 trustee's operation of estate's
 business, **§ 16:10**
 Intellectual property licensors and
 licensees, representing,
 § 15:23
 Interrogatories, relief from stay
 proceeding, **§ 15:45, 15:47**
 Investigations
 examiners, **§ 16:3, 16:18**
 trustees, **§ 16:2, 16:18**
Involuntary Cases (this index)
 Lead/local counsel, application to
 employ, **§ 14:103**
 Lists
 creditors, **§ 14:33**
 equity security holders, **§ 14:68**
 filing, **§ 14:69**
 Meeting of creditors
 generally, **§ 15:51**
 questions for examination of
 debtor, **§ 15:53**
 Mortgages
 home mortgages for individual
 debtors, **§ 14:46 to 14:50**
 overstated mortgage claim
 interrogatories, **§ 14:49**
 request for admissions,
 § 14:48
 request for production,
 § 14:50
 RESPA request letter, **§ 14:47**
 Natural persons, debtor representa-
 tion, **§ 14:8**
 Nondischargeable debts, individ-
 ual debtors, **§ 14:180**
 Notices
 automatic stay, **§ 14:25**
 case notice procedures, motion
 to establish, **§ 14:87**
 cash collateral, trustee's use in
 operating estate's business,
 § 16:12

INDEX

CHAPTER 11—Cont'd

Notices—Cont'd

commencement and purpose of case, notifying creditors of, § 14:24 to 14:26

creditor representation, obtaining notice, § 15:7, 15:8

debtor representation, above

examiners

acceptance or rejection of appointment, § 16:7

compensation, § 16:6

operation of estate's business, § 16:10

initiation of case, notice to creditors, § 14:70

social security number, correction of, § 14:23

trustees

acceptance or rejection of appointment, § 16:7

cash collateral, trustee's use in operating estate's business, § 16:12

compensation, § 16:6

operation of estate's business, § 16:10

Objection to claim, defending, § 15:72

Operating business

after confirmation of plan, § 14:178

debtor representation, § 14:107 to 14:139

Operating reports

generally, § 14:119

large business debtor, § 14:120

simple report for business debtor, § 14:121

Paralegals, debtor representation, § 14:14

Partnership debtors

checklist for partnership debtor client conference, § 14:36

CHAPTER 11—Cont'd

Partnership debtors—Cont'd

conference with partnership debtor, checklist, § 14:35

Personal property

lessee, representing, § 15:21

lessor, representing, § 15:19

Petition

generally, § 14:56

filing, § 14:59

individual debtors, § 14:58

individual debtors, special requirements, § 14:58

preparation, § 14:56

small business debtors, § 14:57

small business debtors, special requirements, § 14:57

Plans. **Chapter 11 Plans** (this index)

Preferences

examiner's bringing of actions to recover, § 16:3, 16:17

trustee's bringing of actions to recover, § 16:17

Priority, secured and unsecured creditors, § 14:32, 14:33

Professional persons, trustee's or examiner's employment of, § 16:9

Proof of claims. Claims, above

Purchase money security interests in consumer goods generally, § 14:51

Quarterly charges of United States Trustee, § 14:118

Questionnaires, § 14:30, 14:31

Questions for examination of debtor, § 15:53

Real property

lessee, representing, § 15:20

lessor, representing, § 15:18

Reclamation creditor, representing, § 15:30

Records, trustees; appointment order, recordation with real

CHAPTER 11—Cont'd

- estate records, § 16:7
- Reports
 - examiners, § 16:18, 16:19
 - operating, § 14:119 to 14:121
 - trustees, § 16:2, 16:18, 16:19, 16:24
- Residential eviction, § 14:10
- Resolution authorizing filing, preparing
 - generally, § 14:52
 - corporate resolution, § 14:53
- Retiree benefits
 - collective bargaining agreement rejection and modification of benefits, § 14:135
 - creditor representation, § 15:25
 - insurance benefits
 - continuing retirees', § 14:132
 - modifying or terminating retirees', § 14:131, 14:132
- Salaries and benefits
 - generally, § 14:112
 - prepayment before filing, § 14:97
- Sale of assets
 - generally, § 14:136 to 14:139
 - free and clear, motion to sell with bid protection and auction, § 14:137
 - liquidation of debtor by trustee or examiner, § 16:1, 16:2
 - miscellaneous asset sales, motion for approval of, § 14:139
 - outmoded and unnecessary property, motion for approval of sale, § 14:138
 - trustees and examiners
 - liquidation of debtor by trustee or examiner, § 16:1, 16:2
 - operating estate's business, § 16:12

CHAPTER 11—Cont'd

- Sale of assets—Cont'd
 - use, sale or lease of property, below
- Schedules
 - generally, § 14:60
 - additional time to file schedules and statements, form of motion for, § 14:86
 - amendment, § 14:71
 - current income and expenses, § 14:61
 - examiner's preparation of, § 16:3
 - executory contracts and unexpired leases, § 14:62, 16:14
 - exemption claims by individual debtors, § 14:66
 - filing, § 14:69
 - trustee's preparation of, § 16:2
- Secured claims, remedies for creditors holding
 - generally, § 15:39 to 15:50
 - automatic stay, above
 - cash collateral
 - order authorizing use and granting adequate protection, § 15:49
 - preventing improper use, § 15:48
 - proof of claim, preparing and filing, § 15:50
- Secured creditors, priority, § 14:32, 14:33
- Shipping, debtor representation, § 14:65
- Shopping center lessors and lessees, representing, § 15:22
- Single asset real estate debtors
 - generally, § 15:9
 - debtor representation, § 14:29
- Small business debtors
 - generally, § 15:9
 - debtor representation, above

INDEX

CHAPTER 11—Cont'd

Small business debtors—Cont'd
disclosure statements, § 14:156
Social security, notice of correction of Social Security number, § 14:23
Special needs creditors, representing, § 15:23
Special remedies or obligations creditors, representing, § 15:16
Staffing, debtor representation, § 14:14
Statement of financial affairs
generally, § 14:67
amendment of statement, § 14:71
filing, § 14:69
Status conferences, post-petition, § 14:117
Stipulations, automatic stay modification; partial or interim stipulation, § 15:42
Summary and application for compensation, § 14:45
Summary and index for application for compensation, § 14:43
Supplier relations, debtor representation, § 14:12
Tax liabilities, payment in full, motion for order, § 14:185
Trade creditor, unsecured, representing, § 15:17
Transportation industry, debtor representation, § 14:65
Trustees
generally, § 16:1 et seq.
accountants employed by, § 16:9
amended order for corrected bond, § 16:7
applications
compensation, § 16:6
professional person, application to employ, § 16:9

CHAPTER 11—Cont'd

Trustees—Cont'd
appointment
generally, § 15:56, 16:2, 16:4
acceptance or rejection of, § 16:7
motion to appoint, § 15:57
order, § 15:58
recordation of appointment order with real estate records, § 16:7
termination, § 16:24
appraisal of estate assets, § 16:10, 16:11
attorneys employed by, § 16:9
avoidance actions, § 16:17
bankruptcy crimes, reporting of, § 16:20
blanket bond, § 16:7
bond
generally, § 16:7, 16:8
operation of estate's business, § 16:10
choice of, § 16:4
compensation, § 16:6
debt to operate estate's business, incurring of, § 16:11
duties, generally, § 16:2
election, § 15:59, 16:4, 16:5
examiners distinguished, § 16:1
executory contracts and unexpired leases, assumption or rejection in operating estate's business, § 16:13
facsimile transmissions to debtor, routing to trustee operating estate's business, § 16:10
final report and accounting, § 16:2, 16:24, 16:25
immunity, § 16:21
inventory of estate assets, § 16:10
investigations, § 16:2, 16:18

CHAPTER 11—Cont'd

Trustees—Cont'd

- liquidation of debtor, § **16:1, 16:2**
- operation of estate's business, § **16:10 et seq.**
- Postal Service, notice to forward debtor's mail, § **16:10**
- professional persons employed by, § **16:9**
- reports, § **16:2, 16:18, 16:19, 16:24**
- termination of case and discharge of trustee, § **16:24**
- termination of service, § **16:2**
- U.S. trustee's selection of person to be, § **16:4**
- use, sale or lease of property in operating estate's business, § **16:12**
- Unsecured claims. General unsecured claims, above
- Unsecured creditors, priority, § **14:32, 14:33**
- Use, sale or lease of property
 - appeal, useless right of, § **19:20, 19:22**
 - trustees or examiners operating estate's business, § **16:12**
- Utility service
 - adequate assurance of payment, § **14:91 to 14:93**
 - motion and order determining, § **14:91 to 14:93**
 - adequate protection, motion to determine, § **14:76**
 - creditor, representing, § **15:31**
 - debtor representation, § **14:110**
- Valuation
 - trustee's appraisal of estate assets when operating business, § **16:10, 16:11**
- Vendors, motion to grant administrative status to, § **14:95**

CHAPTER 11—Cont'd

- Venue, transfer to appropriate place, § **15:61**
- Wages
 - generally, § **16:9**
 - creditors holding claims for, representing, § **15:26**
- Workers' compensation programs, motion to continue, § **14:132**

CHAPTER 11 PLANS

- Generally, § **14:140 to 14:178**
- Absolute priority rule and "new value," debtor representation, § **14:150**
- Acceptances or rejections of plan
 - form of order and notice fixing time for, § **14:160**
 - rejections, generally, § **14:160**
 - solicitation of plan acceptances generally, § **14:163**
 - letter soliciting acceptances, form of, § **14:164**
- Accountants, employment of, § **14:141, 14:142**
- Adversary proceedings, objections and exceptions to discharge as, § **14:179**
- Appeal of interlocutory order modifying exclusivity period for filing Chapter 11 plan, § **19:19, 19:20**
- Assumption or rejection of executory contracts and leases, § **14:146**
- Ballot for plan acceptance or rejection, § **14:166**
- Ballot for plan acceptance or rejection, drafting, § **14:165**
- Claims
 - classes and classification, § **14:144, 14:145**
 - objections to claims generally, § **14:173**
 - form, § **14:176**

INDEX

CHAPTER 11 PLANS—Cont'd

- Claims—Cont'd
 - objections to claims—Cont'd
 - omnibus objections,
§ 14:174, 14:175
- Classes and classification of
claims, § 14:144, 14:145
- Classification of claims, § 14:142
- Confirmation
 - generally, § 14:170
 - contested matters, § 18:14
 - objections to confirmation,
§ 14:168
 - objection to, § 15:67
 - operating business post-
confirmation, § 14:178
 - order confirming plan and
appointing disbursing
agent, § 14:171
 - single-asset real estate debtors,
preplanning and asset
structuring for, § 2:16
 - trustee's service terminated
upon, § 16:24
- Contested matters, § 18:14
- Conversion or dismissal, creditor
representation, § 15:60
- Cramdown
 - generally, § 14:169
 - creditor representation, § 15:69
- Creditor representation
 - generally, § 15:62 to 15:71
 - alternate plans, § 15:70
 - contesting valuation, § 15:68
 - cramdown, § 15:69
 - disclosure statements, generally,
§ 15:62
 - objections
 - confirmation, § 15:67
 - disclosure statement, § 15:63
 - recourse election, § 15:66
 - soliciting acceptances, § 15:64
- Creditors' committees
 - appointment to, § 15:36, 15:37

CHAPTER 11 PLANS—Cont'd

- Creditors' committees—Cont'd
 - professional persons represent-
ing committee, employing
and compensating, § 15:38
 - working with, § 14:143
- Debtor representation
 - absolute priority rule and "new
value," § 14:150
 - accountant, employment of,
§ 14:141
 - confirmation, generally,
§ 14:170
 - creditors' committee, working
with, § 14:143
 - discharge, § 14:171, 14:183
 - disclosure statements, generally,
§ 14:152 to 14:161
 - distribution under plan,
§ 14:177
 - drafting of plan, § 14:148 to
14:151
 - election under Section 1111(b),
§ 14:149
 - executory contracts and leases,
assumption or rejection,
§ 14:146
 - objections to claims, § 14:173
 - operating business post-
confirmation, § 14:178
 - optional plan provisions,
§ 14:147
- Disbursing agent, order appoint-
ing, § 14:171
- Discharge
 - conversion, § 14:189
 - dismissal, § 14:189
 - individual debtors, § 14:182,
14:183
 - objections and exceptions to,
§ 14:179
- Disclosure statements
 - generally, § 14:152 to 14:161,
15:62

CHAPTER 11 PLANS—Cont'd

Disclosure statements—Cont'd

approval of statement, motion and order, § **14:158**,
14:160, 14:161

choice of chapter as affected by requirement for, § **4:3**

creditor representation, generally, § **15:62**

fixing time for filing acceptances or rejections, § **14:159, 14:160**

form of, § **14:153**

objections to, § **14:157, 15:63**

order and notice approving statement, form of, § **14:160, 14:161**

pleadings related to approval of, § **14:158**

small business cases, § **14:156**
 supplemental material, § **14:162**

Distribution

generally, § **14:177**

creditor representation, § **15:71**

Drafting of plan, § **14:148 to 14:151, 14:151**

Examiner's preparation and filing of, § **16:3**

Examiner's preparation and presenting, § **16:23**

Executory contracts and leases, assumption or rejection, § **14:146**

Final decree and order closing case, § **14:186 to 14:188**

Forms

acceptances or rejections of plan, order and notice fixing time for, § **14:160**

accountant, application to employ, § **14:142**

ballot for plan acceptance or rejection, § **14:166**

confirmation order, § **14:171**

discharge, individual debtor's, motion for entry of order, § **14:183**

CHAPTER 11 PLANS—Cont'd

Forms—Cont'd

disclosure statement, order and notice approving, § **14:160, 14:161**

final decree and order closing case

delayed entry, motion for, § **14:188**

motion, § **14:186**

order, § **14:187**

objections to claims, § **14:176**
 plan, § **14:151**

Individual debtor's discharge, § **14:182, 14:183**

Internal Revenue Service, show cause order as to extinguishment of tax liability, § **14:185**

Liquidation analysis, drafting, § **14:155**

Modification of plan, debtor representation, § **14:172**

Notice

confirmation order, entry of, § **14:163**

modification of plan, § **14:172**

recourse election, § **15:66**

Operating business post-confirmation, § **14:178**

Optional plan provisions, § **14:147**

Recourse election, § **15:66**

Rejections of plan and objections to confirmation, § **14:168**

Show cause order as to extinguishment of tax liability, § **14:185**

Small business debtors, disclosure statement, § **14:156**

Solicitation of plan acceptances generally, § **14:163, 15:64**

letter soliciting acceptances, form of, § **14:164**

Supplemental material, disclosure statements, § **14:162**

Taxes, show cause order as to extinguishment of tax

INDEX

CHAPTER 11 PLANS—Cont'd

liability, § 14:185

Trustees

preparation and filing of plans,
§ 16:2

preparation and presenting plan,
§ 16:23

termination of service upon
confirmation, § 16:24

Valuation, contesting valuation,
§ 15:68

CHAPTER 12

Abandonment of claims, § 12:23

Acceptance by secured claimants,
notice of motion cover sheet,
§ 11:86

Accounts receivable, creditor rep-
resentation, § 12:23, 12:25

Adequate assurance of future per-
formance

creditors' meeting, creditor's
attendance to learn form of
assurance needed, § 12:46

lessor as client, § 12:11

review of plan by creditor's
attorney, § 12:40

utility service, § 11:41

Adequate protection

debtor representation, farm
creditor, § 11:58

interim protection, § 12:10

mortgage creditor representa-
tion, § 12:9

payments, trustees' review of
case, § 13:16

secured creditor as client,
§ 12:23, 12:25, 12:27

Adequate protection payments,
review of case, § 13:16

Adversary proceedings, § 18:1

Appearance or attendance at credi-
tors' meetings, § 12:46,
13:25

Assignment of executory contracts
or unexpired leases, § 12:11,
12:13

CHAPTER 12—Cont'd

Attorneys' fees

contract between attorney and
client, § 11:34, 11:35

disclosure of, § 11:51, 11:52

improper use of cash collateral,
§ 12:23

payment under plan, § 11:55

Automatic stay

generally, § 11:45, 11:46

codebtor stay, relief from,
§ 12:29

cover sheet, notice of motion,
§ 12:30

creditor representation, § 12:11,
12:16, 12:27 et seq.

debtor representation, § 11:45
notice of motion, relief from,
§ 12:30

relief from stay

admissions, request for,
§ 12:36

codebtor stay, § 12:29

cover sheet, notice of motion,
§ 12:30

discovery, § 12:34 to 12:37

forms

cover sheet, notice of
motion, § 12:30

motion for relief, § 12:28,
12:29

notice of motion, § 12:30
stipulations, § 11:88,
11:89, 12:32, 12:33

interrogatories, § 11:91,
11:93, 12:35

lessor as client, § 12:11

mortgage creditor as client,
§ 12:16, 12:27

notice of motion, § 12:30

secured claim holder as cli-
ent, § 12:23, 12:25,
12:27, 12:40

settling motion for relief,
§ 12:31 to 12:33

CHAPTER 12—Cont'd

Automatic stay—Cont'd
 relief from stay—Cont'd
 stipulations, § 11:88, 11:89, 12:32, 12:33
 stipulations regarding relief from, § 11:88, 11:89, 12:32, 12:33
 stipulations regarding termination of, § 12:33
 taxes, effect as to, § 11:40, 11:45
 termination of, § 12:27
 termination of stay, stipulations, § 12:33
 Bank account, § 11:40, 13:23
 Bar date for filing claims, notice of, § 13:11
 Benefits and hazards specific to Chapter 12, § 11:5
 Bonds and undertakings, utility service, § 11:41
 Budget of debtor
 form of, § 11:57
 secured creditor as client, § 12:40
 trustees, § 13:14, 13:19
 unsecured creditor as client, § 12:18
 Burden of proof
 plan confirmation, § 12:40
 relief from automatic stay, § 11:83, 12:27
 relief from stay motions, § 12:25
 valuation of collateral, § 12:26
 Business debtor checklist for meeting of creditors, § 13:21
 Cash collateral, creditor representation, § 12:23, 12:25
 Checking account, § 11:40, 13:23
 Checklists
 creditor client, conference with, § 12:6

CHAPTER 12—Cont'd

Checklists—Cont'd
 debtor client, conference with, § 11:33
 trustee's duties, § 13:9
 Claims
 classification, § 11:25
 creditor considerations and choices, generally, § 12:1, 12:19, 12:37
 foreign or off shore creditors, review by, § 11:81
 form of objection to, debtor representation, § 11:82
 mailing of claim form with notice of commencement of case and creditors' meeting, § 13:11
 monitoring of filing and payment of claims, § 13:10
 mortgage claims
 creditor as client, § 12:9, 12:16
 debtor representation, § 11:25, 11:27 to 11:29
 debtor's residence, generally, § 4:8
 exemptions, homestead mortgage, § 4:10
 farm mortgage creditor, representing, § 12:9
 off shore creditors, review by, § 11:81
 post-petition interest, claim for, § 12:19, 12:37, 12:40
 priority claims
 debtor representation, generally, § 11:25
 wage claimants, § 12:15
 review by debtor's attorney at conclusion of creditors' meeting, § 11:80
 schedules, examination of claims listed in, § 13:19
 secured creditor as client, § 12:23, 12:37, 12:38, 12:40, 12:41

INDEX

CHAPTER 12—Cont'd

Claims—Cont'd
staff preparation during client interview, § 12:4
strip down of claims, § 11:25
time frame, § 12:18, 12:37
wage claimants, § 12:15
Codebtor stay
debtor representation, § 11:45
form of motion for relief from, § 12:29
motion for termination of, § 12:29
Conversion or dismissal, creditor representation, § 12:27, 12:50
Credit counseling, prepetition, § 11:8
Creditor representation
generally, § 12:1 *et seq.*
automatic stay, above
client conference
generally, § 12:2
agenda for discussion, § 12:4
card for recording information, form of, § 12:5
checklist, § 12:6
form of letter confirming conference, § 12:3
scheduling, § 12:2
farm mortgage creditor, representing, § 12:9
intellectual property licensor or licensee as client, § 12:14
lessee as client, § 12:13
lessor as client, § 12:11, 12:12
licensor or licensee as client, § 12:14
mortgage creditor as client, § 12:16
preference action, defense of, § 12:22
relief from stay, § 12:25
reviewing status of case, § 12:51

CHAPTER 12—Cont'd

Creditor representation—Cont'd
secured claim holder as client
cash collateral, preventing improper use of, § 12:23, 12:25
plan
cramdown, § 12:44
objection to confirmation, § 12:42, 12:43
review of, § 12:40
voting on, § 12:41
proof of claim, preparing and filing of, § 12:37
reclamation, § 12:23, 12:24
remedies, § 12:23
valuation, contesting, § 12:26
time frame, § 12:1
unsecured claim holder as client
objections to confirmation, § 12:21
proof of claim, preparation and filing of, § 12:19, 12:20
remedies, § 12:18
wage claimant as client, § 12:15
Credit reporting, § 11:10 *et seq.*
Criminal offenses
checklist for conference with debtor client, § 11:33
trustee's reporting of, § 13:10
Cure of defaults
creditors' meeting, creditor's attendance to learn cure proposed by debtor, § 12:46
executory contracts and unexpired leases, § 11:62
lessee as client, § 12:13
lessor as client, § 12:11, 12:12
mortgagee as client, § 12:11
review of plan by creditor's attorney for curable arrearages, § 12:40

CHAPTER 12—Cont’d

Damages for improper use of cash collateral, § 12:23

Debtor representation

- adequate protection, § 11:58
- amendment of schedules and statement of financial affairs, § 11:53
- American Rescue Plan Act of 2021 (ARPA), § 11:2
- attorneys’ fees
 - contract between attorney and client, § 11:34, 11:35
 - disclosure of, § 11:51, 11:52
- automatic stay, § 11:45
- cancellation of indebtedness, § 11:22
- CARES Act, § 11:2
- checklist for client conference, § 11:33
- client conference
 - generally, § 11:32
 - card for recording information, form of, § 11:12
 - checklist, § 11:33
 - follow-up conference after emergency filing, § 11:13
 - form of letter confirming conference, § 11:14
 - preparing for initial interview, § 11:9
 - scheduling client conference where no emergency filing, § 11:15
- contract between attorney and client
 - generally, § 11:34, 11:35
 - form of, § 11:35
- credit reporting, § 11:10 et seq.
- credit request letter, § 11:11
- cure of defaults, executory contracts and unexpired leases, § 11:62

CHAPTER 12—Cont’d

Debtor representation—Cont’d

- emergency filing
 - confirmation letter, § 11:14
 - follow-up conference, § 11:13
 - information collection, § 11:9
 - questions on initial client contact card, § 11:12
- farm creditor, adequate protection, § 11:58
- identification requirements, § 11:18
- information gathering
 - generally, § 11:17 to 11:21
 - identification requirements, § 11:18
- Social Security card
 - new or replacement, § 11:20
 - notice of correction of number, form, § 11:19
- initial interview
 - preparation for, § 11:9
 - scheduling client conference where no emergency filing, § 11:15
- letter to debtor regarding creditors’ meeting, § 11:78
- meeting of creditors, generally, § 11:77 et seq.
- operating business, § 11:36 to 11:42
- operating report for small farming debtor, § 11:38
- preparing for filing, § 11:1 to 11:32
- questionnaires
 - form, § 11:24
 - use of, § 11:23, 11:24
- relief from stay, § 11:83, 11:86 to 11:93
- schedules, generally, § 11:48
- secured claim holders, § 11:25

INDEX

CHAPTER 12—Cont'd

Debtor representation—Cont'd
Social Security card
 new or replacement, § 11:20
 notice of correction of
 number, form, § 11:19
statement of current income and
 expenses, § 11:53
statement of financial affairs,
 generally, § 11:49
tax claims, § 11:45
trustee, generally, § 11:47
unsecured claim holders,
 § 11:25
Discharge and dischargeability
 cancellation of indebtedness,
 § 11:22
 creditor representation, gener-
 ally, § 12:45
Dismissal or conversion, § 12:27,
 12:50
Distribution, creditor representa-
 tion, § 12:48
Domestic support obligation
 holder, § 13:31
Eligibility to be debtor, § 11:1,
 11:4
Emergency filing
 confirmation letter, § 11:14
 follow-up conference by debt-
 or's attorney, § 11:13
 information collection, § 11:9
 questions on initial client
 contact card for debtor's
 attorney, § 11:12
Evictions, § 11:6
Executory contracts and unexpired
 leases
 assumption or rejection
 creditors' meeting, creditor's
 attendance to determine
 debtor's intent to accept
 or reject, § 12:46
 lessee as client, § 12:13
 lessor as client, § 12:11

CHAPTER 12—Cont'd

Executory contracts and unexpired
 leases—Cont'd
 cure of defaults, § 11:62
Exemptions
 need for care in selecting, § 4:7
 objections by secured creditor,
 § 12:29
 review of exemptions claimed
 in schedule, § 12:40
 schedule, debtor representation,
 § 11:63
 spillover exemption provisions,
 use instead of homestead
 exemption, § 4:10
 spousal exemption and tax
 privacy waiver, § 13:22
 trustee's role relating to,
 § 13:10
Farm creditor, debtor representa-
 tion, § 11:58
Farming debtor
 generally, § 11:37 to 11:39
 budget for debtor, forms,
 § 11:57
 nonfarming business, § 11:39
 operating reports, forms,
 § 11:37 to 11:39
 small farming debtor, operating
 reports, § 11:38
Farm mortgage creditor, represent-
 ing, § 12:9
Filing fees
 generally, § 11:44
 installment payment of, § 13:10
Foreign or off shore creditors,
 claims review by, § 11:81
Forms
 acceptance by secured claim-
 ants
 cover sheet, notice of motion,
 § 11:86
 notice of motion, cover sheet,
 § 11:86

CHAPTER 12—Cont'd

Forms—Cont'd
attorneys' fees, disclosure of,
§ 11:52
automatic stay
stipulations concerning
modification of or relief
from, § 12:32
termination of stipulations,
§ 12:33
automatic stay, relief from
cover sheet, notice of motion,
§ 12:30
motion for relief, § 12:28,
12:29
notice of motion, cover sheet,
§ 12:30
stipulations, § 12:32, 12:33
budget for farming debtor,
§ 11:57
business debtor checklist for
meeting of creditors,
§ 13:21
client conference
card for recording informa-
tion, § 11:12, 12:5
emergency conference
confirmation letter,
§ 11:14
letter confirming, § 11:14,
11:16, 12:3
codebtor stay, motion for
termination of, § 12:29
confirmation order, § 13:29
creditors' meeting and
confirmation hearing, letter
to debtor regarding,
§ 11:78
credit request letter, § 11:11
discovery, § 11:91 to 11:93,
12:35, 12:36
dismissal of case, trustee's
motion for, § 13:18
individual debtor checklist for
meeting of creditors,
§ 13:20

