

# Index

## ABANDONMENT

- Property of estate. Abandonment of Property of Estate (this index)
- Railroad line. Railroad Reorganization (this index)

## ABANDONMENT OF PROPERTY OF ESTATE

- Appreciation of abandoned property, debtor entitlement to, § 12:125
- Assets scheduled but not administered, abandonment of, § 12:116, 12:121
- Burdensome property, authorization for trustee's abandonment of, § 12:116, 12:118 to 12:120, 12:129, 12:139
- Clean-up costs of hazardous or toxic wastes, § 12:139
- Closing and reopening cases, § 12:121 to 12:123
- Compelled abandonment, § 12:116, 12:117, 12:130, 12:152
- Compensation of trustee, § 5:89
- Complaint to commence adversary proceeding, § 12:124, 12:127, 12:152
- Consent to proposed abandonment, failure to object as, § 12:131
- Constructive trusts, § 12:19 to 12:21
- Contingent asset, exemption from deemed abandonment, § 12:123
- Core proceedings, § 7:79
- Debtor in possession, § 5:112

## ABANDONMENT OF PROPERTY OF ESTATE —Cont'd

- Deemed abandonment, § 12:116, 12:121 to 12:123, 12:129
- Delivery of property, compelled, § 12:152
- Disposition of property, § 12:152
- Disputed interest of debtor in property, filing of complaint, § 12:124
- District court, exclusive jurisdiction over property, § 12:151
- Earnings. Income, below
- Effect of abandonment, generally, § 12:124 to 12:126
- Equitable interest in property, § 12:118, 12:119, 12:128
- Exclusive jurisdiction, § 12:151, 12:153
- Exemption of abandoned homestead, § 13:62
- Fair market value of property, § 12:118
- Filing
  - generally, § 12:152
  - complaint or motion, § 12:124, 12:127, 12:129, 12:152
  - objection to proposed abandonment, § 12:129, 12:131, 12:132
  - schedule of assets and liabilities, § 12:121, 12:122
  - service of notice of intent to abandon property, § 12:129
- Foreclosure on abandoned property, notice to trustee, § 12:125

**ABANDONMENT OF  
PROPERTY OF ESTATE  
—Cont'd**

Governing law, § **12:139, 12:140, 12:153**

Grain assets, expedited determination of interests in and abandonment or other disposition of, § **12:133**

Hazardous or toxic wastes, § **12:139 to 12:141**

Hearing. Notice, below

Homestead, abandonment of, exemptions, § **13:62**

Imminent danger to public health and safety, § **12:140, 12:141**

Implied power of trustee to abandon property, § **12:116, 12:140**

Income

- burdensomeness, income-producing ability as affecting determination of, § **12:118**
- debtor's entitlement to earnings from abandoned property, § **12:125**

Indenture trustee, notice and hearing on abandonment of property, § **12:129**

Individual debt adjustment plans, confirmation, § **31:28**

Intent, § **12:129**

Investigation, determination of presence of hazardous wastes, § **12:141**

Junior lienholder, equity in property sufficient to secure debt of, § **12:128**

Jurisdiction, § **7:79, 12:151, 12:153**

Liens and encumbrances, § **12:42**

Limitations, § **12:118 to 12:120, 12:129, 12:140**

Liquidation. See lines throughout this topic

**ABANDONMENT OF  
PROPERTY OF ESTATE  
—Cont'd**

Maintenance costs, determination of burdensome property, § **12:118**

Methods of abandonment, § **12:116**

Midlantic decision, hazardous or toxic wastes, § **12:140**

Motions, § **12:127, 12:129, 12:152**

Nature of proceeding, § **12:127**

Notice

- generally, § **1:133, 12:129, 12:132, 12:134**
- burdensome property, § **12:116**
- compelled abandonment, § **12:130**
- deemed abandonment, § **12:129**
- foreclosure, § **12:125**
- incorporation of notice of abandonment of property into notice of meeting of creditors, § **12:129**
- indenture trustee, § **12:129**
- objections to proposed abandonment, § **12:129, 12:132**
- railroad line, abandonment, § **12:134, 12:135**
- renoticing, § **12:130**
- U. S. trustee, § **4:107**

Nunc pro tunc, revestment of property in debtor, § **12:125**

Objections, § **12:129, 12:131, 12:132**

Operation of business, § **15:2**

Orders

- exceptions, deemed abandonment, § **12:123**
- supersedeas bond, stay of enforcement of suspension of railroad line, § **12:137**
- trustee, abandonment of property, § **12:116**

## INDEX

### ABANDONMENT OF PROPERTY OF ESTATE

#### —Cont'd

- Outstanding valid encumbrances, determination of burdensome property, § 12:118
- Party in interest, request for abandonment by, § 12:128
- Postpetition assessments against abandoned property, debtor entitlement to, § 12:125
- Practice and procedure, generally, § 1:133, 12:127 to 12:132
- Precautionary measures, hazardous and toxic waste, § 12:141
- Prima facie case, lack of debtor's equity in property, § 12:119
- Profit from property deemed abandoned, debtor entitlement to, § 12:125
- Protection of employees, rail carriers, § 12:138
- Public health and safety, trustee responsibility for, § 12:140, 12:141
- Railroad Reorganization (this index)
- Redemption, § 12:102, 12:103
- Release of trustee, responsibilities for abandoned property, § 12:125
- Renoticing, compelled abandonment, § 12:130
- Reorganization . See lines throughout this topic
- Reorganization plans, equal treatment of claims of same class as impacted by state abandoned property laws, § 26:9
- Revesting of property in debtor, § 12:125
- Revocation, inadequate listing of property deemed abandoned, § 12:122
- Rules of Bankruptcy Procedure, § 1:133, 1:161, 4:107,

### ABANDONMENT OF PROPERTY OF ESTATE

#### —Cont'd

#### 12:127 to 12:132

- Scheduling of property, effect on deemed abandonment, § 12:121, 12:122
- Service of process and papers, objections to abandonment, § 12:131
- Size and nature of claim, § 23:28
- Standing, § 12:128
- State law
  - environmental laws, § 12:139, 12:140
  - threshold determination of debtor's interest in property, § 12:153
- Surrender of Property (this index)
- Suspension of railroad service pending appeal, § 12:137
- Time or date
  - contingent asset to estate, payment, § 12:123
  - employees of railroad, payment, § 12:138
  - grain assets, expedited procedures, § 12:133
  - nunc pro tunc, revestment of property in debtor, § 12:125
  - objection to proposed abandonment, § 12:131
- Title, effect of abandonment on transfer of, § 12:124
- Toxic waste, § 12:139 to 12:141
- Trustee
  - generally, § 12:116
  - compensation, § 5:89
  - release, § 12:125
- Turnover of property, § 14:85
- Turnover of Property (this index)
- U. S. trustees, § 4:107
- Unadministered property, § 12:116, 12:121

**ABANDONMENT OF  
PROPERTY OF ESTATE  
—Cont'd**

Unclaimed Property (this index)  
Value inconsequential, § 12:116,  
12:118 to 12:120  
Vested power to abandon property,  
§ 12:125, 12:128  
Vesting of property in debtor,  
§ 12:125

**ABANDONMENT OF  
RAILROAD LINE**

Railroad Reorganization (this  
index)

**ABILITY TO PAY**

Individual debt adjustment plans,  
confirmation, § 31:35, 31:45,  
31:50

**ABROGATION OF STATE LAW**

Scope of congressional bank-  
ruptcy power, § 1:10

**ABSENCE OR PRESENCE**

Allowance of claims or interest in  
absence of objection, § 24:8  
Appearance (this index)  
Subpoenas (this index)

**ABSOLUTE PRIORITY RULE**

Generally, § 28:44 to 28:46  
New value exception, § 28:45  
Reorganization plans, claims clas-  
sification, § 26:37

**ABSTENTION**

Generally, § 1:97, 1:98, 7:3, 7:19  
to 7:33, 11:3 to 11:6  
Allowance of claims or interests,  
§ 7:29, 24:21  
Appeals  
generally, § 7:21, 7:28, 11:6  
refusal to abstain, § 7:20  
Appearance by foreign representa-  
tive, § 11:5  
Automatic stay, § 7:22, 16:158

**ABSTENTION—Cont'd**

Burden of proof, § 7:26  
Burford abstention, § 7:19  
Calendar of court, federal court's  
examination of state court  
calendar, § 7:26  
Case, abstention from exercise of  
jurisdiction over entire bank-  
ruptcy case, generally,  
§ 1:97, 7:19 to 7:33  
Clerk of court, § 7:21  
Comity, see lines throughout this  
topic  
Constitutional law  
generally, § 7:31  
nonbankruptcy federal court  
actions, § 7:27  
state constitution, § 7:31  
Contractual forum selection  
clauses, § 7:189  
Convenience of state forum,  
§ 7:31  
Core proceedings, § 1:99, 7:23,  
7:65, 7:75  
Counterclaims by debtor, § 7:11  
Death claims, § 7:29  
Discretionary abstention, gener-  
ally, § 7:30 to 7:33  
Distinctions between types of  
abstention, § 1:97, 1:98, 7:20  
Distribution, § 7:29  
Early termination of a case  
generally, § 11:3 to 11:6  
Appearance by foreign repre-  
sentative, § 11:5  
notice and hearing, § 11:6  
review or appeal, § 11:6  
Excluded claims, § 7:29  
Exemptions, § 7:29  
Findings of fact and conclusions  
of law, § 7:28  
Foreign proceeding pending,  
§ 11:4  
Foreign proceedings, § 1:97, 11:4  
Forum non conveniens, § 7:31

## INDEX

### **ABSTENTION—Cont'd**

Hearing and determination on motion, § 7:21  
Impact on estate, discretionary abstention, § 7:32  
Judicial Code (28 USCA), § 1:17  
Judicial economy, discretionary abstention, § 7:32  
Jury trial, § 7:177  
Liens, § 7:11  
Limitation of actions, § 7:31  
Liquidation, § 7:29  
Mandatory abstention, generally, § 7:23 to 7:29  
Motions, § 7:21  
Nonbankruptcy federal court actions, § 7:27  
Northern Pipeline case, § 7:23  
Notice and hearing, § 7:23, 11:6  
Objections, § 7:11  
Pending proceeding elsewhere, § 7:25, 11:4  
Personal injury and wrongful death cases, § 7:29  
Postconfirmation powers, § 7:180  
Proceeding arising in or under or related to Bankruptcy Code, generally, § 1:98, 16:158  
Pullman abstention, § 7:19  
Punitive damages, § 7:32  
Reference of cases and proceedings to bankruptcy court, § 7:48  
Reports and recommendations of bankruptcy judge, § 7:20 to 7:22  
Review. Appeals, above  
Rules of Bankruptcy Procedure, § 1:98, 7:21 to 7:22  
Rules of decision, § 7:31  
Service of process, § 7:21  
State law claims or causes of action, § 7:2  
Statute of limitations, § 7:31  
Stays, § 7:22

### **ABSTENTION—Cont'd**

Timeliness requirement, § 7:21, 7:24 to 7:26  
Treble damages, § 7:32  
Younger doctrine, § 7:19

### **ABUSE OF PERSON**

Harassment (this index)

### **ABUSE OF PROCESS**

Automatic stay, § 16:161 to 16:164  
Conversion or dismissal under BAPCPA for abuse of Chapter 7, § 11:15 to 11:34  
Dismissal or conversion  
notice to creditors of applicability of presumption, § 6:38  
Good faith filing requirement, § 8:23 to 8:32, 9:35 to 9:40, 16:161 to 16:164  
Interested party, generally, § 6:1  
Sanctions (this index)

### **ACCELERATION**

Allowance of claims or interest, § 24:36  
De-acceleration  
Individual Debt Adjustment Plans (this index)  
reorganization plans, § 26:16  
Family farmer debt adjustment plans, § 33:14  
Income acceleration, taxation, § 3:31  
Individual Debt Adjustment Plans (this index)  
Reorganization plans, § 26:16, 26:43, 26:45

### **ACCEPTANCE**

Correlative topics  
Assumption (this index)  
Rejection (this index)  
Collective Bargaining Agreements (this index)

**ACCEPTANCE—Cont'd**

- Family Farmer or Fisher Debt Adjustment (this index) t (this index)
- Individual Debt Adjustment Plans (this index)
- Municipal Debt Adjustment Plans (this index)
- Reorganization Plans (this index)

**ACCESS TO INFORMATION**

- Information (this index)

**ACCIDENT AND HEALTH CLAIMS OR BENEFITS**

- Allowance of claims or interest, § 24:26, 24:27, 24:62
- Automatic stay, § 16:26, 16:33, 16:34
- Retiree benefits. Executory Contracts and Unexpired Leases (this index)

**ACCOMMODATION PARTIES**

- Codebtor Stay (this index)

**ACCORD AND SATISFACTION**

- Fraudulent transfers and concealment of assets, § 19:33, 19:43, 19:55
- Preferential transfers, exception to avoidability on lien satisfaction, § 18:90

**ACCOUNTABILITY FOR PROPERTY**

- Custodians (this index)
- Fiduciaries (this index)
- Trustees (this index)
- Turnover of Property (this index)

**ACCOUNTANTS**

- Administrative expenses, § 34:32
- Adverse interest holder, § 2:35
- Allowance of claims or interests, § 24:67, 24:74
- Application for order approving employment, § 2:23

**ACCOUNTANTS—Cont'd**

- Compensation (this index)
- Disinterestedness requirement for employment, § 2:29
- Dual representation, § 2:37
- Eligibility and qualification to serve as trustee, § 5:10
- Employment, generally, § 1:105 et seq., 2:4, 2:18, 5:51
- Equity security holders, § 6:62
- Judge's relative or friends, employment of, § 2:43, 2:44
- Privileged communications from clients, § 17:37
- Professional Persons (this index)
- Rules of Bankruptcy Procedure (this index)
- Self-employment, § 2:9
- Services by members and associates, § 2:26
- Services performed by, § 2:18
- Trustee
  - generally, § 5:51
  - accountant for estate, trustee acting as, § 5:97
  - compensation of trustee serving as accountant, § 5:98
  - eligibility and qualification to serve as trustee, § 5:10
  - employment of accountants, generally, § 1:105 et seq., 2:4, 2:18, 5:51
- Turnover of property, § 14:53 to 14:56
- U.S. trustee's relative or friends, employment of, § 2:43, 2:44

**ACCOUNTS AND ACCOUNTING**

- Accountants (this index)
- Adequate protection, § 21:64
- Appointment of trustee, § 5:30
- Bank Accounts (this index)
- Capacity to be sued, § 5:45
- Closing and reopening cases, § 36:4, 36:25

## INDEX

### ACCOUNTS AND

#### ACCOUNTING—Cont'd

- Commodity broker liquidation, distribution, § **34:160**
- Compensation of trustee or examiner, § **5:85**
- Conversion or dismissal, § **11:89**
- Custodians, § **6:77**
- Custodians (this index)
- Distribution, compensation of accountants, § **34:32**
- Escrow (this index)
- False oath or account
  - generally, § **35:20 et seq.**
  - later amendment, § **35:22**
  - materiality, § **35:21**
  - omissions, § **35:23**
  - subsequent disclosure, § **35:22**
- Final Accounting (this index)
- Interim trustees, § **5:13, 5:66**
- Later amendment of false oath or account, § **35:22**
- Materiality, false oath or account, § **35:21**
- Omissions, fraudulent, § **35:23**
- Proprietary accounts, commodity broker liquidation, § **34:171**
- Receivable. Accounts Receivable (this index)
- Rules of Bankruptcy Procedure, prior custodian of estate property, § **1:132, 14:71**
- Size and nature of claim, § **23:5**
- Subsequent disclosure of false oath or account, § **35:22**
- Trustees
  - Accountants (this index)
  - appointment of trustee, § **5:30**
  - capacity to be sued, § **5:45**
  - escrow account, § **5:85**
  - interim trustees, § **5:13, 5:66**
- Turnover of property, § **1:132**
- United States trustees, § **4:100**

### ACCOUNTS RECEIVABLE

- Core proceedings, § **7:59**
- Preferential transfers, exceptions to trustee's avoiding power, § **18:85 to 18:88**
- Size and nature of claim, § **23:34**
- Turnover of property, § **14:49, 14:82**

### ACCREDITATION OF COLLEGE

- Automatic stay, § **16:54, 16:107**
- Property of bankruptcy estate, accreditation of college as, § **12:93**

### ACCRUAL BASIS CORPORATION

- Tax treatment of discharge, § **3:16**

### ACQUISITION OF PROPERTY, RIGHT, OR INTEREST

- Sale or Transfer (this index)

### ACT

- Bankruptcy Act of 1898 (this index)

### ACTS OF BANKRUPTCY

- Abolition of concept, § **9:65**

### ADDITIONAL LIENS

- Adequate protection, § **21:1, 21:11, 21:55, 21:56**

### ADDITION OF CLAIMS

- Reopening cases, § **36:17**

### ADDITION OF CREDITORS

- Reopening cases, § **36:16**

### ADDRESS

- Involuntary bankruptcy, § **9:44**
- Notice
  - creditor, address to be used in communications to, § **6:7, 6:38**
  - debtor's notice to creditors, § **6:6, 6:7, 6:38**

**ADDRESS—Cont'd**

- Notice—Cont'd
  - mail, § **1:83**
- Self-addressed envelopes, reorganization plan solicitation, § **27:21**
- Trustee or examiner eligibility and qualification, § **5:3, 5:4**
- Turnover of property
  - change of debtor's address, § **14:16**
  - persons holding money or property controlled by debtor, § **14:15**

**ADEQUATE ASSURANCE**

- Executory Contracts and Unexpired Leases (this index)
- Utilities (this index)

**ADEQUATE INFORMATION**

- Disclosure and disclosure statements, § **27:4 to 27:7, 27:15**

**ADEQUATE PROTECTION**

- Generally, § **1:151, 21:1 to 21:71**
- Accounting information, § **21:64**
- Additional liens, § **21:1, 21:11, 21:55, 21:56**
- Administrative expenses, § **21:12, 21:30, 21:36, 21:38**
- Agreements, § **21:37, 21:70**
- Appreciation in value of property, § **21:62**
- Approval, § **21:7, 21:35**
- Automatic stay
  - generally, § **1:151, 16:160, 21:1 et seq.**
  - counterclaims, § **16:204**
  - equity of debtor, determination of, § **16:175**
  - termination of contract or lease, § **16:172**
- Balancing creditor's and debtor's interests, § **21:5**
- Burden of proof, § **21:69**

**ADEQUATE PROTECTION**

**—Cont'd**

- Cash collateral, § **21:7, 21:35, 21:45, 21:64, 21:65**
- Cash payment or periodic cash payments
  - generally, § **21:10, 21:46 to 21:54**
  - compensation for decrease in value of property, § **21:47**
  - confirmation of plan payment, payment before, § **21:51**
  - depreciation and depreciable property, § **21:10, 21:47**
  - family farmer debt adjustment, § **21:29**
  - interest on money, § **21:48, 21:49**
  - lease payments, § **21:52, 21:53**
  - lost opportunity costs, § **21:49**
  - offer to make payments, § **21:54**
  - plan payments, § **21:50, 21:51**
- Chapter 12 proceedings. Family Farmer Debt Adjustment (this index)
- Collateral
  - additional or replacement security, § **21:55**
  - cash collateral, § **21:7, 21:35, 21:45, 21:64, 21:65**
  - valuation standards, § **21:23**
- Compensation, § **21:12, 21:47**
- Confirmation of plan
  - cash payment or periodic cash payments, § **21:50, 21:51**
  - liquidation, reorganization, or individual debt adjustment cases, § **21:26**
  - municipal debt adjustment cases, § **21:38**
  - preservation of status quo, § **21:3**
  - time to raise adequate protection issue, § **21:68**



## INDEX

### ADEQUATE PROTECTION

#### —Cont'd

- Constitutional and policy basis, § 21:12
- Co-owners, § 21:20
- Costs and expenses
  - administrative expenses, § 21:12, 21:30, 21:36, 21:38
  - family farmer debt adjustment, § 21:30
  - fees, § 21:17, 21:32
  - indubitable equivalent, § 21:12, 21:30
  - lost opportunity costs, § 21:49
  - oversecured creditors, § 21:17
  - repossession and sale, time and expense of, § 21:32
  - superpriority, § 21:36
- Creditor's bargain, § 21:16
- Cushion. Equity cushion, below
- Debtor in possession
  - cash payment or periodic cash payments, above
  - obtaining credit, § 21:8
- Decrease in value. Depreciation and depreciable property, below
- Deposits and depositories, § 21:7, 21:45, 21:55, 21:64
- Depreciation and depreciable property
  - generally, § 21:1
  - additional or replacement lien, § 21:11
  - cash payment or periodic cash payments, § 21:10, 21:47
  - equity cushion, § 21:44
  - interest in property, § 21:15
- Documents of title, § 21:7, 21:45, 21:55, 21:64
- Encumbrances. Liens, below
- Equipment, § 21:27, 21:63
- Equity cushion
  - generally, § 21:39 to 21:45

### ADEQUATE PROTECTION

#### —Cont'd

- Equity cushion—Cont'd
  - calculation, § 21:40
  - cash collateral, § 21:45
  - criticism, § 21:41
  - factors to be considered, § 21:42
  - government loan insurance, § 21:61
  - maintenance, § 21:44
  - sufficiency, § 21:43
- Evidence
  - presumptions and burden of proof, § 21:69
  - value, § 21:25
- Executory contracts and unexpired leases
  - generally, § 21:19
  - interest in unexpired lease of personal property, § 15:23
- Expenses. Costs and expenses, above
- Failure of adequate protection, § 21:36 to 21:38
- Fair market value, § 21:23 to 21:25
- Family farmer debt adjustment plans, § 33:13, 33:36
- Family Farmer or Fisher Debt Adjustment (this index)
- Farmers and farm products, § 21:55, 21:56
- Fees, § 21:17, 21:32
- Foreclosure, § 21:23, 21:32
- Future crops, § 21:56
- Government loan insurance, § 21:61
- Guarantees, § 21:20, 21:59 to 21:61
- History of payment, § 21:33
- Improvement of property, § 21:63
- Individual debt adjustment, § 1:151, 21:26, 21:50, 21:51, 21:68

## ADEQUATE PROTECTION

### —Cont'd

Individual debt adjustment plans, § 31:62

Indubitable equivalent, § 21:1, 21:12, 21:30

Insurance, § 21:54, 21:59 to 21:61

Interest in property, § 21:13 to 21:20, 21:67

Interest on money, § 21:17, 21:44, 21:48, 21:49

Inventory, § 21:23, 21:55, 21:64

Junior liens, § 21:55

Lease of property. Use, Sale, or Lease of Property (this index)

Liens

- generally, § 21:1
- additional liens, § 21:1, 21:11, 21:55, 21:56
- interests of secured creditors, § 12:39 to 12:43
- obtaining credit, § 21:8
- replacement liens, § 21:1, 21:11, 21:55, 21:56
- senior liens, § 21:8, 21:57
- taxes and assessments, § 21:58

Liquidation, § 21:23, 21:24, 21:26

Loans or credit, § 21:8

Lost opportunity costs, § 21:49

Maintenance of property, § 21:63

Money or cash

- cash collateral, § 21:7, 21:35, 21:45, 21:64, 21:65
- cash payment or periodic cash payments, above

Monitoring plan, § 21:65

Mortgages and deeds of trust, insurance, § 21:61

Municipal debt adjustment, § 21:28, 21:38, 21:70

Negotiable instruments, § 21:7, 21:45, 21:55, 21:64

Obtaining credit, § 21:8

Offer to make payments, § 21:54

## ADEQUATE PROTECTION

### —Cont'd

Orders of court. Prior court order, below

Oversecured claims, § 21:17, 21:44

Parties

- generally, § 21:18 to 21:20
- third parties, below

Payment

- cash payment or periodic cash payments, above
- plan payments, § 21:50, 21:51
- third parties, § 21:57

Periodic cash payments. Cash payment or periodic cash payments, above

Personal property, interest in unexpired lease of, § 15:23

Place for filing motions and other papers, § 21:71

Policy bases, § 21:2

Preservation of status quo, § 21:3

Presumptions and burden of proof, § 21:69

Prior court order

- superpriority, § 21:37
- violation of, § 21:35

Priorities, § 21:36, 21:37, 21:58

Procedure, generally, § 21:66 to 21:71

Property insurance, § 21:59

Proposal of adequate protection, § 21:66

Reasonable market rent paid, family farmer debt adjustment, § 21:31

Redemption, § 12:109

Rehabilitation, § 21:34

Rents and profits, family farmer debt adjustment, § 21:31

Reorganization plans, liquidation plans, § 26:14

Reorganization (this index)

## INDEX

### ADEQUATE PROTECTION

#### —Cont'd

- Replacement liens, § 21:1, 21:11, 21:55, 21:56
- Repossession, § 21:27, 21:32
- Rules of Bankruptcy Procedure, § 21:67, 21:70
- Sale of property. Use, Sale, or Lease of Property (this index)
- Secured creditors
  - generally, § 21:18
  - additional or replacement liens, § 21:55
  - equity cushion, § 21:44
  - interest in property, § 21:13 to 21:17
  - liens, § 12:39 to 12:43
  - oversecured claims, § 21:17, 21:44
  - superpriority, § 21:36
  - time adequate protection begins, § 21:4
- Securities, § 21:45, 21:55, 21:64
- Security
  - generally, § 21:27
  - additional or replacement, § 21:55
  - collateral, above
  - liens, above
  - secured creditors, above
- Segregation of cash collateral, § 21:64
- Senior liens, § 21:8, 21:57
- Sovereign immunity abrogated, § 6:78
- Standards of valuation, § 21:23, 21:24
- Stipulations, § 21:27, 21:35
- Superpriority for inadequately protected creditors, § 21:36, 21:37
- Taxation, § 21:33, 21:54, 21:58
- Third parties
  - guarantees, § 21:59 to 21:61
  - payments, § 21:57

### ADEQUATE PROTECTION

#### —Cont'd

- Time and date
  - commencement of adequate protection, § 21:4
  - notice and knowledge, § 21:70
  - raising adequate protection issue, § 21:68
  - repossession and sale, § 21:32
  - stipulations, § 21:27
  - valuation, § 21:22
- Transportation equipment financiers, § 21:27
- Turnover of property, § 14:37, 14:38, 14:56
- Use, Sale, or Lease of Property (this index)
- Value and valuation
  - generally, § 21:21 to 21:25
  - appreciation in value, § 21:62
  - creditor's bargain, § 21:16
  - date of valuation, § 21:22
  - depreciation and depreciable property, above
  - equity cushion, above
  - evidence, § 21:25
  - fair market value, § 21:23 to 21:25
  - interest in property, § 21:14, 21:15
  - monitoring by court, § 21:65
  - standards of valuation, § 21:23, 21:24

### ADJOURNMENT

- Continuance of Action or Proceeding (this index)

### ADJUSTMENT

- See more specific topics

### ADMINISTRATIVE AGENCIES

- For particular agencies, see specific lines throughout this index
- Discriminatory treatment of debtor, § 6:30, 6:31

## **ADMINISTRATIVE AGENCIES**

### **—Cont'd**

- Eligibility for municipal debt adjustment, § **1:45**
- Governing law, administrative regulations, § **1:32**
- Interested parties, generally, § **6:85, 6:86**
- Privacy considerations, § **1:78**
- Reorganization plan confirmation, § **28:48, 28:49**

## **ADMINISTRATIVE CONVENIENCE CLASS**

- Reorganization plans, § **26:40**

## **ADMINISTRATIVE EXPENSES**

- Generally, § **34:18**
- Generally, § **24:57**
- Accountants, compensation of, § **34:32**
- Adequate protection, § **21:12, 21:30, 21:36, 21:38**
- Allowance of claims
  - generally, § **24:53 to 24:78**
  - beneficial to operation to debtor's business, § **24:57**
  - commissions for services, § **24:59**
  - compensation and wages, § **24:52, 24:59**
  - creditors' expenses, § **24:68 to 24:74**
  - criminal prosecution, expenses of creditor in connection with, § **24:70**
  - custodian, expenses and compensation of, § **24:75**
  - disposing or preserving of collateral, § **24:95**
  - enumerated expenses in statute as not constituting limitation, § **24:55**
  - equal treatment accorded to administrative expenses inter se, § **24:54**

## **ADMINISTRATIVE EXPENSES**

### **—Cont'd**

- Allowance of claims—Cont'd
  - family farmer debt adjustment, § **24:55**
  - grain assets, § **24:72**
  - hazardous waste, expenses of removal or cleanup of, § **24:61**
  - individual debt adjustment, § **24:55, 24:58**
  - leased premises, § **24:42, 24:60**
  - liquidation, § **24:55, 24:71, 24:72**
  - municipal debt adjustment, § **24:55, 24:71, 24:74, 24:76**
  - partners and partnerships, claims against, § **24:23**
  - persons entitled to recover, generally, § **24:53 et seq.**
  - postpetition expenses, administrative expenses limited to, § **24:57**
  - preservation of assets of estate, § **24:53, 24:58 to 24:61, 24:72**
  - preserving or disposing of collateral, § **24:95**
  - priority of claims, § **24:31, 24:53, 24:55, 24:64, 24:76**
  - recovery of property for benefit of estate, § **24:69**
  - rent, § **24:42, 24:60**
  - retirement and pension benefits, § **24:62**
  - secured or unsecured claims, below
  - sovereign immunity abrogated, § **6:78**
  - superpriority claims, § **24:55, 24:78**
  - taxes, § **24:31, 24:64 to 24:66, 24:95**
  - wages, § **24:52, 24:59**

## INDEX

### ADMINISTRATIVE EXPENSES

#### —Cont'd

Allowance of claims—Cont'd  
witness fees and mileage,  
§ 24:77  
Attorneys' Fees (this index)  
Chapter 11 committee members'  
expenses, § 34:38  
Claims. Allowance of claims,  
above  
Compensation and wages  
allowance of claims, § 24:52,  
24:59  
custodian, § 34:32  
officers, § 34:34  
professionals, § 2:13, 2:32 to  
2:34  
Confirmation of plan, expenses  
arising after, § 34:20  
Conversion of case as affecting  
payment of, § 34:15  
Creditor, expenses incurred by,  
§ 6:42  
Creditors' and equity security  
holders' committees, § 6:51,  
6:52, 6:67, 24:76  
Criminal proceedings, § 34:36  
Custodian, expenses and  
compensation of, § 34:32  
Custodians, § 6:77  
Deductions from takes, § 3:37  
Definition, § 34:19  
Domestic support obligations,  
§ 34:16, 34:17  
Equity security holders, § 6:62  
Equity security holders' commit-  
tees, § 6:67  
Executory Contracts and  
Unexpired Leases (this  
index)  
Exempt property, availability for  
payment of administrative  
expenses, § 13:25, 34:23  
Filing fee, petitions, § 34:35  
Fines and penalties, § 34:30

### ADMINISTRATIVE EXPENSES

#### —Cont'd

Goods received within 20 days of  
bankruptcy, § 34:42  
Health care businesses, costs of  
closing, § 34:41  
Indenture trustees, § 6:73  
Insiders, § 34:43  
Interested parties, § 34:32  
Interest on money, § 34:31  
Judicial fees and costs, § 34:39  
Lien, property subject to, § 34:24  
Loans or credit, § 15:70  
Municipal Debt Adjustment (this  
index)  
Nonresidential real property lease  
obligations, § 34:40  
Officers, compensation and  
reimbursement of, § 34:34  
Operation of business, § 1:138,  
34:26, 34:27  
Order of payment of expenses,  
generally, § 34:21  
Ordinary course of business,  
claims or expenses arising in,  
§ 34:27  
Postpetition taxes, § 34:31  
Preserving estate, costs and  
expenses of, § 34:25 to 34:27  
Priorities, generally, § 16:241,  
34:18 to 34:89  
Professional compensation and  
reimbursement, generally,  
§ 2:13, 34:32 to 34:34  
Proof of claim, § 22:50  
Property of estate, recovery of,  
§ 34:36  
Property out of which payable,  
generally, § 34:22 to 34:24  
Quickie refund, § 34:29  
Railroad Reorganization, § 34:189  
Reclamation, grant of administra-  
tive expenses as alternative,  
§ 17:84  
Reorganization plans, § 28:26

**ADMINISTRATIVE EXPENSES**

**—Cont'd**

Reorganization (this index)  
Salaries. Compensation and wages, above  
Severance pay, § **34:43, 34:54**  
Statutory limitations, § **24:86**  
Substantial contribution, expenses in making, § **34:37**  
Superpriority, § **34:15**  
Taxation (this index)  
Use, sale, or lease of property, § **15:28, 15:30**  
Utility service, § **16:241**  
Wages. Compensation and wages, above

**ADMINISTRATIVE HOLDS OR FREEZES**

Automatic stay setoff rights, § **25:18**

**ADMINISTRATIVE OFFICE OF UNITED STATES COURTS**

Appeals, § **37:2**  
Director, § **4:5, 4:53**  
Forms, § **1:31**  
Local rules, § **1:28**

**ADMINISTRATIVE POWERS**

Adequate Protection (this index)  
Automatic Stay (this index)  
Executory Contracts and Unexpired Leases (this index)  
Obtaining Credit (this index)  
Use, Sale, or Lease of Property (this index)  
Utilities (this index)

**ADMINISTRATIVE PROCEDURE ACT**

Railroad reorganization plans, § **26:35**

**ADMINISTRATIVE PROCEEDINGS**

Particular proceedings, see more specific topics

**ADMINISTRATORS**

Estate Administrators (this index)  
Fiduciaries (this index)

**ADMIRALTY**

Automatic stay, maritime foreclosure actions, § **16:124, 16:125**  
Contractual forum selection clauses, § **7:189**  
Liens or avoidance, § **17:37**

**ADVANCES**

New value advanced, avoidability of preferences, § **18:78 to 18:84**  
Preferential transfers followed by advance of new value, § **18:78 to 18:84**

**ADVERSARY PROCEEDINGS**

Generally, § **1:88**  
Allowance of claims or interests, § **24:15**  
Attorneys' fees, § **2:119**  
Avoidance and reclamation actions, § **17:87**  
Complaints (this index)  
Jurisdiction (this index)  
Property of estate, § **12:152**  
Rules of Bankruptcy Procedure (this index)  
Size and nature of claim, § **23:4**  
Turnover of property, § **14:79, 14:80**

**ADVERSE INTEREST**

Debtor in possession, employment of professional persons, § **5:112**  
Interested Persons or Parties (this index)  
Trustees (this index)

**ADVERTISING**

Allowance of claims or interest, § **24:57**  
Attorneys' fees, § **2:46**

## INDEX

### **ADVERTISING—Cont'd**

- Billboards advertising bankruptcy of company, automatic stay, § 16:38
- Consumer debtors' attorneys, § 2:57
- Credit card mass solicitations and dischargeability, § 35:120
- Defined, § 2:57
- Fraudulent transfers and concealment of assets, foreclosure sales, § 19:55, 19:56
- Petition preparers, § 2:48, 8:11

### **ADVERTISING AGENCY**

- Automatic stay, § 16:38

### **AFDC BENEFITS**

- Aid to Families with Dependent Children (this index)

### **AFFIDAVITS**

- Appeals in forma pauperis, § 37:3
- In forma pauperis, § 37:3
- Preferential transfer, rebutting presumption of insolvency, § 18:25

### **AFFILIATES**

- Reorganization plans, § 27:23
- Taxation, § 3:58

### **AFFIRMATION**

- Oath or Affirmation (this index)

### **AFFIRMATIVE DEFENSES**

- Defenses (this index)

### **AFTER-ACQUIRED PROPERTY**

- Generally, § 12:48 to 12:70
- Anti-competition clause, effect, § 12:67, 12:68
- Assertion, exclusion of debtor's earnings, § 12:57
- Bequests acquired by debtor, § 12:51, 12:52
- Burden of proof, exclusion of income from bankruptcy estate, § 12:59

### **AFTER-ACQUIRED PROPERTY —Cont'd**

- Commissions, § 12:63, 12:65
- Conversion or dismissal, § 12:61
- Corporations, inclusion of earnings from debtor corporation in bankruptcy estate, § 12:57
- Death benefits acquired by debtor, § 12:53
- Debtor-acquired property, § 12:50 to 12:70
- Devises, acquisition by debtor, § 12:51, 12:52
- Divorce decree, acquisition of property by debtor, § 12:54
- Earnings of debtor, generally, § 12:49, 12:56 to 12:68
- Estate, property acquired by, § 12:48
- Evidence, exclusion of income from bankruptcy estate, § 12:59
- Exceptions, general rule, § 12:70
- Exclusion of debtor's earnings, § 12:56 to 12:61
- Family Farmer Debt Adjustment, inclusion of earnings, § 12:60, 12:61
- Filing, supplemental schedule, § 12:55
- Fresh start, protection of, § 12:56, 12:59
- General rule, applicability of liens to postpetition property interests, § 12:69, 12:70
- Income from testamentary trusts, inclusion, § 12:52
- Individual debt adjustment, inclusion of earnings, § 12:60, 12:61
- Inheritances, acquisition by debtor, § 12:51, 12:52
- Insurance, § 12:53, 12:65
- Interlocutory order, § 12:54
- Inter vivos trust, exclusion from bankruptcy estate, § 12:52



## **AFTER-ACQUIRED PROPERTY**

### **—Cont'd**

- Liens and Encumbrances (this index)
- Life insurance, acquisition by debtor, § 12:53
- Liquidation, conversion of case, § 12:61
- Marital property settlement, acquisition by debtor, § 12:54
- Military retirement pay, exclusion from bankruptcy estate of payments received after filing of petition, § 12:66
- Offspring derived from estate property, inclusion in bankruptcy estate, § 12:49, 12:70
- Order, interlocutory, § 12:54
- Particular earnings, § 12:62 to 12:68
- Postpetition matters, § 12:49, 12:69, 12:70
- Prebankruptcy past, inclusion in bankruptcy estate of property received postpetition from actions taken in, § 12:50
- Proceeds or profits derived from estate, § 12:49, 12:70
- Real estate commissions, inclusion of commission on sales entered into prior to commencement of case, § 12:63
- Rents from estate property, inclusion in bankruptcy estate, § 12:49, 12:70
- Retirement pay, military, exclusion of payments received after filing petition, § 12:66
- Schedule, filing of supplemental, § 12:55
- Services performed requirement, exclusion of earnings in bankruptcy estate, § 12:58
- Servitude to creditors, prevention through exclusion of postpetition earnings, § 12:56

## **AFTER-ACQUIRED PROPERTY**

### **—Cont'd**

- Severance pay, inclusion in bankruptcy estate, § 12:67, 12:68
- Supplemental schedule, duty to file, § 12:55
- Testamentary trusts, inclusion of income as property of estate, § 12:52
- Time of acquisition of property in relation to commencement of case, § 12:50 to 12:70
- Trusts, inter vivos, exclusion from bankruptcy estate, § 12:52
- Use, sale, or lease of property, § 15:24
- Vacation pay, inclusion in bankruptcy estate, § 12:62

## **AFTER NOTICE AND HEARING**

- Defined, § 1:87, 5:26, 23:35

## **AGE**

- Children (this index)

## **AGE DISCRIMINATION IN EMPLOYMENT ACT**

- Automatic stay, § 16:92
- Trustee appointment or election, § 5:10, 5:12

## **AGENCIES OF GOVERNMENT**

- Administrative Agencies (this index)

## **AGENTS**

- Automatic stay, § 16:38
- Collection and Credit Agencies (this index)
- Credit agencies. Collection and Credit Agencies (this index)
- Creditors' and equity security holders' committees, § 6:45, 6:56
- Creditor's rights, generally, § 6:37
- Custodians, § 6:75
- Disbursing agents, confirmation of individual debt adjustment



## INDEX

### **AGENTS—Cont'd**

- plans, § 31:70 to 31:72
- Employment of professional persons, § 2:12, 2:23, 2:40, 2:51
- Escrow agents, § 33:38
- Family farmer debt adjustment plans, § 33:38
- Indenture trustees, § 6:71
- Interested party, generally, § 6:87
- Municipal debt adjustment plans, § 32:17
- Proof of claim, § 22:20
- Real Estate Agents and Brokers (this index)
- Reorganization (this index)
- U. S. trustees, § 4:74

### **AGREEMENTS**

- Contracts and Agreements (this index)

### **AGRI-BUSINESSES**

- Farmers and Farm Products (this index)

### **AGRICULTURAL CONSERVATION PLAN**

- Family farmer debt adjustment plans, § 33:34

### **AGRICULTURAL SUBSIDIES**

- Discriminatory treatment of debtor, § 6:32

### **AGRICULTURE**

- Farmers and Farm Products (this index)

### **AGRONOMIC FEASIBILITY**

- Family farmer debt adjustment plans, § 33:44, 33:45

### **AID OR ASSISTANCE**

- Generally. Welfare Recipients (this index)
- Dependent children. Aid to Families with Dependent Children (this index)

### **AID TO FAMILIES WITH DEPENDENT CHILDREN**

- Discharges of domestic support obligations, § 35:166
- Family former debt adjustment plans, § 33:54
- Income rendering debtor eligible for Chapter 13, § 1:63

### **AIRCRAFT EQUIPMENT**

- Aviation (this index)
- Cram-down, § 15:25
- Lease-loan distinction, § 15:25
- Nonpurchase-money lenders accorded protection, § 15:25
- Reorganization (this index)
- Safe harbor definition of lease and security interest, § 15:25

### **AIRCRAFT EQUIPMENT SETTLEMENT LEASES ACT**

- Generally, § 15:25, 16:123

### **AIRPORT LEASES AND LANDING SLOTS**

- Assignment of less than all debtor's leases to same person, § 20:27
- Assumption or assignment of less than all debtor's leases to same person, § 20:27
- Aviation (this index)
- Intangible personal property, § 12:46

### **ALABAMA**

- Bankruptcy administrators creditors' or equity security holders' meetings, presiding at, § 4:80
- Opt-out provision, § 13:6
- United States trustee program, § 1:20, 4:60

### **ALASKA**

- Opt-out provision, § 13:6

## **ALCOHOLIC BEVERAGES**

- Automatic stay, § **16:25, 16:38, 16:40, 16:95**
- Core proceedings, § **7:79**
- Discriminatory treatment of debtor, § **6:29, 6:32**
- Licenses, § **6:29, 6:32**
- Priorities, claim based on, motor vehicle or vessel accident, § **34:89**

## **ALIAS**

- Caption, § **1:76**
- Voluntary bankruptcy, § **8:46**

## **ALLEGATIONS**

- Complaints (this index)
- Petitions (this index)

## **ALLOCATION OF PAYMENT DOCTRINE**

- Withholding taxes, § **3:63**

## **ALLOWANCE OF CLAIMS OR INTERESTS**

- Absence of objections as resulting in claim being allowed, generally, § **24:8**
- Abstention, § **7:29, 24:21**
- Acceleration of principal amount of claims after filing of petition, § **24:36**
- Accident and sickness benefits or expenses, § **24:26, 24:27, 24:62**
- Accountants' charges, § **24:67, 24:74**
- Actions and remedies
  - criminal prosecution, expenses of creditor for, § **24:69**
  - injunctive relief to cleanup hazardous waste, § **24:61**
  - recovery of property or funds, below
- Administrative Expenses (this index)
- Adversary proceeding, § **24:15**

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

- Advertising costs, § **24:56**
- Agreements. Contracts and agreements, below
- Agriculture. Farmers and farm products, below
- Alimony and support, § **24:39**
- Amendment or alteration
  - tax claims, § **24:25**
- Antideficiency laws of states, § **24:33**
- Applicable law defined, § **24:34**
- Apportionment. Pro rata payments or distributions, below
- Approval. Consent or approval, below
- Attorneys at law
  - attorneys' fees, below
  - persons who may recover cost of preserving or disposing of collateral, § **24:94**
  - reports of bankruptcy crimes to federal attorney, § **24:69**
- Attorneys' fees
  - administrative expenses, § **24:67, 24:72**
  - creditor's attorney, § **24:67**
  - debtor's attorney, § **24:38, 24:67**
  - filing of statement, § **24:38, 24:67**
  - leases, damages for termination of, § **24:40**
  - preserving or disposing of collateral, § **24:94**
- Automobile repairs, § **24:26**
- Avoidance, § **17:4, 17:51**
- Barley, grain as including, § **24:72**
- Bedroom furniture as necessary for performance under plan, § **24:26**
- Benefit requirement of expense claim, § **24:89 to 24:93**

## INDEX

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

- Bonuses to employees as administrative expenses, § 24:59
- Breach of executory contracts, claims for, § 24:21, 24:29, 24:35, 24:46
- Burden of proof and presumptions, § 24:20, 24:87
- Candidate for bankruptcy trustee, voting for, § 24:4
- Carrying on business or financial transactions of debtor, § 24:86, 24:93
- Cause for reconsideration of allowed or disallowed claim, § 24:101, 24:105
- Chapter 13 cases. Individual Debt Adjustment (this index)
- Charges. Fees and charges, below
- Child support, claims for, § 24:39
- Choice between subrogation or reimbursement and contribution, § 24:51
- Cleanup or removal of hazardous waste, expenses of, § 24:61
- Codebtors
  - claims for reimbursement or contribution, § 24:50 to 24:52
  - party entitled to seek reconsideration of allowed or disallowed claim, § 24:105
- Collateral. Costs and expenses of preserving or disposing of collateral, below
- Collateral estoppel, § 24:101
- Collective bargaining agreements, breach of, § 24:22, 24:29, 24:46
- Commission for services as administrative expenses, § 24:59

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

- Committee of creditors, § 24:4, 24:14, 24:71, 24:76
- Compensation (this index)
- Compiling and preserving collateral. Costs and expense of preserving or disposing of collateral, above
- Complaint, § 24:16
- Concealment of assets, § 24:69
- Conclusions of law proposed by bankruptcy judge, § 24:17
- Confidential nature of investigation report of debtor's financial affairs, § 24:11
- Confirmation
  - deadline for filing objections to claims, § 24:18
  - reconsideration requested after confirmation, § 24:98
- Conflict of laws, § 24:34, 24:61
- Consent or approval
  - consumer debts necessary to debtor's performance under bankruptcy plan, § 24:24, 24:27
  - hearing and determination of matters by bankruptcy judge, § 24:17
  - preserving or disposing of collateral, expenses of, § 24:85
  - recovery of property for benefit of estate, expenses of, § 24:69
- Consideration, claims based on, § 24:33
- Constitutional law, § 24:47
- Construction and interpretation of statute, generally, § 24:55, 24:71, 24:72
- Consumer debts, § 24:24, 24:26, 24:27
- Contested matter, filing of objection resulting in, § 24:16

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

Contingent or unmatured claims, generally, § **24:21, 24:33, 24:36, 24:50**

Continuation of business or financial transaction of debtor, § **24:86, 24:93**

Contracts and agreements

- breach of executory contracts, claims for, § **24:21, 24:29, 24:35, 24:46**
- consideration, claims based on, § **24:33**
- employment contracts, below
- executory contracts and unexpired leases, § **24:21, 24:29, 24:35, 24:46**
- leases, below
- mortgage or indenture trustee, administrative expenses of, § **24:71, 24:72**
- presumption of contract price as reasonable administrative expenses, § **24:60**
- rejection or breach, claim based on, § **24:21, 24:29, 24:35, 24:46**
- secured or unsecured claims, below
- specific performance, claims subject to, § **24:22**

Contribution, claims for, § **24:105**

Conversion from other bankruptcy cases to Chapter 7, § **24:55**

Core proceedings, § **24:17**

Corn, grain as including, § **24:72**

Corporate officers, personal debts of, § **24:33**

Costs and expenses

- generally, § **24:53 to 24:93**
- Administrative Expenses (this index)
- advertising costs, § **24:58**
- attorneys' fees, above

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

Costs and expenses—Cont'd

- benefit requirement of expense claim, § **24:57, 24:89 to 24:93**
- collateral. Costs and expenses of preserving or disposing of collateral, below
- consent or approval, above
- creditors' expenses, § **24:68 to 24:74**
- fees and charges, below
- hazardous waste, removal or cleanup of, § **24:61**
- Insurance and Insurance Companies (this index)
- leases, below
- lost opportunity costs, § **24:36**
- medical benefits and expenses, § **24:26, 24:27, 24:62**
- preservation of assets, administrative expenses, § **24:53, 24:58 to 24:61, 24:72**
- preserving collateral. Costs and expenses of preserving or disposing of collateral, below
- professional persons, below
- Reorganization Plans (this index)
- repair costs, below
- storage costs and expenses, § **24:73**
- telephone advertising, § **24:56**
- witness mileage, § **24:77**

Costs and expenses of preserving or disposing of collateral

- generally, § **24:83 to 24:97**
- actual benefit requirement, § **24:90**
- administrative expenses, § **24:95**
- attorneys' fees, § **24:94**

## INDEX

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

Costs and expenses of preserving or disposing of collateral—Cont'd

- benefit requirement, § 24:89 to 24:93
- burden of proof, § 24:87
- consent of creditor, § 24:85
- direct benefit requirement, § 24:91, 24:92
- establishing right to recovery, § 24:85 to 24:93
- general expenses of administration, § 24:95
- going-concern value, § 24:93
- indirect benefit, § 24:92
- leases, expenses of, § 24:91
- ordinary expenses of administration, § 24:95
- persons who may recover costs and expenses, § 24:94
- presumption, § 24:87
- primary benefit to secured creditor, § 24:90
- professional personnel as persons who may recover costs and expenses, § 24:94
- quantifiable benefit, § 24:91, 24:92
- reasonableness, § 24:88
- sale of collateral, § 24:85, 24:95 to 24:97
- speculative or uncertain benefit, § 24:92
- three-part test of entitlement to recovery, § 24:86
- trustee or debtor in possession as person who may recover expenses, § 24:94
- two-part test of entitlement to recovery, § 24:86
- uncertain or speculative benefit, § 24:92

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

Costs and expenses of preserving or disposing of collateral—Cont'd

- what costs and expenses are recoverable, § 24:95 to 24:97
- who may recover costs and expenses, § 24:94

Counterclaim or setoff, § 24:5, 24:15, 24:16, 24:30

Court or judge

- abstention from deciding objection, § 24:21
- determination and allowance of claim, § 24:17, 24:21, 24:22
- discretion of court, § 24:72, 24:87, 24:101

Federal Rules of Civil Procedure, § 24:102

judgments and decrees, below own motion of court, § 24:73

protection orders, § 24:11

Creditors

- as persons who may object to claims, § 24:12
- expenses in bankruptcy proceedings, § 24:68 to 24:74

Credit reduction arising out of tax claims, § 24:64

Crimes and offenses

- prosecution, expenses of creditor in connection with, § 24:69
- tax penalties, § 24:65

Crops, § 24:73

Custodians, § 24:75

Date. Time or date, below

Death benefits for retirees, § 24:62

Debtors

- codebtors, above

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

Debtors—Cont'd  
     persons who may object to claims, § 24:13  
     recovery of cost of preserving or disposing of collateral, § 24:94  
 Deceit and fraud, § 24:70, 24:71  
 Decrees. Judgments and decrees, below  
 Deficiency claim by unsecured creditor on nonrecourse loan, § 24:33  
 Definitions, see specific lines throughout this topic  
 Delay in filing objections to claims, § 24:18  
 Direct benefit of costs and expenses of preserving or disposing of collateral, § 24:91, 24:92  
 Discounted note, § 24:36  
 Disposing of collateral. Costs and expenses of preserving or disposing of collateral, above  
 Distribution priorities, § 34:5  
 Diversity of citizenship, rule of state law under, § 24:34  
 Dividend paid on disallowed claim, recovery of, § 24:8, 24:15  
 Divorce, alimony or support claims, § 24:39  
 Double counting of claims by creditors against partnership and partner, § 24:23  
 Dry edible beans as grain, § 24:72  
 Due, defined, § 24:40  
 Eighth priority claims, § 24:64  
 Election between subrogation or reimbursement and contribution, § 24:51  
 Election or voting  
     candidate for bankruptcy trustee, § 24:4

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

Election or voting—Cont'd  
     creditors' committee, § 24:4, 24:14  
 Emergency medical treatment, claims for, § 24:27  
 Employment contracts  
     generally, § 24:29, 24:44 to 24:46  
     collective bargaining agreements, breach of, § 24:21, 24:29, 24:46  
     medical benefits and claims, § 24:62  
     retirement and pension plans, below  
 Employment tax claims, § 24:47, 24:64  
 Environmental cleanup expenses as administrative expenses, § 24:61  
 Equal treatment accorded  
     administrative expenses interest, § 24:54  
 Erie v Tompkins, rule of, § 24:34  
 Estimation of claim, § 24:22  
 Estoppel or waiver  
     objections to allowance of claims, § 24:18  
 Evidence  
     burden of proof and presumptions, § 24:20, 24:87  
     preponderance of evidence, § 24:20  
     prima facie evidence, § 24:20  
 Examination under Rule 2004, § 24:77  
 Examiners. Trustees and examiners, below  
 Exceptions or objections to claims, generally, § 24:7 to 24:22  
 Executory contracts and unexpired leases, § 24:21, 24:29, 24:35, 24:46

## INDEX

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

- Extraordinary circumstances as test to allowance of costs and expenses, § 24:57
- Failure to object as resulting in allowance of claim, generally, § 24:8
- Family Farmer or Fisher Debt Adjustment (this index)
- Fan as necessary for debtor's performance under bankruptcy plan, § 24:26
- Farmers and farm products crops, § 24:73
  - Family Farmer or Fisher Debt Adjustment (this index)
- Federal courts. Court or judge, above
- Federal hazardous waste statutes, § 24:61
- Federal or state law as controlling, § 24:34, 24:61
- Federal Rules of Civil Procedure, § 24:102
- Federal tax credit for state unemployment insurance taxes, § 24:47
- Fees and charges
  - accountant's fees, § 24:67, 24:74
  - attorneys' fees, above
  - costs and expenses of preserving or disposing of collateral, § 24:94
  - inspection of investigation report of debtor's financial affairs, § 24:11
  - storage charges, § 24:73
  - witness fees and mileage, § 24:77
- Fifth priority claims, § 24:36
- Filing or recording
  - attorneys' fees, statement as to, § 24:38, 24:67

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

- Filing or recording—Cont'd
  - objection to claim, § 24:8, 24:15 to 24:18
  - prima facie evidence of filed claim, § 24:20
  - statement as to investigation of debtor's financial affairs, § 24:11
- Financing transactions and leases distinguished, § 24:41
- Findings of fact by bankruptcy judge, § 24:17
- Fines and penalties in tax claims, § 24:65
- First priority claims
  - generally, § 24:28, 24:31
  - administrative expenses, § 24:31, 24:53, 24:54, 24:76
- Flax seed, grain as including, § 24:72
- Foreign proceeding, recovery in, § 24:6
- Fraud and deceit, § 24:70, 24:71
- Furniture as necessary for performance under plan, § 24:26
- General creditors as persons who may object to claims, § 24:14
- General partners, claims against, § 24:10, 24:23
- Going-concern value of estate, § 24:86, 24:93
- Going forward with burden of proof, § 24:20
- Governing law, § 24:34, 24:61
- Governmental units
  - claims by or against, generally, § 24:5, 24:24, 24:48
  - municipalities, § 24:55, 24:71, 24:74, 24:76
- Grain assets, administrative expenses as to, § 24:72
- Grounds for disallowance of claims, generally, § 24:32 to 24:52

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

Guarantors, § 24:43, 24:50 to 24:52

Hazard insurance as administrative expense, § 24:57

Hazardous waste, expenses of removal or cleanup of, § 24:61

Health and safety of public, expenses designed to protect, § 24:61

Hearings. Notice and hearing, below

Hospital care benefits for retirees, § 24:62

Household furniture as necessary for performance under bankruptcy plan, § 24:26

Impact of allowance or disallowance of claim or interest, generally, § 24:1 to 24:6

Implied consent to expenses of preserving or disposing of collateral, § 24:85

Inadequate secured claim, administrative expenses of creditors of, § 24:76

Including, defined, § 24:55

Income tax claims, § 24:21, 24:25

Indenture trustee, administrative expenses of, § 24:71, 24:72

Indirect benefit of cost of preserving or disposing of collateral, § 24:92

Individual Debt Adjustment (this index)

Inferred consent to expenses of preserving or disposing of collateral, § 24:85

Injunction to cleanup hazardous waste, expenses under, § 24:61

Insider, claims of, § 24:38

Inspection of report of investigation of debtor's financial

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

affairs, § 24:11

Insurance and Insurance Companies (this index)

Interested parties. Parties or persons in interest, below

Interest on money generally, § 24:36

tax claims, § 24:65

usury claim, § 24:33

Interpretation or construction of statutes, generally, § 24:55, 24:71, 24:72

Investigation of debtor's financial affairs, § 24:11

Involuntary gap creditors, § 24:28

Iron for clothing as necessary for performance under bankruptcy plan, § 24:26

Jingle rule relating to partnership creditors, § 24:23

Joint tortfeasors, reimbursement or contribution by, § 24:33, 24:50

Judge. Court or judge, above

Judgments and decrees

injunction to cleanup hazardous waste, expenses under, § 24:61

Junior mortgages, § 24:92

Jurisdiction, § 7:29, 7:82 to 7:85

Knowledge. Notice and hearing, below

Labor contracts. Employment contracts, above

Laches and delay as to filing objections to claims, § 24:18

Landlord and tenant. Leases, below

Leases

additional sum or residual guarantee for failure to renew lease, § 24:40



## INDEX

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

- Leases—Cont'd
  - administrative expenses for rent, § 24:42, 24:60
  - assumed lease, breach of, § 24:42
  - involuntary gap claims arising out of, § 24:28
  - preserving or disposing of collateral, expense of, § 24:91
  - rejection or termination of leases, claims arising out of, § 24:29, 24:40 to 24:43
- Liquidation of unliquidated claims, generally, § 24:21
- Liquidation via Chapter 7.
  - Liquidation (this index)
- Local governments, § 24:55, 24:71, 24:74, 24:76
- Lost opportunity costs, § 24:36
- Mailing of notice of hearing of objection to claim, § 24:19
- Maintenance and support of persons, § 24:39
- Manner in which objection is made to allowance of claim, § 24:15 to 24:18
- Medical benefits or claims, § 24:26, 24:27, 24:62
- Mileage charges for witnesses, § 24:77
- Modification
  - tax claims, § 24:25
- Mortgages
  - indenture trustee, administrative expenses of, § 24:70
  - junior mortgages, § 24:92
- Motions
  - objections to claims, § 24:16
  - own motion of court, § 24:73
  - reconsideration of allowed or disallowed claim, § 24:103, 24:104
- Motive in recovering of property for benefit of estate, § 24:69

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

- Multiemployer pension plan, withdrawal from, § 24:63
- Municipalities, § 24:55, 24:71, 24:74, 24:76
- New trial provisions of Federal Rules of Civil Procedure, § 24:102
- Note, discount of, § 24:36
- Notice and hearing
  - objection to claim, § 24:19
  - reconsideration of allowed or disallowed claim, § 24:103
  - superpriority of administrative expenses, § 24:55
- Nunc pro tunc approval for expenses to recover property for benefit of estate, § 24:69
- Oats, grain as including, § 24:72
- Objection to allowance of claim, § 24:7 to 24:22
- Option between subrogation or reimbursement and contribution, § 24:51
- Oral objection to allowance of claim, § 24:15
- Orders of court for protection as to investigative reports, § 24:11
- Original issue discount, § 24:36
- Own motion of court, § 24:73, 24:103
- Paraprofessional persons
  - employed in bankruptcy proceedings, § 24:67
- Participation in administration of estate, claim allowance affecting, § 24:4
- Parties or persons in interest
  - particular parties or persons in interest, see specific lines throughout this topic
  - Administrative Expenses (this index)
  - collateral, expenses of preserving or disposing, § 24:94

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

Parties or persons in interest  
—Cont'd  
objections to claims, § 24:9 to 24:14  
reconsideration of allowed or disallowed claims, § 24:98, 24:103, 24:105  
Partners and partnerships, § 24:10, 24:23  
Payments  
fixing of postpetition claim of surety or codebtor, § 24:52  
reconsideration as affecting payment of allowed claims, § 24:99  
recovery of property or funds, below  
significance of allowance of claim, § 24:3  
Penalty taxes, § 24:25, 24:65  
Pendency of bankruptcy case, claims resulting during, generally, § 24:24 to 24:27, 24:53 to 24:78  
Pension plans. Retirement and pension plans, below  
Physicians, claims for medical services by, § 24:26, 24:27, 24:62  
Plan payments, recovery by way of, § 24:3  
Pleadings  
generally, § 24:15  
counterclaim or setoff, § 24:5, 24:15, 24:16, 24:30  
Pollution cleanup expenses as administrative expenses, § 24:61  
Postpetition claims, generally, § 24:24 to 24:27, 24:53 to 24:78  
Preferential transfers, § 24:30, 24:49

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

Preponderance of evidence, § 24:20  
Preservation of assets, administrative expenses, § 24:53, 24:57 to 24:60, 24:72  
Preserving collateral. Costs and expense of preserving or disposing of collateral, above  
Presumptions and burden of proof, § 24:20, 24:87  
Price under contract for goods and services to preserve estate, § 24:57  
Prima facie evidence, § 24:20  
Primary benefit of expenses of preserving or disposing of collateral, § 24:90  
Priorities  
generally, § 24:2, 24:3, 24:31, 24:36, 24:64, 34:5  
administrative claims, § 24:31, 24:53, 24:54, 24:64, 24:76  
reconsideration, granting different priority after, § 24:98  
superiority claims, § 24:55, 24:76, 24:78  
Professional persons  
accountants' charges, § 24:67, 24:74  
administrative expenses for professional services, § 24:67, 24:72  
attorneys at law, above  
physicians, claims for medical services by, § 24:26, 24:27, 24:62  
Promissory note, discount of, § 24:36  
Proof. Evidence, above  
Property tax claims, § 24:31, 24:37  
Pro rata payments or distributions  
administrative expenses, § 24:54

## INDEX

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

- Pro rata payments or distributions—Cont'd
  - debtor-guarantor of lease, § 24:43
- Protection orders, § 24:12
- Public inspection of investigation report of debtor's financial affairs, § 24:11
- Qualitative benefit of expenses of preserving or disposing of collateral, § 24:91
- Quantifiable benefit of expenses of preserving or disposing of collateral, § 24:91, 24:92
- Quickie tax refunds dealing with tentative carryback and refund adjustments, § 24:64
- Ratable payment or distribution.
  - Pro rata payments or distributions, above
- Reasonableness of expenses, § 24:88
- Receivers and receivership
  - expenses and compensation as administrative expenses, § 24:74
  - reports of crimes relating to receiverships, § 24:69
- Reconsideration of allowed or disallowed claim
  - generally, § 1:153, 24:98 to 24:105
  - codebtor as party entitled to seek reconsideration, § 24:105
  - effect of reconsideration on payment or transfer to holder of allowed claim, § 24:99
  - hearing requirements, § 24:103
  - motions, § 24:103, 24:104
  - notice, § 24:103
  - payment from estate to holder of allowed claim, effect on, § 24:99

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

- Reconsideration of allowed or disallowed claim—Cont'd
  - persons who may seek reconsideration, § 24:98, 24:103, 24:105
  - reopening of case as enabling reconsideration, § 24:100
  - time of motion for reconsideration, § 24:104
  - voluntary bankruptcy, § 8:100
  - what constitutes cause for reconsideration, § 24:105
- Recording. Filing or recording, above
- Recovery of property or funds
  - creditor's expenses, § 24:69
  - dividend paid on disallowed claim, § 24:8, 24:15
  - preferential transferees, § 24:30
  - recoverable property, claims of entities having, § 24:49
  - transferee's claim for property recovered by bankruptcy trustee, § 24:30
- Redemption of personal property, § 24:5
- Reimbursement for claims, generally, § 24:105
- Rejection. Termination or rejection, below
- Remedies. Actions and remedies, above
- Removal or cleanup of hazardous waste, expenses of, § 24:61
- Renewal of leases, residual guarantee or sum for failure as to, § 24:40
- Rent. Leases, above
- Reopening of case as enabling reconsideration of allowed or disallowed claim, § 24:100
- Reorganization Plans (this index)
- Repair costs
  - automobile repairs, § 24:26

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

Repair costs—Cont'd  
 environment cleanup, § 24:61  
 Repeal of jingle rule relating to partnership creditors, § 24:23  
 Reports and statements  
   attorneys' fees, filing of, § 24:38, 24:67  
   bankruptcy crimes to federal attorney, § 24:69  
   debtor's financial affairs, § 24:11  
 Residual guarantee or sum for failure to renew lease, § 24:40  
 Retirement and pension plans  
   damage claims by retired employees, § 24:45  
   death benefits for retirees, § 24:62  
   sickness and accident benefits for retirees, § 24:62  
 Review of order allowing or disallowing claim, § 24:98  
 Rule 2004 examination, § 24:77  
 Rye, grain as including, § 24:72  
 Safety and health of public, expenses designed to protect, § 24:61  
 Salaries. Compensation (this index)  
 Sale or transfer  
   collateral, expenses of sale of, § 24:95 to 24:97  
   price under contract for goods to preserve estate, § 24:57  
   reconsideration of claim, effect on transfer of allowed claim, § 24:99  
   recovery of property or funds, above  
   sales taxes, § 24:64  
   voidable transfers, § 24:30, 24:49  
 Second priority status, § 24:28