CHAPTER 12—Cont'd

Forms—Cont'd
interrogatories
overstated mortgage claim,
§ 11:28
relief-from-stay proceedings,
§ 11:91, 11:93, 12:35
sanctions for creditor abuse,
§ 11:30
judicial notice, request for,
§ 11:85
letter transmitting proof of
claim to creditor, § 12:20
lien avoidance motion, § 11:65
list of creditors, § 11:24, 11:31
notice of motion, cover sheet,
§ 11:86, 12:30
objection to proofs of claim,
§ 11:82
operating report
generally, § 11:37 to 11:39
nonfarming business, § 11:39
small farming debtor, § 11:38
questionnaire for debtor,
§ 11:24
relief from stay
interrogatories, § 12:35
motion, § 12:28
relief from stay, interrogatories,
§ 11:91, 11:93, 12:35
report of trustee at conclusion
of meeting, form of,
§ 13:27
request for admissions
generally, § 11:27
relief-from-stay proceedings,
§ 11:92, 12:26, 12:36
request for notices, § 12:8
request for production of docu-
ments regarding overstated
mortgage claim, § 11:29
RESPA request letter, § 11:26
spousal exemption and tax
privacy waiver, § 13:22

INDEX

CHAPTER 12—Cont'd

- Fraud, conversion or dismissal on ground of, § 12:50
- Fraudulent transfers or conveyances
 - checklist of questions for creditor client, § 12:6
 - defending action, § 12:39
- Grain storage facilities, reclamation, § 12:24
- Hazards and benefits specific to Chapter 12, § 11:5
- Hearings
 - cash collateral hearings, § 12:25
 - conversion, dismissal or removal of debtor in possession, § 12:50
 - valuation of collateral, § 12:26
- Identification requirements, debtor representation, § 11:18
- Identification requirements, trustees
 - generally, § 13:6
 - monthly tracking form, § 13:8
 - report, form, § 13:7
- Immunity and Fifth Amendment, § 11:71
- Individual debtor checklist for meeting of creditors, § 13:20
- Information gathering, debtor representation, § 11:17 to 11:21
- Initial interview, § 11:9
- Injunctions
 - debtor's use of leased premises until lease accepted or rejected, § 12:11
 - intellectual property information, § 12:14
- Insurance
 - cash collateral agreements, § 12:25
 - farm mortgage creditor, representing, § 12:9
- Intellectual property licensor or licensee as client, § 12:14

CHAPTER 12—Cont'd

- Joint petitions
 - debtor representation, § 11:44
 - trustees, § 13:12
- Jurisdiction challenged on ground lease terminated, § 12:11
- Lessee as client, § 12:13
- Lessor as client, § 12:11, 12:12
- List of creditors, debtor representation
 - generally, § 11:28, 11:33
 - filing with petition, § 11:44
 - form, § 11:31
 - noticing creditors, § 11:45, 11:46
- Meeting of creditors
 - creditor representation
 - generally, § 12:46
 - lessor representation, § 12:11, 12:12
 - questions for examination of debtor, § 12:47
 - debtor representation
 - generally, § 11:77 et seq.
 - form of letter to debtor regarding meeting, § 11:78
 - preparing debtor for meeting, § 11:77
 - scope of meeting, § 11:79
- Modification of rights of secured creditors, § 12:16
- Mortgage claims
 - creditor as client, § 12:16
 - debtor representation, § 11:27 to 11:29
 - debtor's residence, generally, § 4:8
 - exemptions, homestead mortgage, § 4:10
 - farm mortgage creditor, representing, § 12:9
- Notice
 - amendment of schedules, debtor representation, § 11:53

CHAPTER 12—Cont'd

Notice—Cont'd
 creditor representation
 cash collateral, § 12:25
 request for notices, § 12:7,
 12:8
 creditors, notice to, § 11:45,
 11:46
 Notice of motion
 cover sheet, form, § 11:86,
 12:30
 form of motion, cover sheet,
 § 11:86, 12:30
 Off shore creditors, claims review
 by, § 11:81
 Operating business, debtor repre-
 sentation, § 11:36 to 11:42
 Operating reports of debtor
 generally, § 11:36 to 11:39
 creditor representation, § 12:16,
 12:40
 debtor representation, forms,
 § 11:37 to 11:39
 mortgagee as client, § 12:16
 small farming debtor, § 11:38
 trustees, § 13:14, 13:15, 13:19,
 13:24
 Personal property, lessor as client,
 § 12:12
 Petition
 generally, § 11:43 to 11:46
 preparing for filing, § 11:1 to
 11:32
 Plan, lease, adequate protection
 payments; trustees, § 13:16
 Plans. **Chapter 12 Plans** (this
 index)
 Post-confirmation default by
 debtor, § 13:33
 Post-petition interest, claim for,
 § 12:19, 12:37, 12:40
 Preference actions, defense of,
 § 12:22
 Preferences
 checklist of questions for credi-
 tor client, § 12:6

CHAPTER 12—Cont'd

Preferences—Cont'd
 jury trial rights as waived by
 filing proof of claim,
 § 12:19
 secured creditor, defending
 action against, § 12:38
 undersecured creditor, defend-
 ing action against, § 12:22
 Prepetition credit counseling,
 § 11:8
 Preplanning and asset structuring,
 § 2:18, 2:23
 Priority claims
 debtor representation, generally,
 § 11:25
 wage claimants, § 12:15
 Proofs of claim. Claims, above
 Questions
 conference with creditor client,
 § 12:6
 creditors' meeting
 creditor's questions for
 debtor at, § 13:25
 trustee's questions for debtor,
 § 13:26
 debtor representation question-
 naire, § 11:23, 11:24
 Removal of debtor in possession,
 § 12:50
 Reports
 operating reports of debtor,
 above
 trustees
 generally, § 11:109
 creditors' meeting, trustees
 report at conclusion of,
 § 13:27
 final report and accounting,
 § 13:1, 13:30
 Representing pawnbroker, § 12:17
 Request for notices, creditor repre-
 sentation, § 12:7, 12:8
 Resources, further review, § 11:7

INDEX

CHAPTER 12—Cont'd

Schedules

cash collateral usage, § 12:25

client conference, § 11:15,
11:16

current income and
expenditures, § 11:50

debtor representation, § 11:48

follow-up conference by debt-
or's attorney after emer-
gency filing, § 11:13

mortgagee as client, § 12:16

review of schedules by credi-
tor's attorney, § 12:40

trustee's examination of,
§ 13:10, 13:14, 13:19

valuation of collateral, § 12:26

Sealing of sensitive intellectual
property information, § 12:14

Secured claim holder as client

cash collateral, preventing
improper use of, § 12:23,
12:25

proof of claim, preparing and
filing of, § 12:37

reclamation, § 12:23, 12:24

relief from stay, § 12:23, 12:25,
12:27, 12:40

remedies, § 12:23

valuation

cash collateral, § 12:25

contesting, § 12:26

Secured claim holders, debtor rep-
resentation, § 11:25

Sequestration, creditor representa-
tion, § 12:25

Setoff against rent, lessee as cli-
ent, § 12:13

Sharecropping, lessee as client,
§ 12:13

Social Security card

new or replacement, § 11:20

notice of correction of number,
form, § 11:19

Sovereign immunity, § 11:80

CHAPTER 12—Cont'd

Spousal exemption and tax

privacy waiver, § 13:22

Spouses, joint petitions

debtor representation, § 11:44

trustees, § 13:12

Statement of financial affairs

amendment of, § 11:53

debtor representation, generally,
§ 11:49

follow-up conference after
emergency filing, § 11:13

Strip down of claim, debtor repre-
sentation, § 11:25

Surrender of property, creditor
representation

intellectual property held by
third parties, § 12:14

motion for order compelling,
§ 12:11

Taxation

bank deposits, separate account
for tax deposits, § 11:40

cancellation of indebtedness
and 1099 reporting forms,
§ 11:22

debtor representation, generally,
§ 11:42

Taxes

bank deposits, separate account
for tax deposits, § 11:40

cancellation of indebtedness
and 1099 reporting forms,
§ 11:22

debtor representation, generally,
§ 11:42, 11:105, 11:108

post-bankruptcy counseling and
tax returns by trustee,
§ 11:108

show cause order as to
extinguishment of tax
liability, § 11:104, 11:105

withholding taxes, § 11:42

Trustees

generally, § 11:47, 13:1 et seq.

CHAPTER 12—Cont'd

Trustees—Cont'd

- adequate protection payments, § 13:16
- appointment, § 13:3
- automatic stay, new exceptions, § 13:2
- budget of debtor, § 13:14, 13:19
- Chapter 7, comparison of role to that of trustee in, § 13:13
- Chapter 13, comparison of role to that of trustee in, § 13:1, 13:30
- checklist of duties, § 13:9
- claims
 - mailing of proof of claim form with notice of commencement of case and creditors' meeting, § 13:11
 - monitoring of filing and payment of claims, § 13:10
 - schedules, examination of claims listed in, § 13:19
- compensation, § 13:3, 13:30
- creditors' meeting
 - generally, § 13:19
 - checklist of duties, § 13:9
 - location of, § 13:11, 13:25
 - notice of, § 13:11, 13:25
 - preparation for, § 13:19
 - presiding officer, § 13:11, 13:25
 - questions for trustee's examination of debtor, § 13:26
 - recording of proceedings at, § 13:11, 13:25
 - report of trustee at conclusion of meeting, § 13:27
 - scope of, § 13:25
 - time of, § 13:25
- disinterest requirement, § 13:4
- dismissal of case, § 13:1
 - generally, § 13:17

CHAPTER 12—Cont'd

Trustees—Cont'd

- dismissal of case, § 13:1
 - Cont'd
 - form of motion for dismissal, § 13:18
- duties, checklist, § 13:9
- emergency filings of petitions, § 13:17
- fees, § 13:3, 13:30
- final report and accounting, generally, § 13:1, 13:30
- forms
 - dismissal of case, motion for, § 13:18
 - report of trustee at conclusion of meeting, form of, § 13:27
- identification requirements
 - generally, § 13:6
 - monthly tracking form, § 13:8
 - report, form, § 13:7
- joint petitions, § 13:12
- lease, review of case, § 13:16
- notice of commencement of case and meeting of creditors, § 13:11
- operating reports of debtor, § 13:14, 13:15, 13:19, 13:24
- payment to mortgage lender outside plan, § 12:16
- petition
 - generally, § 13:12
 - emergency filings, § 13:17
- plan, lease, adequate protection payments, § 13:16
- plan, review of case, § 13:16
- property of estate, § 13:19
- questions to be asked debtor by trustee at creditors' meeting, § 13:26
- records, review by counsel, § 12:51

INDEX

CHAPTER 12—Cont'd

Trustees—Cont'd

reports

generally, § 11:109

creditors' meeting, trustees
report at conclusion of,
§ 13:27

final report and accounting,
§ 13:1, 13:30

review of case

generally, § 13:10 to 13:16

adequate protection pay-
ments, § 13:16

lease, § 13:16

notice of commencement of
case and meeting of
creditors, § 13:11

petition, § 13:12

plan, § 13:16

schedules, trustee's examina-
tion of, § 13:14

statement of financial affairs,
trustee's examination of,
§ 13:13

role, generally, § 13:5, 13:9

schedules, trustee's examination
of, § 13:10, 13:14, 13:19

spouses, joint petitions, § 13:12

statement of financial affairs,
trustee's examination of,
§ 13:13

tax returns, filing of state and
local

generally, § 11:108, 12:51,
13:1, 13:24

review of records by credi-
tor's counsel, § 12:51

valuation of assets, schedules as
providing debtor's estimate
of value, § 13:14

websites, staying current, § 13:2

Unsecured claim holder as client

debtor representation, § 11:25
objections to confirmation,
§ 12:21

CHAPTER 12—Cont'd

Unsecured claim holder as client

—Cont'd

proof of claim, preparation and
filing of, § 12:19, 12:20

remedies, § 12:18

Unsecured creditor as client,
defense of preference action,
§ 12:22

Utility service, debtor representa-
tion, § 11:41

Valuation

cash collateral, § 12:25

contesting in behalf of secured
claim holder as client,
§ 12:26

creditor representation, § 12:25

debtor representation, § 11:83
review of plan by creditor's
attorney, § 12:40

review of records by creditor's
attorney, § 12:51

schedules as providing debtor's
estimate of value, § 13:14

Wage claimant as client, § 12:15

Water suppliers, debtor representa-
tion, § 11:41

Withholding taxes, § 11:42

CHAPTER 12 PLANS

Absolute priority rule

debtor representation, § 11:60,
11:61, 11:97

objections to confirmation
based on, § 11:61, 11:97

unsecured creditor as client,
§ 12:18, 12:21

Acceptance of plan by secured
claimants, debtor representa-
tion, § 11:84 to 11:86

Adequate assurance of future per-
formance, review of plan by
creditor's attorney, § 12:40

Adequate protection pending
confirmation, debtor repre-
sentation, § 11:25

CHAPTER 12 PLANS—Cont'd

Administrative claims, debtor representation, § 11:55

Administrative convenience class of claims, debtor representation, § 11:55

Amendment of plan, debtor representation, § 11:58, 11:97, 11:102

Arrearages, debtor representation, § 11:61

Attorneys' fees, payment under plan, § 11:55

Automatic stay, seeking relief where plan payments in default, § 12:49

Avoidance of liens impairing exemptions, debtor representation, § 11:64

Budget
form of, § 11:57
preparation of, § 11:55, 11:56

Burden of proof, confirmation, § 12:40

Checklist for debtor representation, § 11:72 to 11:74

Checks for plan payments, § 11:100, 13:30

Claims
administrative claims, debtor representation, § 11:55
administrative convenience class of claims, debtor representation, § 11:55
classification and treatment, debtor representation, § 11:55

Classification of claims, debtor representation, § 11:55

Confirmation
generally, § 11:98
best efforts test, § 12:21, 12:40
burden of proof, § 12:40
contested matters, § 18:14
credit after confirmation, § 11:110

CHAPTER 12 PLANS—Cont'd

Confirmation—Cont'd
debtor representation
objections to, § 11:61, 11:97
res judicata, confirmation order as, § 11:102
difficulty in surviving until, § 4:4
disposable income requirements, § 11:97, 12:21
form of order of, § 11:99, 13:29
hearing
appearance by objecting creditors, § 11:97
attorney for debtor, role at hearing, § 13:28
preparing debtor for, § 11:77
questions for debtor, list of, § 11:96
scope of, § 11:79, 11:95
trustee's role at, § 13:28

objection to
bad-faith amended plans, § 12:49
debtor representation, § 11:97
excessive living costs, § 12:40
form of objection, § 12:43
hearing, § 12:42
more definite statement motion, § 11:97
mortgage creditor as client, § 12:16
secured claim holder as client, § 12:23, 12:42, 12:43
time frame, § 12:21, 12:42
unsecured creditor as client, § 12:18, 12:21
res judicata, confirmation order as, § 11:102

Contested matters, § 18:14

Conversion or dismissal
creditor representation, § 12:27, 12:50

INDEX

CHAPTER 12 PLANS—Cont'd

- Conversion or dismissal—Cont'd
 - debtor representation, § 11:107
- Counseling of debtor by trustee
 - post-bankruptcy, § 11:108
 - post-confirmation, § 13:32
- Countryman definition, § 11:62
- Cramdown, debtor representation, § 11:94
- Credit after confirmation, § 11:110
- Creditor representation
 - secured claim holder as client, below
 - unsecured claim holder as client, below
- Cure of defaults
 - creditor representation, review of plan for curable arrearages, § 12:40
 - debtor representation, § 11:55, 11:61, 11:64, 11:100, 11:106
 - hardship discharge, § 11:106
 - mortgage creditor as client, § 12:16
 - review of plan by creditor's attorney for curable arrearages, § 12:40
- Debtor representation
 - checklist, § 11:72 to 11:74
 - confirmation, generally, § 11:95 et seq.
 - farm creditor, § 11:58
 - follow-up conference after emergency filing, § 11:13, 11:14
 - letter to debtor regarding confirmation hearing, § 11:77, 11:78
 - preparation of plan, § 11:54 to 11:76
 - questions for debtor at confirmation hearing, list of, § 11:96
 - secured claim holders, § 11:55

CHAPTER 12 PLANS—Cont'd

- Default by debtor post-confirmation, creditor representation, § 12:48, 12:49
- Discharge
 - generally, § 11:104
 - debtor representation, generally, § 11:73, 11:104, 11:106
 - distribution on unsecured claims equaling that which would have been made under Chapter 7, § 11:97, 11:104, 11:106
 - hardship discharge, § 11:106
- Dischargeability of debts
 - generally, § 11:66 to 11:70, 11:104
 - debtor representation, generally, § 11:104, 11:106
 - domestic support obligations, § 11:69
 - educational loans, § 11:68, 11:104
 - hardship discharge, § 11:104, 11:106
 - overpayment, § 11:68
 - taxes, § 11:67
- Discretionary income, debtor representation, § 11:59
- Dismissal. Conversion or dismissal, above
- Distribution
 - trustees, § 13:1, 13:30
 - unsecured claims, distribution equaling which would have been made under Chapter 7, § 11:97, 11:106
- Domestic support obligations, dischargeability of debts, § 11:69
- Educational loans, dischargeability of debts, § 11:68, 11:104
- Employer payment to trustee, form of order for, § 11:101

CHAPTER 12 PLANS—Cont'd

Executory contracts and unexpired leases, debtor representation, § 11:62

Exemptions

- avoidance of liens impairing, debtor representation, § 11:64
- confirmation hearing, debtor representation, § 11:63
- debtor representation, generally, § 11:63, 11:64
- review of exemptions claimed in schedule, § 12:40

Farm creditor, debtor representation, § 11:58

Forms

- confirmation hearing and creditors' meeting, letter to debtor regarding, § 11:78
- confirmation order, § 11:99, 13:29
- employer payment to trustee, order for, § 11:101
- objection to confirmation, § 12:43
- plan, § 11:74

Good faith in proposing plan, § 11:94

Hardship discharge, § 11:104, 11:106

Hearings, objection to confirmation, § 12:42

Interest on secured claims, § 11:58

Interim plan payments, § 13:23

Liens impairing exemptions, avoidance of, debtor representation, § 11:64

Modification of plan, debtor representation, § 11:97, 11:100, 11:102

Mortgage claims, debtor representation, § 11:55

New value exception to absolute priority rule, debtor representation, § 11:60, 11:97

CHAPTER 12 PLANS—Cont'd

Notice

- discharge
 - generally, § 11:104
 - hardship discharge, § 11:104, 11:106
- objection to modification of plan, time for, § 11:102

Operating reports of debtor, § 13:14, 13:24

Overpayment, dischargeability of debts, § 11:68

Payment

- generally, § 12:48
- counseling when payments not made, § 11:100
- debtor representation, § 11:100
- dismissal when payments not made, § 11:64, 11:100
- mortgage lender paid outside plan, § 12:16

Plan, lease, adequate protection payments; trustees, § 13:16

Post-bankruptcy counseling and tax returns by trustee, § 11:108

Post-confirmation credit, § 11:110

Post-petition debts, § 11:103

Rejection of plan

- generally, § 12:41
- mortgage creditor as client, § 12:16

Reports of trustee and debtor, § 11:109

Secured claim holder as client

- cramdown, § 12:44
- objection to confirmation, § 12:42, 12:43
- review of plan, § 12:40
- voting on plan, § 12:41

Secured claim holders, debtor representation, § 11:55

Show cause order as to extinguishment of tax liability, § 11:104, 11:105

INDEX

CHAPTER 12 PLANS—Cont'd

Spouse's choice of state or federal exemptions, § **11:63**
Status of case, reviewing, § **11:109**
Summary of plan, § **11:75, 11:76**
Taxes
 bank deposits, separate account for tax deposits, § **11:40**
 cancellation of indebtedness and 1099 reporting forms, § **11:22**
 debtor representation, generally, § **11:42, 11:105, 11:108**
 post-bankruptcy counseling and tax returns by trustee, § **11:108**
 show cause order as to extinguishment of tax liability, § **11:104, 11:105**
 withholding taxes, § **11:42**
Trustees
 generally, § **13:5**
 confirmation hearing, § **13:28**
 counseling of debtor post-confirmation, § **13:32**
 disbursement of plan payments, § **13:1, 13:30**
 discharge, obtaining statement as to plan payments and disbursements, § **11:104**
 interim plan payments, § **13:23**
 monitoring progress toward presentation of plan, § **13:1**
 operating reports of debtor, § **13:14, 13:15, 13:19, 13:24**
 post-bankruptcy counseling and tax returns by trustee, § **11:108**
 preconfirmation plan payments, § **13:23**
 receipt of plan payments, § **13:1**
 surcharge for default in distributing plan payments, § **12:48**

CHAPTER 12 PLANS—Cont'd

Unsecured claim holder as client generally, § **11:55**
distribution on unsecured claims equaling that which would have been made under Chapter 7, § **11:97, 11:106**
objections to confirmation, § **12:21**
Valuation
 cramdown, § **12:44**
 review of plan by creditor's attorney, § **12:40**
Voting on plan, § **12:41**

CHAPTER 13

Adequate protection
 payments, post-petition plan, § **10:32**
 post-petition plan, lease, and adequate protection payments, § **8:15, 9:15**
 utility service, § **8:59**
Adversary proceedings, § **18:1**
Amendment of schedules and statement of financial affairs, § **8:67**
Appearance or attendance at confirmation hearings, § **10:5**
Attorney-client contract, § **8:53, 8:54**
Attorneys' fees
 contract between attorney and client, § **8:53, 8:54**
 disclosure of, § **8:71**
Automatic stay
 BAPCPA exceptions, § **8:112**
 evictions, § **9:9**
 exceptions, § **9:4 to 9:11**
 government agencies, § **9:11**
 ineligible debtor, § **9:10**
 liens and security interests, post-petition perfection and enforcement of, § **9:60**
 loan obligations, § **9:7**

CHAPTER 13—Cont'd

Automatic stay—Cont'd
 past-due rent, § 9:9
 pawn-related obligations, § 9:8
 pension plans, § 9:7
 relief from
 creditor representation,
 § 9:59
 debtor representation,
 § 8:108 to 8:110
 retirement plans, § 9:7
 serial filings, stay protection,
 § 8:5
 serial filings, termination of
 stay, § 8:111, 9:3
 Avoidance, trustees, § 10:17
 Bad faith, serial filings, § 8:6
 Bank account, § 8:58, 10:40
 BAPCPA
 Chapter 13 relief, § 8:1
 homestead exemption cap,
 § 8:89
 schedule changes, § 8:47
 Budget of debtor
 preparation of budget
 generally, § 8:74 to 8:82
 commitment period for plan,
 § 8:78
 discretionary income, § 8:76
 distribution to creditors, rela-
 tion to, § 8:75
 small business debtor, § 8:77
 trustee's use of, § 10:15, 10:16
 Cancellation of indebtedness,
 § 8:46
 Chapter 20 (this index)
 Checking account, § 8:58
 Checklists
 creditor client, conference with,
 § 9:29
 debtor client, conference with,
 § 8:38
 trustee's duties, § 10:7

CHAPTER 13—Cont'd

Claims
 examination of proofs of claim
 by trustee, § 10:5
 monitoring of filing and pay-
 ment of claims, § 10:15
 mortgage creditor as client,
 § 9:42
 objecting to proofs of claim,
 § 8:140, 8:141
 priority claims
 debtor representation, § 8:51
 wage claimants, § 9:41
 review by debtor's attorney,
 § 8:90
 unsecured creditor as client,
 § 9:44 to 9:47
 wage claimants, § 9:41
 Client conference
 generally, § 8:37
 agenda for discussion, § 9:27
 checklists, § 8:38, 9:29
 creditor, representing, § 9:25 to
 9:30
 declining representation, § 9:30
 information gathering, § 8:39 to
 8:44
 interrogatories, motion for sanc-
 tions regarding possible
 creditor abuse, § 8:41
 scheduling, § 8:35, 8:36, 9:25
 Closing case, § 8:147, 10:42,
 10:43
 Continuances, creditors' meeting,
 continuance by trustee,
 § 10:29
 Conversion or dismissal
 creditor representation, § 9:2,
 9:67
 debtor representation, § 8:12,
 8:13
 mortgage valuation upon
 conversion, § 8:83
 Conversion or dismissal, pre-peti-
 tion credit counseling,
 § 10:18

INDEX

CHAPTER 13—Cont'd

- Counseling
 - mandated pre-petition credit counseling, § 10:18
 - post-bankruptcy, § 8:150
 - prepetition credit counseling
 - generally, § 8:9 to 8:14, 9:2
 - disability exemption, § 8:10
 - exigent circumstances, extension based on, § 8:11
 - forms, debtor's certification of prepetition credit counseling, § 8:14
 - procedure, § 8:13
 - by trustee, § 10:5
- Creditor representation
 - generally, § 9:1 et seq.
 - client conference
 - generally, § 9:25
 - agenda for discussion, § 9:27
 - card for recording information, form of, § 9:28
 - checklist, § 9:29
 - form of letter confirming conference, § 9:26
 - contents of plan, § 9:17
 - discharge and dischargeability issues, § 9:48
 - exceptions to automatic bankruptcy stay, additional, § 9:6 to 9:11
 - farmer as client, § 9:36
 - fisherman as client, § 9:36
 - fraudulent transfers, defending actions to recover, § 9:61
 - intellectual property licensor or licensee as client, § 9:37
 - length of plan, § 9:16
 - lessee as client, § 9:35
 - lessor as client, § 9:33, 9:34
 - licensor or licensee as client, § 9:37
 - lienstripping/bifurcation inapplicable, § 9:12 to 9:14

CHAPTER 13—Cont'd

- Creditor representation—Cont'd
 - means test and Chapter 13, § 9:24
 - mortgage creditor as client, § 9:42
 - post-petition perfection and enforcement of liens and security interests, § 9:60
 - preference actions, defense of, § 9:52
 - prepetition credit counseling, dismissal and, § 9:2
 - relief from stay, § 9:41
 - reviewing status of case, § 9:70
 - secured claim holder as client
 - proof of claim, preparing and filing of, § 9:51
 - reclamation, § 9:50
 - remedies, § 9:49
 - serial filings, mandated and automatic stay terminations, § 9:3
 - tenant as client, § 9:35
 - unsecured claim holder as client
 - objections to confirmation, § 9:46
 - proof of claim, preparation and filing of, § 9:45
 - wage claimant as client, § 9:41
- Creditors' meeting. Meeting of creditors, below
- Credit reporting
 - generally, § 8:30
 - credit request letter, § 8:31
 - initial client contact card, § 8:29
- Debt limit on eligibility to file, § 10:13
- Debtor representation
 - generally, § 8:1 et seq.
 - American Rescue Plan Act of 2021 (ARPA), § 8:22
 - attorney-client contract, § 8:53, 8:54

CHAPTER 13—Cont'd

Debtor representation—Cont'd
 attorneys' fees
 contract between attorney
 and client, § 8:53, 8:54
 form for disclosure of, § 8:71
 BAPCPA and Chapter 13 relief,
 § 8:1
 cancellation of indebtedness,
 § 8:46
 CARES Act, § 8:22
 checklist for client conference,
 § 8:38
 client conference
 generally, § 8:37
 card for recording informa-
 tion, form of, § 8:29
 checklist, § 8:38
 follow-up conference after
 emergency filing, § 8:33
 form of letter confirming
 conference, § 8:36
 preparing for initial
 interview, § 8:28, 8:29
 scheduling client conference
 where no emergency
 filing, § 8:35
 contract between attorney and
 client
 generally, § 8:53
 form of, § 8:54
 credit reporting, above
 debt relief agencies, § 8:3
 emergency filing
 follow-up conference, § 8:33
 questions on initial client
 contact card, § 8:29
 information gathering, below
 initial interview
 preparation for, § 8:28, 8:29
 scheduling client conference
 where no emergency
 filing, § 8:35
 letter to debtor regarding credi-
 tors' meeting and

CHAPTER 13—Cont'd

Debtor representation—Cont'd
 confirmation hearing,
 § 8:121
 means test, below
 meeting of creditors, generally,
 § 8:120 to 8:126
 objecting to proofs of claim,
 § 8:140
 operating business, § 8:55 to
 8:60
 preparing for filing, § 8:1 et
 seq.
 prepetition credit counseling
 generally, § 8:9 to 8:14
 disability exemption, § 8:10
 exigent circumstances, exten-
 sion based on, § 8:11
 forms, debtor's certification
 of prepetition credit
 counseling, § 8:14
 procedure, § 8:13
 priority claims, § 8:52
 questionnaires
 forms, § 8:49, 8:50
 use of, § 8:48
 relief from stay, § 8:113 to
 8:115, 11:87 to 11:93
 schedules, generally, § 8:66
 secured claim holders, § 8:51,
 8:52
 serial filings, mandated and
 automatic stay termina-
 tions, § 8:111
 standing requirements, § 8:2
 statement of financial affairs,
 generally, § 8:69
 trustee, § 8:65
 unsecured claim holders,
 § 8:51, 8:52
 Debtor with sudden reduction of
 income, means test, § 8:20
 Debt relief agencies, § 8:3
 Disability exemption, prepetition
 credit counseling, § 8:10

INDEX

CHAPTER 13—Cont'd

- Discharge and dischargeability
 - generally, § 9:48
 - cancellation of indebtedness, § 8:46
 - creditor representation, § 9:48
 - nondischargeability, § 8:146, 9:64, 9:66
 - serial filings and loss of discharge, § 8:7
 - statutory bars to discharge, § 9:65
- Discretionary income, trustee's consideration of, § 10:16
- Dismissal. Conversion or dismissal, above
- Disposable income
 - choice of chapter as affected by potential for future increases of income, § 4:2
 - means test, Forms B122C-1 and 2 disposable income, § 8:17
- Distribution, creditor representation, § 9:69
- Domestic support creditor, representing, § 9:38
- Domestic support obligations, § 8:21, 9:6, 9:39
- Eligibility to be debtor, § 10:13
- Emergency filings
 - confirmation letter, § 8:34
 - follow-up conference, § 8:33
 - hazards, § 8:32
- Evictions, automatic stay, § 9:9
- Exemptions
 - spouses to select single set of exempt property, § 10:13
 - trustee's role relating to, § 10:15
- Exempt property, § 8:88
 - choosing exemptions, § 8:87
 - homestead exemption, BAPCPA cap, § 8:89

CHAPTER 13—Cont'd

- Exigent circumstances, extension based on; prepetition credit counseling, § 8:11
- Extension based on exigent circumstances, prepetition credit counseling, § 8:11
- Farmer as creditor client, § 9:36
- Fee disclosure
 - generally, § 8:70
 - compensation, disclosure under FRBP 2016, § 8:71
- Filing, petition preparation, § 8:63
- Filing fees, § 10:15, 10:16
- Final report and accounting, § 10:43
- Financial affairs, statement of
 - generally, § 8:69
 - amendment, § 8:67
- Fisherman as creditor client, § 9:36
- Forms
 - attorneys' fees, disclosure of, § 8:71
 - budget for small business debtor, § 8:77
 - client conference
 - card for recording information, § 8:29, 9:28
 - letter confirming, § 8:36, 9:26
 - completion of prepetition credit counseling, debtor's certification, § 8:14
 - contract between attorney and client, § 8:54
 - creditors' meeting and confirmation hearing, letter to debtor regarding, § 8:121
 - credit request letter, § 8:31
 - dismissal of case, trustee's motion for, § 10:19
 - final report and accounting, § 10:43

CHAPTER 13—Cont'd

Forms—Cont'd

- Forms B122C-1 and 2 and the non-filing spouse, § **8:72**
- interrogatories
 - overstated mortgage claim, § **8:93**
 - relief from stay, § **8:117, 8:119**
 - sanctions for creditor abuse, § **8:41**
- list of creditors, § **8:52**
- means test, Forms B122C-1 and 2 disposable income, § **8:17**
- objection to proof of claim, § **8:91, 8:141**
- operating report, § **8:56, 8:57**
- order closing estate and finding no taxes due, § **10:44**
- questionnaires for debtor, § **8:49, 8:50**
- report of trustee at conclusion of meeting, form of, § **10:30**
- request for admissions
 - overstated mortgage claim, § **8:92**
 - relief from stay proceeding, § **8:118**
- request for notices, § **9:32**
- request for production of documents regarding overstated mortgage claim, § **8:94**
- RESPA request letter, § **8:85**
- show cause order as to extinguishment of tax liability, § **8:148**
- stay relief motions, response to, § **8:109, 8:110**
- Fraudulent transfers or conveyances, defense of actions to recover, § **9:61**
- Government agencies, automatic stay, § **9:11**

CHAPTER 13—Cont'd

- Hearings, appearance or attendance at confirmation hearings, § **10:5**
- Homestead exemption, BAPCPA cap, § **8:89**
- Identification requirements, § **8:42 to 8:45**
- Information gathering
 - generally, § **8:39 to 8:44**
 - debtor identification requirements, § **8:42 to 8:45**
 - identification requirements, § **8:42 to 8:45**
 - purchase money security interest documentation, § **8:40**
- Social Security
 - number, notice of correction, § **8:43**
 - replacement or new card, obtaining, § **8:44**
- Initial interview, preparing for, § **8:28, 8:29**
- Intellectual property licensor or licensee as creditor client, § **9:37**
- Interrogatories. Forms, above
- Joint debtors, serial filings, § **8:8**
- Joint petitions, trustees, § **10:13**
- Judicial lien avoidance, § **9:39**
- Leases
 - adequate protection payments, post-petition plan, § **8:15**
 - commercial property, post-petition plan, § **8:27**
 - defaulted lease, eviction proceeding, § **8:26**
 - post-petition plan, § **8:1, 8:27, 9:15, 10:32**
 - residential and personal property, § **8:25**
- Lessee as creditor client, § **9:35**
- Lessor as creditor client, § **9:33, 9:34**

INDEX

CHAPTER 13—Cont'd

- Lien avoidance
 - generally, § 8:95
 - procedure for determining avoidability, § 8:96
- Liens and security interests, post-petition perfection and enforcement of, § 9:60
- List of creditors, form, § 8:52
- Loan obligations, exceptions to automatic stay, § 9:7
- Mandated pre-petition credit counseling, § 10:18
- Means test
 - generally, § 8:16 to 8:21, 9:24
 - convicted debtors, domestic support obligations, § 8:21
 - debtors with sudden reduction of income, § 8:20
 - means test, Forms B122C-1 and 2 disposable income, § 8:17
 - non-filing spouse, § 8:18
 - special debtors, § 8:18 to 8:21
 - veterans, § 8:19
- Meeting of creditors
 - creditor representation
 - generally, § 9:62
 - questions for examination of debtor, § 9:63
 - debtor representation
 - generally, § 8:120 to 8:126
 - business debtor checklist, § 8:125
 - fluctuation of income, trustee's questioning concerning, § 10:16
 - form of letter to debtor regarding meeting, § 8:121
 - individual debtor checklist, § 8:123
 - nondischargeability, § 8:146
 - preparing debtor for meeting, § 8:120

CHAPTER 13—Cont'd

- Meeting of creditors—Cont'd
 - debtor representation—Cont'd
 - questionnaire, § 8:124
 - scope of meeting, § 8:122 to 8:126
 - spousal exemption and tax privacy waiver, § 8:126
- Mortgages
 - generally, § 8:79
 - anti-bifurcation protection, forfeiture of, § 8:80
 - arrearage claims
 - overstated claims, § 8:92 to 8:94
 - RESPA, § 8:84
 - RESPA request letter, § 8:85
 - conversion, valuation of mortgage upon, § 8:83
 - creditor client, § 9:42
 - creditors, dealing with
 - oversecured or undersecured mortgage creditors, § 8:86
 - equal monthly payments, § 8:82
 - junior lien stripping, Code Sec. 506(a) and (d), § 8:81
 - payments, § 8:82
 - valuation of upon conversion, § 8:83
- New confirmation requirements, § 10:31
- Non-filing spouse, means test, § 8:18
- Notice
 - creditors, noticing, § 8:107
 - debtor representation, noticing creditors, § 8:107
 - obtaining notice, § 9:31
 - request for notices, § 9:32
- Operating business
 - generally, § 8:55 to 8:60
 - bank accounts, § 8:58
 - operating reports, § 8:56, 8:57
 - small business debtor, § 8:57

CHAPTER 13—Cont'd

Operating business—Cont'd
 taxes, § **8:60**
 utilities, § **8:59**
 Operating reports of debtor
 debtor representation, § **8:55 to 8:57**
 trustees, § **10:16, 10:27**
 Pawn-related obligations, excep-
 tions to automatic stay, § **9:8**
 Payment advices, petition prepara-
 tion, § **8:63, 8:64**
 Pension plans, exceptions to
 automatic stay, § **9:7**
 Personal service contracts, § **9:40**
 Petition
 generally, § **8:61 to 8:64**
 additional documents required,
 § **8:63**
 filing, § **8:63**
 Forms B122C-1 and 2 and the
 non-filing spouse, § **8:72**
 joint petitions, § **10:13**
 mandated pre-petition credit
 counseling, § **10:18**
 non-filing spouse, Forms
 B122C-1, § **8:72**
 payment advices, § **8:63, 8:64**
 preparation, § **8:62**
 Plan, lease, adequate protection
 payments
 creditor representation,
 postpetition plan, § **9:15**
 post-petition plan, § **10:32**
 Plan contents
 generally, § **9:17 to 9:20, 10:34 to 10:37**
 domestic support obligations
 and unsecured creditors,
 § **9:17**
 Plan length, § **9:16, 10:33**
 Plans. **Chapter 13 Plans** (this
 index)
 Post-confirmation counseling of
 debtor, § **10:43**

CHAPTER 13—Cont'd

Post-petition plan, § **10:32**
 Post-petition plan, lease, § **8:27**
 Preferences
 defense of preference actions,
 § **6:22, 6:37, 9:52**
 trustees, § **10:17**
 Priority, secured, and unsecured
 creditors
 generally, § **8:51**
 list of creditors, § **8:52**
 Priority claims
 debtor representation, § **8:51**
 wage claimants, § **9:41**
 Proofs of claim. Claims, above
 Purchase money security interest
 documentation, § **8:40**
 Questionnaires, use of
 generally, § **8:48, 8:49**
 meeting of creditors, § **8:124**
 supplemental questionnaire,
 debtor engaged in busi-
 ness, § **8:50**
 Questions
 conference with creditor client,
 § **9:29**
 creditors' meeting, trustee's
 questions for debtor,
 § **10:29**
 debtor representation question-
 naires, § **8:48 to 8:50**
 trustee's questions for debtor at
 creditors' meeting, § **10:29**
 Reports
 credit reporting, § **8:30**
 operating report, § **8:55 to 8:57, 10:16, 10:27**
 Request for notices, creditor repre-
 sentation, § **9:32**
 RESPA request letter, mortgage
 arrearage claims, § **8:85**
 Response to relief-from-stay
 motions, § **8:108 to 8:110**
 Retirement plans, exceptions to
 automatic stay, § **9:7**

INDEX

CHAPTER 13—Cont'd

- Reviewing claims
 - generally, § 8:90 to 8:92
 - objection to claim, § 8:91
 - overstated mortgage claim, § 8:92 to 8:94
- Schedules
 - generally, § 8:66
 - amendment of, § 8:67
 - BAPCPA changes, § 8:47
 - current income and expenditures, § 8:68
 - debtor representation, generally, § 8:66
 - Fair and Accurate Credit Transactions Act of 2003 (FACTA), § 8:47
 - follow-up conference by debtor's attorney after emergency filing, § 8:33
 - trustee's examination of, § 10:15, 10:16
- Secured claim holder as client
 - debtor representation, § 8:51
 - preference actions, defense of, § 9:52
 - proof of claim, preparing and filing of, § 9:51
 - reclamation, § 9:50
 - relief from stay, § 9:59
 - remedies, § 9:49
- Security interests, post-petition perfection and enforcement of, § 9:60
- Serial filings
 - bad faith, § 8:6
 - joint debtors, § 8:8
 - loss of discharge, § 8:7
 - mandated and automatic stay terminations, § 8:111, 9:3
 - risks and hazards, § 8:5 to 8:8
 - stay protection, § 8:5
- Small business debtor, form of budget for, § 8:77

CHAPTER 13—Cont'd

- Special debtors, means test, § 8:18 to 8:21
- Spouses
 - Forms B122C-1 and 2 and the non-filing spouse, § 8:72
 - joint petitions, trustees, § 10:13
- Standing requirements, § 8:2
- Statement of financial affairs
 - generally, § 8:69
 - amendment, § 8:67
 - debtor representation, generally, § 8:69
 - follow-up conference after emergency filing, § 8:33
 - Forms B122C-1 and 2 and the non-filing spouse, § 8:72
 - non-filing spouse, Forms B122C-1 and 2, § 8:72
 - trustee's examination of, § 10:15, 10:16
- Statutory bars to Chapter 13 discharge, § 9:65
- Stipulations for relief from stay, § 8:114, 8:115
- Substantial consolidation of separate cases filed by spouses, § 10:13
- Trustees
 - generally, § 8:65, 10:1 et seq.
 - administrative role, predominance of, § 10:1
 - appointment, § 10:3
 - automatic stay, appearance at hearings on modification of, § 10:5
 - budget of debtor, § 10:16
 - Chapter 7, comparison of role to that of trustee in, § 10:5, 10:15
 - Chapter 11, comparison to role of trustee in, § 10:1
 - checklist of duties, § 10:7
 - claims
 - examination of proofs of claim by trustee, § 10:5

CHAPTER 13—Cont'd

Trustees—Cont'd
 claims—Cont'd
 mailing of proof of claim
 form with notice of
 commencement of case
 and creditors' meeting,
 § 10:12
 monitoring of filing and pay-
 ment of claims, § 10:15
 compensation, § 10:4
 conversion of case, § 10:20
 creditors' meeting
 generally, § 10:21
 checklist of duties, § 10:7
 location of, § 10:12, 10:28
 notice of, § 10:12, 10:28
 preparation for, § 10:21
 presiding officer, § 10:28
 questions at, § 10:21, 10:28,
 10:29
 report of trustee at conclusion
 of meeting, § 10:30
 scope of, § 10:28
 time of, § 10:28
 discharge of debtor, § 10:5
 disinterest requirement, § 10:6
 dismissal of case
 generally, § 10:17, 10:20
 form of motion for dismissal,
 § 10:19
 emergency filings of petitions,
 § 10:17
 fees, § 10:4
 final report and accounting,
 generally, § 10:5, 10:40
 forms
 dismissal of case, motion for,
 § 10:19
 report of trustee at conclusion
 of meeting, form of,
 § 10:30
 joint petitions, § 10:13
 letter to debtor summarizing
 debtor's duties, § 10:15

CHAPTER 13—Cont'd

Trustees—Cont'd
 meeting of creditors. Creditors'
 meeting, above this group
 notice of commencement of
 case and meeting of credi-
 tors, § 10:12
 operating reports of debtor,
 § 10:16, 10:27
 overhead, § 10:4
 petition
 generally, § 10:13, 10:15
 emergency filings, § 10:17
 property of estate, § 10:21
 questions to be asked debtor by
 trustee at creditors' meet-
 ing, § 10:28, 10:29
 reports
 creditors' meeting, trustees
 report at conclusion of,
 § 10:30
 final report and accounting,
 § 10:5, 10:40
 form of report of trustee at
 conclusion of meeting,
 § 10:30
 operating reports of debtor,
 § 10:16, 10:27
 requirements, § 10:6
 review of case, generally,
 § 10:7, 10:15
 role, generally, § 10:5
 schedules, trustee's examination
 of, § 10:15, 10:16, 10:20
 spouses, joint petitions, § 10:13
 standing trustee, § 8:65
 statement of financial affairs,
 trustee's examination of,
 § 10:15, 10:20
 useful websites, § 10:2
 valuation of assets
 generally, § 10:5
 schedules as providing debt-
 or's estimate of value,
 § 10:16

INDEX

CHAPTER 13—Cont'd

- Unsecured claim holder as client debtor representation, § 8:51, 8:52
- objections to confirmation, § 9:46
- preference actions, defense of, § 9:47
- proof of claim, preparation and filing of, § 9:45
- remedies, § 9:44
- Utility service, debtor representation, § 8:59
- Vehicle lender, representing, § 9:43
- Veterans, means test, § 8:19
- Wage claimant as creditor client, § 9:41
- Water suppliers, debtor representation, § 8:59

CHAPTER 13 PLANS

- Acceptance of plan by secured claimants
 - creditor representation, § 9:54
 - debtor representation, § 8:130
- Adequate protection payments, § 10:32
- Amendment of plan
 - generally, § 10:20, 10:28
 - debtor representation, § 8:139
 - dismissal of case, § 10:28
 - suggestion of modification by trustee as result of questions at creditors' meeting, § 10:28
- Any other thing of value, bifurcation of liens in plan, § 8:98
- Bifurcation
 - forfeiture of anti-bifurcation protection for mortgage, § 8:80
- Bifurcation of claims, § 9:12 to 9:14
- Budget, preparation of debtor's generally, § 8:74

CHAPTER 13 PLANS—Cont'd

- Budget, preparation of debtor's—Cont'd
 - commitment period for plan, § 8:78
 - discretionary income, § 8:76
 - distribution to creditors, relation to, § 8:75
 - form of budget for small business debtor, § 8:77
- Checklist for confirmation
 - generally, § 8:102
 - debtor's testimony at confirmation hearing, § 8:129
 - plan payment, calculation, § 8:104
 - plan preparation, § 8:103
- Checks
 - disbursements by trustee, § 10:40
 - plan payments, § 8:137, 10:40
- Claims
 - classification, debtor representation, § 8:73
 - classification after collateral surrender, § 8:101
 - priority claims
 - debtor representation, § 8:51, 8:52
 - trustee's monitoring of claims, § 10:15
- Classification of claims
 - collateral surrender, § 8:101
 - debtor representation, § 8:73
- Closing the case, § 8:147
- Code section 522(p) and (q) and plan confirmation, § 9:55
- Commencing plan payments, § 8:106
- Commitment period, § 8:78, 9:16
- Confirmation
 - generally, § 8:135
 - checklist, § 8:102, 8:129
 - contested matters, § 18:14

CHAPTER 13 PLANS—Cont'd

Confirmation—Cont'd

- credit after confirmation,
§ 8:152
- debtor representation, objec-
tions to, § 8:134
- form of order of, § 8:136, 10:39
- good faith, § 8:128
- hearing
 - generally, § 8:120
 - checklist for debtor's
testimony, § 8:129
 - good faith, § 8:128
 - nondischargeability, § 8:146
 - preparing debtor for, § 8:120
 - scope of, § 8:127
 - trustee's role at, § 10:5,
10:31
- monitoring debtor's post-
confirmation plan perfor-
mance, § 10:5
- objecting to homestead exemp-
tion or confirmation,
§ 10:38
- objection to
 - generally, § 9:54, 9:56
 - debtor representation,
§ 8:134
 - form of objection, § 9:56
 - trustees, § 10:13, 10:20
 - unsecured creditor as client,
§ 9:46
- revocation of
 - dismissal of case, § 10:20
 - trustee's remedies as to
spouses filing separately,
§ 10:13

Contents

- generally, § 9:17 to 9:20
- domestic support obligations
and unsecured creditors,
§ 9:17
- equal monthly plan payments,
§ 9:19

CHAPTER 13 PLANS—Cont'd

Contents—Cont'd

- exclusions from disposable
income and unsecured
creditors, § 9:18
- post-confirmation plans with
adequate protection, § 9:20
- Contested matters
 - confirmation as, § 18:14
 - objection to confirmation,
§ 9:54
- Conversion or dismissal
 - creditor representation, § 9:67
 - valuation of mortgage upon
conversion, § 8:83
- Counseling of debtor
 - post-bankruptcy, § 8:150
 - post-confirmation, § 10:41
- Cramdown
 - debtor representation
 - generally, § 8:131
 - lien stripping, § 8:133
 - 910 vehicles, § 8:132
 - secured creditor, § 9:57
 - unsecured creditor, § 9:58
- Credit after confirmation, § 8:152,
10:5
- Creditor representation
 - secured claim holder as client
cramdown, § 9:57
 - objection to confirmation,
§ 9:54, 9:56
 - review of plan, § 9:53
 - unsecured claim holder as cli-
ent, objections to
confirmation, § 9:46
- Cure of defaults
 - debtor representation, § 8:76
 - mortgages, preplanning and
asset structuring, § 2:26
- Debtor representation
 - checklist
 - confirmation hearing, debt-
or's testimony at,
§ 8:129

INDEX

CHAPTER 13 PLANS—Cont'd

Debtor representation—Cont'd

checklist—Cont'd

plan confirmation, § 8:102

confirmation, generally,
§ 8:120, 8:121

follow-up conference after
emergency filing, § 8:33

letter to debtor regarding
confirmation hearing,
§ 8:121

priority claim holders, § 8:51,
8:52

secured claim holders, § 8:51,
8:52

unsecured claim holders,
§ 8:51, 8:52

Default

cure of defaults, above

post-confirmation, creditor rep-
resentation, § 9:68, 12:48,
12:49

Dischargeability of debts

generally, § 8:143

checklist for conference with
debtor client, § 8:38

creditor representation, gener-
ally, § 9:48

debtor representation, generally,
§ 8:46

hardship discharge, § 8:149

no discharge effect, bifurcation
of liens in plan, § 8:100

Discharge of debtor

generally, § 8:145 to 8:145

closing the case, § 8:147

debtor representation, generally,
§ 8:145 to 8:145

hardship discharge, § 8:149

trustees, § 10:5

Discretionary income, § 8:76

Dismissal or conversion, creditor
representation, § 9:67

Disposable income, projected,
§ 10:36

CHAPTER 13 PLANS—Cont'd

Distribution

generally, § 9:69

trustees, § 10:40

Employer payment to trustee,
§ 8:138

Exemptions

avoidance of liens impairing,
debtor representation,
§ 8:95

choosing exemptions, § 8:87

debtor representation, § 8:88

homestead exemption,
BAPCPA cap, § 8:89

Forms

confirmation hearing and credi-
tors' meeting, letter to
debtor regarding, § 8:121

confirmation order, § 8:136,
10:39

employer payment to trustee,
order for, § 8:138

objection to confirmation,
§ 9:56

summary of plan payments,
§ 8:104

Good faith, debtor's testimony at
confirmation hearing, § 8:128

Hardship discharge, § 8:149

Hearings

confirmation, above

modification of plan, § 8:139

Homestead exemption, BAPCPA
cap, § 8:89

Immunity and Fifth Amendment,
§ 8:144

Interim plan payments, § 10:20,
10:26

Lease

adequate protection payments,
§ 8:15

post-petition plan, § 8:15, 8:27,
9:15, 10:32

Length of plan, § 9:16

CHAPTER 13 PLANS—Cont'd

- Liens impairing exemptions, avoidance of, debtor representation, § 8:95
- Liens in plan, bifurcation generally, § 8:97 to 8:100
 - any other thing of value, § 8:98
 - no discharge effect, § 8:100
 - personal use, § 8:99
- Lien stripping, cramdown, § 8:133
- Modification of plan
 - appearance of trustee at hearing on, § 10:5
 - debtor representation, § 8:139
 - dismissal of case, § 10:28
 - suggestion by trustee of modification as result of questions at creditors' meeting, § 10:28
- Mortgage claims
 - anti-bifurcation protection, forfeiture of, § 8:80
 - conversion, valuation of mortgage upon, § 8:83
 - creditors, dealing with oversecured or undersecured mortgage creditors, § 8:86
 - debtor representation, § 8:79, 8:84, 8:85
 - equal monthly payments, § 8:82
 - junior lien stripping, Code Sec. 506(a) and (d), § 8:81
 - overstated mortgage claims, § 8:92 to 8:94
 - payments, § 8:82
 - valuation of mortgage upon conversion, § 8:83
- 910 vehicles
 - claim classification after collateral surrender, § 8:101
 - cramdown, § 8:132
 - lienstripping/bifurcation inapplicable, § 9:12

CHAPTER 13 PLANS—Cont'd

- 910 vehicles—Cont'd
 - personal use, bifurcation of liens in plan, § 8:99
- Operating reports of debtor, § 10:16, 10:27
- Payments
 - commencement of plan payments, § 8:106, 10:12
 - debtor representation, § 8:137
 - default or tardiness
 - dismissal of case for, § 10:20
 - trustee's consideration of, § 10:21
 - dismissal or conversion where plan payments in default, § 10:20
 - preconfirmation plan payments, § 10:26
 - summary of plan payments, form for, § 8:104
 - trustee's duties, § 10:5
- Pension and retirement plan loan payments, plan contents, § 10:37
- Personal use, bifurcation of liens in plan, § 8:99
- Plan, lease
 - adequate protection payments
 - creditor representation, postpetition plan, § 9:15
 - post-petition plan, § 8:15
 - post-petition plan, § 8:15, 8:27, 9:15, 10:32
- Plan contents
 - generally, § 10:34 to 10:37
 - pension and retirement plan loan payments, § 10:37
 - priority domestic support obligations, § 10:35
 - projected disposable income, § 10:36
 - unsecured claims, § 10:36
- Plan length, § 10:33

INDEX

CHAPTER 13 PLANS—Cont'd

- Post-bankruptcy counseling by trustee, § 8:150
- Post-petition debts, § 8:142
- Post-petition plan
 - generally, § 10:32
 - adequate protection payments, § 8:15
 - lease, § 8:15, 8:27, 9:15, 10:32
- Priority claims
 - debtor representation, § 8:51, 8:52
 - trustee's monitoring of claims, § 10:15
- Priority domestic support obligations, § 10:35
- Rejection of plan, generally, § 9:54
- Reviewing status of case, § 8:151, 9:70
- Seasonal businesses, § 4:3
- Secured claim holders
 - cramdown, § 8:131 to 8:133, 9:57
 - cramdown of secured creditor, § 9:58
 - debtor representation, § 8:51, 8:52
 - objection to confirmation, § 9:54, 9:56
 - review of plan, § 9:53
 - trustee's monitoring of claims, § 10:15
- Show cause order as to extinguishment of tax liability, debtor representation, § 8:148
- Summary of plan
 - generally, § 10:12
 - payments, form for, § 8:104
 - terms, § 8:105
- Taxation
 - operating reports of debtor, § 10:27
 - show cause order as to extinguishment of tax