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

Secured or unsecured claims  
   administrative expenses, generally, § 24:54, 24:64, 24:73, 24:76  
   collateral, preserving or disposal of. Costs and expenses of preserving disposal of collateral, above  
   deficiency claim on unsecured loan, § 24:33  
   indenture trustees, administrative expenses of, § 24:71, 24:72  
   leases distinguished from financing transactions, § 24:41  
   mortgages, above  
   persons who may object to claims, § 24:14  
   unmatured interest on claim, § 24:36  
 Securities laws, § 24:33  
 Seniority of claims. Priorities, above  
 Seniority rights under collective bargaining agreements, § 24:22  
 Separation, alimony or support claims, § 24:39  
 Setoff, § 24:5, 24:15, 24:16, 24:30  
 Seventh priority claims, § 24:31  
 Severance pay as administrative expenses, § 24:58  
 Sickness and accident benefits or expenses, § 24:26, 24:27, 24:62  
 Significance of allowance of disallowance, generally, § 24:1 to 24:6  
 Sorghum, grain as including, § 24:72  
 Sovereign immunity, § 6:78

## INDEX

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

Soybeans, grain as including,  
§ 24:72

Specific performance, claims  
subject to, § 24:22

Speculative benefit of expenses of  
preserving or disposing of  
collateral, § 24:92

Spouses. Husband and wife, above

Standard of proof, § 24:20

State and local taxes, § 24:22,  
24:28, 24:31, 24:37, 24:47

State law, § 24:34, 24:61

Statements. Reports or statements,  
above

Statutory limitations on  
administrative expenses,  
§ 24:86

Stock option rights of employees  
as administrative expenses,  
§ 24:58

Storage costs and expenses,  
§ 24:73

Sua sponte action by court,  
§ 24:73, 24:103

Subrogation, claims for, § 24:51,  
24:105

Substantial contribution,  
construed, § 24:71, 24:72

Superpriority claims, § 24:55,  
24:78

Superseding priority of  
administrative expenses after  
conversion to Chapter 7,  
§ 24:55

Support and maintenance of  
persons, § 24:39

Sureties, § 24:50 to 24:52

Surgical benefits for retirees,  
§ 24:62

Surrender of voidable transfers as  
condition to allowing claims,  
§ 24:49

Tax claims  
administrative expenses,

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

Tax claims—Cont'd  
§ 24:31, 24:64 to 24:66,  
24:95

employment tax claims,  
§ 24:47, 24:64

income tax claims, § 24:22,  
24:25

leases, damages for termination  
of, § 24:40

objections to claims, § 24:21

postpetition tax claims, § 24:24,  
24:25, 24:31, 24:64 to  
24:66, 24:95

property tax claims, § 24:31,  
24:37

state or local governments,  
§ 24:22, 24:28, 24:31,  
24:37, 24:47

tax penalties, § 24:25, 24:65

uncertain, speculative, or  
indirect benefit, § 24:92

unemployment insurance taxes,  
federal tax credit for timely  
payment, § 24:47

Telephone advertising, § 24:56

Television set as necessary for  
debtor's performance under  
plan, § 24:26

Temporary allowance or disallow-  
ance for purpose of accepting  
or rejecting reorganization  
plan, § 27:27, 27:35

Tenant and landlord. Leases,  
above

Tentative carryback and refund  
adjustments as to taxes,  
§ 24:64

Termination or rejection  
contract claims, § 24:21, 24:29,  
24:35, 24:46

lease claims, § 24:29, 24:40 to  
24:43

reconsideration of allowed or  
disallowed claim, above

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

Termination pay as administrative expenses, § **24:58**

30-day notice requirement, § **24:19**

Three-part test of entitlement to recover expenses of preserving or disposing of collateral, § **24:86**

Time or date

- attorneys' fees, statement as to, § **24:38**
- contingent claims, generally, § **24:22, 24:33, 24:36, 24:50**
- employment contract, determining damages for termination of, § **24:44**
- inspection of investigation report of debtor's financial affairs, § **24:11**
- motion for reconsideration of allowed or disallowed claim, § **24:104**
- nunc pro tunc approval for expenses to recover property for benefit of estate, § **24:69**
- objections to allowance of claims, § **24:18**
- rents due in future, calculation of damages for, § **24:40**
- unmatured claims, generally, § **24:22, 24:33, 24:36, 24:50**
- untimely claims, § **24:48**

Toxic substances and chemicals, expenses of removal or cleanup of, § **24:61**

Transfer. Sale or transfer, above

Travel expenses of witnesses, § **24:77**

Trustees and examiners

- Administrative Expenses (this index)

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

Trustees and examiners—Cont'd

- Compensation (this index)
- cost of preserving or disposing of collateral, § **24:94**
- counterclaim by trustee, § **24:15**
- effect of refusal to object to claims, § **24:13, 24:14**
- objections to claims, § **24:11, 24:12**
- reconsideration of allowed claim by trustee, § **24:98**
- reports of crimes by trustee, § **24:69**
- voting for trustee, § **24:14**

Two-step test as to expenses of preserving or disposing of collateral, § **24:86**

Uncertain benefit of cost of preserving or disposing of collateral, § **24:92**

Unconscionable nature of claim, § **24:33**

Unemployment insurance taxes, § **24:47**

Unenforceable claims, § **24:33 to 24:35**

Union contracts, breach of, § **24:22, 24:29, 24:46**

Unliquidated claims, generally, § **24:22, 24:33, 24:50**

Unmatured claims, generally, § **24:21, 24:33, 24:36, 24:50**

Usury claim, § **24:33**

Vacation pay as administrative expenses, § **24:58**

Value

- going-concern value, § **24:86, 24:93**
- lease value for purposes of reasonable administrative expenses, § **24:60**
- preservation of assets, above
- property tax claim in excess of value, § **24:37**

## INDEX

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

#### **Value—Cont'd**

services of insider or attorney of debtor, § 24:38

Voidable transfers, § 24:30, 24:49

Voting. Election or voting, above

Wages. Compensation (this index)

Waiver. Estoppel or waiver, above

Waste which are hazardous, expenses of removal or cleanup of, § 24:61

Watch as necessary for debtor's performance under bankruptcy plan, § 24:26

Wheat, grain as including, § 24:72

Withholding taxes on wages, § 24:47, 24:64

Witness fees and mileage, § 24:77

Words and phrases, see specific lines throughout this topic

Written objection to allowance of claim, § 24:15

Wrongful discharge or termination of employment, claims for, § 24:29, 24:44 to 24:46

### **ALL WRITS ACT**

Generally, § 7:149

### **ALTERATION**

Change or Modification (this index)

### **ALTER EGO**

Actions to pierce corporate veil, § 12:30

Automatic stay, § 16:51

Causes of action, § 12:30

Reverse piercing of corporate veil, § 14:39

Turnover of property, § 14:39

### **ALTERNATIVE DISPUTE RESOLUTION PROCESS**

Arbitration (this index)

Injunctions, § 16:221

### **ALTERNATIVE DISPUTE RESOLUTION PROCESS—Cont'd**

Mediation procedures, § 37:77

Reorganization plans, § 26:32

### **ALTERNATIVE GROUNDS FOR RELIEF FROM STAY**

Automatic stay, § 16:153

### **ALTERNATIVES TO BANKRUPTCY**

Generally, § 1:33 to 1:36

Alternative Dispute Resolution Process (this index)

### **AMENDMENTS**

Allowance of Claims or Interests (this index)

Bankruptcy Amendments and Federal Judgeship Act of 1984 (this index)

Bankruptcy Reform Act of 1994, see specific substantive entries throughout this index

Closing and reopening cases, § 36:16, 36:17

Contract, trustee's compensation for services, § 5:87

Discharge complaints, § 35:43

Discharge (this index)

Disclosure statements, § 27:18

Exemptions (this index)

Involuntary bankruptcy, § 9:44, 9:45

Lists of creditors, omission, § 8:96 to 8:105

Pleadings, § 7:40, 9:45

Proof of claim, § 22:11, 22:38 to 22:41

Reorganization plans, § 26:18

Schedules, § 8:96 to 8:105

Voluntary bankruptcy, § 8:22, 8:46

### **AMICUS CURIAE**

#### **APPEARANCES OR BRIEF**

Appeals, filing, § 37:68



**AMICUS CURIAE  
APPEARANCES OR BRIEF  
—Cont'd**

Involuntary bankruptcy, § 9:62

**AMORTIZATION**

Adequate protection, § 21:44

Negative amortization, reorganiza-  
tion plans, § 28:38

Tax treatment of discharge, § 3:12

**AMOUNT IN CONTROVERSY**

Jury trial, § 7:174

**ANCILLARY AND OTHER  
CROSS-BORDER CASES  
UNDER BAPCPA**

Generally, § 16:223, 33A:1 to  
33A:26

Access of foreign representatives  
and creditors

to Chapter 15 case, § 33A:14

to court, § 33A:10 to 33A:14

Act in foreign country, entities  
authorized to, § 33A:6

Comity and cooperation granted to  
foreign representatives,  
§ 33A:10

Commencement of case

generally, § 33A:5

Chapter 15 case after recogni-  
tion, § 33A:22

under section 301 or 303,  
§ 33A:12

Cooperation with foreign courts  
and representatives, § 33A:19  
to 33A:21

Coordination

Chapter 15 case and foreign  
proceeding, § 33A:23

more than one foreign proceed-  
ing, § 33A:24

Court access by foreign  
representatives and creditors,  
§ 33A:10 to 33A:14

Court assistance to foreign repre-  
sentative, § 33A:8

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

Definitions, § 33A:3

Direct access of foreign  
representatives to court,  
§ 33A:10

Eligibility to be debtor, § 1:47

International obligations of U.S.,  
§ 33A:4

Interpretation of Chapter 15,  
§ 33A:9

Jurisdiction, § 33A:11

Participation of foreign represen-  
tative in Chapter 15 case,  
§ 33A:13

Payment rule in concurrent  
proceedings, § 33A:26

Petition, generally, § 33A:5

Presumption of insolvency,  
§ 33A:25

Public policy exception, § 33A:7

Purpose and scope, § 33A:1

Recognition of foreign proceeding  
application for recognition,  
§ 33A:15

effect of recognition, § 33A:17

order granting recognition,  
§ 33A:16

relief granted upon recognition,  
§ 33A:18

Relief granted upon recognition of  
foreign proceeding, § 33A:18

Scope, § 33A:1

Treaty obligations, § 33A:4

Trustees

authorization to act, § 33A:6

cooperation with foreign courts  
and representatives,  
§ 33A:20

**ANCILLARY CASES UNDER  
PRE-BAPCPA LAW**

Foreign Countries or Proceedings  
(this index)



## INDEX

### ANIMALS

- Exemptions
  - lien avoidance, § 13:129
  - livestock, § 13:82, 13:158
  - nonpossessory, nonpurchase-money security interest, avoidance of, § 13:154, 13:157, 13:158
- Pets, exempt property, § 13:158

### ANIMOSITY

- Judges, § 4:32

### ANNUALIZATION OF INCOME

- Taxation, § 3:34

### ANNUAL MEETINGS

- Judges, § 4:23

### ANNUAL NET INCOME PROJECTION

- Family farmer debt adjustment plans, § 33:47

### ANNUITIES

- Bankruptcy judges, § 4:19
- Exempt property
  - generally, § 13:92 to 13:101, 13:109
  - alternative nonbankruptcy exemptions for wages, § 13:116

### ANNULMENT

- Adequate protection, automatic stay annulled, § 21:6
- Automatic stay, annulment of, § 16:138, 16:139, 21:6

### ANSWER

- Involuntary Bankruptcy (this index)

### ANTECEDENT DEBT

- Preferences and preferential transfers, § 18:17 to 18:20

### ANTI-ALIENATION CLAUSE

- Spendthrift Trusts (this index)

### ANTI-ASSIGNMENT

#### PROVISIONS OF SOCIAL SECURITY ACT

- Assignments (this index)
- Discharge of domestic support obligations, Social Security anti-assignment rule, § 35:167

### ANTI-COMPETITION CLAUSE

- Property acquired postpetition, § 12:67, 12:68

### ANTIDEFICIENCY LAWS

- Allowance of claims or interest, § 24:33

### ANTI-INJUNCTION STATUTE

- Generally, § 16:218
- Taxation, § 3:79

### ANTITRUST

- Clayton Act waiting period, § 1:139

### APPAREL

- Wearing Apparel (this index)

### APPEAL AND REVIEW FORMS

- Election to have district court hear appeal, § 37:26

### APPEAL PANELS

- Appeals (this index)

### APPEALS

- Generally, § 1:91, 1:92, 1:170 to 1:173, 37:1 to 37:86
- Abandonment of debtor's accounts, finality of orders, § 37:7
- Abstention (this index)
- Abuse of discretion standard of review, § 37:24
- Adequate protection, § 21:52
- Affidavits (this index)
- Amicus curiae briefs, § 37:68

**APPEALS—Cont'd**

Appealability  
     final judgments, orders, and decrees, generally, § 37:4 to 37:8  
     interlocutory orders, § 37:9 to 37:13  
 Appellate panels. Bankruptcy Appellate Panels, below  
 Appointment of attorneys, § 37:3  
 Approval. Consent, below  
 Arbitration, finality of orders, § 37:8  
 Arguments, oral, § 37:72  
 Asbestos claims, finality of claim, § 37:12  
 Assignment of sublease, § 37:7  
 Assumption of sublease, § 37:7  
 Attorneys  
     appointment, § 37:3  
     disqualification, order for, § 37:8, 37:12  
     fees. Attorneys' fees, below  
     oral arguments, § 37:72  
 Attorneys' fees  
     generally, § 2:3, 2:67  
     costs, § 37:75  
     finality of orders, § 37:7, 37:8  
 Automatic stay  
     generally, § 16:21  
     appealable orders, § 37:7, 37:16  
 Bankruptcy Appellate Panels  
     generally, § 4:6, 37:26 to 37:32  
     amicus curiae briefs, § 37:68  
     attorneys' fees, § 37:75  
     briefs, § 37:63 to 37:68  
     consent, § 37:27, 37:47, 37:48, 37:51 to 37:56  
     constitutionality, § 37:28  
     costs, § 37:75  
     credit or loans, § 37:57  
     diligent prosecution of appeals, § 37:49  
     disposition, § 37:73  
     disqualification, § 37:29

**APPEALS—Cont'd**

Bankruptcy Appellate Panels  
 —Cont'd  
     docketing appeal, § 37:38, 37:61, 37:62  
     emergency motions, § 37:71  
     establishment in each circuit, § 37:26  
     excusable neglect, extension of time for appeal, § 37:42  
     extension of time for appeal, § 37:41 to 37:43, 37:63, 37:64  
     failure to obtain stay, § 37:56  
     Federal Rules of Civil Procedure 62, stay under, § 37:53  
     filing of papers, generally, § 37:37 to 37:40, 37:58, 37:59, 37:63, 37:64, 37:69  
     final judgments and orders, § 37:6 to 37:8  
     form and contents, notice of appeal, § 37:44  
     form requirements, § 37:65  
     interlocutory orders, § 37:47, 37:48  
     involuntary dismissal of appeal, § 37:49  
     jurisdiction, § 37:26, 37:46  
     leases, § 37:57  
     leave to appeal, motion for, § 37:47, 37:48  
     length requirements, briefs, § 37:66, 37:67  
     mediation procedures, § 37:77  
     motion practice, generally, § 37:40, 37:47, 37:48, 37:70, 37:71  
     multi-circuit panels, § 7:145  
     notice and hearing, § 37:36 to 37:46  
     notice of appeal, filing, § 37:49  
     oral argument, § 37:72  
     persons entitled to appeal, § 37:34, 37:35

## INDEX

### APPEALS—Cont'd

Bankruptcy Appellate Panels  
—Cont'd  
    precedential effect of panel  
    decision, § 37:30, 37:32  
    premature filing, notice of  
    appeal, § 37:39  
    record, § 37:58 to 37:60  
    reference of cases, § 7:50  
    rehearing after disposition,  
    § 37:74  
    sale or lease of property,  
    § 37:57  
    service of papers, generally,  
    § 37:45, 37:58, 37:59,  
    37:63, 37:64, 37:69  
    statement of issues, § 37:58,  
    37:59  
    stay, § 37:51 to 37:56, 37:76  
    supersedeas bond, § 12:137  
    taxation of costs and fees,  
    § 37:75  
    time and date, § 37:37 to 37:40,  
    37:63, 37:64  
    transmission of record, § 37:61,  
    37:62  
    unique circumstances doctrine,  
    extension of time for  
    appeal, § 37:43  
    voluntary dismissal, § 37:50  
    voluntary dismissal of appeal,  
    § 37:57  
Bankruptcy judges, § 4:3, 4:6,  
4:12  
Bonds. Supersedeas Bonds (this  
index)  
Briefs (this index)  
Burden of proof, generally,  
§ 37:20  
Claims, § 37:7, 37:8  
Clearly Erroneous Rule (this  
index)  
Clerk of Court (this index)  
Closing and reopening cases,  
§ 36:33

### APPEALS—Cont'd

Collateral order doctrine, interloc-  
utory decisions, § 37:10 to  
37:12  
Compensation  
    attorneys' fees, above  
    costs, below  
    trustee or examiner, § 5:100  
Consent  
    Bankruptcy Appellate Panels,  
    § 37:27, 37:47, 37:48,  
    37:51 to 37:56  
    district courts, § 37:47, 37:48,  
    37:51 to 37:56  
    interlocutory orders, judgments,  
    or decrees, § 37:9, 37:81  
    order or approval of court,  
    below  
    supersedeas bond, § 37:51 to  
    37:56  
Constitutionality  
    panels for appeal, § 37:28  
    Supreme Court of United States  
    (this index)  
Contempt order, appealability of,  
§ 37:7, 37:8  
Conversion or dismissal  
    dismissal of appeal, below  
    mooting of appeal by conver-  
    sion, § 11:88  
Core or noncore proceedings  
    generally, § 7:71  
    abstention and remand, § 7:75  
    clearly erroneous rule, § 7:61  
    de novo review, § 1:100  
Costs  
    attorneys' fees, above  
    Bankruptcy Appellate Panels  
    and district courts, § 37:75  
    filing fees, generally, § 37:2  
    taxation of costs and fees,  
    § 37:75  
Court of Appeals (this index)  
Date. Time or date, below  
De Novo Review (this index)

**APPEALS—Cont'd**

Diligent prosecution of appeals, § 37:49

Direct appeal certified to Court of Appeals, § 37:14

Disclosure statement, order approving, § 37:8

Discretion of court, abuse of discretion standard of review, § 37:24

Dismissal of appeal  
involuntary dismissal, § 37:49  
voluntary dismissal, § 37:50

Disqualification, § 37:29

District Courts (this index)

Diversity suit, order denying stay, § 37:12

Dockets, Bankruptcy Appellate Panels and district courts, § 37:62

Dockets, Bankruptcy Appellate Panels and District Courts, § 37:38, 37:61

Emergency motions, § 37:71

Estoppel. Waiver, below

Excusable neglect, extension of time for filing notice of appeal, § 37:42

Exemptions, appealable orders, § 37:7, 37:12

Expenses. Costs, above

Experts, finality of orders, § 37:12

Extension of time  
Bankruptcy Appellate Panels and district courts, § 37:41 to 37:43, 37:63, 37:64  
briefs, filing, § 37:63, 37:64  
notice of appeal, filing, § 37:41 to 37:43

Federal rules of appellate procedure. Rules of Appellate Procedure (this index)

Fees. Costs, above

Filing  
generally, § 37:69

**APPEALS—Cont'd**

Filing—Cont'd  
Bankruptcy Appellate Panels and district courts, § 37:37 to 37:40, 37:58, 37:59, 37:63, 37:64, 37:69  
briefs, filing and service of, § 37:63, 37:64  
fees, § 37:2  
notice of appeal, § 37:37 to 37:40  
record on appeal, § 37:58, 37:59

Final judgments and orders, generally, § 37:4 to 37:8

Foreclosure order, appealability of, § 37:7

Forma pauperis, § 37:3

Form requirements of briefs, § 37:65

Fraudulent transfers and concealment of assets, § 19:115

Harmless error  
generally, § 37:25  
captions, § 1:76

Hearings. Notice and hearing, below

Indigent persons, § 37:3

Individual debt adjustment plans, confirmation of, § 31:49

Inferences, § 37:19, 37:20

In forma pauperis, § 37:3

Injunctions  
appealable orders, § 37:7  
Court of Appeals, § 37:83  
execution on supersedeas bonds, § 7:165

Interlocutory orders  
generally, § 37:9 to 37:13  
Bankruptcy Appellate Panels and district courts, § 37:47, 37:48  
consent, § 37:9, 37:81  
Court of Appeals, § 37:13, 37:81

## INDEX

### APPEALS—Cont'd

- Interlocutory orders—Cont'd
  - disclosure statement approval by court, § 27:15
  - Forgay-Conrad rule, § 37:10 to 37:12
  - notice of appeal, § 1:171
  - orders not appealable, § 37:12
- Intervention, finality of orders, § 37:12
- Involuntary bankruptcy, § 9:22, 9:26
- Involuntary dismissal, § 37:49
- Irreparable injury, interlocutory decisions, § 37:10 to 37:12
- Judges, § 37:29
- Judicial Conferences and Councils, § 37:1, 37:2
- Jurisdiction (this index)
- Jury trial, order denying, § 37:8
- Knowledge. Notice and hearing, below
- Labor unions and employees' associations, § 6:90
- Lease of property
  - finality of orders involving leases, § 37:7
  - order authorizing assumption, § 37:7
  - voluntary dismissal of appeal, § 37:57
- Leave to appeal. Consent, above
- Length requirements of briefs, § 37:66, 37:67
- Loans or Credit (this index)
- Mandamus, § 37:17
- Matters appealable. Appealability, above
- Mediation procedures, § 37:77
- Mootness of appeals
  - generally, § 37:16
  - conversion or dismissal, § 11:88
- Motion, Application, or Request (this index)

### APPEALS—Cont'd

- Multi-circuit panels for appeals, § 7:145
- Municipal debt adjustment plans, § 32:26
- Needy persons, in forma pauperis, § 37:3
- Noncore. Core or noncore proceedings, above
- Notice and hearing
  - Bankruptcy Appellate Panels and district courts, § 37:27, 37:36 to 37:46
  - Clerk of Court (this index)
  - fees, § 37:2
  - filing, above
  - interlocutory orders, § 1:171
  - notice of appeal, generally, § 1:170, 37:39, 37:44, 37:45
- Notice of appeal, filing, § 37:49
- Order or approval of court
  - finality, generally, § 37:4 to 37:8
  - interlocutory orders, above
- Panels for appeals. Bankruptcy appellate panels, above
- Parties, generally, § 37:34, 37:35
- Partnership dissolution, finality of orders, § 37:12
- Pending appeal. Stay Pending Appeal (this index)
- Poor persons. In forma pauperis, above
- Precedential effect of
  - Bankruptcy appellate panels' decision, § 37:30, 37:32
  - district courts' decision, § 37:31
- Prejudicial error. Harmless error, above
- Premature filing, notice of appeal, § 37:39
- Presumptions and burden of proof, generally, § 37:20

**APPEALS—Cont'd**

Priorities among creditors, final orders, § 37:7  
 Procedure, § 37:7, 37:8  
 Process, § 37:45, 37:58, 37:59, 37:63, 37:64, 37:69  
 Production of documents, order compelling, § 37:8  
 Professional employment, orders granting, § 37:7, 37:8  
 Property of estate, § 12:137  
 Questions of law and fact, § 37:6, 37:21 to 37:23  
 Railroad reorganization, § 1:173, 12:137  
 Record on appeal  
   Bankruptcy Appellate Panels and district courts, § 37:58 to 37:60  
   Court of Appeals, § 37:82  
   filing, § 37:58, 37:59  
   transmission for appeal, § 37:61, 37:62  
 Reference of cases, § 7:40, 7:45 to 7:48, 7:50  
 Rehearing after disposition, Bankruptcy Appellate Panels and district courts, § 37:74  
 Relief from automatic stay. Automatic stay, above  
 Remand (this index)  
 Remedies, generally, § 37:1  
 Reorganization Plans (this index)  
 Reorganization (this index)  
 Reviewability. Appealability, above  
 Rules of Appellate Procedure (this index)  
 Rules of Bankruptcy Procedure (this index)  
 Sale and transfer, voluntary dismissal of appeal, § 37:57  
 Scope of review, § 37:18  
 Securities and Exchange Commission, § 6:86

**APPEALS—Cont'd**

Service of petitions, process, and papers, § 37:45, 37:58, 37:59, 37:63, 37:64, 37:69  
 Settlement order, finality, § 37:12  
 Standard of review, § 37:19 to 37:25  
 Standings, generally, § 37:34, 37:35  
 Statement of issues, § 37:58, 37:59  
 Statute, matters not reviewable by, § 37:15  
 Stay  
   appealable orders, § 37:7  
   automatic stay, above  
   Bankruptcy Appellate Panels and district courts, § 37:51 to 37:56, 37:76  
   bond requirement, § 37:54  
   district courts, § 37:76  
   motion for stay, § 37:51, 37:52  
   pending appeal. Stay Pending Appeal (this index)  
   proceedings to enforce judgment, § 37:51, 37:53  
   standards for granting stay, § 37:55  
 Subleases, appealability of orders as to, § 37:7  
 Summary judgment orders, § 37:7, 37:8  
 Supersedeas Bonds (this index)  
 Supreme Court of United States (this index)  
 Time and date  
   appellate panel hearings, § 37:37 to 37:40  
   extension of time, above  
   filing fees, § 37:2  
 Transfer of property, voluntary dismissal of appeal, § 37:57  
 Transmission of record, § 37:61, 37:62

## INDEX

### APPEALS—Cont'd

- Trustee or examiner, compensation of, § **5:100**
- Trustees (this index)
- Unique circumstances doctrine, extension of time for appeal, § **37:43**
- United States trustees, review of acts of, § **37:1**
- Use, Sale, or Lease of Property (this index)
- Venue for trial, order fixing, § **37:7**
- Voluntary bankruptcy, § **8:93**
- Voluntary dismissal of appeal, § **37:50**
- Waiver
  - right to appeal, waiver of, § **37:28**
  - sovereign immunity, § **6:83**

### APPEARANCE

- Amicus Curiae Appearances or Brief (this index)
- Attorney General's appearance on behalf of consumer creditors, § **6:36**
- Child support creditors or their representatives, § **6:37**
- Closing and reopening cases, § **36:14**
- Consumer privacy ombudsman, § **6:92**
- Creditors' and equity security holders' committees, § **6:64**
- Creditors' committees, generally, § **6:44**
- Creditors' meetings
  - generally, § **10:10 et seq.**
  - attorneys, § **10:17**
  - creditors, § **10:15**
  - grounds for nonattendance, § **10:12**
  - interpreters, § **10:18**
  - nonattendance, § **10:11, 10:12**
  - presiding officer, § **10:13, 10:14**

### APPEARANCE—Cont'd

- Creditor's rights, generally, § **6:37**
- Debtor, generally, § **6:4**
- Discharge objection hearings, § **35:49**
- Equity security holders, § **6:60**
- Foreign representatives, § **7:55**
- Homestead exemption, § **13:62**
- Indenture trustees, § **6:71**
- Individual Debt Adjustment Plans (this index)
- Notice of appearance fees, § **5:90**
- Patient care ombudsman, § **6:94**
- Petitions, foreign representative, § **7:55**
- Prior dismissal, § **1:39**
- Reference of cases, appearance by foreign representative, § **7:55**
- Securities and Exchange Commission, § **6:86**
- United States trustees, § **4:77**

### APPELLATE PANELS

- Appeals (this index)

### APPLIANCES

- Avoidance of nonpossessory, nonpurchase-money security interests, § **13:154**

### APPLICATION

- Motion, Application, or Request (this index)

### APPOINTMENT

- Attorneys (this index)
- Causes of action, § **12:26**
- Creditors' and equity security holders' committees, § **1:94, 6:54 to 6:70**
- Examiners (this index)
- Involuntary bankruptcy, § **9:77, 9:78**
- Judges (this index)
- Receivers (this index)
- Reorganization (this index)
- Taxation, trustee's duties, § **3:65**

**APPOINTMENT—Cont'd**

- Trustees (this index)
- United States Trustees (this index)
- Voluntary bankruptcy, § 8:9

**APPORTIONMENT**

- Allowance of Claims or Interests (this index)

**APPRAISALS AND APPRAISERS**

- Adequate protection, § 21:25
- Application for order of employment, § 2:19
- Compensation (this index)
- Court's determination of employment, § 2:25
- Employment by trustees, generally, § 1:105 et seq., 2:4, 2:19, 2:25, 5:55
- Estimates, claims or interests, jurisdiction, § 7:82 to 7:85
- Fraudulent transfers and concealment of assets, § 19:56, 19:61
- Judge's relative or friends, employment precluded, § 2:43, 2:44
- Municipal debt adjustment plans, § 32:9
- Professional Persons (this index)
- Rules of Bankruptcy Procedure (this index)
- Trustees, employment of professionals, § 5:55
- U.S. trustee's relative or friends, employment precluded, § 2:43, 2:44
- Use, sale, or lease of property, § 15:22

**APPRECIATION**

- Adequate protection, appreciation in value of property, § 21:62
- Fraudulent transfers and concealment of assets, § 19:98

**APPRENTICES**

- Wage exemptions, § 13:116

**APPROVAL**

- Consent or Approval (this index)
- Order or Approval of Court (this index)

**ARBITRATION**

- Automatic stay, § 16:27, 16:173
- Executory contracts and unexpired leases, § 20:59
- Injunctions, § 16:221
- Involuntary bankruptcy, § 9:22
- Rules of Bankruptcy Procedure, § 15:6, 15:7

**ARCHITECTURAL FIRM**

- Professional persons, architectural firm as, § 2:21

**ARGUMENTS OR COMMENTS**

- Appeals, oral argument, § 37:72
- Briefs (this index)

**ARIZONA**

- Opt-out provision, § 13:6

**ARKANSAS**

- Opt-out provision, § 13:6

**ARMED FORCES**

- Military (this index)

**ARREARAGE**

- Corollary. Default (this index)
- Curing Default (this index)
- Reorganization plans, § 26:16, 26:43, 26:45

**ARTICLE I AND ARTICLE III JUDGES**

- Generally, § 7:1 et seq.

**ARTICLES OF INCORPORATION**

- Involuntary bankruptcy, § 9:5

**ASBESTOS**

- Appeals, finality of claim, § 37:12



## INDEX

### **ASBESTOS—Cont'd**

- Hazardous Wastes (this index)
- Impairment of claims in reorganization cases, § 26:42
- Litigation, discharge injunctions, § 35:57

### **ASSEMBLING PROPERTY**

- Compiling, Preserving and Protecting Assets (this index)

### **ASSESSMENTS**

- Taxation (this index)

### **ASSETS AND LIABILITIES SCHEDULES**

- Schedules (this index)

### **ASSIGNMENT FOR BENEFIT OF CREDITORS**

- Alternative to bankruptcy filing, § 1:36
- Custodians, § 6:76, 6:77
- Trustees, turnover of property, § 1:132
- Turnover of property, § 1:132

### **ASSIGNMENTS**

- Generally, § 1:148 to 1:150
- Adequate protection, § 21:54
- AFDC support obligations, discharge, § 35:166
- Anti-assignment provision. Social Security Act's anti-assignment provision, below
- Avoidance powers of trustees, § 17:3, 17:58
- Creditors. Assignment for Benefit of Creditors (this index)
- Executory Contracts and Unexpired Leases (this index)
- Exemptions, § 13:97
- Family farmer debt adjustment plans, § 33:18
- Fraudulent transfers, leaseholds, § 19:14
- Leases, generally, § 37:7

### **ASSIGNMENTS—Cont'd**

- Municipal debt adjustment plans, § 32:4
- Nonassignable and nondelegable contracts, § 20:24 to 20:27
- Preferential transfers, exception to nonavoidability of transfers where alimony, maintenance, or support debt assigned, § 18:91
- Priorities, § 34:56
- Reorganization Plans (this index)
- Social Security Act's anti-assignment provision
  - generally, § 1:18
  - exemptions, § 13:103, 13:116
  - family farmer debt adjustment, § 33:54
  - individual debt adjustment, § 1:64, 31:73
- Stockbroker and commodity broker liquidation, § 6:74
- Tax claims, § 3:40, 3:73
- Turnover of property, § 14:78

### **ASSISTANTS**

- Judges, § 4:38
- United States trustees, § 4:72, 4:74, 4:75, 5:5

### **ASSISTED PERSON**

- Attorney's liability to client as, § 2:55
- Client's rights as, § 2:55
- Defined, § 2:54

### **ASSOCIATIONS**

- Bar Associations (this index)
- Charitable Institutions (this index)
- Corporations (this index)
- Nonprofit Associations (this index)
- Taxation, § 3:18
- Unincorporated Associations (this index)

**ASSUMPTION**

- Adequate protection, § 21:19
- Appeals, § 37:7
- Closing and reopening cases, § 36:4
- Executory Contracts and Unexpired Leases (this index)
- Family farmer debt adjustment plans, § 33:18
- Municipal debt adjustment plans, § 32:4
- Operation of business, liquidation, § 15:6
- Reorganization plan calling for third party's assumption of obligation as impairment of claim, § 26:42
- Use, sale, or lease of property, § 15:25

**ASSUMPTION OF DUTY**

- Judges, § 4:28

**ASSURANCE**

- Adequate Assurance (this index)

**ATTACHMENT AND GARNISHMENT**

- Administrative regulations, § 1:32
- Automatic stay, § 16:12, 16:36, 16:56, 16:73, 16:103
- Avoidance, postpetition transfers, § 17:46
- Exempt property, § 13:57, 13:146
- Preferences and preferential transfers, § 18:93, 18:130 to 18:132
- Sovereign immunity, § 6:62
- Turnover of property, § 14:65

**ATTENDANCE**

- Appearance (this index)

**ATTORNEY-CLIENT PRIVILEGE**

- Equitable subordination, § 34:109
- Trustees, § 5:56

**ATTORNEY GENERAL**

- Appearance on behalf of consumer creditors, § 6:36
- Immunity from criminal prosecution, § 6:3
- Trustees
  - investigation of acts, records, and accounts, § 1:17
  - United States trustees and assistants, § 4:56, 4:70, 4:89, 4:101, 4:103
- United States Attorneys (this index)
- United States trustees and assistants, § 4:56, 4:70, 4:89, 4:101, 4:103

**ATTORNEY IN FACT**

- Power of Attorney (this index)

**ATTORNEYS**

- Adverse interest, § 2:35, 5:2
- Advice to consumer client, restrictions on, § 2:55
- Allowance of Claims or Interests (this index)
- Appeals (this index)
- Appointment
  - appeals, § 37:3
  - application for order of employment, § 2:23
  - court approval of employment, generally, § 1:107, 2:22 to 2:28
- Approval of employment, § 1:107, 2:22 to 2:28
- Attorney-Client Privilege (this index)
- Attorney General (this index)
- Attorneys' Fees (this index)
- Bar associations, judges, § 4:14
- Checklists (this index)
- Claims fee-splitting, § 2:59, 2:60
- Clerks, § 4:54
- Closing and reopening cases, § 36:22

## INDEX

### ATTORNEYS—Cont'd

Compensation. Attorneys' Fees (this index)  
Core proceedings, § 7:80  
Creditors' and Equity Security Holders' Committees (this index)  
Creditors' meeting attendance, § 10:17  
Debtor's attorney, generally, § 2:39, 2:62 to 2:67  
"Debt relief agencies," attorneys as, § 2:54 to 2:57  
Definitions, § 2:17  
Denial of compensation, § 2:89 to 2:100  
Disclosure of multiple representation, § 2:14  
Disinterested persons as including, § 2:29 to 2:41  
Dual representation, § 2:14, 2:37  
Election of trustee, § 5:17  
Embezzlement of estate property as crime, § 2:53  
Employment, generally, § 1:101, 2:4 et seq.  
Examination of debtor's transactions with attorney, § 1:108, 2:67  
Family Farmer or Fisher Debt Adjustment (this index)  
Fees. Attorneys' Fees (this index)  
Indenture trustees, § 6:71  
Individual debt adjustment plans, confirmation of, § 31:3, 31:22  
Interested Persons or Parties (this index)  
Involuntary bankruptcy, § 9:38, 9:40  
Judges, § 4:14, 4:25, 4:32, 4:34, 4:35  
Jurisdiction over employment of, § 7:18, 7:80  
Legal Research (this index)

### ATTORNEYS—Cont'd

Liability to client as "assisted person," § 2:55  
Lienholders, § 2:32  
Liquidation (this index)  
Motion, Application, or Request (this index)  
Multiple creditors and security holders, § 1:109  
Notice under 342(b), certificate of attorney or petition preparer giving debtor, § 6:16, 6:27  
Nunc pro tunc approval of employment, § 2:27, 2:28  
Operation of business, § 15:3  
Oral argument, § 37:72  
Paralegals and Other Paraprofessionals (this index)  
Power of Attorney (this index)  
Prior representation, § 2:38  
Privilege. Attorney-Client Privilege (this index)  
Professional Persons (this index)  
Proof of claim delivered to attorney, § 22:35  
Pro Se (this index)  
Reaffirmation agreements, § 1:168  
Reclamation demand, § 17:80  
Relative or friend of judge or U.S. trustee, § 2:43, 2:44  
Removal of trustee for cause, § 5:81  
Reorganization plans, safe harbor provision protection for attorney for creditors' committee, § 27:23  
Reorganization (this index)  
Restrictions on consumer debtors' attorneys as "debt relief agencies," § 1:174 to 1:177, 2:54 to 2:57  
Rules of Bankruptcy Procedure (this index)  
Salaried employees, § 2:5  
Sanctions, § 7:157

**ATTORNEYS—Cont'd**

Services by members and associates, § **2:26**  
 Signature, § **1:73**  
 Simultaneous representation, § **2:40**  
 Standing trustees  
     compensation, § **5:97**  
     eligibility and qualification, § **5:11**  
 Trustees  
     adverse interest, § **5:2**  
     attorney-client privilege, § **5:56**  
     compensation of trustee serving as attorney, § **5:102**  
     election of trustee, § **5:17**  
     eligibility to serve, § **5:4**  
     employment by, generally, § **2:4, 2:6, 2:17, 5:4**  
     removal of trustee for cause, § **5:81**  
     standing trustees, § **5:11, 5:97**  
 Turnover of property, § **14:54, 14:55**  
 United States Attorneys (this index)  
 United States trustees, § **4:69, 4:70, 4:89, 4:101, 4:103**  
 Voluntary bankruptcy, § **8:22, 8:73**

**ATTORNEYS' FEES**

Generally, § **2:58 et seq.**  
 Actual and necessary services, § **2:68 to 2:72**  
 Adequate protection, § **21:32**  
 Administrative Expenses (this index)  
 Agreements for compensating professional persons, § **2:64**  
 Allowance of Claims or Interests (this index)  
 Appeals (this index)  
 Application for fees  
     generally, § **2:106 to 2:112, 2:122**

**ATTORNEYS' FEES—Cont'd**

Application for fees—Cont'd  
     costs of preparing, § **2:81**  
     review by United States trustee, § **4:79**  
 Automatic stay, § **2:116**  
 Avoidance, § **17:53, 17:59**  
 Bonus, § **2:77**  
 Burden of proof, § **2:110**  
 Cancellation by court of fee agreement, § **2:64**  
 Comparable services, cost of, § **2:69**  
 Compelling creditor to pay debtor's attorney, § **2:114 to 2:117**  
 Computer expenses, § **2:86, 2:87**  
 Conferences, § **2:95**  
 Contingent fees, § **2:72**  
 Conversion or dismissal, § **2:117, 11:99**  
 Court's authority to review compensation, § **2:3**  
 Creditors' and equity security holders' committees, § **6:52**  
 Criminal penalty, § **2:81**  
 Criteria for award, § **2:73 to 2:77**  
 Debtor's attorney in Chapter 12 or 13 case, factors considered in allowing compensation, § **2:68**  
 Debtor's transactions with attorneys, generally, § **2:67**  
 Denial of compensation, § **2:89 to 2:100**  
 Determination by court, § **2:25**  
 Discharge of indebtedness  
     generally, § **2:100, 2:115**  
     domestic support obligations, § **35:165**  
 Disclosure of compensation, § **2:62, 2:63, 2:66, 2:97**  
 Disinterestedness requirement, § **2:29 to 2:31, 2:45, 2:91, 2:92**

## INDEX

### ATTORNEYS' FEES—Cont'd

- Distribution, § 34:32
- Domestic support obligations, debt discharge, § 35:165
- Duplicative, unbeneficial or unnecessary services, denial of compensation for, § 2:95
- Elections, § 5:17
- Equity security holders, § 6:62
- Excessive compensation
  - generally, § 2:64, 2:67, 2:113
  - disclosure, § 2:63
  - premium or bonus fee awards, § 2:77
  - return of, § 2:98
  - trustee's recovery of, § 12:74
- Executory contracts and unexpired leases, § 20:24
- Expense of preparing fee application, § 2:81
- Expense reimbursement, generally, § 2:83 to 2:88
- Fee-splitting, § 2:59, 2:60
- Forfeiture of, § 2:55
- Fraudulent transfers and concealment of assets, avoidance, § 19:101
- Holdback, § 2:103
- Hourly rates, § 2:70, 2:71
- Indemnity bond in involuntary cases, § 1:113
- Indenture trustees, § 6:73
- Interim compensation, § 1:107, 2:101 to 2:105
- Involuntary case, § 2:59, 2:117, 9:40
- Johnson 12-factor test, § 2:74
- Limitation on compensation of professional persons, § 2:58, 2:91, 2:94
- Local or national rate, § 2:71
- Lodestar method of computing fees, § 2:76
- 1994 legislation, generally, § 2:68, 2:73, 2:89

### ATTORNEYS' FEES—Cont'd

- Nunc pro tunc orders, § 2:27, 2:28
- Paraprofessionals, § 2:59, 2:82
- Petition preparers, § 2:48, 8:11
- Petitions, involuntary, § 2:117
- Pleadings, § 2:119
- Preferences and preferential transfers, § 18:14, 18:16, 18:19, 18:55, 18:70
- Premium fee awards, § 2:77
- Prepetition matters, § 2:31, 2:65, 2:67
- Prior court approval, failure to obtain, § 2:27, 2:28
- Priorities, § 34:32
- Professional compensation.
  - Compensation (this index)
- Public record, § 2:120
- Reimbursement of expenses, § 1:106, 1:107
- Removal of trustee or examiner for cause, § 5:75, 5:79
- Reorganization, generally, § 1:106
- Reorganization Plans (this index)
- Research, § 2:80, 2:87
- Retainers, § 2:65
- Return of excessive compensation, § 2:98
- Rules of Bankruptcy Procedure (this index)
- Secretarial overtime, § 2:86
- Services personal to debtor, § 2:99, 2:100
- Size and nature of claim, § 23:19 to 23:22
- Splitting of fees, § 2:59, 2:60
- Supplemental statement, disclosure of compensation, § 2:63
- Third person or parties
  - generally, § 2:62, 2:66, 2:113 to 2:118
  - automatic stay, § 2:116
  - debtor's attorney, § 2:114 to 2:117

## **ATTORNEYS' FEES—Cont'd**

- Third person or parties—Cont'd
  - dischargeability proceedings, § 2:115
  - dismissal of involuntary bankruptcy petition, § 2:117
  - excessive costs, § 2:113
  - trustees, compensation of, § 2:118
- Time spent, § 2:70, 2:71, 2:78, 2:81
- Travel time, § 2:78, 2:85
- Trustees
  - generally, § 5:102, 5:106
  - attorney, trustee serving as, § 5:102
  - collusion, § 12:72
  - compensation, § 5:106
  - election, § 5:17
  - excessive compensation, § 12:74
  - limitation on compensation of professional persons, § 2:94
  - removal of trustee or examiner for cause, § 5:79
  - third person or parties, § 2:118
- Turnover of property, § 14:33
- Word processing charges, § 2:86

## **AUCTIONS AND AUCTIONEERS**

- Generally, § 1:105 et seq., 2:4, 2:19, 2:25
- Application for order approving employment, § 2:23
- Bids and Bidding (this index)
- Compensation (this index)
- Court's determination, § 2:25
- Employment, generally, § 1:105 et seq., 2:25, 5:51, 5:55
- Excessive employment, § 2:25
- Judge's relative or friends, § 2:43, 2:44
- Professional Persons (this index)

## **AUCTIONS AND**

### **AUCTIONEERS—Cont'd**

- Trustees
  - employment of professional by trustee, § 5:55
  - personal liability of trustee, § 5:51
- U.S. trustee's relative or friends, § 2:43, 2:44
- Use, sale, or lease of property, generally, § 15:30

## **AUDIO TAPE PLAYERS**

- Exemptions, § 13:159

## **AUTHORIZED PERSONNEL OF COURT**

- Generally, § 4:38

## **AUTHORSHIP**

- Intellectual property defined, § 20:70

## **AUTOMATIC EXEMPTIONS**

- Objections, § 13:45

## **AUTOMATIC PRESERVATION OF AVOIDED TRANSFER**

- Avoidance (this index)
- Turnover of Property (this index)

## **AUTOMATIC REPEAL**

- Family farmer debt adjustment, § 1:21, 1:50

## **AUTOMATIC STAY**

- Generally, § 1:145, 16:1 et seq.
- Abstention, § 7:22, 16:158
- Abuse of bankruptcy process, § 16:161 to 16:164
- Accident and health claims, § 16:26, 16:33, 16:34
- Accreditation status of college, § 16:54
- Adequate Protection (this index)
- Adjournment and continuance of proceedings, § 16:10, 16:127, 16:153, 16:193

## INDEX

### **AUTOMATIC STAY—Cont'd**

Administration of estate, generally, § **16:1, 16:5**  
Administrative holds and freezes, setoff rights, § **25:18**  
Advertising agency, § **16:38**  
Age Discrimination in Employment Act of 1967, § **16:92**  
Agency, § **16:38**  
Alimony, maintenance or support exception expanded, § **16:84**  
Alternative grounds for relief from stay, § **16:153**  
Annulment of stay, § **16:138, 16:139, 21:6**  
Antipollution laws, § **16:88**  
Appeals (this index)  
Arbitration, § **16:27, 16:173**  
Assessments  
    generally, § **3:78, 3:79**  
    municipal debt adjustment cases, § **16:7**  
    police or regulatory power exception, § **16:101, 16:103**  
    prepetition claims against debtor, § **16:30 to 16:40**  
Assumption of executory contracts, § **16:150, 16:172**  
Attachment and garnishment, § **16:12, 16:56, 16:73, 16:103**  
Attorneys' fees, § **2:116**  
Automatic expiration of stay, § **16:195 to 16:197**  
Automobile insurance, § **16:48, 16:168**  
Aviation, § **16:27, 16:54, 16:67, 16:93**  
Avoidance, § **16:113, 16:207, 16:208**  
Bad faith filing, relief from stay, § **16:161 to 16:164**  
Balancing test, § **16:155**

### **AUTOMATIC STAY—Cont'd**

Bank accounts, seizure of, § **16:103**  
Billboards advertising bankruptcy of company, § **16:38**  
Bond posting, § **16:49, 16:63**  
Bonds. Securities, below  
Breach of contract, generally, § **16:16, 16:61, 16:165, 16:166**  
Breach of default-upon-filing clauses, § **16:165**  
Burden of proof. Presumptions and burden of proof, below  
Bureau of Employment Security, § **16:92**  
Cancellation or rescission, § **16:63, 16:95**  
Cause, relief from stay, § **16:159 to 16:173**  
Causes of action, § **16:51**  
Certificate of public convenience and necessity, § **16:67**  
Change or modification. Modification, below  
Chapter 11 plan confirmation order, § **28:56, 28:63**  
Chapter 13 proceedings. Individual Debt Adjustment (this index)  
Checks, § **16:81**  
Chemical weapons convention, action or proceeding under, § **16:88, 16:89, 16:91**  
Child support, § **16:84, 16:154**  
Claims subject to stay, generally, § **16:14 to 16:42**  
Clean Water Act, § **16:93**  
Closing and reopening cases, § **36:25**  
Codebtor Stay (this index)  
Collection activities  
    generally, § **16:12, 16:30 to 16:40**  
    enforcement of judgments, § **16:56, 16:73**



**AUTOMATIC STAY—Cont'd**

Collection activities—Cont'd  
tax deficiencies, § **16:103**  
Colleges and universities, § **16:39, 16:54, 16:107**  
Commencement or continuation of proceedings, generally, § **6:40, 16:18 to 16:27, 16:88**  
Commodities Exchange Act, § **16:101**  
Commodity Broker Liquidation (this index)  
Commodity broker liquidations, setoff rights, § **25:15**  
Commodity Futures Trading Commission, § **16:101**  
Community property, § **16:122, 16:169**  
Comparison to stays under former law, § **16:4**  
Compensation, § **16:50, 16:85**  
Comprehensive Environmental Response, Compensation and Liability Act of 1980, § **16:93**  
Conditioning of stay, § **16:141, 16:142**  
Consent judgment, § **16:36**  
Constitutionality, § **16:1, 16:3**  
Constructive default, § **16:165**  
Constructive trust, § **16:53**  
Consumer claims and debts, § **16:75, 16:76**  
Consumer debt, defined, § **16:76**  
Consumer protection, § **16:88, 16:94**  
Contempt, § **16:23, 16:37, 16:67, 16:82, 16:179, 16:196, 16:215, 16:216**  
Contingent claims, § **16:16**  
Continuation of lien, § **16:69**  
Continuation of proceedings, § **16:18 to 16:27, 16:88, 16:141 to 16:143, 16:193, 16:201**  
Continuation of proceedings pending in other forum, § **16:156**

**AUTOMATIC STAY—Cont'd**

to **16:158, 16:193, 16:201**  
Control over property of estate, § **16:57, 16:58, 16:90**  
Core proceedings, § **7:73, 7:74, 7:96 to 7:98, 16:194**  
Corporations, § **16:51, 16:52, 16:76**  
Counterclaim, recoupment, and setoff, § **16:14, 16:20, 16:41, 16:204**  
Creation, perfection, and enforcement of liens, § **16:68 to 16:73**  
Credit union, § **16:33, 16:36**  
Criminal proceedings, § **16:79 to 16:83, 16:98**  
Damages  
contempt, § **16:211, 16:216**  
continuation of stay as irreparable harm, § **16:193**  
entities entitled to recover, § **16:212**  
governmental units, assessment of damages against, § **16:214**  
notice of request for relief, § **16:199**  
punitive, § **16:209 et seq.**  
restitution, § **16:80**  
willful violation, § **16:209 to 16:214**  
Debt adjustment cases, § **16:7**  
Declaratory action judgment, § **16:27**  
Deeds of trust. Mortgages and deeds of trust, below  
Default judgment, § **16:165, 16:166, 16:171**  
Default-upon-filing clauses, § **16:165**  
Defective product, § **16:16**  
Definitions, § **16:3**  
Delinquent and overdue payments, § **16:9**

## INDEX

### AUTOMATIC STAY—Cont'd

- Demand or request, § 16:8
- Dental insurance, § 16:63
- Department of Energy, § 16:101
- Disclosure, § 16:38, 16:92, 16:94
- Discretion of bankruptcy court as to relief from automatic stay, § 16:154, 16:155
- Discrimination, § 16:92
- Dismissal of proceeding, § 16:163, 16:166
- Dissolution
  - liquidation, below
  - marriage, division of property, § 16:27, 16:169
- Distrain and seizure, warrant of, § 16:103
- Divorce action, § 16:27, 16:169
- Domestic relations matters, § 16:27, 16:84, 16:85, 16:169
- Dumps and dumping, § 16:62, 16:88, 16:93
- Dunning letters, § 16:32
- Duplicate tax lien, § 16:40
- Duration. Termination, below
- Duty to act, stay as imposing, § 16:12
- Education, § 16:39, 16:54, 16:107
- Educational transcripts withheld, § 16:39
- Eminent domain, § 16:101
- Employment laws, § 16:92
- Encumbrances. Liens and encumbrances, below
- Enforcement of judgments
  - generally, § 16:28, 16:29, 16:68, 16:86
  - collection activities, § 16:56, 16:73
  - exceptions to stay, § 16:91
  - insulation from automatic stay provisions, § 16:91
  - nonmonetary judgment, § 16:88, 16:91

### AUTOMATIC STAY—Cont'd

- Enforcement of judgments
  - Cont'd
  - property of estate, § 16:54, 16:55
- Entities stayed, generally, § 16:3
- Environmental protection, exception to stay by governmental unit, § 16:88, 16:93
- Equal Employment Opportunity Commission, § 16:92
- Equity in property, § 16:174 to 16:188
- Estate property, generally, § 16:43 to 16:70
- Estoppel and waiver, § 16:3, 16:5, 16:132
- Eviction, § 16:22, 16:29, 16:112
- Eviction, exceptions to stay for, § 16:112
- Evidence
  - generally, § 16:8, 16:133, 16:176 to 16:178, 16:181, 16:202, 16:203
  - debtor's equity, § 16:176 to 16:178
  - presumptions and burden of proof, below
- Exceptions to stay
  - generally, § 16:77 to 16:127
  - alimony, maintenance, or support, collection of, § 16:84, 16:85
  - avoidance, § 16:113, 16:208
  - bad check proceedings, § 16:81
  - codebtors, § 16:127
  - commencement or continuation of proceedings, § 16:88
  - commodity broker liquidation, § 16:119 to 16:121
  - compensation, § 16:85
  - construction and effect, § 16:78
  - consumer protection laws, § 16:94
  - contempt, § 16:82

**AUTOMATIC STAY—Cont'd**

Exceptions to stay—Cont'd  
 criminal proceedings, § **16:79 to 16:83, 16:98**  
 educational institutions and loans, § **16:107**  
 entry or enforcement of judgments, § **16:91**  
 environmental laws, § **16:93**  
 eviction, § **16:112**  
 financial participant, § **16:121**  
 fines, § **16:80**  
 foreclosure, § **16:102, 16:114, 16:115**  
 governmental units, acts by, § **16:88 to 16:103**  
 HUD-insured mortgages, foreclosure of, § **16:102**  
 income tax refund setoffs, § **16:115**  
 ineligible filing, § **16:111**  
 in rem enforcement, § **16:110**  
 labor laws, § **16:92**  
 lessor's acts to obtain possession of nonresidential real property, § **16:104**  
 license proceedings, § **16:95**  
 maritime foreclosure actions, § **16:124, 16:125**  
 Medicare, § **16:118**  
 motor vehicle laws, § **16:99**  
 negotiable instruments, presentment of, § **16:105**  
 netting agreement setoffs, § **16:117**  
 nonavoidable transfers, § **16:113**  
 notice of tax deficiency or assessment, issuance of, § **16:103**  
 pension loan repayments, § **16:109**  
 perfection of property interests, § **16:86, 16:87**

**AUTOMATIC STAY—Cont'd**

Exceptions to stay—Cont'd  
 pledged special revenues, Chapter 9 cases, § **16:126**  
 police or regulatory powers of governmental units, § **16:88 to 16:103**  
 receivership proceedings, § **16:100**  
 rental laws, § **16:97**  
 reorganization cases, § **16:124, 16:125**  
 repo participant, § **16:121**  
 restitution orders, § **16:80**  
 Secretary of Commerce, maritime foreclosure actions, § **16:125**  
 Secretary of Transportation, maritime foreclosure actions, § **16:124**  
 securities regulation, § **16:114**  
 security investor protection corporation, § **16:119**  
 setoffs, § **16:120, 16:121**  
 small business cases, § **16:116**  
 Social Security Act, § **16:118**  
 stockbroker liquidation, § **16:119 to 16:121**  
 tax deficiency notice, issuance of, § **16:103**  
 transportation equipment, stay of acts to take possession of, § **16:122, 16:123**  
 zoning laws, § **16:96**  
 Execution or levy, § **16:29**  
 Executory Contracts and Unexpired Leases (this index)  
 Exempt property, § **16:73**  
 Ex parte relief, § **16:143**  
 Expedited hearings, § **16:197**  
 Expiration of stay. Termination of stay, below  
 Extension of lease, option for, § **16:9**

## INDEX

### **AUTOMATIC STAY—Cont'd**

Extension of lien, § **16:69**  
Extension of time  
    exceptions to stay, § **16:123**  
    reimposition of automatic stay  
        that has terminated,  
        § **16:219**  
    statute of limitations extended  
        for entities that are stayed,  
        § **16:10**  
    trustee to take certain actions,  
        extension of time for,  
        § **16:8, 16:9**  
Fair Labor Standards Act, § **16:92**  
Family Farmer or Fisher Debt  
    Adjustment (this index)  
Federal Aviation Administration,  
    § **16:93**  
Federal income tax lien, § **16:40,**  
    **16:69, 16:73**  
Filing  
    generally, § **16:1**  
    default-upon-filing clauses,  
    § **16:165**  
    petition, generally, § **16:1,**  
    **16:147, 16:162**  
    relief from stay, § **16:161 to**  
    **16:164**  
Final hearings, § **16:197**  
Financial participants, setoff  
    rights, § **16:121, 25:16**  
Fines, § **16:80**  
Fire insurance policy, § **16:48,**  
    **16:65, 16:167**  
Foreclosure, § **16:35, 16:64,**  
    **16:102, 16:114, 16:115**  
Foreign proceedings, § **16:1,**  
    **16:222, 16:223**  
Former law, § **16:4**  
Franchises, § **16:46, 16:190**  
Fraud or deceit  
    generally, § **16:51**  
    contract and lease termination,  
    § **16:172**

### **AUTOMATIC STAY—Cont'd**

Fraud or deceit—Cont'd  
    labor and labor relations,  
    § **16:92**  
    licenses, § **16:95**  
    nondebtors, acts against,  
    § **16:58**  
    police or regulatory powers,  
    § **16:88, 16:90**  
Fraudulent transfers, § **19:123**  
Freezes, administrative, setoff  
    rights, § **25:18**  
Fresh start, § **16:1, 16:88**  
Future events, § **16:142**  
Garnishment, § **16:12, 16:36,**  
    **16:56, 16:73, 16:103**  
General contractual obligations,  
    nonpayment of, § **16:169**  
Good faith, § **16:161 to 16:164,**  
    **16:210**  
Governmental units  
    generally, § **16:3, 16:89**  
    damages, § **16:214**  
    police and regulatory powers,  
    § **16:88 et seq.**  
    regulatory enforcement  
        proceedings, stay of,  
        § **16:88 to 16:103**  
    sovereign immunity, § **16:3,**  
    **16:199**  
Grace period, § **16:9**  
Grain assets, § **16:197**  
Group health and dental insurance  
    policy, § **16:63**  
Harassment, § **16:18, 16:30**  
Hazardous waste site, § **16:88,**  
    **16:93**  
Health and accident claims,  
    § **16:26, 16:33, 16:34**  
Highway safety law, § **16:99**  
Holds, administrative, setoff  
    rights, § **25:18**  
HUD foreclosure proceedings,  
    § **16:102**

**AUTOMATIC STAY—Cont'd**

Husband and wife, § 16:27, 16:84, 16:169  
 Immigration and Naturalization, § 16:101  
 Income tax, § 16:40, 16:69, 16:73  
 Income tax refund setoffs, exceptions to stay for, § 16:115  
 Income tax returns, setoff rights, § 25:19  
 Indemnification, § 16:16, 16:17  
 Individual debt adjustment plans, § 16:166, 16:187, 31:66  
 Individual Debt Adjustment (this index)  
 Ineligible filing, exceptions to stay for, § 16:111  
 Informing debtor of creditor's policies, § 16:33  
 Injunctions and restraining orders generally, § 16:217 to 16:232  
   freedom of speech, § 16:38  
   jurisdiction, § 7:96 to 7:98, 7:163  
 Norris-LaGuardia Act, § 16:13  
   police or regulatory powers, § 16:90 to 16:93  
   practice and procedure, § 16:195 to 16:197  
   reimposition of automatic stay that has terminated, § 16:219  
   temporary restraining orders, § 16:24  
 In rem enforcement, exceptions to stay for, § 16:110  
 In rem proceedings, § 16:103, 16:144  
 Insulation from automatic stay provisions. Exceptions to stay, above  
 Insurance and insurance companies generally, § 16:48, 16:60, 16:63, 16:167, 16:168  
   automobile, § 16:48, 16:168

**AUTOMATIC STAY—Cont'd**

Insurance and insurance companies—Cont'd  
   delinquent premiums, § 16:9  
   fire insurance, § 16:48, 16:65, 16:167  
   group health and dental insurance, § 16:63  
   liability insurance, § 16:60, 16:167  
   workers' compensation, § 16:92  
 Intangible personal property, § 12:46  
 Intention, statement of, § 16:133  
 International arbitration, § 16:173, 16:221  
 Interpleader actions, § 16:24, 16:65  
 Involuntary case, § 9:41, 16:147  
 Irreparable harm or damage, § 16:193  
 Joint and several liability, claims and obligations, § 16:75, 16:76, 16:190 to 16:193  
 Judgments  
   generally, § 16:27, 16:29, 16:36  
   enforcement of judgments, above  
   injunctions and restraining orders, above  
   restitution, § 16:80  
 Judicial determination of tax liability, § 3:74  
 Jurisdiction  
   generally, § 16:6  
   abstention, § 7:22  
   core proceedings, § 7:73, 7:74, 7:96 to 7:98  
   injunctions, § 7:96 to 7:98, 7:163  
   reference of cases, § 7:39, 7:43  
   sanctions, noncompliance with signing and verification requirements, § 7:158

## INDEX

### **AUTOMATIC STAY—Cont'd**

#### Jurisdiction—Cont'd

termination, annulment, or  
modification, § **7:96 to  
7:98**

Knowledge. Notice and hearing,  
below

Labor, Secretary of, § **16:92**

Labor and labor relations, § **16:13,  
16:92**

Landfill license, § **16:62**

Land sale contract, § **16:172**

Leases (this index)

Letters of credit, § **16:47, 16:59**

#### Licenses

generally, § **16:25, 16:46,  
16:62, 16:95**

landfills, § **16:62**

liquor, § **16:25, 16:38, 16:40,  
16:95**

#### Liens and encumbrances

generally, § **16:43**

creation, perfection, or enforce-  
ment, § **16:68 to 16:73,  
16:86**

duplicate tax lien, § **16:40**

equity of debtor, determination  
of, § **16:175**

federal income tax, § **16:40,  
16:69, 16:73**

ineligible filing exception to  
stay, § **16:111**

in rem enforcement exception to  
stay, § **16:110, 16:144**

mortgages and deeds of trust,  
below

Limitation of actions, § **16:8,  
16:10**

Limited partnership, § **16:24**

#### Liquidation

generally, § **16:57, 16:186 to  
16:188**

breach of default-upon-filing  
clauses, § **16:165**

### **AUTOMATIC STAY—Cont'd**

#### Liquidation—Cont'd

receivership proceedings,  
§ **16:100**

stockbroker cases, application  
for protective decree,  
§ **16:119**

Liquor licenses, § **16:25, 16:38,  
16:40, 16:95**

Marital dissolution and property  
division, § **16:27, 16:169**

Maritime foreclosure actions,  
§ **16:124, 16:125**

Material misrepresentation of  
facts, § **16:92**

Medical care and treatment,  
§ **16:26, 16:33, 16:34**

Medicare, § **16:34, 16:118**

#### Modification

generally, § **16:140**

jurisdiction, § **7:39, 7:96 to  
7:98**

reference of cases, § **7:39**

request for relief from stay,  
§ **16:140**

#### Mortgages and deeds of trust

generally, § **16:14, 16:171**

amount of debtor equity,  
§ **16:175**

HUD foreclosure actions, com-  
mencement of, § **16:102**

quitclaim deed, § **16:64**

recording after filing of petition,  
§ **16:70**

redemption of property, § **16:9**

Motions for relief from stay,  
§ **16:194**

Motor vehicle insurance, § **16:48,  
16:168**

Motor vehicles, § **16:99, 16:153**

#### Multiple petitions

duration of stay, § **16:130 to  
16:132**

relief from stay, § **16:162**

**AUTOMATIC STAY—Cont'd**

Municipal Debt Adjustment (this index)

Municipal legislative power, § 16:27

Mutual debts and credits, § 16:41

Naked possession, § 16:45, 16:56

National Labor Relations Board, § 16:92

Necessity test, § 16:180

Negotiable instrument, presentment, § 16:105

Netting agreement setoffs, exceptions to stay for, § 16:117, 25:20

Nonavoidable transfers, exceptions to stay for, § 16:113

Nonbankruptcy proceedings, § 16:8, 16:10, 16:23

Nondebtor parties, § 16:17, 16:58 to 16:60

Nondischargeable debts, § 16:10, 16:15, 16:142

Non-profit corporation, § 16:62

Nonresidential real property, § 16:61

Norris-LaGuardia Act, § 16:13

Notice and hearing  
generally, § 16:199 to 16:201  
expedited hearing, § 16:197  
relief from stay, generally, § 16:199 to 16:201  
tax deficiency or assessment notice, insulation from automatic stay provisions, § 16:103

Notice given by debtor to creditors, effect of, § 6:8

Objections. Insulation from automatic stay provisions, above

Occupational Safety and Health Act, § 16:92

Odometer rollback and disclosure laws, § 16:94

**AUTOMATIC STAY—Cont'd**

Offset. Setoff or Offset (this index)

Overdue payments, § 16:9, 16:154

Parties who may request relief, § 16:145 to 16:151

Partners and partnerships, § 16:24

Past-due child support obligation, § 16:169

Paternity, exception for establishment, § 16:84

Payroll deductions, § 16:36

Pecuniary interest purpose test, § 16:90

Pending actions, § 16:156 to 16:158

Pension Benefit Guaranty Corporation, § 16:92

Pension loan repayments, exceptions to stay for, § 16:109

Pension plans, § 16:92

Perfection of property interests, § 16:86, 16:87, 17:57

Perfection or enforcement of liens, § 16:68 to 16:73

Person, defined, § 16:3

Petition, generally, § 16:1, 16:147, 16:162

Petroleum overpricing, § 16:101

Pledged special revenues, Chapter 9 cases, § 16:126

Police or regulatory powers of governmental units, § 16:88 to 16:103

Pollution, § 16:88, 16:93

Possession or control of estate, stay of acts against property in, generally, § 16:43 to 16:70

Possessory interest  
generally, § 16:44, 16:45, 16:56, 16:57 to 16:67  
creation, perfection or enforcement of lien, § 16:73  
foreclosure or sale of property, § 16:64



## INDEX

### AUTOMATIC STAY—Cont'd

- Postpetition Matters (this index)
- Preliminary hearings, § 16:197
- Prepetition debt, setoff rights
  - generally, § 25:13
  - recoupments, § 25:14
  - relief, necessity of, § 25:21
- Prepetition matters
  - generally, § 16:2, 16:14, 16:33
  - collect, assess, or recover
    - prepetition debt, stay of act to, § 16:30 to 16:40
  - contempt, § 16:37
  - educational transcripts withheld, § 16:39
  - foreclosure or sale of property, § 16:35
  - garnishment and payroll deductions, § 16:36
  - informing debtor of creditor's policies, § 16:33
  - public comment or statements regarding debtor, § 16:38
  - recoupment, § 16:34
  - refusal to deal with debtor postpetition, § 16:33
  - taxing authorities, § 16:40
  - telephone contact, § 16:31
- Presumptions and burden of proof
  - generally, § 16:202, 16:203
  - assumption of executory contracts, § 16:150, 16:172
  - default under mortgages or deeds of trust, § 16:171
  - preliminary and final hearings, § 16:202
  - repeat filings, § 16:131
- Priority claims, § 16:15, 16:158
- Probation, § 16:98
- Process and service of process and papers, § 16:2, 16:29
- Products liability, § 16:16, 16:17
- Property of estate, generally, § 12:126

### AUTOMATIC STAY—Cont'd

- Property subject to stay provisions, generally, § 16:43 to 16:70
- Property taxes, § 16:101, 16:104
- Protection
  - adequate protection, above consumer, § 16:88
  - creditor, § 16:146
  - environmental, § 16:88, 16:93
- Public comment or statements regarding debtor, § 16:38
- Public convenience and necessity, § 16:67
- Public health, welfare and safety, § 16:88 et seq.
- Public policy test, § 16:90
- Punitive damages, § 16:209 et seq.
- Quitclaim deed, § 16:64
- Reaffirmation, § 16:133
- Real estate tax assessments, § 16:101
- Receivership proceedings, § 16:100
- Receiving consideration standard, § 16:191
- Reclamation of goods, § 16:66
- Records, § 16:40, 16:67, 16:70, 16:73
- Recoupment or counterclaim, § 16:14, 16:20, 16:34, 16:41, 16:204
- Recoupments of prepetition debt, § 25:14
- Redemption, time for, § 12:111, 16:133
- Reference of cases, § 7:39, 7:43
- Refusal to deal with debtor postpetition, § 16:33
- Regulatory and police powers of governmental units, § 16:88 et seq.
- Reimposition of automatic stay that has terminated, § 16:219

**AUTOMATIC STAY—Cont'd**

Rejection of executory contracts, § 16:150, 16:172

Relief from stay

- generally, § 16:136 to 16:204
- abstention, § 16:158
- abuse of bankruptcy process, § 16:161 to 16:164
- adequate protection, lack of, § 16:160
- alternative grounds for relief, § 16:153
- annulment of stay, § 16:139
- arbitration, § 16:173
- automatic expiration of stay, § 16:195 to 16:197
- automobile insurance, § 16:168
- bad faith filing, § 16:161 to 16:164
- balance of the hurt test, § 16:155
- breach of default-upon-filing clauses, § 16:165
- burden of proof, § 16:202, 16:203
- cause, § 16:159 to 16:173
- codebtors, § 16:137, 16:190 to 16:193, 16:196, 16:203
- codebtor stay under Chapters 12 and 13, burden of proof, § 16:203
- conditioning of stay, § 16:141, 16:142
- continuation of proceedings pending in other forum, § 16:156 to 16:158, 16:193, 16:201
- core proceedings, § 16:194
- counterclaims, § 16:204
- default in individual debt adjustment plan payments, § 16:166
- default-upon-filing clauses, § 16:165
- discretion of court, § 16:154, 16:155

**AUTOMATIC STAY—Cont'd**

Relief from stay—Cont'd

- dismissal alternative, § 16:163
- domestic relations matters, § 16:169
- equity in property, § 16:174 to 16:188
- evidence, § 16:176 to 16:178, 16:181
- ex parte relief, § 16:143
- expedited hearing, § 16:197
- failure to file plan or filing of unconfirmable plan, § 16:164
- filing, § 16:161 to 16:164
- future events, § 16:142
- general contractual obligations, nonpayment of, § 16:169
- grain assets, § 16:197
- grounds for relief, generally, § 16:152 to 16:193
- hearing, necessity for, § 16:200, 16:201
- individual debt adjustment, codebtor stay, § 16:121, 16:123, 16:190 to 16:193, 16:196, 16:203
- individual debt adjustment plan payments, § 16:166
- in rem relief for fraud regarding realty, § 16:144
- insurance coverage, § 16:167, 16:168
- involuntary cases, § 16:147
- leases, § 16:150, 16:172
- limitation of relief to debtor and creditor, § 16:146
- liquidation cases, § 16:185, 16:186
- modification of stay, § 16:140
- mortgages and deeds of trust, § 16:149, 16:171
- motion for, § 21:67
- motion for relief, § 16:194

## INDEX

### AUTOMATIC STAY—Cont'd

#### Relief from stay—Cont'd

notice and hearing, § **16:199 to 16:201**

parties who may request relief, § **16:145 to 16:151**

practice and procedure, § **16:194 to 16:204**

preliminary and final hearings, § **16:195 to 16:197**

property not necessary to effective reorganization  
generally, § **16:179 to 16:189**  
ability to propose plan, § **16:184**

Chapter 11 cases, § **16:185, 16:186**

Chapter 13 cases, § **16:187, 16:188**

necessity, what constitutes, § **16:180, 16:181**

plan confirmation or delay thereof, effect of, § **16:188**

residence of debtor, § **16:183**  
specific property, § **16:182, 16:183**

reorganization, § **16:174 to 16:188**

residence of debtor, § **16:168**

second petition filed while cases pending, § **16:162**

secured or unsecured claimants, § **16:148**

single asset real estate cases, § **16:189**

speculative evidence, § **16:177**

sufficiency of evidence, § **16:178, 16:181**

termination of contract and lease, § **16:172**

waiver, § **16:198**

Renewal, § **16:25, 16:61, 16:69**

Rent, § **16:70, 16:97, 16:150**

Rental laws, § **16:97**

### AUTOMATIC STAY—Cont'd

Reorganization (this index)

Repeat filers, duration of stay as to, § **16:130 to 16:132**

Repo participants, setoff rights, § **16:121, 25:16**

Repossession or repurchase, § **16:64, 16:73**

Rescission or cancellation, § **16:63, 16:95**

Residence of debtor, § **16:168**

Restitution order, § **16:80**

Restoration of status quo, § **16:206**

Restraining orders. Injunctions and restraining orders, above

Revocation or suspension  
licenses, § **16:25, 16:62, 16:95**  
probation, § **16:98**

tax-exempt status, § **16:40**

time period, § **16:9, 16:10**

Rules of Bankruptcy Procedure (this index)

Sale or transfer, § **16:35, 16:52, 16:64**

Sales tax records, § **16:40, 16:70, 16:73**

Sanctions, § **7:158, 16:209**

Schools and education, § **16:39, 16:54, 16:107**

Second petition filed while cases pending, § **16:162**

Secretary of Commerce, maritime foreclosure actions, § **16:125**

Secretary of Labor, § **16:92**

Secretary of Transportation, maritime foreclosure actions, § **16:124**

Secured or unsecured claimants, § **16:148**

Securities

generally, § **16:52**

exception to stay for securities self-regulatory agency, § **16:114**

**AUTOMATIC STAY—Cont'd**

Securities—Cont'd  
 Security Investor Protection Corporation, § **16:119**  
 Seizure, warrant of, § **16:103**  
 Self-executing nature of stay, § **16:2**  
 Service Contract Act, § **16:92**  
 Service of process and papers, § **16:2, 16:29**  
 Setoff or Offset (this index)  
 Setoff rights under  
     generally, § **25:13 et seq.**  
     administrative holds and freezes, § **25:18**  
     commodity broker liquidations, § **25:15**  
     financial participants, § **25:16**  
     freezes, administrative, § **25:18**  
     holds, administrative, § **25:18**  
     income tax returns, § **25:19**  
     netting agreements, § **25:20**  
     prepetition debt  
         Generally, § **25:13**  
         recoupments, § **25:14**  
         relief, necessity of, § **25:21**  
     recoupment of prepetition debt, § **25:14**  
     repo participants, § **25:16**  
     stockbroker liquidations, § **25:15**  
     swap participants, § **25:17**  
 Setoffs. Setoff or Offset (this index)  
 Single asset real estate cases, relief from automatic stay, § **16:189**  
 Size and nature of claim, § **23:3**  
 Small business cases, exceptions to stay for, § **16:116**  
 Social Security Act, exceptions to stay for, § **16:118**  
 Sovereign immunity doctrine, § **6:40, 16:3, 16:214**

**AUTOMATIC STAY—Cont'd**

Special revenues, defined, § **16:126**  
 Spouse, § **16:27, 16:84, 16:169**  
 Standing to seek avoidance, § **16:207**  
 Statement of intention, § **16:133**  
 Status quo restoration, § **16:88, 16:206**  
 Statute of limitations, § **16:8, 16:10**  
 Stockbroker liquidations, setoff rights, § **16:119 to 16:121, 25:15**  
 Stock purchase agreement, § **16:52**  
 Supplemental Security Income benefits, § **16:34**  
 Support obligation, § **16:84, 16:154**  
 Supremacy Clause of the Constitution, § **16:3**  
 Suretyship, § **16:26, 16:49, 16:63**  
 Surface Mining Control and Reclamation Act of 1977, § **16:93**  
 Suspension. Revocation or suspension, above  
 Swap participants, setoff rights, § **25:17**  
 Taxation  
     assessments, above  
     audits, § **16:103**  
     collection, § **3:78**  
     deficiency notices, exceptions to automatic stay, § **16:103**  
     federal income tax lien, § **16:40, 16:69, 16:73**  
     judicial determination of tax liability, § **3:74**  
     municipal debt adjustment, § **16:74**  
     notice of deficiency or assessment, § **16:103**  
     prepetition matters, § **16:40**

## INDEX

### AUTOMATIC STAY—Cont'd

#### Taxation—Cont'd

- property tax statutory lien,
  - exception for creation or perfection of, § **16:104**
- refund, § **16:50, 16:85**
- return, demand for tax,
  - § **16:103**
- sales tax, § **16:40, 16:70, 16:73**
- special revenues, § **16:126**
- Tax Court proceedings, stay of,
  - § **16:42**
- trustee's duties, § **3:67**
- trust fund taxes, § **16:40**

#### Tax-exempt status, revocation, - § **16:40**

#### Telephone contact, prepetition matters, § **16:31**

#### Temporary restraining order, - § **16:24**

#### Tenancy, § **16:29, 16:45, 16:127, 16:172**

#### Termination

- generally, § **16:1, 16:10, 16:120, 16:127, 16:196**
- contracts, § **16:61, 16:172**
- executory contract, § **16:67**
- lease, § **16:22, 16:29, 16:61, 16:104, 16:172**
- license, § **16:62**
- stay, termination of. Termination of stay, below

#### Termination of stay

- generally, § **16:128 to 16:135**
- Adequate Protection (this index)
  - allowed claim for purchase price secured by personalty, § **6:18**
  - automatic expiration of stay, § **16:195 to 16:197**
- Chapter 13 cases, stay protecting codebtors in, § **16:121, 16:123, 16:190 to 16:193, 16:196, 16:203**

### AUTOMATIC STAY—Cont'd

#### Termination of stay—Cont'd

- codebtors, § **16:121, 16:123, 16:190 to 16:193, 16:196, 16:203**
- commencement or continuation of action, § **6:40**
- jurisdiction, § **7:96 to 7:98**
- reimposition of automatic stay that has terminated,
  - § **16:219**
- relief from stay, above
- repeat filers, duration of stay as to, § **16:130 to 16:132**

#### Theft of services, § **16:83**

#### Time or date

- generally, § **16:2**
- duration of stay, § **16:1, 16:128 to 16:135**
- extension of lease option,
  - § **16:9**
- extension of time, above
- filing of plan, § **16:164**
- grace period, § **16:9**
- statute of limitations, § **16:8, 16:10**
- suspension of tolling of time periods, § **16:9, 16:10**

#### Title to property, § **16:53**

#### Tolling of time periods, § **16:9, 16:10**

#### Toxic Substances Control Act, - § **16:93**

#### Transfer of funds, § **16:52**

#### Transportation equipment, exceptions from automatic stay provisions, § **16:122, 16:123**

#### Trust, property held in, § **16:53**

#### Trustees, § **3:67, 16:8, 16:9, 16:149**

#### Trust fund taxes, § **16:40**

#### Unexpired lease, assumption of, - § **16:133**

#### University or college, § **16:39, 16:54, 16:107**

**AUTOMATIC STAY—Cont'd**

- Use, sale, or lease of property,  
§ 15:25, 15:32, 15:43
- Value or valuation, § 16:175 to  
16:178
- Violation of stay, § 16:205 to  
16:216
- Void or voidable, acts as, § 16:205  
to 16:227
- Voluntary bankruptcy, § 8:23,  
8:29, 8:45, 8:90
- Wages, § 16:53, 16:103
- Waiver and estoppel, § 16:3, 16:5,  
16:132, 16:198
- Warrant, § 16:29, 16:103
- Willful and malicious acts, § 16:1,  
16:142, 16:209 to 16:214
- Workers' compensation, § 16:92
- Zoning laws, § 16:27, 16:96

**AUTOMOBILE INSURANCE**

- Automatic stay, § 16:48, 16:168

**AUTOMOBILES**

- Motor Vehicles (this index)

**AVIATION**

- Aircraft Equipment (this index)
- Aircraft Equipment Settlement  
Leases Act, § 15:25, 16:123
- Airport Leases and Landing Slots  
(this index)
- Automatic stay, § 16:27, 16:54,  
16:67, 16:93
- Federal Aviation Administration  
(this index)
- Reorganization (this index)

**AVOIDANCE**

- Generally, § 1:146, 17:1 to 17:73,  
17:87 to 17:90
- Actual unsecured creditor, trustee  
as, § 17:31, 17:32
- Adversary proceeding, form of  
action, § 17:87
- Aircraft equipment and vessels in  
Chapter 11 cases, unperfected

**AVOIDANCE—Cont'd**

- security interest in, § 17:26
- Applicability of avoidance provi-  
sions to Chapter 13 cases,  
§ 17:11
- Assignments, § 17:3, 17:58
- Attorneys' fees, § 17:53, 17:59
- Automatic preservation of avoided  
transfer
  - generally, § 12:42, 12:73, 14:3  
to 14:5
  - claims, effect on size and nature  
of, § 23:23, 23:26
  - exemptions, § 13:53, 13:54,  
13:56, 13:117
- Automatic stay, § 16:113, 16:207,  
16:208
- Bona fide purchasers of real prop-  
erty, § 17:28 to 17:30
- Collusive bidding on sale of prop-  
erty of estate, § 17:53
- Commodity broker liquidation,  
§ 17:6, 17:60, 17:61
- Constructive or inquiry notice of  
trustee, § 17:19
- Conversion, effect of, § 17:64
- Creditor's prosecution of avoid-  
ance actions, § 6:41
- Damages, § 17:52, 17:53, 17:66,  
17:71
- Date. Time or date, below
- Debtor in Possession (this index)
- Debtor's avoidance
  - of liens impairing exemptions.  
Liens and Encumbrances  
(this index)
  - of transfers trustee could have  
avoided, § 13:117 to  
13:119, 13:164
- Disallowance of claims, § 17:4,  
17:51
- Estoppel. Waiver, below
- Exemptions
  - administrative expenses,  
§ 13:25

## INDEX

### AVOIDANCE—Cont'd

#### Exemptions—Cont'd

- alimony, support, and separate maintenance, § **13:102, 13:109, 13:140**
- debtor's avoidance
  - of liens impairing exemptions. Liens and Encumbrances (this index)
  - of transfers trustee could have avoided, § **13:117 to 13:119, 13:164**
- farm animals or crops, § **13:158**
- formula for determining impairment, § **13:126**
- fraud of debtor, § **13:19**
- implements, professional books or tools of trade, § **13:129, 13:147**
- involuntary transfer requirement, § **13:118**
- Liens and Encumbrances (this index)
- objections, § **13:48**
- recovery and exemption of property after transfer avoided, § **13:56**
- satisfied liens, § **13:141**
- spillover or wild card exemptions, § **13:115**
- trustees, § **13:53, 13:54, 13:56**
- voluntary transfers of property, § **13:55**
- waiver of exemptions, § **13:35**
- Family Farmer Debt Adjustment trustee's power, § **17:10**
- Fines, liens, § **17:52**
- Foreclosure, § **17:45, 17:50**
- Forward contracts, § **17:60**
- Fraudulent Transfers and Concealment of Assets (this index)
- Good faith purchasers or transferees, § **17:48 to 17:50, 17:67 to 17:69, 17:72**
- Governing law, § **17:15, 17:18**

### AVOIDANCE—Cont'd

- Hypothetical lien creditors, § **17:13 to 17:30**
- Individual debt adjustment, § **17:11, 17:12**
- Interest on money, § **17:42, 17:71**
- Involuntary bankruptcy, § **9:31**
- Judicial liens, § **13:126, 13:140, 17:38**
- Knowledge. Notice or knowledge, below
- Liability of transferee. Transferee of avoided transfer, below
- Liens and Encumbrances (this index)
- Limitations. Trustees, below
- Liquidation
  - generally, § **17:5, 17:6**
  - avoided transfers, recovery and preservation, § **12:71, 12:73**
  - penalty claim, lien securing, § **17:52**
- Margin and settlement payments, § **17:60, 17:61**
- Mechanics' liens, § **17:30, 17:41, 17:58**
- Mere conduit rule, limitations on trustee's right of recovery, § **17:69**
- Mortgages and deeds of trust, § **17:29, 17:30**
- Municipal debt adjustment, § **17:7**
- Noninsider transferee of avoided preference, recovery from, § **17:70, 18:134**
- Notice and hearing
  - postpetition matters, § **17:39, 17:47, 17:48, 17:50, 17:58**
  - trustee as lien creditor and successor to creditors and purchasers, § **17:18 to 17:20**
- Perfection of Interest (this index)
- Petitions (this index)



**AVOIDANCE—Cont'd**

- Place of filing pleadings and other papers, § **17:90**
- Postpetition Matters (this index)
- Preferences and Preferential Transfers (this index)
- Preservation of avoided transfer.
  - Automatic preservation of avoided transfer, above
- Presumptions and burden of proof, § **17:28, 17:89**
- Punitive damages, § **17:52, 17:53**
- Rents and profits, § **17:34, 17:38, 17:58**
- Reorganization plans, § **26:11**
- Repurchase agreement, § **17:61**
- Sale or transfer. Transferee of avoided transfer, below
- Setoff or offset, § **17:12, 17:46**
- Single satisfaction, trustee limited to, § **17:71**
- Size and nature of claim, § **23:23 to 23:30**
- Sovereign immunity abrogated, § **6:78**
- Statute of limitations, § **17:55, 17:56, 17:73**
- Statutory Liens (this index)
- Stockbroker liquidation, § **17:6, 17:60, 17:61**
- Strong arm clause, generally, § **17:13 to 17:32**
- Swap agreements, § **17:62**
- Tax liens, § **17:29, 17:37, 17:59**
- Time or date
  - acquisition of status of trustee, § **17:16**
  - actual unsecured creditor, § **17:31**
  - bona fide purchaser or real property, § **17:28**
  - lien creditor or unsatisfied execution creditor status, § **17:23**

**AVOIDANCE—Cont'd**

- Transferee of avoided transfer
  - automatic preservation of avoided transfer, above
  - initial transferee or beneficiary and subsequent transferees, recovery from, § **17:65, 17:66**
  - liability, generally, § **17:67 to 17:73**
  - mere conduit rule, § **17:69**
  - noninsider transferee, recover from, § **17:70**
  - property or its value, recovery, § **17:66**
  - recovery from initial transferee or beneficiary and subsequent transferees, § **17:65, 17:66**
  - statute of limitations, § **17:73**
  - trustee's right of recovery, limitations on, § **17:67 to 17:73**
- Trustees
  - generally, § **1:146, 12:71, 17:1 to 17:73**
  - limitations
    - conversion, effect of, § **17:64**
    - maintenance or continuation of perfection of interest, § **17:57**
    - return of goods shipped to Chapter 11 debtor, § **17:63**
  - time limit on commencing avoidance action, § **17:55**
- Venue, § **17:88**
- Voluntary bankruptcy, § **8:23, 8:32**
- Waiver
  - adversary proceeding, form of action as, § **17:87**
  - postpetition transactions, § **17:39**
  - sovereign immunity, § **6:78**

## INDEX

### **AVOIDANCE—Cont'd**

- Waiver—Cont'd
  - trustee as lien creditor and successor to creditors and purchasers, § 17:17

### **BACK PAY AWARDS**

- Fraudulent transfers and concealment of assets, § 19:73

### **BAD CHECKS**

- Automatic stay, § 16:81
- Discharge fraud, § 35:95
- Preferential transfer, who is creditor, § 18:15

### **BAD FAITH**

- Good or Bad Faith (this index)

### **BADGES OF FRAUD THEORY**

- Exemptions, § 13:22

### **BAFJA**

- Bankruptcy Amendments and Federal Judgeship Act of 1984 (this index)

### **BAILMENTS**

- Consignments (this index)
- Exclusion of property held by debtor as bailee, § 12:80
- Grain and Grain Storage (this index)
- Reorganization plans, claims classification, § 26:39

### **BALANCE OF THE HURT TEST**

- Automatic stay, § 16:155

### **BALANCE SHEET**

- Fraudulent transfers, evidence of insolvency, § 19:61

### **BALLOON PAYMENTS**

- Family farmer debt adjustment plans, § 33:15, 33:33, 33:35

### **BALLOTS**

- Reorganization Plans (this index)

### **BANK ACCOUNTS**

- Automatic stay, § 16:103
- Checks (this index)
- Liens and encumbrances, § 12:41
- Privacy considerations, § 1:78
- Statements of individual debtor's depository and investment accounts, filing of, § 14:16

### **BANK LETTER OF CREDIT**

- Letters of Credit (this index)

### **BANKRUPTCY**

- Generally, § 1:1 et seq.
- Collective nature, § 1:2
- Distribution, § 1:6
- First principles, § 1:4
- Goals, § 1:5
- Societal role, § 1:3
- Wide reach, § 1:1

### **BANKRUPTCY ABUSE**

#### **PREVENTION AND CONSUMER PROTECTION ACT (BAPCPA)**

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

### **BANKRUPTCY ACT OF 1898**

- Applicability, § 1:16
- Automatic stay, § 16:4
- Civil service retirement, § 1:16
- Dismissal of case, § 1:16
- Exemptions, § 13:2
- Individual debt adjustment plans, confirmation, § 31:4
- Pending cases, § 1:16
- Property of estate, § 12:2
- Reference of cases, § 1:16
- Reorganization, § 1:16
- Savings clause, § 1:16

### **BANKRUPTCY**

#### **ADMINISTRATORS**

- Generally, § 4:58

**BANKRUPTCY**

**ADMINISTRATORS**

**—Cont'd**

- Creditors' meetings, § 4:80
- Equity security holders' meetings, § 4:80
- Filing of reorganization plans, § 26:59

**BANKRUPTCY AMENDMENTS  
AND FEDERAL  
JUDGESHIP ACT OF 1984**

- Generally, § 4:2, 7:1
- Jurisdiction, BAFJA as governing, § 7:1, 7:142 to 7:146

**BANKRUPTCY APPELLATE  
PANELS**

- Appeals (this index)

**BANKRUPTCY CLAUSE**

- Constitution, § 1:8 to 1:11
- Ipsa Facto or Bankruptcy Clauses (this index)

**BANKRUPTCY CODE**

- Governing Law, § 1:13

**BANKRUPTCY COURT CLERK**

- Clerk of Court (this index)

**BANKRUPTCY FRAUD**

- Criminal offense, § 12:148

**BANKRUPTCY JUDGE**

- Judges (this index)

**BANKRUPTCY JUDGES,  
UNITED STATES  
TRUSTEES, AND FAMILY  
FARMER BANKRUPTCY  
ACT OF 1986**

- Family Farmer or Fisher Debt Adjustment (this index) t (this index)
- Judges (this index)
- United States Trustees (this index)

**BANKRUPTCY PLANNING**

- Discharge of debtor challenges, § 35:12

**BANKRUPTCY REFORM ACT  
OF 1978**

- Taxation, § 3:1

**BANKRUPTCY REFORM ACT  
OF 1994**

- See specific substantive entries throughout this index

**BANKRUPTCY RULES**

- Rules of Bankruptcy Procedure (this index)

**BANKRUPTCY TAX ACT OF  
1980**

- Generally, § 3:1

**BANKS**

- Accounts. Bank Accounts (this index)
- Certificates of deposit, payments in ordinary course of business as exception to preference avoidability, § 18:68
- Checks (this index)
- Cooperative banks, liquidation, § 1:42
- Credit Unions (this index)
- Deposits and Depositories (this index)
- Eligibility to be a debtor, § 1:38
- Estate property. Property of estate, below
- Exemptions, § 13:24, 13:159
- Foreign Banks (this index)
- Fraudulent transfers and concealment of assets, § 19:14, 19:16
- Jurisdiction as affected by Federal Institutions Supervisory Act, § 7:8
- Liquidation or reorganization generally, § 1:42, 1:43

## INDEX

### **BANKS—Cont'd**

- Liquidation or reorganization—Cont'd
  - Stockbroker liquidations, treatment of customer accounts, § 34:146
- Priority of claim based on capital maintenance commitment, § 34:88
- Reorganization. Liquidation or reorganization, above
- Savings and Loan Associations (this index)
- Stockbroker liquidations, treatment of customer accounts, § 34:146
- Swap agreements, § 20:23
- Truth in Lending (this index)
- Turnover of property
  - good-faith transfers or payments, § 14:19, 14:50, 14:60
  - statements of debtor's depository and investment accounts, filing of, § 14:16
- Venue, § 7:186

### **BAR ASSOCIATIONS**

- Judges, § 4:14

### **BAR DATE**

- Proof of Claim (this index)
- Statute of Limitations (this index)

### **BARLEY**

- Allowance of claims or interest, § 24: 72
- Size and nature of claim, § 23:6

### **BASIS**

- Tax Treatment of Discharge (this index)

### **BEANS**

- Size and nature of claim, § 23:6

### **BENEFICIAL OWNERSHIP**

- Fraudulent transfers, § 19:16

### **BEQUESTS**

- Decedent's Estates (this index)

### **BEST INTEREST OF CREDITORS TEST**

- Chapter 9 and 11 cases, confirmation of plan despite rejection cram down, § 32:20
- Family farmer debt adjustment plans, § 33:31, 33:32, 33:49
- Individual Debt Adjustment Plans (this index)
- Reorganization cases, generally, § 28:20 to 28:24
- Turnover of property, § 14:75 to 14:78

### **BEST INTEREST OF DEBTOR**

- Reaffirmation of debts, § 35:240

### **BETTING**

- Gambling losses, fraudulent transfers and concealment of assets, § 19:40

### **BIAS OR PREJUDICE**

- Discrimination (this index)
- Exemptions, § 13:19
- Judges, § 4:31 to 4:33
- Preferential transfers, exceptions to avoidability, § 18:87
- United States trustees, § 4:75
- Use, sale, or lease of property, § 15:36
- Voluntary bankruptcy, § 8:101

### **BIDS AND BIDDING**

- Avoiding powers of trustee, collusive bidding on sale of property of estate, § 17:53
- Collusion (this index)
- Use, sale, or lease of property, collusive bidding, § 15:62

### **BIFURCATED TRIAL**

- Remand, § 7:126

**BIFURCATION OF CLAIMS**

Size and nature of claim, § 23:1 to 23:3, 23:30

**BILDISCO CASE**

Executory contracts, rejection of collective bargaining agreements as, § 20:102

**BILLBOARDS**

Advertising bankruptcy of company, automatic stay, § 16:38

**BILL OF EXCHANGE**

Commercial Paper (this index)

**BILLS AND NOTES**

Commercial Paper (this index)

**BIOTECHNOLOGICAL PRODUCTS**

Executory contracts and unexpired leases, § 20:72

**BIRTH DATE**

Privacy considerations, § 1:78

**BLANKET BONDS**

Trustees, § 4:82

United States trustees, § 4:82

**BOATS**

Vessels (this index)

**BONA FIDE DISPUTE**

Involuntary bankruptcy, § 9:21 to 9:28

**BONA FIDE PURCHASERS**

Avoidance power of trustee, § 17:28 to 17:30

Executory contracts and unexpired leases, § 20:68

Liens and encumbrances, § 12:40, 12:41

Sale of property, protection from reversal or modification on appeal, § 15:61

**BONDS (SECURITIES)**

Securities (this index)

**BONDS AND UNDERTAKINGS**

Appeal, supersedeas bonds, § 12:137, 37:51 to 37:56

Automatic stay, § 16:49, 16:63

Blanket Bonds (this index)

Conversion or dismissal, § 11:102

Creditors' meetings, recommendation of amount of trustee's bond at, § 6:43

Involuntary bankruptcy, § 1:113

Liquidation cases, bond requirements for trustees in, § 5:7

Municipal debt adjustment plans, § 32:12

Payroll withholding taxes, § 3:62, 3:64

Preferential transfer in reimbursement of surety, § 18:98

Removal or transfer of case, § 7:113, 7:121, 7:122

Rules of Bankruptcy Procedure (this index)

Supersedeas bonds, § 12:137, 37:51 to 37:56

Sureties (this index)

Trustees (this index)

Turnover of property, § 14:25

United States Trustees (this index)

**BONUSES**

Allowance of claims or interest, § 24:58

Debtor's earnings, § 12:64

Exemptions, § 12:99

Professional compensation, generally, § 2:77

**BOOK FEES**

United States trustees, § 4:64

**BOOKS AND PAPERS**

Avoidance of liens impairing exemptions, professional books, § 13:129, 13:147

## INDEX

### **BOOKS AND PAPERS—Cont'd**

- Disclosure statements, § 27:4
- Exemptions, avoidance of liens impairing, § 13:78, 13:129, 13:147
- Fraudulent transfers, evidence of insolvency, § 19:61
- Reorganization plans reorganization, disclosure statements, § 27:4
- Schedules (this index)
- Sovereign immunity as to public access to, § 6:78
- Turnover of property, § 14:13, 14:53, 14:89
- United States trustee, transmittal to, § 4:99, 4:101 to 4:107

### **BOOK VALUE**

- Family farmer debt adjustment plans, § 33:19, 33:20

### **BOOT**

- Tax-free corporate reorganization, § 3:49

### **BORROWING**

- Loans or Credit (this index)

### **BOYS MARKET EXCEPTION**

- Injunctions, § 7:167

### **BREACH OF CONTRACT OR LEASE**

- Allowance of claims, § 24:21, 24:29, 24:35, 24:46
- Automatic stay, § 16:16, 16:61, 16:165, 16:166
- Curing Default (this index)
- Executory contracts and unexpired leases, § 20:56, 20:57, 20:59
- Involuntary bankruptcy, § 9:20
- Preferences and preferential transfers, § 18:18, 18:72

### **BREACH OF FIDUCIARY DUTY**

- Causes of action, § 12:29

### **BREACH OF FIDUCIARY DUTY —Cont'd**

- Discharge exception for fiduciary fraud, § 1:167
- Discharge (this index)
- Trustees, § 5:105

### **BREAKUP FEES**

- Use, sale, or lease of property, § 15:32, 15:41, 15:42

### **BRIBERY**

- Professional persons, employment of, § 2:53

### **BRIEFS**

- Amicus curiae appearances or brief
  - appeals, filing, § 37:68
  - involuntary bankruptcy, § 9:62
- District court or bankruptcy appellate panel, generally, § 37:63 to 37:68
- Extension of time for filing and serving brief, § 37:63, 37:64
- Filing and service, extension of time for, § 37:63, 37:64
- Form requirements, § 37:66
- Length requirements, § 37:66, 37:67
- Rules of appellate practice, § 1:29

### **BROKERS AND DEALERS**

- Automatic stay, setoff rights, § 25:15
- Clerks, § 4:48
- Commodity Broker Liquidation (this index)
- Commodity Brokers (this index)
- Real Estate Agents and Brokers (this index)
- Securities Investor Protection Corporation (this index)
- Size and nature of claim, § 23:10
- Stockbroker Liquidation (this index)
- Stockbrokers (this index)

**BUILDING AND LOAN  
ASSOCIATIONS**

Savings and Loan Associations  
(this index)

**BULK TRANSFERS**

Jury trial, § 7:176

**BURDEN OF GOING FORWARD**

Claims or interests, § 24:20  
Collective bargaining agreements,  
rejection of, § 20:103

**BURDEN OF PROOF**

Presumptions and Burden of Proof  
(this index)

**BUREAU OF EMPLOYMENT  
SECURITY**

Automatic stay, § 16:92

**BURFORD ABSTENTION**

Generally, § 7:19

**BURIAL PLOTS**

Exemption, § 13:113

**BUSINESS ADDRESS**

Address (this index)

**BUSINESS CORPORATIONS**

Corporations (this index)

**BUSINESS DIVISION**

Judges, § 4:21

**BUSINESS EXPENSES**

Taxation, § 3:37

**BUSINESS HOURS**

Clerks, § 4:43

**BUSINESS INVENTORY**

Inventory (this index)

**BUSINESS JUDGMENT RULE**

Executory contracts and unexpired  
leases, § 20:31 to 20:34

**BUSINESS LUNCHEONS**

Reimbursement, § 2:85

**BUSINESS OPERATION**

Operation of Business (this index)

**BUSINESS OR TRADE**

See more specific topics

**BUSINESS TRUSTS**

Reorganization, eligibility to file  
bankruptcy, § 1:48

**BUYOUTS**

Fraudulent transfers and conceal-  
ment of assets, leveraged  
buyouts, § 19:76 to 19:78

**BYLAWS**

Charter or Bylaws (this index)

**CALENDARING**

Dockets (this index)

**CALENDAR YEAR**

Taxation, § 3:32

**CALIFORNIA**

Opt-out provision, § 13:6

**CANCELLATION**

Rescission or Cancellation (this  
index)

**CAPACITY TO SUE AND BE  
SUED**

Debtor in possession, § 5:106  
Trustees and examiners, § 5:1,  
5:48 to 5:50

**CAPITAL**

Basis adjustment, § 3:21  
Depository institutions, capital  
maintenance commitments,  
§ 20:14, 34:88  
Discharge of indebtedness, § 3:14  
to 3:16  
Expenditures. Capital  
Expenditures (this index)  
Fraudulent transfers, property  
remaining with debtor as  
unreasonably small capital,  
§ 19:57

## INDEX

### **CAPITAL—Cont'd**

- Gross income, § 3:10
- Obtaining credit. Loans or Credit (this index)
- Taxation
  - basis adjustment, § 3:21
  - discharge of indebtedness, § 3:14 to 3:16
  - expenditures. Capital Expenditures (this index)
  - gross income, § 3:10

### **CAPITAL EXPENDITURES**

- Carryover or carryback, § 3:58
- Separate taxable bankruptcy estate, § 3:37
- Taxation
  - carryover or carryback, § 3:58
  - separate taxable bankruptcy estate, § 3:37
- Use, sale, or lease of property, § 15:29

### **CAPITAL STOCK**

- Fraudulent transfers and concealment of assets, § 19:15, 19:16
- Stock, generally. Securities (this index)

### **CAPTIONS**

- Generally, § 1:76
- Notice to creditor to contain debtor's name, address and taxpayer identification number, § 6:6
- Rules of Bankruptcy Procedure (this index)
- Voluntary petition, § 8:21, 8:46

### **CARRIERS**

- Aviation (this index)
- Capacity to sue, § 5:48
- Negotiated Rates Act, § 7:7, 15:31
- Railroads (this index)
- Reorganization (this index)
- Trustee's capacity to sue, § 5:48

### **CARRYBACK**

- Carryover or Carryback (this index)

### **CARRYOVER OR CARRYBACK**

- Generally, § 3:39, 3:50 to 3:59
- Basis adjustment, § 3:20, 3:24
- Changes of ownership, generally, § 3:52 to 3:59
- Corporations (this index)
- Credits against taxes, § 3:39, 3:52
- Discharge of indebtedness, § 3:20, 3:21, 3:24
- Election not to have bankruptcy exception apply, § 3:57
- Interest on money, § 3:55
- Net operating loss or credit, § 3:39, 3:42
- Ownership changes, generally, § 3:52 to 3:59
- Percentage requirement test, § 3:54
- Reduction, generally, § 3:21, 3:55
- Reorganization, § 3:50, 3:52, 3:58
- Sec. 382 limitations, generally, § 3:51 to 3:59
- Second change of ownership within two-year period, § 3:56
- Separate taxable bankruptcy estate, generally, § 3:39, 3:42
- State and local taxes, § 3:10, 3:58
- Stock and stockholders, § 3:52
- Successor's inheritance of tax items from predecessor, § 3:50
- Title and ownership changes, generally, § 3:52 to 3:59
- Trafficking in carryovers, § 3:51

### **CASE TRUSTEE**

- Trustees (this index)

### **CASH**

- Generally. Money or Cash (this index)



**CASH BASIS TAXPAYER**

Tax treatment of discharge, § 3:16

**CASH COLLATERAL**

Adequate protection, § 21:7,  
21:35, 21:45, 21:64, 21:65

Deposit accounts, § 1:141

Hotel, motel, and lodging charges,  
§ 1:141, 15:24, 15:44

Jurisdiction, § 7:105

Securities, § 1:141

United States trustee, notice,  
§ 4:101

Use, Sale, or Lease of Property  
(this index)

**CASH CUSHION**

Equity cushion. Adequate Protec-  
tion (this index)

Family farmer debt adjustment  
plans, § 33:47

**CASH-FLOW**

Family farmer debt adjustment  
plans, § 33:3, 33:36, 33:44,  
33:47

Fraudulent transfers and conceal-  
ment of assets, § 19:59

**CASHIER'S CHECKS**

Preferences, exceptions to avoid-  
ability, § 18:66, 18:70, 18:71

**CASH SURRENDER VALUE**

Exempt property, life insurance,  
§ 13:85, 13:86

**CASUALTY INSURANCE**

Insurance and insurance  
companies, § 12:32, 12:33

**CAUSES OF ACTION**

Generally, § 12:25 to 12:30

Alter ego actions, § 12:30

Appointment of trustee's law firm  
to litigate, § 12:26

Breach of fiduciary duty, inclusion  
in bankruptcy estate, § 12:29

Claims distinguished, § 22:2

**CAUSES OF ACTION—Cont'd**

Conversion causing direct and  
personal damage, exclusion  
from bankruptcy estate,  
§ 12:29

Corporate debtors, § 12:29, 12:30

Corporate veil, actions to pierce,  
§ 12:30

Debtor in possession, § 12:26,  
12:29, 12:30

Director, action against, inclusion  
in bankruptcy estate, § 12:29

Emotional distress, action for  
damages, inclusion in bank-  
ruptcy estate, § 12:28

Exemption, personal injury  
claims, § 12:27

Expansion, rights of debtor against  
third parties, § 12:25

Fiduciary duty, breach of, § 12:29

Individual creditor and sharehold-  
ers, preclusion from enforce-  
ment of action for breach of  
fiduciary duty, § 12:29

Misconduct actions, inclusion in  
bankruptcy estate, § 12:29

Mismanagement actions, inclusion  
in bankruptcy estate, § 12:29

Misrepresentation actions, exclu-  
sion from bankruptcy estate,  
§ 12:29

Officers, actions against, inclusion  
in bankruptcy estate, § 12:29

Personal injury actions, exemp-  
tions, § 12:27

Property of estate, § 12:25 to  
12:30

Shareholders, actions against,  
inclusion in bankruptcy  
estate, § 12:29

Standing, § 12:26

Statute of limitations, § 12:25

Theft actions, exclusion from  
bankruptcy estate, § 12:29

Third parties, inclusion of actions  
against, § 12:25

## INDEX

### CAUSES OF ACTION—Cont'd

Tolling of statute of limitations,  
§ 12:25

Trustees (this index)

Unliquidated personal injury  
action against third party,  
inclusion in bankruptcy  
estate, § 12:27

### CAVEAT EMPTOR

Bankruptcy sales, § 15:59

### CD'S

Preferences, payments in ordinary  
course of business as excep-  
tion to avoidability, § 18:68

### CEMETERIES

Exemptions for burial plots,  
§ 13:113

### CERCLA

Comprehensive Environmental  
Response (this index)

### CERTAINTY AND DEFINITENESS

Specificity (this index)

### CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Automatic stay, § 16:67

Use, sale, or lease of property,  
§ 15:25

### CERTIFICATES AND CERTIFICATION

Clerk of court, § 4:50, 4:55

Credit counseling certificate,  
§ 6:19

Debtor in possession, § 5:109,  
5:114

Deposit, payments in ordinary  
course of business as excep-  
tion to preference avoid-  
ability, § 18:68

### CERTIFICATES AND

#### CERTIFICATION—Cont'd

Judges, certifications required  
before appointment of clerk,  
§ 4:41

Notice under 342(b), certificate of  
attorney or petition preparer  
giving debtor, § 6:16, 6:27

Petition preparers, Bankruptcy  
Court's certification of viola-  
tions to district court, § 2:48

Trustee or examiner eligibility and  
qualification, bond require-  
ments, § 5:7

Use, sale, or lease of property,  
§ 15:25

Voluntary bankruptcy, § 8:88

### CERTIFICATES OF DEPOSIT

Preferences, payments in ordinary  
course of business as excep-  
tion to avoidability, § 18:68

### CERTIFIED PUBLIC ACCOUNTANT

Accountants (this index)

### CFTC

Commodity Futures Trading Com-  
mission (this index)

### CHAMBERS

Orders in chambers, § 4:10

### CHANGE OF ADDRESS

Debtor's duty to file statement of  
change, § 6:26

### CHANGE OF VENUE

Generally, § 1:104, 7:191 to 7:198

Adversary proceedings, § 7:197

Burden of proof, § 7:194

Core proceedings, § 7:65

Death actions, § 7:198

Evidence, § 7:194, 7:196

Filing petitions involving same or  
related debtors in different  
courts, § 7:193

**CHANGE OF VENUE—Cont'd**

Hearing, § 7:192  
 Home court, § 7:197  
 Judicial Code (28 USCA), § 1:17  
 Notice, § 7:192  
 Outpost court, § 7:197  
 Personal injury cases, § 7:198  
 Petitions involving same or related debtors in different courts, § 7:193  
 Presumptions, § 7:194  
 Reference of cases, § 7:48  
 Related debtors in different courts, § 7:193  
 Rules of Bankruptcy Procedure, § 1:104  
 Same or related debtors in different courts, § 7:193  
 Torts, § 7:198  
 Wrongful death actions, § 7:198

**CHANGE OR MODIFICATION**

Adequate protection, automatic stay, § 21:6  
 Amendments (this index)  
 Automatic Stay (this index)  
 Carryover or Carryback (this index)  
 Creditors' and equity security holders' committees, § 6:59  
 Discharge (this index)  
 Executory Contracts and Unexpired Leases (this index)  
 Family Farmer or Fisher Debt Adjustment Plans (this index)  
 Individual Debt Adjustment Plans (this index)  
 Individual Debt Adjustment (this index)  
 Loans or credit, protection of lenders from reversal or modification of borrowing authorization, § 15:61  
 Mortgages and deeds of trust, § 26:31

**CHANGE OR MODIFICATION —Cont'd**

Municipal Debt Adjustment Plans (this index)  
 Operation of business, discontinuance or modification of debtor's business, § 15:15  
 Protective orders regarding confidential or defamatory matter, § 6:2  
 Reduction (this index)  
 Reorganization Plans (this index)  
 Reorganization (this index)  
 Taxation (this index)  
 Trustee's compensation for services, amendment of contract, § 5:83, 5:87  
 Use, sale, or lease of property, § 15:31, 15:61  
 Utilities, hearing to modify amount of security, § 16:244  
 Venue. Change of Venue (this index)  
 Voluntary bankruptcy, § 8:31, 8:66, 8:80

**CHAPTER 7**

Liquidation (this index)

**CHAPTER 9**

Municipal Debt Adjustment (this index)

**CHAPTER 11**

Reorganization (this index)

**CHAPTER 12**

Family Farmer or Fisher Debt Adjustment (this index)

**CHAPTER 13**

Individual Debt Adjustment (this index)

**CHAPTER 15**

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

## INDEX

### CHAPTER 20

Filing of Chapter 13 petition after receipt of Chapter 7 discharge, § **8:31**

### CHARACTER AND REPUTATION

Judges, § **4:14**

### CHARGE CARDS

Credit Cards (this index)

### CHARGES

Fees and Charges (this index)

### CHARITABLE INSTITUTIONS

Conversion or dismissal, § **11:56**  
Fraudulent transfers, contributions as, § **19:88**  
Individual debt adjustment plans, confirmation of, § **31:54**  
Trustee appointment, § **5:30**

### CHARTER OR BYLAWS

Filing of bankruptcy petition, § **8:6 to 8:8, 8:10**  
Reorganization plans, § **26:10, 26:18, 26:20**

### CHARTS

Conversion of cases, § **11:8**

### CHECKLISTS

Committees, powers and duties of Chapter 9 or 11 committees, § **6:50**  
Loans or credit, § **15:76**  
Petitions, voluntary petition, § **8:18**  
Trustee qualification, § **5:9**  
Venue, § **7:185, 7:188**  
Voluntary bankruptcy, § **8:18, 8:71**

### CHECKS

Avoiding power of trustee, check delivered prepetition, but honored postpetition, § **17:44**  
Bad Checks (this index)

### CHECKS—Cont'd

Insufficient funds checks, discharge fraud, § **35:95**  
Preferences and preferential transfers, § **18:42, 18:120 to 18:129**  
Trustees (this index)  
Turnover of checks honored postpetition, § **14:36**

### CHEMICAL WEAPONS CONVENTION

Automatic stay of action or proceeding under, § **16:88, 16:89, 16:91**

### CHIEF JUDGE

Generally, § **4:21**

### CHIEF JUSTICE OF THE UNITED STATES

Northern Pipeline ruling, § **7:137**  
Rules of practice, § **1:19**

### CHILDREN

Aid to Families with Dependent Children (this index)  
Alimony. Domestic Support Obligations (this index)  
Appearance by child support creditors or their representatives, § **6:37**  
Automatic stay exception for establishment of paternity and collection of support expanded, § **16:84**  
Avoidance of liens impairing exemptions, lien securing debt for support, § **13:140**  
Domestic Support Obligations (this index)  
Fraudulent transfers and concealment of assets, § **19:36, 19:37**  
Illegitimate Children (this index)  
Individual debt adjustment plans, confirmation of, § **31:50, 31:53**

**CHILDREN—Cont'd**

- Judges, § 4:36
- Next friend, filing of petition by, § 1:38
- Priority for child support debts, § 34:16, 34:17
- Privacy considerations, § 1:78
- Reorganization, children's trust, § 1:48
- Student Loans (this index)
- Support. Domestic Support Obligations (this index)
- Voluntary petitions, § 1:38, 8:47, 8:48

**CHILD SUPPORT**

- Discharge (this index)

**CHOICE OF CHAPTER**

- Evaluating debtor's case, § 1:67 to 1:72

**CHOSE IN ACTION**

- Causes of Action (this index)

**CHRISTMAS DAY**

- Clerks, § 4:43

**CHURCHES**

- Individual debt adjustment plans, confirmation of, religious donations, § 31:54

**CIRCUIT COURTS**

- Court of Appeals (this index)

**CIRCUIT JUDICIAL COUNCIL**

- Bankruptcy Appellate Panels, establishment in each circuit, § 37:26
- Rules of appellate practice, § 1:29

**CIRCUMSTANTIAL EVIDENCE**

- Exemptions, § 13:20

**CITIES**

- Municipalities (this index)

**CIVIL AERONAUTICS BOARD**

- Federal Aviation Administration (this index)

**CIVIL PROCEDURE RULES**

- Federal Rules of Civil Procedure (this index)

**CIVIL SERVICE**

- Generally, § 1:16, 1:17

**CLAIMS**

- Generally, § 1:143 to 1:147, 22:1 et seq.
- Adequate Protection (this index)
- Administrative Expenses (this index)
- Allowance of Claims or Interests (this index)
- Attorneys' Fees (this index)
- Attorneys (this index)
- Automatic Stay (this index)
- Bifurcation of Claims (this index)
- Causes of action distinguished, § 22:2
- Classification of claims. Class or Classification (this index)
- Codebtors (this index)
- Community claim, § 8:37
- Compensation (this index)
- Consumer Claims and Debts (this index)
- Contingent Claims (this index)
- Corporations. Securities (this index)
- Counterclaims (this index)
- Cross-claims, attorneys' fees, § 2:119
- Disallowed claims, setoff, § 25:25
- Estimates (this index)
- Estimation of claims and interests, jurisdiction, § 7:82 to 7:85
- Executory Contracts and Unexpired Leases (this index)

## INDEX

### CLAIMS—Cont'd

- Family Farmer or Fisher Debt Adjustment (this index)
- Hazardous waste cleanup expenses, § 22:2
- Hearing. Notice and Hearing (this index)
- Impairment of Claims (this index)
- Individual Debt Adjustment Plans (this index)
- Individual Debt Adjustment (this index)
- Involuntary Bankruptcy (this index)
- Involuntary Gap (this index)
- Jurisdiction, estimation of claims and interests, § 7:82 to 7:85
- Liens and Encumbrances (this index)
- Liquidation (this index)
- Marital property, equitable interest in, § 22:2
- Maturity of Claim or Interest (this index)
- Mortgages under which debtor's personal liability discharged, § 22:2
- Municipal Debt Adjustment (this index)
- Nature. Size and Nature of Claim (this index)
- Noncompetition covenant violation injunctions, § 22:2
- Nonrecourse Loans or Claims (this index)
- Objections, § 1:152, 24:7 to 24:31
- Order or Approval of Court (this index)
- Oversecured Claims (this index)
- Partially secured creditors or claims, section 1111(b) election, § 1:159, 23:2, 23:29, 27:28, 28:23, 28:36
- Petitions. Involuntary Bankruptcy (this index)

### CLAIMS—Cont'd

- Postpetition effect of security interest, § 23:31 to 23:40
- Preconversion claims, conversion or dismissal, § 11:82
- Priorities (this index)
- Privacy considerations, § 1:78
- Proof of Claim (this index)
- Reaffirmation or redemption where creditor has allowed claim for purchase price secured by personalty, § 6:18
- Reconsideration of claims. Allowance of Claims or Interests (this index)
- Reorganization Plans (this index)
- Reorganization (this index)
- Restitution obligations, § 22:2
- Rules of Bankruptcy Procedure (this index)
- Schedules (this index)
- Secured or Unsecured Claims (this index)
- Security interest, post petition effort of, § 23:31 to 23:40
- Setoffs of disallowed claims, § 25:25
- Size and Nature of Claim (this index)
- Small Claims (this index)
- Stockbroker liquidation, subordination, § 34:156
- Subordination (this index)
- Subrogation (this index)
- Taxation (this index)
- Trustees (this index)
- Turnover of Property (this index)
- Undersecured Claims (this index)
- Unliquidated Claims (this index)

### CLAIMS REGISTER

- Clerks, § 4:52
- Proof of claim, § 22:36

### CLASS OR CLASSIFICATION

- Family farmer debt adjustment plans, § 33:9, 33:11, 33:28

**CLASS OR CLASSIFICATION**

**—Cont'd**

Individual Debt Adjustment Plans  
(this index)

Proof of claim, filing of class,  
§ 22:20

Reorganization Plans (this index)  
Turnover of property, § 14:14

**CLAYTON ACT**

Antitrust waiting period, § 1:139

**CLEAN-UP COSTS OF  
HAZARDOUS OR TOXIC  
WASTES**

Hazardous Wastes (this index)

**CLEAN WATER ACT**

Automatic stay, § 16:93

**CLEAR AND CONVINCING  
EVIDENCE**

Correlative topic. Preponderance  
of Evidence (this index)

**CLEARING HOUSE**

Securities Clearing House (this  
index)

**CLEARING ORGANIZATION**

Commodity Broker Liquidation  
(this index)

Securities Clearing House (this  
index)

Stockbroker liquidation, § 6:74

**CLEARLY ERRONEOUS RULE**

Constitutional law, § 7:147

Core proceedings, § 7:61

Reference of cases, § 7:50

Reorganization plans, modifica-  
tion of exclusivity period,  
§ 26:61

Standard of review, § 37:19 to  
37:23

**CLERICAL ERRORS**

Correlative topic. Mistake (this  
index)

**CLERICAL ERRORS—Cont'd**

Allowance of claims or interest,  
§ 24:104

Voluntary bankruptcy, § 8:42

**CLERICAL EXPENSES**

Trustee's compensation for ser-  
vices, § 5:83, 5:87

**CLERK**

Court clerk. Clerk of Court (this  
index)

Law clerks, § 4:38

**CLERK OF COURT**

Generally, § 4:40 to 4:55

Abstention, § 7:21

Appeals, generally, § 4:47

Appointment, § 4:41

Attorneys' fees, § 2:120

Avoidance, § 17:90

Certificates and certification,  
§ 4:50, 4:55

Collection of fees and costs,  
§ 4:47

Conversion or dismissal, § 4:47,  
4:51

Copies, § 4:50, 4:52, 4:55

Creditors' and equity security  
holders' committees, § 6:46

Debtor in possession, § 5:114

Defined, § 4:40

Deputy clerks, generally, § 4:42

Director of Administrative Office,  
§ 4:53

Duties, generally, § 4:45 to 4:55

Electronic transmission of notice,  
§ 1:83, 22:55

Evidence, § 4:46, 4:55

Exemptions, § 13:31, 13:34,  
13:40

Filing

generally, § 4:46

fees, § 4:47, 4:50, 4:54

Hours, § 4:43



## INDEX

### CLERK OF COURT—Cont'd

Individual debt adjustment plans,  
confirmation, § 31:55, 31:58  
Involuntary bankruptcy, § 9:41,  
9:46, 9:47  
Judges, § 4:41, 4:42  
Judicial Conference, § 4:44, 4:47  
Judicial immunity, § 4:44  
Merger with district court clerk's  
office, § 4:44  
Notice  
generally, § 4:47, 4:48  
electronic transmission, § 1:83,  
22:55  
prepetition notice to debtor,  
§ 6:5  
United States trustee, § 4:102  
Order or approval of court, § 4:42,  
4:52  
Petitions, § 4:46, 4:49  
Proof of Claim (this index)  
Reclamation, § 17:90  
Record-keeping duties, § 4:52 to  
4:55  
Reference of cases, motions for  
withdrawal, § 7:36  
Registration, § 4:47, 4:52  
Remand, § 7:124  
Removal, § 7:114, 7:116  
Reorganization, § 4:47  
Review. Appeals, above  
Rules of Bankruptcy Procedure  
(this index)  
Search of indices and papers,  
§ 4:51  
Securities and Exchange Commis-  
sion, § 6:86  
Signature and verification, § 1:73,  
1:75  
Summons, issuance of, § 4:49  
Taxation, § 3:65  
Time and date, § 4:43, 4:48  
Transcripts, § 4:55  
Trustee's compensation for ser-  
vices, § 5:87

### CLERK OF COURT—Cont'd

United States trustee  
appellate judgment, § 4:107  
notice to, § 4:102  
summary of fees awarded,  
§ 4:103  
transmittals to, § 4:102  
Voluntary Bankruptcy (this index)

### CLOSELY HELD CORPORATIONS

Taxation, § 3:9

### CLOSING AND REOPENING CASES

Generally, § 1:169, 36:1 et seq.  
Accounts, § 36:4, 36:25  
Adding claims, § 36:17  
Adding creditors, § 36:16  
Administration of assets, reopen-  
ing of case for, § 36:12 to  
36:14  
Allowance of claims or interest,  
§ 24:100  
Amendments, § 36:16, 36:17  
Appeals, generally, § 36:33  
Attorneys, § 36:22  
Automatic stay, § 36:25  
Burden of proof, § 36:32  
Concealed assets, § 36:14  
Consolidating cases involving  
entireties property, § 36:21  
Conversion or dismissal, § 36:4  
Debtor in possession, § 36:4  
Denial of reopening, § 36:25  
Discharge of indebtedness, gener-  
ally, § 36:3, 36:15 to 36:17  
Discretion of court, § 36:9 to  
36:11, 36:33  
Distribution, § 36:6, 36:25, 36:27  
Effect of closing, § 36:7  
Evidence, § 36:13, 36:26  
Examiners. Trustees and examin-  
ers, below  
Exemptions  
generally, § 36:20, 36:21

**CLOSING AND REOPENING  
CASES—Cont'd**

Exemptions—Cont'd  
    avoidance of liens, § **13:167**  
    objections, § **13:47**  
Extension of time to commence  
    action, § **6:40**  
Family farmer debt adjustment,  
    § **36:1, 36:4**  
Filing, generally, § **36:1**  
Final accounting, § **36:4**  
Final decrees, § **36:6**  
Final report, § **36:1, 36:4**  
Fraud, § **36:16, 36:19**  
Good cause for reopening, § **36:18**  
    to **36:25**  
Husband and wife, § **36:21, 36:28**  
Individual debt adjustment,  
    § **36:1, 36:4**  
Judgments and decrees, § **36:6,**  
    **36:25**  
Liens and encumbrances, § **36:5,**  
    **36:20**  
Liquidation, § **36:1, 36:7, 36:12,**  
    **36:17, 36:19, 36:21, 36:26,**  
    **36:27**  
Mistake, § **36:24, 36:26**  
Motion, application, or request,  
    § **36:6, 36:8, 36:11**  
Municipal debt adjustment, § **36:2**  
Municipal debt adjustment plans,  
    § **32:34**  
Newly discovered evidence or  
    assets, § **36:13**  
Notice, § **36:1, 36:18, 36:19,**  
    **36:31, 36:32**  
Objections, § **36:29**  
Parties, § **36:26 to 36:29**  
Personal liability of trustees,  
    § **36:5**  
Previously unadministered assets,  
    § **36:12**  
Property of estate, § **12:121 to**  
    **12:123**  
Purchasers, § **36:28**

**CLOSING AND REOPENING  
CASES—Cont'd**

Redemption, § **12:110, 12:111**  
Reorganization, § **36:1, 36:4, 36:6**  
Reports, § **36:4**  
Rules of Bankruptcy Procedure,  
    § **1:169, 36:1, 36:6, 36:8,**  
    **36:10, 36:11, 36:15, 36:26**  
Sale or transfer, § **36:14, 36:28**  
Schedules, § **36:4, 36:12**  
Statute of limitations, § **36:8**  
Strangers, § **36:28**  
Sua sponte reopening, § **36:11**  
Tenancy by entireties, § **36:21**  
Time and date, § **36:1, 36:4, 36:6,**  
    **36:8, 36:30, 36:32**  
Title to property, § **36:23**  
Transferred assets, § **36:14**  
Trustees and examiners  
    generally, § **36:1 to 36:7, 36:12,**  
    **36:27**  
    appointment in reopened case,  
        § **5:20**  
United States trustees, § **4:86,**  
    **36:4**  
Value and valuation, § **36:1, 36:5**

**CLOSING OF PLANT**

Avoidability of preferences,  
    exceptions to, § **18:70**

**CLOTHING**

Wearing Apparel (this index)

**CODEBTORS**

Allowance of Claims or Interests  
    (this index)  
Discharge of, § **35:58**  
Distribution, subordination of  
    codebtor's claim, § **34:97**  
Education loan debt discharges,  
    § **35:185**  
Proof of claim, § **22:17, 22:18,**  
    **22:20**  
Reorganization plans, § **27:31**  
Stay. Codebtor Stay (this index)

## INDEX

### **CODEBTORS—Cont'd**

- Subordination, § **34:97**
- Subrogation (this index)
- Subrogation rights, tax and custom duties debts, § **35:77**
- Taxation, § **3:78**

### **CODEBTOR STAY**

- Generally, § **1:145, 16:75, 16:76**
- Burden of proof, § **16:203**
- Duration, § **16:121, 16:196**
- Exceptions, § **16:127**
- Relief from stay, § **16:123, 16:190 to 16:193**
- Sovereign immunity abrogated, § **6:78**

### **CODEFENDANTS**

- Multiple Parties (this index)

### **COERCION**

- Fraudulent transfers and concealment of assets, § **19:104**

### **COHABITATION**

- Voluntary petitions, § **8:47**

### **COLLATERAL**

- Adequate Protection (this index)
- Allowance of Claims or Interests (this index)
- Cash Collateral (this index)
- Costs and expenses of preserving or disposing of collateral.
  - Allowance of Claims or Interests (this index)
- Cross-Collateralization (this index)
- Family Farmer or Fisher Debt Adjustment Plans (this index)
- Family Farmer or Fisher Debt Adjustment (this index)
- Individual Debt Adjustment Plans (this index)
- Redemption, § **12:96, 12:104 to 12:108**
- Reorganization Plans (this index)

### **COLLATERAL—Cont'd**

- Use, Sale, or Lease of Property (this index)

### **COLLATERAL ATTACK**

- Waiver of sovereign immunity, § **6:83**

### **COLLATERAL ESTOPPEL**

- Discharge determinations, § **35:233 et seq.**

### **COLLECTION AND CREDIT AGENCIES**

- Automatic Stay (this index)
- Employment of professional persons, § **2:21**
- Individual debt adjustment plans, confirmation of, collection of future income by trustee, § **31:73**
- Preferences, payments in ordinary course of business as exception to avoidability, § **18:71**

### **COLLECTIVE BARGAINING AGREEMENTS**

- Generally, § **5:112, 20:96 to 20:128**
- Allowance of claims for breach, § **24:22, 24:29, 24:46**
- Application for court approval of rejection, § **20:122**
- Assumption or rejection by trustee, generally, § **20:96 to 20:105**
- Bildisco case, § **20:102**
- Burden and degree of proof, § **20:103**
- Claims classification, § **26:39**
- Creditors' committees, § **6:49, 6:55**
- Debtor in possession, § **5:112**
- Executory contracts, generally.
  - Executory Contracts and Unexpired Leases (this index)

**COLLECTIVE BARGAINING  
AGREEMENTS—Cont'd**

Filing of bankruptcy petitions,  
§ 20:105

Good faith, § 20:101, 20:105,  
20:121

Interim relief, § 20:126 to 20:128

Judgment, entry of, § 20:124

Modification, generally, § 20:106  
to 20:115

Nine element test, approval of  
court of rejection, § 20:100

Notice and hearing, § 20:123

Order or approval of court,  
§ 20:96, 20:99 to 20:102,  
20:122, 20:125

Prerequisites to approval of  
request for rejection, gener-  
ally, § 20:106 to 20:121

Presumptions and burden of proof,  
§ 20:103

Procedure, § 20:122 to 20:125

Protective orders, § 6:2, 20:99,  
20:125

Railroad reorganization, § 20:97

Railway Labor Act, § 20:97

Reorganization (this index)

Retiree benefits. Executory  
Contracts and Unexpired  
Leases (this index)

Snap-back provisions, § 20:104

Status of agreement pending rejec-  
tion, § 20:98

Time of meeting for modification,  
§ 20:120

Trustees or examiners, § 5:73

**COLLECTIVE NATURE**

Bankruptcy, § 1:2

**COLLEGE LOANS**

Discharge (this index)

**COLLEGES AND  
UNIVERSITIES**

Accreditation of College (this  
index)

**COLLEGES AND**

**UNIVERSITIES—Cont'd**

Automatic stay, § 16:39, 16:54,  
16:107

Discriminatory treatment of  
debtor, § 6:31

**COLLUSION**

Bidding

avoiding powers of trustee,  
§ 17:53

use, sale, or lease of property,  
§ 15:62

Fraudulent transfers and conceal-  
ment of assets, § 19:25,  
19:67

Trustees, § 12:72

**COLUMBUS DAY**

Clerks, § 4:43

**COMBAT ZONES**

Taxation, § 3:84

**COMITY**

Abstention (this index)

Ancillary and other cross-border  
cases under BAPCPA,  
§ 33A:10

Jurisdiction

generally, § 7:2

Abstention (this index)

remand, § 7:126

Remand, § 7:126

Turnover of property, § 14:11,  
14:74

**COMMENCEMENT OF CASE**

Generally, § 8:1 et seq., 9:1 et  
seq.