CHAPTER 13 PLANS—Cont'd

- Taxation—Cont'd
 - liability, debtor representation, § 8:148
- Trustees
 - generally, § 10:16
 - confirmation hearing, § 10:31
 - conversion of case, § 10:20
 - counseling of debtor post-confirmation, § 10:41
 - disbursement of plan payments, § 10:40
 - dismissal of case, generally, § 10:17, 10:20
 - examination of plan, § 10:15
 - monitoring of debtor's performance, § 10:1
 - operating reports of debtor, § 10:16, 10:27
 - post-bankruptcy counseling by trustee, § 8:150
 - preconfirmation plan payments, § 10:26
 - surcharge of trustee, § 10:17
- Unsecured claim holder as client, objections to confirmation, § 9:46
- Unsecured claims, plan contents, § 10:36

CHAPTER 20

- Mortgage on debtor's residence, § 4:11
- Nondischargeability proceeding, tactic to determine if whether or not creditor will file, § 4:6
- Preplanning and asset structuring as to mortgages, § 2:26

CHARITABLE CONTRIBUTIONS

- Chapter 7, problems with means test, § 5:25

CHECKING ACCOUNTS

- Chapter 11, § 14:109
- Chapter 12 estate, § 11:40, 13:23

CHECKING ACCOUNTS

—Cont'd

Chapter 13 estate, § **10:40**
Trustee's routine review of,
§ **2:28, 2:29**

CHECKLISTS

See also **Questions and Questionnaires** (this index)

Business debtor, § **10:24**

Chapter 7

conference with Chapter 7
debtor, § **5:76**
creditor client conference, § **6:7**
creditors' meeting, trustee's
checklists, § **7:34, 7:35**
exempt property, § **5:101**
questions for Chapter 7 creditor
client, § **6:7**
redemption, § **5:114**

Chapter 11

corporate debtor client confer-
ence, § **14:35**
creditor client conference,
§ **15:6**
individual debtor client confer-
ence, § **14:37**
partnership debtor client confer-
ence, § **14:36**

Chapter 12

creditor client conference,
§ **12:6**
debtor client conference,
§ **11:33**
plans, debtor representation as
to, § **11:72 to 11:74**
questions for creditor client,
§ **12:6**
trustee's duties, § **13:9**

Chapter 13

creditor client conference,
§ **9:29**
debtor client, conference with,
§ **8:38**
plan confirmation
generally, § **8:102, 8:103**

CHECKLISTS—Cont'd

Chapter 13—Cont'd

plan confirmation—Cont'd
hearing, debtor's testimony
at, § **8:129**

trustee's duties, § **10:7**

Choice of chapter, § **4:13**

Dischargeability of debts, § **8:38**

Fraudulent transfers

Chapter 12, § **12:6**

Individual debtor, § **10:22**

Involuntary cases, client confer-
ences in, § **17:23, 17:24**

Preferences

Chapter 12, § **12:6**

Redemption

Chapter 12, § **12:6**

Trustee's duties, § **10:7**

CHECKS

Chapter 12 plan payments,
§ **11:100, 13:30**

Chapter 13 plans

disbursements by trustee,
§ **10:40**

plan payments, § **10:15, 10:40**

Filing fees, § **11:44**

Preplanning and asset structuring,
use of cash or money order,
§ **2:28**

CHILDREN AND MINORS

Birthday and holiday gifts as
fraudulent conveyances,
§ **2:28**

Trusts, preplanning and asset
structuring, § **2:11**

CHOICE OF CHAPTER

Generally, § **4:1 et seq.**

Business debtors, § **4:3**

Chapter 12, generally, § **11:1, 11:4**

Checklist, § **4:13**

Consumer debtors, § **4:2**

Corporate debtors

generally, § **4:3**

INDEX

CHOICE OF CHAPTER—Cont'd

- Corporate debtors—Cont'd
 - Chapter 12 incentives, § 4:3
- Discharge exceptions, effect of, § 4:6
- Exemption factors, § 4:7
- Farmers
 - generally, § 4:4
 - Chapter 12 incentives, § 11:1
- Mortgage on homestead, effect of, § 4:8
- Partnerships, Chapter 12 incentives, § 11:1
- Refiling after dismissal, § 4:12

CHRISTMAS GIFTS

- Fraudulent conveyances, § 2:28

CLAIMS

- Generally, § 18:39
- Chapter 7. **Liquidation** (this index)
 - Chapter 11** (this index)
 - Chapter 11 plans** (this index)
 - Chapter 12** (this index)
 - Chapter 12 plans** (this index)
 - Chapter 13** (this index)
 - Chapter 13 plans** (this index)
- Contested matter, objection to claims as, § 7:46
- Excusable neglect for late filing, § 18:39
- Filing proof of, § 18:39
- Foreign entities, § 18:23
- Form, objections to claims, § 8:91, 18:41
- Interest, post-petition, Chapter 12, § 12:19, 12:37, 12:40
- IRS, service of proof of claim on, § 2:23
- Jury trial rights as waived by filing proof of claim, Chapter 12 cases, § 12:19, 12:37
- Objections to claims
 - generally, § 18:40
 - form, § 18:41

CLAIMS—Cont'd

- Offshore entities, § 18:23
- Oversecured claims, generally, § 3:10
- Proof of, filing, § 18:39
- Strip down of claims, § 11:25
- Strip down of mortgage claims, § 2:26, 4:9
- Time for filing, § 18:39
- Wage claims
 - Chapter 7, § 6:14
 - Chapter 11, § 15:26
 - Chapter 12, § 12:15
 - Chapter 13, § 9:41

CLERICAL STAFFING FOR COURT

- Generally, § 14:54
- Order directing, § 14:55

CLERK OF COURT

- Defective filings, acceptance of, § 11:44
- Review of records by counsel, § 12:51

CLIENT CONTACT CARD FORMS

- Chapter 7 cases, § 6:6
- Chapter 11 cases, § 14:17, 15:5
- Chapter 12 cases, § 11:12, 12:5
- Chapter 13 cases, § 8:29, 9:28
- Involuntary cases, § 17:15, 17:16

CLOSELY-HELD BUSINESSES

- Owner/operator of closely-held business, § 2:14
- Professional persons, debtors who are, § 2:3

CLOSING OF CASE

- Chapter 11, § 14:184 to 14:188, 16:24
- Final Report and Accounting** (this index)

CLOTHING

Prefiling purchase as part of asset restructuring tactics, § 4:7

COLLATERAL SURRENDER

Chapter 13 plans, classification of claims after surrender, § 8:101

COLLECTIVE BARGAINING AGREEMENTS

Rejection of agreement, § 14:133 to 14:135

COMMERCIAL FAMILY FISHERMEN

Generally, § 4:5

COMMERCIAL VESSELS

Assignment of lease agreement, order authorizing and finding adequate assurance of future performance, § 16:16

COMMUNITY PROPERTY

Preplanning and asset structuring, § 2:8, 2:11

COMPLAINTS

Adversary proceedings, § 18:21
Contested matters, § 18:21
Electronic filing, § 18:13
Nondischargeability complaints, procedure for, § 6:41

COMPROMISE

Chapter 7 trustee, compromise and settlement of claims, § 7:65
Involuntary cases, § 17:36
Judgment-proof debtors, § 2:3

COMPUTERIZATION

Chapter 12
budget preparation, § 11:56
intellectual property licensors and licensees, representation of, § 12:14
proofs of claim, § 12:19, 12:37

COMPUTERIZATION—Cont'd

Chapter 12—Cont'd
trustees
generally, § 13:3, 13:30
notice of commencement of case and meeting of creditors, § 13:11

Chapter 13
trustees
generally, § 10:2, 10:40
notice of commencement of case and meeting of creditors, § 10:12
Electronic filing, § 18:13
Forms, § 3:28
Involuntary cases, online access to information, § 17:4, 17:14

CONDOMINIUM OWNERS ASSOCIATION FEES

Preplanning and asset structuring, § 2:19

CONFERENCES

Chapter 7 (this index)
Pretrial, § 18:32

CONFERENCE WITH CLIENT

Scheduling, § 14:20, 14:21

CONFIRMATION

New requirements, § 10:31
Objecting to homestead exemption or confirmation, § 10:38

CONFLICTS OF INTEREST

Preplanning and asset structuring for small businesses, § 2:17
Trustees, conflict as affecting qualification as panel trustee, § 3:5

CONSENT

Appeal to Bankruptcy Appellate Panel, § 19:1, 19:9

CONSTITUTIONAL ISSUES

See also **Jurisdiction**

INDEX

CONSTITUTIONAL ISSUES

—Cont'd

- Adversary proceedings jurisdiction, § 18:1
- Bankruptcy Appellate Panels, § 19:1
- Chapter 11 cases, immunity and Fifth Amendment in, § 14:181, 16:22
- Chapter 12 cases, immunity and Fifth Amendment in, § 11:71, 13:26
- Chapter 13 cases, immunity and Fifth Amendment in, § 8:144
- Creditors' meetings and Fifth Amendment, § 5:120, 13:26
- Jurisdiction, adversary proceedings, § 18:1
- Jury trial, rights waived by filing proof of claim in Chapter 12 cases, § 12:19, 12:37
- Jury trial rights, § 18:34
- Sovereign immunity, § 2:23

CONSUMER CASE AUDITS

- U.S. Trustees, § 4:14

CONSUMER DEBTORS

- As to other matters pertaining to consumer debtors, see specific topic headings describing those matters
- Chapter 7
 - reaffirmation of consumer obligation not secured by real estate. **Chapter 7** (this index)
- Choice of chapter, § 4:2
- Purchase money security interests in consumer goods generally, § 14:51

CONTEMPT

- Generally, § 18:2
- Civil contempt, discharge violations
 - creditor representation, Chapter 7, § 6:67

CONTESTED MATTERS

- Generally, § 18:1 to 24:35
- Adversary proceedings distinguished, § 18:14
- Bad-faith filings, § 18:3
- Claims, proof of, § 18:39
- Complaints, § 18:21
- Definition, § 18:14, 18:21
- Discovery, § 18:24 et seq.
- Discovery procedures, § 18:15
- Federal Rules of Civil Procedure, § 18:15
- Hearings on motions, § 18:21
- Initiation, § 18:14, 18:15
- Involuntary cases, § 18:14
- Jurisdiction, pleading, § 18:3
- Jurisdictional nexus, § 18:1
- Jury trials, § 18:34
- Mini trials, § 18:14
- Motion, initiation by, § 18:15
- Nexus and jurisdiction, § 18:1
- Objection, initiation by, § 18:15
- Objections, initiation by, § 18:14
- Parties, § 18:14
- Plan confirmation contests, § 18:14
- Pleadings
 - generally, § 18:21
 - jurisdiction, § 18:3
- Pretrial conferences, § 18:32
- Pretrial motions, § 18:31
- Pretrial orders, § 18:33
- Publication, service by, § 18:22
- Remand, § 18:19
- Removal
 - generally, § 18:18
 - form, § 18:20
- Rule 7001 matters, § 18:14
- Rule 9014.18 matters, § 18:21
- Service
 - generally, § 18:22
 - foreign defendants, § 18:23
- Status conferences, § 18:32
- Table, § 18:15

CONTESTED MATTERS

—Cont'd

- Time for service, § 18:22
- Use, sale or lease of property,
§ 18:14
- Venue, § 18:17
- Who may initiate, § 18:14

CONTINUANCES

- Creditors' meeting, § 10:28

**CONTRACTS AND
AGREEMENTS**

- Attorney-client contract
 - Chapter 12, § 11:34, 11:35
 - Chapter 13, § 8:53, 8:54
- Buy-sell agreements, preplanning
and asset structuring as to
owner/operator of closely-
held business, § 2:14
- Debt relief agencies, provisions,
§ 3:16
- Executory Contracts and
Unexpired Leases** (this
index)
- Postnuptial agreements, preplan-
ning and asset structuring,
§ 2:11

CONVERSION OR DISMISSAL

- Appeals, dismissal of
 - errors in appeal process, § 19:1
 - notice of appeal untimely,
§ 19:2
 - want of prosecution due to lack
of transcript, § 19:12
- Automatic stay, advisability of
certificate or affidavit that no
relief-from-stay motions
filed, § 3:7, 4:7
- Cash collateral, dismissal for mis-
use, § 4:3
- Chapter 7. **Chapter 7** (this index)
- Chapter 11
 - creditor representation, § 15:60
 - trustee's service terminated
upon conversion, § 16:24

CONVERSION OR DISMISSAL

—Cont'd

- Chapter 12
 - creditor representation, § 12:27,
12:50
 - debtor representation, § 11:107
 - forms, trustee's motion for dis-
missal, § 13:18
 - fraud as ground, § 12:50
 - hearings, § 12:50
 - plan payments not made,
§ 11:64, 11:100
 - trustees, § 13:17, 13:18
- Chapter 13
 - amendment of plan, § 10:28
 - creditor representation, § 9:2,
9:67
 - forms, trustee's motion for dis-
missal, § 10:19
 - modification of plan, § 10:28
 - plan payments, § 10:20
 - revocation of plan confirmation,
§ 10:20
 - trustees, § 10:17 to 10:20
 - valuation of mortgage upon
conversion, § 8:83
- Collusive dismissals, § 18:21
- Contested matters, § 18:15
- Involuntary cases
 - generally, § 17:12, 17:36
 - burden for proof on motion for,
§ 17:25
 - costs and fees, recovery by
creditors upon conversion,
§ 17:33
 - defenses, assertion of, § 17:4
 - grounds for, § 17:4, 17:25
- Jurisdiction challenge by motion
to dismiss, § 18:3
- Refiling after prior case dismissed
generally, § 3:7
 - certificate or affidavit that no
relief-from-stay motions
filed, advisability of, § 3:7,
4:12

INDEX

CONVERSION OR DISMISSAL

—Cont'd

Refiling after prior case dismissed
—Cont'd

choice of chapter, § 4:13

Substantial abuse, infrequency of
dismissal absent action by
U.S. trustees, § 4:2

Venue challenges, § 18:17

COOPERATIVE HOUSING CORPORATION FEES

Preplanning and asset structuring,
§ 2:19

CO-OWNERSHIP INTERESTS

Generally, § 3:11

Sale of property as hazard to co-
owner, § 3:11

COPIES

Involuntary petitions, § 17:26

Petition, § 11:43

COPYRIGHT

Intellectual Property, Represen-
tation of Licensor or
Licensee (this index)

CORE PROCEEDINGS

Generally, § 18:8

See also **Noncore Proceedings**
(this index)

Abstention from exercise of juris-
diction, § 18:12

Appeals

generally, § 19:9

application for determination
whether proceeding is core
proceeding, § 19:9

clearly erroneous standard of
review, § 19:24

Definition, § 18:8

Determinations for jurisdictional
purposes, § 18:2

District Court judges' role in
bankruptcy, generally, § 3:4

Divorce, § 18:2

CORE PROCEEDINGS—Cont'd

Domestic relations, § 18:2

Fraudulent transfers or convey-
ances, § 18:34

Impact-on-estate test, § 18:2

Jurisdiction

determinations, § 18:2

pleading, § 18:3

Jury trial rights, § 18:34

Mini trials, § 18:14

Overlapping bankruptcy court
jurisdiction, § 18:2

Pleading, jurisdiction, § 18:3

Probate matters, § 18:2

Related to and pendent jurisdic-
tion, § 18:2

Relief from stay motions, § 18:2

Sovereign immunity, § 18:10

State law disputes, § 18:2

Tax disputes, § 18:2

Tort claims, § 18:2

Withdrawals of referrals, § 18:2,
18:16

CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT)

Chapter 7, debtor representation,
§ 5:5

Chapter 11, small business debt-
ors, § 14:6

Chapter 12, debtor representation,
§ 11:2

Chapter 13, debtor representation,
§ 8:22

Small business debtors, Chapter
11, § 14:6

CORPORATIONS

Attorney, necessity for representa-
tion by, § 3:29

Chapter 7, filing requirements for
corporate debtor
generally, § 5:72

CORPORATIONS—Cont'd

- Chapter 7, filing requirements for corporate debtor—Cont'd
 - corporate resolution for liquidation case, § 5:73
- Choice of chapter, § 4:3
- Closely-held businesses, § 2:3, 2:14
- Discharge, § 4:6
- Eligibility to be debtor generally, § 3:7
- Chapter 12, § 11:1, 11:4
- Injunctive protection of officers and directors, § 18:1
- Officers and directors, injunctive protection of, § 18:1
- Preplanning and asset structuring, single-asset real estate debtors, § 2:16
- Stock abandonment by sole shareholder in order to liquidate small corporation, § 4:3

COSTS

- Chapter 12, improper use of cash collateral, § 12:23
- Involuntary cases
 - generally, § 17:34
 - conversion of case, recovery by creditors upon conversion, § 17:33
 - hazard of filing, liability for costs as, § 17:2

COUNTERCLAIMS

- Automatic stay relief, § 18:35

COURTS OF APPEALS

- Alternative routes of appeals, § 19:9
- Certified questions, direct appeals for, § 19:21

COVID-19 PANDEMIC

- Coronavirus Aid, Relief, and Economic Security Act (this index)

CRAMDOWN

- Chapter 11 plans, § 14:169, 15:69
- Chapter 12 plans, § 12:44
- Chapter 13 plans, § 8:131 to 8:133, 9:57, 9:58
- Creditor representation, § 9:57, 9:58, 12:44, 15:69
- Debtor representation, § 8:131 to 8:133, 11:94
- Valuation, § 12:44

CREDIT CARDS

- Attorneys' fees paid by cash advance, § 2:29
- Chapter 11, representing credit card issuer, § 15:27
- Issuer, representation in Chapter 11 case of, § 15:27
- Preplanning and asset structuring, dealing with nondischargeable debts, § 2:23, 2:29
- Sprees prior to filing, preplanning and asset structuring, § 2:29
- Tax obligations paid by, § 2:19, 2:29

CREDIT COUNSELING

- Chapter 7
 - debtor's certification, prepetition, § 5:66
 - as precondition to discharge of debtor, § 5:135
 - prepetition, § 5:65, 5:66
- Chapter 12 trustee's counseling of debtor
 - post-bankruptcy, § 11:108
 - post-confirmation, § 13:32
 - prepetition, § 11:8
- Chapter 13
 - post-bankruptcy, § 8:150
 - prepetition counseling
 - generally, § 8:9 to 8:14
 - disability exemption, § 8:10
 - exigent circumstances, extension based on, § 8:11

INDEX

CREDIT COUNSELING—Cont'd

- Chapter 13—Cont'd
 - prepetition counseling—Cont'd
 - forms, debtor's certification of prepetition credit counseling, § 8:14
 - procedure, § 8:13
 - trustee's counseling of debtor
 - generally, § 10:5
 - post-confirmation, § 10:41
- Mandated prepetition credit counseling, § 10:18
- Prepetition credit counseling and dismissal, § 5:65, 5:66
- Trustee's dual role as administrator and advisor, § 10:5

CREDIT FOR POST-PETITION DEBTOR

Financing for Debtor (this index)

CREDITORS' AND EQUITY SECURITY HOLDERS' COMMITTEES

- Ad hoc creditors' committee, § 15:32
- Appointment to committee, § 15:36
- Form of application for appointment of committee, § 15:37
- Professional persons, employing and compensating, § 15:38
- Role in administration of estates, § 3:10

CREDITORS' MEETING

- Chapter 7
 - generally, § 5:116 et seq., 7:14
- Chapter 11
 - generally, § 15:51
 - questions for examination of debtor, § 15:53
- Chapter 12
 - creditor representation
 - generally, § 12:46
 - lessor representation, § 12:11, 12:12

CREDITORS' MEETING—Cont'd

- Chapter 12—Cont'd
 - creditor representation—Cont'd
 - questions for examination of debtor, § 12:47
 - debtor representation
 - form of letter to debtor regarding meeting, § 11:78
 - generally, § 11:77 et seq.
 - preparing debtor for meeting, § 11:77
 - scope of meeting, § 11:79
- Chapter 13
 - creditor representation
 - generally, § 9:62
 - questions for examination of debtor, § 9:63
 - debtor representation
 - generally, § 8:120 to 8:126
 - form of letter to debtor regarding meeting, § 8:121
 - preparing debtor for meeting, § 8:120
 - scope of meeting, § 8:122 to 8:126

CREDIT UNIONS

- Eligibility to be debtor, § 3:7

CRIMES AND OFFENSES

- Bankruptcy jurisdiction, § 18:3
- Chapter 7, bankruptcy crimes, § 6:65
- Chapter 7 (this index)
- Chapter 11, trustee's or examiner's reporting of bankruptcy crimes, § 16:20
- Chapter 12
 - checklist for conference with debtor client, § 11:33
 - trustee's reporting of, § 13:10
- Determination whether to file bankruptcy as affected by

CRIMES AND OFFENSES

—Cont'd

- potential criminal exposure,
§ 2:3
- Preplanning and asset structuring,
§ 2:3, 2:28, 2:29

CRIMINAL CONTEMPT

- Generally, § 18:2

**CRIMINAL RESTITUTION
DEBTS**

- Preplanning and asset structuring,
§ 2:22

CROSS-APPEALS

- Notice of appeal, § 19:2, 19:8,
19:10

CURE OF DEFAULTS

- Chapter 11
 - aircraft and commercial vessels,
§ 14:65
 - executory contracts and
unexpired leases, § 16:13
 - motion and order for lease
assumption, forms of,
§ 14:62 to 14:64
- Chapter 12
 - creditor representation, review
of plan for curable arrear-
age, § 12:40
 - creditors' meeting, creditor's
attendance to learn cure
proposed by debtor,
§ 12:46
 - debtor representation, § 11:55,
11:61, 11:62, 11:100,
11:104, 11:106
 - executory contracts and
unexpired leases, § 11:62
 - hardship discharge, § 11:104,
11:106
 - lessee as client, § 12:13
 - lessor as client, § 12:11, 12:12
 - mortgages, § 12:11, 12:16
 - personal property, § 12:12

CURE OF DEFAULTS—Cont'd

- Chapter 12—Cont'd
 - review of plan by creditor's
attorney for curable arrear-
age, § 12:40
- Chapter 13, mortgages, § 2:26
- Mortgages
 - Chapter 12, § 12:11, 12:16
 - Chapter 13, § 2:26, 9:42
 - choice of chapter as affected by
availability of cure, § 4:8
- Personal property, Chapter 12,
§ 12:12

DAMAGES

- Chapter 12, improper use of cash
collateral, § 12:23
- Involuntary Cases** (this index)

DEADLINES

- Chapter 7, client conference, § 6:5

DEATH

- Benefits, exemption planning,
§ 2:9

DEBTORS

- Alternatives to bankruptcy
- Non-bankruptcy tax
considerations, § 1:2
- Chapter 12
 - identification requirements
generally, § 13:6
 - monthly tracking form,
§ 13:8
 - report, form, § 13:7
- Eligibility to be debtor
generally, § 3:7
- Chapter 12, § 11:1, 11:4
- Identification requirements
generally, § 5:61, 7:12, 8:42,
8:45, 10:9
- monthly tracking form, § 10:11
- report, form, § 7:13, 10:10
- Pro se appearance
generally, § 3:29

INDEX

DEBTORS—Cont'd

Pro se appearance—Cont'd
corporations, necessity for representation by attorney, § 3:29

DEBTOR'S RESIDENCE

Mortgages. **Homestead Mortgages** (this index)

DEBT RELIEF AGENCIES (DRAS)

Generally, § 3:12, 8:3
Advertising disclosures, § 3:17
Advice options, § 3:15
Attorney as DRA prohibited from advising debtors to incur more debt except for valid purposes, § 2:2
Chapter 7, reaffirmation liability, § 3:19
Contract provisions, § 3:16
Disclosures, advertising, § 3:17
Disclosure statements, mandatory, § 3:13
Liability under Code Sections 526 and 528, § 3:18
expanded liability, Rule 9011, § 3:20
reaffirmation liability, § 3:19
Notice, § 3:14, 8:3, 8:4

DECLARATIONS OR AFFIDAVITS OF FACTS

Chapter 7, declaration of attorney for consumer debtor in support of approval of reaffirmation agreement concerning obligation not secured by real estate, § 5:108
Evidence and testimony, local procedure for presentation by, § 3:25

DEDUCTIONS

Chapter 7 (this index)

DEED TO RELATIVE

Fraudulent conveyances, § 2:28

DESIGNATION OF RECORD

Appeals, § 19:11 et seq.