**COMMERCE SECRETARY**

Automatic stay, maritime foreclo-  
sure actions, § 16:125

**COMMERCIAL CODE**

Uniform Commercial Code (this  
index)

## INDEX

### COMMERCIAL

#### CORPORATIONS

Corporations (this index)

### COMMERCIAL INFORMATION

Protective orders regarding  
confidential or defamatory  
matter, § 6:2

### COMMERCIAL PAPER

Adequate protection, § 21:7,  
21:45, 21:55, 21:64  
Automatic stay, negotiable instru-  
ments, § 16:105  
Avoidability of preferences,  
exceptions to, § 18:43  
Cash collateral, § 1:141  
Checks (this index)  
Dishonor, preference avoidability,  
§ 18:42, 18:67  
Documents of Title (this index)  
Promissory Notes (this index)  
Turnover of property, § 14:21

### COMMINGLING

Fraudulent transfers, § 19:13,  
19:97  
Money order sale proceeds as  
property of estate, § 12:95  
Reorganization plans, claims clas-  
sification, § 26:39  
Trustee appointment, § 5:30  
Trusts, § 12:20, 12:21  
Turnover of property, § 14:41

### COMMISSIONS

After-acquired property, § 12:63,  
12:65  
Allowance of claims or interest,  
§ 24:58  
Earned income, § 34:50  
Priorities, § 34:44, 34:50  
Proof of claim, § 22:27  
Property of estate, § 12:63, 12:65  
Reorganization plans, effect of  
rejection of executory  
contract, § 26:24

### COMMISSIONS—Cont'd

Size and nature of claim, § 23:10  
Use, sale, or lease of property,  
§ 15:30

### COMMITTEES

Creditors' and Equity Security  
Holders' Committees (this  
index)  
Executory contracts and unexpired  
leases, retiree benefits,  
§ 20:133  
Reorganization (this index)  
Retired employees, committee of,  
§ 6:90

### COMMODITIES

Commodity Broker Liquidation  
(this index)

### COMMODITIES EXCHANGE ACT

Automatic stay, § 16:101

### COMMODITY BROKER LIQUIDATION

Accounts, distribution, § 34:160  
Automatic stay  
exceptions to automatic stay  
provisions, § 16:119 to  
16:121  
setoff rights, § 25:15  
setoffs, exceptions to stay,  
§ 16:120, 16:121  
Avoidance, § 17:6, 17:60, 17:61,  
18:6  
Calls and puts, distribution of  
customer property, § 34:175  
Clearing organization  
distribution, generally, § 34:172  
special distribution rules,  
§ 34:172  
Clerk, § 4:48  
Commodity options dealers, gen-  
erally, § 6:74  
Contract or agreement  
distribution, § 34:161 to 34:163

**COMMODITY BROKER**

**LIQUIDATION—Cont'd**

Contract or agreement—Cont'd  
liquidation of commodity  
contract by trustee,  
§ 34:161 to 34:163

Customer  
generally, § 6:74  
accounts, distribution, § 34:160  
instructions of customer, § 15:9,  
34:174

Customer property  
generally, § 34:164 to 34:178  
customer accounts, disposition  
of, § 34:160  
excess property, distribution of,  
§ 34:176 et seq.  
insufficient property, distribu-  
tion of, § 34:178  
margin payment, meaning of,  
§ 34:175  
net equity, meaning of,  
§ 34:167 to 34:175  
proprietary accounts, § 34:171  
records and books, net equity  
claims, § 34:169  
specifically identifiable prop-  
erty, § 34:173 to 34:175,  
34:177  
subordination of proprietary  
accounts, § 34:171

Delivery, § 15:9

Distribution  
generally, § 1:163, 34:159 to  
34:178  
accounts, § 34:160  
clearing organization, § 34:172  
contracts, § 34:161 to 34:163  
instructions of customers,  
§ 34:174  
liquidation of securities,  
§ 34:161 to 34:163  
specifically identifiable prop-  
erty, § 34:173 to 34:175,  
34:177

**COMMODITY BROKER**

**LIQUIDATION—Cont'd**

Equity, net, § 34:167 to 34:175  
Exceptions to automatic stay pro-  
visions, § 16:119 to 16:121

Excess property, distribution of,  
§ 34:176, 34:177

Exclusions of customer property  
from distribution, § 34:165,  
34:166

Executory contracts and unexpired  
leases, § 20:17, 20:23

Instructions, compliance by trustee  
with customer, § 15:9

Insufficient customer property,  
distribution of, § 34:178

Leverage transactions, § 6:74

Margin, operation of business,  
§ 15:9

Margin payment, distribution,  
§ 34:175

Net equity, distribution, § 34:167  
to 34:175

Offset. Setoff or offset, below

Operation of business, generally,  
§ 15:9

Options dealers, § 6:74

Payment, margin, § 34:175

Proof of claim, § 22:34, 22:42

Property, see more specific lines  
throughout topic

Proprietary accounts, § 34:171

Puts and calls, distribution of  
customer property, § 34:175

Records, distribution of net equity  
claims, § 34:169

Sale or transfer, § 5:69, 8:70

Securities, distribution of  
customer property, § 34:144  
to 34:158

Setoff or offset  
automatic stay of setoff,  
§ 16:120, 16:121

Subordination, distribution of  
unpaid portion of claim of

## INDEX

### COMMODITY BROKER

#### LIQUIDATION—Cont'd

customer, § 34:171

Transfer, distribution by trustee of  
customer property, § 8:70

#### Trustee

generally, § 5:69

avoidance powers, § 17:6,  
17:60, 17:61

customer property, above

Voluntary bankruptcy, § 8:38

### COMMODITY BROKERS

Fraudulent transfers and conceal-  
ment of assets, § 19:107

Liquidation. Commodity Broker  
Liquidation (this index)

### COMMODITY CONTRACTS

Commodity Broker Liquidation  
(this index)

### COMMODITY FUTURES

Commodity Futures Trading Com-  
mission (this index)

Liquidation. Commodity Broker  
Liquidation (this index)

### COMMODITY FUTURES

#### TRADING COMMISSION

Generally, § 1:18, 1:32, 1:163

Automatic stay, § 16:101

Conversion or dismissal, § 6:86

Interested party, § 6:86

### COMMODITY OPTIONS

#### DEALERS

Commodity broker liquidation,  
§ 6:74

### COMMON CARRIERS

Carriers (this index)

### COMMON LAW COMPOSITION

Generally, § 1:35

### COMMUNICATION FEES

United States trustees, § 4:64

### COMMUNITY CLAIM

Voluntary bankruptcy, § 8:37

### COMMUNITY PROPERTY

Automatic stay, § 16:122, 16:169

Distribution, liquidation, § 34:135  
to 34:137

Divorce, effect on property of  
estate, § 12:14, 12:15

Liquidation, § 34:135 to 34:137

Property of estate, effect of  
divorce on, § 12:14, 12:15

### COMPARABLE SERVICES

Compensation of professionals,  
§ 2:69

### COMPARISON OF VALUES

Fraudulent transfers and conceal-  
ment of assets, § 19:46

### COMPELLED ABANDONMENT

Property of estate, § 12:116,  
12:117, 12:130, 12:152

### COMPENSATION

Generally, § 2:1 et seq.

Abandonment of property, § 5:93

Accountants. Trustees, examiners,  
and professional persons,  
below

Adequate protection, § 21:12,  
21:47

Administrative Expenses (this  
index)

Agreements for compensating  
professional persons, gener-  
ally, § 2:58

Allowance of claims

administrative expenses,  
§ 24:52, 24:59

custodians, § 24:75

employment taxes, § 24:47,  
24:64

receivers, § 24:74

sickness and accident benefits,  
§ 24:62

Appeals (this index)



**COMPENSATION—Cont'd**

Applications. Motion, Application, or Request (this index)  
 Appointment of trustee, § **5:28**  
 Appraisers. Trustees, examiners, and professional persons, below  
 Assignment of wages, § **34:56**  
 Assignments for benefit of creditors, § **1:36**  
 Attachment and Garnishment (this index)  
 Attorneys' Fees (this index)  
 Auctioneers. Trustees, examiners, and professional persons, below  
 Automatic stay, § **16:50, 16:53, 16:85, 16:103**  
 Back pay awards, fraudulent transfers, § **19:73**  
 Bonuses (this index)  
 Breach of fiduciary duty, § **5:105**  
 Claims  
     generally, § **2:1**  
     allowance of claims, above  
 Commissions (this index)  
 Comparable services, cost of, § **2:69**  
 Computation of percentage fee, § **5:98**  
 Contingent fees, § **2:72**  
 Cost of comparable services, § **2:69**  
 Creditors' and equity security holders' committees, § **2:58, 6:44, 6:52**  
 Crimes and offenses, § **2:60, 12:144**  
 Criteria for determining amount, § **2:73 to 2:77**  
 Current income and expenditures, generally, § **8:62**  
 Debtor in possession, § **5:109**  
 Deductions From Wages (this index)

**COMPENSATION—Cont'd**

Deficient fee application or supporting documentation, § **2:96**  
 Denial of compensation, § **2:89 to 2:100, 5:104, 5:105**  
 Dental officers of armed forces, § **1:18**  
 Disclosure, § **2:62, 2:63, 2:91, 2:92, 2:97, 27:8**  
 Disinterestedness requirement, § **2:91, 2:92**  
 Dismissal of case, § **5:94**  
 Disposable Earnings or Income (this index)  
 Disqualification of trustee, § **5:105**  
 Distribution  
     generally, § **34:44 to 34:56**  
     amount of priority claim, § **34:46**  
     assignment of wages, § **34:56**  
     commissions, § **34:50**  
     persons included, § **34:55, 34:56**  
     priorities, generally, § **34:44 to 34:56**  
     severance pay, § **34:53, 34:54**  
     time of earning wages, § **34:47 to 34:62**  
     vacation pay, § **34:51, 34:52**  
     wage and commission claims, generally, § **34:44**  
 Documentation, § **2:96, 2:107**  
 Domestic Support Obligations (this index)  
 Double compensation, § **5:101, 5:102**  
 Duplication of effort or services, § **2:95**  
 Earnings or Income (this index)  
 Employer payments and income statements, debtor's filing of evidence of, § **6:17, 6:27**  
 Employment Taxes (this index)  
 Evidence, § **2:109, 2:110**

## INDEX

### COMPENSATION—Cont'd

Examiners. Trustees, examiners, and professional persons, below

Excessive fees or costs  
examination of debtor's transactions with attorney, § 2:67  
premium or bonus fee awards, § 2:77

Executory Contracts and Unexpired Leases (this index)

Exemptions  
loss of future earnings, § 13:112  
Pension or Retirement (this index)

Family Farmer or Fisher Debt Adjustment (this index)

Fee-Splitting (this index)

Fraudulent transfers and concealment of assets, § 19:73

Future Earnings or Income (this index)

Government agencies, § 6:85

Hourly rates of professional persons, generally, § 2:70, 2:71

Indenture trustees, § 6:71

Individual Debt Adjustment Plans (this index)

Individual Debt Adjustment (this index)

Interest, § 2:88

Interim compensation  
generally, § 1:107, 2:101 to 2:105, 5:89  
attorneys' fees, § 1:107, 2:101 to 2:105  
holdback of portion of compensation, § 2:103  
interest, § 2:88  
monthly compensation, § 2:104  
reduction of final award to reflect, § 2:89

### COMPENSATION—Cont'd

Interim compensation—Cont'd  
refund of excessive award, § 2:89  
superpriority and other administrative claims, § 2:105  
trustees, § 5:89

Intraoffice conferences, § 2:79, 2:95

Johnson 12-factor test, § 2:74

Judges, § 4:16, 4:19, 7:44

Jurisdiction, compensation of professional persons, § 7:80

Legal research, § 2:80

Local or national hourly rates, § 2:71

Lodestar approach, § 2:76

Meetings, attendance at, § 2:79

Minimum compensation, § 5:90

Monthly compensation, § 2:104

Motion, Application, or Request (this index)

Multi-factor tests, § 2:74, 2:75

Municipal debt adjustment, § 2:58

Nonprofessional services, § 2:93, 2:94

Notice and Hearing (this index)

Paraprofessionals, § 2:82, 2:93

Payroll Deduction (this index)

Pension or Retirement (this index)

Petitions  
attorneys' fees, involuntary case, § 2:117  
preparers, § 2:61  
priority for payment of petition filing fee, § 2:121

Premium fee awards, § 2:77

Presumptions and burden of proof, generally, § 2:77, 2:110

Prior employment order, § 2:90

Priorities. Distribution, above

Professional persons. Trustees, examiners, and professional persons, below

**COMPENSATION—Cont'd**

Proof of claim, § 22:27  
 Reasonable compensation for actual and necessary services, § 2:68 to 2:72  
 Receivers, § 2:60, 14:74  
 Records and reports, § 2:96, 2:120  
 Reduction of compensation, generally, § 2:89 to 2:100  
 Reimbursement (this index)  
 Relationship between employment and compensation provisions, § 2:2  
 Reorganization plans, disclosure of officers' and directors' compensation, § 27:8  
 Reorganization (this index)  
 Repayment (this index)  
 Retirement benefits. Pension or Retirement (this index)  
 Return of compensation, generally, § 2:98  
 Salaried employees, § 2:5  
 Several trustees, § 5:101  
 Severance pay, § 34:53, 34:54  
 Sharing of compensation, § 2:59, 5:103  
 Similar services, cost of, § 2:69  
 Social Security (this index)  
 Standing Trustees (this index)  
 Superpriority and other administrative claims, § 2:105  
 Travel time, § 2:78  
 Trustees, examiners, and professional persons  
     generally, § 1:106, 5:87 to 5:106  
     abandonment of property, § 5:93  
     administrative expenses, compensation of professional persons, § 34:32 to 34:34

**COMPENSATION—Cont'd**

Trustees, examiners, and professional persons—Cont'd  
     agreements for compensation, generally, § 2:58  
     application for fees  
         generally, § 2:106 to 2:112, 5:87  
         costs of preparing, § 2:81  
         review by United States trustee, § 4:79  
     appointment of trustee, § 5:28  
     attorney or accountant, trustee serving as, § 5:102  
     Attorneys' Fees (this index)  
     breach of fiduciary duty, § 5:105  
     Chapter 13. Individual Debt Adjustment (this index)  
     computation of percentage fee, § 5:98  
     criminal penalty for fixing of compensation, § 2:60  
     debtor's attorney in Chapter 12 or 13, § 2:68  
     denial of compensation, § 2:89 to 2:100, 5:104, 5:105  
     disclosure, § 2:62, 2:63, 2:92, 2:97  
     disinterestedness, § 5:104  
     dismissal of case, § 5:94  
     disqualification of trustee, § 5:105  
     double compensation, § 5:101, 5:102  
     duplicative, unbeneficial or unnecessary services, denial of compensation for, § 2:95  
     expense reimbursement, § 2:83 to 2:88  
     factors considered, § 2:73  
     Fee-Splitting (this index)  
     illustrative fee awards to trustees, § 5:106

## INDEX

### COMPENSATION—Cont'd

Trustees, examiners, and professional persons—Cont'd  
impaired claims, § 5:98  
Individual Debt Adjustment (this index)  
interim compensation, § 1:107, 2:101 to 2:105, 5:89  
interim trustees, § 5:88, 5:89, 5:97, 5:101  
jurisdiction, § 7:80  
limitation on trustee compensation, § 5:91  
Liquidation (this index)  
minimum compensation for Chapter 13 trustee, § 5:90  
1994 legislation, § 2:68, 2:73, 2:89  
Outside the Plan (this index)  
place to file applications and other papers, § 2:122  
priority for payment of petition filing fee, § 2:121  
record of fees, § 2:120  
reorganization, § 5:87, 5:91 to 5:95, 5:101  
several trustees, § 5:101  
sharing of compensation, § 2:59, 5:103  
Standing Trustees (this index)  
trustees, generally, § 2:94, 5:87 to 5:105  
United States trustees, below  
Turnover of Property (this index)  
Unemployment Compensation (this index)  
United States trustees  
generally, § 4:72, 4:81, 4:107, 5:83, 5:93, 5:94, 5:96  
application for compensation, § 4:79, 4:103  
family farmer debt adjustment, § 4:90, 4:92  
Fund for United States Trustee System, § 4:63, 4:64, 4:68

### COMPENSATION—Cont'd

United States trustees—Cont'd  
individual debt adjustment proceedings, § 4:90, 4:92  
notice and hearing, § 2:68, 4:101, 4:103  
Vacation Pay (this index)  
Withholding Taxes (this index)  
Workers' Compensation (this index)

### COMPENSATORY DAMAGES

Damages (this index)

### COMPETENCE

Incompetent and Insane Persons (this index)

### COMPETITORS

Protective Orders (this index)

### COMPILING, PRESERVING, AND PROTECTING ASSETS

Administrative expenses of preserving estate, § 34:25 to 34:27  
Allowance of Claims or Interests (this index)  
Avoidance (this index)  
Liens, § 12:42  
Loans to operate or wind up operation of debtor's business or affairs. Loans or Credit (this index)  
Operation of Business (this index)  
Preferences and preferential transfers, § 12:73  
Trustees, § 12:73  
Turnover of property, § 14:1, 14:63, 14:68  
Use, sale, or lease of property, § 15:28 to 15:30

### COMPLAINTS

Generally, § 1:81

**COMPLAINTS—Cont'd**

- Adversary proceedings, generally.  
Adversary Proceedings (this index)
- Allowance of claims by motion rather than complaint, § 24:16
- Answer (this index)
- Discharge objection  
amendment of, § 35:43  
dismissal of, § 35:52
- Discharge (this index)
- Individual debt adjustment plans, § 30:2
- Petition in bankruptcy. Petitions (this index)
- Property of estate, § 12:152
- Reference of cases, § 7:40, 7:51
- Removal, § 7:112
- Rules of Bankruptcy Procedure (this index)
- Sanctions, noncompliance with signing and verification requirements, § 7:158
- Size and nature of claim, § 23:4
- Turnover of property, § 14:1, 14:63, 14:86

**COMPOSITIONS**

- Plans. See more specific topics
- Workouts, § 1:35

**COMPREHENSIVE ENVIRONMENTAL RESPONSE**

- Automatic stay, Compensation and Liability Act of 1980, § 16:93
- Reference of cases, § 7:43

**COMPROMISE AND SETTLEMENT**

- Generally, § 1:156
- Notice and knowledge, § 1:84, 1:156, 4:101, 4:107
- Preferences, payments in ordinary course of business as excep-

**COMPROMISE AND**

**SETTLEMENT—Cont'd**

- tion to avoidability, § 18:58, 18:72
- Reorganization, § 1:156
- Reorganization plans  
generally, § 26:26  
disclosure statements, § 27:14, 27:15  
solicitation of plan acceptance or rejection, § 27:21
- Rules of Bankruptcy Procedure, § 1:84, 1:156, 4:107, 15:6, 15:7, 34:32
- United States trustees, § 4:101, 4:107
- Workouts (this index)

**COMPUTATION**

- Taxation, § 3:35
- Trustees, compensation of, § 5:97, 5:98, 5:101

**COMPUTERS**

- Generally, § 2:87
- Avoidance, liability of transferee of avoided transfer, § 17:66
- Chapter 13 plans, electronic filing of, § 30:2
- Debtor's surrender of data to trustee, § 6:23
- Notice, electronic transmission of, § 1:83, 22:55
- Preferences, timing of payments in ordinary course of business as avoidability exception, § 18:64
- Research, reimbursement for, § 2:87
- Turnover of property, computer stored data, § 14:13
- United States trustees, § 4:64
- Word processing, reimbursement for, § 2:86

**CONCEALMENT**

- Allowance of claims or interest, § 24:70

## INDEX

### CONCEALMENT—Cont'd

- Closing and reopening cases,  
§ 36:14
- Crimes and offenses, § 2:53,  
12:144, 12:145, 12:150
- Discharge of debtor denied on  
grounds of, § 35:8 et seq.
- Exemptions, § 13:19, 13:20,  
13:117
- Fraudulent Transfers and Conceal-  
ment of Assets (this index)
- Prepetition notice to debtor, § 6:5
- Professional persons, employment  
of, § 2:53
- Trustee, concealment by, § 5:61

### CONCILIATION

- Workouts (this index)

### CONCLUSIONS OF LAW

- Allowance of claims or interest,  
§ 24:17

### CONCLUSIVENESS OF JUDGMENTS OR DECREES

- Res Judicata (this index)

### CONCURRENT PAYMENT

- Family farmer debt adjustment  
plans, § 33:16

### CONDITIONAL SALES

- Injunctions, § 7:168
- Use, sale, or lease of property,  
§ 15:25

### CONDITIONS

- See also topics beginning with  
Contingent
- Automatic stay, § 16:141, 16:142
- Injunctions, railroad reorganiza-  
tion, § 7:168
- Sales. Conditional Sales (this  
index)

### CONDOMINIUM

- Reorganization of condominium  
association, § 1:46

### CONDUCTING BUSINESS OF DEBTOR

- Operation of Business (this index)

### CONFERENCES

- Fee awards, conference time,  
§ 2:79
- Judicial Conferences and Councils  
(this index)
- Pretrial Conference (this index)
- Status conference. Reorganization  
Plans (this index)

### CONFIDENTIALITY

- Allowance of claims or interest,  
§ 24:11
- Attorney-Client Privilege (this  
index)
- Consumer privacy ombudsman,  
§ 6:92
- Creditors' meetings
  - filings as public records,  
§ 10:43
  - press and public attendance at,  
§ 10:16
  - public access
    - generally, § 10:44
    - discretion of court, § 10:45
- Patient care ombudsman, § 6:94
- Protective Orders (this index)
- Tax returns, § 3:6, 3:72
- Trade secrets, protective orders,  
§ 6:2

### CONFIRMATION OF PLAN

- Adequate Protection (this index)
- Administrative expenses, expenses  
arising after confirmation,  
§ 34:20
- Allowance of claims or interest,  
§ 24:17
- Closing and reopening cases,  
§ 36:4
- Creditors' committees, § 6:54
- Distribution, effect on persons and  
property, § 34:20, 34:180

**CONFIRMATION OF PLAN**

—**Cont'd**

Examination under Rule 2004, postconfirmation, § **10:28**  
 Exemptions, § **13:13**  
 Family Farmer or Fisher Debt Adjustment Plans (this index)  
 Family Farmer or Fisher Debt Adjustment (this index)  
 Individual Debt Adjustment Plans (this index)  
 Jurisdiction, § **7:104**  
 Municipal Debt Adjustment Plans (this index)  
 Payments or repayments. Individual Debt Adjustment Plans (this index)  
 Postconfirmation Matters (this index)  
 Preconfirmation Modification of Plan (this index)  
 Reorganization Plans (this index)  
 Rules of Bankruptcy Procedure, § **1:84, 1:156**  
 Size and nature of claim, § **23:11**  
 United States trustees, § **4:94, 4:102, 4:104**  
 Voluntary bankruptcy, § **8:80**  
 Waiver of sovereign immunity, § **6:83**

**CONFISCATION**

Seizure of Person or Property (this index)

**CONFLICT OF INTEREST**

Interested Persons or Parties (this index)

**CONFLICT OF LAWS**

Governing Law (this index)

**CONGRESS**

Waiver of sovereign immunity, congressional intent, § **6:78**

**CONNECTICUT**

Opt-out provision, § **13:7**

**CONSCIOUSNESS**

Payroll withholding taxes, § **3:61**

**CONSENT DECREE**

Automatic stay, § **16:36**

**CONSENT OR APPROVAL**

Adequate protection, § **21:7, 21:35**  
 Allowance of Claims or Interests (this index)  
 Appeals (this index)  
 Constitutional law, consent of parties to appellate panel, § **7:145**  
 Executory Contracts and Unexpired Leases (this index)  
 Family farmer debt adjustment plans, § **33:38, 33:47**  
 Individual Debt Adjustment Plans (this index)  
 Individual Debt Adjustment (this index)  
 Jurisdiction  
     constitutional law, consent of parties to appellate panel, § **7:145**  
     reference of cases, § **7:47, 7:48, 7:50, 7:52**  
     removal, § **7:111**  
     subject matter jurisdiction, generally, § **7:6**  
 Jury trials by bankruptcy judges, § **7:178**  
 Order or Approval of Court (this index)  
 Professional Persons (this index)  
 Property of estate, § **12:131**  
 Ratification (this index)  
 Reference of cases, § **7:47, 7:48, 7:50 to 7:52**  
 Removal, § **7:111**  
 Reorganization Plans (this index)  
 Reorganization (this index)  
 Taxation (this index)



## INDEX

### CONSENT OR APPROVAL

#### —Cont'd

- Trustees (this index)
- Use, sale, or lease of property,  
§ 12:74, 15:23
- Voluntary bankruptcy, § 8:4, 8:47
- Waiver (this index)

### CONSERVATION

- Environmental Protection (this index)

### CONSERVING AND PROTECTING ASSETS

- Compiling, Preserving, and Protecting Assets (this index)

### CONSIDERATION

- Allowance of claims or interests,  
§ 24:33
- Proof of claim, § 22:21, 22:25

### CONSIGNMENTS

- Adequate protection, § 21:20
- Consumer Claims and Debts (this index)

### CONSOLIDATED RAIL CORPORATION (CONRAIL)

- Operation of business, § 15:17

### CONSOLIDATION LOAN

- Educational loan consolidation provisions, § 1:33
- Exemptions, avoidance of liens,  
§ 13:152

### CONSOLIDATION OF CASES

- Generally, § 1:115
- Change of venue, § 7:193
- Closing and reopening cases,  
§ 36:21
- Joint administration distinguished,  
§ 8:51
- Joint cases, generally, § 8:45 to 8:49, 8:52, 8:53
- Petitions, § 8:52 to 8:61

### CONSOLIDATION OF CASES

#### —Cont'd

- Preferential transfer during preference period, § 18:27
- Reference of cases, consolidation of adversary proceedings,  
§ 7:41
- Rules of Bankruptcy Procedure (this index)
- Voluntary bankruptcy generally, § 8:45 to 8:49, 8:51 to 8:61
  - joint cases, § 8:45 to 8:49, 8:52, 8:53
  - multiple debtors, § 8:54 to 8:61
  - notice and knowledge, § 8:60
  - petitions, § 8:45 to 8:48, 8:52, 8:53
  - retroactive application, § 8:61

### CONSOLIDATION OR MERGER

- Cases. Consolidation of Cases (this index)
- Claim transfers, § 22:25
- Clerks' offices, § 4:44
- Reorganization Plans (this index)
- Tax-free corporate reorganizations, § 3:45

### CONSPIRACY

- Fraudulent transfers and concealment of assets, § 19:96

### CONSTITUTIONAL LAW

- Generally, § 1:11
- Abstention (this index)
- Adequate protection, § 21:2
- Allowance of claims or interest,  
§ 24:47
- Appeals (this index)
- Appointment of judges, § 7:130
- Automatic stay, § 16:1, 16:3
- Bankruptcy Clause, § 1:8 to 1:11
- Clearly erroneous standard,  
§ 7:147

## CONSTITUTIONAL LAW

### —Cont'd

Comity (this index)  
 Conflict of laws. Governing Law (this index)  
 Consent of parties to appellate panel, § 7:145  
 Credibility of witnesses, § 7:147  
 De novo review, § 7:147  
 Discrimination (this index)  
 Due Process (this index)  
 Eleventh Amendment. Sovereign Immunity (this index)  
 Equal Protection (this index)  
 Exemptions  
   generally, § 13:14 to 13:18  
   delegation of authority to states, § 13:15  
   impairment of contracts, § 13:18  
   lien avoidance provisions, § 13:132 to 13:136  
   opt-out provisions, constitutionality of, § 13:14, 13:15  
   preemption, § 13:16, 13:17  
   retroactive state exemption statutes, § 13:17  
   Supremacy Clause, § 13:16, 13:17  
 Fifth Amendment (this index)  
 First Amendment (this index)  
 Fourteenth Amendment, attorney's solicitation of clients, § 2:46  
 Freedom of Speech and Press (this index)  
 Governing Law (this index)  
 Impairment of contracts, § 13:18  
 Incompetency of judges, § 7:130  
 Judges, § 7:130, 7:143  
 Jurisdiction (this index)  
 Misconduct of judges, § 7:130  
 Northern Pipeline Decision (this index)

## CONSTITUTIONAL LAW

### —Cont'd

Opt-out provisions, constitutional-ity, § 13:14, 13:15  
 Police Power (this index)  
 Preemption, § 13:16, 13:17  
 Proof of claim, § 22:53  
 Referral of cases, § 7:146  
 Removal of judges, § 7:130  
 Retroactive state exemption statutes, § 13:17  
 Self-Incrimination (this index)  
 Separation of powers concerns, § 7:138  
 Size and nature of claim, § 23:32  
 Sovereign Immunity (this index)  
 Supremacy Clause (this index)  
 Tenure of judges, § 7:130, 7:143  
 Use, sale, or lease of property, § 15:31  
 Voluntary bankruptcy  
   due process, § 8:42, 8:43  
   lists, schedules, and statements, § 8:75, 8:90

## CONSTRUCTION AND INTERPRETATION

Adequate protection, indubitable equivalent, § 21:12  
 Allowance of claims or interest, § 24:56, 24:71, 24:72  
 Automatic stay, § 16:78  
 Avoidance of liens, § 13:136, 13:155, 17:19, 17:55  
 Chapter 15, § 33A:9  
 Exceptions from discharge, § 35:73  
 Exemptions, § 13:9, 13:12, 13:13, 13:136, 13:155  
 Individual debt adjustment plans, § 30:8, 30:11, 30:15  
 Interest of the debtor in property, § 19:12  
 Preference distinguished from fraudulent transfer and setoff, § 18:2

## INDEX

### CONSTRUCTION AND INTERPRETATION—Cont'd

- Reclamation, timeliness of demand, § 17:79
- Size and nature of claim, § 23:3, 23:26, 23:38

### CONSTRUCTIVE DEFAULT

- Automatic stay, § 16:165

### CONSTRUCTIVE FRAUD

- Fraudulent Transfers and Concealment of Assets (this index)

### CONSTRUCTIVE KNOWLEDGE

- Closing and reopening cases, § 36:18, 36:20

### CONSTRUCTIVE OCCUPATION

- Homestead exemption, § 13:61

### CONSTRUCTIVE TRUSTS

- Automatic stay, § 16:53
- Exemptions, § 13:19
- Property of estate, § 12:19 to 12:21
- Trustee's avoiding powers, § 17:22
- Turnover of property, § 14:40

### CONSULTANTS

- Employment of professional persons, § 2:21

### CONSUMER CLAIMS AND DEBTS

- Allowance of claims or interest, § 24:24, 24:26, 24:27
- Attorney General's appearance on behalf of consumer creditors, § 6:36
- Automatic stays, § 16:75, 16:76
- Family farmer debt adjustment plans, discretionary provisions, § 33:11
- Individual debt adjustment, generally, § 16:75, 16:76

### CONSUMER CLAIMS AND DEBTS—Cont'd

- Liquidation, schedule of assets and liabilities, § 12:159
- Preferences and preferential transfers, exceptions to avoidability, § 18:73, 18:74, 18:92, 18:93
- Priorities, § 34:87
- Proof of claim, § 22:21, 22:56
- Redemption, § 12:114
- Truth in Lending (this index)
- United States trustees, § 4:93
- Voluntary Bankruptcy (this index)

### CONSUMERS

- Debtor discharge education programs, § 35:35

### CONTEMPORANEOUS EXCHANGE FOR NEW VALUE

- Avoiding powers of trustee, § 18:39 to 18:45, 18:78 to 18:84

### CONTEMPT

- Generally, § 7:151, 7:155
- Appeal of contempt order, § 37:7
- Automatic stay, § 16:23, 16:37, 16:67, 16:82, 16:179, 16:196, 16:215, 16:216
- Constitutionality of vesting contempt in non-Article III court, § 7:152
- Criminal contempt, § 7:151, 7:155
- De novo review, § 7:151
- Discharge denials for refusal of court order generally, § 35:27 et seq.
- discretion of court, § 35:28
- self-incrimination assertions, § 35:29
- Disqualification of judge, § 7:155
- Implied power, § 7:154
- Involuntary bankruptcy, § 9:16
- Judges, § 7:155

## **CONTEMPT—Cont'd**

Jurisdiction  
 generally, § 7:151 to 7:156  
 constitutionality of vesting  
   contempt in non-Article III  
   court, § 7:152  
 implied power, § 7:154  
 order of contempt, § 7:156  
 practice and procedure, § 7:155,  
   7:156  
 statutory authority, § 7:153  
 Non-Article III court, § 7:152  
 Northern Pipeline case, § 7:153  
 Notice, § 7:155  
 Order of contempt, § 7:156  
 Service of process, § 7:155  
 Statutory authority, § 7:153  
 Turnover of property, § 14:33,  
   14:84

## **CONTENTS**

Family farmer debt adjustment  
 plans, § 33:7 to 33:23  
 Municipal debt adjustment plans,  
   § 32:1 to 32:4  
 Proof of claim, § 22:27 to 22:37  
 Reorganization plans, § 26:7 to  
   26:35

## **CONTESTED MATTERS**

Generally, § 1:89  
 Allowance of claims or interest,  
   § 24:15  
 Motion, Application, or Request  
   (this index)  
 Taxation, contested prepetition  
   determination by competent  
   tribunal, § 3:76

## **CONTINGENCY RESERVE OR CUSHION**

Individual debt adjustment plans,  
 § 31:35, 31:36, 31:53

## **CONTINGENT ASSET**

Property of estate, § 12:123

## **CONTINGENT CLAIMS**

Correlative topics  
 Maturity of Claim or Interest  
   (this index)  
 Allowance of Claims or Interests  
   (this index)  
 Automatic stay, § 16:16  
 Fraudulent transfers and conceal-  
   ment of assets, § 19:64  
 Individual debt adjustment, § 1:56  
 Involuntary Bankruptcy (this  
   index)  
 Preferential transfers, valuation of  
   assets, § 18:23  
 Size and nature of claim, § 23:13  
 Turnover of property, § 14:34,  
   14:37, 14:48

## **CONTINGENT FEES**

Professional persons, compensa-  
 tion of, § 2:72

## **CONTINGENT OBLIGATION LOANS**

Discharge, § 35:184

## **CONTINGENT OR SPECULATIVE SOURCE OF FUNDING**

Individual debt adjustment plans,  
 confirmation of, § 31:38

## **CONTINGENT REMAINDERS**

Property of estate, § 12:77, 12:78

## **CONTINUANCE OF ACTION OR PROCEEDING**

Automatic stay, § 16:10, 16:18 to  
 16:27, 16:88, 16:127, 16:141  
 to 16:143, 16:153, 16:193,  
 16:201

Injunctions, § 7:165

Interested party, generally, § 6:1

## **CONTINUATION OF BUSINESS**

Operation of Business (this index)

## INDEX

### CONTINUATION OF LIEN

Automatic stay, § 16:69

### CONTINUATION STATEMENT

Size and nature of claim, § 23:39

### CONTINUED PERFORMANCE

Executory contracts and unexpired leases, § 20:76

### CONTINUED POSSESSION

Executory contracts and unexpired leases, § 20:62 to 20:65

### CONTINUING JURISDICTION

Generally, § 7:180

Municipal debt adjustment plans, § 32:34

Reorganization, postconfirmation jurisdiction, § 28:67

### CONTINUING LEVY THEORY

Preferential transfers, timing of payments under garnishment orders, § 18:130

### CONTINUING OFFENSES

Professional persons, employment of, § 2:53

### CONTINUITY OF INTEREST

Tax-free corporate reorganization, § 3:48

### CONTRACT INTEREST RATE

Family farmer debt adjustment plans, § 33:40

Individual debt adjustment plans, § 31:31 to 31:32

### CONTRACTORS

Employment of professional persons, § 2:5

Reorganization plans, classification of contractor's bond claim, § 26:39

Trustee's capacity to sue, § 5:48

### CONTRACT RATE

Contract Interest Rate (this index)

### CONTRACTS AND AGREEMENTS

Adequate protection, § 21:37, 21:70

Allowance of Claims or Interests (this index)

Attorney's contract with consumer client, § 2:57

Attorneys' fees, § 2:64

Automatic stay relief, § 16:61, 16:172

Breach of Contract or Lease (this index)

Collective Bargaining Agreements (this index)

Commodity Broker Liquidation (this index)

Compensation of trustee, § 5:87

Consideration (this index)

Contingent fees, § 2:72

Conversion or dismissal, § 11:81

Core proceedings, § 7:77, 7:85, 7:96

Debtor in possession, § 5:111, 5:112

Employment Contracts (this index)

Examiners. Trustees and examiners, below

Executory Contracts and Unexpired Leases (this index)

Forum selection clauses, § 7:189

Forward Contract Merchants (this index)

Forward Contracts (this index)

Impairment of Contracts (this index)

Insurance and insurance companies, § 12:32

Intellectual property licenses, applicability of, § 20:70 to 20:76

Interest on money. Contract Interest Rate (this index)

## CONTRACTS AND

### AGREEMENTS—Cont'd

Ipso Facto or Bankruptcy Clauses  
(this index)

Jurisdiction

generally, § 7:77

core proceedings, § 7:77, 7:85,  
7:96

Liquidation (this index)

Nonassignable and nondelegable  
contracts, § 20:24 to 20:27

Preferential transfers, creditor's  
forbearance of contractual  
right, § 18:49

Priorities, § 34:72

Reaffirmation of Debts (this  
index)

Rejection of contract, generally,  
§ 1:148 to 1:150

Reorganization Plans (this index)

Repurchase or Repo Agreements  
(this index)

Rescission or Cancellation (this  
index)

Sale and leaseback agreements,  
§ 20:9

Security Agreement (this index)

Size and Nature of Claim (this  
index)

Stockbroker Liquidation (this  
index)

Subordination, § 34:92, 34:93

Trustees and examiners

capacity to sue, § 5:48

compensation of, § 5:87

Leases (this index)

reorganization, § 5:73

United States trustees, § 4:74

United States Trustees, § 4:74

Use, Sale, or Lease of Property  
(this index)

Venue, contractual forum selec-  
tion, § 7:189

## CONTRACTS CLAUSE

Exemptions, avoidance of liens,  
§ 13:132

## CONTRIBUTION

Allowance of claims or interest,  
§ 24:105

Indemnification (this index)

Size and nature of claim, § 23:23

## CONTRIBUTIONS

Distribution, employee benefit  
plans, § 34:59

Gifts (this index)

Proof of claim, § 22:18

## CONTROLLED CORPORATIONS

Insiders (this index)

Taxation, § 3:85

## CONTROL OF ESTATE

Property of estate, § 12:5

## CONVENIENCE OF PARTIES AND WITNESSES

Change of venue, § 7:191

Forum Non Conveniens (this  
index)

## CONVERSION OF PROPERTY

Exemptions (this index)

Fraudulent transfers and conceal-  
ment of assets, § 19:86

Trustee appointment, § 5:30

Willful and malicious torts, dis-  
charge exception for,  
§ 35:173 et seq.

## CONVERSION OR DISMISSAL

Generally, § 1:119 to 1:131, 11:1  
to 11:102

Ability to pay, dismissal for,  
§ 11:40

Abstention, § 1:97

Abuse

means-testing, conversion from  
a Chapter 7 case, § 11:15  
to 11:34

Accounting, § 11:89

After-acquired property, § 12:61

## INDEX

### CONVERSION OR DISMISSAL

#### —Cont'd

- Allowance of claims or interest,  
§ 24:55
- Appeals (this index)
- Assessment, § 3:78
- Attorneys' fees, § 2:117, 11:99
- Automatic dismissal for Chapter 7  
or 13 debtor's failure to file  
certain documents, § 6:27
- Automatic stay, § 16:163
- Avoiding powers limitations,  
§ 17:64
- Bad faith, dismissal for, § 11:39
- Bankruptcy Act of 1898, § 1:16
- Bonds and undertakings, § 11:102
- Cause, dismissal for
  - 11 U.S.C.A. Sec. 707(a),  
§ 11:42
  - ability to pay, § 11:40
  - actions constituting cause,  
§ 11:38 to 11:40
  - bad faith, § 11:39
  - court order, § 11:36
  - debtor's motion to dismiss,  
§ 11:41 to 11:43
  - motion, notice, and hearing,  
§ 11:37
  - objection by trustee, § 11:43
  - Securities Investor Protection  
Corporation proceedings,  
§ 11:44
- Causes of action, § 12:29
- Chapter 7. Liquidation (this index)
- Chapter 9. Municipal Debt Adjust-  
ment (this index), Municipal  
Debt Adjustment Plans (this  
index)
- Chapter 11. Reorganization (this  
index)
- Chapter 12. Family Farmer Debt  
Adjustment (this index)
- Chapter 13. Individual Debt  
Adjustment (this index)

### CONVERSION OR DISMISSAL

#### —Cont'd

- Chart for conversion of cases,  
§ 11:8
- Clerk of courts, § 4:47, 4:51
- Closing and reopening cases,  
§ 36:4
- Compensation of trustee or  
examiner, § 5:94, 5:95, 5:101
- Costs. Fees and costs, below
- Court order, dismissal by, § 11:36
- Crime victim's, dismissal in best  
interest of, § 11:35
- Damages, § 11:99 to 11:101
- Date. Time and date, below
- Death or incompetency of debtor,  
§ 6:10
- Debtor's motion to dismiss,  
§ 11:41 to 11:43
- Discharge of converted case  
debtor, time for objection to  
discharge, § 35:46
- Discharge (this index)
- Eligibility to file bankruptcy  
affected by prior dismissal,  
§ 1:39
- Examiners. Trustees and examin-  
ers, below
- Executory contracts and unexpired  
leases, § 11:81
- Exemptions, § 13:34, 13:35,  
13:37
- Expenses. Fees and costs, below
- Family Farmer or Fisher Debt  
Adjustment Plans (this index)
- Farmers and Farm Products (this  
index)
- Fees and costs
  - attorneys' fees, § 2:117, 11:99
  - filing and filing fees, below
  - judgments, § 11:99
  - termination of fee obligation,  
§ 11:87, 11:94
- Filing and filing fees  
generally, § 1:131

## CONVERSION OR DISMISSAL

### —Cont'd

Filing and filing fees—Cont'd  
 new filing periods, § **11:85**  
 Final reports, § **11:89**  
 Fraudulent transfers and concealment of assets, § **19:20, 19:115, 19:117**  
 Good or Bad Faith (this index)  
 Hearing. Notice and hearing, below  
 Individual Debt Adjustment Plans (this index)  
 Individual Debt Adjustment (this index)  
 Involuntary Bankruptcy (this index)  
 Involuntary petitions, dismissal, § **11:10**  
 Judges, § **4:24**  
 Jurisdiction, § **7:9, 7:16, 7:48, 7:55, 7:75**  
 Liquidation (this index)  
 Mootness of appeals, § **11:88**  
 Municipal debt adjustment, § **1:128**  
 Municipal debt adjustment plans, § **32:13, 32:28**  
 New filing periods, § **11:85**  
 Notice and hearing  
   generally, § **1:82, 11:80, 11:92**  
   creditors, notice to, § **6:37**  
   United States trustee, § **4:101, 4:106**  
 Objection by trustee, dismissal for, § **11:43**  
 Operation of business, § **15:4, 15:10, 15:20**  
 Orders, generally, § **11:14, 11:36, 11:78, 11:79**  
 Pending cases, § **11:97**  
 Preconversion claims, § **11:82**  
 Proof of claim, § **22:49, 22:50, 22:52**

## CONVERSION OR DISMISSAL

### —Cont'd

Property of estate  
 Chapter 12 or 13, after conversion from, § **11:90**  
 determination as of date of filing original petition, § **12:3**  
 Railroad reorganization, § **1:121**  
 Reconversion (this index)  
 Records, generally, § **11:91**  
 Redemption, § **12:109 to 12:111**  
 Reinstatement, § **11:96**  
 Reorganization Plans (this index)  
 Reorganization (this index)  
 Reports, § **11:89**  
 Revesting, § **11:96**  
 Right of debtors to conversion or dismissal, § **11:11, 11:48, 11:67, 11:68**  
 Rules of Bankruptcy Procedure, § **1:82, 1:119**  
 Securities Investor Protection Corporation proceedings, § **11:44**  
 Separate taxable bankruptcy estate, § **3:29**  
 Standing of trustee to oppose dismissal, § **5:68**  
 Stays, § **11:86, 11:93**  
 Subsequent bankruptcy cases, § **11:95**  
 Superseded cases, § **11:84, 11:88, 11:89**  
 Taxation  
   assessment, § **3:78**  
   separate taxable bankruptcy estate, § **3:29**  
   trustee's duties, § **3:72**  
 Tax returns, debtor's failure to file or provide trustee with copies of federal, § **6:21**  
 Termination  
   fee obligations, § **11:87, 11:94**



## INDEX

### CONVERSION OR DISMISSAL

#### —Cont'd

- Termination—Cont'd
  - trustee's or examiner's services, § 11:83
- Time and date
  - filing periods, § 11:85
  - Individual Debt Adjustment (this index)
    - subsequent bankruptcy cases, § 11:95
- Trustees and examiners
  - generally, § 5:2, 5:83
  - avoiding powers limitations, § 17:64
  - compensation, § 5:94, 5:95, 5:101
  - duties, generally, § 3:72
  - Liquidation (this index)
    - standing of trustee to oppose dismissal, § 5:68
    - termination of service, § 11:83
  - United States Trustees (this index)
- Turnover of property, § 14:11, 14:27, 14:28
- Unaffected matters, § 11:78
- United States Trustees (this index)
- Use, sale, or lease of property, § 15:31
- Vacation of case, § 11:96
- Voluntary bankruptcy
  - filing fees, § 8:86
  - filing of petition, § 8:3, 8:6
  - good faith, § 8:23, 8:25, 8:28, 8:31
  - joint cases and joint plans, § 8:48
  - lists, schedules, and statements, § 8:89
  - United States trustee system fees, § 8:91, 8:92, 8:95
- Voluntary conversion, generally, § 4:47, 4:63, 4:65

### CONVERSION OR DISMISSAL

#### —Cont'd

- Voluntary dismissal
  - appeal, Bankruptcy Appellate Panels and district courts, § 37:50
  - Workouts, § 1:35
- CONVERTIBLE SECURITY**
  - Equity security holders' committees, § 6:69
- CO-OBLIGORS**
  - Codebtors (this index)
- COOPERATION WITH TRUSTEE**
  - Ancillary and other cross-border cases under BAPCPA, § 33A:19 to 33A:21
  - Debtor's duty to cooperate, § 6:23, 6:26
  - Turnover of property, § 14:16
- COOPERATIVE BANKS**
  - Liquidation, § 1:42
- CO-OWNERSHIP**
  - Joint or Co-ownership Interests (this index)
- COPIES**
  - Clerk of court, § 4:50, 4:52, 4:55
  - Conforming to original, § 1:75
  - Creditor's right to receive, § 6:39
  - Disclosure statements, § 27:11, 27:21
  - Equity security holders' committees, § 6:65
  - Exemptions, § 13:34
  - Family farmer debt adjustment plans, reorganization plan, § 33:2, 33:50
  - Government agencies, § 6:85
  - Individual debt adjustment plans, § 30:2, 30:5, 30:6
  - Involuntary bankruptcy, § 9:27, 9:41, 9:44, 9:47

**COPIES—Cont'd**

- Liquidation, statement of intent, service, § **12:159**
- Municipal debt adjustment plans, § **32:7**
- Petitions, § **8:20, 8:22, 8:44**
- Photocopying charges, reimbursement for, § **2:84**
- Proof of claim, § **22:28, 22:33**
- Reimbursement, § **2:84**
- Reorganization plans
  - generally, § **26:2**
  - disclosure and disclosure statements, § **27:11, 27:21**
  - U. S. trustee, § **4:101, 4:104**
- Rules of Bankruptcy Procedure (this index)
- Signing and verification, § **1:75**
- Tax returns, federal, § **6:21**
- United States trustees, § **4:98, 4:99, 4:101 to 4:107**
- Voluntary Bankruptcy (this index)

**COPYRIGHTS AND TRADEMARKS**

- Intellectual property, generally.
- Intellectual Property (this index)
- Voluntary bankruptcy, § **8:21**

**CORE PROCEEDINGS**

- Generally, § **1:99, 1:100, 7:47 et seq.**
- Abandonment of property, § **7:79**
- Abstention, § **1:97, 7:23, 7:65, 7:75**
- Accounts receivable collection, § **7:59**
- Adjustment of debtor-creditor/equity security holder relationship, § **7:107**
- Administration of estate, generally, § **7:72 to 7:81**
- Allowance of claims, § **7:82 to 7:85, 24:17**

**CORE PROCEEDINGS—Cont'd**

- Annulment of automatic stay, § **7:96 to 7:98**
- Appeals (this index)
- Attorney disqualification, § **7:80**
- Automatic stay, § **7:73, 7:74, 7:96 to 7:98, 16:194**
- Avoiding preferences, § **7:94, 7:95**
- Breach of warranty, § **7:83**
- Broad or narrow construction, § **7:61**
- Cash collateral, § **7:105**
- Catchall provisions, § **7:63**
- Change of venue, § **7:65**
- Cleanup costs, § **7:79**
- Clearly erroneous standard, § **7:61**
- Collateral, use of, § **7:105**
- Collection of accounts receivable, § **7:59**
- Compensation of professional persons, § **7:80**
- Compulsory counterclaims, § **7:86**
- Conclusions of law, § **7:5**
- Confirmation of plans, § **7:104**
- Construction and interpretation, § **7:61**
- Contracts, § **7:77, 7:85, 7:96**
- Counterclaims
  - generally, § **7:62, 7:86 to 7:89**
  - appellate review, § **7:71**
  - dischargeability, § **7:101**
- Credit, § **7:90**
- Debtor-creditor/equity security holder relationship, § **7:107**
- Debtor in possession, § **7:69**
- Disallowance of claims, § **7:82 to 7:85**
- Discharge of debt, § **7:101, 7:102, 7:179**
- Dismissal, § **7:75**
- Disputed liability and unmatured claims, § **7:92**
- Disqualification of attorney, § **7:80**
- Distribution of estate, § **7:76**

## INDEX

### CORE PROCEEDINGS—Cont'd

District court's determination,  
§ 7:68  
Employment and compensation of  
professional persons, § 7:80  
Environmental matters, § 7:79  
Equitable subordination and  
reclamation, § 7:76, 7:109  
Equity security holder/debtor-  
creditor relationship, § 7:107  
Estimation of claims and interests,  
§ 7:82 to 7:85  
Exclusive jurisdiction, § 7:9  
Executory contracts, § 7:77, 7:78,  
7:85, 7:96, 7:108  
Exemptions, allowance or disal-  
lowance of exemptions as  
core proceeding, § 13:52  
Extent of liens, § 7:103  
Findings of fact, § 7:5  
Fraud-based counterclaims, § 7:92  
Fraudulent conveyances, § 7:99,  
7:100  
Governmental regulations, § 7:79  
Injunctions, § 7:74, 7:96 to 7:98,  
7:162  
Judicial determination, § 7:67 to  
7:71  
Jury trial, § 7:175 to 7:177  
Leases, § 7:78  
Liens, § 7:103  
Liquidated claims, § 7:82  
Liquidation of assets, § 7:79, 7:82,  
7:107  
Liquor laws, § 7:79  
Local rules, timeliness, § 7:70  
Modification of automatic stay,  
§ 7:96 to 7:98  
Noncore Proceedings (this index)  
Northern Pipeline Decision (this  
index)  
Objections to discharge of debts,  
§ 7:102  
Operation of debtor's business,  
§ 7:106

### CORE PROCEEDINGS—Cont'd

Original jurisdiction, § 7:9  
Own motion of court, § 7:67, 7:70  
Part core and part noncore, § 7:69  
Permissive counterclaims, § 7:86  
Postpetition claims, § 7:77  
Preferences, § 7:94, 7:95  
Priorities, § 7:76, 7:103, 7:109  
Professional persons, employment  
and compensation, § 7:80  
Reclamation, § 7:76, 7:109,  
34:107  
Recovering preferences, § 7:94,  
7:95  
Reference to bankruptcy court,  
§ 7:5, 7:40, 7:47, 7:48  
Remand of claim or cause of  
action, § 7:65, 7:75  
Removal, § 7:65  
Reorganization, § 7:59, 7:74,  
7:104  
Rules of Bankruptcy Procedure  
(this index)  
Sale of property, § 7:106  
Sanctions, violation of automatic  
stay, § 7:96 to 7:98  
Size and nature of claim, § 23:4  
State law, § 7:58, 7:87, 7:95  
Stipulations, § 7:77  
Subordination and reclamation,  
§ 7:76, 7:109, 34:107  
Taxation, § 7:84  
Tempered construction, § 7:64  
Termination of automatic stay,  
§ 7:96 to 7:98  
Timeliness of determination,  
§ 7:70  
Transfer of case to another district,  
§ 7:81  
Turnover of property, § 7:62,  
7:72, 7:88, 7:91 to 7:93,  
14:79 to 14:82  
Unexpired leases, § 7:78  
Unmatured claims, § 7:92  
Use or lease of property, § 7:105

**CORE PROCEEDINGS—Cont'd**

Validity of liens, § 7:103  
 Warranty breach, § 7:83  
 Winding up, § 7:105

**CORN**

Allowance of claims or interest,  
 § 24:72  
 Size and nature of claim, § 23:6

**CORPORATE OFFICERS AND DIRECTORS**

Allowance of claims or interest,  
 § 24:33  
 Causes of action, § 12:29  
 Fraudulent transfers and concealment of assets, § 19:27, 19:72  
 Injunctions, § 16:225  
 Insiders (this index)  
 Interested parties, generally, § 6:88  
 Involuntary bankruptcy, § 9:10, 9:16  
 Payroll withholding taxes, § 3:59, 3:60  
 Petitions, § 8:7, 8:8  
 Preferences, payments to insiders in ordinary course of business as avoidability exception, § 18:69  
 Professional persons, officers as, § 2:20, 2:30  
 Reorganization Plans (this index)  
 Voluntary bankruptcy, § 8:7, 8:8, 8:34

**CORPORATE VEIL**

Alter Ego (this index)

**CORPORATIONS**

After-acquired property, § 12:57  
 Alter Ego (this index)  
 Appointment of trustee, § 5:30  
 Automatic stay, § 16:51, 16:52, 16:76  
 Capacity to sue, § 5:48

**CORPORATIONS—Cont'd**

Carryover or carryback  
 election not to have bankruptcy exception apply, § 3:57  
 ownership changes, generally, § 3:52 to 3:59  
 percentage requirement test, § 3:54  
 reduction of carryforwards, § 3:55  
 Sec. 382 limitations, generally, § 3:51 to 3:59  
 second change within two-year period, § 3:56  
 state and local taxes, § 3:58  
 stock and stockholders, § 3:52  
 successor's inheritance of tax items from predecessor, § 3:50  
 Causes of action, § 12:29, 12:30  
 Closing and reopening cases, § 36:7  
 Controlled corporations, § 3:85  
 Creditors' committees, § 6:54  
 Deductions from taxes, § 3:11  
 Directors. Corporate Officers and Directors (this index)  
 Discharge of, § 35:5  
 Discharge of indebtedness, § 3:16, 3:18  
 Dividends (this index)  
 Earnings and profits, § 3:22, 3:49, 3:50, 3:83  
 Election not to have bankruptcy exception apply, § 3:57  
 Election of trustee, § 5:14, 5:17  
 Equity security holders, § 6:60  
 Examination under Rule 2004 of corporate debtors, § 10:31  
 Family farmer debt adjustment, § 1:54  
 Foreign Corporations (this index)  
 Fraudulent Transfers and Concealment of Assets (this index)  
 G reorganizations, § 3:45 to 3:49

## INDEX

### CORPORATIONS—Cont'd

- Indenture trustees, § 6:71
- Investigation of debtor by trustee, § 5:66
- Involuntary Bankruptcy (this index)
- Liquidation (this index)
- Loss corporations, taxation, § 3:50 to 3:59
- Officers. Corporate Officers and Directors (this index)
- Ownership changes. Carryover or carryback, above
- Percentage requirement test, § 3:54
- Personal holding company, § 3:81
- Petitions (this index)
- Professional persons, employment of, § 2:26, 2:59
- Proof of claim, § 22:1, 22:19
- Property of estate, collection and reduction to money, § 5:65
- Pro se appearance, generally, § 6:4
- Real estate investment trusts, § 3:18
- Reduction of carryforwards, § 3:55
- Removal of trustee or examiner for cause, § 5:82
- Reorganization Plans (this index)
- Reorganization (this index)
- Sale or transfer, § 3:47, 3:85
- S corporations, § 3:9, 3:15
- Second change within two-year period, § 3:56
- Securities (this index)
- Small Business Administration administrative regulations, § 1:32
- State and local taxes, § 3:10, 3:58
- Stockbroker Liquidation (this index)
- Subordination, § 34:104
- Subsidiary (this index)

### CORPORATIONS—Cont'd

- Successor's inheritance of tax items from predecessor, § 3:50
- Taxation
  - basis adjustment, § 3:22
  - carryover or carryback, above
  - controlled corporations, § 3:85
  - deductions from taxes, § 3:11
  - discharge, tax treatment of, § 3:16, 3:18
  - dividends, § 3:49, 3:83
  - earnings and profits, § 3:22, 3:49, 3:50, 3:83
  - personal holding company, § 3:81
  - real estate investment trusts, § 3:18
  - Reorganization (this index)
  - returns, § 5:47
  - sale or transfer, § 3:47, 3:85
  - S corporations, § 3:9, 3:15
  - separate taxable bankruptcy estate, § 3:27, 3:28, 3:34
  - state and local taxes, § 3:10, 3:58
  - tax-free transactions
    - generally, § 3:85
    - Reorganization (this index)
- Tax-free transactions. Taxation, above
- Trustees
  - appointment of trustee, § 5:30
  - capacity to sue, § 5:48
  - election of trustee, § 5:14, 5:17
  - eligibility and qualification
    - generally, § 5:3
    - standing trustees, § 5:11
    - trustee panels, § 5:10
  - investigation of debtor by trustee, § 5:66
  - property of estate, collection and reduction to money, § 5:65

**CORPORATIONS—Cont'd**

- Trustees—Cont'd
  - removal of trustee or examiner for cause, § **5:82**
  - tax returns, § **5:47**
  - waiver of attorney-client privilege, § **5:56**
- Turnover of property, § **14:12, 14:27**
- Unincorporated Associations (this index)
- Voluntary Bankruptcy (this index)
- Waiver of attorney-client privilege, § **5:56**
- Withholding taxes, officer of corporation, § **3:59, 3:60**

**CORRUPT ORGANIZATIONS**

- Racketeering as crimes, § **12:150**

**COST OF ACTION**

- Costs and Expenses (this index)

**COST OF REPLACEMENT APPROACH**

- Family farmer debt adjustment plans, § **33:39**

**COSTS AND EXPENSES**

- Adequate Protection (this index)
- Administrative Expenses (this index)
- Allowance of Claims or Interests (this index)
- Appeals (this index)
- Attorneys' Fees (this index)
- Award of costs to debtor, dismissal for abuse, § **11:33**
- Capital Expenditures (this index)
- Conversion or Dismissal (this index)
- Creditors' and equity security holders' committees, § **6:52**
- Current income and expenditures, § **8:62**
- Discharge (this index)

**COSTS AND EXPENSES**

**—Cont'd**

- Equity security holders, § **6:60, 6:61**
- Examiners, appointment of, § **5:37, 5:39, 5:40**
- Family farmer debt adjustment, § **4:90, 4:92**
- Fees and Charges (this index)
- Fraudulent transfers and concealment of assets, § **19:73**
- Indemnity bond in involuntary cases, § **1:113**
- Involuntary Bankruptcy (this index)
- Liquidation (this index)
- Lost Opportunity Costs (this index)
- Medical Expenses (this index)
- Mileage (this index)
- Municipal debt adjustment, § **24:55, 24:71, 24:74, 24:76, 34:182**
- Municipal debt adjustment plans, transmittals required upon approval of disclosure statement, § **32:10**
- Petition preparers, § **2:48, 8:11**
- Preferences and preferential transfers, antecedent debt, § **18:19**
- Preserving collateral. Allowance of Claims or Interests (this index)
- Proof of Claim (this index)
- Property of estate, § **12:118, 12:129, 12:139**
- Railroad reorganization, § **34:189**
- Reimbursement (this index)
- Reorganization Plans (this index)
- Reorganization (this index)
- Size and Nature of Claim (this index)
- Surcharge (this index)
- Tax deduction, § **3:37**

## INDEX

### **COSTS AND EXPENSES**

#### **—Cont'd**

- Travel expenses. Mileage (this index)
- Trustees (this index)
- Turnover of Property (this index)
- United States Trustees (this index)
- Use, Sale or Lease of Property (this index)

### **COTENANCY**

- Joint or Co-ownership Interests (this index)

### **CO-TRUSTEES**

- Trustees (this index)

### **COUNCILS**

- Circuit Judicial Council (this index)
- Judicial Conferences and Councils (this index)

### **COUNSEL**

- Attorneys (this index)

### **COUNTERCLAIMS**

- Abstention, § 7:11
- Allowance of claims or interest, § 24:15, 24:16, 24:30
- Automatic stay, § 16:14, 16:20, 16:41, 16:204
- Core proceedings, § 7:62, 7:71, 7:86 to 7:89, 7:101
- Estoppel. Waiver, below
- Family farmer debt adjustment plans, § 33:34
- Involuntary cases, § 9:23, 9:51
- Jurisdiction
  - generally, § 7:86 to 7:89
  - abstention, § 7:11
  - core proceedings, § 7:62, 7:71, 7:86 to 7:89, 7:101
  - reference of cases, § 7:51
- Proof of claim, informal, § 22:32
- Reference of cases, § 7:51

### **COUNTERCLAIMS—Cont'd**

- Reorganization plans, executory contracts, § 26:24
- Setoff or Offset (this index)
- Size and nature of claim, § 23:1
- Sovereign immunity, compulsory counterclaim where governmental unit has filed proof of claim, § 6:80
- Use, sale, or lease of property, § 15:45
- Waiver of sovereign immunity, § 6:80

### **COUNTIES**

- Hospital, municipal debt adjustment, § 1:45
- Sovereign immunity, § 6:78, 6:83
- Utility district, municipal debt adjustment, § 1:45
- Yield averages, family farmer debt adjustment plans, § 33:44

### **COUNTRYMAN DEFINITION**

- Executory contracts and unexpired leases, § 20:2

### **COUNTY HOSPITAL**

- Municipal debt adjustment, § 1:45

### **COUNTY UTILITY DISTRICT**

- Municipal debt adjustment, § 1:45

### **COUNTY YIELD AVERAGES**

- Family farmer debt adjustment plans, § 33:44

### **COURT OF APPEALS**

- Generally, § 37:78 to 37:84
- Circuit Judicial Council (this index)
- Conflict of laws and rules, § 1:30
- Direct appeals certified to, § 37:14
- Final judgments and orders, § 37:4 to 37:8
- Governing law, § 1:30
- Interlocutory decisions, § 37:13, 37:81



**COURT OF APPEALS—Cont'd**

Judges, § **4:12**  
 Jurisdiction, § **37:5, 37:6, 37:78**  
 Notice of appeal, generally,  
 § **37:80**  
 Petition for permission to appeal  
 interlocutory order, § **37:81**  
 Record on appeal, § **37:82**  
 Rules of practice, § **1:27, 1:30**  
 Stay or injunction pending appeal,  
 § **37:83**  
 Supreme Court review, § **37:85**  
 Time for appeal, time for, § **37:80**

**COURT SESSIONS**

Judges, § **4:9 to 4:11**

**CRAM DOWN PROVISIONS**

Aircraft equipment and vessels,  
 § **15:25**  
 Deemed rejection of plan by credi-  
 tors receiving no distribution,  
 § **27:33**  
 Disclosure and disclosure state-  
 ments, § **27:3, 27:14**  
 Individual debt adjustment plans,  
 § **31:26, 31:29, 31:30, 31:38**  
 Municipal debt adjustment plans,  
 § **32:20**  
 Presumed acceptance of plan by  
 unimpaired creditors, § **27:32**  
 Railroad reorganization, § **7:168**  
 Reorganization plans, generally,  
 § **28:1, 28:29 to 28:44**

**CREDIBILITY OF WITNESSES**

Jurisdiction, constitutional ques-  
 tions, § **7:147**

**CREDIT**

Generally. Loans or Credit (this  
 index)

**CREDIT AGENCIES**

Collection and Credit Agencies  
 (this index)

**CREDIT BIDDING**

Setoff of claim against purchase  
 price by lienholder, § **15:60**

**CREDIT BRIEFING**

Credit Counseling and Financial  
 Management Instruction (this  
 index)

**CREDIT CARDS**

Advertising and assumption of  
 risk theory, § **35:120**  
 Cash advances on credit cards,  
 § **35:124 et seq.**  
 Discharge of debt  
 generally, § **35:118 et seq.**  
 advertising and assumption of  
 risk theory, § **35:120**  
 assumption of risk theory  
 generally, § **35:119 et seq.**  
 advertising, § **35:120**  
 mass solicitations, § **35:120**  
 modified, § **35:121**  
 cash advances, § **35:124 et seq.**  
 intent, fraudulent, § **35:123**  
 luxury goods purchases,  
 § **35:124 et seq.**  
 mass solicitations, § **35:120**  
 modified assumption of risk  
 theory, § **35:121**  
 open-end credit plans, § **35:126**  
 small charges under call-in  
 limit, § **35:122**  
 Truth in Lending Act, § **35:126**  
 Intent, fraudulent, § **35:123**  
 Luxury goods purchases, § **35:124**  
 et seq.  
 Mass solicitations, § **35:120**  
 Open-end credit plans  
 discharge of debt, § **35:126**  
 proof of claim, § **22:30**  
 Preferences and preferential  
 transfers, § **18:18, 18:50,**  
**18:84**  
 Truth in Lending Act, § **35:126**



## INDEX

### **CREDIT COUNSELING AND FINANCIAL MANAGEMENT INSTRUCTION**

- Certificate, § **6:19**
- Preferences and repayment schedule resulting from credit briefing, § **18:95**
- Prepetition credit counseling, § **1:40**

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

- Generally, § **6:44 to 6:59, 6:64 to 6:70**
- Additional committees in Chapter 9 and 11 cases, § **6:58**
- Adequate protection, § **21:70**
- Administrative expenses
  - generally, § **6:51, 6:52, 34:38**
  - equity security holders' committees, § **6:67**
- Adverse interest holder, § **2:35**
- Agents, § **6:45, 6:56**
- Application for order of employment, § **2:23**
- Appointment, § **1:94, 6:54, 6:55, 6:57, 6:58, 6:68 to 6:70**
- Attorneys
  - generally, § **2:12**
  - reorganization, § **6:55**
- Attorneys' fees for committee chair, § **6:52**
- Avoidance, § **17:9**
- Change in membership or size, § **6:59, 6:70**
- Checklist of powers and duties of Chapter 9 or 11 committees, § **6:50**
- Clerk of court, § **6:46**
- Collective bargaining agreements, § **6:49, 6:55**
- Compensation and reimbursement, § **2:58, 6:44, 6:52**
- Costs and expenses, § **6:52**

### **CREDITORS' AND EQUITY SECURITY HOLDERS' COMMITTEES—Cont'd**

- Creditors' meetings. Creditors' Meetings (this index)
- Debtor in possession, § **6:49**
- Disinterestedness requirement, § **2:30**
- Employment of professional persons, § **2:26, 2:30, 2:35 to 2:38**
- Expenses
  - administrative expense treatment, § **34:38**
  - reimbursement of out-of-pocket, § **6:52**
- Fraud and deceit, § **6:55**
- Fraudulent transfers and concealment of assets, § **19:116, 19:122**
- Information access for creditors, § **6:47**
- Insiders, § **6:55, 6:59**
- Interested party, generally, § **6:88**
- Intervention, § **6:46, 6:48, 6:64**
- Liquidation, § **6:43, 6:44, 6:53**
- Mail and mailing, § **6:45, 6:66**
- Meeting of creditors. Creditors' Meetings (this index)
- Member's expenses in Chapter 11 cases, administrative expense treatment of, § **24:76, 34:38**
- Mortgages and deeds of trust, § **6:46, 6:65**
- Municipal debt adjustment, § **6:45, 6:46, 6:54 to 6:59**
- Notice and hearing
  - administrative expenses, § **6:51, 6:52**
  - change of membership or size, § **6:59**
  - equity security holders' committees, generally, § **6:64 to 6:68**
  - expense reimbursement, § **2:83**

**CREDITORS' AND EQUITY  
SECURITY HOLDERS'  
COMMITTEES—Cont'd**

Notice and hearing—Cont'd  
     mailing of notice, § 6:45  
     prepetition committees, § 6:56  
 Objections, § 6:45, 6:65  
 Partnership, § 6:48, 6:49, 6:54  
 Pension Benefit Guaranty  
     Corporation service on,  
     § 1:45  
 Plans, § 6:64, 6:65  
 Postconfirmation committee,  
     § 6:57  
 Power of attorney, § 6:46  
 Prepetition matters, § 6:54, 6:56  
 Professional persons  
     generally, § 2:12, 2:14, 2:37  
     adverse interest holder, § 2:35  
     application for order of employ-  
     ment, § 2:23  
     disinterestedness requirement,  
     § 2:30  
     employment of, § 2:26, 2:30,  
     2:35 to 2:38  
     notice and hearing for  
     reimbursement, § 2:83  
     prior representation, § 2:38  
     services by members and  
     associates, § 2:26  
 Proof of claim, § 22:54  
 Proxies, § 6:46, 6:56, 6:65  
 Reimbursement, § 6:44, 6:52  
 Reorganization Plans (this index)  
 Reorganization (this index)  
 Responsibilities to creditors,  
     § 6:47  
 Right to bring action on behalf of  
     debtor, § 6:49  
 Rules of Bankruptcy Procedure  
     (this index)  
 Service of petitions, process, and  
     papers, § 6:45, 6:55  
 Trustees and examiners, generally,  
     § 6:44, 6:53, 6:54, 6:58

**CREDITORS' AND EQUITY  
SECURITY HOLDERS'  
COMMITTEES—Cont'd**

Trusts, § 6:46, 6:64  
 U. S. trustees, § 4:80, 4:94, 4:96,  
     4:99, 4:107, 6:68  
 Verification, § 6:46, 6:56, 6:65  
 Voluntary bankruptcy, § 8:64  
 Warrants, § 6:46

**CREDITOR'S BARGAIN**

Adequate protection, § 21:16

**CREDITOR'S EXPECTATION  
TEST**

Use, sale, or lease of property,  
     § 15:39

**CREDITORS' MEETINGS**

Generally, § 10:1 et seq.  
 Adjournments of meetings, § 10:7  
 Appearance. Attendance, below  
 Attendance  
     generally, § 10:10 et seq.  
     attorneys, § 10:17  
     creditors, § 10:15  
     grounds for nonattendance,  
     § 10:12  
     interpreters, § 10:18  
     nonattendance, § 10:11, 10:12  
     paralegals, § 10:17  
     presiding officer  
         generally, § 10:13  
         role of court, § 10:14  
     press, § 10:16  
     public, § 10:16  
     small business debtors, § 6:25  
 Attorneys, attendance, § 10:17  
 Bankruptcy administrator, role of,  
     § 4:80  
 Bond of trustee, recommendation  
     of amount of, § 6:43  
 Chapter 7 debtors, examination of,  
     § 10:24  
 Confidentiality of filings, § 10:43  
 Continuances of meetings, § 10:7

## INDEX

### CREDITORS' MEETINGS

#### —Cont'd

Debtor's right to examine, § 10:20  
Elections, § 10:23  
Equity security holders' meetings, § 10:2  
Examination of debtor  
    generally, § 10:19 et seq.  
    Chapter 7 debtors, § 10:24  
    debtor's right to examine, § 10:20  
    Examination under Rule 2004 (this index)  
    privileges, § 10:22  
    scope of inquiry, § 10:21  
    small business debtors, § 6:25  
    trustee's role, § 10:24  
    who may conduct examination, § 10:20  
Final meetings, § 10:5  
Grounds for nonattendance, § 10:12  
Interpreters, § 10:18  
Location of meeting, § 10:9  
Municipal debt adjustment, § 6:43  
Nonattendance  
    generally, § 10:11  
    grounds for nonattendance, § 10:12  
Notice, § 10:3  
Paralegals, attendance, § 10:17  
Participation. Attendance, above  
Place of meeting, § 10:9  
Presiding officer attendance  
    generally, § 10:13  
    role of court, § 10:14  
Press attendance, § 10:16  
Privileges, examination of debtor, § 10:22  
Proof of claim, § 22:53  
Public access restrictions  
    generally, § 10:16, 10:44  
    discretion of court, § 10:45  
Railroad reorganization, § 6:43

### CREDITORS' MEETINGS

#### —Cont'd

Reschedulings of meetings, § 10:8  
Role of court, § 10:14  
Scope of examination of debtor, § 10:21  
Special meetings, § 10:4  
Time of meetings  
    generally, § 10:6  
    adjournments, § 10:7  
    continuances, § 10:7  
    reschedulings, § 10:8  
Trustee's role, examination of debtor, § 10:24  
Voting, § 10:23  
Who may conduct examination of debtor, § 10:20

### CREDIT REDUCTION

Allowance of claims or interest, § 24:64

### CREDITS AGAINST TAXES

Basis adjustment, § 3:20, 3:21  
Business and administrative expenses, § 3:37  
Carryover or carryback, § 3:39, 3:52  
Dismissal of case, § 3:29  
Distributable net income, § 3:38  
Distribution priorities, erroneous tax credit, § 34:80  
Investment tax credit, § 3:21, 3:37, 3:39  
Separate taxable bankruptcy estate  
    business and administrative expenses, § 3:37  
    dismissal of case, § 3:29  
    distributable net income, § 3:38  
    individual's credits, § 3:41  
    transfer of assets, § 3:31  
Transfer of assets, § 3:31  
Trustee's duties, § 3:73  
Unemployment tax, § 3:82

## CREDIT UNIONS

Automatic stay, § 16:33, 16:36  
Liquidation, § 1:42

## CRIMES AND OFFENSES

Generally, § 1:18, 12:142 to 12:150  
Allowance of Claims or Interests (this index)  
Alteration of information, racketeering activity, § 12:150  
Attorneys fees, § 2:60  
Automatic stay, § 16:79 to 16:83, 16:98  
Bankruptcy fraud, § 12:148  
Bribery, employment of professional persons, § 2:53  
Compensation, § 2:60, 12:144  
Concealment of assets, § 12:144, 12:145, 12:150  
Contempt, § 7:151, 7:155  
Custodian, knowing purchase of property of estate, § 12:146  
Destruction of documents, books and records of crimes, § 12:145, 12:150  
Discharge exception for fines, forfeitures, and penalties, § 35:179 et seq.  
Discharge exception for willful and malicious injuries, § 35:180  
Dismissal in best interest of crime victim, § 11:35  
Distribution and discharge administrative expenses, § 34:36  
concealment of assets as continuous offense, § 12:142  
Election law violation penalties, § 35:203  
Embezzlement (this index)  
Evidence, § 2:53

## CRIMES AND OFFENSES

### —Cont'd

Falsification of information, knowing and fraudulent, § 12:145  
Fines, discharge exception for generally, § 35:179 et seq. election law violations, § 35:203  
Fines and Penalties (this index)  
Forfeiture of office by court officer for purchase of property of estate, § 12:146  
Forfeitures, discharge exception for, § 35:179 et seq.  
Fraudulent transfers and concealment of assets, § 12:142 to 12:150  
Immunity from criminal prosecution, § 6:3  
Imprisonment, § 12:142 to 12:150  
Improper offer or receipt of property, § 12:144, 12:150  
Individual debt adjustment plans, § 31:12, 31:16  
Information, § 12:145, 12:150  
Injunctions, § 7:166, 16:231  
Intent, fraudulent receipt of property after filing of bankruptcy, § 12:142 to 12:150  
Knowledge. Notice and knowledge, below  
Larceny and Theft (this index)  
Manager in possession of property, willful mismanagement of property in charge, § 12:149  
Marshal, knowing purchase of property of estate, § 12:146  
Misappropriation of property by trustee or officer of court, § 12:147, 12:150  
Mismanagement of property by receiver or trustee, § 12:149  
Mutilation of information, knowing and fraudulent, § 12:145

## INDEX

### CRIMES AND OFFENSES

#### —Cont'd

##### Notice

fraudulent transfers and

concealment of property,  
§ 12:142 to 12:150

misappropriation of property of  
estate, § 12:147

Officer of court, § 12:146, 12:147,  
12:150

Penalties, discharge exception for

generally, § 35:179 et seq.

election law violations,  
§ 35:203

Perjury (this index)

Petition preparers, § 2:53

Prisons and Prisoners (this index)

Purchase of property of estate by  
trustee or officer of court,  
prohibition, § 12:146

Racketeering, § 12:150

Receiver of property, willful  
mismanagement of property  
in charge, § 12:149

Remuneration, knowing and  
fraudulent attempt to obtain,  
§ 12:144

Reparation awards, exemption of,  
§ 13:110

Spending, property of estate,  
§ 12:147

Statute of limitations, concealment  
of assets as continuous  
offense, § 12:142

Transfer of property of estate,  
custodian or officer of court,  
§ 12:147

Trustees, § 5:61, 12:142, 12:145

Turnover of property, § 14:90

Voluntary bankruptcy, § 8:50,  
8:75

Willful mismanagement of prop-  
erty, § 12:149

### CRIME VICTIMS'

#### REPARATION LAW

Exemption of award under,  
§ 13:110

### CRIMINAL CONTEMPT

Jurisdiction, § 7:151, 7:155

### CRONYISM

Professional persons, employment  
of, § 2:25

### CROPS

Adequate protection, § 21:56

Allowance of claims or interest,  
§ 24:73

Exemptions, avoidance of liens,  
§ 13:129

Grain and Grain Storage (this  
index)

Nonpossessory, nonpurchase-  
money security interest,  
avoidance of, § 13:154

Size and nature of claim, § 23:33

Unperfected lien or security inter-  
est, avoidance of, § 17:25

### CROSS-BORDER

#### BANKRUPTCY

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

Foreign Countries or Proceedings  
(this index)

### CROSS-CLAIMS

Attorneys' fees, § 2:119

### CROSS-COLLATERALIZATION

Adequate protection, § 21:55

Loans or credit, § 15:72

### CROSS-REFERENCING

Federal Rules of Civil Procedure,  
§ 1:24

### CROSS-STREAM GUARANTIES

Fraudulent transfers and conceal-  
ment of assets, tripartite

**CROSS-STREAM GUARANTIES  
—Cont'd**

transactions, § 19:52

**CUMULATIVE CONVERTIBLE  
PREFERRED STOCK**

Equity security holders' committees, § 6:69

**CURING DEFAULT**

Executory contracts or unexpired leases, § 20:11, 20:27, 20:31, 20:41

Family farmer debt adjustment plans, generally, § 33:14

Individual Debt Adjustment Plans (this index)

Mortgages, family farmer debt adjustment plans, reinstatement to cure default, § 33:14

Municipal debt adjustment plans, § 32:3

Reorganization plans, § 26:16, 26:43, 26:45

Use, sale, or lease of property, § 15:25

**CURRENCY EXCHANGE**

Generally, § 1:43

**CURRENT INCOME AND  
EXPENDITURES**

Generally, § 8:62

**CURTESY**

Sale of property, § 15:55

**CUSTODIANS**

Generally, § 6:75 to 6:77

Administration expenses, § 6:77

Allowance of claims or interest, § 24:75

Costs and expenses, § 6:76

Crimes and offenses, § 12:146

Defined, § 9:78

Duties and rights, § 6:76

Embezzlement of estate property as crime, § 2:53

**CUSTODIANS—Cont'd**

Escrow (this index)

Executory contracts and unexpired leases, § 20:23

Expenses, § 6:76

Involuntary case, § 9:77, 9:78

Notice and hearing, § 6:76

Professional persons, § 2:83

Trustee's recovery of property held by custodian, § 12:75

Turnover of Property (this index)

United States trustee, report, § 4:107

Use, sale, or lease of property, § 15:31

**CUSTOM AND USAGE**

Ordinary Course of Business or Financial Affairs (this index)

**CUSTOMER NAME SECURITY**

Stockbroker Liquidation (this index)

**CUSTOMERS**

Commodity Broker Liquidation (this index)

Stockbroker Liquidation (this index)

**CUSTOMS DUTIES**

Generally, § 35:86

Discharge of debts

generally, § 35:74 et seq.

codebtors' subrogation rights, § 35:77

fees distinguished, § 35:76

policy considerations, § 35:75

priority claims, § 35:78 et seq.

subrogation rights, § 35:77

surety's subrogation rights, § 35:77

Distribution, priorities, § 34:64 to 34:82

Exempted property's liability for debt, § 13:24

## INDEX

### **CUSTOMS DUTIES—Cont'd**

- Fees and debts distinguished,  
§ 35:76
- Priorities, § 34:64 to 34:82
- Priority claims, § 35:78 et seq.
- Subrogation rights of codebtor or surety, § 35:77

### **DAMAGES**

- Appeals, frivolous, § 7:160
- Attorney as “debt relief agency,”  
violation of restrictions on,  
§ 2:55
- Automatic Stay (this index)
- Avoidance, § 17:52, 17:53, 17:66,  
17:71
- Contract. Employment contract,  
below
- Conversion or dismissal, § 11:100,  
11:101
- Conversion or dismissal, involun-  
tary bankruptcy, § 11:99 to  
11:101
- Executory Contracts and  
Unexpired Leases (this  
index)
- Family farmer debt adjustment  
plans, § 33:14
- Frivolous appeals, § 7:160
- Indemnity bond in involuntary  
cases, § 1:113
- Individual debt adjustment plans,  
§ 30:19
- Involuntary case, § 9:35, 9:40,  
9:62, 11:99 to 11:101
- Liquidated damages, executory  
contracts and unexpired  
leases, § 20:20
- Petition preparers, § 2:48, 8:11,  
8:17
- Punitive Damages (this index)
- Reorganization plans, impairment  
of claims or interests, § 26:47  
to 26:49
- Setoff or offset, § 20:64
- Sovereign immunity, § 6:78

### **DAMAGES—Cont'd**

- Trustees, § 5:51, 12:72
- Turnover of property, § 14:12
- Waiver of sovereign immunity,  
§ 6:78

### **DATA PROCESSING**

- Computers (this index)

### **DATE**

- Time or Date (this index)

### **DE-ACCELERATION**

- Individual Debt Adjustment Plans  
(this index)
- Reorganization plans, § 26:16,  
26:43, 26:45

### **DEAF PERSONS**

- Guide dogs, exemptions for,  
§ 13:114

### **DEALERS**

- Brokers and Dealers (this index)

### **DEATH**

- Benefits. Death Benefits (this  
index)
- Burial plot exemption, § 13:113
- Capacity to sue, § 5:48
- Debtor's death, generally, § 6:10
- Decedents' Estates (this index)
- Exemptions relating to death  
claims or benefits, § 13:62,  
13:89, 13:116
- Homestead exemption, § 13:62
- Judges, § 4:28
- Property of estate, debtor's death  
during case as affecting prop-  
erty of estate, § 12:6
- Substitution of successor trustee,  
§ 5:46
- Trustees
  - capacity to sue, § 5:48
  - substitution of successor trustee,  
§ 5:46
- United States trustees, § 4:58,  
4:86, 4:95

**DEATH—Cont'd**

Voluntary bankruptcy, § 8:80  
Wrongful Death (this index)

**DEATH BENEFITS**

After-acquired property, § 12:53  
Allowance of claims or interest,  
§ 24:62  
Life Insurance (this index)

**DEBENTURES**

Creditors' committees, § 6:58

**DEBT**

Distinction between discharge of  
debtor and of debt, § 35:1

**DEBT CEILING**

Family farmer debt adjustment  
plans, § 33:1

**DEBTOR IN POSSESSION**

Generally, § 5:106 to 5:115  
Abandoned property, § 5:112  
Adequate Protection (this index)  
Adverse interest, employment of  
professional persons, § 5:112  
Appointment of trustees  
generally, § 5:28  
burden of proof and presump-  
tions, § 5:27  
debtor as debtor in possession,  
§ 5:109  
Avoidance  
family farmer debt adjustment,  
§ 17:10  
hypothetical creditor or  
purchaser, § 17:20, 17:26  
postpetition transfer in ordinary  
course of business,  
§ 17:42, 17:43  
powers, generally, § 5:112  
reorganization, § 17:8  
Capacity to sue and be sued,  
§ 5:106  
Causes of action, § 12:26, 12:29,  
12:30

**DEBTOR IN POSSESSION**

**—Cont'd**

Closing and reopening cases,  
§ 36:4  
Core proceedings, § 7:69  
Creditors' and equity security  
holders' committees, § 6:49,  
6:64  
Employment of professional  
persons. Professional  
persons, employment of,  
below  
Executory contracts and unexpired  
leases, § 5:112  
Exemptions, § 13:13  
Family farmer debt adjustment  
generally, § 5:76  
removal of debtor as debtor in  
possession, § 5:115  
rights and powers, § 5:114  
Fiduciary position, § 5:111  
Fraud and deceit  
generally, § 5:112, 5:113  
reorganization, § 5:112, 5:113  
Fraudulent transfers and conceal-  
ment of assets, § 19:116,  
19:125  
Injunctions, § 7:162  
Judicial Code (28 USCA), § 1:17  
Leases, § 5:112  
Loans or Credit (this index)  
Operation of Business (this index)  
Professional persons, employment  
of  
generally, § 2:5, 2:10, 2:15,  
5:112  
application for order of employ-  
ment, § 2:23  
debtor, § 2:39  
judge's relative or friends,  
§ 2:43, 2:44  
prior or current representation  
precluding employment,  
§ 2:36



## INDEX

### DEBTOR IN POSSESSION

#### —Cont'd

Professional persons, employment of—Cont'd

U.S. trustee's relative or friends, § 2:43, 2:44

Redemption, § 12:98

Reference of cases, § 7:51

Removal or reinstatement of debtor as debtor in possession, § 5:115

Reorganization, generally, § 5:109 to 5:113, 15:12, 15:13

Reorganization plans, § 26:16, 26:32, 26:53 to 26:56

Replacement of debtor in possession by trustee, § 5:113

Restoration of debtor to possession, § 5:113

Rights, powers, and duties, generally, § 5:110 to 5:112

Rules of Bankruptcy Procedure (this index)

Setoff, mutuality requirement, § 25:9

Sovereign immunity abrogated, § 6:78

Taxation, § 3:64, 3:70

Trustees

generally, § 5:106

appointment, above

reorganization, § 5:1

replacement of debtor in possession by trustee, § 5:113

Use, Sale, or Lease of Property (this index)

### DEBTOR'S DUTIES AND

#### BENEFITS

Generally, § 6:4 to 6:14

### DEBT RELIEF AGENCIES

Defined, § 2:54

Restrictions on, § 1:174 to 1:177

Restrictions on consumer debtors' attorneys, § 2:54 to 2:57

### DECEDENTS' ESTATES

After-acquired property, § 12:51, 12:52

Clerks, § 4:48

Eligibility to file bankruptcy, § 1:38

Fraudulent transfer, disclaimer of inheritance as, § 19:71

United States trustees, § 4:58

### DECEIT

Fraud and Deceit (this index)

### DECLARATION

Complaints (this index)

Petition preparer's declaration concerning fees received, § 2:61

### DECLARATORY JUDGMENTS

Generally, § 1:102

Automatic stay, § 16:27

Clerks, § 4:45

Judges, § 4:24

Judicial Code (28 USCA), § 1:17

Jurisdiction, § 7:179

Sovereign immunity, § 6:78

Taxation, jurisdiction, § 7:179

### DECREES

Judgments and Decrees (this index)

### DEDUCTIONS FROM TAXES

Business and administrative expenses, § 3:37

Dismissal of case, § 3:29

Distributable net income, § 3:38

Income as not realized to extent of last deduction, § 3:11

Individual debt adjustment plans, § 31:48

Net operating loss carryover or carryback, § 3:39, 3:42

Separate taxable bankruptcy estate generally, § 3:31, 3:41

**DEDUCTIONS FROM TAXES**

**—Cont'd**

Separate taxable bankruptcy estate

**—Cont'd**

business and administrative  
expenses, § 3:37

dismissal of case, § 3:29

distributable net income, § 3:38

transfer of assets, § 3:36

State and local taxes, § 3:10

Transfer of assets, § 3:36

**DEDUCTIONS FROM WAGES**

Attachment and Garnishment (this  
index)

Payroll Deduction (this index)

**DEDUCTIONS IN  
DETERMINING VALUE**

Size and Nature of Claim (this  
index)

**DEEDS OF TRUST**

Mortgages and Deeds of Trust  
(this index)

**DEEMED ABANDONMENT**

Property of estate, § 12:116,  
12:121 to 12:123, 12:129

**DE FACTO TRUSTEE**

Eligibility and qualification, § 5:7

**DEFALCATION**

Discharge (this index)

**DEFAMATION**

Protective orders, generally,  
§ 1:96, 6:2

**DEFAULT**

Automatic stay, § 16:9, 16:154

Claims

discharged in prior bankruptcy  
proceeding, § 29:28

mature by their own terms  
prepetition, § 29:29

postpetition defaults, § 29:30

**DEFAULT—Cont'd**

Cure of long-term obligations,  
§ 29:22

Curing Default (this index)

Default Judgments (this index)

Effect of prepetition acceleration  
of debt on eligibility for cure,  
§ 29:23

Individual Debt Adjustment Plans  
(this index)

Late Charges (this index)

Payment of interest and costs,  
§ 29:31

Reasonable time for cure, § 29:24  
factors affecting determination  
of reasonableness, § 29:25

Right to cure or waive default,  
§ 29:21, 29:26

Size and nature of claim, § 23:18

Turnover of property, § 14:12

Voluntary bankruptcy, § 8:84,  
8:89

**DEFAULT JUDGMENTS**

Automatic stay, § 16:165, 16:166,  
16:171

**DEFAULT-UPON-FILING  
CLAUSES**

Ipso Facto or Bankruptcy Clauses  
(this index)

**DEFECTS AND  
IRREGULARITIES**

Automatic stay, § 16:16

Avoidance by trustee of  
defectively executed interest,  
§ 17:30

**DEFENSES**

Insurance and insurance  
companies, § 12:31

Involuntary bankruptcy, § 9:50

Property of estate, § 6:9, 12:154

Statute of limitations, § 6:9,  
12:154

Turnover of property, § 14:2

## INDEX

### **DEFENSES—Cont'd**

Waiver and Estoppel (this index)

### **DEFERRAL**

Distribution, § **34:115**

Payments. Deferred Payments  
(this index)

### **DEFERRED PAYMENTS**

Family farmer debt adjustment  
plans, § **33:8, 33:36**

Individual debt adjustment plans,  
confirmation of, § **31:19,**  
**31:21**

### **DEFICIENCIES**

Loss or Deficiency (this index)

### **DEFINITIONS**

Words and Phrases (this index)

### **DEGREES**

Intangible personal property,  
§ **12:47**

### **DELAY OR LACHES**

Allowance of claims or interests,  
§ **24:18**

Avoiding transfers designed to  
delay creditors, § **17:55**

Closing and reopening cases,  
§ **36:30**

Creditors' committees, § **6:58**

Executory contracts and unexpired  
leases, collective bargaining  
agreements, § **20:116**

Fraudulent transfers and conceal-  
ment of assets, § **19:24**

Intervention, delay as factor in  
whether to permit, § **6:88**

Involuntary bankruptcy, § **9:54**

Payroll withholding taxes, § **3:62**

Postponement (this index)

Preferences and Preferential  
Transfers (this index)

Professional persons, § **2:28, 2:88**

Reimbursement for interest on  
time lost, § **2:88**

### **DELAY OR LACHES—Cont'd**

Reorganization plans, exclusivity  
period, § **26:54, 26:60 to**  
**26:62**

Size and nature of claim, § **23:3**

Trustees and examiners, § **5:80,**  
**5:81**

Turnover of property, § **14:31**

Voluntary petition, § **8:31, 8:101**

### **DELEGATION OF POWERS OR DUTIES**

Nonassignable and nondelegable  
contracts, § **20:24 to 20:27**

### **DELINQUENT AND OVERDUE PAYMENTS**

Default (this index)

### **DELIVERY**

Clerks, § **4:46**

Commodity broker liquidation,  
§ **15:9**

Distribution, stockbroker liquida-  
tion, § **34:148**

Mistake, § **1:73**

Preferences and Preferential  
Transfers (this index)

Property of estate, § **12:152**

Reorganization plans, § **26:37,**  
**26:52**

Trustees, § **12:75**

Turnover of property, § **14:26,**  
**14:30 to 44, 14:63, 14:70**

### **DELIVERY SERVICES**

Reimbursement, § **2:84**

### **DEMAND OR REQUEST**

Automatic stay, § **16:8**

Complaints (this index)

Motion, Application, or Request  
(this index)

Payroll withholding taxes, § **3:62**

Preferential transfer, accrual of  
prejudgment interest,  
§ **18:111**

Proof of claim, § **22:27**

**DEMAND OR REQUEST**

—Cont'd

Reclamation, § 17:74, 17:78 to 17:80

**DE NOVO REVIEW**

Constitutional law, § 7:147

Contempt, § 7:151

Core proceedings, § 1:100

Disclosure statements, § 27:19

Jury trial, § 7:177

New Trial (this index)

Reference of cases, § 7:40, 7:48 to 7:50

Remand, § 7:125

Standard of review, § 37:21

**DENTAL INSURANCE**

Automatic stay, § 16:63

**DENTAL OFFICERS OF ARMED FORCES**

Discharge, effect on special pay, § 1:18

**DEPARTMENTS OF GOVERNMENT**

See more specific topics

**DEPENDENCIES OF UNITED STATES**

Territories (this index)

**DEPENDENTS**

Aid to Families with Dependent Children (this index)

Children (this index)

Domestic Support Obligations (this index)

Exemptions

assertion of claim for exempt property, generally, § 13:27

burial plots, § 13:113

filing list of property claimed as exempt, § 13:31

health aids, § 13:114

homestead exemption, § 13:57

**DEPENDENTS—Cont'd**

Exemptions—Cont'd

jewelry, § 13:74

objections, § 13:44

support of persons, § 13:87, 13:88, 13:95, 13:109

tools of the trade, § 13:80

wrongful death, § 13:111

Homestead exemption, § 13:57

Individual debt adjustment plans, confirmation, § 31:50, 31:53

Support obligations. Discharge (this index)

Voluntary bankruptcy, § 8:62

**DEPOSITIONS**

Discovery and Depositions (this index)

**DEPOSITS AND DEPOSITORIES**

Correlative topics

Banks (this index)

Savings and Loan Associations (this index)

Adequate protection, § 21:7, 21:45, 21:55, 21:64

Capital maintenance commitments, discharge exceptions, § 20:14, 34:88

Cash collateral, § 1:141

Certificates of deposit, payments in ordinary course of business as exception to preference avoidability, § 18:68

Equity security holders' committees, § 6:65

Executory contracts and unexpired leases, § 20:55, 20:88

Exemptions, § 13:24, 13:159

Indenture trustees, § 6:72

Operation of business, § 15:4

Priority, § 34:87

Reorganization plans, deposit with trustee or debtor in possession, § 28:51

## INDEX

### DEPOSITS AND

#### DEPOSITORIES—Cont'd

- Security Deposit (this index)
- Service on insured depository institutions, § 9:47
- Trustee's powers, § 5:54
- Turnover of property, § 14:21, 14:87
- Utilities (this index)

### DEPRECIATION AND

#### DEPRECIABLE PROPERTY

- Adequate Protection (this index)
- Carryover or carryback, § 3:50
- Discharge, tax treatment of, § 3:20, 3:22 to 3:26
- Fraudulent transfers and concealment of assets, § 19:98
- Gross income, § 3:3
- Individual debt adjustment plans, confirmation, § 31:38
- Recapture (this index)

### DEPUTY ATTORNEY GENERAL

- Immunity from criminal prosecution, § 6:3

### DEPUTY CLERK OF COURTS

- Clerk of Court (this index)

### DERIVATIVE USE IMMUNITY

- Immunity from criminal prosecution, § 6:3

### DESCENT

- Inheritance, disclaimer as fraudulent transfer, § 19:71

### DESCRIPTION

- Identification and Description (this index)

### DESTRUCTION OF

#### DOCUMENTS

- Crimes and offenses, § 12:145, 12:150
- Proof of claim, § 22:28

### DESTRUCTION OF PROPERTY

- Discharge of debtor denied on grounds of, § 35:8 et seq.
- Documents and records. Destruction of Documents (this index)
- Exempt property, insurance proceeds as, § 13:90

### DETERIORATION

- Depreciation and Depreciable Property (this index)

### DEVALUATION

- Turnover of property, § 14:4, 14:38, 14:56

### DEVISE

- Decedents' Estates (this index)

### DIAGRAMS

- Charts (this index)

### DILIGENCE

- Appeals, § 37:49
- Voluntary bankruptcy, § 8:74

### D.I.P.

- Debtor in Possession (this index)

### DIRECT/INDIRECT TRANSFER DOCTRINE

- Preferential transfers relating to letters of credit, § 18:116 to 18:119

### DIRECTOR OF

#### ADMINISTRATIVE OFFICE

- Clerk of court, § 4:53
- Judges, § 4:5

### DIRECTORS

- Corporate Officers and Directors (this index)

### DIRECT PAYMENT

- Family farmer debt adjustment plans, § 33:30, 33:38, 33:56, 33:58

**DIRECT PAYMENT—Cont'd**

Individual Debt Adjustment Plans  
(this index)  
Trustee's compensation, generally,  
§ 5:98, 5:99

**DISABILITY AND DISABILITY  
INSURANCE**

Executory contracts and unexpired  
leases, § 20:131  
Exemptions, generally, § 13:106,  
13:116  
Incompetent and Insane Persons  
(this index)  
Individual debt adjustment, § 1:63  
Judges, § 1:17, 4:28, 4:29  
Property of estate, § 12:37  
Workers' Compensation (this  
index)

**DISALLOWANCE OF CLAIM**

Allowance of Claims or Interests  
(this index)

**DISAPPROVAL**

Consent or Approval (this index)

**DISBURSEMENTS**

Individual Debt Adjustment Plans  
(this index)  
Turnover of property, § 14:1,  
14:11, 14:63, 14:68, 14:69

**DISBURSING AGENTS**

Individual debt adjustment plans,  
confirmation of, § 31:70 to  
31:72

**DISCHARGE**

Generally, § 35:1 et seq.  
Actual notice or knowledge,  
§ 35:222 et seq.  
Alimony. Domestic support  
obligations, below  
Amendment of complaint object-  
ing to discharge, § 35:43  
Amendments, voluntary bank-  
ruptcy, § 8:105

**DISCHARGE—Cont'd**

Asbestos cases, discharge injunc-  
tions, § 35:57  
Asset deficiency, failure to  
explain, § 35:24 et seq.  
Assignments, AFDC, domestic  
support obligations, § 35:166  
Attorneys' fees, domestic support  
obligations, § 35:165  
Automatic discharge, § 35:214  
Automatic stay, § 16:10, 16:15  
Best efforts test, eight-year dis-  
charge denial rule, § 35:33  
Burden of proof on objections to  
discharge, § 35:50, 35:215  
Capacity to be sued, § 5:49  
Capital maintenance obligation  
debts, § 35:200  
Chapter 7. Liquidation, below  
Chapter 9 debt, discharge of,  
§ 35:67  
Chapter 11. Reorganization, below  
Chapter 12. Family farmer or  
fisher debt adjustment, below  
Chapter 13. Individual debt adjust-  
ment, below  
Child support. Domestic support  
obligations, below  
Closing and Reopening Cases (this  
index)  
Codebtors  
generally, § 35:58  
education loans, § 35:185  
subrogation rights, tax and  
custom duties debts,  
§ 35:77  
Collateral estoppel, § 35:233 et  
seq.  
College loans. Education loans,  
below  
Complaints objecting to discharge  
amendment of, § 35:43  
dismissal of, § 35:52  
service, § 35:225 et seq.  
who may file, § 35:211 et seq.

## INDEX

### **DISCHARGE—Cont'd**

- Concealment of property
  - generally, § 35:8 et seq.
  - intent of debtor, above
- Condominium membership fees, § 35:205
- Construction, exceptions from discharge, § 35:73
- Consumer debtors
  - costs awards, § 35:230
  - education programs, § 35:35
- Conversion of case, § 35:227
- Converted cases, time for objection to discharge, § 35:46
- Corporations discharge of, § 35:5
- Costs awards, § 35:230 et seq.
- Credit card debt
  - generally, § 35:118 et seq.
  - advertising, § 35:120
  - assumption of risk theory
    - generally, § 35:119 et seq.
    - advertising, § 35:120
    - mass solicitations, § 35:120
    - modified, § 35:121
  - cash advances, § 35:124 et seq.
  - intent, fraudulent, § 35:123
  - luxury goods purchases, § 35:124 et seq.
  - mass solicitations, § 35:120
  - modified assumption of risk theory, § 35:121
  - open-end credit plans, § 35:126
  - small charges under call-in limit, § 35:122
  - Truth in Lending Act, § 35:126
- Criminal conduct of debtor, § 35:36
- Custom duties debts
  - generally, § 35:74 et seq.
  - codebtors' subrogation rights, § 35:77
  - fees distinguished, § 35:76
  - policy considerations, § 35:75
  - priority claims, § 35:78 et seq.

### **DISCHARGE—Cont'd**

- Custom duties debts—Cont'd
  - subrogation rights, § 35:77
  - surety's subrogation rights, § 35:77
- Debtor, discharge of
  - generally, § 35:37 et seq.
  - asbestos cases, injunctions, § 35:57
  - asset deficiency, failure to explain, § 35:24 et seq.
  - badges of fraud, § 35:11
  - bankruptcy planning, § 35:12
  - burden of proof on objections to, § 35:50
- Chapter 7, § 35:6
- Chapter 11
  - generally, § 35:7, 35:38
  - individual debtors, § 35:39
- Chapter 12
  - generally, § 35:40
  - hardship, § 35:41
- Chapter 13
  - generally, § 35:40
  - hardship, § 35:41
- codebtors, discharge of, § 35:58
- conversion of property from nonexempt to exempt, § 35:12
- corporations, § 35:5
- court order, refusal to obey, § 35:27 et seq.
- credit card debt, above
- criminal conduct of debtor, § 35:36
- debt, discharge of, above
- deficiency of assets, unexplained, § 35:24 et seq.
- denial of liquidation, grounds for, § 35:8 et seq.
- discretion of court, § 35:28
- distinction between discharge of debtor and of debt, § 35:1

**DISCHARGE—Cont'd**

Debtor, discharge of—Cont'd

- domestic support obligations, below
- education program, failure to complete, § 35:35
- eight-year rule
  - generally, § 35:31 et seq.
  - best efforts test, § 35:33
  - failure to enter prior discharge, § 35:32
  - revocation of prior discharge, § 35:32
- enforcement of liability, effect on, § 35:53 et seq.
- enforcement of liens, § 35:60
- exemption conversion violations, § 35:12
- failure to explain loss or deficiency of assets, § 35:24 et seq.
- false oath or account, § 35:20 et seq.
- financial statement fraud, below
- fraud
  - generally, § 35:9, 35:19
  - badges of fraud, § 35:11
  - establishing intent, § 35:10
- fraudulent activities, § 35:18
- guarantors, discharge of, § 35:58
- hardship discharges, § 35:41
- hearings, below
- how obtained, § 35:6 et seq.
- injunctions
  - generally, § 35:55
  - asbestos cases, § 35:57
  - personal liability, § 35:55
  - property, § 35:56
- insider debtors, § 35:30
- insurers to cover all potential recoveries, § 35:59
- intent of debtor, below
- judgments, voiding of, § 35:54

**DISCHARGE—Cont'd**

Debtor, discharge of—Cont'd

- later amendment of false oath or account, § 35:22
- liability, effect on, § 35:53 et seq.
- liberal construction rule, § 35:3
- lien enforcement, § 35:60
- liquidation cases, below
- loss of assets, unexplained, § 35:24 et seq.
- materiality of false oath or account, § 35:21
- nature of, § 35:2
- objections to discharge, below
- omissions, fraudulent, § 35:23
- partnerships, § 35:5
- prepetition relationship test, § 35:1
- prior discharges, § 35:31 et seq.
- privilege invocations, § 35:26
- property, injunctive projection, § 35:56
- reaffirmation of debts, § 35:236 et seq.
- records, failure to keep, § 35:13 et seq.
- refusal of court order, § 35:27 et seq.
- rehabilitative cases, below
- revocation of discharge, below
- self-incrimination privilege, § 35:29
- standard of proof on objections to, § 35:51
- subsequent disclosure of false oath or account, § 35:22
- sufficiency of records, § 35:14, 35:15
- unlisted and unscheduled debt, below
- voiding of judgments, § 35:54
- voluntary repayment of debt, § 35:61
- waiver of discharge, § 35:34



## INDEX

### DISCHARGE—Cont'd

- Debtor, discharge of—Cont'd
  - when obtained, § 35:6 et seq.
  - who may object, § 35:44
  - who may obtain, § 35:4
- Debts, discharge of
  - generally, § 35:65 et seq.
  - ancient debts, unscheduled,  
§ 35:134, 35:198
  - assessments, condominiums,  
§ 35:205
  - capital maintenance obligation  
debts, § 35:200
  - Chapter 7 cases, § 35:66
  - Chapter 9 cases, § 35:67
  - Chapter 11 cases
    - generally, § 35:68
    - individual and corporate  
debtors, § 35:69
  - Chapter 12 cases, § 35:70
  - Chapter 13 cases
    - generally, § 35:71
    - superdischarge, § 35:72
  - checks drawn on insufficient  
funds, § 35:95
  - codebtors on student loans,  
§ 35:185
  - codebtors' subrogation rights,  
§ 35:77
  - condominium membership fees,  
§ 35:205
  - conversion, § 35:173 et seq.
  - costs, debts incurred for,  
§ 35:206
  - credit card debt, above
  - custom duties debts, above
  - debtor, discharge of, below
  - definitions, § 35:169
  - distinction between discharge of  
debtor and of debt, § 35:1
  - domestic support obligations,  
below
  - drunk driving injuries, § 35:176  
et seq., 35:195 et seq.
  - education loans, below

### DISCHARGE—Cont'd

- Debts, discharge of—Cont'd
  - election law penalties, § 35:203
  - exceptions from discharge,  
below
    - expenses. debts incurred for,  
§ 35:206
  - falsity and fraud, debts incurred  
through, below
  - fiduciary fraud debt, below
  - filing fees, debts incurred for,  
§ 35:206
  - financial statement fraud, below
  - finances
    - generally, § 35:179 et seq.
    - election law violations,  
§ 35:203
  - forfeitures, § 35:179 et seq.
  - guarantors of student loans,  
§ 35:185
  - HEAL loans, § 35:184
  - implied malice injuries,  
§ 35:170
  - insufficient funds checks,  
§ 35:95
  - intent, fraudulent
    - generally, § 35:98
    - credit card fraud, § 35:123
    - fiduciary defalcation,  
§ 35:143
    - financial statements, § 35:117
    - inferred intent, § 35:99
  - malice injuries, § 35:170
  - materiality of fraudulent repre-  
sentation
    - Generally, § 35:96
    - financial statement fraud,  
§ 35:109
  - membership fee debts, § 35:205
  - military personnel
    - generally, § 35:153
    - bonuses and special pay,  
§ 35:209
  - old debts, unscheduled,  
§ 35:134, 35:198

**DISCHARGE—Cont'd**

Debts, discharge of—Cont'd  
 opt-in discharge, § 35:214  
 penalties  
     generally, § 35:179 *et seq.*  
     election law violations,  
     § 35:203  
 pension loan debts, § 35:208  
 prior case, unscheduled debts  
     predating, § 35:134,  
     35:198  
 priority claims, below  
 PSAP loans, § 35:184  
 reaffirmation of debts, § 35:236  
     *et seq.*  
 restitution obligations  
     civil cases, § 35:181, 35:201  
     criminal cases, § 35:180  
 secured property, conversion of,  
     § 35:175  
 specific malice injuries,  
     § 35:170  
 superdischarge, § 35:72, 35:73  
 surety's subrogation rights,  
     § 35:77  
 survival of debt, below  
 tax debts, below  
 unlisted and unscheduled debt,  
     below  
 willful and malicious injuries,  
     below  
 Declaratory judgments, § 7:179  
 Deficiency of assets, unexplained,  
     § 35:24 *et seq.*  
 Denial. Grounds for denial, below  
 Denial of discharge of debtor  
     generally, § 35:8 *et seq.*  
     asset deficiency, failure to  
     explain, § 35:24 *et seq.*  
     bankruptcy planning, § 35:12  
     conversion of property from  
     nonexempt to exempt,  
     § 35:12  
     court order, refusal to obey,  
     § 35:27 *et seq.*

**DISCHARGE—Cont'd**

Denial of discharge of debtor  
 —Cont'd  
 criminal conduct of debtor,  
     § 35:36  
 deficiency of assets,  
     unexplained, § 35:24 *et*  
     *seq.*  
 discretion of court, § 35:28  
 education program, failure to  
     complete, § 35:35  
 eight-year rule  
     generally, § 35:31 *et seq.*  
     best efforts test, § 35:33  
     failure to enter prior dis-  
     charge, § 35:32  
     revocation of prior discharge,  
     § 35:32  
 exemption conversion viola-  
     tions, § 35:12  
 failure to explain loss or defi-  
     ciency of assets, § 35:24 *et*  
     *seq.*  
 false oath or account, § 35:20 *et*  
     *seq.*  
 fraudulent activities, § 35:18  
 insider debtors, § 35:30  
 intent of debtor, below  
 later amendment of false oath or  
     account, § 35:22  
 loss of assets, unexplained,  
     § 35:24 *et seq.*  
 materiality of false oath or  
     account, § 35:21  
 omissions, fraudulent, § 35:23  
 prior discharges, § 35:31 *et seq.*  
 privilege invocations, § 35:26  
 records, failure to keep, § 35:13  
     *et seq.*  
 refusal of court order, § 35:27  
     *et seq.*  
 self-incrimination privilege,  
     § 35:29  
 subsequent disclosure of false  
     oath or account, § 35:22

## INDEX

### **DISCHARGE—Cont'd**

- Denial of discharge of debtor
  - Cont'd
  - sufficiency of records, § 35:14, 35:15
  - waiver of discharge, § 35:34
- Dependency obligations,
  - consideration of, education loans, § 35:191
- Destruction of property
  - generally, § 35:8 et seq.
  - intent of debtor, below
- Determination of dischargeability
  - generally, § 35:210 et seq.
  - actual notice or knowledge, § 35:222 et seq.
  - automatic discharge, § 35:214
  - burden of proof, § 35:215
  - collateral estoppel, § 35:233 et seq.
  - complaints, above
  - conversion of case, § 35:227
  - costs, § 35:230 et seq.
  - extensions of time, § 35:228, 35:229
  - filing fees, § 35:220
  - notice of court, § 35:221
  - opt-in discharge, § 35:214
  - res judicata, § 35:233 et seq.
  - service of complaint, § 35:225 et seq.
  - standard of proof, § 35:216
  - standing to contest discharge, below
  - time limits, § 35:217 et seq.
- Discretion of court
  - debtor discharge denials, § 35:28
  - education loans, § 35:187
- Dismissal of complaint objecting to discharge, § 35:52
- Domestic support obligations
  - generally, § 35:146 et seq., 35:204

### **DISCHARGE—Cont'd**

- Domestic support obligations
  - Cont'd
  - administrative proceedings, § 35:149
  - adult children and liability factors, § 35:161
  - assignments, AFDC, § 35:166
  - attorneys' fees, § 35:165
  - changed circumstances, effect of, § 35:157
  - children and liability factors, § 35:160 et seq.
  - cohabitants and liability factors, § 35:163
  - domestic partners and liability factors, § 35:163
  - duty of support, § 35:153
  - fact questions, § 35:147
  - family situation and liability factors, § 35:159 et seq.
  - illegitimate children and liability factors, § 35:162
  - intent of state court or parties, § 35:158
  - labels and liability factors, § 35:151, 35:155
  - liability factors, § 35:154 et seq.
  - marital situation and liability factors, § 35:159
  - military personnel, § 35:153
  - modifications of awards, § 35:152
  - nature of liability, § 35:146
  - need, § 35:156, 35:157
  - property settlements, § 35:148
  - Social Security anti-assignment rule, § 35:167
  - Social Security enforceable debt rule, § 35:207
  - specific expenditures, § 35:164 et seq.
  - state law, § 35:150 et seq.
  - third party payments, § 35:164

**DISCHARGE—Cont'd**

Domestic support obligations  
—Cont'd  
unmarried cohabitants and  
liability factors, § **35:163**

Drunk driving injury debts,  
§ **35:176 et seq.**, § **35:195 et  
seq.**

Education loans  
generally, § **35:182 et seq.**  
codebtors, § **35:185**  
contingent obligation loans,  
§ **35:184**  
dependency obligations,  
consideration of, § **35:191**  
discretion of court, § **35:187**  
factors considered, § **35:189 et  
seq.**  
future prospects of debtor,  
consideration of, § **35:193**  
good faith repayment efforts,  
§ **35:194**  
guarantors, § **35:185**  
HEAL loans, § **35:184**  
health factors, consideration of,  
§ **35:190**  
living expenses, consideration  
of, § **35:192**  
nature of lender and loan,  
§ **35:183**  
PSAP loans, § **35:184**  
repayment, good faith efforts,  
§ **35:194**  
tests, § **35:188**

Education programs, § **35:35**

Eight-year discharge denial rule  
generally, § **35:31 et seq.**  
best efforts test, § **35:33**  
failure to enter prior discharge,  
§ **35:32**  
revocation of prior discharge,  
§ **35:32**

Embezzlement. Fiduciary fraud  
debt, below

**DISCHARGE—Cont'd**

Enforcement of liability, effect on  
discharge of debtor, § **35:53  
et seq.**

Enforcement of liens, discharge of  
debtor, § **35:60**

Exceptions to discharge  
generally, § **1:167**  
ancient debts, unscheduled,  
§ **35:134**, § **35:198**  
assessments, condominiums,  
§ **35:205**  
capital maintenance obligation  
debts, § **35:200**  
codebtors on student loans,  
§ **35:185**  
condominium membership fees,  
§ **35:205**  
construction, § **35:73**  
conversion, § **35:173 et seq.**  
costs, debts incurred for,  
§ **35:206**  
credit card debt, above  
definitions, § **35:169**  
domestic support obligations,  
above  
drunk driving injuries, § **35:176  
et seq.**, § **35:195 et seq.**  
education loans, above  
election law penalties, § **35:203**  
expenses. debts incurred for,  
§ **35:206**  
extension of time to commence  
actions, § **6:40**  
falsity and fraud, debts incurred  
through, below  
fiduciary fraud debt, below  
filing fees, debts incurred for,  
§ **35:206**  
financial statement fraud, below  
fines  
generally, § **35:179 et seq.**  
election law violations,  
§ **35:203**  
forfeitures, § **35:179 et seq.**

## INDEX

### DISCHARGE—Cont'd

Exceptions to discharge—Cont'd  
    guarantors of student loans,  
        § 35:185  
    HEAL loans, § 35:184  
    implied malice injuries,  
        § 35:170  
    malice injuries, § 35:170  
    membership fee debts, § 35:205  
    military personnel  
        generally, § 35:153  
        bonuses and special pay,  
            § 35:209  
    old debts, unscheduled,  
        § 35:134, 35:198  
    penalties  
        generally, § 35:179 et seq.  
        election law violations,  
            § 35:203  
    pension loan debts, § 35:208  
    prior case, unscheduled debts  
        predating, § 35:134,  
            35:198  
    PSAP loans, § 35:184  
    reaffirmation of debts, § 35:236  
        et seq.  
    restitution obligations  
        civil cases, § 35:181, 35:201  
        criminal cases, § 35:180  
    secured property, conversion of,  
        § 35:175  
    sovereign immunity abrogated,  
        § 6:78  
    specific malice injuries,  
        § 35:170  
    unlisted and unscheduled debt,  
        below  
    willful and malicious injuries,  
        below  
Exemptions  
    avoidance of liens, § 13:169  
    conversion violations, § 35:12  
    fraud of debtor, § 13:19  
Expenses. Costs and expenses,  
    above

### DISCHARGE—Cont'd

Extensions of time for objection  
    to, § 35:47, 35:228, 35:229  
Failure to enter prior discharge,  
    § 35:32  
Failure to explain loss or defi-  
    ciency of assets, § 35:24 et  
    seq.  
False oath or account  
    generally, § 35:20 et seq.  
    later amendment, § 35:22  
    materiality, § 35:21  
    omissions, § 35:23  
    subsequent disclosure, § 35:22  
False pretenses. Falsity and fraud,  
    debts incurred through, below  
Falsity and fraud, debts incurred  
    through  
    generally, § 35:90 et seq.  
    actual fraud and false pretenses  
        or false representation,  
            § 35:91, 35:92  
    cash advances on credit cards,  
        § 35:124 et seq.  
    characteristics of actual fraud,  
        § 35:93  
    checks drawn on insufficient  
        funds, § 35:95  
    debtor's financial condition,  
        written statements re,  
            § 35:108  
    falsity of representation,  
        § 35:97  
    fiduciary fraud debt, below  
    financial statement fraud, below  
    forbearance, § 35:103  
    insider's financial condition,  
        written statements re,  
            § 35:108  
    insufficient funds checks,  
        § 35:95  
    intent  
        generally, § 35:98  
        credit card fraud, § 35:123

**DISCHARGE—Cont'd**

Falsity and fraud, debts incurred through—Cont'd  
 intent—Cont'd  
   fiduciary defalcation, § 35:143  
   financial statements, § 35:117  
   inferred intent, § 35:99  
 luxury goods purchases, § 35:124 et seq.  
 materiality of representation generally, § 35:96  
   financial statement fraud, § 35:109  
 obtaining money, property, or services, § 35:102 et seq.  
 opinions, § 35:94  
 promises, § 35:94  
 refinancing statements, § 35:107  
 reliance by creditor generally, § 35:100  
   justifiable, § 35:101  
 Family farmer or fisher debt adjustment  
   debt, discharge of, § 35:70  
   debtor, discharge of generally, § 35:40  
   hardship, § 35:41  
   hardship discharges, § 35:41  
   rehabilitative cases generally, § 35:40  
   hardship, § 35:41  
   revocation of discharge, § 35:63  
 Family law. Domestic support obligations, above  
 Federal taxes. Taxation (this index)  
 Fiduciary fraud debt generally, § 1:167, 35:135 et seq., 35:199  
   capacity, fiduciary, § 35:136 et seq.  
   defalcation, § 35:142, 35:143  
   definitions, § 35:136 et seq.

**DISCHARGE—Cont'd**

Fiduciary fraud debt—Cont'd  
   embezzlement, § 35:145  
   ex mal cio trusts, § 35:141  
   express trusts, § 35:139  
   how relationship created, § 35:138 et seq.  
   intent, defalcation, § 35:143  
   larceny, § 35:145  
   scope of status, § 35:136 et seq.  
   state trust law, § 35:140  
   technical trusts, § 35:139  
   type of trust creating relationship, § 35:137  
   who is fiduciary, § 35:136 et seq.  
 Fiduciary fraud debt, below  
 Filing fees, § 35:220  
 Financial statement fraud generally, § 35:105 et seq.  
   credit card debt, above  
   debtor's financial condition, written statements re, § 35:108  
   insider's financial condition, written statements re, § 35:108  
   intent, § 35:117  
   materiality of falseness, § 35:109  
   money or property obtained for debtor, § 35:106, 35:107  
   new value rule, § 35:107  
   partial reliance, § 35:115, 35:116  
   refinancing statements, § 35:107  
   reliance generally, § 35:110 et seq.  
     business acumen of creditor, § 35:113  
     business practices and reasonableness of reliance, § 35:114  
     duty to investigate, § 35:112

## INDEX

### DISCHARGE—Cont'd

Financial statement fraud—Cont'd  
reliance—Cont'd  
fact questions, § 35:111  
history of dealings with  
debtor, § 35:116  
industry standards as to,  
§ 35:114  
investigation duty of creditor,  
§ 35:112  
partial reliance, § 35:115,  
35:116  
sophisticated creditors,  
§ 35:113

#### Fraud

generally, § 1:167  
falsity and fraud, debts incurred  
through, above  
fraudulent transfers and obliga-  
tions, § 19:36, 19:94,  
19:109, 19:123

#### Liquidation (this index)

Future prospects of debtor,  
consideration of education  
loans, § 35:193

Good faith repayment efforts,  
education loans, § 35:194

Governmental creditors, standing  
to contest discharge,  
§ 35:212

#### Grounds for denial

generally, § 35:8 et seq.  
asset deficiency, failure to  
explain, § 35:24 et seq.  
bankruptcy planning, § 35:12  
conversion of property from  
nonexempt to exempt,  
§ 35:12  
court order, refusal to obey,  
§ 35:27 et seq.  
criminal conduct of debtor,  
§ 35:36  
deficiency of assets,  
unexplained, § 35:24 et  
seq.  
discretion of court, § 35:28

### DISCHARGE—Cont'd

#### Grounds for denial—Cont'd

education program, failure to  
complete, § 35:35  
eight-year rule  
generally, § 35:31 et seq.  
best efforts test, § 35:33  
failure to enter prior dis-  
charge, § 35:32  
revocation of prior discharge,  
§ 35:32  
exemption conversion viola-  
tions, § 35:12  
failure to explain loss or defi-  
ciency of assets, § 35:24 et  
seq.  
false oath or account, § 35:20 et  
seq.  
fraudulent activities, § 35:18  
insider debtors, § 35:30  
intent of debtor, below  
later amendment of false oath or  
account, § 35:22  
loss of assets, unexplained,  
§ 35:24 et seq.  
materiality of false oath or  
account, § 35:21  
omissions, fraudulent, § 35:23  
prior discharges, § 35:31 et seq.  
privilege invocations, § 35:26  
records, failure to keep, § 35:13  
et seq.  
refusal of court order, § 35:27  
et seq.  
self-incrimination privilege,  
§ 35:29  
subsequent disclosure of false  
oath or account, § 35:22  
sufficiency of records, § 35:14,  
35:15  
waiver of discharge, § 35:34  
Guarantors, discharge of  
generally, § 35:58  
student loans, § 35:185

**DISCHARGE—Cont'd**

Health factors, consideration of,  
student loans, § 35:190

Hearings  
attendance, § 35:49  
burden of proof, § 35:50  
discharge objections, § 35:48 et  
seq.  
standard of proof, § 35:51  
testimony, § 35:49

Husband and wife. Domestic sup-  
port obligations, above

Individual debt adjustment  
debt, discharge of  
generally, § 35:71  
superdischarge, § 35:72  
debtor, discharge of  
generally, § 35:40  
hardship, § 35:41  
hardship discharges, § 35:41  
rehabilitative cases  
generally, § 35:40  
hardship, § 35:41  
revocation of discharge, § 35:63  
superdischarge, § 35:72

Injunctions  
generally, § 35:55 et seq.  
discharge operating as, § 23:26  
personal liability, § 35:55  
property of debtor, protection  
of, § 35:56  
setoff, effect of, § 25:7

Insider debtors, § 35:30

Insufficient funds checks, § 35:95

Insurers to cover all potential  
recoveries, § 35:59

Intent, fraudulent  
generally, § 35:9, 35:19, 35:98  
badges of fraud, § 35:11  
credit card fraud, § 35:123  
establishing intent, § 35:10  
fiduciary defalcation, § 35:143  
financial statements, § 35:117  
inferred intent, § 35:99

**DISCHARGE—Cont'd**

Investigation of debtor, § 5:66

Judgments, voiding of, § 35:54

Jurisdiction, § 7:101, 7:102, 7:179

Larceny. Fiduciary fraud debt,  
above

Later amendment of false oath or  
account, § 35:22

Liability, effect on of debtor dis-  
charge, § 35:53 et seq.

Liberal construction rule, § 35:3

Lien enforcement on discharge of  
debtor, § 35:60

Liquidation cases  
generally, § 35:6 et seq.  
asset deficiency, failure to  
explain, § 35:24 et seq.  
bankruptcy planning, § 35:12  
Chapter 7, § 35:6  
Chapter 11, § 35:7  
consumer education program,  
failure to complete,  
§ 35:35  
conversion of property from  
nonexempt to exempt,  
§ 35:12  
court order, refusal to obey,  
§ 35:27 et seq.  
criminal conduct of debtor,  
§ 35:36  
debt, discharge of, § 35:66  
debtor, discharge of, § 35:6  
deficiency of assets,  
unexplained, § 35:24 et  
seq.  
denial, grounds for, § 35:8 et  
seq.  
discretion of court, § 35:28  
education program, failure to  
complete, § 35:35  
eight-year rule  
generally, § 35:31 et seq.  
best efforts test, § 35:33  
failure to enter prior dis-  
charge, § 35:32



## INDEX

### **DISCHARGE—Cont'd**

- Liquidation cases—Cont'd
  - eight-year rule—Cont'd
    - revocation of prior discharge, § 35:32
  - exemption conversion violations, § 35:12
  - failure to explain loss or deficiency of assets, § 35:24 et seq.
  - false oath or account, § 35:20 et seq.
  - fraudulent activities, § 35:18
  - insider debtors, § 35:30
  - intent of debtor, above
  - later amendment of false oath or account, § 35:22
  - loss of assets, unexplained, § 35:24 et seq.
  - materiality of false oath or account, § 35:21
  - omissions, fraudulent, § 35:23
  - prior discharges, § 35:31 et seq.
  - privilege invocations, § 35:26
  - records, failure to keep, § 35:13 et seq.
  - refusal of court order, § 35:27 et seq.
  - revocation of discharge, § 35:62
  - self-incrimination privilege, § 35:29
  - subsequent disclosure of false oath or account, § 35:22
  - sufficiency of records, § 35:14, 35:15
  - unlisted and unscheduled debt discharge exceptions, § 35:132
  - waiver of discharge, § 35:34
- Lists (this index)
- Living expenses, education loan discharges, § 35:192
- Loans or Credit (this index)
- Loss of assets, unexplained, § 35:24 et seq.