DISABILITY EXEMPTION

Chapter 13, prepetition credit counseling, § 8:10

DISABILITY PAYMENTS

Exemption planning, § 2:9

DISCHARGEABILITY OF DEBTS

Attorneys' fees, preplanning and asset structuring, § 2:23
Blue lining as defense by debtor, § 2:9

Chapter 7 (this index)

Chapter 11
conversion, § 14:189
dismissal, § 14:189
individual debtors, § 14:182, 14:183
nondischargeable debts, individual debtors, § 14:180

Chapter 12
generally, § 11:66 et seq., 11:104
creditor representation, generally, § 12:45
debtor representation, generally, § 11:104, 11:106
hardship discharge, § 11:104, 11:106

Chapter 13
generally, § 8:143
checklist for conference with debtor client, § 8:38
creditor representation, § 9:48
debtor representation, generally, § 8:46
hardship discharge, § 8:149
serial filings and loss of discharge, § 8:7

Choice of chapter, § 4:6

DISCHARGEABILITY OF DEBTS—Cont'd

Complaint objecting to, § 18:21
 Constitutional issues, § 18:1
 Core proceedings, § 18:2
 Health Education Assistance Loans (HEAL), § 2:24
 National Health Service Corporation (NHSC) loans, § 2:24
 Nondischargeability of debts.
 Chapter 7 (this index)
 Preplanning and asset structuring generally, § 2:3
 blue lining as defense by debtor, § 2:9
 nondischargeable debts, dealing with, § 2:23
 Punitive damages, § 2:20
Reaffirmation (this index)

DISCHARGE OF CREDITOR

Chapter 7
 civil contempt, § 6:67
 discharge violations, § 6:67

DISCHARGE OF DEBTOR

Adversary proceedings, § 14:179, 15:11
 Chapter 7 (this index)
 Chapter 11
 individual debtors, § 14:183, 15:11, 15:12
 objections and exceptions to, § 14:179
 Chapter 12
 generally, § 11:104
 debtor representation, generally, § 11:104, 11:106
 distribution on unsecured claims equaling that which would have been made under Chapter 7, § 11:57, 11:97, 11:106
 hardship discharge, § 11:104, 11:106

DISCHARGE OF DEBTOR —Cont'd

Chapter 13
 generally, § 8:145 to 8:145
 closing the case, § 8:147
 creditor representation, § 9:48
 debtor representation, generally, § 8:145 to 8:145
 hardship discharge, § 8:149
 trustees, § 10:5
 Choice of chapter under which to file, consumer debtors, § 4:2
 Closing the case, Chapter 13, § 8:147
 Constitutional issues, § 18:1
 Conversion, § 14:189
 Core proceedings, § 18:2, 18:8
 Corporations, § 4:6
 Dismissal, § 14:189
 Exceptions to discharge
 Dischargeability of Debts (this index)
 Hardship discharge
 Chapter 12, § 11:104, 11:106
 Chapter 13, § 8:149
 choice of chapter as affected by availability of, § 4:6
 Injunctions, § 18:35
 Jury trials, § 18:34
 Revocation, preplanning and asset structuring, § 2:3

DISCLOSURE STATEMENTS

Generally, § 14:152 to 14:161, 15:62
 Chapter 11 form, § 14:153
 Chapter 11 plans
 approval of statement, motion and order, § 14:158, 14:160, 14:161
 fixing time for filing acceptances or rejections, § 14:159, 14:160
 Choice of chapter as affected by requirement for, § 4:3

INDEX

DISCLOSURE STATEMENTS

—Cont'd

- Complex case, § 14:154
- Creditor representation, generally, § 15:62
- Debt relief agencies, § 3:13, 3:17
- Form of order and notice approving, § 14:160
- Liquidation analysis, drafting, § 14:155
- Objections to, § 14:157, 15:63
- Order approving, complex case, § 14:161
- Pleadings related to approval, § 14:158
- Small business cases, § 14:156

DISCOVERY

- Generally, § 18:24 et seq.
- Admissions requests, § 18:29
- Automatic stay relief
 - generally, § 18:27
 - forms, § 18:28, 18:29, 18:30
- Chapter 7, mandated briefing, discovery and disclosure by debtor and counsel, § 5:62
- Chapter 11 creditor representation on relief-from-stay motion, § 15:44 to 15:47
- Chapter 11 debtor representation on relief-from-stay motion, § 14:127 to 14:130
- Chapter 12 creditor representation on relief-from-stay motion, § 12:34 to 12:37
- Chapter 12 debtor representation on relief-from-stay motion, § 11:90 to 11:93
- Chapter 13 debtor representation on relief-from-stay motion, § 8:116 to 8:119
- Contested matters, § 18:15
- Federal Rules of Civil Procedure, § 18:24, 18:27
- Forms
 - generally, § 18:25, 18:26

DISCOVERY—Cont'd

- Forms—Cont'd
 - admissions requests, § 18:29
 - interrogatories, § 18:28, 18:30
 - production of documents, § 18:30
- Interrogatories, § 18:28, 18:30
- Involuntary Cases** (this index)
- Pretrial conferences, § 18:32
- Pretrial motions, § 18:31
- Pretrial orders, § 18:33
- Production of documents, forms, § 18:30
- Status conferences, § 18:27
- Summary proceedings
 - generally, § 18:27
 - forms, § 18:28 to 18:30
- Video depositions
 - generally, § 18:24
 - forms, § 18:25, 18:26

DISMISSAL

- Conversion or Dismissal** (this index)

DISTRIBUTION

- Chapter 7, § 7:74
- Chapter 11, § 14:177, 15:71
- Chapter 12, § 12:48, 13:1, 13:30
- Chapter 13
 - generally, § 9:69
 - trustees, § 10:40

DISTRICT COURTS

- Abstention, § 3:4
- Alternative routes of appeals, § 19:9
- Election to have appeal heard before District Court, § 19:18
- Role of District Court judges in bankruptcy, generally, § 3:4
- Rules, applicability of District Court's local, § 3:24

DOMESTIC RELATIONS

- Bankruptcy jurisdiction, § 18:2
- Creditor representation, § 6:18

DOMESTIC RELATIONS

—Cont'd

Dischargeability of debts, § **11:69**

Support obligations. **Domestic Support Obligations** (this index)

DOMESTIC SUPPORT

**CREDITOR,
REPRESENTING**

Chapter 7, § **6:18**

Chapter 13, § **9:38**

DOMESTIC SUPPORT

OBLIGATIONS

Chapter 7, § **7:30**

convicted debtors, means test,
§ **5:22**

nondischargeability of debts,
§ **5:130**

Chapter 12, § **13:31**

Chapter 12 plans, dischargeability
of debts, § **11:69**

Chapter 13 convicted debtors,
means test, § **8:21**

Chapter 13 plans, § **9:6, 10:35**

Convicted debtors, means test

Chapter 7, § **5:22**

Chapter 13, § **8:21**

DRUNK DRIVING DEBTS

Preplanning and asset structuring,
§ **2:22**

DUI DEBTS

Preplanning and asset structuring,
§ **2:22**

EDUCATIONAL IRA

Preplanning and asset structuring,
§ **2:6**

EDUCATIONAL LOANS

Chapter 7, nondischargeability of
debts, § **5:127 to 5:129**

Discharge exceptions, generally,
§ **11:68, 11:104**

Hardship Discharge (this index)

EDUCATIONAL LOANS

—Cont'd

Preplanning and asset structuring,
§ **2:24**

ELECTRONIC EQUIPMENT

Computerization (this index)

ELECTRONIC FILING

Case Management/Electronic Case
Filings (CM/ECF), § **18:13**

Chapter 7 petition, § **5:85**

ELIGIBILITY TO BE DEBTOR

Generally, § **3:7**

Chapter 12, § **11:1, 11:4**

Family farmer, § **3:8**

Fishermen, § **3:9**

EMBEZZLEMENT

Preplanning and asset structuring,
dealing with nondischarge-
able debts, § **2:20**

EMERGENCY FILINGS

Chapter 7 (this index)

Chapter 13 (this index)

EMPLOYERS AND

EMPLOYEES

Chapter 11

insurance benefits

continue insurance, motion
to, § **14:132**

modifying or terminating
retirees', § **14:131,**
14:132

prepetition employee obliga-
tions, interim order to pay,
§ **14:98**

prepetition employee obliga-
tions, motion and order to
pay, § **14:96**

salaries and benefits

generally, § **14:112**

prepayment before filing,
§ **14:97**

INDEX

EMPLOYERS AND

EMPLOYEES—Cont'd

- Chapter 11—Cont'd
 - wages, claimant as client, § 15:26
- Chapter 12, employer payment to trustee, § 11:101
- Chapter 13 plans, employer payment to trustee, § 8:77, 8:138
- Preplanning and asset structuring, § 2:3
- Priority for wage claimants, § 9:41, 13:23
- Self-employed persons, preplanning and asset structuring, § 2:3, 2:12

ENVIRONMENTAL CLEAN-UP

- Preplanning and asset structuring for small businesses, § 2:17
- Trustee's obligations, § 7:49

ERISA-QUALIFIED PLANS

- Exemption planning, § 2:9, 2:12, 2:13

ESTATE, BANKRUPTCY

- Abandonment of estate property, § 7:48, 7:50
- Administrative Expenses, Chapter 11** (this index)
- Bank accounts
 - Chapter 7 estate, § 7:56
 - Chapter 12 estate, § 11:40, 13:23
 - Chapter 13 estate, § 10:40
- Bond, operation of estate's business, § 16:10
- Cash collateral, trustee's use in operating estate's business, § 16:12
- Chapter 7
 - generally, § 7:44 et seq.
 - abandonment, § 7:48, 7:50
 - environmental cleanup obligations, § 7:49

ESTATE, BANKRUPTCY

—Cont'd

- Chapter 7—Cont'd
 - objecting to debtor's exemptions, § 7:46, 7:47
 - possession, trustee's taking of, § 7:45
 - sale, § 7:51
- Core proceedings, impact-on-estate test, § 18:2
- Impact-on-estate test of bankruptcy jurisdiction, § 18:2
- Incurring debt to operate estate's business, § 16:11
- Single-Asset Real Estate Debtors** (this index)
- Taxes, trustee's administration of estate, § 7:58
- Trustees** (this index)
- Use, sale or lease of property to operate estate's business, § 16:12

EVICCTIONS

- Chapter 12, § 11:6
- Chapter 13, automatic stay, § 9:9
- Residential evictions, Chapter 11, § 14:10

EVIDENCE

- Burden of Proof** (this index)
- Contested matters, § 18:15
- Declaration, local procedure for presentation of evidence by, § 3:25
- Federal Rules of Evidence
 - generally, § 3:25
 - creditors' meeting, § 13:26
- Judicial notice
 - Chapter 12 confirmation hearing, judicial notice of schedules and plan, § 11:94
 - form of request for, § 11:85
- Jurisdiction challenges, § 18:3

EVIDENCE—Cont'd

- Relief from automatic stay,
§ 18:35
- Service, proof of, § 18:22
- Venue challenges, § 18:15
- Videotape, § 18:25
- Witnesses
 - declaration, local procedure for
presentation of testimony
by, § 3:25
 - Federal Rules of Evidence, gen-
erally, § 3:25

EXCUSABLE NEGLECT

- Claims, late filing, § 18:39

**EXECUTORY CONTRACTS
AND UNEXPIRED LEASES**

- Chapter 7
 - schedule of executory contracts,
§ 5:53, 7:18
- Chapter 11** (this index)
- Chapter 12
 - assumption or rejection,
§ 12:11, 12:13, 12:46
 - debtor representation, cure of
defaults, § 11:62
- Collective bargaining agreement,
rejecting, § 14:134, 14:135
- Contested matters, § 18:14, 18:15
- Preplanning and asset structuring
debtor professionals, § 2:3
- owner/operator of closely-held
businesses, § 2:14

EXEMPTIONS

- Avoidance. Lien avoidance, below
- Chapter 7** (this index)
- Chapter 11
 - claiming exemptions for indi-
vidual debtor, § 14:66
 - creditor representation regard-
ing objections to exemp-
tions, § 15:13, 15:14
 - form for objection, § 15:14
 - individual debtors, § 14:66,
15:13

EXEMPTIONS—Cont'd

- Chapter 12 Plans** (this index)
- Chapter 12** (this index)
- Chapter 13
 - avoidance of liens impairing,
debtor representation,
§ 8:95
 - choosing exemptions, § 8:87
 - debtor representation, § 8:88
 - homestead exemption,
BAPCPA cap, § 8:89
- Choice of chapter, § 4:7
- Contested matters, § 18:15, 18:21,
18:34
- Homestead exemption, objecting
to homestead exemption or
confirmation, § 10:38
- Individual retirement accounts
(IRAs), § 2:4
- Jurisdiction as to claims of,
§ 18:3, 18:8
- Lien avoidance
 - Chapter 12 debtor representa-
tion, § 11:64
 - Chapter 13 debtor representa-
tion, § 8:88, 8:95
 - choice of chapter as affected by
availability of, § 4:7
- Liquidation** (this index)
- Prefiling asset restructuring
tactics, § 2:9, 4:7
- Preplanning and Asset Structur-
ing** (this index)
- FAIR AND ACCURATE CREDIT
TRANSACTIONS ACT OF
2003 (FACTA)**
 - Chapter 13, schedules, § 8:47
- FAIR MARKET VALUE**
 - Single-asset real estate debtors,
preplanning and asset
structuring for, § 2:16
- FALSE FINANCIAL
STATEMENTS**
 - Preplanning and asset structuring,
dealing with nondischarge-

INDEX

FALSE FINANCIAL

STATEMENTS—Cont'd

able debts, § 2:20, 2:29

FAMILY LAW MATTERS

Bankruptcy jurisdiction, § 18:2

FARMERS

Chapter 7, farmer as creditor client, § 6:16

Chapter 13, creditor representation, § 9:36

Eligibility to be debtor generally, § 3:7, 3:8

Chapter 12, § 11:1, 11:4

Family farmers

burial plot exemption cases, § 4:7

Chapter 12 (this index)

choice of chapter, § 4:4

eligibility to be debtor, § 3:8

homestead mortgages, § 4:10

Farm creditor. **Chapter 12** (this index)

Farming debtors. **Chapter 12** (this index)

Preplanning and asset structuring, § 2:18

FARMERS-AGRICULTURAL CREDIT ACT

Preplanning and asset structuring, § 2:18

FARMERS HOME

ADMINISTRATION

Preplanning and asset structuring, § 2:18

FARM MORTGAGE CREDITOR

Chapter 12, representing, § 12:9

FEDERAL RULES OF BANKRUPTCY

Small business debtors, § 14:4.30

FEDERAL RULES OF CIVIL PROCEDURE

Generally, § 3:25

FEDERAL RULES OF CIVIL PROCEDURE—Cont'd

Bankruptcy Rules as adopting in modified form, § 3:22

Contested matters procedure, § 18:15

Discovery, § 18:24, 18:27

FEDERAL RULES OF EVIDENCE

Evidence (this index)

FEES

Attorneys' Fees (this index)

Docketing case for appeal, § 19:10

Filing Fees (this index)

FIFTH AMENDMENT

Chapter 11 cases, § 14:181, 16:22

Chapter 12 cases, § 11:71

Chapter 13 cases, § 8:144

Creditors' meeting, debtor's rights and immunity, § 5:120, 13:26

FILING FEES

Generally, § 3:27

Automatic stay relief, § 18:35

Chapter 12

generally, § 11:44

installment payment of, § 13:10

Chapter 13, § 10:15, 10:20

Involuntary cases, § 17:26

Notice of appeal, § 19:2, 19:10, 19:20

References, § 18:16

FILINGS

Electronic filing system, § 18:13

FINAL HEARINGS

Automatic stay relief, § 18:37

FINAL REPORT AND ACCOUNTING

Chapter 11 trustee, § 16:2, 16:24, 16:25

Chapter 12 trustee, § 13:1, 13:30

FINAL REPORT AND

ACCOUNTING—Cont'd

Chapter 13 trustee, § 10:5, 10:40, 10:43

FINANCIAL STATEMENTS

Preplanning and asset structuring, dealing with nondischargeable debts, § 2:29

FINANCING FOR DEBTOR

Cash collateral

use by Chapter 11 debtor or trustee, § 15:48

use by Chapter 12 debtor or trustee, § 12:25

Chapter 11, generally, § 14:102

DIP financing, interim order authorizing, § 14:102

Examiner operating estate's business, § 16:11

First day motion for approval of DIP credit facility, § 14:101

Order authorizing DIP financing, interim, § 14:102

Trustee operating estate's business, § 16:11

FIRST DAY MOTIONS

Generally, § 14:72 to 14:106

Additional time to file schedules and statements, § 14:86

Agenda, debtor's, § 14:81

Cash collateral, motion to use, § 14:80

Cash management system, bank accounts, and business forms, motion and order to continue, § 14:88 to 14:90

Credit facility, motion for approval of DIP, § 14:101

Critical vendors, motion to pay, § 14:77, 14:94

Customer program obligations, prepetition, motion to pay, § 14:99

FIRST DAY MOTIONS—Cont'd

DIP credit facility, motion for approval, § 14:101

DIP financing, interim order authorizing, § 14:102

Employee obligations, prepetition, interim order to pay, § 14:98

Employee obligations, prepetition, motion and order to pay, § 14:96

Employee wages and benefits, motion to pay, § 14:78

Expedited hearing motion, § 14:82 order, § 14:83

Getting started, § 14:73

Housekeeping motions, § 14:75

Joint administration, motion and order for, § 14:74

Joint administration, motion for, § 14:84

Joint administration, order for, § 14:85

Lead/local counsel, application to employ, § 14:103

Necessity, doctrine of, § 14:72

Notice procedures, motion to establish, § 14:87

Ordinary course professionals motion to pay, § 14:104, 14:105 questionnaire to use with motion to pay, § 14:106

Postpetition financing, motion to approve, § 14:80

Professional persons, motion to employ, § 14:79

Sales and use taxes, prepetition, motion to pay, § 14:100

Utility services, motion and order determining adequate assurance of payment for, § 14:91 to 14:93

FISHERMEN

Generally, § 4:5

INDEX

FISHERMEN—Cont'd

- Chapter 7, fisherman as creditor client, § 6:16
- Chapter 13, fisherman as creditor client, § 9:36
- Eligibility to be debtor, § 3:9

FOREIGN ENTITIES

- Service on, § 18:23

FOREIGN OR OFF SHORE CREDITORS

- Chapter 12, claims review by, § 11:81

FORMS

- Appeal
 - designation of record and statement of issues on appeal, § 19:14
 - notice of appeal, § 19:16
- Appendices, § App A, App B
- Attorney admission pro hac vice, § 3:30
- Automatic stay relief, § 18:28, 18:30, 18:38
- Budget
 - Chapter 12 farming debtor, § 11:57
 - Chapter 13 small business debtor, § 8:77
- Business debtor checklist, § 10:24
- Chapter 7
 - abuse of Chapter 7 relief, motion to dismiss, § 6:52, 7:32
 - acknowledgment by debtor prior to execution of reaffirmation agreement, § 5:110
 - acknowledgment of receipt, Form, § 5:59
 - business debtor questionnaire, § 6:58, 7:41
 - client conference card for recording information, § 6:6

FORMS—Cont'd

- Chapter 7—Cont'd
 - client conference—Cont'd
 - letter confirming, § 6:3
 - compensation, disclosure under FRBP 2016 taken from Official Form 2030, § 5:80
 - consumer obligation not secured by real estate, interrogatories in support of motion for sanctions under Rule 9011(b), § 5:112
 - corporate resolution for liquidation case, § 5:73
 - credit counseling, debtor's prepetition certification, § 5:66
 - credit request letter, § 5:140
 - debtor representation, attorney-client contract, § 5:78
 - document request, trustee's letter, § 7:22
 - emergency conference confirmation letter, § 5:42
 - exemptions of individual debtor, objecting to, § 6:48
 - Form B122A, means test, § 5:26 to 5:30, 5:97
 - hearings, order of final hearings, § 7:72
 - individual debtor, documents and questionnaire available in case by, § 6:57
 - initial client contact card, § 5:39
 - list of creditors of Chapter 7 debtors, § 5:71
 - means test, Form B22A, § 5:26 to 5:30
 - meeting of creditors questionnaire for business debtor, § 5:117
 - meeting of creditors questionnaire for consumer debtor, § 5:47

FORMS—Cont'd

Chapter 7—Cont'd

- notice to creditors of bankruptcy filing in action in non-bankruptcy forum, § 5:99
- order approving reaffirmation agreement for consumer obligation not secured by real estate, § 5:109
- prepetition credit counseling, debtor's certification, § 5:66
- proof of claim
 - form for, § 6:21
 - letter transmitting, § 6:21
- request for notices, § 6:9
- RESPA request letter, § 5:39
- schedule of income and expenses
 - for business, § 5:90
 - for complex business debtor, § 5:91
- scheduling client conference, confirmation letter in Chapter 7 case, § 5:48
- self-employed income statement, § 5:46
- spousal exemption and tax privacy waiver, § 7:36
- transmittal letter for drafts of statement of financial affairs and schedules, § 5:92
- trustees
 - attorney for trustee, application for compensation, § 7:77, 7:78
 - bond for individual case, § 7:24
 - claims, form for objection to, § 7:64
 - debtor identification report, § 7:13
 - dismiss case, motion by trustee to, § 7:31

FORMS—Cont'd

Chapter 7—Cont'd

- trustees—Cont'd
 - final hearings, order of, § 7:72
 - final report and accounting, § 7:71
 - letter to debtor requesting documents, § 7:22
 - motion for order authorizing abandonment of property and notice of abandonment, § 7:50
 - motion for order of sale and notice of sale, § 7:52
 - objecting to debtor's claim of exemptions, § 7:47
 - reports
 - at conclusion of creditors' meeting, § 7:43
 - final report and accounting, § 7:71
 - no-asset cases, § 7:69
 - sale, motion for order and notice of, § 7:52

Chapter 11

- acceptances or rejections of plan, order and notice fixing time for, § 14:160
- accountant, application to employ, § 14:142
- additional time to file schedules and statements, § 14:86
- administrative status to vendors, motion to grant, § 14:95
- admissions, requests for overstated mortgage claim, § 14:48
- relief from stay proceeding, § 14:129, 15:46
- application compensation of attorney, § 14:43
- automatic stay, stipulations concerning modification of or relief from, § 15:42, 15:43

INDEX

FORMS—Cont'd

Chapter 11—Cont'd

- ballot for plan acceptance or rejection, § **14:166**
- cash management system, bank accounts, and business forms, motion and order to continue, § **14:88 to 14:90**
- clerical staffing to court, order directing debtor to provide, § **14:55**
- client conference
 - agenda for discussion, § **15:4**
 - card for recording information, § **15:5**
 - initial client contact card, § **14:17**
 - letter confirming, § **15:3**
- collective bargaining agreement, rejecting, § **14:134, 14:135**
- confirmation order, § **14:171**
- contract between attorney and client, § **14:42**
- corporate resolution authorizing filing, § **14:53**
- creditors' committee, application for appointment of, § **15:37**
- credit request letter, § **14:39**
- critical vendors, motion to pay, § **14:94**
- customer program obligations, motion to pay prepetition, § **14:99**
- discharge, individual debtor's, motion for entry of order, § **14:183**
- disclosure of compensation by attorney, § **14:44**
- disclosure statement
 - generally, § **14:153**
 - order and notice approving, § **14:160, 14:161**
- discovery, § **15:45 to 15:47**

FORMS—Cont'd

Chapter 11—Cont'd

- employee obligations, prepetition, interim order to pay, § **14:98**
- employee obligations, prepetition, motion and order to pay, § **14:96**
- exemptions, objection to, § **15:14**
- expedited hearing
 - motion, § **14:82**
 - order, § **14:83**
- final decree and order closing case
 - delayed entry, motion for, § **14:188**
 - motion, § **14:186**
 - order, § **14:187**
- first day motions
 - additional time to file schedules and statements, § **14:86**
 - administrative status to vendors, motion to grant, § **14:95**
 - cash management system, bank accounts, and business forms, motion and order to continue, § **14:88 to 14:90**
 - credit facility, motion for approval of DIP, § **14:101**
 - critical vendors, motion to pay, § **14:94**
 - employee obligations, prepetition, interim order to pay, § **14:98**
 - employee obligations, prepetition, motion and order to pay, § **14:96**
- expedited hearing
 - motion, § **14:82**
 - order, § **14:83**

FORMS—Cont'd

Chapter 11—Cont'd
 first day motions—Cont'd
 joint administration, motion for, § 14:84
 joint administration, order for, § 14:85
 lead/local counsel, application to employ, § 14:103
 notice procedures, motion to establish case, § 14:87
 ordinary course professionals motion to pay, § 14:104, 14:105
 questionnaire to use with motion to pay, § 14:106
 utility services, motion and order determining adequate assurance of payment for, § 14:91 to 14:93
 free and clear, motion to sell with bid protection and auction, § 14:137
 interrogatories
 overstated mortgage claim, § 14:49
 relief from stay proceedings, § 14:128, 14:130, 15:45, 15:47
 interrogatories in relief-from-stay proceedings, § 15:45, 15:47
 joint administration, motion for, § 14:84
 joint administration, order for, § 14:85
 lead/local counsel, application to employ, § 14:103
 lease assumption, motion and order for, § 14:62 to 14:64
 letter soliciting acceptances, form of, § 14:164
 list of creditors, § 14:33

FORMS—Cont'd

Chapter 11—Cont'd
 modifying or terminating retirees' benefits, § 14:132
 notice
 automatic stay, notice of, § 14:25
 case notice procedures, motion to establish, § 14:87
 letter to creditors, § 14:26
 request for notices, § 15:8
 objections to claims, § 14:176
 operating reports, § 14:120, 14:121
 ordinary course professionals
 monthly compensation procedures, motion to establish, § 14:105
 motion to pay, § 14:104, 14:105
 questionnaire to use with motion to pay, § 14:106
 plan, § 14:151
 proof of claim, letter transmitting to creditor, § 15:35
 questionnaire, debtor questionnaire, § 14:31
 questions for examination of debtor, § 15:53
 relief from stay
 admissions, request for, § 14:129, 15:46
 debtor's response to motion for, § 14:123
 interrogatories, § 14:128, 14:130, 15:45, 15:47
 stipulations, § 14:125, 14:126, 15:42, 15:43
 request for admissions in relief-from-stay proceedings, § 15:46
 request for notices, § 15:8
 request for production of documents regarding overstated mortgage claim, § 14:50

INDEX

FORMS—Cont'd

Chapter 11—Cont'd

- RESPA request letter, § **14:47**
- sale of assets, motion for approval of, § **14:139**
- sales and use taxes, motion to pay prepetition, § **14:100**
- stipulations regarding relief from stay, § **14:125**, **14:126**, **15:42**, **15:43**
- tax liabilities, payment in full, motion for order, § **14:185**
- utility services
 - adequate assurance of payment, motion and order determining, § **14:91 to 14:93**
 - motion to determine adequate protection, § **14:91**
- vendors, motion to grant administrative status to, § **14:95**

Chapter 12

- acceptance by secured claimants
 - cover sheet, notice of motion, § **11:86**
 - notice of motion, cover sheet, § **11:86**
- attorneys' fees, disclosure of, § **11:52**
- automatic stay, relief from
 - cover sheet, notice of motion, § **12:30**
 - motion for relief, § **12:28**, **12:29**
 - notice of motion, cover sheet, § **12:30**
 - stipulations, § **11:88**, **11:89**, **12:32**, **12:33**
- automatic stay, termination of, stipulations, § **12:33**
- budget for farming debtor, § **11:57**
- business debtor checklist for meeting of creditors, § **13:21**

FORMS—Cont'd

Chapter 12—Cont'd

- client conference
 - card for recording information, § **11:12**, **12:5**
 - emergency conference confirmation letter, § **11:14**
 - letter confirming, § **11:14**, **12:3**
- codebtor stay, motion for termination of, § **12:29**
- confirmation order, § **11:99**, **13:29**
- cover sheet, notice of motion, § **11:86**, **12:30**
- creditors' meeting and confirmation hearing, letter to debtor regarding, § **11:78**
- credit request letter, § **11:11**
- discovery, § **11:91 to 11:93**, **12:35**, **12:36**
- dismissal of case, trustee's motion for, § **13:18**
- employer payment to trustee, order for, § **11:101**
- individual debtor checklist for meeting of creditors, § **13:20**
- interrogatories
 - overstated mortgage claim, § **11:28**
 - relief-from-stay proceedings, § **11:91**, **11:93**, **12:35**
 - sanctions for creditor abuse, § **11:30**
- judicial notice, request for, § **11:85**
- lien avoidance motion, § **11:65**
- list of creditors, § **11:31**
- notice of motion, cover sheet, § **11:86**, **12:30**
- objection to proofs of claim, § **11:82**
- plan, § **11:74**