### **DISCHARGE—Cont'd**

- Materiality, false oath or account, § 35:21
- Military personnel
  - bonuses and special pay, § 35:209
  - domestic support obligations, § 35:153
- Municipal debt adjustment, § 32:32, 35:67
- Mutilation of property
  - generally, § 35:8 et seq.
  - intent of debtor, above
- Nature of discharge of debtor, § 35:2
- Nondischargeable debt, generally, § 1:167
- Objections to discharge
  - generally, § 1:167, 35:42 et seq.
  - amendment of complaint, § 35:43
  - attendance at hearings, § 35:49
  - burden of proof, § 35:50
  - complaint
    - amendment of, § 35:43
    - dismissal of, § 35:52
  - converted cases, time for objection, § 35:46
  - extension of time for objection, § 35:47
  - hearings, above
  - standard of proof, § 35:51
  - testimony at hearings, § 35:49
  - time for objection
    - generally, § 35:45 et seq.
    - converted cases, § 35:46
    - extension of time, § 35:47
  - who may object, § 35:44
- Omissions, fraudulent, § 35:23
- Opt-in discharge, § 35:214
- Partnerships discharge of, § 35:5
- Pension loan debts, § 35:208
- Prior Case (this index)
- Prior discharges. Eight-year discharge denial rule, above

**DISCHARGE—Cont'd**

- Priority claims, tax and custom duties debts, § 35:78 et seq.
- Privilege invocations, denial of discharge of debtor, § 35:26
- Procedure
  - generally, § 35:210 et seq.
  - actual notice or knowledge, § 35:222 et seq.
  - amendment of complaint, § 35:43
  - automatic discharge, § 35:214
  - burden of proof, § 35:215
  - complaint
    - amendment of, § 35:43
    - dismissal of, § 35:52
  - complaints, above
  - conversion of case, § 35:227
  - converted cases, time for objection, § 35:46
  - costs, § 35:230 et seq.
  - extension of time for objection to, § 35:47
  - extensions of time, § 35:228, 35:229
  - filing fees, § 35:220
  - hearings, above
  - notice of court, § 35:221
  - objections to discharge, above
  - opt-in discharge, § 35:214
  - revocation of discharge, § 35:64
  - service of complaint, § 35:225 et seq.
  - standard of proof, § 35:216
  - standing to contest discharge, below
  - time for objection to discharge
    - generally, § 35:45 et seq.
    - converted cases, § 35:46
    - extension of time, § 35:47
  - time limits, § 35:217 et seq.
  - who may object to debtor discharge, § 35:44
- Professional persons, § 2:100, 2:115

**DISCHARGE—Cont'd**

- Proof of claim
  - necessity of filing by creditor with nondischargeable claim, § 22:7
  - objection or complaint as informal proof of claim, § 22:32
- Property settlements. Domestic support obligations, above
- Reaffirmation of Debts (this index)
- Records, failure to keep
  - generally, § 35:13 et seq.
  - justification for failure to keep or preserve, § 35:16, 35:17
  - sufficiency of records, § 35:14
  - third party records, sufficiency of, § 35:15
- Redemption, § 12:101, 12:111
- Refusal of court order
  - generally, § 35:27 et seq.
  - discretion of court, § 35:28
  - self-incrimination assertions, § 35:29
- Rehabilitative cases
  - generally, § 35:37 et seq.
- Chapter 11
  - generally, § 35:38
  - individual debtors, § 35:39
- Chapter 12
  - generally, § 35:40
  - hardship, § 35:41
- Chapter 13
  - generally, § 35:40
  - hardship, § 35:41
- debtor discharges, § 35:37 et seq.
- hardship discharges, § 35:41
- Removal of property
  - generally, § 35:8 et seq.
  - intent of debtor, above
- Reorganization
  - debt, discharge of
  - generally, § 35:68

## INDEX

### **DISCHARGE—Cont'd**

Reorganization—Cont'd  
debt, discharge of—Cont'd  
individual and corporate  
debtors, § 35:69  
debtor, discharge of, § 35:7  
generally, § 35:38  
individual debtors, § 35:39  
individual debtor discharges,  
§ 35:39  
revocation of discharge, § 35:62  
Res judicata, § 35:233 et seq.  
Restitution obligations  
civil cases, § 35:181, 35:201  
criminal cases, § 35:180  
Revival of dischargeable or  
discharged debt. Reaffirma-  
tion of Debts (this index)  
Revocation of discharge  
generally, § 1:166  
Chapter 7, § 35:62  
Chapter 11, § 35:62  
Chapter 12, § 35:63  
Chapter 13, § 35:63  
debtor, discharge of, § 35:62 et  
seq.  
eight-year discharge denial rule,  
§ 35:32  
procedure, § 35:64  
School loans. Education loans,  
above  
Self-incrimination privilege,  
§ 35:29  
Service of complaint, § 35:225 et  
seq.  
Setoff, effect of discharge injunc-  
tion on, § 25:7  
Social Security law  
anti-assignment rule, § 35:167  
enforceable debt rule, § 35:207  
Sovereign immunity abrogated,  
§ 6:78  
Spousal support. Domestic support  
obligations, above  
Standard of proof, § 35:216

### **DISCHARGE—Cont'd**

Standard of proof on objections to  
discharge, § 35:51  
Standing to contest discharge  
generally, § 35:211 et seq.  
governmental creditors,  
§ 35:212  
trustees, § 35:213  
Student loans. Education loans,  
above, § 35:182  
Subrogation rights, tax and custom  
duties debts, § 35:77  
Subsequent disclosure of false  
oath or account, § 35:22  
Sufficiency of records, § 35:14,  
35:15  
Superdischarge, § 31:13, 35:72  
Supplementary relief, § 8:1  
Support. Domestic support obliga-  
tions, above  
Surety's subrogation rights, tax  
and custom duties debts,  
§ 35:77  
Survival of debts  
ancient debts, unscheduled,  
§ 35:134, 35:198  
assessments, condominiums,  
§ 35:205  
capital maintenance obligation  
debts, § 35:200  
codebtors on student loans,  
§ 35:185  
condominium membership fees,  
§ 35:205  
conversion, § 35:173 et seq.  
costs, debts incurred for,  
§ 35:206  
credit card debt, above  
custom duties debts, above  
definitions, § 35:169  
domestic support obligations,  
above  
drunk driving injuries, § 35:176  
et seq., 35:195 et seq.

**DISCHARGE—Cont'd**

Survival of debts—Cont'd

education loans, above,

§ 35:182

election law penalties, § 35:203

expenses. debts incurred for,

§ 35:206

falsity and fraud, debts incurred through, above

fiduciary fraud debt, above

filing fees, debts incurred for,

§ 35:206

financial statement fraud, above  
fines

generally, § 35:179 et seq.

election law violations,

§ 35:203

forfeitures, § 35:179 et seq.

guarantors of student loans,

§ 35:185

HEAL loans, § 35:184

implied malice injuries,

§ 35:170

malice injuries, § 35:170

membership fee debts, § 35:205

military personnel

generally, § 35:153

bonuses and special pay,

§ 35:209

old debts, unscheduled,

§ 35:134, 35:198

penalties

generally, § 35:179 et seq.

election law violations,

§ 35:203

pension loan debts, § 35:208

prior case, unscheduled debts

predating, § 35:134,

35:198

PSAP loans, § 35:184

reaffirmation of debts, § 35:236

et seq.

restitution obligations

civil cases, § 35:181, 35:201

criminal cases, § 35:180

**DISCHARGE—Cont'd**

Survival of debts—Cont'd

secured property, conversion of,

§ 35:175

specific malice injuries,

§ 35:170

tax debts, below

unlisted and unscheduled debt,  
below

willful and malicious injuries,  
below

Tax debts

generally, § 35:74 et seq.,

35:89, 35:202

codebtors' subrogation rights,

§ 35:77

employment tax priorities,

§ 35:85

excise tax priorities, § 35:83,

35:84

fees distinguished, § 35:76

gross receipts tax priorities,

§ 35:80

income tax priorities, § 35:80

penalties, priorities, § 35:87

policy considerations, § 35:75

priority claims, § 35:78 et seq.

property tax priorities, § 35:81

subrogation rights, § 35:77

surety's subrogation rights,

§ 35:77

trust fund tax priorities,

§ 35:82, 35:84

Tax Treatment of Discharge (this  
index)

Testimony on objections to dis-  
charge, § 35:49

Third parties, professional  
persons, § 2:115

Third party payments, domestic  
support obligations, § 35:164

Time, extensions of time,  
§ 35:228, 35:229

Time for objection

generally, § 35:45 et seq.

## INDEX

### DISCHARGE—Cont'd

- Time for objection—Cont'd
  - converted cases, § 35:46
  - extension of time, § 35:47
- Time limits for commencing proceedings, § 35:217 et seq.
- Transfer of property
  - generally, § 35:8 et seq.
  - intent of debtor, above
- Trustees
  - capacity to be sued, § 5:49
  - investigation of debtor by trustee, § 5:66
  - liquidation, trustee's powers and duties, § 5:62
  - standing to contest discharge, § 35:213
- Turnover of property, § 14:89, 14:90
- United States trustees, § 4:88, 4:101, 4:105
- Unlisted and unsecured debt discharge exceptions
  - generally, § 35:127 et seq.
  - actual knowledge, § 35:130
  - amendments, § 35:133
  - ancient debts, § 35:134, 35:198
  - creditor identification, § 35:129
  - name and address errors, § 35:129
  - no asset Chapter 7 cases, § 35:132
  - notice, § 35:130
  - old debts, § 35:134, 35:198
  - omissions, rectifying, § 35:133
  - partial listing, § 35:131
  - prior case, debts predating, § 35:134, 35:198
  - reopening to add omitted creditor, § 35:133
  - 2, 4, 6 claims, § 35:128
- Voiding of judgments
  - debtor, discharge of, § 35:54
- Voluntary bankruptcy, § 8:83, 8:105

### DISCHARGE—Cont'd

- Voluntary repayment of debt after, § 35:61
- Waiver of debtor discharge, § 35:34
- Who may contest. Standing to contest discharge, above
- Who may object to debtor discharge, § 35:44
- Wife and husband. Domestic support obligations, above
- Willful and malicious injuries
  - generally, § 35:168 et seq., 35:173 et seq., 35:176 et seq., 35:195 et seq.
- finances
  - generally, § 35:179 et seq.
  - election law violations, § 35:203
- forfeitures, § 35:179 et seq.
- penalties
  - generally, § 35:179 et seq.
  - election law violations, § 35:203
- restitution obligations
  - civil cases, § 35:181, 35:201
  - criminal cases, § 35:180
- Witnesses, debtor's duty to attend and testify, § 6:26

### DISCHARGEABILITY OF DEBTS

- Generally. See Discharge (this index)

### DISCHARGE OR RELEASE

- Indebtedness. Discharge (this index)
- Jurisdiction, release of personalty in creditor's possession, § 7:10
- Preferences and preferential transfers, § 18:48, 18:83
- Professional person discharged from employment, § 2:7

## **DISCHARGE OR RELEASE**

### **—Cont'd**

Reorganization plan releasing  
nondebtor, § **27:25**

## **DISCLOSURE**

Advertisement of bankruptcy services, § **2:57**

Attorneys' fees, § **2:62, 2:63, 2:66, 2:97**

Automatic stay, § **16:38, 16:92, 16:94**

Compensation of professional persons, § **2:62, 2:63, 2:91, 2:92, 2:97**

Concealment (this index)

Creditors' committees, § **6:45**

Debtor's attorney as "debt relief agency," disclosures of consumer, § **2:56**

Discovery and Depositions (this index)

Equity security holders, § **6:61**

Municipal Debt Adjustment Plans (this index)

Newly discovered assets, closing and reopening cases, § **36:13**

Newly Discovered Evidence (this index)

Professional persons, § **2:23, 2:62, 2:63, 2:91, 2:92, 2:97**

Protective Orders (this index)

Reference of cases, § **7:37**

Reimbursement, disclosure of conflict of interest, § **2:92**

Reorganization Plans (this index)

Reorganization (this index)

Rules of Bankruptcy Procedure (this index)

Securities and Exchange Commission, § **6:86**

Statements. Reorganization Plans (this index)

Taxation, § **3:6, 3:72**

Trustees (this index)

## **DISCLOSURE—Cont'd**

United States trustees, § **4:94, 4:101, 4:104**

Voluntary bankruptcy, § **8:76**

## **DISCONTINUANCE**

Continuance of Action or Proceeding (this index)

Reorganization, discontinuance of debtor's business, § **15:15**

Utilities (this index)

## **DISCOUNT RATE**

Family farmer debt adjustment plans, § **33:36, 33:37**

Size and nature of claim, § **23:17**

## **DISCOUNTS**

Allowance of claims or interest, § **24:36**

Fraudulent transfers and concealment of assets, § **19:64**

Individual debt adjustment plans, § **31:19, 31:20, 31:30, 31:31**

Taxation, § **3:12, 3:13**

## **DISCOVERY AND DEPOSITIONS**

Federal Debt Collections Procedures Act, § **1:34**

Involuntary bankruptcy, § **9:55**

Newly discovered assets, § **36:13**

Newly Discovered Evidence (this index)

Reorganization plans, § **26:4**

Rules of Bankruptcy Procedure (this index)

## **DISCRETIONARY ABSTENTION**

Abstention (this index)

## **DISCRETIONARY PLAN PROVISIONS**

Claims secured only by debtor's principal residence not subject to

## INDEX

### DISCRETIONARY PLAN

#### PROVISIONS—Cont'd

- modification, § 29:15
- bifurcation of undersecured claims as impermissible modification, § 29:20
- distinction between modification and cure, § 29:19
- effect of cancellation or waiver of liens on ability to modify, § 29:18
- security interest, § 29:16, 29:17
- Exception for cosigned consumer debts, § 29:9
- Family farmer debt adjustment plans, § 33:10 to 33:22
- Payments outside the plan as unfair discrimination, § 29:13
- Unfair discrimination
  - determination, § 29:10
  - factors, § 29:12
  - standards, § 29:11
- Unfair discrimination prohibited, § 29:8

### DISCRETIONARY WITHDRAWAL

- Jurisdiction, § 7:41

### DISCRETION OF COURT

- Appeals, abuse of discretion standard of review, § 37:24
- Automatic stay, § 16:154, 16:155
- Closing and reopening cases, § 36:9 to 36:11, 36:33
- Creditors' meetings, public access, § 10:45
- Debt discharges, education loan, § 35:187
- Debtor discharges, § 35:28
- Discharge (this index)
- Family Farmer or Fisher Debt Adjustment Plans (this index)
- Proof of claim, § 22:38, 22:43, 22:44

### DISCRIMINATION

- Adequate protection, § 21:54
- Alcoholic beverages, § 6:29, 6:32
- Automatic stay, § 16:92
- Driver's licenses, § 6:29, 6:30, 6:32
- Employment (this index)
- Equal opportunity. Employment (this index)
- Family farmer debt adjustment, discrimination against classes, § 33:9
- Individual Debt Adjustment Plans (this index)
- Licenses and permits, § 6:28, 6:30, 6:32
- Military, § 6:29, 6:32
- Reaffirmation of debts, § 6:28
- Reference of cases, civil rights disputes, § 7:42
- Renewal or refinancing, § 6:28, 6:32
- Reorganization Plans (this index)
- Sovereign immunity abrogated, § 6:78
- Student loan or grant, § 6:31
- Suspension, § 6:28, 6:32
- Trustees
  - appointment, § 5:10 to 5:12
  - plan payments, § 5:10 to 5:12, 5:98
- Utilities, § 6:32, 6:34
- Utility service, § 16:233 to 16:236

### DISEASE

- Family farmer debt adjustment, risk test, § 1:53

### DISENFRANCHISED CORPORATION

- Involuntary bankruptcy, § 9:2

### DISHONESTY

- Fraud and Deceit (this index)



**DISHONOR**

Preferences and preferential transfers, exceptions to avoidability, § 18:42, 18:67

**DISINTERESTED PERSONS**

Interested Persons or Parties (this index)

**DISMISSAL**

Conversion or Dismissal (this index)

**DISPOSABLE EARNINGS OR INCOME**

Family farmer debt adjustment plans, § 33:47  
Individual debt adjustment plans, § 31:45 to 31:54  
Reorganization plans, § 28:18

**DISPOSAL OF PROPERTY**

Reclamation, grant of administrative expense claim or lien as alternative, § 17:84  
United States trustee, notice, § 4:107

**DISPOSING OF COLLATERAL**

Allowance of Claims or Interests (this index)

**DISPUTED CLAIMS OR DEBTS**

Jurisdiction, § 7:92

**DISPUTE OF ELECTION**

Trustees, § 5:19, 5:36

**DISQUALIFICATION**

Qualification or Eligibility (this index)

**DISSENTING OPINION**

Northern Pipeline ruling, § 7:136

**DISSOLUTION**

Generally, § 1:33  
Automatic Stay (this index)  
Involuntary bankruptcy, § 9:2  
Marital. Divorce (this index)

**DISSOLUTION—Cont'd**

Voluntary bankruptcy, § 8:7

**DISTRAINT AND SEIZURE**

Automatic stay, § 16:103

**DISTRESSED PROPERTY**

Voluntary bankruptcy, § 8:28, 8:30

**DISTRESS FOR RENT**

Avoidance of lien of distress for rent, § 17:34, 17:38

**DISTRIBUTABLE NET INCOME**

Taxation, § 3:38

**DISTRIBUTION**

Generally, § 1:6, 34:1 to 34:198  
Abstention, § 7:29  
Accounts and accounting, § 34:32, 34:160  
Administrative Expenses (this index)  
Allowance of claims, priorities, § 34:5  
Attorney-client privilege, § 34:109  
Attorneys' fees, § 34:32  
Avoiding power of trustee, assignability, § 17:3  
Bankruptcy, § 1:6  
Burial expenses, § 34:15  
Closing and reopening of cases, § 36:6, 36:25, 36:27  
Commodity Broker Liquidation (this index)  
Compensation (this index)  
Confirmation of rehabilitation plan, effect on persons and property, § 34:20, 34:180  
Consumer deposits on orders, priorities, § 34:87  
Contracts and agreements  
commodity broker liquidation, § 34:161 to 34:163  
priorities, § 34:72  
subordination agreements, § 34:92, 34:93



## INDEX

### DISTRIBUTION—Cont'd

- Conversion, postconversion administrative expenses, § **34:15**
- Core proceedings, generally, § **7:76**
- Corporations
  - consumer deposits, partnerships and corporations as exempt from priority accorded, § **34:87**
  - officers and directors of debtor, equitable subordination, § **34:104**
  - undercapitalized corporate debtors, loans to, § **34:104**
- Crimes and Offenses (this index)
- Customs duties, § **34:64 to 34:82**
- Deferral rules, subordination, § **34:115**
- Directors of debtor, equitable subordination, § **34:104**
- Dividends
  - family farmer debt adjustment proceedings, § **34:193**
  - individual debt adjustment, § **34:197**
  - liquidation, § **34:138 to 34:140**
- Employee Retirement Income Security Act, § **34:63**
- Equity
  - stockbroker liquidation, § **34:153**
  - subordination, generally, § **34:98 to 34:114**
- Excess property, § **34:157, 34:176, 34:177**
- Excise taxes, priorities, § **34:79**
- Exclusions, § **34:152, 34:166**
- Exempt property, payment of expenses, § **34:23**
- Expedited distribution procedures, § **34:85**
- Extension of postpetition business credit, § **34:13, 34:14**

### DISTRIBUTION—Cont'd

- Family farmer debt adjustment, § **34:191 to 34:194**
- Family farmer debt adjustment plans, distribution upon confirmation of plans, § **33:55 to 33:58**
- Fees and charges, priorities, § **34:39**
- Filing
  - liquidation, § **34:128 to 34:131**
  - priorities, taxation, § **34:68, 34:69**
- Final distribution, § **34:126 to 34:134**
- Fish assets claims, § **34:86**
- Grain assets claims, § **34:84, 34:85**
- Import duties, § **34:64 to 34:82**
- Individual Debt Adjustment (this index)
- Insiders, § **34:102**
- Interested parties, § **34:32**
- Involuntary gap, § **34:83**
- Joint or co-ownership interests, § **12:14**
- Limitations and restrictions
  - stockbroker liquidation, § **34:149**
  - subordination agreements, § **34:93, 34:96**
- Liquidating trustee's disposal of property, § **1:161**
- Liquidation (this index)
- Loans or credit
  - priorities, postpetition business credit, § **34:13, 34:14**
  - subordination, loans to undercapitalized corporate debtors, § **34:104**
- Municipal Debt Adjustment (this index)
- Municipal Debt Adjustment Plans (this index)

**DISTRIBUTION—Cont'd**

Net equity  
     commodity broker liquidation,  
         § **34:167 to 34:175**  
     stockbroker liquidation,  
         § **34:154 to 34:156**  
 Noninsiders, § **34:105, 34:106**  
 Officers and directors of debtor,  
 equitable subordination,  
 § **34:104**  
 Operation of business, administra-  
 tive expenses, § **34:26, 34:27**  
 Orders, administrative expenses,  
 § **34:21**  
 Postconversion administrative  
 expenses, § **34:15**  
 Postpetition acts and matters  
 liquidation, § **34:133, 34:155**  
 priorities, § **34:13, 34:14, 34:31**  
 stockbroker liquidation,  
 § **34:155**  
 Preference rules designed to  
 preserve equal distribution,  
 § **18:3**  
 Preserving estate, administrative  
 expenses, § **34:25 to 34:27**  
 Presumptions and burden of proof  
 equitable subordination,  
 § **34:108**  
 priority rules, asserting and  
 applying, § **34:5**  
 tax deficiencies, presumption of  
 punitive penalties, § **34:82**  
 Priorities (this index)  
 Professional persons and  
 administrative expenses,  
 compensation, § **34:32 to**  
**34:34**  
 Proof of Claim (this index)  
 Property of estate, preservation as  
 administrative expense,  
 § **34:25 to 34:27**  
 Pro rata distribution on allowance  
 of claim or interest, § **24:43,**  
**24:54**

**DISTRIBUTION—Cont'd**

Quickie refund, priority accorded  
 tax liabilities, § **34:29**  
 Railroad reorganization, § **34:188**  
**to 34:190**  
 Reaffirmation of Debts (this  
 index)  
 Records and reports, commodity  
 broker liquidation, § **34:169**  
 Reopening of cases. Closing and  
 reopening of cases, above  
 Reorganization (this index)  
 Reorganization Plans (this index)  
 Rules of Bankruptcy Procedure  
 (this index)  
 Secured and unsecured claims  
 liquidation, § **34:121, 34:122**  
 priorities, § **34:12**  
 Setoff, priorities, § **34:9**  
 Small dividends, § **33:55, 34:193,**  
**34:197**  
 Sovereign immunity abrogated,  
 § **6:78**  
 Stock and stockholders  
 commodity broker liquidation,  
 § **1:163**  
 securities rescission claims,  
 § **34:94 to 34:96**  
 Stockbroker Liquidation (this  
 index)  
 subordination, § **34:94 to 34:96,**  
**34:103**  
 Stockbroker Liquidation (this  
 index)  
 Subordination (this index)  
 Subrogation's effect on priorities,  
 § **34:8**  
 Substantial contribution,  
 administrative expenses,  
 § **34:37**  
 Superpriorities (this index)  
 Surplus to debtor after payment of  
 priority claims, § **34:134,**  
**34:143**

## INDEX

### **DISTRIBUTION—Cont'd**

- Tardy claims filed before commencement of distribution, § 24:48
- Taxation (this index)
- Time and date
  - liquidation, § 34:128 to 34:131
  - stockbroker liquidation, § 34:155
  - subordination, § 34:108
- Trustee in bankruptcy
  - generally, § 34:3
  - equitable subordination, standing to raise, § 34:111
- Trusts, § 12:19
- Unclaimed property, § 34:183, 34:186, 34:194, 34:198
- Undercapitalized corporate debtors, loans to, § 34:104
- Withholding Taxes (this index)

### **DISTRIBUTORSHIP AGREEMENTS**

- Executory contracts and unexpired leases, § 20:54

### **DISTRICT COURTS**

- Generally, § 4:3, 4:17, 4:44, 37:31, 37:32
- Amicus curiae briefs, § 37:68
- Amount in controversy, § 7:8
- Appeal forms, election to have district court hear appeal, § 37:26
- Appeals
  - generally, § 7:28, 37:31, 37:32
  - amicus curiae briefs, § 37:68
  - attorneys' fees, § 37:75
  - briefs, § 37:63 to 37:68
  - costs, § 37:75
  - credit or loans, § 37:57
  - De Novo Review (this index)
  - diligent prosecution of appeals, § 37:49
  - disposition of appeal, § 37:73

### **DISTRICT COURTS—Cont'd**

- Appeals—Cont'd
  - docketing appeal, § 37:38, 37:61, 37:62
  - election to have appeal heard by district court rather than Bankruptcy Appellate Panel, § 37:26
  - emergency motions, § 37:71
  - excusable neglect, extension of time for appeal, § 37:42
  - extension of time for appeal, § 37:41 to 37:43, 37:63, 37:64
  - failure to obtain stay, § 37:56
  - Federal Rules of Civil Procedure 62, stay under, § 37:53
  - filing, § 37:37 to 37:40, 37:58, 37:59, 37:69
  - filing of papers, generally, § 37:63, 37:64
  - final judgments and orders, generally, § 37:4 to 37:8
  - form and contents, notice of appeal, § 37:44
  - form requirements, § 37:65
  - in forma pauperis, § 37:3
  - interlocutory orders, leave to appeal from, § 37:47, 37:48
  - involuntary dismissal of appeal, § 37:49
  - jurisdiction, below
  - lease of property, voluntary dismissal of appeal, § 37:57
  - leave to appeal, motion for, § 37:47, 37:48
  - length requirements, § 37:66, 37:67
  - mediation procedures, § 37:77
  - motion for stay, § 37:52
  - motion practice, generally, § 37:40, 37:47, 37:48, 37:70, 37:71

**DISTRICT COURTS—Cont'd**

Appeals—Cont'd

notice and hearing, § 37:36 to 37:46

notice of appeal, filing, § 37:49

oral argument, § 37:72

persons who may appeal, § 37:34, 37:35

premature filing, notice of appeal, § 37:39

procedure, generally, § 37:33 to 37:76

record on appeal, § 37:58 to 37:60

reference to United States magistrate not authorized, § 37:32

referral of cases, § 7:36, 7:45

rehearing, § 37:74

sale or lease of property, voluntary dismissal of appeal, § 37:57

service of papers, generally, § 37:45, 37:58, 37:59, 37:63, 37:64, 37:69

statement of issues, § 37:58, 37:59

stay, § 37:51 to 37:56, 37:76

supersedeas bond, § 37:51 to 37:56

taxation of costs and fees, § 37:75

time and date, § 37:37 to 37:40, 37:63, 37:64

transmission of record, § 37:61, 37:62

unique circumstances doctrine, extension of time for appeal, § 37:43

voluntary dismissal of appeal, § 37:50, 37:57

Appointment of bankruptcy judges, § 7:45

Arising in Title 11, jurisdiction, § 7:11

**DISTRICT COURTS—Cont'd**

Arising under Title 11, jurisdiction, § 7:10

Attorneys' fees, § 37:75

Briefs, appeals, § 37:63 to 37:68

Briefs (this index)

Change of venue, § 7:191

Consent, appeals, § 37:47, 37:48, 37:51 to 37:56

Core proceedings, § 7:13, 7:68

Costs, § 37:75

Death claims, § 7:53

Diligent prosecution of appeals, § 37:49

Dismissal of appeal, § 37:49, 37:50

Docketing appeal, § 37:38, 37:61, 37:62

Emergency motions, § 37:71

Exclusive jurisdiction, § 7:6, 7:9, 7:17, 7:18

Excusable neglect, § 37:42

Exemptions, § 13:10

Extension of time for appeal, § 37:41 to 37:43, 37:63, 37:64

Filing, appeals, § 37:37 to 37:40, 37:58, 37:59, 37:63, 37:64, 37:69

Final judgments and orders, appeals, § 37:4 to 37:8

Form requirements, appeals, § 37:65

Guam district court, jurisdiction of, § 1:18

In forma pauperis, § 37:3

Interlocutory orders, leave to appeal from, § 37:47, 37:48

Involuntary dismissal of appeal, § 37:49

Jurisdiction  
generally, § 7:2, 7:6 to 7:17  
Abstention (this index)  
appeals, generally, § 7:28, 37:5, 37:31, 37:46

## INDEX

### DISTRICT COURTS—Cont'd

Jurisdiction—Cont'd  
arising in Title 11, § 7:11  
arising under Title 11, § 7:10  
core and noncore proceedings,  
§ 7:13, 7:68  
De Novo Review (this index)  
inherently noncore proceedings,  
§ 7:13  
minimum state contacts and  
amount in controversy pro-  
visions, § 7:8  
original and exclusive jurisdic-  
tion, § 7:6, 7:9, 7:17  
personal injury and wrongful  
death claims, § 7:53  
related to Title 11, § 7:12  
test of relatedness, § 7:15  
ultimate jurisdiction of district  
court, § 7:34  
Jury trial, § 7:53  
Lease of property, voluntary dis-  
missal of appeal, § 37:57  
Leave to appeal, motion for,  
§ 37:47, 37:48  
Length requirements, appeals,  
§ 37:66, 37:67  
Loans or credit, § 37:57  
Mediation procedures, § 37:77  
Minimum state contacts, § 7:8  
Motion practice, § 37:40, 37:47,  
37:48, 37:52, 37:70, 37:71  
Notice and hearing, appeals,  
§ 37:36 to 37:46  
Notice of appeal, filing, § 37:49  
Oral arguments, appeal, § 37:72  
Original jurisdiction, § 7:6, 7:9,  
7:17  
Parties, appeals, § 37:34, 37:35  
Personal injury claims, § 7:53  
Petition preparers, Bankruptcy  
Court's certification of viola-  
tions to district court, § 2:48  
Precedential effect of district  
courts' decision, § 37:31

### DISTRICT COURTS—Cont'd

Premature filing, notice of appeal,  
§ 37:39  
Professional's employment,  
exclusive jurisdiction over,  
§ 7:18  
Proof of claim filed with district  
judge or clerk, § 22:35  
Property of estate, § 12:151  
Record on appeal, § 37:58 to  
37:60  
Rehearing after disposition,  
§ 37:74  
Related to Title 11, jurisdiction,  
§ 7:12  
Sale and transfer, voluntary dis-  
missal of appeal, § 37:57  
Service of papers, generally,  
§ 37:45, 37:58, 37:59, 37:63,  
37:64, 37:69  
Statement of issues, appeal,  
§ 37:58, 37:59  
Stay, § 37:51 to 37:56, 37:76  
bond requirement, § 37:54  
motion for stay, § 37:52  
proceedings to enforce judg-  
ment, § 37:51, 37:53  
standards for granting stay,  
§ 37:55  
Supersedeas bond, § 37:51 to  
37:56  
Taxation of costs and fees, § 37:75  
Test of relatedness between case  
and proceeding, § 7:15  
Time and date, § 37:37 to 37:40,  
37:63, 37:64  
Transmission of record on appeal,  
§ 37:61, 37:62  
Unique circumstances doctrine,  
extension of time for appeal,  
§ 37:43  
Venue, § 7:182, 7:191  
Voluntary dismissal, § 37:50  
Wrongful death claims, § 7:53

**DISTRICT OF COLUMBIA**

Operation of business, § 15:2  
Opt-out provision, § 13:7

**DITCH LIENS**

Family farmer debt adjustment plans, § 33:9

**DIVERSITY OF CITIZENSHIP**

Allowance of claims or interest, § 24:34

**DIVIDENDS**

Allowance of claims or interest, § 24:8, 24:15  
Closing and reopening cases, § 36:1  
Exemptions, § 13:85  
Family farmer debt adjustment proceedings, § 34:193  
Liquidation, distribution, § 34:138 to 34:140  
Proof of claim, § 22:8  
Small dividends of less than \$5, § 34:193, 34:197  
Taxation, § 3:49, 3:83

**DIVORCE**

After-acquired property, § 12:54  
Allowance of alimony or support claims, § 24:39  
Automatic stay, § 16:27, 16:169  
Avoidance, divorce judgment lien, § 13:140  
Community property, § 12:14, 12:15  
Discharge (this index)  
Domestic Support Obligations (this index)  
Exemptions  
    avoidance of liens, § 13:140, 13:144  
    Domestic Support Obligations (this index)  
Fraudulent transfers and concealment of assets, § 19:36, 19:70

**DIVORCE—Cont'd**

Joint or co-ownership interests, § 12:15  
Reorganization plans, impairment of claims, § 26:23  
Trustee, vacancy in office of, § 5:46  
Voluntary bankruptcy, § 8:47

**DOCKETS**

Abstention, federal court's examination of state court calendar, § 7:26  
Bankruptcy Appellate Panels and district courts, § 37:38, 37:61, 37:62  
Captions, docket number, § 1:76  
Clerks, § 4:52  
Voluntary bankruptcy, § 8:21

**DOCTORS**

Physicians and Surgeons (this index)

**DOCUMENTARY EVIDENCE**

Examination under Rule 2004  
debtor examinations, § 10:34  
third person examinations, § 10:42

**DOCUMENTATION**

Compensation and employment of professional persons, § 2:96, 2:107  
Crimes, § 2:53  
Destruction of Documents (this index)  
Involuntary bankruptcy, § 9:27  
Title. Documents of Title (this index)

**DOCUMENTS OF TITLE**

Adequate protection, § 21:7, 21:45, 21:55, 21:64  
Cash collateral, § 1:141  
Warehouse receipts, proof of claim, § 22:11

## INDEX

### DOMESTIC SUPPORT OBLIGATIONS

- Administrative expenses, § 34:16, 34:17
- AFDC, § 1:63
- Allowance of claims or interests, § 24:39
- Appearance by child support creditors or their representatives, § 6:37
- Automatic stay exception expanded, § 16:84
- Avoidance of liens impairing exemptions, § 13:140
- Claims, § 24:39
- Discharge exceptions, generally, § 1:16
- Discharge of obligations. Discharge (this index)
- Estate property. Exemptions, below
- Exemptions
  - annuities or pensions, § 13:95, 13:109
  - avoidance of liens, § 13:102, 13:109
  - insurance, § 13:87, 13:88
- Family farmer or fisher debt adjustment plans, § 33:48
- Fraudulent transfers and concealment of assets, § 19:36, 19:37
- Individual Debt Adjustment Plans (this index)
- Preferences and preferential transfers, § 18:49
  - generally, § 18:18, 18:49, 18:91
  - avoidability exceptions, § 18:91
- Priorities, § 34:16, 34:17
- Reorganization plan confirmation standards, § 28:17
- Size and nature of claim, § 23:23

### DOMICILE AND RESIDENCE

- Adequate protection, § 21:40
- Appraisers and auctioneers, § 2:19

### DOMICILE AND RESIDENCE

#### —Cont'd

- Attorneys, § 2:45
- Change of address, debtor's duty to file statement of, § 6:26
- Dwellings (this index)
- Eligibility to file bankruptcy, § 1:37
- Examiner eligibility and qualification, § 5:3, 5:4
- Exemptions. Homestead Exemption (this index)
- Family farmer debt adjustment, § 1:50, 1:54
- Homestead Exemption (this index)
- Individual debt adjustment plans, confirmation, § 31:38
- Professional persons, § 2:19, 2:45
- Proof of claim, § 22:29
- Property of estate. Homestead Exemption (this index)
- Reorganization, automatic stay, § 16:1
- Size and nature of claim, § 23:30
- Trustee or examiner eligibility and qualification, § 5:3, 5:4
- Venue, § 7:182

### DOUBLE BENEFITS

- Taxation, § 3:10

### DOUBLE COMPENSATION

- Generally, § 2:95, 5:101, 5:102
- Trustees and examiners, § 5:102

### DOWER AND CURTESY

- Sale of property, § 15:55

### DOWNSTREAM GUARANTIES

- Fraudulent transfers and concealment of assets, tripartite transactions, § 19:52

### DRAINS

- Sewers and Drains (this index)



**DRIVER'S LICENSES**

Discriminatory treatment of debtor, § 6:29, 6:30, 6:32

**DRIVING WHILE INTOXICATED**

Discharge (this index)

**DRUGS**

Dismissal in best interest of crime victim, § 11:35

**DUAL REPRESENTATION**

Professional persons, § 2:14, 2:37

**DUE PROCESS**

Closing and reopening cases, § 36:1

Creditor's rights, generally, § 6:37, 6:38

Debtor's rights, generally, § 6:11

Disclosure statements, § 27:11, 27:12, 27:14

Equity security holders, § 6:61

Exemptions, § 13:18, 13:35

Lien avoidance provisions on exempt property, § 13:35

Proof of claim, § 22:53, 22:54

Reorganization plans, § 26:38, 26:47

Size and nature of claim, § 23:32

Use, sale, or lease of property, § 15:31

Voluntary bankruptcy, § 8:42, 8:43

**DUMPS AND DUMPING**

Automatic stay, § 16:62, 16:88, 16:93

**DUNNING**

Automatic stay, § 16:32

**DUPLICATES**

Copies (this index)

**DUPLICATION OF EFFORT OR SERVICES**

Compensation and reimbursement, generally, § 2:95

**DURATION**

Time or Date (this index)

**DURRETT RULE**

Fraudulent transfers, § 19:10, 19:11, 19:48

**DUTY STATIONS**

Judges, § 4:5, 4:9

United States trustees, § 4:71

**DWELLINGS**

Automatic stay of foreclosure, § 16:102, 16:168

Homestead Exemption (this index)

Household Furnishings or Goods (this index)

Mobile Homes (this index)

**EARLY TERMINATION OF CASE**

Abstention (this index)

Conversion or Dismissal (this index)

**EARMARKING DOCTRINE**

Preferences and preferential transfers, § 18:9 to 18:12

**EARNED TAX CREDIT**

Trustee's duties, § 3:73

**EARNING POWER**

Future Earnings or Income (this index)

**EARNINGS OR INCOME**

Generally. Compensation (this index)

Abandonment of Property of Estate (this index)

After-acquired property, § 12:49, 12:56 to 12:68

Avoidance, postpetition transfers, § 17:41

Current income and expenditures, generally, § 8:62

Debtor's earnings, bonus payments, § 12:64



## INDEX

### EARNINGS OR INCOME

#### —Cont'd

- Disposable Earnings or Income (this index)
- Dividends (this index)
- Employer payments and income statements, debtor's filing of evidence of, § 6:17, 6:27
- Family Farmer or Fisher Debt Adjustment (this index)
- Future Earnings or Income (this index)
- Gross Income (this index)
- Income and expenditure statements, debtor's filing of, § 6:17
- Individual Debt Adjustment Plans (this index)
- Individual Debt Adjustment (this index)
- Rents and Profits (this index)
- Royalties (this index)
- Schedules (this index)
- Taxation (this index)

### ECONOMIC INTEREST

- Disqualification of judge, § 4:36

### EDUCATION

- Automatic stay, § 16:39, 16:54, 16:107
- Colleges and Universities (this index)
- Individual debt adjustment plans, confirmation, § 31:15, 31:50
- Student Loans (this index)
- Transcripts, § 6:11, 16:39
- Trustee or examiner eligibility and qualification, § 5:10

### EDUCATION LOANS

- Discharge (this index)

### EFFECTIVE DATES

- Family farmer debt adjustment plans, § 33:36, 33:37
- Tax treatment of discharge, § 3:24

### EIGHTY PERCENT TEST

- Involuntary bankruptcy, exemptions, § 9:7

### ELDERLY PERSONS

- Pension or Retirement (this index)
- Social Security (this index)

### ELECTION LAW

- Fines for violations, discharge exception for, § 35:203

### ELECTION OR OPTION

- Allowance of claims or interest, § 24:51
- Appeal, election to have appeal heard by district court rather than Bankruptcy Appellate Panel, § 1:170, 37:26
- Commodity options dealers, § 6:74
- Executory contracts and unexpired leases, § 20:15
- Exemptions
  - choice of exemption system, § 13:3 to 13:10
  - Opt-Out Provisions (this index)
- Fraudulent transfers, option to proceed under state law, § 19:90 to 19:92
- Loss carryovers, § 3:57
- Municipal debt adjustment plans, election prior to conclusion of hearing, § 32:8
- Proxies (this index)
- Regulations, see more specific lines throughout this topic
- Reorganization, fully secured status, § 27:28
- Reorganization plans and section 1111(b) election, § 1:159, 23:2, 23:29, 27:28, 28:23, 28:36
- Section 1111(b) election, § 1:159, 23:2, 23:29, 27:28, 28:23, 28:36
- Size and nature of claim, § 23:2

**ELECTION OR OPTION**

**—Cont'd**

Small business reorganization,  
§ 26:56

Stock Options (this index)

Taxation (this index)

Use, sale, or lease of property,  
§ 15:25

**ELECTION OR VOTE**

Allowance of Claims or Interests  
(this index)

Creditors' committee, § 6:56,  
10:23

Jointly administered estates,  
§ 5:45

Liquidation (this index)

Proof of claim, § 22:13

Proxies (this index)

Reorganization Plans (this index)

Reorganization (this index)

Trustees

generally, § 5:14 to 5:19

Chapter 11 cases

disputed election, resolution  
of, § 5:36

manner of election, § 5:34

notice, § 5:34

report of undisputed election,  
§ 5:35

request for election, § 5:33  
jointly administered estates,  
§ 5:45

Liquidation (this index)

United States trustees, § 4:80

**ELECTIONS**

Creditors' meetings, § 10:23

**ELECTRIC COMPANY**

Utilities (this index)

**ELECTRONIC DATA  
PROCESSING OR  
TRANSMISSION**

Computers (this index)

**ELECTRONIC SOUND**

**RECORDING**

Sound Recordings (this index)

**ELEEMOSYNARY  
INSTITUTIONS**

Charitable Institutions (this index)

**ELEVATORS**

Grain and Grain Storage (this  
index)

**ELEVENTH AMENDMENT**

Sovereign Immunity (this index)

**ELIGIBILITY**

Qualification or Eligibility (this  
index)

**EMBEZZLEMENT**

Generally, § 35:145

Bankruptcy crimes, § 2:53

Discharge of debtor, § 1:167

Fiduciary fraud debt discharge  
exception, § 35:135, 35:199

Fines and penalties, § 12:147

Officers, embezzlement by,  
§ 12:147

Professional persons, employment  
of, § 2:53

Trustee, embezzlement by,  
§ 12:147

**EMERGENCIES**

Allowance of claims or interest,  
§ 24:27

Appeal, emergency motion regard-  
ing, § 37:71

Individual debt adjustment plans,  
confirmation of, § 31:35,  
31:36, 31:53

Reimbursement, § 2:86

**EMERGENCY RULE**

Jurisdiction and powers of court,  
§ 7:139 to 7:141

**EMINENT DOMAIN**

Automatic stay, § 16:101

## INDEX

### EMPLOYEE BENEFITS

Debtor's duty to perform plan administrator's obligations, § 6:24

### EMPLOYEE RETIREMENT INCOME SECURITY ACT

ERISA (this index)

### EMPLOYEES

Employment (this index)

### EMPLOYEE'S ASSOCIATION

Labor Unions or Employees' Associations (this index)

### EMPLOYEE STOCK OWNERSHIP PLAN

Turnover of property, § 14:42

### EMPLOYER TAX IDENTIFICATION NUMBER

Voluntary bankruptcy, § 8:46

### EMPLOYMENT

Accountants (this index)

Adequate protection, § 21:54

Age Discrimination in Employment Act, § 5:12

Assistants (this index)

Attorneys (this index)

Automatic stay, § 16:13, 16:92, 16:158

Benefits. Employment Benefits (this index)

Civil Service, generally, § 1:16, 1:17

Collective Bargaining Agreements (this index)

Compensation (this index)

Contracts. Employment Contracts (this index)

Disability and Disability Insurance (this index)

Disclosure statements, employment history and prospects of wage-earner debtor, § 27:8

### EMPLOYMENT—Cont'd

Discrimination

generally, § 6:28, 6:29, 6:33, 6:90

adequate protection, § 21:54

Age Discrimination in Employment Act, § 5:12

Employment Benefits (this index)

Employment Taxes (this index)

Equal opportunity. Discrimination, above

ERISA (this index)

Exemptions

future earnings and income, § 13:112

Pension or Retirement (this index)

Tools (this index)

Family farmer debt adjustment plans, § 33:28

Indebtedness discharge. Distribution, above

Individual debt adjustment plans, § 30:18, 31:37

Individual Debt Adjustment (this index)

Injunctions, § 7:167, 16:225

Involuntary petitions, § 9:10, 9:31

Judges (this index)

Jurisdiction, generally, § 7:42, 7:167

Labor Unions or Employees' Associations (this index)

National Labor Relations Board (this index)

Operation of business, employment of professional persons for, § 15:3

Paralegals and Other Paraprofessionals (this index)

Payment advices and income statements, debtor's filing of evidence of, § 6:17, 6:27

Pension or Retirement (this index)

## **EMPLOYMENT—Cont'd**

- Previous employment, creditors' committees, § 6:55
- Professional Persons (this index)
- Protective orders regarding confidential or defamatory matter, § 6:2
- Railroad reorganization, § 12:138
- Railway Labor Act, § 20:97
- Reference of cases, § 7:42
- Reorganization Plans (this index)
- Reorganization (this index)
- Resignation (this index)
- Rules of Bankruptcy Procedure (this index)
- Self-Employed Individuals (this index)
- Services (this index)
- Taxes. Employment Taxes (this index)
- Unemployment Compensation (this index)
- Unfair Labor Practices (this index)
- Unions. Labor Unions or Employees' Associations (this index)
- United States Trustees (this index)
- Venue, employment place, § 7:183
- Wages. Compensation (this index)
- Withholding Taxes (this index)
- Workers' Compensation (this index)

## **EMPLOYMENT BENEFITS**

- Amount of priority claim, § 34:60
- Compensation (this index)
- Contributions to employee benefit plans, § 34:59
- Distribution
  - generally, § 34:57 to 34:63
  - amount of priority claim, § 34:60
  - contributions to employee benefit plans, § 34:59
- Employee Retirement Income Security Act, § 34:63

## **EMPLOYMENT BENEFITS**

### **—Cont'd**

- Distribution—Cont'd
  - pension and retirement plans, § 34:63
  - persons entitled to priority, § 34:62
  - priorities, generally, § 34:57 to 34:63
  - time of rendering services, § 34:61
- Pension or Retirement (this index)
- Priorities, generally, § 34:57 to 34:63
- Time for rendering services, § 34:61
- Vacation Pay (this index)

## **EMPLOYMENT CONTRACTS**

- Allowance of Claims or Interests (this index)
- Assumption or rejection of executory contracts, § 20:34

## **EMPLOYMENT DISCRIMINATION**

- Employment (this index)

## **EMPLOYMENT TAXES**

- Distribution priorities, § 34:78
- Priorities, § 34:78
- Withholding Taxes (this index)

## **ENCUMBRANCES**

- Liens and Encumbrances (this index)

## **ENDORSEMENTS**

- Avoidable preference, perfection of real property transfer, § 18:105
- Proof of claim, § 22:17

## **ENERGY**

- Utilities (this index)

## **ENERGY DEPARTMENT**

- Automatic stay, § 16:101

## INDEX

### ENERGY DEPARTMENT

#### —Cont'd

Reorganization plans, claims classification, § **26:39**

### ENERGY POLICY ACT

Farmout agreements, exclusion of certain hydrocarbon interests from estate, § **12:94**

### ENFORCEMENT OF JUDGMENTS

Automatic Stay (this index)

Discharge of debtor, effect of, § **35:54**

Executions (this index)

### ENLARGEMENT OF TIME

Extension of Time (this index)

### ENTIRETY, ESTATE BY

Tenancy by Entirety (this index)

### ENVIRONMENTAL PROTECTION

Allowance of claims or interest, § **24:61**

Automatic stay, § **16:88, 16:93**

Core proceedings, § **7:79**

Exception to automatic stay of proceeding by governmental unit to enforce police or regulatory power, § **16:93**

Family farmer debt adjustment plans, § **33:36**

Hazardous Wastes (this index)

Operation of business, § **15:2**

Reference of cases, § **7:43**

### EQUAL ACCESS TO JUSTICE ACT

Removal of trustee or examiner for cause, § **5:79**

### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Automatic stay, § **16:92**

### EQUAL OPPORTUNITY

Employment (this index)

### EQUAL PROTECTION

Exemptions, § **13:18**

Voluntary bankruptcy, § **8:90**

### EQUIPMENT

Adequate protection, § **21:27, 21:63**

Aircraft Equipment (this index)

Family farmer debt adjustment plans, § **33:60**

Leases, generally, § **12:11**

Office Equipment and Supplies (this index)

Railroad Reorganization (this index)

Tools (this index)

United States trustees, fees, § **4:64**

Use of equipment subject to finance agreements, § **15:25, 15:26**

### EQUITABLE SUBORDINATION

Subordination (this index)

### EQUITY

Automatic stay, § **16:174 to 16:188**

Commodity broker liquidation, net equity, § **34:167 to 34:175**

Cushion. Adequate Protection (this index)

Equity Security Holders (this index)

Exempt property, requirements for, § **13:30, 13:123, 13:124**

Family farmer debt adjustment plans, § **33:35**

Fraudulent transfers and concealment of assets, § **19:17**

Individual debt adjustment plans, confirmation, § **31:65**

Injunctions (this index)

Leases, § **12:13**

Net Equity (this index)

**EQUITY—Cont'd**

- Proof of claim, § 22:48
- Property of estate, generally, § 12:7, 12:118, 12:119, 12:128
- Receivers (this index)
- Redemption, § 12:103
- Security holders. Equity Security Holders (this index)
- Stockbroker liquidation, distribution of customer property, § 34:154 to 34:156
- Subordination (this index)
- Trusts, § 12:18, 12:20, 12:21, 12:23

**EQUITY CUSHION**

- Adequate Protection (this index)

**EQUITY INSOLVENCY TEST**

- Involuntary Bankruptcy (this index)

**EQUITY SECURITIES**

- Securities (this index)

**EQUITY SECURITY HOLDERS**

- Generally, § 6:60 to 6:34
- Administrative expenses, § 6:62
- Clerk of court, § 6:61
- Committees. Creditors' and Equity Security Holders' Committees (this index)
- Custodians, § 6:76
- Indenture trustees, § 6:72
- Interested parties, generally, § 6:88
- Involuntary bankruptcy, § 9:79
- Meetings, § 10:1 et seq.
- Notice to security holders, § 1:83, 1:86, 6:60, 6:61
- Plans, § 6:60
- Professional persons generally, § 2:13, 2:14, 2:33, 2:36, 2:37
- attorneys, § 2:45

**EQUITY SECURITY HOLDERS**

**—Cont'd**

- Professional persons—Cont'd
- Creditors' and Equity Security Holders' Committees (this index)
  - notice and hearing for reimbursement, § 2:83
- Proof of claim
  - filing of proof of interest, § 22:6, 22:16
  - notice of bar date, § 22:54
- Reorganization Plans (this index)
- Reorganization (this index)
- Securities (this index)
- Size and nature of claim, § 23:13
- Taxation, § 3:10
- Trustees, § 5:4, 5:15, 5:78
- Turnover of property, § 14:76, 14:77
- United States trustees, § 4:80
- Voluntary cases, § 8:36, 8:40

**EQUITY STRUCTURE SHIFT**

- Taxation, § 3:52

**ERIE V. TOMPKINS, RULE OF**

- Allowance of claims or interest, generally, § 24:34
- Burden of proof, § 24:87
- Preponderance of evidence, § 24:20
- Presumptions, § 24:87
- Prima facie evidence, § 24:20

**ERISA**

- Exemptions, § 13:96 to 13:100
- Priorities, § 34:63
- Property of estate, § 12:10, 12:88
- Reference of cases, § 7:43

**ERRORS**

- Appeals (this index)
- Clearly Erroneous Rule (this index)
- Clerical Errors (this index)
- Mistake (this index)

## INDEX

### ESCROW

- Adequate protection, § 21:52
- Compensation of trustee or examiner, § 5:89
- Executory contracts and unexpired leases, § 20:8, 20:42
- Family farmer debt adjustment plans, § 33:38
- Impairment of claim by reorganization plan not using contracted-for escrow account, § 26:42
- Preferences and preferential transfers, § 18:133

### ESTATE

- Property of Estate (this index)
- Separate taxable bankruptcy estate. Taxation (this index)

### ESTATE ADMINISTRATORS

- Generally, § 4:58
- Creditors' meetings, § 4:80
- Equity security holders' meetings, § 4:80
- Filing of reorganization plans, § 26:59

### ESTATE BY THE ENTIRETIES

- Tenancy by Entirety (this index)

### ESTIMATES

- Claims or interests, jurisdiction, § 7:82 to 7:85
- Jurisdiction, estimation of claims and interests, § 7:82 to 7:85

### ESTOPPEL

- Waiver and Estoppel (this index)

### EVALUATION OF DEBTOR'S CASE

- Generally, § 1:33 to 1:72

### EVASION OF TAX

- Extension of payment time, § 3:84
- Payroll withholding taxes, § 3:59

### EVICTION

- Automatic stay, § 16:22, 16:29, 16:112
- Executory contracts and unexpired leases, § 20:85
- Leases, § 12:13

### EVIDENCE

- Adequate Protection (this index)
- After-acquired property, § 12:59
- Allowance of Claims or Interests (this index)
- Automatic Stay (this index)
- Badges of fraud as to exemption, § 13:22
- Burden of Going Forward (this index)
- Burden of proof. Presumptions and Burden of Proof (this index)
- Change of venue, § 7:194, 7:196
- Clerks, § 4:46, 4:55
- Closing and reopening cases, § 36:13, 36:26
- Compensation or reimbursement, § 2:109, 2:110
- Discharge (this index)
- Discovery and Depositions (this index)
- Examination under Rule 2004 (this index)
- Exemptions (this index)
- Expert Testimony (this index)
- Family Farmer or Fisher Debt Adjustment Plans (this index)
- Federal Rules of Evidence (this index)
- Findings of Fact (this index)
- Fraudulent Transfers and Concealment of Assets (this index)
- Individual Debt Adjustment Plans (this index)
- Judges, § 4:30
- Judicial notice, preferential transfer, greater amount test, § 18:32

## **EVIDENCE—Cont'd**

Jurisdiction, subpoena power, § **7:169 to 7:171**  
 Motion, application, or request, compensation or reimbursement, § **2:109, 2:110**  
 Municipal debt adjustment plans, § **32:6**  
 Newly Discovered Evidence (this index)  
 Preferences and preferential transfers, evidence of solvency, § **18:22, 18:24, 18:25, 18:29**  
 Preponderance of Evidence (this index)  
 Presumptions and Burden of Proof (this index)  
 Prima Facie Case (this index)  
 Proof of Claim (this index)  
 Questions of Law and Fact (this index)  
 Reorganization Plans (this index)  
 Reorganization (this index)  
 Rules of Bankruptcy Procedure (this index)  
 Setoff or Offset (this index)  
 Size and Nature of Claim (this index)  
 Subpoenas (this index)  
 Taxation, § **3:69**  
 Trusts, § **12:20, 12:21**  
 Turnover of property, § **14:14, 14:83**  
 Voluntary bankruptcy, § **8:102**  
 Witnesses (this index)

## **EXAMINATION OR INVESTIGATION**

Adequate protection, § **21:25**  
 Attorneys' fees, § **2:67**  
 Creditors' Meetings (this index)  
 Crimes, § **2:53**  
 Examiners (this index)  
 Individual Debt Adjustment (this index)

## **EXAMINATION OR**

### **INVESTIGATION—Cont'd**

Involuntary bankruptcy, § **9:36**  
 Jurisdiction, subpoena power, § **7:171**  
 Liquidation (this index)  
 Prepetition notice to debtor, § **6:5**  
 Professional persons, § **1:108, 2:53, 2:67**  
 Property of estate, § **12:141**  
 Railroad Reorganization (this index)  
 Records and Reports (this index)  
 Reorganization Plans (this index)  
 Report of investigation of debtor's financial affairs, inspection of, § **24:11**  
 Rules  
     generally. Rules of Bankruptcy Procedure (this index)  
     Rule 2004 examination. Examination under Rule 2004 (this index)  
 Size and nature of claim, § **23:22**  
 Small business debtors to permit inspections by U.S. trustee, § **6:25**  
 Statement of intention, examining debtor regarding, § **8:80**  
 Taxation, § **3:72**  
 Tax returns, inspection and copying of debtor's federal, § **6:21**  
 Trustees, § **5:66**  
 Turnover of property, § **14:79**  
 United States Attorneys (this index)  
 Voluntary bankruptcy, § **8:77**

## **EXAMINATION UNDER RULE 2004**

Generally, § **1:117, 1:118, 10:25 et seq.**  
 Avoidance, debtor, § **10:30**  
 Chapter 7 debtors, creditors' meeting examinations, § **10:24**  
 Chapter 11 plans, § **26:3**



## INDEX

### EXAMINATION UNDER RULE

#### 2004—Cont'd

- Corporations
  - generally, § 10:31
  - third person examinations, § 10:37
- Creditors' meeting examinations
  - generally, § 10:19 et seq.
  - Chapter 7 debtors, § 10:24
  - debtor's right to examine, § 10:20
  - privileges, § 10:22
  - scope of inquiry, § 10:21
  - trustee's role, § 10:24
  - who may conduct examination, § 10:20
- Debtor examinations
  - generally, § 10:29 et seq., 10:32
  - avoidance, § 10:30
  - corporations, § 10:31
  - documentary evidence, § 10:34
  - exclusions, § 10:33
  - partnerships, § 10:31
  - scope of inquiry
    - generally, § 10:32
    - exclusions, § 10:33
  - submission to examination, § 10:30, 10:31
- Debtor's right to examine at creditors' meetings, § 10:20
- Documentary evidence
  - debtor examinations, § 10:34
  - third person examinations, § 10:42
- Effect of pending litigation, § 10:27
- Exclusions
  - debtor examinations, § 10:33
  - third person examinations, § 10:40
- Jurisdiction, generally, § 7:170, 7:171
- Partnership debtors, § 10:31
- Pending litigation, effect of, § 10:27

### EXAMINATION UNDER RULE

#### 2004—Cont'd

- Postconfirmation, § 10:28
- Privileges, creditors' meeting examinations, § 10:22
- Reorganization plans, § 26:3
- Scope of inquiry
  - generally, § 10:32, 10:39 et seq.
  - balancing tests, § 10:41
  - creditors' meeting examinations, § 10:21
  - debtor examinations, § 10:32
  - exclusions
    - generally, § 10:33
    - third person examinations, § 10:40
  - third person examinations
    - Generally, § 10:39 et seq.
    - balancing tests, § 10:41
    - exclusions, § 10:40
- Securing attendance, third person examinations, § 10:38
- Submission to examination, debtor, § 10:30, 10:31
- Subpoenas, § 7:170, 7:171
- Third person examinations
  - generally, § 10:35
  - corporations, § 10:37
  - documentary evidence, § 10:42
  - exclusions, § 10:40
  - scope of inquiry
    - generally, § 10:39 et seq.
    - balancing tests, § 10:41
    - exclusions, § 10:40
  - securing attendance, § 10:38
  - who must submit, § 10:36
- Third person examinations generally, § 1:118
- Trustee's role, creditors' meeting examinations, § 10:24
- Who may examine, § 10:20, 10:26
- Who must submit to third person examinations, § 10:36

## EXAMINERS

Generally, § **5:1, 5:2**  
 Allowance of Claims or Interests (this index)  
 Ancillary and other cross-border cases under BAPCPA, § **33A:6**  
 Appointment. Reorganization (this index)  
 Capacity to be sued, § **5:49, 5:50**  
 Capacity to sue, § **5:48**  
 Clerks, § **4:54**  
 Compensation (this index)  
 Contracts and Agreements (this index)  
 Conversion or Dismissal (this index)  
 Dismissal. Conversion or Dismissal (this index)  
 Eligibility to serve as examiner, § **5:3 to 5:5**  
 Family Farmer Debt Adjustment, § **5:75, 5:76**  
 Fraud and Deceit (this index)  
 Indenture trustees, § **6:71**  
 Interim compensation, § **5:89**  
 Judges, § **4:27**  
 Leases (this index)  
 Mismanagement, § **5:37, 5:74**  
 Professional persons' employment, generally, § **2:42**  
 Reimbursement, § **5:88**  
 Removal, § **5:79 to 5:82**  
 Reorganization (this index)  
 Rules of Bankruptcy Procedure (this index)  
 Securities and Exchange Commission, § **6:86**  
 Termination, conversion, § **11:83**  
 Title 18, § **5:62**  
 Title 28, § **5:61**  
 United States Trustees (this index)

## EXCAVATIONS

Executory contracts and unexpired leases, § **20:9**

## EXCEPTIONS

Objections and Exceptions (this index)

## EXCESS AMOUNTS

United States trustees, § **4:68, 4:69**

## EXCESS COSTS

Attorneys' Fees (this index)

## EXCESSIVE COMPENSATION

Compensation (this index)

## EXCESS PROPERTY

Commodity broker liquidation, distribution, § **34:176, 34:177**  
 Distribution, § **34:157, 34:176, 34:177**  
 Stockbroker liquidation, distribution, § **34:157**

## EXCHANGE OF PROPERTY

Municipal debt adjustment plans, § **32:15**

## EXCISE TAXES

Priorities, § **34:79**

## EXCLUSIONS

Abstention, excluded claims, § **7:29**  
 After-acquired property, § **12:56 to 12:61**  
 Commodity broker liquidation, § **34:166**  
 Creditors' committees, § **6:55**  
 Distribution, § **34:152, 34:166**  
 Fraudulent transfers, trust property, § **19:16**  
 Individual Debt Adjustment Plans (this index)  
 Involuntary bankruptcy, § **9:32, 9:67**  
 Personnel of court, § **4:38**  
 Spendthrift trusts, § **12:18, 12:24**  
 Stockbroker liquidation, § **34:152**

## INDEX

### **EXCLUSIONS—Cont'd**

- Tax Treatment of Discharge (this index)
- Trusts, § 12:21
- Waiver of sovereign immunity, § 6:83

### **EXCLUSIVE JURISDICTION**

- Jurisdiction (this index)

### **EXCUSABLE NEGLECT**

- Appeals, § 37:42
- Proof of claim or interest, § 22:45

### **EXECUTIONS**

- Attachment and Garnishment (this index)
- Automatic stay, § 16:29
- Interested party, generally, § 6:1

### **EXECUTORS**

- Fiduciaries (this index)

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

- Generally, § 1:148 to 1:150, 20:1 to 20:146
- Acceptance of benefits, assumption by, § 20:34
- Adequate assurance
  - assignment of agreement, § 20:52, 20:53
  - assumption when default exists, § 20:43, 20:44, 20:46, 20:47
- Adequate protection
  - generally, § 21:19
  - interest in unexpired lease of personal property, § 15:23
- Administrative expenses
  - assumption or rejection, § 20:42, 20:61
  - intellectual property licenses, § 20:75
  - nonresidential real property, § 20:61, 20:94
  - nonresidential real property lease obligations, § 34:40

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

- Administrative expenses—Cont'd
  - postpetition obligation to perform under lease, § 20:90
  - retiree benefits, § 20:135
- Airport leases, § 20:27, 20:51
- Allowance of claims or interests, § 24:21, 24:29, 24:35, 24:46
- Appeals, collective bargaining agreements, § 20:116
- Approval of court. Order or approval of court, below
- Assignments
  - generally, § 20:51 to 20:55
  - adequate assurance, § 20:52, 20:53
  - airport leases, § 20:27, 20:51
  - exceptions, § 20:23
  - limitations, § 20:24, 20:51
  - postassignment obligations, § 20:55
  - retention of assignment rights by lessee after rejection by debtor-lessor, § 20:63
  - shopping center leases, § 20:49, 20:53
  - termination or modification, § 20:54
- Assumable interest, relief from forfeiture as, § 20:11
- Assumption or rejection by trustee or DIP
  - generally, § 1:148 to 1:150, 16:150, 20:15 to 20:39
  - adequate assurance, § 20:43, 20:44, 20:46, 20:47
  - administrative expenses, § 20:42, 20:61
  - application for court approval, § 20:29, 20:122
  - breach, § 20:56, 20:57, 20:59

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

Assumption or rejection by trustee or DIP—Cont'd  
     business judgment rule, § **20:31 to 20:34**  
     collective bargaining agreements, below  
     commodity broker cases, § **20:17**  
     compensation for losses, § **20:45**  
     conduct, assumption by, § **20:34**  
     consequences of rejection, generally, § **20:56 to 20:76**  
     continued performance prior to assumption or rejection, § **20:76**  
     continued possession, § **20:62 to 20:65**  
     cure of default, § **20:42, 20:44**  
     damages  
         generally, § **20:20**  
         breach of contract, § **20:56**  
         continued possession, § **20:64**  
         intellectual property, § **20:75**  
         liens, § **20:68**  
         sale of real estate contracts or timeshare interests, § **20:67**  
         specific performance, § **20:58**  
     default, generally, § **20:40 to 20:47**  
     entire agreement, § **20:20, 20:21**  
     exceptions, § **20:23**  
     excuse of performance by law, § **20:24, 20:25**  
     family farmer debt adjustment, § **20:29, 20:57**  
     individual debt adjustment, § **20:19, 20:29, 20:56, 20:57**

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

Assumption or rejection by trustee or DIP—Cont'd  
     intellectual property licenses, § **20:70 to 20:76**  
     ipso facto or bankruptcy termination clauses, § **20:22, 20:23**  
     liens, § **20:68**  
     limitations, § **20:24, 20:64, 20:67, 20:68, 20:75**  
     Liquidation (this index)  
     loans or other financial accommodations contracts, § **20:26**  
     multiple contracts existing in one agreement, § **20:21**  
     Municipal Debt Adjustment (this index)  
     nonassignable and nonassumable contracts and leases, § **20:24 to 20:27**  
     nonresidential real property, below  
     order or approval of court, below  
     parties able to assume or reject, § **20:18, 20:19**  
     personal service contracts, § **20:25**  
     postpetition matters, below  
     postrejection obligations, § **20:65**  
     prior assumption of agreement, § **20:57**  
     railway lines, § **20:69**  
     real property, generally, § **20:62 to 20:69**  
     reorganization, § **20:15, 20:29, 20:56, 20:57**  
     reorganization plans, § **26:24, 26:25**  
     royalties, § **20:74**

## INDEX

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

Assumption or rejection by trustee or DIP—Cont'd  
shopping center leases, § 20:48 to 20:50  
specific performance, § 20:58  
time limits on assumption or rejection  
generally, § 20:30, 20:35 to 20:38  
collective bargaining agreements, § 20:120  
cure of default, § 20:44  
individual debt adjustment cases, § 20:19  
liquidation, § 20:36 to 20:38  
nonresidential property, § 20:77 to 20:85  
time share interests, § 20:62 to 20:69  
voluntary bankruptcy, § 20:27, 20:36  
Automatic stay  
generally, § 16:54, 16:67, 16:150, 16:172  
nonresidential real property, § 20:85  
prepetition termination, § 20:10  
Bankruptcy clauses, § 20:22, 20:23  
Bildisco case, § 20:102  
Breach of contract or lease, § 20:56, 20:57, 20:59  
Business judgment rule, § 20:31 to 20:34  
Change. Modification, below  
Classification of claims, § 26:39  
Closing and reopening cases, § 36:4  
Collective bargaining agreements  
generally, § 5:112, 20:96 to 20:105