FORMS—Cont'd

Chapter 12—Cont'd
 proof of claim, letter transmitting to creditor, § 12:20
 relief from stay
 interrogatories, § 11:91, 11:93, 12:35
 motion, § 12:28
 report of trustee at conclusion of meeting, form of, § 13:27
 request for admissions
 generally, § 11:27
 relief-from-stay proceedings, § 11:92, 12:36
 request for notices, § 12:8
 request for production of documents regarding overstated mortgage claim, § 11:29
 RESPA request letter, § 11:26
 spousal exemption and tax privacy waiver, § 13:22
 stipulations concerning modification of or relief from stay, § 12:32
 Chapter 13
 attorneys' fees, disclosure of, § 8:71
 budget for small business debtor, § 8:77
 client conference
 card for recording information, § 8:29, 9:28
 letter confirming, § 9:26
 confirmation order, § 10:39
 credit request letter, § 8:31
 dismissal of case, trustee's motion for, § 10:19
 final report and accounting, § 10:43
 Forms B122C-1 and 2 and the non-filing spouse, § 8:72
 interrogatories
 overstated mortgage claim, § 8:93

FORMS—Cont'd

Chapter 13—Cont'd
 interrogatories—Cont'd
 relief from stay, § 8:117, 8:119
 sanctions for creditor abuse, § 8:41
 means test, Forms B122C-1 and 2 disposable income, § 8:17
 objection to proof of claim, § 8:91, 8:141
 operating report, § 8:56, 8:57
 order closing estate and finding no taxes due, § 10:44
 order of confirmation, § 8:136
 questionnaire for meeting of creditors, § 10:23
 report of trustee at conclusion of meeting, form of, § 10:30
 request for admissions
 overstated mortgage claim, § 8:92
 relief from stay proceeding, § 8:118
 request for notices, § 9:32
 request for production of documents regarding overstated mortgage claim, § 8:94
 RESPA request letter, § 8:85
 show cause order as to extinguishment of tax liability, § 8:148
 stay relief motions, response to, § 8:109, 8:110
 Claims, objections to, § 18:41
Client Contact Card Forms (this index)
 Closing estate, § 10:44
 Computerization, generally, § 3:28
 Creditors' committee, application for appointment of, § 15:37
 Debtor identification, § 7:13
 Debtor identification report, § 10:10

INDEX

FORMS—Cont'd

- Debtor identification report,
Chapter 12, § 13:8
- Designation of record and state-
ment of issues on appeal,
§ 19:14
- Director's procedural forms,
§ App B
- Discovery
 - production of documents,
§ 18:30
 - video depositions, § 18:25,
18:26
- Exemptions, objection to, § 15:14
- Individual debtor checklist,
§ 10:22
- Interrogatories
 - Chapter 11, above
 - Chapter 12, above
 - Chapter 13, above
- Involuntary cases
 - checklists for conference with
client, § 17:23, 17:24
 - initial contact cards, § 17:15,
17:16
 - letters confirming client confer-
ence, § 17:18, 17:19
- Limited admission before Bank-
ruptcy Court, motion, § 3:30
- Means test, Form B122A, § 5:97
- Notice of appeal, § 19:16
- Notice of removal, § 18:20
- Objections to claims, § 18:41
- Objection to proof of claim in
Chapter 13 case, § 8:91,
8:141
- Official Forms, generally, § 3:26,
App A
- Procedural forms, director's,
§ App B
- Production of documents, § 18:30
- Pro hac vice, attorney admission,
§ 3:30
- Reaffirmation (this index)

FORMS—Cont'd

- Relief from automatic stay,
§ 18:38
- Removal notice, § 18:20
- RESPA request letter
 - generally, § 2:27
 - Chapter 7, § 5:55
 - Chapter 11, § 14:47
 - Chapter 12, § 11:26
 - Chapter 13, § 8:85
- Self-employed income statement,
§ 5:46
- Service, § 18:22
- Social Security, notice of correc-
tion of number, § 5:50, 8:43
- Spousal exemption and tax
privacy waiver, § 10:25
- Standard form service, § 18:22
- Video depositions, § 18:25, 18:26

FRAUDULENT TRANSFERS OR CONVEYANCES

- Adversary proceedings, § 18:1
- Amount likely to attract trustee's
attention, § 2:28
- Chapter 7
 - defending action to recover
fraudulent transfer, § 6:38
- Chapter 11
 - defense of actions, § 15:75
 - examiner's bringing of actions
to recover, § 16:3
 - fraud creditors, representing,
§ 15:27
- Chapter 12
 - checklist of questions for credi-
tor client, § 12:6
 - defending action, § 12:39
- Chapter 13, defending actions to
recover, § 9:61
- Checklist of questions for creditor
client
 - Chapter 12, § 12:6
- Common-law fraud and fraudulent
transfers distinguished,
§ 2:28

**FRAUDULENT TRANSFERS OR
CONVEYANCES—Cont'd**

- Complaints, § 18:21
- Conversion or dismissal, § 12:50
- Core proceedings, § 18:34
- Grupo Mexicano v. Alliance,
Supreme Court decision,
§ 2:28
- Insolvency, preplanning and asset
restructuring, § 2:28
- Involuntary cases
 - benefit to creditor, recovery of
preference as, § 17:12
 - information-gathering concern-
ing, § 17:4
- Jurisdiction, § 18:2
- Jury trial, § 18:34
- Preplanning and asset structuring
generally, § 2:3, 2:28
- dealing with nondischargeable
debts, § 2:20
- Grupo Mexicano v. Alliance,
Supreme Court decision,
§ 2:28

GIFTS

- Fraudulent conveyances, § 2:28

GOOD OR BAD FAITH

- Automatic stay relief, § 18:35
- Bad-faith filing of petition
 - involuntary cases
 - counterclaim for damages,
§ 17:28
 - damages, § 17:8
 - discovery request into
operational matters as
indicative of bad faith,
§ 17:29
 - hazard of filing, liability for
damages as, § 17:2
 - remedies against bad faith
petitioners, § 17:6
 - statutory amendment, § 17:8
- Chapter 13 plan confirmation
hearing, debtor's testimony
at, § 8:128

GOOD OR BAD FAITH—Cont'd

- Filings, contested matters jurisdic-
tion, § 18:3

GOVERNMENTAL IMMUNITY
Sovereign Immunity (this index)

**GOVERNMENTAL
REGULATIONS**

- Automatic stays, § 18:18, 18:35

GRAIN STORAGE FACILITIES

- Reclamation, § 12:24

**GRUPO MEXICANO V.
ALLIANCE**

- Fraudulent transfers or convey-
ances, Supreme Court deci-
sion, § 2:28

GUARANTEES

- Preplanning and asset structuring
for small businesses, § 2:17

HANUKKAH GIFTS

- Fraudulent conveyances, § 2:28

HARDSHIP DISCHARGE

- Chapter 12, § 11:104, 11:106
- Chapter 13, § 8:149
- Choice of chapter as affected by
availability of, § 4:6

HEALTH CARE DEBTORS

- Debtor representation, § 14:7

**HEALTH EDUCATION
ASSISTANCE LOANS
(HEAL)**

- Dischargeability, § 2:24

HEARINGS

- Automatic stay relief, § 18:35
- Cash collateral
 - adversary proceedings, § 15:48
 - Chapter 11, § 15:48, 16:12
 - Chapter 12, § 12:25
 - contested matters, § 15:48
- Change of venue, § 15:61
- Chapter 7 (this index)

INDEX

HEARINGS—Cont'd

Chapter 11 (this index)

Chapter 11 Plans (this index)

Chapter 12

cash collateral hearings, § 12:25

conversion, dismissal or
removal of debtor in pos-
session, § 12:50

creditor representation on relief-
from-stay motion, § 12:25

debtor representation on relief-
from-stay motion, § 11:83

objection to confirmation,
§ 12:42

valuation of collateral, § 12:26

Chapter 13

appearance or attendance at
confirmation hearings,
§ 10:5

confirmation, § 8:135

modification of plan, § 8:139

Contested matters, motions,
§ 18:21

Involuntary cases, interim trustee,
appointment of, § 17:31

Mini trials, § 18:14

Motions, contested matters,
§ 18:21

Preliminary hearings
automatic stay relief, § 18:36
relief from automatic stay,
§ 18:36

Venue changes, § 15:61

HOMESTEAD ASSOCIATIONS

Eligibility to be debtor, § 3:7

HOMESTEAD MORTGAGES

See also **Mortgages**

Generally, § 4:8

Chapter 12 exemptions, § 4:10

Chapter 20, § 4:11

Family farmers, § 4:10

Lien avoidance, § 4:10

Spillover exemption provisions,
use instead of homestead

HOMESTEAD MORTGAGES

—Cont'd

exemption, § 4:10

Strip down of claims, § 4:9

HOMESTEADS

Chapter 12, § 4:8

Chapter 13 cases, BAPCPA cap on
exemptions, § 8:89

Choice of chapter, § 4:8

Exemption, § 2:10

Chapter 13 cases, BAPCPA cap,
§ 8:89

limitations, § 2:10

objecting to homestead exemp-
tion or confirmation,
§ 10:38

Mortgages. **Homestead Mort-
gages** (this index)

Spillover exemption provisions,
use instead of homestead
exemption, § 4:10

HOTELS AND MOTELS

Preplanning and asset structuring
for single-asset real estate
debtors, § 2:16

HOUSEKEEPING MOTIONS

Generally, § 14:75

HOUSING

Chapter 7, local housing, allow-
able living expenses, § 5:60

HUSBANDS AND WIVES

Spouses (this index)

IDENTIFICATION

Chapter 2, debtor identification
requirements, § 5:49

Chapter 7, debtor identification
report, form of, § 7:13

Chapter 7, debtor identification
requirements, § 5:49, 7:12

Chapter 13, debtor identification
requirements, § 8:42 to 8:45

**INDIVIDUAL DEBT
ADJUSTMENT**

Chapter 13 (this index)

**INDIVIDUAL RETIREMENT
ACCOUNTS (IRAS)**

Educational IRA, § 2:6

Exemptions and estate property,
§ 2:4

Preplanning and asset structuring,
§ 2:4, 2:12

Roth IRAs, exemptions and estate
property, § 2:4

INFANTS

Birthday and holiday gifts as
fraudulent conveyances,
§ 2:28

Trusts, preplanning and asset
structuring, § 2:11

INHERITANCES

Substantial abuse challenge, § 4:2

INITIAL INTERVIEW

Chapter 7 (this index)

INJUNCTIONS

Chapter 12

debtor's use of leased premises
until lease accepted or
rejected, injunction to
prevent, § 12:11
intellectual property informa-
tion, § 12:14

Corporate officers and directors,
protection of, § 18:1

Discharge, § 18:35

Jurisdiction of bankruptcy courts
to issue, § 18:2, 18:8

Officers and directors, protection
of, § 18:1

Pleading, § 18:21

INSOLVENCY

Fraudulent transfers and convey-
ances, preplanning and asset
restructuring, § 2:28

INSOLVENCY—Cont'd

Involuntary cases

generally, § 17:28

bifurcated trial of defenses and
insolvency, § 17:33

Jury trials as to insolvency
determinations, § 18:34

INSURANCE

Automatic stay relief

adequate protection determina-
tions, § 18:35

status of property insurance,
§ 18:36

Chapter 11

continue insurance, motion to,
§ 14:132

modifying or terminating
retirees' benefits, § 14:131,
14:132

trustee's operation of estate's
business, § 16:10

Chapter 12

cash collateral agreements,
§ 12:25

farm mortgage creditor,
representing, § 12:9

mortgage creditor representa-
tion, § 12:9

Relief from automatic stay

adequate protection determina-
tions, § 18:35

status of property insurance,
§ 18:36

Stand-by insurance preparation as
part of preplanning and asset
structuring, § 2:3

INSURANCE COMPANIES

Eligibility to be debtor, § 3:7

**INTELLECTUAL PROPERTY,
REPRESENTATION OF
LICENSOR OR LICENSEE**

Chapter 11, § 15:23

Chapter 12, § 12:14

Chapter 13, § 9:37

INDEX

INTENT

- Chapter 7, statement of intent, § 5:60, 5:88
- Jury trials as to intent determinations, § 18:34

INTEREST ON MONEY

- Chapter 12 claims for post-petition interest, § 11:58, 12:19, 12:37, 12:40
- Preplanning and asset structuring. real estate investors, § 2:15, 2:16

INTERIM ORDERS

- Automatic stay relief, § 18:36
- Relief from automatic stay, § 18:36
- Removal after, § 18:18

INTERNAL REVENUE SERVICE

- Appeals process within IRS, § 2:23
- Chapter 12 cases, generally, § 11:45
- Internet, website, § 2:23
- Lender subrogation to, preplanning and asset structuring, § 2:19
- Problems in working with, § 2:23
- Proof of claims, § 18:39
- Service on
 - generally, § 18:22
 - proof of claim, § 2:23
- Show cause order as to extinguishment of tax liability
 - Chapter 11, § 14:185
 - Chapter 12, § 11:104, 11:105
 - Chapter 13, § 8:148
- Sovereign immunity, preplanning and asset structuring, § 2:23
- Website, § 2:23

INTERNET

- Generally, § 2:23

INTERNET—Cont'd

- Chapter 12, trustees, staying current with websites, § 13:2
- Electronic filing, § 18:13
- Internal Revenue Service, website, § 2:23

INTERROGATORIES

- Automatic stay, interrogatories regarding relief from
 - Chapter 11, § 14:128, 14:130, 15:45, 15:47
 - Chapter 12, § 11:91, 11:93, 12:35
 - Chapter 13, § 8:117, 8:119
- Chapter 7 (this index)
- Chapter 11, relief from stay proceeding, § 15:45
- Forms (this index)

INVENTORY

- Chapter 12 creditor representation, § 12:23, 12:25

INVOLUNTARY CASES

- Generally, § 17:1 et seq.
- Administrative claim for costs and attorneys' fees, § 17:34
- Affidavits or declarations establishing currency on all debt, § 17:24, 17:28
- Answer by debtor to petition, § 17:4, 17:14, 17:28
- Application for costs and attorneys' fees, § 17:34
- Assumed name records, checking of, § 17:14
- Attorney-client contract, § 17:20
- Attorneys' fees
 - generally, § 17:34
 - conversion of case, recovery by creditors upon conversion, § 17:33
 - hazard of filing, liability for fees as, § 17:2
- Automatic stay as applicable in, § 17:12

INVOLUNTARY CASES—Cont'd

Bad-faith filing of petition
 counterclaim for damages,
 § 17:28
 damages, § 17:8
 discovery request into
 operational matters as
 indicative of bad faith,
 § 17:29
 hazard of filing, liability for
 damages as, § 17:2
 remedies against bad faith
 petitioners, § 17:6
 statutory amendment, § 17:8
 Bifurcated trial of defenses and
 insolvency, § 17:33
 Bona fide dispute as precluding
 generally, § 17:8, 17:25
 response to petition, § 17:28
 Briefs, setting of timetable for
 submission at pretrial confer-
 ence, § 17:32
 Burden of proof
 insolvency, § 17:33
 substantial contribution test as
 to costs and attorneys'
 fees, § 17:34
 Cash collateral, information-
 gathering concerning, § 17:4
 Checklists, conference with client,
 § 17:23, 17:24
 Client representation
 checklists for conference with
 client, § 17:23, 17:24
 conference with client, gener-
 ally, § 17:22
 forms of initial contact cards,
 § 17:15, 17:16
 information gathering
 generally, § 17:4
 gathering information from
 and meeting with other
 creditors, § 17:4
 merchant's credit association,
 obtaining information

INVOLUNTARY CASES—Cont'd

Client representation—Cont'd
 information gathering—Cont'd
 through, § 17:4, 17:12,
 17:14
 initial client contact, § 17:14 to
 17:16
 letters confirming client confer-
 ence, forms of, § 17:18,
 17:19
 scheduling client conference,
 § 17:17 to 17:19
 Consent to dismissal, § 17:36
 Contested proceedings, § 18:14
 Contracts
 attorney-client contract, § 17:20
 petitioning creditor's contract,
 § 17:21
 Conversion of case
 generally, § 17:12
 burden for proof on motion for,
 § 17:25
 costs and fees, recovery by
 creditors upon conversion,
 § 17:33
 grounds for, § 17:25
 Copies of petitions, § 17:26
 Costs
 generally, § 17:34
 conversion of case, recovery by
 creditors upon conversion,
 § 17:33
 hazard of filing, liability for
 costs as, § 17:2
 Counterclaim for damages,
 § 17:28
 Credit association or agency,
 obtaining information
 through, § 17:4, 17:12, 17:14
 Damages
 generally, § 17:34, 17:35
 bad faith, § 17:8
 counterclaim for, § 17:28
 hazard of filing, liability for fees
 as, § 17:2

INDEX

INVOLUNTARY CASES—Cont'd

- Damages—Cont'd
 - malice, § 17:35
 - timing of claim for, § 17:4
- Depositions. Discovery, below
- Discovery
 - generally, § 17:29
 - benefit to creditor, recovery of preference as, § 17:12
 - gap period, seeking expedited discovery to protect estate assets during, § 17:13
 - informal request for factual information, § 17:4
 - notice for expedited depositions, § 17:4
 - pretrial conference, setting of deadlines for discovery, § 17:32
 - protective orders, § 17:29
 - sanctions, § 17:29
- Dismissal of case
 - generally, § 17:36
 - defenses, assertion of, § 17:4
 - grounds for, § 17:4
- Disqualification of debtor, § 17:9
- Filing fees, § 17:26
- Forms
 - checklists for conference with client, § 17:23, 17:24
 - initial contact cards, § 17:15, 17:16
 - letters confirming client conference, § 17:18, 17:19
- Fraudulent transfers or conveyances
 - benefit to creditor, recovery of preference as, § 17:12
 - information-gathering concerning, § 17:4
- Gap period
 - interim trustee to operate business, § 17:31
 - protecting estate assets during, § 17:13

INVOLUNTARY CASES—Cont'd

- Hazards of filing, § 17:2
- Hearings, interim trustee, appointment of, § 17:31
- Information gathering
 - generally, § 17:4
 - merchant's credit association, obtaining information through, § 17:4, 17:12, 17:14
 - solicitation of clients, avoiding unethical, § 17:4
- Initial client contact, § 17:14 to 17:16
- Initial contact cards, forms of, § 17:15, 17:16
- Insolvency
 - generally, § 17:28
 - bifurcated trial of defenses and insolvency, § 17:33
 - burden of proof, § 17:33
- Interim trustee to operate business, § 17:31
- Joinder of nonpetitioning creditors, § 17:25, 17:28
- Joint motion for dismissal, § 17:36
- Judgment records, checking of, § 17:4, 17:14
- Jurisdiction
 - dismissal motion in response to petition as jurisdictional, § 17:28
 - retention after dismissal for purposes of determining damages, § 17:34
- Jury trial
 - generally, § 18:34
 - insolvency, § 17:28
 - pretrial conference, § 17:32
- Letters confirming client conference, forms of, § 17:18, 17:19
- Lien records, checking of, § 17:4, 17:14

INVOLUNTARY CASES—Cont'd

Marshaling of partnership obligations, use of petition to, § 17:7

Merchant's credit association, obtaining information through, § 17:4, 17:12, 17:14

Notice

dismissal of case, § 17:36

expedited depositions, § 17:4

interim trustee, appointment of, § 17:31

Partnerships, § 17:7, 17:25

Petitioning creditor's contract, § 17:21

Petitions

drafting of, § 17:25

filing, generally, § 17:26

requirements for filing, § 17:3

response by debtor to, § 17:4, 17:14, 17:28

service of, § 17:27

standing of petitioning creditors, § 17:5

trustee to operate business, prayer for appointment of, § 17:25

Preferences

benefit to creditor, recovery of preference as, § 17:12

information-gathering concerning, § 17:4

when involuntary case should be initiated, § 17:10

Pretrial conference, § 17:32

Protective orders for discovery, § 17:29

Punitive damages

generally, § 17:34

counterclaim for, § 17:28

hazard of filing, liability for fees as, § 17:2

Purpose of petition, generally, § 17:11

Sequestration of collateral, § 17:4

INVOLUNTARY CASES—Cont'd

Settlement, § 17:36

Status conference, § 17:32

Summary judgment of dismissal, affidavits or declarations establishing currency on all debt, § 17:24, 17:28

Summons, § 17:25 to 17:27

Tax lien records, checking of, § 17:4, 17:14

Trial, generally, § 17:33

Trustee to operate business

benefit to creditors, trustee appointment as, § 17:12

debtor's regaining of possession and control by filing bond, § 17:30

election of trustee, § 17:31

gap period, seeking appointment of trustee to protect estate assets during, § 17:13

interim trustee, § 17:31

petition including prayer for appointment of, § 17:25

removal of trustee, § 17:4

Venue, § 17:25

When involuntary case should be initiated, § 17:10

JEWELRY

Exemption planning, § 2:9

Fraudulent conveyance from gift to relative to hold until bankruptcy concluded, § 2:28

JOINDER OF PARTIES

Discovery as to joinder issues, § 18:27

Involuntary petition, § 17:25, 17:28

Removal and joinder, § 18:18

JOINT ADMINISTRATION

Motion, § 14:84

Motion and order for, § 14:74

Order for, § 14:85

INDEX

JOINT OR CO-OWNERSHIP INTERESTS

- Generally, § 3:11
- Sale of property as hazard to co-owner, § 3:11

JUDGES

- Generally, § 3:2 to 3:4
- District Court judges, § 3:4
- Turnover among judges, causes of frequency of, § 3:3

JUDGMENT-PROOF DEBTORS

- Making debtor judgment proof, § 2:13
- Settlement by, § 2:3

JUDGMENTS, ORDERS AND DECREES

- Appeals** (this index)
- Lease assumption, forms of
Chapter 11 order for, § 14:62
to 14:64
- Relief from judgment motion as
extending of time for filing
notice of appeal, § 19:2,
19:10
- Stay of execution or enforcement
pending appeal, § 19:22

JUDICIAL NOTICE

- Automatic stay hearings, § 18:36,
18:37
- Chapter 12 confirmation hearing,
judicial notice of schedules
and plan, § 11:94
- Form of request for, § 11:85

JUNK BONDS

- Exemption planning, § 2:9

JURISDICTION

- Generally, § 18:7
- Abstention** (this index)
- Administrative matters, § 18:2
- Adversary proceeding,
jurisdictional objections as,
§ 18:3

JURISDICTION—Cont'd

- Appeals**
 - abstention or non-abstention
concerning state-law
claim, § 19:20
 - consent to appeal to Bankruptcy
Appellate Panel, § 19:1,
19:9
- Automatic stay and jurisdictional
challenges distinguished,
§ 18:2
- Bad-faith filing claims, § 18:3
- Brief on objections to, § 18:3
- Burden of proof, § 18:3
- Challenges, strategy of, § 18:1
- Consent, appeal to Bankruptcy
Appellate Panel, § 19:1, 19:9
- Constitutional issues, § 18:1
- Contested matters nexus, § 18:1
- Contest matter pleading, § 18:3
- Core proceeding determinations,
§ 18:2
- Core Proceedings** (this index)
- Criminal matters, § 18:3
- Discharge, constitutional issues,
§ 18:1
- Divorce, § 18:2
- Domestic relations, § 18:2
- Foreign defendants, service,
§ 18:23
- Impact-on-estate test, § 18:2
- Injunctions, authority to issue,
§ 18:2, 18:8
- Involuntary cases
 - dismissal motion in response to
petition as jurisdictional,
§ 17:28
 - retention after dismissal for
purposes of determining
damages, § 17:34
- Jury trial demand jurisdictional
problems, § 18:34
- Leakage of, § 18:2
- Lease termination as ground of
challenge to, § 12:11

JURISDICTION—Cont'd

- Mini trials, § 18:14
- Motion to dismiss, challenge by, § 18:3
- Nexus, contested matters, § 18:1
- Noncore Proceedings** (this index)
- Northern Pipeline v. Marathon Pipe Line decision
 - generally, § 18:1
 - appeal, restructuring of routes of, § 19:1
- Objections to, § 18:3, 18:9
- Orders of referral, § 18:1
- Overlapping bankruptcy court jurisdiction, § 18:2
- Pendent, § 18:2
- Pleading, § 18:2, 18:3
- Probate matters, § 18:2
- Reference of Cases** (this index)
- Related to jurisdiction, § 18:2
- Relief from stay motions, § 18:2
- Remand, § 18:19
- Removal
 - generally, § 18:18
 - form, § 18:20
- Service on foreign defendants, § 18:23
- Sovereign immunity, § 18:10
- State law disputes, § 18:2
- Statutory grant, § 18:2
- Sua sponte challenges, § 18:3
- Subordination matters, § 18:8, 18:21
- Tax disputes, § 18:2
- Time for challenge, § 18:3
- Time for filing objections to, § 18:3
- Tort claims, § 18:2, 18:8
- Venue, § 18:17
- Withdrawals of referrals, § 18:2, 18:16
- Wrongful death actions, § 18:2, 18:8

JURY TRIAL

- Generally, § 18:2, 18:34
- Constitutional issues, § 18:34
- Core proceedings, § 18:34
- Discharge objections, § 18:34
- District Court judges' role in bankruptcy, generally, § 3:4
- Insolvency determinations, § 18:34
- Intent determinations, § 18:34
- Involuntary cases
 - generally, § 18:34
 - insolvency, § 17:28
 - pretrial conference, § 17:32
- Jurisdictional problems, § 18:34
- Local rules and practice, § 18:34
- Preferences, jury trial rights as waived by filing proof of claim in Chapter 12 cases, § 12:19, 12:37
- References to conduct, § 18:34
- Rules, applicability of, § 3:25
- Wrongful death actions, § 18:31

LABOR UNIONS

- Collective bargaining agreement, rejecting, § 14:133 to 14:135
- Preplanning and asset structuring
 - generally, § 2:3
 - owner/operator of closely-held businesses, § 2:14

LARCENY

- Preplanning and asset structuring, dealing with nondischargeable debts, § 2:20

LEASES

- Chapter 7** (this index)
- Chapter 13
 - adequate protection payments, post-petition plan, § 8:15
 - commercial property, post-petition plan, § 8:27
 - defaulted leases, eviction proceeding, § 8:26

INDEX

LEASES—Cont'd

- Chapter 13—Cont'd
 - post-petition plan, § 8:15, 8:27, 9:15, 10:32
 - residential and personal property, § 8:25
- Disguised financing agreements, preplanning and asset structuring, § 2:13, 2:14
- Executory Contracts and Unexpired Leases** (this index)
- Preplanning and asset structuring
 - making debtor judgment proof, § 2:13
 - owner/operator of closely-held businesses, § 2:14

LETTERS

- Chapter 7
 - credit request letter, § 5:140
 - document request, trustee's letter, § 7:22
 - meeting of creditors, confirmation letter, § 5:118
 - proof of claim, letter transmitting, § 6:21
 - transmittal letter for drafts of statement of financial affairs and schedules, § 5:92
- Chapter 11, letters by debtor's attorneys to creditors, § 14:26
- Client letters. **Letters to Clients** (this index)

LETTERS TO CLIENTS

- Chapter 7, creditor representation, client conference, letter confirming, § 6:3
- Chapter 11
 - creditor representation
 - client conference, letter confirming, § 15:3