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

Collective bargaining agreements  
—Cont'd  
allowance of claims for breach, § 24:22, 24:29, 24:46  
application for court approval of rejection, § 20:122  
assumption or rejection by trustee, generally, § 20:96 to 20:105  
Bildisco case, § 20:102  
burden and degree of proof, § 20:103  
claims classification, § 26:39  
creditors' committees, § 6:49, 6:55  
debtor in possession, § 5:112  
filing of bankruptcy petitions, § 20:105  
good faith, § 20:101, 20:105, 20:121  
interim relief, § 20:126 to 20:128  
judgment, entry of, § 20:124  
modification, generally, § 20:106 to 20:115  
nine element test, approval of court of rejection, § 20:100  
notice and hearing, § 20:123  
order or approval of court, § 20:96 to 20:105, 20:122, 20:125  
prerequisites to approval of request for rejection, generally, § 20:106 to 20:121  
presumptions and burden of proof, § 20:103  
procedure, § 20:122 to 20:125  
protective orders, § 6:2, 20:99, 20:125  
Railway Labor Act, § 20:97  
Reorganization (this index)  
retiree benefits, below

**EXECUTORY CONTRACTS  
AND UNEXPIRED LEASES**

**—Cont'd**

Collective bargaining agreements  
—Cont'd  
snap-back provisions, § **20:104**  
status of agreement pending  
rejection, § **20:98**  
time of meeting for modifica-  
tion, § **20:120**  
trustees or examiners, § **5:73**  
Committee of retirees, § **20:133**  
Commodity broker liquidation,  
§ **20:17, 20:23**  
Compensation  
generally, § **20:45, 20:104**  
collective bargaining agree-  
ments, above  
Concurrent payment of secured  
and unsecured claims,  
§ **29:33**  
Conduct, assumption by, § **20:34**  
Consent or approval. Order or  
approval of courts, below  
Continued performance prior to  
assumption or rejection,  
§ **20:76**  
Continued possession of real prop-  
erty, § **20:62 to 20:65**  
Conversion or dismissal, § **11:81**  
Core proceedings, § **7:77, 7:78,**  
**7:85, 7:96, 7:108**  
Cure of default, § **20:11, 20:27,**  
**20:42**  
Damages. Assumption or rejection  
by trustee or DIP, above  
Debtor in possession, § **5:112**  
Definitions, § **20:1 to 20:6**  
Deposits and depositories,  
§ **20:14, 20:55, 20:88**  
Emergency modifications of  
retiree benefits, § **20:146**  
Employees' associations  
collective bargaining agree-  
ments, above

**EXECUTORY CONTRACTS  
AND UNEXPIRED LEASES**

**—Cont'd**

Employees' associations—Cont'd  
retiree benefits, § **20:132**  
Escrow, § **20:8, 20:42**  
Exceptions, assumption or rejec-  
tion by trustee, § **20:23**  
Exclusion of certain claims from  
plan, § **29:35**  
claims secured only by security  
interest in debtor's  
principal residence,  
§ **29:36**  
Excuse of performance by law,  
§ **20:24, 20:25**  
Extension of time  
assumption or rejection of exec-  
utory contract or unexpired  
lease, generally, § **20:23**  
failure to perform lease obliga-  
tions, § **20:92**  
nonresidential real property,  
§ **20:79 to 20:80, 20:84,**  
**20:92**  
Family farmer debt adjustment  
plans, § **33:12, 33:18, 33:24**  
Family Farmer or Fisher Debt  
Adjustment (this index)  
First refusal right, § **20:51**  
Forfeitures, § **20:11, 20:80, 20:85,**  
**20:86, 20:93**  
Forum selection clauses, § **7:189**  
Franchises, § **20:50**  
Fraudulent transfers, termination  
of executory contract, § **19:9,**  
**20:10 to 20:11**  
Good faith, § **20:101, 20:105,**  
**20:119, 20:121, 20:126,**  
**20:141**  
Income level of retiree affecting  
protection, § **20:131**  
Individual Debt Adjustment (this  
index)  
Installment sales contract, § **20:7**  
**to 20:9**

## INDEX

### EXECUTORY CONTRACTS AND UNEXPIRED LEASES

#### —Cont'd

Insurance and insurance companies, § 20:3, 20:130, 20:131  
Intellectual property, § 20:70 to 20:76  
Intent, § 20:83, 20:87  
Interim relief, collective bargaining agreements, § 20:126 to 20:128  
Ipso facto and bankruptcy clauses, § 20:22, 20:23  
Judgments and decrees, § 20:10, 20:84, 20:124  
Jurisdiction, § 7:77, 7:78, 7:85, 7:96, 7:108  
Labor unions or employees' associations  
    collective bargaining agreements, above  
    retiree benefits, § 20:132  
Liens, § 20:68  
Limitations  
    assignments, § 20:24, 20:51  
    assumption or rejection by trustee, § 20:24, 20:64, 20:67, 20:68, 20:75  
    nonresidential real property, § 20:79 to 20:80  
    retiree benefits, § 20:131  
Liquidation (this index)  
Loan commitment, § 20:23, 20:26  
Mineral leases, § 20:9, 20:68  
Modification  
    assignments, § 20:54  
    collective bargaining agreements, § 20:106 to 20:115  
    retiree benefits, below  
Motion, application, or request  
    assumption or rejection by trustee, § 20:29, 20:122  
    retiree benefits, § 20:142, 20:144

### EXECUTORY CONTRACTS AND UNEXPIRED LEASES

#### —Cont'd

Multiple contracts existing in one agreement, § 20:21  
Municipal Debt Adjustment (this index)  
Nine element test, approval of court of rejection of collective bargaining agreements, § 20:100  
Nonassignable and nonassumable contracts and leases, § 20:24 to 20:27  
Nonresidential real property  
    generally, § 20:77 to 20:89  
    administrative expenses, § 20:61, 20:94  
    approval of court, § 20:84  
    assumption or rejection by trustee or DIP  
        generally, § 20:27, 20:77 to 20:89  
    loan contracts or other financial accommodations, § 20:26  
    parties able to assume or reject, § 20:19  
    postpetition use of property, § 20:61  
    equitable relief from automatic rejection, § 20:86 to 20:89  
    extension of time, § 20:81, 20:82, 20:84, 20:92  
    failure to perform lease obligations, § 20:93 to 20:95  
    individual debt adjustment, § 20:19  
    intent to assume or reject, § 20:83  
    limitations, § 20:79 to 20:80  
    operation of law, rejection by, § 20:80  
    priority of claim, § 20:95  
    rent, § 20:91  
    surrender of premises, § 20:85



**EXECUTORY CONTRACTS  
AND UNEXPIRED LEASES**

**—Cont'd**

Nonresidential real property  
—Cont'd  
time, § **20:79 to 20:80, 20:84, 20:92**  
Notice and hearing  
generally, § **20:27, 20:29, 20:30**  
collective bargaining agree-  
ments, § **20:123**  
reorganization, § **20:122, 20:123, 20:128, 20:137, 20:146**  
retiree benefits, § **20:132, 20:133, 20:137, 20:142, 20:146**  
Operation of business, § **15:6**  
Order or approval of court  
assumption or rejection by  
trustee, generally, § **20:28 to 20:39**  
collective bargaining agree-  
ments, § **20:96 to 20:105, 20:122, 20:125**  
nonresidential real property,  
§ **20:84**  
protective orders, § **20:99, 20:125**  
railway line lease, § **20:69**  
retiree benefits, § **20:137, 20:138**  
Partial rejection, § **20:20**  
Patents, § **20:24, 20:72**  
Payment of claims using estate  
property, § **29:37**  
Payment of postpetition claims,  
§ **29:34**  
Pension or retirement. Retiree  
benefits, below  
Personal property  
adequate protection of interest  
in unexpired lease of,  
§ **15:23**  
debtor's obligation to perform  
under lease of personalty,  
§ **20:13**

**EXECUTORY CONTRACTS  
AND UNEXPIRED LEASES**

**—Cont'd**

Personal property—Cont'd  
lease, debtor's obligation to  
perform under, § **20:13**  
Personal service contracts, § **20:25**  
Petitions, generally, § **20:10, 20:105**  
Plan provisions that are not incon-  
sistent with the Bankruptcy  
Code, § **29:40**  
expansion of codebtor stay,  
§ **29:41**  
Possession defined, § **20:63**  
Postassignment obligations,  
§ **20:55**  
Postpetition matters  
debtor's obligation to perform  
under lease of personalty,  
§ **20:13**  
default, § **20:41, 20:45**  
expiration of agreement,  
§ **20:12**  
intellectual property, § **20:72**  
nonresidential real property,  
§ **20:90 to 20:95**  
time or date, § **20:90 to 20:95**  
use of property, § **20:60, 20:61**  
Postrejection obligations,  
continued possession,  
§ **20:65**  
Preliminary proposal for modifica-  
tion of retiree benefits,  
§ **20:139**  
Prepetition matters, § **20:10, 20:11, 20:41, 20:56**  
Presumptions and burden of proof,  
§ **20:60, 20:61, 20:103**  
Prior assumption of agreement,  
§ **20:57**  
Priority of claim, nonresidential  
real property, § **20:95**  
Proof of claim, § **22:46**  
Property of estate, generally,  
§ **12:5, 12:12**



## INDEX

### EXECUTORY CONTRACTS AND UNEXPIRED LEASES

#### —Cont'd

- Protective orders, § 20:99, 20:125
- Provision for assumption, rejection, or assignment of any executory contract or unexpired lease, § 29:32
- Railroad reorganization, § 20:97
- Railway lines, § 20:69, 20:97
- Real property, generally, § 20:62 to 20:69
- Rejection. Assumption or rejection by trustee or DIP, above
- Rents and profits
  - cure of default, § 20:42, 20:43, 20:45
  - lessee's retention of rights after rejection by debtor-lessor, § 20:63, 20:64
  - postpetition obligation to perform under lease, § 20:91
  - shopping center leases, § 20:48 to 20:50
- Reorganization, see lines throughout this topic
- Reorganization plans, discretionary plan provisions, § 26:24, 26:25
- Result-oriented approach, § 20:6
- Retention of rights
  - by lessee after rejection by debtor-lessor, § 20:63
  - by licensee in intellectual property licenses after rejection, § 20:72
- Retiree benefits
  - generally, § 20:129 to 20:146
  - authorized representatives, generally, § 20:132, 20:133
  - claims, generally, § 20:135
  - committee of retirees, § 20:133
  - consent or order of court, § 20:137, 20:138

### EXECUTORY CONTRACTS AND UNEXPIRED LEASES

#### —Cont'd

- Retiree benefits—Cont'd
  - continue payment, obligations to, § 20:134
  - emergency modifications, § 20:146
  - entry of judgment, § 20:143
  - frequency of opportunity for modification, § 20:145
  - income level of retiree, § 20:131
  - increase of benefits requests, § 20:144
  - labor organizations, § 20:132
  - modification of benefits, generally, § 20:137 to 20:146
  - motion, application, or request, § 20:142, 20:144
  - notice and hearing, § 20:132, 20:133, 20:137, 20:142, 20:146
  - preliminary proposal for modification, § 20:138
  - prepetition modification, § 20:136
  - time or date, § 20:131, 20:142, 20:143
  - type of benefits covered, generally, § 20:130
- Royalty payments, intellectual property license, § 20:74
- Rules of Bankruptcy Procedure (this index)
- Schedule, § 8:62, 8:80, 8:96
- Securities, contracts to issue, § 15:6
- Security deposit, § 20:55
- Setoff or offset, § 12:41
- Setoffs and rejection power
  - exercises by lessees, § 25:24
- Shopping centers, special provisions for, § 20:48 to 20:50, 20:53, 20:63

**EXECUTORY CONTRACTS  
AND UNEXPIRED LEASES**

**—Cont'd**

Snap-back provisions, collective bargaining agreements, § 20:104

Sovereign immunity abrogated, § 6:78

Specific performance, § 20:7, 20:58

State law, § 20:1, 20:7, 20:9, 20:10, 20:41

Status conference, setting date for assumption or rejection, § 7:148

Stay. Automatic stay, above

Stockbroker Liquidation (this index)

Substantial performances remaining, § 20:1 to 20:6

Superpriority, § 20:95

Surrender of nonresidential real property, § 20:85

Swap agreements, § 20:23

Termination, § 19:9, 20:10 to 20:12

Time or date

- assumption or rejection by trustee or DIP, above
- collective bargaining agreements, § 20:116
- extension of time, above
- nonresidential real property, § 20:77 to 20:85, 20:92
- postpetition obligation to perform under lease, § 20:90 to 20:95
- retiree benefits, § 20:131, 20:142, 20:143

Time share interests, § 20:62 to 20:69

Title placed in escrow, installment sales contract, § 20:8

Trustees. Assumption or rejection by trustee or DIP, above

Turnover of property, § 14:85

**EXECUTORY CONTRACTS  
AND UNEXPIRED LEASES**

**—Cont'd**

United States trustees, § 4:107

Use, sale, or lease of property, generally, § 15:25

Venue, forum selection clauses, § 7:189

Vesting of estate property, § 29:38

Voluntary bankruptcy

- amendments, § 8:96
- assumption or rejection by trustee, § 20:27, 20:36
- liquidation, § 8:65
- partnerships, § 8:70
- reorganization, § 8:67
- schedule, form of, § 8:80
- verification, § 8:73

Waiver and estoppel, § 20:54, 20:75, 20:86 to 20:89

**EXEMPLARY DAMAGES**

Punitive Damages (this index)

**EXEMPLIFICATION**

Voluntary bankruptcy, § 8:88

**EXEMPTIONS**

Generally, § 1:135, 1:136, 13:1 to 13:168

Abstention, § 7:29

Administrative expenses, liability of exempt property for, § 13:25

Alternative nonbankruptcy exemptions, generally, § 13:116

Amendments

- claims, § 13:40 to 13:43
- fraud of debtor, § 13:19
- interests acquired or arising after filing of bankruptcy petition, § 13:39
- objections, § 13:50
- pensions, § 13:99
- statement of intention, § 13:34

Animals (this index)

## INDEX

### EXEMPTIONS—Cont'd

- Annuities (this index)
- Appeals, § 37:7
- Appliances (this index)
- Attachment and garnishment, § 13:57, 13:146
- Automatic stay, § 16:73
- Avoidance
  - liens impairing exemptions.
    - Liens and Encumbrances (this index)
  - other effects of exemptions on avoidance. Avoidance (this index)
- Bankruptcy, § 1:7
- Bankruptcy Act of 1898, generally, § 13:2
- Burden of proof. Presumptions and burden of proof, below
- Cash surrender value of life insurance, § 13:85, 13:86
- Causes of action, § 12:27
- Change. Amendments, above
- Clerk of courts, § 13:31, 13:34, 13:40
- Closing and Reopening Cases (this index)
- Commodity broker liquidation, § 15:9
- Compensation (this index)
- Concealment of assets, § 13:19, 13:20, 13:117
- Conflict of laws, § 13:128 to 13:131
- Constitutional Law (this index)
- Construction and interpretation, § 13:9, 13:12, 13:13, 13:136, 13:155
- Contracts and Agreements (this index)
- Conversion of case, § 13:34, 13:35, 13:37
- Conversion of nonexempt property to exempt property objections, § 13:47

### EXEMPTIONS—Cont'd

- Conversion of nonexempt property to exempt property—Cont'd
  - prepetition conversion, § 13:21, 13:22
- Conversion of property from nonexempt to exempt, § 35:12
- Core proceeding, allowance or disallowance of exemptions as, § 13:52
- Crime victims' reparation awards, § 13:110
- Date. Time or date, below
- Death claims or benefits, § 13:62, 13:89, 13:116
- Denial of discharge of debtor, conversion of property from nonexempt to exempt, § 35:12
- Dependents (this index)
- Depository institution insiders, § 13:24
- Determination of issues raised by objection, § 13:49 to 13:52
- Disability and Disability Insurance (this index)
- Discharge (this index)
- Distribution, payment of expenses, § 34:23
- Divorce (this index)
- Domestic Support Obligations (this index)
- Domicile and residence.
  - Homestead Exemption (this index)
- Effect of exemption on property, generally, § 13:23 to 13:25
- Elections and options
  - exemption system, choice of, § 13:3 to 13:10
  - Opt-Out Provisions (this index)
- Eleventh Amendment, avoidance provisions, § 13:133
- Eligibility, § 13:37
- Employment (this index)

**EXEMPTIONS—Cont'd**

Entitlement to exemptions,  
establishment of, § **13:31 to 13:56**

Equity in property claimed as  
exempt, need for, § **13:30, 13:123, 13:124**

ERISA, § **13:96 to 13:100**

Evidence  
filing list of property claimed as  
exempt, § **13:31**  
fraud of debtor, § **13:20, 13:22**  
presumptions and burden of  
proof, below  
questions of law and fact,  
§ **13:8, 13:79, 13:95, 13:161**  
specificity requirements,  
§ **13:32**

Exceptions. Objections, below

Executory contracts and unexpired  
leases, § **20:23**

Extension of time  
claiming of exemptions,  
§ **13:38**  
objections, § **13:45, 13:47**  
statement of intention, § **13:34**

Family Farmer or Fisher Debt  
Adjustment (this index)

Family or Relatives (this index)

Farmers and Farm Products (this  
index)

Federal Debt Collections  
Procedures Act, § **1:34**

Federal Trade Commission,  
§ **13:156**

Fifth Amendment, § **13:134**

Filing, generally, § **13:31**

Firearms, § **13:77**

Fire insurance, § **13:90**

Fraud  
generally, § **13:19 to 13:22**  
amendment of lists or  
schedules, § **13:43**  
avoidance of liens, § **13:145**

**EXEMPTIONS—Cont'd**

Fraud—Cont'd  
concealment, § **13:19, 13:20, 13:117**  
evidence, § **13:20, 13:22**  
liens and encumbrances,  
§ **13:19, 13:145**

Fraudulent transfers and conceal-  
ment of assets, § **19:15, 19:24, 19:69, 19:86**

Gap period liens, § **13:132, 13:135**

Garnishment, § **13:57, 13:146**

Good faith, § **13:19, 13:43, 13:45**

Governing law, § **13:128 to 13:131**

Group insurance, § **13:83, 13:85**

Guns, § **13:77**

Health aids, § **13:106, 13:114**

Homestead Exemption (this index)

Household Furnishings or Goods  
(this index)

Husband and Wife (this index)

Implements. Tools (this index)

Individual Debt Adjustment Plans  
(this index)

Individual Debt Adjustment (this  
index)

Insurance and Insurance  
Companies (this index)

Intention, statement of, § **13:34**

Involuntary bankruptcy, § **9:4 to 9:9**

IRA plans, § **13:101**

Jewelry (this index)

Joint cases and joint plans,  
§ **13:28, 13:29**

Judgments, § **13:66, 13:143, 13:149**

Judicial liens, § **13:136, 13:142 to 13:146**

Jurisdiction, § **7:16, 7:17, 7:29**

Liens and Encumbrances (this  
index)

Life Insurance (this index)

## INDEX

### EXEMPTIONS—Cont'd

- Limitations and restrictions,  
§ 13:22, 13:30, 13:153
- Liquidation (this index)
- Lists, § 13:31, 13:40 to 13:43,  
13:153
- Livestock, § 13:82, 13:158
- Loans or Credit (this index)
- Military benefits, § 13:116
- Misrepresentation. Fraud, above
- Mobile homes, § 13:64, 13:157
- Money or cash, avoidance of liens,  
§ 13:159
- Motor Vehicles (this index)
- Municipal debt adjustment plans,  
§ 32:32
- Musical Instruments, § 13:154
- No fault automobile insurance,  
§ 13:91
- Nonbankruptcy alternatives,  
§ 1:33, 13:97, 13:98, 13:116
- Nonpossessory, nonpurchase-  
money security interests  
avoidance of liens impairing  
exemptions, § 13:129,  
13:147, 13:158  
trustee's receipt of property,  
§ 13:54
- Notice, § 13:34, 13:38, 13:40,  
13:49
- Objections  
generally, § 1:136, 13:44 to  
13:52  
burden of proof, § 13:51, 13:52  
conversion's effect on time  
allowed for objection,  
§ 13:47  
core proceeding, allowance or  
disallowance of exemp-  
tions as, § 13:52  
determination of issues raised  
by objection, § 13:49 to  
13:52  
extension of time, § 13:45,  
13:47

### EXEMPTIONS—Cont'd

- Objections—Cont'd  
good faith, § 13:43, 13:45  
informal or de facto objections,  
§ 13:45  
kind of property, § 13:46  
lien avoidance, raising objection  
on motion for, § 13:48  
state law, § 13:50  
timely objections, § 13:44 to  
13:47  
trustee, § 13:44, 13:51  
value of property, § 13:46
- Options. Elections and options,  
above
- Opt-Out Provisions (this index)
- Pension or Retirement (this index)
- Personal injury claim, § 13:111
- Personal items, § 13:75 to 13:77
- Possession  
generally, § 13:13  
Nonpossessory, Nonpurchase-  
Money Security Interests  
(this index)
- Postpetition Matters (this index)
- Preemption, § 13:16, 13:17,  
13:100
- Preferences and Preferential  
Transfers (this index)
- Prepetition matters, § 13:21,  
13:22, 13:24, 13:90
- Presumptions and burden of proof  
avoidance of liens, § 13:164  
objections, § 13:51, 13:52  
specificity requirement, § 13:32  
voluntary transfers of property,  
§ 13:55
- Proceeds, § 13:63, 13:84
- Professional books, § 13:78 to  
13:82, 13:148, 13:153
- Profit-sharing plans, § 13:102
- Property of estate, generally,  
§ 12:79, 12:118, 13:57 to  
13:116

**EXEMPTIONS—Cont'd**

Prospective application. Retroactive application, below

Questions of law and fact, § **13:8, 13:79, 13:95, 13:161**

Redemption, § **1:137, 12:102, 12:103**

Relationship of exemptions to property of estate, § **13:1, 13:2**

Removing property from bankruptcy estate, exemption as, § **13:1**

Reorganization, § **13:23, 13:39**

Reorganization Plans (this index)

Residence. Homestead Exemption (this index)

Retirement benefits. Pension or Retirement (this index)

Retroactive application

avoidance of liens, § **13:136**

impairment of obligation of contracts, § **13:18**

state law, § **13:17**

Rules of Bankruptcy Procedure (this index)

Sale or transfer

homestead exemption, § **13:63**

Liens and Encumbrances (this index)

trustee, property recovered by, § **13:54, 13:55**

Schedules (this index)

Security Interest (this index)

Setoff or offset, § **13:24, 13:117 to 13:119**

Size and nature of claim, § **23:26, 23:28**

Social Security (this index)

Sovereign immunity abrogated, § **6:78**

Specificity requirement, § **13:32**

Spillover exemption, § **13:115, 13:153**

**EXEMPTIONS—Cont'd**

Stacking of exemptions, § **13:28, 13:29, 13:71**

State law

generally, § **13:3 to 13:10**

amendment of exemption claims, § **13:41**

avoidance of liens, § **13:128 to 13:131, 13:146**

burial plots, § **13:113**

compliance with state or local requirements, § **13:33**

election between federal and state exemptions, § **13:3 to 13:10**

homestead exemption, § **13:58, 13:59, 13:66, 13:69**

impairment of obligation of contracts, § **13:18**

insurance contracts, § **13:86, 13:88**

life insurance, § **13:86, 13:88**

motor vehicles, § **13:71**

objections, § **13:50**

opt-out provisions, § **13:4 to 13:7, 13:15, 13:29**

pension or retirement, § **13:100**

retroactive state exemption statutes, § **13:17**

stacking of exemptions, § **13:28, 13:29**

time debtor must live in state before being able to claim its exemptions, § **13:10**

Statement of intention, § **13:34**

Statutory liens, § **13:143, 13:159**

Taxation (this index)

Television sets, § **13:159**

Tenancy by entirety, homestead exemption, § **13:67, 13:68**

Time or date

claiming of exemption, § **13:36 to 13:39**

conversion of case, § **13:35, 13:37**

## INDEX

### EXEMPTIONS—Cont'd

#### Time or date—Cont'd

extension of time, above  
individual debt adjustment,  
§ 13:37, 13:39

interests acquired or arising  
after filing of bankruptcy  
petition, § 13:39

life insurance proceeds received  
by debtor within 180 days  
of filing bankruptcy,  
§ 13:84

objections, § 13:44 to 13:47  
prepetition matters, § 13:21,  
13:22, 13:24, 13:90

statement of intention, filing of,  
§ 13:34

venue requirements, § 13:10

Tools, § 13:70 to 13:76, 13:78 to  
13:82, 13:148, 13:160 to  
13:163

#### Transfer. Sale or transfer, above Trustee

avoidance of liens, § 13:53,  
13:54, 13:56

filing list of property claimed as  
exempt, § 13:31

objections, § 13:44, 13:51

preservation of avoided  
transfers, § 12:73

property recovered by trustee,  
§ 13:53 to 13:56

statement of intention, § 13:34

transfers of property, § 13:54,  
13:55

Turnover of property, § 14:3,  
14:4, 14:29, 14:32, 14:75 to  
14:78

Unemployment benefits, § 13:102,  
13:107

#### Use, Sale, or Lease of Property (this index)

Valuation of exempt property,  
§ 13:74, 13:79, 13:115,  
13:124, 13:153, 13:162

Venue, § 13:10

### EXEMPTIONS—Cont'd

Veterans' benefits, § 13:105,  
13:116

Victim of crime awards, § 13:110

Voluntary Bankruptcy (this index)

Voluntary transfers of property,  
§ 13:55

#### Waiver of exemptions

avoidance of liens, § 13:35,  
13:120, 13:142, 13:147,  
13:167

trustee's receipt of property,  
§ 13:54

Weapons, § 13:77

Wearing Apparel (this index)

Welfare recipients, § 13:102,  
13:104

Wild card exemptions, § 13:115,  
13:153

Workers' compensation benefits,  
§ 13:108

Wrongful death payments,  
§ 13:111

### EXHAUSTION OF ADMINISTRATIVE REMEDIES

Creditors' committees, § 6:58

Jurisdiction, § 7:8

### EX PARTE MATTERS

Automatic stay, § 16:143

Debtor in possession, § 5:114

Judges, § 2:52, 4:10, 4:26, 4:33

Municipal debt adjustment plans,  
§ 32:7

Rules of Bankruptcy Procedure,  
§ 4:26, 4:33, 4:74

United States trustees, § 4:26,  
4:74

Use, sale, or lease of property,  
§ 15:23, 15:47

### EXPEDITED DETERMINATION OF INTERESTS

Automatic stay, § 16:197

Grain assets, § 15:27



**EXPEDITED PROCEDURES**

Automatic stay, § 16:197  
Distribution, § 34:85

**EXPENSES**

Costs and Expenses (this index)  
Presumption of abuse, monthly expenses, § 11:17 to 11:27

**EXPERT TESTIMONY**

Adequate protection, § 21:25  
Employment of professional persons, § 2:21  
Fraudulent transfers and concealment of assets, § 19:37

**EXPIRATION**

Termination (this index)

**EXPRESS MAIL SERVICE**

Reimbursement, § 2:84

**EXTENSION OF AUTOMATIC STAY**

Injunctions, § 16:219

**EXTENSION OF CONTRACTS**

Executory contracts and unexpired leases, § 20:12

**EXTENSION OF LEASE**

Automatic stay, § 16:9

**EXTENSION OF LIEN**

Automatic stay, § 16:69

**EXTENSION OF TIME**

Generally, § 1:91  
Adequate protection, § 21:27  
Appeals (this index)  
Automatic Stay (this index)  
Avoidance action, commencement of, § 17:55  
Commencement of action against debtor after termination of stay, § 6:40  
Document filings, dismissal for Chapter 7 or 13 debtor's failure to make, § 6:27

**EXTENSION OF TIME—Cont'd**

Executory Contracts and Unexpired Leases (this index)  
Exemptions (this index)  
Family Farmer or Fisher Debt Adjustment Plans (this index)  
Family Farmer or Fisher Debt Adjustment (this index)  
Individual Debt Adjustment Plans (this index)  
Involuntary cases, § 9:82  
Motion to extend time to file reorganization plan, § 26:60  
Municipal debt adjustment plans, § 32:3  
Order or Approval of Court (this index)  
Proof of claim, § 22:44 to 22:48  
Reorganization Plans (this index)  
Small business reorganization, time for filing plan, § 26:56  
Sovereign immunity abrogated, § 6:78  
Taxation, § 3:74, 3:84  
United States trustees, § 4:106, 8:79, 8:81, 8:93  
Voluntary bankruptcy, § 8:79, 8:81, 8:93  
Workouts, § 1:35

**FACE VALUE OF STOCK**

Family farmer debt adjustment plans, § 33:19, 33:20

**FACSIMILES**

Copies (this index)

**FACT QUESTIONS**

Questions of Law and Fact (this index)

**FAIR LABOR STANDARDS ACT**

Automatic stay, § 16:92

**FAIR MARKET VALUE**

Adequate protection, § 21:23 to 21:25



## INDEX

### **FAIR MARKET VALUE—Cont'd**

- Family farmer debt adjustment plans, § 33:39, 33:53
- Fraudulent transfers and concealment of assets, § 19:45, 19:48, 19:63, 19:98
- Liens and encumbrances, § 12:39
- Property of estate, § 12:118
- Redemption, § 12:97, 12:104, 12:106, 12:107
- Size and nature of claim, § 23:9

### **FALSE CLAIMS, STATEMENTS, OR REPRESENTATIONS**

- Fraud and Deceit (this index)

### **FALSE OATHS**

- Perjury (this index)

### **FALSE PRETENSES**

- Actual fraud and false pretenses or false representation, § 35:91, 35:92
- Business practices and reasonableness of reliance, § 35:114
- Characteristics of actual fraud, § 35:93
- Checks drawn on insufficient funds, § 35:95
- Credit card debt, § 35:118 et seq.
- Debtor's financial condition, written statements re, § 35:108
- Debts incurred through, dischargability
  - generally, § 35:90 et seq.
  - actual fraud and false pretenses or false representation, § 35:91, 35:92
  - cash advances on credit cards, § 35:124 et seq.
  - characteristics of actual fraud, § 35:93
  - checks drawn on insufficient funds, § 35:95
  - credit card debt, § 35:118 et seq.

### **FALSE PRETENSES—Cont'd**

- Debts incurred through, dischargability—Cont'd
  - debtor's financial condition, written statements re, § 35:108
  - falsity of representation, § 35:97
  - forbearance, § 35:103
- insider's financial condition, written statements re, § 35:108
- insufficient funds checks, § 35:95
- intent
  - Generally, § 35:98
  - credit card fraud, § 35:123
  - fiduciary defalcation, § 35:143
  - financial statements, § 35:117
  - inferred intent, § 35:99
- luxury goods purchases, § 35:124 et seq.
- materiality of representation, § 35:96
- obtaining money, property, or services, § 35:102 et seq.
- opinions, § 35:94
- promises, § 35:94
- refinancing statements, § 35:107
- reliance by creditor
  - generally, § 35:100
  - justifiable, § 35:101
- Debts incurred through, dischargability. Financial Statements (this index)
- False representation, § 35:91, 35:92
- Falsity of representation, § 35:97
- Financial Statements (this index)
- Forbearance, § 35:103
- Industry standards as to reliance, § 35:114

**FALSE PRETENSES—Cont'd**

Insider's financial condition, written statements re, § 35:108

Insufficient funds checks, § 35:95

Intent

generally, § 35:98

credit card fraud, § 35:123

fiduciary defalcation, § 35:143

financial statements, § 35:117

inferred intent, § 35:99

Materiality of representation

generally, § 35:96

financial statement fraud,  
§ 35:109

Opinions, § 35:94

Partial reliance, § 35:115, 35:116

Promises, § 35:94

Reliance

generally, § 35:100, 35:110 et  
seq.

business acumen of creditor,  
§ 35:113

business practices and  
reasonableness of reliance,  
§ 35:114

duty to investigate, § 35:112

fact questions, § 35:111

history of dealings with debtor,  
§ 35:116

industry standards as to,  
§ 35:114

investigation duty of creditor,  
§ 35:112

justifiable, § 35:101

partial reliance, § 35:115,  
35:116

sophisticated creditors, § 35:113

Sophisticated creditors, § 35:113

**FAMILY**

Family or Relatives (this index)

**FAMILY FARMER OR FISHER  
DEBT ADJUSTMENT**

Generally, § 1:21, 1:71

**FAMILY FARMER OR FISHER  
DEBT ADJUSTMENT**

—Cont'd

Acceptance or rejection

confirmation, below

executory contracts or  
unexpired leases, § 33:12,  
33:18, 33:24

objections, below

Adequate protection, generally,  
§ 21:29 to 21:31

After-acquired property, § 12:60,  
12:61

Allowance of claims or interest  
objection to claim, § 24:10 to  
24:12

rejection of executory contract  
or unexpired lease, claim  
arising out of, § 24:29

significance of allowance or  
disallowance of claim,  
§ 24:1, 24:3

superiority of administrative  
expenses, § 24:55

Appointment of trustee, § 4:92,  
5:1, 5:41, 5:42

Assessment, § 3:78

Assumption of executory contract  
or unexpired lease, § 20:29,  
20:56, 20:57

Attorney General, § 6:36

Attorneys. Professional persons,  
below

Automatic stay

generally, § 1:145, 16:7

Codebtor Stay (this index)

relief from automatic stay,  
§ 16:121, 16:123

termination of stay, § 16:121,  
16:123

Avoidance, trustee's powers,  
§ 17:10

Capital gains from postpetition  
sale of farmland not tax  
liability incurred by estate,  
§ 33:8

## INDEX

### FAMILY FARMER OR FISHER DEBT ADJUSTMENT

#### —Cont'd

- Carryover or carryback, § **3:58**
- Case trustee. Trustees, below
- Cause, dismissal for, § **11:63 to 11:66**
- Chapter 7. Conversion or dismissal, below
- Chapter 11. Conversion or dismissal below
- Chapter 13. Conversion or dismissal below
- Charges, § **4:90, 4:92**
- Charts for conversion, § **11:8**
- Claims
  - allowance of claims or interest, above
  - exemptions, time for claiming, § **13:39**
  - proof of claim, below
  - unclaimed property, § **34:194**
- Closing and reopening cases, § **36:1, 36:4**
- Codebtor Stay (this index)
- Compensation
  - generally, § **5:87, 5:90, 5:96 to 5:100**
  - United States trustees, § **4:90, 4:92**
- Confirmation of plan. Family Farmer or Fisher Debt Adjustment Plans (this index)
- Contracts and unexpired leases, § **20:29, 20:56, 20:57**
- Conversion or dismissal
  - property of estate after conversion from Chapter 12, § **11:90**
- Conversion or dismissal
  - generally, § **1:122 to 1:125, 1:131, 4:93, 11:60 to 11:66**
  - cause, dismissal for, § **11:64 to 11:66**

### FAMILY FARMER OR FISHER DEBT ADJUSTMENT

#### —Cont'd

- Conversion or dismissal—Cont'd
  - Chapter 7 case, § **11:60**
  - Chapter 11 case, conversion, § **11:58, 11:61**
  - Chapter 13, § **11:59, 11:76**
  - chart for conversion, § **11:8**
  - death or incompetency of debtor, § **6:10**
  - individual debt adjustment, § **11:59, 11:62**
  - liquidation, § **11:60**
  - notice and knowledge, § **11:65**
  - operation of business, § **15:19**
  - prejudice, dismissal with, § **11:66**
  - reorganization, § **11:58, 11:61**
  - request of debtor, § **11:63**
- Costs and expenses, § **4:90, 4:92**
- Death or incompetency of debtor, § **6:10**
- Debtor in possession
  - generally, § **5:76**
  - removal of debtor as debtor in possession, § **5:115**
  - rights and powers, § **5:114**
- Debtors engaged in business, additional requirements, § **12:160**
- Debtors' rights, generally, § **6:13**
- Deceit, § **15:19**
- Definitions. Words and phrases, below
- Discharge
  - generally, § **1:164 to 1:167, 35:70**
  - revocation of discharge, § **35:63**
- Discrimination against classes prohibited, § **33:9**
- Dismissal. Conversion or dismissal, above
- Distribution, § **34:191 to 34:194**
- Dividends, § **34:193**

**FAMILY FARMER OR FISHER  
DEBT ADJUSTMENT**

**—Cont'd**

Earnings or income  
    compensation, above  
    tax return as measure of gross  
    income, § **1:51**  
Eligibility for Chapter 12, § **1:50**  
    to **1:54**  
Executory contracts and unexpired  
    leases, assumption, rejection,  
    or assignment of, § **20:29**,  
    **20:56, 20:57**  
Exemptions  
    generally, § **13:13**  
    avoidance of liens, § **13:139**  
    statement of intention, § **13:34**  
    time for claiming exemptions,  
    § **13:39**  
Expenses, § **4:90, 4:92**  
Fees and charges, § **4:90, 4:92**  
Filing  
    inventory statement of property  
    of debtor, § **12:158**  
    statement of financial affairs,  
    § **12:157**  
Financial affairs, statement of,  
    § **12:157**  
Fraud and deceit, operation of  
    business, § **15:19**  
Fund for U.S. Trustee System,  
    § **4:63, 4:65**  
Gross income, income tax return  
    as measure, § **1:51**  
Gross mismanagement in opera-  
    tion of business, § **15:19**  
Hearing. Notice and hearing,  
    below  
Income. Earnings or income,  
    above  
Individual debt adjustment.  
    Conversion or dismissal  
    above.  
Indubitable equivalence require-  
    ment, adequate protection,  
    § **21:30**

**FAMILY FARMER OR FISHER  
DEBT ADJUSTMENT**

**—Cont'd**

Inventory, § **12:158**  
Leases  
    executory contracts and  
    unexpired leases, § **20:29**,  
    **20:56, 20:57**  
    totality of circumstances test,  
    § **1:54**  
Liquidation. Conversion or dis-  
    missal above.  
Lists, property owned at time of  
    filing bankruptcy petition,  
    § **12:158**  
Loans or credit, § **15:52**  
Mismanagement, § **15:19**  
Monitoring plans, § **4:91**  
Notice and hearing  
    commencement of case,  
    § **12:160**  
    operation of business, § **15:19**  
    sales free of interests, § **15:52**  
Operation of business, § **15:19**  
Order or approval of court. Revo-  
    cation, below  
Payment of fees and charges,  
    § **4:90, 4:92**  
Plans. Family Farmer or Fisher  
    Debt Adjustment Plans (this  
    index)  
Possession. Debtor in possession,  
    above  
Preference rules, applicability of,  
    § **18:96**  
Prejudice, dismissal with, § **11:66**  
Prior dismissal, § **1:39**  
Priorities, distribution, § **34:192**  
Professional persons  
    application for order of employ-  
    ment, § **2:23**  
    benefit and necessity of services  
    to debtor, § **2:89**  
    debtor in possession, § **2:10**

## INDEX

### **FAMILY FARMER OR FISHER DEBT ADJUSTMENT**

#### **—Cont'd**

Professional persons—Cont'd  
notice and hearing for  
reimbursement, § 2:83  
prior or current representation  
precluding employment,  
§ 2:36  
salaried employees, § 2:5  
Proof of claim  
time for filing, § 22:42, 22:46  
to 22:48  
Property of estate. Sale of property  
of estate, below  
Recordation. Filing, above  
Rehabilitation debtor discharges,  
§ 35:40  
Rehabilitation hardship  
discharges, § 35:41  
Reinstatement of debtor as debtor  
in possession  
generally, § 5:115  
operation of business, § 15:19  
Removal of debtor as debtor in  
possession, § 5:115  
Rent  
adequate protection, § 21:31  
leases, above  
Reorganization, conversion to  
Chapter 12, § 11:58  
Repeal of Chapter 12, § 1:21, 1:50  
Revocation  
confirmation order, § 33:62  
discharge, § 35:63  
Risk test, § 1:53  
Rules of Bankruptcy Procedure,  
discrimination against  
classes, § 33:9  
Sale of property of estate  
free and clear sales, § 15:52  
ordinary course of business  
transactions, § 15:52  
Small dividends, § 34:193

### **FAMILY FARMER OR FISHER DEBT ADJUSTMENT**

#### **—Cont'd**

Sovereign immunity abrogated,  
§ 6:78  
Standing trustees, § 4:89, 4:90,  
5:1, 5:41, 5:97 to 5:100  
Statement of financial affairs,  
§ 12:157  
Subordination, § 1:160  
Taxation  
generally, § 5:76  
assessment, § 3:78  
carryover or carryback, § 3:58  
operation of business, § 15:19  
trustee's duties, § 3:68, 3:71  
Termination of trustee's services,  
§ 5:86  
Time for claiming exemptions,  
§ 13:39  
Totality of circumstances test,  
§ 1:54  
Trustees  
generally, § 5:75, 5:76  
appointment, § 4:92, 5:1, 5:41,  
5:42  
avoiding powers, § 17:10  
compensation, § 5:87, 5:90,  
5:96 to 5:100  
duties, § 3:68, 3:71, 5:75, 5:76  
eligibility and qualification  
generally, § 5:3, 5:11  
bond requirements, § 5:7  
disinterested requirement,  
§ 5:4  
powers, § 3:68, 3:71, 5:75,  
5:76, 17:10  
standing trustees, above  
termination of trustee's ser-  
vices, § 5:86  
United States trustees, below  
Trusts, § 12:22  
Turnover of property, § 14:12,  
14:19, 14:20, 14:22, 14:23  
Unclaimed property, § 34:194

**FAMILY FARMER OR FISHER  
DEBT ADJUSTMENT**

**—Cont'd**

- Unexpired lease, § 20:29, 20:56, 20:57
- United States trustees
  - generally, § 5:76
  - appointment of, § 4:92
  - compensation, § 4:90, 4:92
  - conversion or dismissal, § 4:93
  - fees and costs, § 4:90, 4:92
  - fund for United States Trustee System, § 4:63, 4:65
  - monitoring plans, § 4:91
  - operation of business, § 15:19
  - standing trustees, § 4:89, 4:90
- Use, sale, or lease of property.
  - Sale of property of estate, above
- Voluntary bankruptcy
  - lists, schedules, and statements, § 8:61, 8:68, 8:81, 8:82, 8:87
  - notice of order, § 8:36

**FAMILY FARMER OR FISHER  
DEBT ADJUSTMENT  
PLANS**

- Generally, § 33:1 to 33:62
- Acceleration of debt, § 33:14
- Accuracy of debt statement, § 33:28
- Adequate income for execution of plan, mandatory provisions, § 33:7
- Adequate protection, § 33:13, 33:36
- AFDC benefits, payment to trustee, § 33:54
- Agent, § 33:38
- Agricultural conservation plan, § 33:34
- Agronomic feasibility, § 33:44, 33:45
- Allowed secured claims provision, compliance of plan with,

**FAMILY FARMER OR FISHER  
DEBT ADJUSTMENT  
PLANS—Cont'd**

- § 33:33 to 33:42
- Annual net income projection, § 33:47
- Approaches to present market value determination, § 33:39
- Approval or consent, § 33:38, 33:47
- Assignment of executory contract or unexpired lease, § 33:18
- Assumption of executory contract or unexpired lease, § 33:18
- Automatic extension, § 33:3, 33:13, 33:36
- Balloon payment, § 33:15, 33:33, 33:35
- Best interest of creditors test, § 33:31, 33:32, 33:49
- Book value of stock, § 33:19, 33:20
- Burden of proof, § 33:44, 33:49, 33:61
- Cash cushion, § 33:47
- Cash flow projections, § 33:3, 33:36, 33:44, 33:47
- Change. Modification, below
- Charges, payment of, § 33:27
- Classification of claims and interests, § 33:9, 33:11, 33:28
- Collateral
  - interest rate, present value determination, § 33:40
  - limitation on setoffs, § 33:34
  - property value less than allowed amount of claim, § 33:36
  - retention of lien securing claim, § 33:35
  - risk factor, § 33:41
  - time of valuation, § 33:37
- Comparable sale approach, present market value determination, § 33:39

## INDEX

### **FAMILY FARMER OR FISHER DEBT ADJUSTMENT PLANS—Cont'd**

Compliance with Chapter 12 and Title 11, § **33:26**  
Concurrent payments, § **33:16**  
Confirmation  
    generally, § **33:26 to 33:53**  
    allowed secured claims provision, compliance with, § **33:33 to 33:42**  
    approval of plan over objection by trustee or unsecured creditor, § **33:47**  
    best interest of creditors test, § **33:31, 33:32**  
    commencement of payments, § **33:1**  
    compliance with code, § **33:26, 33:27**  
    decision, § **33:53**  
    direct payments to creditors, § **33:38**  
    discount rates, § **33:40 to 33:49**  
    effect of confirmation, generally, § **33:60**  
    evidence, weight and sufficiency of, § **33:45**  
    feasibility requirement, compliance with, § **33:43 to 33:46**  
    fees, costs, and charges, § **33:26, 33:27**  
    good faith, § **33:28 to 33:30**  
    hearing, § **33:25, 33:49 to 33:53, 33:60**  
    interest, payment of, § **33:32**  
    interest rate, § **33:40 to 33:49**  
    lien securing claim, retention of, § **33:35**  
    limitation on setoffs, § **33:34**  
    long term payment, § **33:46**  
    modification prior to confirmation, § **33:24, 33:25**  
    notice, § **4:101, 4:104, 33:50**

### **FAMILY FARMER OR FISHER DEBT ADJUSTMENT PLANS—Cont'd**

Confirmation—Cont'd  
    objections, § **33:49**  
    order of confirmation, revocation of, § **33:62**  
    payment of fees charges and other amounts, § **33:27**  
    postconfirmation matters, below present value, determination of, § **33:39**  
    requisites for confirmation, § **33:26 to 33:47**  
    retention of lien securing claim, § **33:35**  
    revocation of order of confirmation, § **33:62**  
    risk factors, § **33:41**  
    securing claim to holder, § **33:42**  
    setoffs, limitation on, § **33:34**  
    standard of proof, § **33:44**  
    sufficiency of evidence of good faith, § **33:29**  
    surrender of property securing claim, § **33:42**  
    time for concluding hearing, § **33:52**  
    time of valuation, § **33:37**  
    weight and sufficiency of evidence, § **33:45**  
Congressional intent, § **33:8**  
Consent or approval, § **33:38, 33:47**  
Conservation, § **33:34**  
Consumer debts, discretionary provisions, § **33:11**  
Contents, generally, § **33:7 to 33:23**  
Contract rate, § **33:40**  
Control of corporation to which assets transferred, retention of, § **33:29**

**FAMILY FARMER OR FISHER  
DEBT ADJUSTMENT  
PLANS—Cont'd**

Conversion or dismissal  
generally, § 33:24  
defraud of creditors, § 33:28  
filing, § 33:3, 33:4  
limited resource loan terms,  
§ 33:25  
Copy of reorganization plan,  
§ 4:101  
Cost of replacement approach,  
present market value, § 33:39  
Counterclaim, setoff and recoup-  
ment, § 33:34  
County yield averages, proof of  
feasibility, § 33:44  
Curing default, discretionary pro-  
visions, § 33:14  
Damages, § 33:14  
Debt ceiling, § 33:1  
Decision, § 33:53  
Deductions from payments upon  
denial of confirmation,  
§ 33:59  
Default, curing of, § 33:14  
Deferred payment program,  
§ 33:8, 33:36  
Denial of confirmation, § 33:59  
Denial of extension of time,  
§ 33:4  
Determining present value,  
§ 33:39  
Direct payment to creditors  
generally, § 33:30, 33:38, 33:56  
consent of creditor, § 33:38  
distribution upon confirmation  
of plan, § 33:58  
filing duties, compliance,  
§ 33:38  
history of debtor, § 33:38  
modification of plan, § 33:56  
Discharge of indebtedness  
generally, § 33:28  
hardship, § 33:61

**FAMILY FARMER OR FISHER  
DEBT ADJUSTMENT  
PLANS—Cont'd**

Discount rate. Interest rate, below  
Discretionary provisions, gener-  
ally, § 33:10 to 33:22  
Dismissal or conversion. Conver-  
sion or dismissal, above  
Disposable income, application to  
plan payments, § 33:47  
Distribution, § 33:55 to 33:58  
Ditch liens, § 33:9  
Domestic support obligations,  
§ 33:48  
Duration of reorganization plan,  
§ 33:6, 33:28  
Earning potential of industry,  
proof of feasibility, § 33:44  
Effective date of plan, § 33:36,  
33:37  
Effect of confirmation, § 33:60  
Employment history of debtor,  
§ 33:28  
Equal treatment for claims or  
interest within same class,  
§ 33:9  
Equipment, allowance for replace-  
ment of, § 33:60  
Equity cushion, § 33:35  
Erroneous delivery of applications  
and other papers, § 33:5  
Escrow agent, trustee as, § 33:38  
Estoppel and waiver. waiver and  
estoppel, below  
Evidence  
feasibility requirement, standard  
of proof, § 33:44  
good faith, sufficiency of evi-  
dence, § 33:29  
weight and sufficiency of evi-  
dence, § 33:29, 33:45  
Executory contracts and unexpired  
leases, § 33:12, 33:18, 33:24  
Extension of time  
confirmation hearing, § 33:52



## INDEX

### FAMILY FARMER OR FISHER

#### DEBT ADJUSTMENT PLANS—Cont'd

- Extension of time—Cont'd
  - denial of, § 33:4
  - filing of plan, § 33:2 to 33:5
  - performance for unforeseen difficulties, § 33:61
- Face value of stock, § 33:19, 33:20
- Fair market value, § 33:39, 33:53
- Family illness, modification of plan after confirmation, § 33:61
- Farmers Home Administration, objections by, § 33:25
- Farm land bank stock, § 33:19
- Feasibility requirement, compliance with, § 33:43 to 33:46
- Federal Land Bank, § 33:20, 33:39, 33:61
- Feed grain contracts, § 33:18
- Fees
  - confirmation of plan, § 33:26, 33:27
  - payment of, § 33:27
  - priority payments of trustees fees, § 33:54, 33:57, 33:58
  - standing trustee fees, § 33:59
  - trustee costs, § 33:9, 33:28, 33:30, 33:31, 33:58
- Filing
  - generally, § 33:1 to 33:6
  - compliance with requirements, § 33:38
  - dismissal for failure to file, § 33:3, 33:4
  - extension of time, § 33:2 to 33:5
  - history of payment by debtor, records, § 33:14
  - instrument of conveyance, records as, § 33:29
  - location, § 33:5
  - objections, § 33:50

### FAMILY FARMER OR FISHER

#### DEBT ADJUSTMENT PLANS—Cont'd

- Filing—Cont'd
  - proof of feasibility, records as, § 33:44
  - removal of foreclosure from police records, § 33:35
- Foreclosure, removal from records, § 33:35
- Foreign production, risk of default factor, § 33:41
- Forfeiture of debtor's interest in property, § 33:18
- Fraud and deceit
  - fraudulent conveyance, § 33:28
  - priority payments of unpaid claims and trustees fees, § 33:54
  - sufficiency of evidence, § 33:29
- Frequency of relief sought under code, § 33:28
- Full deferred payment of priority claim, § 33:8
- Future earnings to fund plan, § 33:28, 33:44
- Gift, transfer of property by, § 33:29
- Good faith
  - accuracy of debt statement, § 33:28
  - history of debtor, § 33:38
  - particular determinations, § 33:30
  - sufficiency of evidence, § 33:29
- Government policy, risk of default factor, § 33:41
- Hardship discharge, § 33:61
- Hearings, § 33:49 to 33:53
- History of payment by debtor, § 33:14, 33:28, 33:38, 33:41
- Husband and wife, § 33:29
- Illness, modification of plan after confirmation due to, § 33:61

**FAMILY FARMER OR FISHER  
DEBT ADJUSTMENT  
PLANS—Cont'd**

Income approach, present market value determination, § 33:39

Intent, § 33:8, 33:29

Interest on money

- best interest of creditors test, § 33:32
- rate. Interest rate, below

Interest rate

- generally, § 33:40 to 33:49
- formula, § 33:36, 33:37
- market rate, § 33:32, 33:40
- present value determination, § 33:36, 33:40 to 33:49
- risk factors, § 33:41

Lease of property, discretionary provisions, § 33:17

Length of repayment period, § 33:14, 33:41

Liens and encumbrances, § 33:9, 33:35, 33:36

Limitations and restrictions, § 33:34

Limited resource program, § 33:25

Liquidating value, present value determination, § 33:39

Lists, § 33:24, 33:55

Location of filing, § 33:5

Long-term debt, generally, § 33:15, 33:46

Mandatory plan provisions, generally, § 33:7 to 33:9

Market data approach, present market value, § 33:39

Market rate, § 33:32, 33:40

Marriage, property transfer to spouse as defraud of creditor, § 33:29

Minor business on the side, inclusion in debtor's business, § 33:47

**FAMILY FARMER OR FISHER  
DEBT ADJUSTMENT  
PLANS—Cont'd**

Modification of plan

- generally, § 33:24, 33:25
- after confirmation, § 33:61
- claim holders right, discretionary provisions, § 33:12
- direct payment, § 33:56
- executory contracts and unexpired leases, § 33:18
- postconfirmation, generally, § 33:54 to 33:62
- prior to confirmation, § 33:24, 33:25
- redemption, statutory right, § 33:13
- trustee payment of modified claims, § 33:54

Monitoring plans, § 33:38

Mortgages

- redemption, right of, § 33:13
- reinstatement to cure default, § 33:14

Natural disaster, modification of plan after confirmation, § 33:61

Nominal repayment to unsecured creditor, § 33:28

Nonpurchase-money security interest, § 33:35

Notice and hearings, § 4:101, 4:104, 33:49 to 33:53, 33:61

Objections

- generally, § 33:49
- confirmation hearing, § 33:25, 33:49

Farmers Home Administration, § 33:25

- filing, § 33:50
- postconfirmation modification, § 33:61

Order of confirmation, revocation of, § 33:62

## INDEX

### **FAMILY FARMER OR FISHER DEBT ADJUSTMENT PLANS—Cont'd**

Outside the plan payment, § **5:98**,  
**5:99, 33:30, 33:38, 33:56,**  
**33:58**

Ownership and title, adequate  
protection of land, § **33:13**

Partnership debtor, § **33:26**

Payment

- debtor's income to trustee,  
§ **33:54**
- fees, charges, and other  
amounts, § **33:27**
- long term debt, discretionary  
provisions, § **33:15**
- property of estate of debtor,  
payment from, § **33:19**

Pecuniary damages, § **33:14**

Pension administrators, § **33:54**

Performance of unforeseen dif-  
ficulties, § **33:61**

Place of filing, § **33:5**

Plan feasibility as confirmation  
standard, § **33:43 to 33:46**

Police records, removal of foreclo-  
sure from, § **33:35**

Postconfirmation matters

- generally, § **33:54 to 33:62**
- deductions from payments upon  
denial of confirmation,  
§ **33:59**
- denial of confirmation, return of  
payments, § **33:59**
- direct payment, § **33:56**
- distribution upon confirmation  
of plan, § **33:55 to 33:58**
- effect of confirmation, § **33:60**
- modification of plan, above  
order of confirmation, revoca-  
tion of, § **33:62**
- payment of debtor's income to  
trustee, § **33:54**
- priority payments of unpaid  
claims and trustee fees,

### **FAMILY FARMER OR FISHER DEBT ADJUSTMENT PLANS—Cont'd**

Postconfirmation matters—Cont'd

- § **33:57, 33:58**
- return of payments upon denial  
of confirmation, § **33:59**
- revocation of order of confirma-  
tion, § **33:62**

Preferential treatment between  
classes of creditors, § **33:28**

Present market value, generally,  
§ **33:39 to 33:49**

Presumptions and burden of proof,  
§ **33:44, 33:49, 33:61**

Prime interest rate, § **33:40**

Priorities, generally, § **33:8, 33:54,**  
**33:57**

Property of estate

- return of property purchased  
from creditor, § **33:9**
- sale of property of estate, below  
surrender of property, § **33:42**
- transfer to spouse, defraud of  
creditor, § **33:29**
- vesting, § **33:21**

Proposed payment, amount of,  
§ **33:28, 33:36**

Real estate taxes, § **33:9**

Recordation. Filing, above

Recoupment or setoff, § **33:34**

Redemption, § **33:13, 33:20,**  
**33:36**

Reinstatement of note and  
mortgage to cure default,  
§ **33:14**

Rejection. Acceptance or rejec-  
tion, above

Relatives, transfer of property to  
as defraud of creditors,  
§ **33:29**

Removal of foreclosure from  
police records, § **33:35**

Rental value approach, present  
value determination, § **33:39**

**FAMILY FARMER OR FISHER  
DEBT ADJUSTMENT  
PLANS—Cont'd**

Repayment, time period for,  
§ 33:23

Replacement funds, actual cost,  
§ 33:40

Replacement of equipment, allow-  
ance for, § 33:46

Res judicata doctrine, § 33:60

Retention of control of corporation  
to which assets transferred,  
§ 33:29

Retention of lien securing claim,  
§ 33:35, 33:36

Return of payments upon denial of  
confirmation, § 33:59

Return of property purchased from  
creditor, § 33:9

Revocation of order of confirma-  
tion, § 33:62

Risk of default, generally, § 33:40,  
33:41

Rules of Bankruptcy Procedure  
(this index)

Sale, use or lease of property,  
§ 33:17, 33:20

Schedule of payment, § 33:6,  
33:24, 33:36

Self-monitor and remedy device,  
§ 33:38

Service of process and papers,  
§ 33:5

Setoff, § 33:34

Social security benefits, § 33:54

Sovereign immunity abrogated,  
§ 6:78

Special circumstances, § 33:28,  
33:38

Spouse, § 33:29

Standard of proof, § 33:44

Standing trustees, percentage fee,  
§ 33:59

Stock value, § 33:19, 33:20

**FAMILY FARMER OR FISHER  
DEBT ADJUSTMENT  
PLANS—Cont'd**

Submission of future income to  
supervision and control of  
trustee, § 33:7

Surrender of property securing  
claim to holders, § 33:42

Taxation, § 33:9

Tests and testing, § 33:31, 33:32,  
33:49

Time

- automatic extension, § 33:3,  
33:13, 33:36
- commencement of payments  
after plan confirmation,  
§ 33:1
- confirmation hearing, § 33:52
- deferred payment program,  
§ 33:8, 33:36
- effective date of plan, § 33:36,  
33:37
- extension of time, above
- filing of plan, § 33:3, 33:5
- hearing, time for concluding,  
§ 33:52
- long-term debt, § 33:15
- long-term payments, § 33:46
- notice of confirmation hearing,  
§ 33:50
- objections, filing of, § 33:50
- principal secured creditor,  
payout period, § 33:29
- repayment period, contents of  
plan, § 33:6, 33:14, 33:23,  
33:28, 33:41
- revocation of order of confirma-  
tion, § 33:62
- schedule of payments, § 33:6,  
33:36
- valuation of property, § 33:36,  
33:37

Timeshare interest, § 33:18

Title and ownership, adequate  
protection of land, § 33:13

## INDEX

### FAMILY FARMER OR FISHER

#### DEBT ADJUSTMENT

##### PLANS—Cont'd

Transfer of assets to family member, § 33:29

##### Trustees

direct payments to creditors, § 33:38

fees and expenses, § 33:9, 33:28, 33:30, 33:31, 33:54, 33:57, 33:58

monitor of direct payments, § 33:38

payment of modified claims, § 33:54

payout period to principal secured creditor, § 33:29

priority payments, § 33:8, 33:57

schedule of principals, § 33:6  
standing trustee, percentage fee, § 33:59

Unexpired leases, treatment of, § 33:18

United States trustee, notice and copies to, § 4:101, 4:104

Unsecured claims, § 33:28, 33:54

Use, sale, or lease of property, § 33:17, 33:20

Value and valuation, generally, § 33:19, 33:20, 33:53

Vesting of property of estate, § 33:21

Voluntary petition, generally, § 33:24

Waiver and estoppel  
default, generally, § 33:14

Weather conditions, § 33:41, 33:44

Weight and sufficiency of evidence, proof of feasibility, § 33:45

Zero repayment to unsecured creditors, § 33:28

### FAMILY OR RELATIVES

Aid to Families with Dependent Children (this index)

### FAMILY OR RELATIVES

#### —Cont'd

Children (this index)

Discharge (this index)

Domestic Support Obligations (this index)

##### Exemptions

Dependents (this index)

Divorce (this index)

Domestic Support Obligations (this index)

Husband and Wife (this index)

use of goods by family, § 13:75 to 13:77

Family Farmer or Fisher Debt Adjustment Plans (this index)

Family Farmer or Fisher Debt Adjustment (this index)

Fraudulent Transfers and Concealment of Assets (this index)

Husband and Wife (this index)

Involuntary bankruptcy, § 9:42

Judges, § 2:43, 2:44, 4:27, 4:34, 4:36

Petitions (this index)

Redemption of property, § 1:137

Reorganization Plans (this index)

Reorganization (this index)

Rules of Bankruptcy Procedure (this index)

##### Taxation

discharge, tax treatment of, § 3:13

Family Farmer or Fisher Debt Adjustment (this index)

Trustees (this index)

United States trustees, § 4:90

U.S. trustees, § 2:43, 2:44

### FAMILY TRUSTS

Eligibility to file bankruptcy, § 1:38

### FANS

Allowance of claims or interest, § 24:26

**FARMERS AND FARM  
PRODUCTS**

- Adequate protection, § **21:55, 21:56**
- Allowance of claims
  - crops, § **24:73**
  - Family Farmer or Fisher Debt Adjustment (this index)
- Avoidance of liens impairing exempt crops and farm animals, § **13:129, 13:158**
- Conversion or dismissal
  - Family Farmer or Fisher Debt Adjustment (this index)
  - individual debt adjustment, § **11:77**
- Crops (this index)
- Discriminatory treatment of bankrupt prohibited, § **6:32**
- Dismissal. Conversion or dismissal, above
- Earnings or income. Family Farmer Debt Adjustment (this index)
- Exemptions
  - avoidance of liens impairing exempt crops and farm animals, § **13:129, 13:158**
  - Family Farmer or Fisher Debt Adjustment (this index)
  - trade, farming as, § **13:82**
- Family Farmer or Fisher Debt Adjustment Plans (this index)
- Family Farmer or Fisher Debt Adjustment (this index)
- Farmers Home Administration (this index)
- Grain and Grain Storage (this index)
- Individual debt adjustment, conversion or dismissal, § **11:77**
- Individual debt adjustment plans, § **30:3**
- Involuntary Bankruptcy (this index)

**FARMERS AND FARM  
PRODUCTS—Cont'd**

- Liquidation plans under Chapter 11, § **26:14, 26:30**
- Loans, generally, § **15:52**
- Perishable Agricultural Commodity Act (this index)
- Size and nature of claim
  - crops, § **23:33**
  - grain and grain storage, § **23:6**
- Use, sale, or lease of property, § **15:52**

**FARMERS HOME  
ADMINISTRATION**

- Administrative regulations, § **1:32**
- Family farmer debt adjustment plans, § **33:25**

**FARM LAND BANK STOCK**

- Family farmer debt adjustment plans, § **33:19**

**FARMOUT AGREEMENTS**

- Exclusion of certain hydrocarbon interests from estate, § **12:94**

**FEASIBILITY REQUIREMENT**

- Family farmer debt adjustment plans, § **33:43 to 33:46**
- Individual debt adjustment plans, confirmation of, feasibility of debtor's compliance with plan, § **31:39 to 31:41**

**FEDERAL ANTI-INJUNCTION  
STATUTE**

- Generally, § **16:218**

**FEDERAL AVIATION  
ADMINISTRATION**

- Automatic stay, § **16:93**
- Intangible personal property, § **12:46**
- Use, sale, or lease of property, § **15:25**

**FEDERAL EXEMPTIONS**

- Exemptions (this index)

## INDEX

### **FEDERAL GOVERNMENT**

Particular agencies, commissions,  
or departments, see specific  
topics

Attorney General (this index)

Court of Appeals (this index)

District Courts (this index)

Federal Debt Collections

Procedures Act, § 1:34

Municipal debt adjustment plans,  
§ 32:12

Preemption (this index)

Proof of claim, § 22:47, 24:48

### **FEDERAL HOUSING ADMINISTRATION**

Adequate protection, § 21:61

### **FEDERAL INCOME TAX**

Taxation (this index)

### **FEDERAL INSTITUTIONS SUPERVISORY ACT**

Jurisdiction, § 7:8

### **FEDERAL JUDICIAL CENTER**

Generally, § 1:17

### **FEDERAL JUDICIAL DISTRICTS**

United States trustees, § 4:70

### **FEDERAL LAND BANK**

Family farmer debt adjustment  
plans, § 33:20, 33:39, 33:61

### **FEDERALLY-INSURED LOAN**

Adequate protection, § 21:61

Student Loans (this index)

### **FEDERAL MAGISTRATES ACT**

Jury trial, § 7:174

### **FEDERAL MARSHALS**

Crimes and offenses, § 12:146

### **FEDERAL QUESTION**

Jurisdiction (this index)

### **FEDERAL RULES OF**

#### **APPELLATE PROCEDURE**

Rules of Appellate Procedure (this  
index)

### **FEDERAL RULES OF**

#### **BANKRUPTCY PROCEDURE**

Rules of Bankruptcy Procedure  
(this index)

### **FEDERAL RULES OF CIVIL PROCEDURE**

Allowance of claims or interest,  
§ 24:102

Cross-referencing, § 1:24

Governing law, § 1:24, 1:25

Rules of Bankruptcy Procedure  
(this index)

### **FEDERAL RULES OF EVIDENCE**

Governing law, § 1:26

### **FEDERAL TAXATION**

Taxation (this index)

### **FEDERAL TRADE COMMISSION**

Administrative regulations, § 1:32

Exemptions, § 13:156

### **FEDERAL UNEMPLOYMENT TAX CREDITS**

Generally, § 3:82

### **FEDERAL WITHHOLDING TAXES**

Withholding Taxes (this index)

### **FEE APPLICATION**

Generally, § 2:106 to 2:112, 2:122

Costs of preparing, § 2:81

Review by United States trustee,  
§ 4:79

Trustee's compensation for ser-  
vices, § 5:83

## **FEED GRAIN CONTRACTS**

Family farmer debt adjustment plans, § **33:18**

## **FEEES AND CHARGES**

Adequate protection, § **21:17, 21:32**

Allowance of Claims or Interests (this index)

Appeals (this index)

Application. Fee Application (this index)

Attorneys' Fees (this index)

Breakup fees, § **15:32, 15:41, 15:42**

Capital Expenditures (this index)

Clerk of court, § **4:47, 4:50, 4:54**

Compensation (this index)

Conversion or Dismissal (this index)

Distribution priorities, § **34:39**

Executory contracts and unexpired leases, § **20:51**

Family Farmer or Fisher Debt Adjustment Plans (this index)

Family Farmer or Fisher Debt Adjustment (this index)

Fee Splitting (this index)

Filing fees, generally, § **8:85 to 8:95**

Fines and Penalties (this index)

Individual debt adjustment, § **4:90, 4:92**

Individual Debt Adjustment Plans (this index)

Judges, § **4:22**

Judicial Code (28 USCA), § **1:17**

Liquidation (this index)

Notice of appearance fees, § **5:90**

Percentage Fee (this index)

Petition preparers, § **2:61, 8:16**

Petitions, generally, § **8:45, 8:85 to 8:95**

Property of estate, § **12:85**

Redemption, § **12:105**

## **FEEES AND CHARGES—Cont'd**

Reorganization (this index)

Retainers (this index)

Rules of Bankruptcy Procedure (this index)

Sanctions. Fines and Penalties (this index)

Size and nature of claim, § **23:14, 23:19 to 23:22**

Taxation (this index)

Trustees (this index)

United States Trustees (this index)

Voluntary Bankruptcy (this index)

Waiver of filing fees, § **1:111**

## **FEE-SPLITTING**

Attorneys, generally, § **2:59, 2:60**

Professional persons, generally, § **2:59, 2:60**

Trustees and examiners, § **5:103**

## **FHA INSURANCE**

Adequate protection, § **21:61**

## **FIDUCIARIES**

Capacity, fiduciary, § **35:136 et seq.**

Causes of action, § **12:29**

Debtors in possession as, § **5:111**

Defalcation, § **35:142, 35:143**

Definitions, § **35:136 et seq.**

Discharge debt exceptions generally, § **1:167, 35:135 et seq., 35:199**

capacity, fiduciary, § **35:136 et seq.**

defalcation, § **35:142, 35:143**

embezzlement, § **35:145**

ex mal cio trusts, § **35:141**

express trusts, § **35:139**

intent, defalcation, § **35:143**

larceny, § **35:145**

state trust law, § **35:140**

technical trusts, § **35:139**

who is fiduciary, § **35:136 et seq.**



## INDEX

### FIDUCIARIES—Cont'd

- Eligibility to file bankruptcy,  
§ 1:38
- Embezzlement, § 35:145
- Exemption for life insurance  
proceeds payable to execu-  
tors of debtor, § 13:89
- Ex mal cio trusts, § 35:141
- Express trusts, § 35:139
- Foreign Representatives (this  
index)
- Guardians (this index)
- How relationship created,  
§ 35:138 et seq.
- Insiders (this index)
- Larceny, § 35:145
- Property of estate, § 12:5
- Receivers (this index)
- Reorganization , § 15:13
- Scope of status, § 35:136 et seq.
- State trust law, § 35:140
- Tax returns, trustee's duties,  
§ 3:71
- Technical trusts, § 35:139
- Trustees (this index)
- Trusts, § 12:18
- Type of trust creating relationship,  
§ 35:137
- United States Trustees (this index)
- Who is fiduciary, § 35:136 et seq.