LETTERS TO CLIENTS—Cont'd

- Chapter 11—Cont'd
 - creditor representation—Cont'd
 - proof of claim, letter transmitting to creditor, § 15:35
- Chapter 12
 - creditor representation
 - client conference, letter confirming, § 12:3
 - proof of claim, letter transmitting to creditor, § 12:20
 - debtor representation
 - client conference, letter confirming, § 11:14
 - creditors' meeting and confirmation hearing, letter regarding, § 11:77, 11:78
- Chapter 13
 - creditor representation
 - client conference, letter confirming, § 9:26
 - post-petition plan, lease, and adequate protection payments, § 9:15
 - debtor representation
 - client conference, letter confirming, § 8:36
 - creditors' meeting, letter regarding, § 8:121
- Involuntary cases, forms of letters confirming client conference, § 17:18, 17:19
- Nondischargeable assets, summarizing preplanning conversations in memorandum and writing letter to client, § 2:19

LICENSES

- Intellectual Property, Representation of Licensor or Licensee** (this index)

LIENS

- Avoidance motions, § 18:14

LIENS—Cont'd

Avoidance of liens impairing exemptions. **Exemptions** (this index)

Chapter 7 (this index)

Chapter 13

lien avoidance, § 8:95, 8:96

lien stripping/bifurcation inapplicable, § 9:12 to 9:14

mortgages; junior lien stripping under Code Sec. 506(a) and (d), § 8:81

Chapter 13 plans

bifurcation of liens

generally, § 8:97 to 8:100

any other thing of value, § 8:98

no discharge effect, § 8:100

personal use, § 8:99

lien stripping, cramdown, § 8:133

Homestead mortgages, avoidance, § 4:9, 4:10

Motions, avoidance, § 18:14

Preplanning and asset structuring, index of liens and lien search, § 2:8

**LIMITED LIABILITY
PROFESSIONAL
ASSOCIATIONS**

Preplanning and asset structuring, § 2:12

LIMITED PARTNERSHIPS

Preplanning and asset structuring

professional persons, debtors who are, § 2:3

real estate investors, § 2:15, 2:16

LIQUIDATION

Chapter 7 (this index)

LIQUIDATION ANALYSIS

Drafting, § 14:155

LIQUIDATION ANALYSIS

—Cont'd

Single-asset real estate debtors, preplanning and asset structuring for, § 2:16

LITIGATION

Generally, § 18:1 et seq., and see more specific entries throughout this index

LOCAL RULES AND PRACTICE

Generally, § 3:24

Admission to practice, § 3:29

Answer. Contested matters, below

Appearance before court, § 3:29

Automatic stay, relief from generally, § 3:22

Chapter 12 cases, § 12:27

motions, § 18:34

Briefs, Bankruptcy Rules subject to modification or suspension, § 19:23

Chapter 12

bank accounts, § 11:40

confirmation hearing, § 11:94

discharge, § 11:104

interim plan payments, § 13:23

objections to confirmation, § 11:97

operating reports of debtor, § 13:24

relief from stay, § 12:27

reports by trustee, § 11:109

valuation hearings, § 12:26

Chapter 13

amendment of schedules and statement of financial affairs, § 8:67

attorneys' fees, disclosure of, § 8:70

budget of debtor, § 10:15

claims, objection to proofs of claim in Chapter 13 cases, § 8:140

INDEX

LOCAL RULES AND PRACTICE

—Cont'd

- Chapter 13—Cont'd
 - commencement of plan payments, § 8:106, 10:12
 - confirmation, deadline for objecting to, § 8:134
 - operating reports of debtor, § 10:27
- Claims, objections to, § 18:35
- Claims, objection to proofs of claim in Chapter 13 cases, § 8:140
- Contested matter motions, § 18:15, 18:21
- Creditors' meetings
- Deposition notices, § 18:25
- Disclosure, § 18:27
- District Court rules, applicability of, § 3:24
- Evidence and testimony, local procedure for presentation by, § 3:25
- Insolvency, involuntary cases, § 17:28
- Involuntary cases
 - insolvency, § 17:28
 - pretrial orders, § 17:32
- Jurisdiction issues, § 18:3
- Jury trials, § 18:34
- Limited admission before Bankruptcy Court, form, § 3:30
- Pretrial motions, § 18:31
- Pretrial orders, § 18:32
- Reference of cases to bankruptcy judges, § 3:4
- Relief from stay, § 3:22
- Remand motions, § 18:19
- Schedules, amendment of, § 8:67
- Service requirements, § 18:22
- Standing orders
 - generally, § 3:23
 - reference of cases to bankruptcy judges, § 3:4

LOCAL RULES AND PRACTICE

—Cont'd

- Statement of financial affairs, amendment of, § 8:67
- Stay pending appeal, § 19:22
- Time for filing motions and responses, § 18:21
- Trustees, § 3:6
- Valuation hearings, § 12:26

MAIL AND MAILING

Appeals

- notice of appeal, mailing to parties and U.S. Trustee, § 19:10, 19:20
- oral argument, notice of date set for, § 19:23
- Notice of appeal, mailing to parties and U.S. Trustee, § 19:10, 19:20

MALPRACTICE

- Nondischargeable assets, summarizing preplanning conversations in memorandum and writing letter to client, § 2:19

MARATHON PIPELINE DECISION

- Appeal, restructuring of routes of, § 19:1

MARSHALING

- Involuntary petition, use to marshal partnership obligations, § 17:7

MEANS TEST

- Chapter 7 (this index)
- Chapter 11 (this index)
- Chapter 13 (this index)

MEDIAN INCOME

- Chapter 7 (this index)

MEDICAL PERSONNEL,

- Educational loans under Chapter 7, § 5:128

MEETING OF CREDITORS

Creditors' Meeting (this index)

**MILAVETZ, GALLOP &
MILAVETZ P.A. V. U.S.**

Attorney as DRA prohibited from
advising debtors to incur
more debt except for valid
purposes, Supreme Court
decision, § 2:2

MINI TRIALS

Adversary proceedings, § 18:14

MINORS

Children and Minors (this index)

**MORE DEFINITE STATEMENT
MOTIONS**

Chapter 12 plan confirmation
objections, § 11:97

MORTGAGES

Arrearages, § 2:26

Chapter 11

admissions, requests for,
§ 14:48

overstated mortgage claims,
§ 14:48 to 14:50

Chapter 12

creditor as client, § 12:9, 12:11,
12:16

cure of default, § 12:11

debtor representation, § 11:27
to 11:29

debtor's residence, generally,
§ 4:8

exemptions, homestead
mortgage, § 4:10

farms mortgage creditor,
representing, § 12:9

Chapter 13

anti-bifurcation protection, for-
feiture of, § 8:80

conversion, valuation of
mortgage upon, § 8:83

creditor representation, § 9:42

MORTGAGES—Cont'd

Chapter 13—Cont'd

creditors, dealing with
oversecured or
undersecured mortgage
creditors, § 8:86

cure of default, § 2:26

debtor representation, § 8:79

equal monthly payments, § 8:82

junior lien stripping, Code Sec.
506(a) and (d), § 8:81

overstated mortgage claims,
§ 8:92 to 8:94

payments, § 8:82

valuation of mortgage upon
conversion, § 8:83

Choice of chapter as affected by
availability of cure, § 4:8

Cure of default

Chapter 12, § 12:11

Chapter 13, § 2:26

choice of chapter as affected by
availability of cure, § 4:8

Homestead mortgages

generally, § 4:8

Chapter 12 exemptions, § 4:10

Chapter 20, § 4:11

family farmers, § 4:10

lien avoidance, § 4:10

spillover exemption provisions,
use instead of homestead
exemption, § 4:10

strip down of claims, § 4:9

Preplanning and asset structuring,
§ 2:26

Real Estate Settlement Procedures
Act (RESPA), § 8:84

request letter, form for Chapter
13 cases, § 8:85

Strip down of claims, § 4:9

MOTIONS

Chapter 7

abuse of Chapter 7 relief,
motion to dismiss, § 6:53

INDEX

MOTIONS—Cont’d

Chapter 7—Cont’d

reaffirmation of consumer
obligation not secured by
real estate, motion for
order approving, § 5:107

Contested Matters (this index)

Electronic filing, § 18:13

Extension of time, notice of
appeal, time for filing, § 19:2,
19:10

Findings, motion to make or
amend as extending of time
for filing notice of appeal,
§ 19:2, 19:10

First Day Motions (this index)

Hearings, contested matters,
§ 18:21

Interlocutory orders, leave to
appeal from, § 19:20

Lease assumption, forms of
Chapter 11 motion for,
§ 14:62 to 14:64

Lien avoidance, § 18:14

Local rules and practice, § 18:21

More definite statement motions,
Chapter 12 plan confirmation
objections, § 11:97

New trial motion as extending of
time for filing notice of
appeal, § 19:2, 19:10

Pretrial motions, § 18:31

Relief from judgment motion as
extending of time for filing
notice of appeal, § 19:2,
19:10

Relief from stay, debtor’s response
to motion for, § 14:122 to
14:126

Service

generally, § 18:22
foreign defendants, § 18:23

Stay pending appeal, § 19:22

Video depositions discovery
forms, § 18:25

MOTIONS—Cont’d

Withdrawals of referrals, § 18:2,
18:16

MOTOR VEHICLES

Chapter 13, representing vehicle
lender, § 9:43

Exemption planning, § 2:9

NATIONAL HEALTH SERVICE CORPORATION (NHSC) LOANS

Dischargeability, § 2:24

NECESSARIES

Prefiling purchase as part of asset
restructuring tactics, § 4:7

NEW TRIAL

Motion as extending of time for
filing notice of appeal,
§ 19:2, 19:10

910 VEHICLES

Chapter 13 plans
claim classification after collat-
eral surrender, § 8:101
cramdown, § 8:132
personal use, bifurcation of
liens in plan, § 8:99

NONCORE PROCEEDINGS

See also **Core Proceedings**

Appeals

generally, § 19:9
application for determination
whether proceeding is core
proceeding, § 19:9
de novo standard of review,
§ 19:24

Withdrawal of reference, § 17:15

NORTHERN PIPELINE DECISION

Generally, § 18:1

Appeal, restructuring of routes of,
§ 19:1

NOTICE

Appeals

- for coverage of notice of appeal,
see **Appeals**
- bankruptcy appellate panels,
§ **19:15**
- election to have appeal heard
before District Court,
§ **19:18**
- oral argument, date set for,
§ **19:23**
- request for transcript, § **19:12**

Chapter 7

- abandonment of estate property,
§ **7:50**
- choice of relief, notice of,
§ **5:57**
- creditor representation, request
for notices, § **6:8, 6:9**
- mandatory DRA notices, § **5:58**
acknowledgment of receipt,
Form, § **5:59**
- notice of correction of Social
Security number, § **5:50**
- trustee's notice of commence-
ment of case, meeting of
creditors, and fixing of
dates, § **7:14**

Chapter 11

- automatic stay
generally, § **14:25**
form of notice of, § **14:25**
- case notice procedures, motion
to establish, § **14:87**
- cash collateral
creditor representation, gen-
erally, § **15:48**
trustee's use in operating
estate's business,
§ **16:12**
- commencement and purpose of
case, notifying creditors of,
§ **14:24 to 14:26**
- confirmation order, entry of,
§ **14:171**

NOTICE—Cont'd

Chapter 11—Cont'd

- creditor representation
cash collateral, § **15:48**
request for notices, § **15:7, 15:8**
- examiners
acceptance or rejection of
appointment, § **16:7**
compensation, § **16:6**
operation of estate's business,
§ **16:10**
- modification of plan, § **14:172**
- recourse election, § **15:66**
- social security number, change
of, § **14:23**

trustees

- acceptance or rejection of
appointment, § **16:7**
- cash collateral, trustee's use
in operating estate's
business, § **16:12**
- compensation, § **16:6**
- operation of estate's business,
§ **16:10**

Chapter 11, objection to claimed
exemptions, § **15:13, 15:14**

Chapter 12

- amendment of schedules,
§ **11:53**
- creditor representation
cash collateral, § **12:25**
request for notices, § **12:7, 12:8**
- creditors, notice to, § **11:45, 11:46**
- discharge
generally, § **11:104**
hardship discharge, § **11:106**
- modification of plan, notice of
time to object to, § **11:102**
- objection to modification of
plan, time for, § **11:102**

Chapter 13

- debtor representation, noticing
creditors, § **8:107**

INDEX

NOTICE—Cont'd

- Chapter 13—Cont'd
 - request for notices, § 9:32
- Debt relief agencies (DRAs), § 8:3, 8:4
- Deposition notices, § 18:25
- Involuntary cases
 - dismissal of case, § 17:36
 - expedited depositions, § 17:4
 - interim trustee, appointment of, § 17:31
- IRS, § 16:10
- Removal
 - generally, § 18:18
 - form, § 18:20

NOTIFICATION OF IRS

- Generally, § 16:10

OBJECTIONS

- Contested matters, initiation by, § 18:14, 18:15

OFFICE BUILDINGS

- Preplanning and asset structuring for single-asset real estate debtors, § 2:16

OFFICE EQUIPMENT

- Preplanning and asset structuring, making debtor judgment proof, § 2:13

OFFICIAL FORMS

- Bankruptcy practice, § 3:26, 5:80, App A

OFF SHORE CREDITORS

- Chapter 12, claims review by, § 11:81

OFFSHORE ENTITIES

- Service on, § 18:23

OMNIBUS OBJECTION TO CLAIMS

- Procedures, § 14:175

180-DAY RULE

- Generally, § 3:7

ORAL ARGUMENT

- Appeals, generally, § 19:23
- Interlocutory order, proceedings on motion for leave for to appeal, § 19:20

OVERPAYMENT

- Chapter 12 plans, dischargeability of debts, § 11:68

OVERSECURED CLAIMS

- Generally, § 3:10

OWN MOTION OF COURT

- Examiner, appointment of, § 16:4
- Jurisdiction questioned sua sponte, § 18:3

PALIMONY

- Preplanning and asset structuring, dealing with nondischargeable debts, § 2:21

PARALEGALS

- Assets, use of paralegal in compiling list of debtor's assets and index of liens and security interests, § 2:8
- Chapter 7, creditor representation, § 6:1, 6:4
- Chapter 11, debtor representation, § 14:14
- Chapter 12
 - creditor representation, § 12:1, 12:4
 - debtor representation, § 11:4

PARTIES

- Contested matters, § 18:14

PARTNERSHIPS

- Chapter 7, filing suggestions, § 5:74
- Choice of chapter, § 4:3
- Closely-held businesses, § 2:3, 2:14

PARTNERSHIPS—Cont'd

- Eligibility to be debtor generally, § 3:7
- Chapter 12, § 11:1
- Involuntary cases, § 17:7
- Preplanning and asset structuring, single-asset real estate debtors, § 2:16

PATENTS

- Intellectual Property, Representation of Licensor or Licensee** (this index)

PAWN-RELATED OBLIGATIONS

- Chapter 13, exceptions to automatic stay, § 9:8

PAYCHECK PROTECTION PROGRAM

- Creditor representation, § 6:39
- Trustees, § 7:2

PAYMENT

- Advises. **Payment Advises** (this index)
- Attorneys' fees, payment under plan, § 11:55
- Chapter 12 plans
 - generally, § 12:48
 - counseling when payments not made, § 11:100
 - debtor representation, § 11:100
 - dismissal when payments not made, § 11:64, 11:100
 - mortgage lender paid outside plan, § 12:16
- Chapter 13 plans
 - commencement of plan payments, § 8:106, 10:12
 - debtor representation, § 8:137
 - default or tardiness
 - dismissal of case for, § 10:20
 - trustee's consideration of, § 10:21

PAYMENT—Cont'd

- Chapter 13 plans—Cont'd
 - dismissal or conversion where plan payments in default, § 10:20
 - preconfirmation plan payments, § 10:26
 - summary of
 - plan payments, form for, § 8:104
 - plan terms, § 8:105
 - trustee's duties, § 10:5
- Cure of Defaults** (this index)
- Filing fees, installment payment of, § 13:10
- Outside plan. **Payment Outside Plan** (this index)
- Utilities and Utility Service** (this index)

PAYMENT ADVICES

- Chapter 7, § 5:45, 5:86
- Chapter 13, § 8:63, 8:64

PAYMENT OUTSIDE PLAN

- Chapter 12, § 12:16
- Farmers' preplanning and asset structuring, § 2:18
- Mortgages, generally, § 4:10

PENSIONS

- Chapter 7, retiree benefits, § 6:15
- Chapter 11
 - collective bargaining agreement rejection and modification of retiree benefits, § 14:135
 - creditor representation, § 15:25
 - insurance benefits
 - continuing retirees', § 14:132
 - modifying or terminating retirees', § 14:131, 14:132
- Chapter 13 plans, § 9:7, 10:37
- Preplanning and asset structuring, § 2:3, 2:9, 2:13

INDEX

PERJURY

Preplanning and asset structuring,
§ 2:28, 2:29

PERSONAL INJURY ACTIONS

Bankruptcy jurisdiction, § 18:2,
18:8

PERSONAL PROPERTY

Chapter 7, leases of personal prop-
erty, § 5:34

Chapter 11

lessee, representing, § 15:21

lessor, representing, § 15:19

Chapter 12, representing lessor,
§ 12:12

PETITIONS

Adversary proceedings, § 18:21

Automatic stay, relief from,
§ 18:35

Bad-Faith Filing of Petition (this
index)

Chapter 7

emergency filing

bare petition, § 5:40

trustees, § 7:25

preparation, § 5:81

Chapter 11

generally, § 14:56, 14:59

filing, § 14:59

individual debtors, § 14:58

individual debtors, special
requirements, § 14:58

preparation, § 14:56

resolution of corporation

authorizing filing, § 14:53

small business debtors, § 14:57

small business debtors, special
requirements, § 14:57

Chapter 12

generally, § 11:43 to 11:46

joint petitions, § 11:44, 13:12

preparing for filing, § 11:1 to
11:32

PETITIONS—Cont'd

Chapter 13

generally, § 8:61 to 8:64

additional documents required,
§ 8:63

filing, § 8:63

joint petitions, § 10:13

payment advices, § 8:63, 8:64

preparation, § 8:62

Contested matters, § 18:21

Conversion or dismissal, refiling
after prior case dismissed,
§ 3:7

Electronic filing, § 18:13

Filing Fees (this index)

Injunctive relief, § 18:21

Involuntary cases

drafting of petition, § 17:25

filing, generally, § 17:26

requirements for filing, § 17:3

response by debtor to, § 17:4,
17:14, 17:28

service of petition, § 17:27

standing of petitioning credi-
tors, § 17:5

trustee to operate business,
prayer for appointment of,
§ 17:25

Jurisdiction, § 18:2, 18:3

Relief from automatic stay,
§ 18:35

POINTS AND AUTHORITIES

Briefs or Points and Authorities
(this index)

POLICE OR REGULATORY

POWER ENFORCEMENT

Automatic stay, § 18:18, 18:35

POSTNUPTIAL AGREEMENTS

Preplanning and asset structuring,
§ 2:11

PREFERENCES

Amount likely to attract trustee's
attention, § 2:28

PREFERENCES—Cont'd

Cash assets, preplanning concerning, § 2:28

Chapter 7

unsecured creditor, defending preference action against, § 6:22

Chapter 11

defense of preference actions, § 15:73, 15:74

examiner's bringing of actions to recover, § 16:3

Chapter 12

checklist of questions for creditor client, § 12:6

defense of preference action, § 12:22

jury trial rights as waived by filing proof of claim, § 12:19

secured creditor, defending action against, § 12:38

undersecured creditor, defending action against, § 12:22

Chapter 13

defense of preference actions, § 9:47, 9:52

trustees, § 10:17

Checklists of questions for creditor clients

Chapter 12, § 12:6

Involuntary cases

benefit to creditor, recovery of preference as, § 17:12

information-gathering concerning, § 17:4

when involuntary case should be initiated, § 17:10

Jury trial rights as waived by filing proof of claim, Chapter 12 cases, § 12:19, 12:37

Preplanning and asset structuring, § 2:28

PREPLANNING AND ASSET STRUCTURING

Generally, § 2:1 et seq.

PREPLANNING AND ASSET STRUCTURING—Cont'd

Abuse, relief available under Chapter 7, § 2:7

Alimony, maintenance and support, § 2:21

Assets of individual debtor, determining, § 2:8

Attorney as DRA prohibited from advising debtors to incur more debt except for valid purposes, § 2:2

Closely-held businesses, Owner/operator of, § 2:14

Common mistakes, § 2:28, 2:29

Considerations, generally, § 2:3 to 2:7

Creditors, need for planning by, § 2:1

Criminal restitution debts, § 2:22

Dependents, property of nondebtor, § 2:11

Drunk driving debts, § 2:22

Exemption determination, generally, § 2:9

Farmers, § 2:18

Fraud, nondischargeable debts, § 2:20

Fraudulent transfers, § 2:3, 2:28

Grupo Mexicano v. Alliance, Supreme Court decision, § 2:28

Homestead exemption, limitations, § 2:10

Individual retirement accounts (IRAs), § 2:4, 2:12

Making debtor judgment proof, § 2:13

Milavetz, Gallop & Milavetz P.A. v. U.S., Supreme Court decision; attorney as DRA prohibited from advising debtors to incur more debt except for valid purposes, § 2:2

INDEX

PREPLANNING AND ASSET STRUCTURING—Cont'd

- Mortgages on debtor's home,
§ 2:26, 2:28
- Nondischargeable assets, § 2:19 et
seq.
- Owner/operator of closely-held
business, § 2:14
- Pension plans, considerations,
§ 2:4 et seq.
- Preferences, § 2:3, 2:28
- Real estate investors, § 2:15, 2:16
- RESPA request letter, form, § 2:27
- Retirement and pension plans,
considerations, § 2:4 et seq.
- Roth IRA, considerations, § 2:4
- Self-employed professionals,
§ 2:12
- Single-asset real estate debtors,
§ 2:16
- Small businesses, § 2:17
- Spouse, property of nondebtor,
§ 2:11
- Student loans, § 2:5, 2:24
- Taxation, dealing with nondis-
chargeable debts, § 2:23
- Tuition savings accounts,
considerations, § 2:6

PRESUMPTIONS

- Chapter 7, applicability of
presumption of abuse, § 5:16,
6:50

PRETRIAL CONFERENCES

- Generally, § 18:32
- Briefs, setting of timetable for
submission, § 17:32
- Discovery, setting of deadlines for,
§ 17:32
- Involuntary cases, § 17:32

PRETRIAL MOTIONS

- Generally, § 18:31

PRIORITIES

- Absolute Priority Rule** (this
index)

PRIORITIES—Cont'd

- Chapter 7
 - generally, § 5:70, 5:71
 - retirees, § 6:15
- Chapter 11, § 14:32, 14:33
- Chapter 12, § 11:25
- Chapter 13
 - debtor representation, § 8:49,
8:51, 8:52
 - wage claimants, § 9:41
- Wage claimants, § 9:41, 13:23

PRIVACY

- Chapter 7, spousal exemption and
tax privacy waiver, form,
§ 7:36

PROBATE MATTERS

- Jurisdiction, § 18:2

PROFESSIONAL CORPORATIONS OR ASSOCIATIONS

- Preplanning and asset structuring
for debtor professionals,
§ 2:3, 2:12, 2:13

PROFESSIONAL PERSONS

- Accountants** (this index)
- Appraisers, appointment and fees
of, § 7:51
- Attorneys** (this index)
- Auctioneers, appointment and fees
of, § 7:51
- Chapter 7 trustee's employment
of, generally, § 7:54
- Chapter 11
 - creditors' committees, § 15:38
 - trustee's or examiner's employ-
ment, § 16:9
- Closely-held businesses, debtors
who are professional persons,
§ 2:3
- First day motions, motion to
employ, § 14:79

PROFESSIONAL PERSONS

—Cont'd

- Ordinary course professionals
 - monthly compensation
 - procedures, motion to establish, § 14:105
 - motion to pay, § 14:104, 14:105
 - questionnaire to use with
 - motion to pay, § 14:106
- Paralegals** (this index)
- Preplanning and asset structuring for debtor professionals, § 2:3, 2:12, 2:13

PROOFS OF CLAIM

- Claims** (this index)

PROPERTY OF ESTATE

- Estate, Bankruptcy** (this index)

PRO SE APPEARANCE

- Generally, § 3:29
- Corporations, necessity for representation by attorney, § 3:29

PROSPECTUS

- Real estate investors, examining prospectus as part of preplanning and asset structuring, § 2:15, 2:16

PUBLICATION

- Service by, § 18:22

PUBLIC UTILITIES

- Utilities and Utility Service** (this index)

PUNITIVE DAMAGES

- Dischargeability, § 2:20
- Involuntary cases
 - generally, § 17:34
 - counterclaim for, § 17:28
 - hazard of filing, liability for fees as, § 17:2

QUESTIONS AND QUESTIONNAIRES

- See also **Checklists**

QUESTIONS AND QUESTIONNAIRES

—Cont'd

- Chapter 7
 - conference with creditor client, § 6:7
 - creditors' meeting
 - generally, § 6:60
 - business debtor, § 5:117
 - consumer debtor, § 5:47
 - debtor client conference, § 5:76
 - debtor engaged in business, § 5:68
 - debtor not engaged in business, § 5:69
 - reaffirmation hearing, questions for, § 5:106
 - redemption hearing, § 5:115
- Chapter 11
 - conference with creditor client, § 15:6
 - debtor representation questionnaire, § 14:30, 14:31
 - examination of debtor at creditors' meeting, § 15:53
 - ordinary course professionals, questionnaire to use with motion to pay, § 14:106
- Chapter 12
 - conference with creditor client, § 12:6
 - creditors' meeting
 - creditor's questions for debtor at, § 13:25
 - trustee's questions for debtor, § 13:26
 - debtor representation
 - form, § 11:24
 - questionnaire, § 11:23, 11:24
 - questions for debtor at
 - confirmation hearing, list of, § 11:96
 - use of questionnaire, § 11:23
- Chapter 13
 - conference with creditor client, § 9:29

INDEX

QUESTIONS AND QUESTIONNAIRES

—Cont'd

- Chapter 13—Cont'd
 - creditors' meeting, trustee's questions for debtor, § 10:21, 10:28, 10:29
 - debtor representation questionnaires, § 8:48 to 8:50
 - trustee's questions for debtor at creditors' meeting, § 10:28, 10:29
- Use of, generally, § 5:67

RAILROADS

- Eligibility to be debtor, § 3:7

REAFFIRMATION

- Chapter 7 (this index)

REAL ESTATE INVESTORS

- Preplanning and asset structuring, § 2:15, 2:16

REAL ESTATE SETTLEMENT PROCEDURES ACT (RESPA)

- Generally, § 2:26
- Form for request letter generally, § 2:27
- Chapter 7 cases, § 5:55
- Chapter 11 cases, § 14:47
- Chapter 12 cases, § 11:26
- Chapter 13 cases, § 8:85
- Mortgages
 - generally, § 8:84, 14:47
 - request letter, form for Chapter 13 cases, § 8:85

REAL PROPERTY, CHAPTER 11

- Lessee, representing, § 15:20
- Lessor, representing, § 15:18

RECAPTURE OF TAX ASSETS AND DEDUCTIONS

- Real estate investors, § 2:15, 2:16
- Single-asset real estate debtors, § 2:16

RECEIPT

- Acknowledgment of receipt
- Form, mandatory DRA notices, Chapter 7, § 5:59

RECLAMATION

- Chapter 7, reclamation of goods under U.C.C. and Bankruptcy Code, § 6:25
- Chapter 11 cases, § 15:30
- Chapter 12 cases, § 12:23, 12:24
- Chapter 13 cases, § 9:50

RECORDS AND RECORDING

- Appeal, designation of record on generally, § 19:11 et seq.
- briefs, parts of record as appendix to, § 19:23
- form, § 19:14
- stay pending appeal, request prior to preparation and transmittal of record, § 19:22
- Chapter 11, trustee's appointment order; recordation with real estate records, § 16:7
- Chapter 12
 - creditors' meeting, recording of proceedings at, § 13:11, 13:25
 - review of records by counsel, § 12:51
- Clerk of court, review of records by counsel, § 12:51
- Computerization (this index)
- Involuntary cases
 - assumed name records, checking of, § 17:14
 - judgment records, checking of, § 17:4
 - lien records, checking of, § 17:4
 - tax lien records, checking of, § 17:4

REDEMPTION

- Chapter 7
 - generally, § 5:113 to 5:115

REDEMPTION—Cont'd

- Chapter 7—Cont'd
 - checklist, § 5:114
 - creditors holding secured claims, § 6:36
 - questionnaire, hearing, § 5:115
- Checklist of questions for Chapter 12 creditor client, § 12:6

REFERENCE OF CASES

- District Court judges' role in bankruptcy, generally, § 3:4
- Filing fees, § 18:16
- Jurisdiction, § 18:1
- Jury trial demands, § 18:34
- Leakage of jurisdiction, § 18:2
- Mini trials over, § 18:14
- Orders of referral, § 18:1
- Permissive withdrawal of reference, § 18:16

REFINANCING

- Chapter 12, purchase money character of original loan, secured creditor representation, § 12:21

RELEASE

- Small business owners' mutual releases as preplanning device, § 2:17

REMAND OF CASE

- Generally, § 18:19

REMOVAL OF CASE

- Generally, § 18:18
- Form of notice, § 18:20

RENT

- Chapter 12, setoff by lessee against, § 12:13

REORGANIZATION

- Chapter 11 (this index)
- Small businesses, choice of chapter, § 4:3

REPORTER OF COURT

- Transcript as part of record on appeal, § 19:12

REPORTS

- Chapter 11
 - credit reporting, § 14:38
 - examiners, § 16:18, 16:19
 - operating reports, § 14:119 to 14:121
 - trustees, § 16:2, 16:18, 16:19, 16:24, 16:25
- Chapter 12
 - operating reports of debtor generally, § 11:36 to 11:39
 - creditor representation, § 12:16, 12:40
 - debtor representation, forms, § 11:37 to 11:39
 - mortgagee as client, § 12:16
 - nonfarming business, form, § 11:39
 - trustees, § 13:14, 13:15, 13:19, 13:24
- trustees
 - generally, § 11:109
 - creditors' meeting, trustees report at conclusion of, § 13:27
 - final report and accounting, § 13:1, 13:30
 - operating reports of debtor, § 13:14, 13:19, 13:24
- Chapter 13
 - credit reporting, § 8:30
 - operating report, § 8:56, 8:57, 10:16, 10:27
 - trustee, § 10:5, 10:40
- Final Report and Accounting (this index)

**REPRESENTING
PAWNBROKER**

- Chapter 12, § 12:17

INDEX

REQUESTS FOR ADMISSIONS

- Generally, § 18:29
- Chapter 11, § 15:46
 - overstated mortgage claim, § 14:48
 - relief from stay proceeding, § 14:129, 15:46
- Chapter 12, § 12:36
- Chapter 13
 - overstated mortgage claim, § 8:92
 - relief from stay proceeding, § 8:118

RESIDENCE, DEBTOR'S

- Mortgages. **Homestead Mortgages** (this index)

RESIDENTIAL PROPERTY

- Leases of residential property in Chapter 7, § 5:34

RESTITUTION DEBTS

- Preplanning and asset structuring, § 2:22

RETIREMENT

- Chapter 7, retiree benefits, § 6:15
- Chapter 11
 - collective bargaining agreement rejection and modification of retiree benefits, § 14:135
 - creditor representation, § 15:25
 - debtor representation, § 14:131, 14:132
 - insurance benefits
 - continuing retirees', § 14:132
 - modifying or terminating retirees', § 14:131, 14:132
- Chapter 13 plans, § 9:7
- Preplanning and asset structuring, § 2:3, 2:9, 2:13, 2:14

ROTH IRAS

- Exemptions and estate property, § 2:4

RULES

- Generally, § 3:21 to 25
- Bankruptcy Rules. **Rules of Bankruptcy Procedure** (this index)
- Civil Procedure Rules. **Rules of Civil Procedure** (this index)
- District Court rules, applicability of, § 3:24
- Evidence, Federal Rules of
 - generally, § 3:25
 - creditors' meeting, § 13:26
- Local Rules and Practice** (this index)

RULES OF BANKRUPTCY PROCEDURE

- Generally, § 3:22
- Amendments to Rules, § 18:5
- Civil Procedure Rules as adopted in modified form, § 3:22
- Code as prevailing in event of conflict, § 3:22
- Jurisdiction, applicability of, § 3:25

RULES OF CIVIL PROCEDURE

- Generally, § 3:25
- Bankruptcy Rules as adopting in modified form, § 3:22

RULES OF EVIDENCE

- Generally, § 3:25
- Creditors' meeting, § 13:26

SAFE DEPOSIT BOXES

- Use to conceal assets, § 2:29

SALARIES AND BENEFITS, CHAPTER 11

- Generally, § 14:112
- Prepayment before filing, § 14:97

SALE OF ASSETS

- Chapter 11
 - generally, § 14:136 to 14:139
 - free and clear, motion to sell with bid protection and

SALE OF ASSETS—Cont'd

- Chapter 11—Cont'd
 - auction, § **14:137**
 - liquidation of debtor by trustee or examiner, § **16:1, 16:2**
 - miscellaneous asset sales, motion for approval of, § **14:139**
 - operating estate's business, § **16:12**
 - outmoded and unnecessary property, motion for approval of sale, § **14:138**
 - use, sale or lease of property, below
- Joint or co-ownership interests, § **3:11**
- Use, sale or lease of property
 - appeal, useless right of, § **19:20, 19:22**
 - trustees or examiners operating estate's business, § **16:12**

SANCTIONS

- Chapter 7
 - consumer obligation not secured by real estate, interrogatories in support of motion for sanctions under Rule 9011(b), § **5:112**
 - means test, attorney for debtor, and sanctions, § **5:33**
- Chapter 13
 - interrogatories in support of motion for sanctions regarding possible creditor abuse, § **8:41**
- Removal motions, § **18:18**

SARS-COV-2

- Coronavirus Aid, Relief, and Economic Security Act** (this index)

SAVINGS AND LOAN ASSOCIATIONS

- Checklist of questions for creditor client, Chapter 12, § **12:6**

SAVINGS AND LOAN

ASSOCIATIONS—Cont'd

- Eligibility to be debtor, § **3:7**

SCHEDULES

- Amendment
 - Chapter 11, § **14:71**
 - Chapter 12, § **11:53**
 - Chapter 13, § **8:67**
 - exemption schedule, amendment as partially reopening time for objections, § **7:46**
- Chapter 7, executory contracts, § **5:53**
- Chapter 11
 - generally, § **14:60**
 - additional time to file schedules and statements, form of motion for, § **14:86**
 - amendment, § **14:71**
 - current income and expenses, § **14:61**
 - examiner's preparation of, § **16:3**
 - executory contracts and unexpired leases, § **14:62**
 - exemption claims by individual debtors, § **14:66**
 - trustee's preparation of, § **16:2**
- Chapter 12
 - amendment of schedules, § **11:53**
 - cash collateral usage, § **12:25**
 - current income and expenditures, § **11:50**
 - debtor representation, § **11:48**
 - mortgagee as client, § **12:16**
 - review of schedules by creditor's attorney, § **12:40**
 - trustee's examination of, § **13:10, 13:14, 13:19**
 - valuation of collateral, § **12:26**
- Chapter 13
 - amendment of schedules, § **8:67**
 - BAPCPA changes, § **8:47**

INDEX

SCHEDULES—Cont'd

- Chapter 13—Cont'd
 - current income and expenditures, § 8:68
 - debtor representation, generally, § 8:66
 - Fair and Accurate Credit Transactions Act of 2003 (FACTA), § 8:47
 - follow-up conference by debtor's attorney after emergency filing, § 8:33
 - trustee's examination of, § 10:15, 10:16, 10:20

SECURED CLAIMS

- Chapter 7 (this index)

SECURITY INTERESTS

- Chapter 7, post-petition perfection and enforcement, § 6:33

SELF-EMPLOYED PERSONS

- Chapter 7, self-employed income statement, § 5:46
- Preplanning and asset structuring, § 2:3, 2:12

SEQUESTRATION

- Chapter 12 creditor representation, § 12:25
- Involuntary cases, creditor representation in, § 17:4
- Removals and, § 18:18

SERIAL FILINGS

- Chapter 7
 - creditor representation, § 6:54
 - mandated and automatic stay terminations, § 5:63, 6:35, 6:55, 7:27
 - trustee's duties, § 7:26, 7:27
- Chapter 13
 - bad faith, § 8:6
 - joint debtors, § 8:8
 - loss of discharge, § 8:7
 - mandated and automatic stay terminations, § 8:111, 9:3

SERIAL FILINGS—Cont'd

- Chapter 13—Cont'd
 - risks and hazards, § 8:5 to 8:8
 - stay protection, § 8:5
- Chapter 20
 - mortgage on debtor's residence, § 4:11
 - nondischargeability proceeding, tactic to determine whether or not creditor will file, § 4:6
 - preplanning and asset structuring as to mortgages, § 2:26

SERVICE BY PUBLICATION

- Involuntary petitions, § 17:27

SERVICE OF PROCESS AND PAPERS

- Generally, § 18:22
- Adversary proceedings, § 18:22
- Contested matters, § 18:22
- Foreign defendants, § 18:23
- Forms, § 18:22
- Internal Revenue Service, proofs of claim, § 2:23
- Involuntary petitions, § 17:27
- Motions, § 18:22
- Proofs of claim, service on IRS, § 2:23
- Standard forms, § 18:22
- Summonses, § 18:22

SETOFF

- Chapter 12, rent, lessee's setoff against, § 12:13
- Secured claims based on unexercised right of setoff, § 3:10

SETTLEMENT

- Chapter 7 trustee, compromise and settlement of claims, § 7:65
- Involuntary cases, § 17:36
- Judgment-proof debtors, § 2:3

SETTLEMENT—Cont'd

- Relief from stay
 - Chapter 11 creditor representation, § 15:41
 - Chapter 12 creditor representation, § 12:31 to 12:33
 - Chapter 12 debtor representation, § 11:87 to 11:89
 - Chapter 13 debtor representation, § 8:113 to 8:115

SHOPPING CENTERS

- Chapter 11, representing lessors and lessees, § 15:22
- Preplanning and asset structuring for single-asset real estate debtors, § 2:16

**SHOW CAUSE ORDER,
EXTINGUISHMENT OF
TAX LIABILITY**

- Chapter 11, § 14:185
- Chapter 12, § 11:102, 11:105
- Chapter 13, § 8:148

SIGNATURE

- Chapter 12 discharge, § 11:104
- Petition, § 11:43

**SINGLE ASSET REAL ESTATE
DEBTORS**

- Chapter 11** (this index)
- Preplanning and asset structuring, § 2:16

SMALL BUSINESS DEBTORS

- American Rescue Plan Act of 2021 (ARPA), § 14:6
- Budget for Chapter 13 debtor, form of, § 8:77
- CARES Act, § 14:6
- Chapter 11** (this index)
- Choice of chapter, § 4:3
- Federal Rules of Bankruptcy, § 14:4.30
- Preplanning and asset structuring, § 2:17

SMALL BUSINESS

INVESTMENT COMPANIES

- Eligibility to be debtor, § 3:7

SMALL BUSINESS

**REORGANIZATION ACT
(SBRA)**

- Federal Rules of Bankruptcy, § 14:4.30

SOCIAL SECURITY

- Card, new or replacement
 - generally, § 5:51, 8:44
 - Chapter 12 debtors, § 11:20
- Chapter 7** (this index)
- Correction of social security number, notice of, § 14:23
- Exemption planning, § 2:9
- Notice of correction of number, form
 - generally, § 5:50, 8:43
 - Chapter 12 debtor, § 11:19

SOLICITATION OF CLIENTS

- Avoiding unethical, § 17:4

SOVEREIGN IMMUNITY

- Generally, § 2:23
- Automatic stay applicability to governmental units, § 18:18, 18:35
- Bankruptcy jurisdiction, § 18:10
- Chapter 7, nondischargeability of debts, § 5:132
- Chapter 12 debtor representation, § 11:81

SPEAKING MOTIONS

- Stay pending appeal, § 19:22

**SPECIAL DEBTORS, MEANS
TEST**

- Chapter 7, § 5:19 to 5:21
- Chapter 13, § 8:18 to 8:21

SPENDTHRIFT TRUSTS

- Preplanning and asset structuring, § 2:11, 2:13

INDEX

SPOUSES

- Alimony, maintenance and support
palimony, § 2:21
preplanning and asset structuring, § 2:21
relocation of residence to Sixth
Circuit as preplanning
technique, § 2:21
- Chapter 7, spousal exemption and
tax privacy waiver, form,
§ 7:36
- Chapter 12, spousal exemption
and tax privacy waiver,
§ 13:22
- Chapter 13
Forms B122C-1 and 2 and the
non-filing spouse, § 8:72
- Exemptions
Chapter 12, debtor representa-
tion, § 11:63
planning, § 4:7
- Preplanning and asset structuring,
§ 2:8, 2:11

STAND-BY INSURANCE

- Preplanning and asset structuring,
§ 2:3

STANDING

- Chapter 13, standing require-
ments, § 8:3

STANDING ORDERS

- Generally, § 3:23
- See also **Local Rules and
Practice**
- Reference of cases to bankruptcy
judges, § 3:4

STATEMENT OF FINANCIAL AFFAIRS

- Chapter 7** (this index)
- Chapter 11
generally, § 14:67
amendment of statement,
§ 14:71

STATEMENT OF FINANCIAL AFFAIRS—Cont'd

- Chapter 12
generally, § 11:49
amendment of statement,
§ 11:53
- Chapter 13
amendment of statement, § 8:67
debtor representation, generally,
§ 8:69
follow-up conference after
emergency filing, § 8:33
Forms B122C-1 and 2 and the
non-filing spouse, § 8:72
non-filing spouse, Forms
B122C-1 and 2, § 8:72
trustee's examination of,
§ 10:15, 10:20
- Official Forms, simplicity and
concomitant reduction in
meaningful detail, § 7:16

STATEMENTS

- Chapter 7
intent, statement of, § 5:60,
5:88, 7:19
Social Security number, state-
ment of, § 5:61
Issues on appeal, § 19:14

STATUS CONFERENCES

- Generally, § 18:32
- Chapter 11, § 14:117
- Involuntary cases, § 17:32

STAYS

- Appeal, stay pending, § 19:22
- Automatic Stay** (this index)
- Jurisdiction, § 18:2

STIMULUS PAYMENTS, TREATMENT IN BANKRUPTCY

- American Rescue Plan Act of
2021** (this index)
- Chapter 7, § 5:6
- Chapter 11, § 14:6

**STIMULUS PAYMENTS,
TREATMENT IN
BANKRUPTCY—Cont'd**
Chapter 12, § 11:3
Chapter 13, § 8:23
**Coronavirus Aid, Relief, and
Economic Security Act** (this
index)
Creditor representation, § 6:39
Small business debtors, § 14:6
Trustees, § 7:2

STIPULATIONS
Automatic stay, modification of or
relief from
Chapter 11, § 14:125, 14:126,
15:42, 15:43
Chapter 12, § 11:88, 11:89,
12:32, 12:33
Chapter 13, § 8:114, 8:115
Termination of automatic stay,
Chapter 12, § 12:33

STOCK AND STOCKHOLDERS
Abandonment of stock by sole
shareholder in order to
liquidate small corporation,
§ 4:3
Preplanning and asset structuring
closely-held businesses, reten-
tion of control, § 2:14
cooperation of shareholders,
§ 2:3
small businesses, § 2:17

STRIP DOWN OF CLAIMS
Chapter 12, § 11:25
Mortgage debt, § 4:9

STUDENT LOANS
Discharge exceptions, generally,
§ 11:104
Hardship Discharge (this index)
Preplanning and asset structuring,
§ 2:5, 2:24

SUA SPONTE MATTERS
Examiner, appointment of, § 16:4

SUA SPONTE MATTERS
—Cont'd
Jurisdictional questions, § 18:3

SUBORDINATION
Bankruptcy jurisdiction, § 18:8,
18:21

SUBROGATION
IRS status, lender subrogation to,
preplanning and asset
structuring, § 2:19

**SUBSTANTIVE
CONSOLIDATION**
Professional corporations or
associations, preplanning and
asset structuring for debtor
professionals, § 2:12

SUMMONS
Generally, § 18:22
Involuntary cases, § 17:25 to
17:27

SUPERSEDEAS
Stay pending appeal, § 19:22

SUPREME COURT DECISIONS
Attorney as DRA prohibited from
advising debtors to incur
more debt except for valid
purposes (Milavetz, Gallop &
Milavetz P.A. v. U.S.), § 2:2
Fraudulent transfers or convey-
ances (Grupo Mexicano v.
Alliance), § 2:28

TABLES
Chapter 7 (this index)

TAXATION
Automatic stay, § 18:35
Bankruptcy jurisdiction, § 18:2
Borrowing to pay, § 2:23, 2:28,
2:29
Cancellation of indebtedness and
1099 reporting forms
Chapter 12 debtor representa-
tion, § 11:22

INDEX

TAXATION—Cont'd

- Cancellation of indebtedness and 1099 reporting forms—Cont'd
 - Chapter 13 debtor representation, § **8:46**
- Chapter 7, form of spousal exemption and tax privacy waiver, § **7:36**
- Chapter 7** (this index)
- Chapter 11
 - cancellation of indebtedness, § **14:40**
 - debtor representation, § **14:111**
 - show cause order as to extinguishment of tax liability, § **14:185**
- Chapter 12
 - automatic stay, § **11:45**
 - bank deposits, separate account for tax deposits, § **11:40**
 - cancellation of indebtedness and 1099 reporting forms, § **11:22**
 - debtor representation, generally, § **11:42, 11:102, 11:105, 11:108**
 - post-bankruptcy counseling and tax returns by trustee, § **11:108**
 - show cause order as to extinguishment of tax liability, § **11:102, 11:104, 11:105**
 - trustee's filing of state and local returns
 - generally, § **13:1, 13:24**
 - review of records by creditor's counsel, § **12:51**
 - withholding taxes, § **11:42**
- Chapter 13
 - cancellation of indebtedness and 1099 reporting forms, § **8:46**
 - debtor representation, § **8:60**

TAXATION—Cont'd

- Chapter 13—Cont'd
 - operating reports of debtor, § **10:27**
 - show cause order as to extinguishment of tax liability, § **8:148**
- Credit cards used to pay, § **2:19, 2:28, 2:29**
- Internal Revenue Service** (this index)
- Involuntary cases, checking of tax lien records, § **17:4, 17:14**
- Nondischargeability of debts.
 - Chapter 7** (this index)
- Penalties
 - nondischargeable debts, generally, § **2:23**
 - small businesses, § **2:17**
- Preplanning and asset structuring
 - consultation with tax specialist, generally, § **2:3**
 - making debtor judgment proof, § **2:13**
 - nondischargeable debts, generally, § **2:23**
 - real estate investors, § **2:15, 2:16**
 - single-asset real estate debtors, § **2:16**
 - small businesses, § **2:17**
 - subrogation of lender to IRS status, § **2:19**
- Sales and use taxes, motion to pay prepetition, § **14:100**
- Show cause order as to extinguishment of tax liability
 - Chapter 11, § **14:185**
 - Chapter 12, § **11:102, 11:105**
 - Chapter 13, § **8:148**
- Subrogation of lender to IRS
 - status, preplanning and asset structuring, § **2:19**
- Use taxes, motion to pay prepetition sales and, § **14:100**

341 MEETING

Creditors' Meeting (this index)

TOOLS OF TRADE

Exemption planning, § 2:9, 2:12, 2:13

Preplanning and asset structuring, making debtor judgment proof, § 2:13, 2:14

TORT CLAIMS

Bankruptcy jurisdiction, § 18:2, 18:8

TRADE SECRETS

Intellectual Property, Representation of Licensor or Licensee (this index)

TRANSCRIPTS

Bankruptcy appellate panels, § 19:15

Record on appeal, § 19:12

TRUSTEES

Chapter 7, scheduling client conference, supporting documentation, § 5:44

Chapter 7 (this index)

Chapter 11 (this index)

Chapter 12 (this index)

Chapter 13 (this index)

Conflict of interest as affecting qualification as panel trustee, § 3:5

Counseling, dual role as administrator and advisor, § 10:5

Dual role

as administrator and advisor, § 10:5

as administrator and fiduciary, § 3:5

Fees, choice of chapter as affected by, § 4:2, 4:3

Final Report and Accounting (this index)

Involuntary Cases (this index)

TRUSTEES—Cont'd

Local trustees, § 3:6

Nonlawyer trustees, handicaps of, § 3:5

Payment Outside Plan (this index)

Qualification as panel trustee, § 3:5

Role in bankruptcy process, generally, § 3:5

United States trustees

generally. **United States Trustees** (this index)

effect of nationwide system on role of case trustees, § 3:5

TRUST FUND TAXES

Chapter 7, nondischargeability of debts, § 5:124

Dollar-for-dollar credit against penalty for plan payments, § 2:23

Preplanning and asset structuring, § 2:23

TRUSTS

Preplanning and asset structuring, § 2:11, 2:13

Spendthrift trusts, preplanning and asset structuring, § 2:11, 2:13

TUITION SAVINGS ACCOUNTS

Preplanning and asset structuring, § 2:6

UNIFORM COMMERCIAL CODE

Chapter 7, reclamation of goods under U.C.C., § 6:25

UNITED STATES TRUSTEES

Generally, § 3:2

Adversarial role as to Chapter 11 plans and advisory role as to Chapter 13 plans, § 2:26

Bankruptcy crimes, reporting of, § 16:20

INDEX

UNITED STATES TRUSTEES

—Cont'd

- Case trustees, effect of nationwide U.S. trustee system on role of, § **3:5**
- Chapter 7 trustees
 - mandatory statement or motion to dismiss, § **5:32, 6:52**
 - means test dismissal, mandatory statement, § **5:32**
- Chapter 11
 - quarterly charges, § **14:118**
 - trustee, U.S. trustee's selection of person to be case trustee, § **16:4**
- Chapter 12 trustees
 - appointment of, § **13:3**
 - supervision of case, § **13:3**
- Chapter 13 trustees
 - selection of panel of standing trustees, § **10:3**
 - supervision of case, § **10:3**
- Consumer case audits, § **4:14**
- Creditors' meeting, designation of location, § **10:12, 10:28, 13:11, 13:25**
- Creditors' oversight role, effect on, § **3:10**
- Involuntary cases, selection of persons to serve as trustees in, § **17:31**
- Means test dismissal, mandatory statement, § **5:32**
- Notice of appeal, mailing to parties and U.S. Trustee, § **19:10, 19:20**
- Substantial abuse, infrequency of dismissal absent action by U.S. trustees, § **4:2**

USE, SALE OR LEASE OF PROPERTY

- See also **Sale of assets**
- Contested matters, § **18:14**
- Trustees or examiners operating estate's business, § **16:12**

UTILITIES AND UTILITY SERVICE

- Chapter 7, allowable living expenses, § **5:60**
- Chapter 11
 - adequate assurance of payment, § **14:91 to 14:93**
 - motion and order determining, § **14:91 to 14:93**
 - motion to determine adequate protection, § **14:91**
 - assurance of payment, first-day motions and orders, § **14:91 to 14:93**
 - creditor representation, § **15:31**
 - debtor representation, § **14:110**
- Chapter 12 debtor representation, § **11:41**
- Chapter 13
 - operating business, § **8:59**
- Prefiling payment for service, asset restructuring tactics, § **4:7**

VALUATION

- Cash flow valuation of single-asset real estate debtors, § **2:16**
- Chapter 11
 - contesting valuation, § **15:68**
 - trustee's appraisal of estate assets when operating business, § **16:10, 16:11**
- Chapter 12
 - cash collateral, § **12:25**
 - contesting valuation, § **12:26**
 - cramdown, § **12:44**
 - review of plan by creditor's attorney, § **12:40**
 - review of records by creditor's attorney, § **12:51**
 - schedules as providing debtor's estimate of value, § **13:14**
- Chapter 13 cases, valuation of mortgage upon conversion, § **8:83**

VALUATION—Cont'd

Chapter 13 trustees
generally, § 10:5
schedules as providing debtor's
estimate of value, § 10:16
Local rules and practice, valuation
hearings in Chapter 12,
§ 12:26

VENUE

Generally, § 18:17
Chapter 11 cases, § 15:61
Chapter 12 cases, § 11:43
Involuntary cases, § 17:25
Pretrial motions, § 18:31
Removal and remand
generally, § 18:18
form, § 18:20
Transfer, § 18:17

VESSELS

Assignment of lease agreement,
order authorizing and finding
adequate assurance of future
performance, § 16:16

VETERANS

Chapter 7, means test, § 5:20
Chapter 13, means test, § 8:19

VIDEO DEPOSITIONS

Generally, § 18:24
Forms, § 18:25, 18:26

WAGES

Claimant as client, Chapter 11,
§ 15:26
Priority for wage claimants
Chapter 11, § 16:9

WAGES—Cont'd

Priority for wage claimants
—Cont'd
Chapter 12, § 12:15
Chapter 13, § 9:41

WAIVER

Exemption, spousal exemption
and tax privacy waiver,
§ 13:22

WEARING APPAREL

Exemption planning, § 2:9

**WILLFUL AND MALICIOUS
INJURIES**

Malpractice awards, § 2:25
Preplanning and asset structuring,
§ 2:25

**WITHDRAWAL OF
REFERENCE**

Generally, § 18:2, 18:16

WITNESSES

Declaration, local procedure for
presentation of testimony by,
§ 3:25
Federal Rules of Evidence, gener-
ally, § 3:25

WORKERS' COMPENSATION

Motion to continue programs,
§ 14:132

WORKOUTS

IRS, problems in working with,
§ 2:23

WORLD WIDE WEB

Internet (this index)

WRONGFUL DEATH ACTIONS

Jurisdiction, § 18:8
Jury trials, § 18:31