### FIFO

- Taxation, basis adjustment, § 3:22

### FIFTH AMENDMENT

- Adequate protection, § 21:2
- Due Process (this index)
- Exemptions, avoidance of liens,  
§ 13:134
- Self-Incrimination (this index)
- Size and nature of claim, § 23:32
- Turnover of property, § 14:14

### FIFTH PRIORITY CLAIMS

- Allowance of claims or interest,  
§ 24:36

### FILE ORGANIZATION SERVICES

- Compensation, § 2:93

### FILING

- Abandonment of Property of  
Estate (this index)
- Adequate protection, place for  
filing motions and other  
papers, § 21:71
- After-acquired property, § 12:55
- Allowance of Claims or Interests  
(this index)
- Alternative nonbankruptcy exemp-  
tions, § 13:116
- Appeals (this index)
- Attorneys' fees, disclosure state-  
ment, § 2:63
- Automatic Stay (this index)
- Briefs, extension of time for filing  
and service, § 37:63, 37:64
- Change of venue, filing petitions  
involving same or related  
debtors in different courts,  
§ 7:193
- Clerk of Court (this index)
- Closing and reopening cases,  
§ 36:1
- Conversion or Dismissal (this  
index)
- Debtor in possession, § 5:104,  
5:106, 5:110
- Educational IRA or tuition  
program, debtor's filing of  
record of interest in, § 6:20
- Employer payments and income  
statements, debtor's filing of  
evidence of, § 6:17, 6:27
- Equity security holders, § 6:60,  
6:65, 6:66
- Exemptions (this index)
- Family Farmer or Fisher Debt  
Adjustment Plans (this index)
- Family Farmer or Fisher Debt  
Adjustment (this index)

**FILING—Cont'd**

Fees for filing. Fees and Charges (this index)  
 Fraudulent transfers and concealment of assets, pleadings, § 19:120  
 Income and expenditure statements, debtor's filing of, § 6:17  
 Individual Debt Adjustment Plans (this index)  
 Individual Debt Adjustment (this index)  
 Involuntary Bankruptcy (this index)  
 Liquidation (this index)  
 Lists (this index)  
 Multiple Filings (this index)  
 Municipal Debt Adjustment Plans (this index)  
 Petitions (this index)  
 Privacy considerations, § 1:78  
 Proof of Claim (this index)  
 Property of Estate (this index)  
 Redemption, § 12:112  
 Reorganization Plans (this index)  
 Reorganization (this index)  
 Rules of Bankruptcy Procedure (this index)  
 Schedules (this index)  
 Size and Nature of Claim (this index)  
 Small business debtors, duties and reporting requirements of, § 6:25  
 Statements (this index)  
 Taxation (this index)  
 Tax returns, debtor's filing of federal, § 6:21  
 Trustees, § 5:7, 5:15, 5:47, 22:19, 22:51  
 Trusts, § 12:22  
 Turnover of Property (this index)  
 United States trustees, § 4:65  
 Utilities, § 16:246

**FILING—Cont'd**

Voluntary Bankruptcy (this index)

**FILING FEES**

Fees and Charges (this index)

**FINAL ACCOUNTING**

Closing and reopening cases, § 36:4  
 United States trustees, § 4:100, 4:101, 4:106

**FINAL HEARINGS**

Automatic stay, § 16:196

**FINAL JUDGMENTS, ORDERS, AND DECREES**

Appeals (this index)  
 Clerks, § 4:52  
 Closing and reopening cases, § 36:6  
 Collateral Estoppel (this index)  
 Disclosure statement approval by court, § 27:15  
 Notice of appeal, § 1:170  
 Reference of cases, final determination by bankruptcy judge, § 7:50 to 7:52  
 Res Judicata (this index)

**FINAL MEETINGS**

Creditors', § 10:5

**FINAL REPORT**

Closing and reopening cases, § 36:1, 36:4  
 Conversion or dismissal, § 11:89  
 Reorganization plans, § 28:57  
 Trustee, § 36:1

**FINANCIAL DISCLOSURE**

Financial Statements (this index)

**FINANCIAL EXPERTS**

Professional persons, § 2:21

**FINANCIAL INSTITUTIONS**

Banks (this index)  
 Credit Unions (this index)

## INDEX

### FINANCIAL INSTITUTIONS

#### —Cont'd

Fraudulent transfers and concealment of assets, § 19:14, 19:16, 19:107

### FINANCIAL INTEREST

Disqualification of judge, § 4:36

### FINANCIAL MANAGEMENT

Credit Counseling and Financial Management Instruction (this index)

### FINANCIAL PARTICIPANTS

Automatic stay, setoff rights, § 25:16

### FINANCIAL REPORTING

Financial Statements (this index)

### FINANCIAL RESPONSIBILITY

Discriminatory treatment of debtor, § 6:30

### FINANCIAL STATEMENTS

Avoidance of unperfected lien or security interest, § 17:25

Balance Sheet (this index)

Discharge fraud

generally, § 35:105 et seq.  
debtor's financial condition, written statements re, § 35:108

insider's financial condition, written statements re, § 35:108

intent, § 35:117

materiality of falseness, § 35:109

money or property obtained for debtor, § 35:106, 35:107

new value rule, § 35:107

partial reliance, § 35:115, 35:116

refinancing statements, § 35:107

### FINANCIAL STATEMENTS

#### —Cont'd

Discharge fraud—Cont'd  
reliance

generally, § 35:110 et seq.  
business acumen of creditor, § 35:113

business practices and reasonableness of reliance, § 35:114

duty to investigate, § 35:112

fact questions, § 35:111

history of dealings with debtor, § 35:116

industry standards as to, § 35:114

investigation duty of creditor, § 35:112

partial reliance, § 35:115, 35:116

sophisticated creditors, § 35:113

sophisticated creditors, § 35:113

Fraudulent transfers, evidence of insolvency, § 19:61

New value rule, § 35:107

Preferences and preferential transfers, perfection of real property transfer, § 18:105

Refinancing statements, § 35:107

Sophisticated creditors, § 35:113

### FINANCING

Allowance of claims or interest, § 24:41

Funds (this index)

### FINDINGS OF FACT

Abstention, § 7:28

Allowance of claims or interest, § 24:17

Core proceedings, § 7:5

Reference of cases, § 7:48 to 7:50

### FINES AND PENALTIES

Administrative expenses, § 34:30

## **FINES AND PENALTIES**

### **—Cont'd**

Allowance of claims or interest,  
**§ 24:65**  
 Appeal, jurisdiction, **§ 7:160**  
 Attorney as “debt relief agency,”  
 violation of restrictions on,  
**§ 2:55**  
 Automatic stay, **§ 7:96 to 7:98,**  
**16:80**  
 Avoidance, **§ 17:52**  
 Capacity to be sued, **§ 5:49**  
 Contempt, **§ 7:155**  
 Discharge exceptions  
   generally, **§ 35:179 et seq.**  
   election law violations,  
   **§ 35:203**  
 Distribution  
   liquidation, **§ 34:132**  
   priorities, **§ 34:30, 34:82**  
   taxation, **§ 34:82**  
 Embezzlement by trustee or  
   officer, **§ 12:147**  
 Executory contracts and unexpired  
   leases, **§ 20:93**  
 Fraudulent transfers and conceal-  
   ment of property, **§ 12:142 to**  
**12:150**  
 Inherent power of court, **§ 7:159**  
 Injunctions, **§ 3:80**  
 Involuntary bankruptcy, **§ 9:16**  
 Jurisdiction  
   generally, **§ 7:157 to 7:161**  
   appeal, **§ 7:160**  
   inherent power of court, **§ 7:159**  
   multiplication of proceedings,  
   **§ 7:157**  
   own motion of court, **§ 7:158**  
   signing and verification require-  
   ments, **§ 7:158**  
 Liens and encumbrances, **§ 17:2**  
 Liquidation, distribution, **§ 34:132**  
 Misappropriation of property by  
   trustee or officer of court,  
   **§ 12:146**

## **FINES AND PENALTIES**

### **—Cont'd**

Mismanagement of property by  
 receiver or trustee, **§ 12:149**  
 Multiplication of proceedings,  
**§ 7:157**  
 Own motion of court, **§ 7:158**  
 Pecuniary loss penalties, **§ 34:82**  
 Petition preparers, **§ 2:53, 2:61,**  
**8:11, 8:17**  
 Prepetition notice to debtor, **§ 6:5**  
 Priorities, **§ 34:30, 34:82**  
 Prisons and Prisoners (this index)  
 Proof of claim, **§ 22:39**  
 Purchase of property of estate by  
   trustee or officer of court,  
   **§ 12:145**  
 Signing requirements, **§ 7:158**  
 Taxation  
   distribution, **§ 34:82**  
   injunctions, **§ 3:80**  
   100 percent penalty, **§ 3:59 to**  
**3:63**  
   withholding taxes, **§ 3:59 to**  
**3:63**  
 Transfer of property of estate by  
   trustee or officer of court,  
   **§ 12:145**  
 Trustees, generally, **§ 2:60, 5:49,**  
**12:145**  
 Trust fund taxes, **§ 3:59 to 3:63**  
 Turnover of property, **§ 14:90**  
 Verification requirements, **§ 7:158**  
 Withholding taxes, **§ 3:59 to 3:63**

## **FIREARMS**

Exemptions, **§ 13:77**

## **FIRE INSURANCE**

Automatic stay, **§ 16:48, 16:65,**  
**16:167**  
 Exemption of proceeds, **§ 13:90**  
 Insurance and insurance  
   companies, **§ 12:32**

## INDEX

### FIRST AMENDMENT

- Professional persons, employment of, § 2:46
- Reorganization plans, in solicitation of plan acceptance or rejection, § 27:21

### FIRST PRINCIPLES

- Bankruptcy, § 1:4

### FIRST PRIORITY CLAIMS

- Administrative expenses, § 24:31, 24:53, 24:54, 24:76

### FIRST REFUSAL RIGHTS

- Co-owner or spouse, right on sale of property, § 15:56
- Executory contracts and unexpired leases, § 20:51
- Redemption, § 12:96

### FISCAL YEAR

- Taxable year, § 3:32, 3:34

### FISH AND FISHERMEN

- Family Farmer or Fisher Debt Adjustment Plans (this index)
- Family Farmer or Fisher Debt Adjustment (this index)
- Priorities, generally, § 34:86
- Reclamation, § 17:85
- Wages, alternative nonbankruptcy exemptions, § 13:116

### FIXTURES

- Adequate protection, additional or replacement lien as providing, § 21:55
- Leases, § 12:11

### FLAX SEED

- Allowance of claims or interest, § 24:72
- Size and nature of claim, § 23:6

### FLOATING LIEN

- Preferences, security interest in inventory or receivables, § 18:85

### FLOATING LIEN—Cont'd

- Size and nature of claim, § 23:39
- Use, sale, or lease of property, § 15:24

### FLORIDA

- Opt-out provision, § 13:6

### FOOD

- Exemptions, avoidance of liens, feed for livestock, § 13:158
- Proof of claim, § 22:21

### FORBEARANCE

- Fraudulent transfers and concealment of assets, § 19:39, 19:53
- Preferences and preferential transfers, § 18:49, 18:83

### FORECLOSURE

- Generally, § 1:33
- Adequate protection of use, sale, or lease of property, § 21:23, 21:32
- Appeals, § 37:7
- Automatic stay, § 16:35, 16:64, 16:102, 16:114, 16:115
- Avoidance, § 13:126, 17:45, 17:50
- Executory contracts and unexpired leases, § 20:7
- Family farmer debt adjustment plans, § 33:35
- Fraudulent Transfers and Concealment of Assets (this index)
- Homestead exemption, § 13:66
- HUD-insured mortgages, foreclosure insulated from automatic stay provisions, § 16:102
- Property of estate, § 12:125
- Reorganization, automatic stay, § 16:124, 16:125
- Reorganization plans, § 26:16
- Size and nature of claim automatic stay, § 23:3

**FORECLOSURE—Cont'd**

Use, sale, or lease of property,  
§ 15:25, 15:30  
Voluntary bankruptcy, § 8:27,  
8:29

**FOREIGN BANKS**

Generally, § 1:43  
Involuntary case, § 9:11

**FOREIGN CLAIMS**

Turnover of property, § 14:11

**FOREIGN CORPORATIONS**

Banks. Foreign Banks (this index)  
Eligibility to file bankruptcy,  
§ 1:38  
Insurance companies, § 1:42  
Liquidation eligibility, § 1:42  
Taxation, § 3:81

**FOREIGN COUNTRIES OR  
PROCEEDINGS**

Abstention, § 1:97, 11:4  
Allowance of claims or interest,  
§ 24:6  
Ancillary and other cross-border  
cases after BAPCPA,  
§ 16:223  
Ancillary and Other Cross-Border  
Cases Under BAPCPA (this  
index)  
Ancillary cases to foreign  
proceedings under pre-  
BAPCPA law  
change of venue, § 7:196  
clerk of court, § 4:49  
immunity from criminal prose-  
cution, § 6:3  
injunctions, § 16:222  
insurance companies, § 1:44  
venue, § 7:190, 7:196  
Attorneys, § 2:45  
Automatic stay, § 16:222, 16:223  
Change of venue, § 7:196  
Clerks, § 4:49  
Comity (this index)

**FOREIGN COUNTRIES OR  
PROCEEDINGS—Cont'd**

Court of International Trade (this  
index)  
Currency hedges, § 16:108, 17:62  
Foreign Corporations (this index)  
Foreign Representatives (this  
index)  
Injunctions and stays in ancillary  
and other cross-border cases  
after BAPCPA, § 16:223  
Interested party, generally, § 6:1  
Proof of claim, § 22:56  
Property of estate, § 12:1  
Taxes. Foreign Taxes (this index)  
Venue, § 7:190, 7:196

**FOREIGN EXCHANGE  
MARKET**

Spot foreign exchange agreements  
as swap agreements, § 20:23

**FOREIGN PRODUCTION**

Family farmer debt adjustment  
plans, § 33:41

**FOREIGN REPRESENTATIVES**

Abstention, § 11:5  
Appearance, § 7:55  
Involuntary bankruptcy, § 9:11  
Reference of cases, § 7:55

**FOREIGN SERVICE  
RETIREMENT AND  
DISABILITY PAYMENTS**

Federal nonbankruptcy exemp-  
tions, § 13:116

**FOREIGN TAXES**

Basis adjustment, § 3:20  
Carryover or carryback, § 3:52

**FORFEITURES**

Crimes and offenses, § 12:146  
Discharge exception, § 35:179 et  
seq.

## INDEX

### **FORFEITURES—Cont'd**

- Executory contracts and unexpired leases, § 20:11, 20:80, 20:85, 20:86, 20:93
- Family farmer debt adjustment plans, § 33:18
- Use, sale, or lease of property, § 15:31

### **FORGAY-CONRAD RULE**

- Appeals, interlocutory orders, § 37:10 to 37:12

### **FORMER LAW**

- Bankruptcy Act of 1898 (this index)

### **FORMER LAW ASSOCIATE**

- Disqualification of judge, § 4:35

### **FORMER NAMES**

- Voluntary bankruptcy, § 8:21

### **FORM OF ACTION**

- Turnover of property, § 14:79

### **FORMS**

- Appeal and review forms, election to have district court hear appeal, § 37:26
- Local rules, official forms, § 1:28, 1:31
- Machine readable forms, turnover of property, § 14:13

### **FORUM NON CONVENIENS**

- Abstention, § 7:31
- Remand, § 7:126

### **FORUM SELECTION CLAUSES**

- Generally, § 7:189

### **FORWARD CONTRACT MERCHANTS**

- Avoidance, postpetition perfection of liens, § 17:60
- Fraudulent transfers, § 19:107

### **FORWARD CONTRACTS**

- Avoiding powers, § 17:60

### **FORWARD CONTRACTS**

#### **—Cont'd**

- Executory contracts and unexpired leases, § 20:23
- Fraudulent transfers, § 19:107
- Merchants. Forward Contract Merchants (this index)

### **FOURTEENTH AMENDMENT**

- Attorney's solicitation of clients, § 2:46

### **FOURTH OF JULY**

- Independence Day (this index)

### **FRANCHISES**

- Automatic stay, § 16:46
- Executory contracts and unexpired leases, § 20:50

### **FRAUD AND DECEIT**

- Actual fraud and false pretenses or false representation, § 35:91, 35:92
- Adverse interest, § 5:2
- Allowance of claims or interest, § 24:70, 24:71
- Attorney's solicitation of clients, § 2:46
- Automatic Stay (this index)
- Avoidance, actual unsecured creditor, § 17:31, 17:32
- Badges of fraud, § 35:11
- Bankruptcy fraud, generally, § 12:148
- Business practices and reasonableness of reliance, § 35:114
- Characteristics of actual fraud, § 35:93
- Checks drawn on insufficient funds, § 35:95
- Closing and reopening cases, § 36:16, 36:19
- Collection and reduction of estate property to money, § 5:65
- Collusion (this index)
- Commingleing (this index)

**FRAUD AND DECEIT—Cont'd**

- Compensation of trustee or examiner, § **5:92, 5:105**
- Concealment (this index)
- Contractual forum selection clauses, § **7:189**
- Conversion or dismissal, § **11:74**
- Core proceedings, § **7:92**
- Credit card debt, § **35:118 et seq.**
- Creditors' and equity security holders' committees, § **6:55**
- Crimes, § **2:53**
- Debtor in Possession (this index)
- Debtors' attorneys as "for relief agencies," restrictions on consumer, § **2:55**
- Debts incurred through falsity and fraud, dischargability
  - generally, § **35:90 et seq.**
  - actual fraud and false pretenses or false representation, § **35:91, 35:92**
  - cash advances on credit cards, § **35:124 et seq.**
  - characteristics of actual fraud, § **35:93**
  - checks drawn on insufficient funds, § **35:95**
  - credit card debt, § **35:118 et seq.**
  - debtor's financial condition, written statements re, § **35:108**
  - falsity of representation, § **35:97**
  - fiduciary defalcation, § **35:135 et seq., 35:143, 35:199**
- Financial Statements (this index)
- forbearance, § **35:103**
- insider's financial condition, written statements re, § **35:108**
- insufficient funds checks, § **35:95**

**FRAUD AND DECEIT—Cont'd**

- Debts incurred through falsity and fraud, dischargability
  - Cont'd
  - intent
    - generally, § **35:98**
    - credit card fraud, § **35:123**
    - financial statements, § **35:117**
    - inferred intent, § **35:99**
  - luxury goods purchases, § **35:124 et seq.**
  - materiality of representation, § **35:96**
  - obtaining money, property, or services, § **35:102 et seq.**
  - opinions, § **35:94**
  - promises, § **35:94**
  - refinancing statements, § **35:107**
  - reliance by creditor
    - generally, § **35:100**
    - justifiable, § **35:101**
- Denial of discharge of debtor, § **35:18**
- Discharge (this index)
- Dismissal, standing of trustee to oppose motion for, § **5:68**
- Embezzlement (this index)
- Equity security holders, § **6:62**
- Establishing intent, § **35:10, 35:11**
- Evasion of tax, § **3:59, 3:84**
- Examiners. Trustees and examiners, below
- Exemptions (this index)
- False oath or account
  - generally, § **35:20 et seq.**
  - later amendment, § **35:22**
  - materiality, § **35:21**
  - omissions, § **35:23**
  - subsequent disclosure, § **35:22**
- False pretenses or false representation and actual fraud, § **35:91, 35:92**
- False Pretenses (this index)
- Falsity of representation, § **35:97**



## INDEX

### FRAUD AND DECEIT—Cont'd

- Family Farmer or Fisher Debt Adjustment Plans (this index)
- Family Farmer or Fisher Debt Adjustment (this index)
- Financial Statements (this index)
- Forbearance, § 35:103
- Forum selection clauses, § 7:189
- Fraudulent Transfers and Concealment of Assets (this index)
- Indenture trustees, § 6:73
- Individual Debt Adjustment Plans (this index)
- Individual Debt Adjustment (this index)
- Industry standards as to reliance, § 35:114
- Inferred intent, § 35:99
- Insufficient funds checks, § 35:95
- Intent
  - generally, § 35:9, 35:19, 35:98
  - badges of fraud, § 35:11
  - credit card fraud, § 35:123
  - establishing intent, § 35:10
  - fiduciary defalcation, § 35:143
  - financial statements, § 35:117
  - inferred intent, § 35:99
- Investigation of debtor by trustee, § 5:66
- Involuntary bankruptcy, § 9:39, 9:49, 9:59
- Later amendment of false oath or account, § 35:22
- Liquidation (this index)
- Materiality of representation
  - generally, § 35:96
  - false oath or account, § 35:21
  - financial statement fraud, § 35:109
- Omissions, fraudulent, § 35:23
- Operation of business, § 15:19
- Opinions, § 35:94
- Partial reliance, § 35:115, 35:116
- Perjury (this index)
- Personal liability of trustee, § 5:51

### FRAUD AND DECEIT—Cont'd

- Petition preparers, § 2:48, 2:53
- Promises, § 35:94
- Racketeering, § 12:150
- Reliance
  - generally, § 35:100, 35:110 et seq.
  - business acumen of creditor, § 35:113
  - business practices and reasonableness of reliance, § 35:114
  - duty to investigate, § 35:112
  - fact questions, § 35:111
  - history of dealings with debtor, § 35:116
  - industry standards as to, § 35:114
  - investigation duty of creditor, § 35:112
  - justifiable, § 35:101
  - partial reliance, § 35:115, 35:116
  - sophisticated creditors, § 35:113
- Removal of trustee or examiner, § 5:80
- Reorganization Plans (this index)
- Sophisticated creditors, § 35:113
- Subsequent disclosure of false oath or account, § 35:22
- Taxation
  - evasion of tax, § 3:59, 3:84
  - trustee's request for prompt tax determination by IRS, § 3:66
  - withholding taxes, § 3:61
- Trustees and examiners
  - adverse interest, § 5:2
  - appointment of examiner, § 1:93, 5:37, 5:74
  - appointment of trustee, § 1:93, 5:23, 5:29, 5:30
  - collection and reduction of estate property to money, § 5:65

**FRAUD AND DECEIT—Cont'd**

Trustees and examiners—Cont'd  
 compensation of trustee or  
 examiner, § 5:88, 5:105  
 dismissal, standing of trustee to  
 oppose motion for, § 5:68  
 individual debt adjustment,  
 § 5:77, 5:78  
 investigation of debtor by  
 trustee, § 5:66  
 liquidation, trustee's powers  
 and duties, § 5:62  
 personal liability of trustee,  
 § 5:51  
 removal, § 5:80  
 request for prompt tax determi-  
 nation by IRS, § 3:66  
 Use, sale, or lease of property,  
 § 15:48  
 Voluntary bankruptcy, § 8:11,  
 8:35, 8:102  
 Withholding taxes, § 3:61

**FRAUDULENT TRANSFERS  
 AND CONCEALMENT OF  
 ASSETS**

Generally, § 1:33, 19:1 to 19:126  
 Actual fraudulent intent, generally,  
 § 19:22 to 19:29  
 Administrative expenses of credi-  
 tors, § 6:42  
 Administrative regulations, § 1:32  
 Appeal and review, § 19:115  
 Attorneys' fees, § 19:101  
 Avoidance, generally, § 12:73,  
 19:2, 19:93 to 19:111  
 Back-due salary, reimbursement  
 of, § 19:73  
 Banks, § 19:14, 19:16  
 Burden of proof. Presumptions  
 and burden of proof, below  
 Buyouts, leveraged, § 19:76 to  
 19:78  
 Capital position, § 19:57 to 19:59  
 Capital stock, § 19:16  
 Cash flow, § 19:59

**FRAUDULENT TRANSFERS  
 AND CONCEALMENT OF  
 ASSETS—Cont'd**

Charitable contributions, § 19:87  
 Children, § 19:36, 19:37  
 Collusion, § 19:25, 19:67  
 Commingling, § 19:13, 19:97  
 Comparison of values, § 19:46  
 Compensation, reimbursement of  
 back-due salary and  
 expenses, § 19:73  
 Constructive fraud  
 generally, § 19:30 to 19:66  
 capital position of debtor,  
 § 19:57 to 19:59  
 comparison of values, § 19:46  
 conversion of nonexempt assets,  
 § 19:86  
 discharge of indebtedness  
 denied, § 19:111  
 evidence of insolvency of  
 debtor, § 19:61  
 fair market value, § 19:45  
 financial condition of debtor,  
 generally, § 19:56 to 19:66  
 forbearance from suit, § 19:39  
 foreclosure sales, below  
 future consideration, § 19:37  
 gift, § 19:87  
 good-faith transferee, § 19:47  
 good will, § 19:41  
 insolvency of debtor, generally,  
 § 19:60 to 19:66  
 intangibles, § 19:35 to 19:41  
 leveraged buyouts, § 19:78  
 love and affection, § 19:38  
 marital and familial duties, per-  
 formance of, § 19:36  
 municipal debtors, § 19:65  
 partnership debtor, § 19:65  
 reasonably equivalent value,  
 generally, § 19:31 to 19:55  
 satisfaction of indebtedness,  
 § 19:33, 19:43, 19:55

## INDEX

### FRAUDULENT TRANSFERS AND CONCEALMENT OF ASSETS—Cont'd

- Constructive fraud—Cont'd
  - securing of indebtedness,  
§ 19:34
  - third party, effect of benefit to,  
§ 19:42, 19:43
  - tripartite transactions, below  
value, § 19:31 et seq.
- Contingent assets and liabilities,  
§ 19:64
- Conversion or dismissal, § 19:20,  
19:86, 19:116
- Corporate officers and directors,  
§ 19:27, 19:72
- Corporations
  - capital stock, § 19:16
  - conduits, transfers to corporate  
conduit, § 19:83
  - insiders, § 19:72 to 19:74,  
19:77, 19:98, 19:99
  - intent, generally, § 19:27
  - leveraged buyouts, § 19:76 to  
19:78
  - officers and directors, § 19:27,  
19:72
  - stock, below
  - subordination of claim,  
§ 19:110
  - successor corporations,  
transfers of assets to,  
§ 19:84
  - tripartite transactions, below  
value requirement, § 19:106
- Creditors' and equity security  
holders' committees,  
§ 19:116, 19:122
- Crimes and offenses, § 12:142 to  
12:150
- Debtor in possession, § 19:116,  
19:125
- Debtor-transferor's intent, gener-  
ally, § 19:27
- Delay, generally, § 19:24

### FRAUDULENT TRANSFERS AND CONCEALMENT OF ASSETS—Cont'd

- Denial of discharge, § 19:111,  
19:123
- Discharge of indebtedness,  
§ 19:36, 19:94, 19:111,  
19:123
- Disclaimers of inheritances,  
§ 19:71
- Divorce, § 19:36, 19:70
- Durrett rule, § 19:10, 19:11, 19:48
- Equity in property, § 19:17
- Evidence
  - generally, § 19:18, 19:114
  - discharge of indebtedness  
denied, § 19:111
  - good faith, § 19:102
  - insolvency of debtor, § 19:61
  - intent, § 19:28
  - interest of debtor in property,  
§ 19:18
  - presumptions and burden of  
proof, below
- Executory contracts, § 19:9
- Exemptions, § 19:15, 19:24,  
19:69, 19:84
- Expenses, reimbursement of,  
§ 19:73
- Fair market value, § 19:45, 19:48,  
19:63, 19:98
- Family
  - children, § 19:36, 19:37
  - duties, generally, § 19:36
  - husband and wife, below
  - intrafamily transfers, § 19:67 to  
19:71
- Federal Debt Collections  
Procedures Act, § 1:34
- Filing of pleadings, § 19:120
- Financial condition of debtor, gen-  
erally, § 19:56 to 19:66
- Financial institutions, § 19:14,  
19:16, 19:107

**FRAUDULENT TRANSFERS  
AND CONCEALMENT OF  
ASSETS—Cont'd**

Fines and penalties, § 12:142 to 12:150

Forbearance from suit, § 19:39, 19:53

Foreclosure sales

    Durrett rule, § 19:10, 19:11, 19:48

    Madrid rule, § 19:48

    postpetition transfers, § 19:20

    price, § 19:48

    time and date, § 19:11, 19:21, 19:62

Future consideration, § 19:37

Gambling losses, § 19:40

Gifts, § 19:87

Good faith, § 19:47, 19:96, 19:102 to 19:106

Good will, § 19:41

Hinder, intent to, generally, § 19:24

Homestead exemptions, § 19:24, 19:69

Husband and wife

    divorce, § 19:36, 19:70

    homestead exemptions, § 19:24, 19:69

    marital duties, generally, § 19:36

    postpetition transfers, § 19:20

    support of persons, § 19:36, 19:37

    tenancy by entirety, § 19:69

    transfers between spouses, § 19:68 to 19:70

Improvement liens, § 19:108

Incurring of debts beyond ability to pay, § 19:26

Individual creditors as parties, § 19:123, 19:124

Individual debt adjustment, § 19:119, 19:126

**FRAUDULENT TRANSFERS  
AND CONCEALMENT OF  
ASSETS—Cont'd**

Inheritances, disclaimers of, § 19:71

Initial requirements, generally, § 19:5 to 19:21

Initial transferees, protection against liability, § 19:102

Insiders, corporate debtors, § 19:72 to 19:74, 19:77, 19:99, 19:101

Insolvency of debtor, generally, § 19:60 to 19:66

Intangibles, § 19:35 to 19:41

Intent

    generally, § 19:22 to 19:29

    collusion with third party, § 19:80

    insiders in corporate debtor, transfer to, § 19:72

    partnership property transfers, § 19:85

    preferential transfers, § 19:80

Interest of debtor in property, § 19:11 to 19:18

Interest on money, § 19:99

Intrafamily transfers, § 19:67 to 19:71

Involuntary transfers, § 19:3, 19:8 to 19:11, 19:29

Joint and several liability, § 19:97

Jurisdiction, § 7:41, 7:43, 7:99, 7:100, 7:176, 19:112

Jury trial, § 7:99, 7:176, 19:113

Leaseholds, § 19:14

Letter of credit payments, § 19:16

Leveraged buyouts, § 19:76 to 19:78

Liquidation (this index)

Love and affection, § 19:38

Madrid rule, § 19:21, 19:48

Margin and settlement payments, § 19:107

## INDEX

### **FRAUDULENT TRANSFERS AND CONCEALMENT OF ASSETS—Cont'd**

Marriage. Husband and wife,  
above

Motions, § **19:118, 19:120,**  
**19:122**

Municipality as debtor, § **19:66**

Nature of proceedings, § **19:112**

Notice and knowledge, § **19:77,**  
**19:103**

Novation, tripartite transactions,  
§ **19:55**

Operation of business, § **15:10**

Option to proceed under state law,  
§ **19:90 to 19:92**

Partial payments, § **19:33**

Parties

- generally, § **19:7**
- avoidance, generally, § **19:93 to**  
**19:97**
- bringing of action, generally,  
§ **19:121 to 19:126**
- creditors' committees, § **19:116,**  
**19:124**
- debtor in possession, § **19:125**
- individual creditors, § **19:123,**  
**19:124**
- individual debt adjustment,  
§ **19:126**
- liquidation individual debtors,  
§ **19:126**
- reorganization cases, § **19:124,**  
**19:125**
- third persons or parties, below  
trustees, generally, § **19:121**

Partnership property, § **19:65,**  
**19:85**

Payments

- intent to incur debts beyond  
debtor's ability to pay,  
§ **19:26**
- letter of credit, § **19:16**
- leveraged buyouts, § **19:77**

### **FRAUDULENT TRANSFERS AND CONCEALMENT OF ASSETS—Cont'd**

Payments—Cont'd

- margin and settlement pay-  
ments, § **19:107**
- partial payments, § **19:33**

Pension benefits, enhancement of,  
§ **19:75**

Pleadings, § **19:18, 19:118 to**  
**19:120**

Ponzi scheme, § **19:13, 19:81**

Possessory interests of debtor,  
§ **19:14**

Postpetition transfers, § **19:20**

Practice and procedure, generally,  
§ **19:112 to 19:126**

Preferential transfers, generally,  
§ **18:2, 19:4, 19:25, 19:79**

Prepetition matters, generally,  
§ **19:1 to 19:126**

Presumptions and burden of proof

- generally, § **19:18, 19:114**
- good faith, § **19:102**
- homestead interest, § **19:69**
- insiders in corporate debtor,  
§ **19:72**
- insolvency of debtor, § **19:61**
- intent, § **19:28**
- intrafamily transfers, § **19:67,**  
**19:68**
- successor corporation, transfer  
of corporate assets to,  
§ **19:84**
- unreasonably small capital,  
§ **19:57**

Private right, action to recover  
fraudulent conveyance as,  
§ **7:146**

Promissory notes, § **19:53, 19:74**

Proof of claim, § **22:46**

Protection against liability, gener-  
ally, § **19:102 to 19:108**

Punitive damages, § **19:100**

**FRAUDULENT TRANSFERS  
AND CONCEALMENT OF  
ASSETS—Cont'd**

Reasonably equivalent value,  
§ 19:31 to 19:55, 19:85

Recovery actions, generally,  
§ 12:71

Redemption, § 19:11, 19:74

Reference of cases, § 7:41, 7:43

Reimbursement of back-due salary  
and expenses, § 19:73

Relatives. Family, above

Relevancy of intent, § 19:27

Religious contributions, § 19:88

Reorganization, § 19:124, 19:125

Retention of claim, § 19:109

Retirement benefits, enhancement  
of, § 19:75

Satisfaction of indebtedness,  
§ 19:33, 19:43, 19:55

Securing of indebtedness,  
constructive fraud, § 19:34

Securities. Stock, below

Size and nature of claim, § 23:35

Sovereign immunity abrogated,  
§ 6:78

Spouse. Husband and wife, above

State law, option to proceed under,  
§ 19:90 to 19:92

Statute of limitations, § 19:90,  
19:116

Stock

- interest of debtor in property,  
§ 19:16
- redemption of stock, § 19:74
- securities clearing agencies,  
§ 19:107
- tripartite transactions, § 19:53,  
19:54

Subordination of claim, § 19:110

Subsequent transferees, § 19:103,  
19:107

Successor corporations, § 19:84

Sufficiency of pleadings, § 19:119

Support of persons, § 19:36, 19:37

**FRAUDULENT TRANSFERS  
AND CONCEALMENT OF  
ASSETS—Cont'd**

Swap agreements, § 19:107

Termination

- executory contract, § 19:9
- leaseholds, § 19:14

Third persons or parties

- generally, § 19:42, 19:43
- sufficiency of pleadings,  
§ 19:119
- tripartite transactions, below

Time and date

- generally, § 19:3
- action, time to bring, generally,  
§ 17:55, 17:56, 19:116,  
19:117
- foreclosure sales, § 19:11,  
19:21, 19:62
- interest, § 19:99
- statute of limitations, § 19:90,  
19:116
- transfer date, generally, § 19:19  
to 19:21
- valuation date, § 19:62

Transferee's intent, generally,  
§ 19:27

Tripartite transactions

- generally, § 19:50 to 19:55
- intercorporate guaranties,  
§ 19:52
- novation, § 19:55
- related corporate entity, benefit  
to, § 19:51, 19:52
- shareholder in corporate debtor,  
benefit to, § 19:54
- stock, benefit to corporation in  
which debtor holds,  
§ 19:53

Trustees, generally, § 19:2, 19:121

Trusts

- interest of debtor in property,  
§ 19:16
- transfers to trusts, § 19:82

Turnover of property, § 14:3

## INDEX

### **FRAUDULENT TRANSFERS AND CONCEALMENT OF ASSETS—Cont’d**

- Uniform Fraudulent Conveyance Act, § 19:91
- Uniform Fraudulent Transfer Act, § 19:92
- Unreasonably small capital, § 19:57 to 19:59
- Vacating and setting aside, § 19:18, 19:70
- Value and valuation
  - generally, § 19:63, 19:79, 19:106
  - comparison, § 19:46
  - date of valuation, § 19:62
  - fair market value, § 19:45, 19:48, 19:63, 19:98
  - forbearance from suit, § 19:39
  - foreclosure sales, above
  - future consideration, § 19:37
  - good will, § 19:41
  - joint and several liability, § 19:97
  - reasonably equivalent value, constructive fraud, § 19:31 to 19:55, 19:85
  - retention of claim, § 19:107
  - what may be recovered, generally, § 19:98
- Wagering losses, § 19:40
- Wife. Husband and wife, above

### **FREEDOM OF SPEECH AND PRESS**

- Attorney’s solicitation of clients, § 2:46
- Creditors’ meetings, press and public attendance at, § 10:16
- Reorganization plans, in solicitation of plan acceptance or rejection, § 27:21

### **FREEZES, ADMINISTRATIVE**

- Automatic stay, setoff rights, § 25:18

### **FRESH START DOCTRINE**

- After-acquired property, § 12:56, 12:59
- Automatic stay, § 16:1, 16:88
- Bankruptcy, § 1:7
- Individual debt adjustment plan modification, § 30:17
- Property of estate, § 12:2, 12:79
- Redemption, § 12:96
- Turnover of property, § 14:11

### **FRIEND OF COURT**

- Amicus Curiae Appearances or Brief (this index)

### **FRIENDS**

- Judges or U.S. trustee’s employment of friends, § 2:43, 2:44

### **FRINGE BENEFITS**

- Employment Benefits (this index)

### **FULL FAITH AND CREDIT**

- Size and nature of claim, § 23:2
- Turnover of property, § 14:87

### **FUNDS**

- Individual Debt Adjustment Plans (this index)
- Registry fund, § 4:47
- United States Trustees (this index)

### **FURNITURE**

- Household Furnishings or Goods (this index)

### **FUTURE CONSIDERATION**

- Fraudulent transfers and concealment of assets, § 19:37

### **FUTURE CROPS**

- Adequate protection, § 21:56

### **FUTURE EARNINGS OR INCOME**

- Exemptions, § 13:112
- Family farmer debt adjustment plans, § 33:28, 33:44

**FUTURE EARNINGS OR  
INCOME—Cont'd**

- Individual Debt Adjustment Plans  
(this index)
- Individual Debt Adjustment (this  
index)

**FUTURE EVENTS**

- Automatic stay, § 16:142

**FUTURE EXPENSES**

- Exemptions, § 13:95

**FUTURE LOANS**

- Discriminatory treatment of debtor  
prohibited, § 6:32

**FUTURES**

- Commodity Futures (this index)

**FUTURES COMMISSION  
MERCHANTS**

- Commodity Broker Liquidation  
(this index)

**GAINS OR LOSSES**

- Loss or Deficiency (this index)
- Recapture of gain of subsequent  
stock sale, § 3:26
- Taxation
  - recapture of gain of subsequent  
stock sale, § 3:26
  - tax-free transactions, § 3:85
  - transfer of estate assets, § 3:31
  - Transfer of estate assets, § 3:31

**GAMBLING LOSSES**

- Fraudulent transfers and conceal-  
ment of assets, § 19:40

**GAP PERIOD**

- Involuntary Gap (this index)
- Lien avoidance provision,  
§ 13:132, 13:135

**GARNISHMENT**

- Attachment and Garnishment (this  
index)

**GAS**

- Oil, Gas, or Minerals (this index)

**GASOLINE**

- Reclamation, timeliness of  
demand, § 17:79

**GAS SUPPLIER**

- Utilities (this index)

**GENERAL CREDITORS**

- Allowance of claims or interest,  
§ 24:13

**GENERAL  
DIVIDEND-EQUIVALENCE  
TEST**

- Tax-free corporate reorganiza-  
tions, § 3:49

**GEOGRAPHIC UNIFORMITY**

- Exemptions, § 13:14

**GEORGIA**

- Opt-out provision, § 13:6

**GIFTS**

- Family farmer debt adjustment  
plans, § 33:29
- Fraudulent transfers and conceal-  
ment of assets, § 19:87
- Individual debt adjustment plans,  
confirmation of, § 31:47,  
31:54
- Taxes, extension of time to pay  
gift, § 3:84

**GIFT TAXES**

- Extension of payment time, § 3:84

**GOALS**

- Bankruptcy, § 1:5

**GOING CONCERN VALUATION**

- Allowance of claims or interest,  
§ 24:86, 24:93
- Size and nature of claim, § 23:9



## INDEX

### **GOING FORWARD WITH BURDEN OF PROOF**

Allowance of claims or interest,  
§ 24:20

### **GOOD OR BAD FAITH**

Attorneys' fees, § 2:62

Automatic stay, § 16:161 to  
16:164, 16:210

Avoidance, § 17:48 to 17:50,  
17:67 to 17:69, 17:72

Bona Fide Purchasers (this index)

Compensation, § 2:91, 5:98

Conversion or dismissal

actions constituting cause,  
§ 11:38

dismissal for, § 11:39

factors affecting choice of  
conversion or dismissal,  
§ 11:53

individual debt adjustment  
cases, conversion or dis-  
missal of, § 11:74

Executory contracts and unexpired  
leases, § 20:101, 20:105,  
20:121, 20:126, 20:141

Exemptions, § 13:19, 13:43,  
13:45

Family Farmer or Fisher Debt  
Adjustment Plans (this index)

Filing of bankruptcy. Petitions  
(this index)

Fraudulent transfers and conceal-  
ment of assets, § 19:47,  
19:96, 19:102 to 19:107

Individual Debt Adjustment Plans  
(this index)

Injunctions, § 7:166

Involuntary Bankruptcy (this  
index)

Loans or credit, § 15:61

Malice (this index)

Municipal debt adjustment plans,  
§ 32:21, 32:29

Petitions (this index)

### **GOOD OR BAD FAITH—Cont'd**

Reclamation, superior rights of  
good faith purchaser,  
§ 17:82, 17:83

Reorganization Plans (this index)

Reorganization (this index)

Turnover of property, § 14:1,  
14:19, 14:29, 14:50, 14:58 to  
14:62

Use, sale, or lease of property,  
§ 15:42

Voluntary Bankruptcy (this index)

Workouts, § 1:35

### **GOODS AND MERCHANDISE**

Administrative expense treatment  
of goods received within 20  
days of bankruptcy, § 34:42

Reclamation (this index)

### **GOOD WILL**

Fraudulent transfers and conceal-  
ment of assets, § 19:41

Operation of business, § 15:4

### **GOVERNING LAW**

Generally, § 1:8 to 1:32

Abstention, § 7:31

Administrative regulations, § 1:32

Allowance of claims or interest,  
§ 24:34, 24:61

Avoidance, § 13:128 to 13:131,  
17:15, 17:18

Bankruptcy Act of 1898, § 1:16

Bankruptcy Code, § 1:12 to 1:15

Bankruptcy Code,

major amendments, § 1:15

relationship between chapters,  
§ 1:14

Bankruptcy Rules, § 1:19 to 1:23

Constitutional considerations, gen-  
erally, § 1:8 to 1:11

Courts of Appeals Rules, § 1:30

Disclosure statements, § 27:4

Federal administrative regulations,  
§ 1:32

## **GOVERNING LAW—Cont'd**

- Federal Debt Collection Procedures Act, § **1:34**
- Federal Rules of Appellate Procedure, § **1:27**
- Federal Rules of Civil Procedure, § **1:24, 1:25**
- Federal Rules of Evidence, § **1:26**
- Local Rules (this index)
- Nonbankruptcy provisions, § **1:33**
- Official forms, § **1:31**
- Preemption (this index)
- Proof of claim, § **22:12**
- Property of estate, generally, § **12:153**
- Reclamation rights, § **17:74**
- Relationship to other Constitutional provisions, § **1:11**
- Reorganization plans, § **27:4, 27:26**
- Rules of Bankruptcy Procedure, § **1:19 to 1:23**
- Rules of practice, generally, § **1:19 to 1:30**
- Size and nature of claim, § **23:21, 23:39**
- Title 11 and its construction, § **1:12**
- Title 28, § **1:17**
- Voluntary bankruptcy, § **8:6**

## **GOVERNMENTAL AGENCIES**

- Administrative Agencies (this index)

## **GOVERNMENTAL UNITS**

- Administrative Agencies (this index)
- Allowance of claims or interest, § **24:5, 24:24, 24:25**
- Automatic Stay (this index)
- Avoidance of liens, exemptions, § **13:137**
- Counterclaims, § **6:80**
- County (this index)

## **GOVERNMENTAL UNITS**

### **—Cont'd**

- Discharge (this index)
- Discriminatory treatment of debtor, prohibition against, § **6:28 to 6:32**
- Injunctions, § **16:230**
- Municipal Debt Adjustment (this index)
- Municipalities (this index)
- Particular governmental units, see more specific topics
- Parties, generally, § **6:78 to 6:86**
- Petitions. Municipal Debt Adjustment (this index)
- Police Power (this index)
- Prohibition of discriminatory treatment of debtor, § **6:28 to 6:32**
- Proof of claim, timeliness of, § **24:48**
- Protective orders regarding confidential or defamatory matter, § **6:2**
- Reorganization, interested parties, § **6:84**
- Setoff
  - generally, § **6:82, 25:30**
  - inter-unit claims, § **25:31**
- Sovereign Immunity (this index)
- Turnover of property, § **14:32, 14:52**

## **GOVERNMENT BENEFITS**

- Aid to Families with Dependent Children (this index)
- Welfare Recipients (this index)

## **GOVERNMENT CONTRACTS**

- Discriminatory treatment of debtor, § **6:32**

## **GOVERNMENT LOAN INSURANCE**

- Adequate protection, § **21:61**

## INDEX

### GOVERNMENT OBLIGATIONS

Turnover of property, § 14:87

### GRACE PERIOD

Automatic stay, § 16:9  
Insurance and insurance  
companies, § 12:31

### GRAIN AND GRAIN STORAGE

Allowance of claims or interest,  
§ 24:72  
Automatic stay, § 16:197  
Expedited determination of  
interests in and abandonment  
or disposition of grain assets,  
§ 15:27  
Preferences and preferential  
transfers, exceptions to  
avoidability, § 18:52, 18:64  
Priorities, § 34:84, 34:87  
Property of estate, § 12:90, 12:133  
Reclamation of grain, § 17:85  
Size and nature of claim, § 23:6  
Turnover of property, § 14:85

### GRAVEL

Executory contracts and unexpired  
leases, § 20:9

### GROSS INCOME

Family farmer debt adjustment,  
income tax return as measure,  
§ 1:51  
Taxation (this index)  
Tax Treatment of Discharge (this  
index)

### GROSS MISMANAGEMENT

Mismanagement (this index)

### GROSS RECEIPTS TAX

Distribution, priorities, § 34:67 to  
34:73

### GROSS VALUE

Sale of property, § 1:143

### GROUP HEALTH AND DENTAL INSURANCE POLICY

Automatic stay, § 16:63

### GROUP INSURANCE CERTIFICATE

Exemptions, § 13:83, 13:85

### GUAM, DISTRICT COURT OF

Jurisdiction, § 1:18

### GUARANTORS

Guaranty (this index)

### GUARANTY

Adequate protection, § 21:20,  
21:59 to 21:61  
Allowance of claims or interests,  
§ 24:43, 24:50 to 24:52  
Discharge of guarantor  
generally, § 35:58  
student loans, § 35:185  
Fraudulent transfers and conceal-  
ment of assets, tripartite  
transactions, § 19:52  
Injunction, § 16:227  
Involuntary bankruptcy, § 9:20  
Proof of claim, § 22:17, 22:18,  
22:20  
Reorganization, adequate protec-  
tion, § 21:60  
Reorganization Plans (this index)  
United States Trustees, § 4:69,  
4:81 to 4:83

### GUARDIAN AD LITEM

Labor unions and employees'  
associations, § 6:90

### GUARDIANS

Voluntary bankruptcy, § 8:3

### GUIDE DOGS

Exemptions, § 13:114

### GUNS

Exemptions, § 13:77

**HABEAS CORPUS**

Jurisdiction, § 7:172

**HABIT**

Custom and Usage (this index)

**HANDICAPPED OR DISABLED PERSONS**

Disability and Disability Insurance (this index)

**HARASSMENT**

Automatic stay, § 16:18, 16:30

Injunctions, § 7:166

Trustee, removal for cause, § 5:81

**HARDSHIP**

Discharge (this index)

Family farmer debt adjustment plans, § 33:61

Individual Debt Adjustment Plans (this index)

Use, sale, or lease of property, § 15:50

**HARMLESS ERROR**

Appeals (this index)

**HAWAII**

Opt-out provision, § 13:7

**HAZARD INSURANCE**

Allowance of claims or interest, § 24:57

**HAZARDOUS WASTES**

Abandonment, generally, § 12:139 to 12:141

Allowance of claims or interest, § 24:61

Automatic stay, § 16:88, 16:93

Claims, § 22:2

Operation of business, § 15:2

**HEAL LOANS**

Health Education Assistance Loans, discharge, § 1:18

**HEALTH**

Allowance of claims or interest, § 24:62

Compensation of trustee or examiner, § 5:98

Disability and Disability Insurance (this index)

Exempt property, § 13:106, 13:114

Family farmer debt adjustment plans, § 33:61

Individual debt adjustment plans, § 30:16, 30:18, 30:20

Judge's health, § 4:28

Medical Expenses (this index)

Physicians and Surgeons (this index)

**HEALTH AND ACCIDENT CLAIMS**

Automatic stay, § 16:26, 16:33, 16:34

**HEALTH CARE BUSINESSES**

Administrative expense treatment of costs of closing, § 34:41

**HEALTH CARE PROVIDERS**

Generally, § 1:44

Patient care ombudsman, § 6:93, 6:94

**HEALTH EDUCATION**

**ASSISTANCE LOANS**

Discharge in bankruptcy, § 1:18

**HEALTH INSURANCE**

Generally, § 12:38

Debtor in possession, § 5:112

Executory contracts and unexpired leases, § 20:130

**HEALTH MAINTENANCE ORGANIZATIONS**

Health Care Providers (this index)

**HEARING-IMPAIRED PERSONS**

Guide dogs, exemptions for, § 13:114

## INDEX

### HEARINGS

- Chapter 7 cases, conversion,  
§ 11:12
- Notice and Hearing (this index)

### HEDGING

- Interest rate and foreign currency,  
§ 17:62

### HEIRS

- Inheritance (this index)

### HIGHWAY SAFETY LAW

- Automatic stay, § 16:99

### HINDRANCE

- Fraudulent Transfers and Concealment of Assets (this index)

### HISTORY OF DEBTOR

- Compensation of trustee or examiner, § 5:98

### HISTORY OF PAYMENT

- Adequate protection, § 21:33
- Compensation of trustee or examiner, § 5:98
- Family farmer debt adjustment plans, § 33:14, 33:28, 33:38, 33:41

### HOLDBACK

- Interim compensation or reimbursement, holdback of portion, § 2:103

### HOLDING COMPANIES

- Personal holding companies, taxation, § 3:81

### HOLDS, ADMINISTRATIVE

- Automatic stay, setoff rights,  
§ 25:18

### HOLIDAYS

- Sundays and Holidays (this index)

### HOME COURT

- Change of venue, § 7:197

### HOMES

- Dwellings (this index)

### HOMESTEAD ASSOCIATION

- Liquidation, § 1:42

### HOMESTEAD DEEDS

- Individual debt adjustment plans, confirmation, § 31:23

### HOMESTEAD EXEMPTION

- Generally, § 13:57 to 13:69
- Abandonment of property of estate, § 13:62
- Avoidance of liens, § 13:140, 13:157
- Bankruptcy Code, generally, § 13:57
- Foreclosure action or judgment, § 13:66
- Fraud of debtor, § 13:19
- Fraudulent transfers and concealment of assets, § 19:24, 19:69
- Interest in property required, § 13:60
- Joint liability of nonfiling spouse, § 13:68
- Leased premises, § 13:62, 13:65
- Limitation on spillover exemption, § 13:115
- Mobile homes, § 13:64, 13:157
- Objections, § 13:50
- Sale proceeds, § 13:63
- Semi-truck cab, § 13:64
- State law, § 13:58, 13:59, 13:66, 13:69
- Tenancy by entireties property, § 13:67, 13:68
- Urban and rural homesteads, § 13:69
- Use or occupancy requirement, § 13:61
- Venue, § 13:10

### HONESTY

- Fraud and Deceit (this index)

**HONORING OF CHECKS**

Preferential transfers, timing of  
transfers by check, § 18:121,  
18:126, 18:129

**HORIZONTAL DIMENSION  
TEST**

Use, sale, or lease of property,  
§ 15:39

**HOSPITALS**

Medical Expenses (this index)  
Municipal debt adjustment, § 1:45

**HOTELS AND MOTELS**

Cash collateral defined to include  
hotel, motel, and lodging  
charges, § 1:141, 15:24,  
15:44  
Postpetition charges, security  
interests in, § 15:24, 15:44  
Reimbursement for lodging,  
§ 2:85

**HOURLY RATES**

Compensation (this index)

**HOURS**

Clerk of court, § 4:43

**HOUSEHOLD FURNISHINGS  
OR GOODS**

Adequate protection, § 21:55  
Allowance of claims or interest,  
§ 24:26  
Appliances (this index)  
Avoidance of liens or security  
interests impairing exemp-  
tions, § 13:147, 13:154 to  
13:159  
Closing and reopening cases,  
§ 36:20  
Defined, § 13:142  
Exemptions of debtor  
generally, § 13:75, 13:77  
avoidance provisions, § 13:148,  
13:154 to 13:159  
firearms, § 13:77

**HOUSEHOLD FURNISHINGS  
OR GOODS—Cont'd**

Exemptions of debtor—Cont'd  
jewelry, § 13:76  
musical instruments, § 13:154  
tools, § 13:78 to 13:82, 13:148,  
13:158 to 13:163  
Wearing Apparel (this index)  
Lien impairing exemption, avoid-  
ance of, § 13:148, 13:154 to  
13:163  
Redemption, household use of  
property, § 1:137  
Size and nature of claim, § 23:9  
Tools, § 13:78 to 13:82, 13:148,  
13:158 to 13:163  
United States trustees, furniture  
fees, § 4:64  
Wearing Apparel (this index)

**HOUSE TRAILERS**

Trailers (this index)

**HUD FORECLOSURE ACTIONS**

Automatic stay, § 16:102

**HUSBAND AND WIFE**

Automatic stay, § 16:27, 16:84,  
16:169  
Claim, equitable interest in marital  
as, § 22:2  
Closing and reopening cases,  
§ 36:21, 36:28  
Community Property (this index)  
Consolidation and joint  
administration, § 1:115  
Disposable income for Chapter 13  
plan, § 31:47  
Divorce (this index)  
Domestic Support Obligations  
(this index)  
Dower and Curtesy (this index)  
Entirety, estate by. Tenancy by  
Entirety (this index)  
Exemptions  
generally, § 13:26 to 13:29

## INDEX

### **HUSBAND AND WIFE—Cont'd**

#### **Exemptions—Cont'd**

avoidance of liens, § **13:102**,  
**13:109, 13:140, 13:144**

Divorce (this index)

Domestic Support Obligations  
(this index)

Homestead Exemption (this  
index)

Family farmer debt adjustment  
plans, § **33:29**

Fraudulent Transfers and Conceal-  
ment of Assets (this index)

Homestead Exemption (this index)

Involuntary bankruptcy, § **9:3**

Joint or co-ownership interests,  
§ **12:14, 12:15, 12:17**

Joint Tax Returns (this index)

Judges, § **4:34, 4:36**

Married name, captions, § **1:76**

Petitions (this index)

Power of attorney, petition signed  
by, § **8:3**

Property of estate, generally,  
§ **12:83**

Reorganization Plans (this index)

Separate taxable bankruptcy  
estates, § **3:32, 3:35, 3:36**,  
**3:40, 3:41**

Separate tax returns, § **3:35, 3:40**

#### **Taxation**

Joint Tax Returns (this index)  
separate returns, § **3:35, 3:40**

separate taxable bankruptcy  
estate, § **3:32, 3:35, 3:36**,  
**3:40, 3:41**

Tenancy by Entirety (this index)

#### **Trustees**

disinterested requirement, § **5:4**  
vacancy in office, § **5:46**

Use, Sale, or Lease of Property  
(this index)

Voluntary petitions, § **8:21, 8:45**  
to **8:49, 8:80**

### **HYPOTHECATION**

Pledges (this index)

### **HYPOTHETICAL LIEN CREDITORS**

Avoidance, § **17:13 to 17:30**

### **HYPOTHETICAL LIQUIDATION**

Avoidable preference, § **18:30**

### **IDAHO**

Opt-out provision, § **13:6**

### **IDENTIFICATION AND DESCRIPTION**

Debtor identification, § **6:22**

Preferences and preferential  
transfers, § **18:1**

Privacy considerations, § **1:78**

Tax returns, § **3:6**

Trusts, § **12:20**

### **ILLEGALITY**

Crimes and Offenses (this index)

### **ILLEGITIMATE CHILDREN**

Paternity, automatic stay exception  
for establishment of, § **16:84**

### **ILLINOIS**

Opt-out provision, § **13:6**

### **ILLNESS OR SICKNESS**

Health (this index)

### **IMMIGRATION AND NATURALIZATION**

Automatic stay, § **16:101**

### **IMMUNITY**

Privileges and Immunities (this  
index)

### **IMPAIRMENT OF CLAIMS**

Interest, impaired creditor's rights  
to, § **26:46, 26:49, 32:2**

Municipal debt adjustment plans,  
§ **32:2, 32:22 to 32:24**

Reorganization Plans (this index)

**IMPAIRMENT OF CLAIMS**

—Cont'd

Trustee's compensation, § 5:99

**IMPAIRMENT OF CONTRACTS**

Exemptions, § 13:18

Size and nature of claim, § 23:40

**IMPARTIALITY**

Bias or Prejudice (this index)

**IMPLEMENTS**

Avoidance of liens impairing exemptions, § 13:129

Exemptions, § 13:78 to 13:82, 13:129, 13:147, 13:160 to 13:163

**IMPORTS**

Customs Duties (this index)

**IMPOUNDMENT**

Voluntary bankruptcy, § 8:77

**IMPRISONMENT**

Crimes and offenses, § 12:142 to 12:150

Habeas Corpus (this index)

Prisons and Prisoners (this index)

Turnover of property, § 14:90

**IMPROVEMENTS**

Adequate protection, § 21:63

Avoidance, limitations on trustee's right of recovery, § 17:72

Fraudulent transfers and concealment of assets, § 19:108

**IMPUTED KNOWLEDGE**

Avoidance, knowledge of or notice to debtor, § 17:20

**INACTIVE MONEYED,  
BUSINESS, OR  
COMMERCIAL  
CORPORATIONS**

Involuntary bankruptcy, § 9:2

**IN CAMERA PROCEEDINGS**

Chambers (this index)

**INCARCERATION**

Imprisonment (this index)

**IN CHAMBERS PROCEEDINGS**

Chambers (this index)

**INCOME**

Earnings or Income (this index)

**INCOME TAX**

Taxation (this index)

**INCOME TAX RETURNS**

Automatic stay setoff rights, § 25:19

**INCOMPETENT AND INSANE  
PERSONS**

Debtor's incompetence, generally, § 6:10

Eligibility to be a debtor, § 1:38

Examiner in Chapter 11, appointment of, § 1:93

Judge, § 4:29, 7:44, 7:130

Operation of business, § 15:19

Use, sale, or lease of property, § 15:48

**INCORPORATION BY  
REFERENCE**

Federal Rules of Civil Procedure, § 1:24, 1:25

**INCREASE**

Appreciation (this index)

**INCUMBRANCES**

Liens and Encumbrances (this index)

**INDEMNIFICATION**

Automatic stay, § 16:16, 16:17

Bonds and Undertakings (this index)

Turnover of property, § 14:10

**INDENTURE**

Trustee. Indenture Trustees (this index)



## INDEX

### INDENTURE TRUSTEES

- Generally, § 6:71
- Administrative expenses, § 6:73
- Allowance of claims or interest, § 24:71, 24:72
- Attorneys, § 2:45, 2:83
- Creditors' committees, § 6:55
- Government agencies, § 6:85
- Individual debt adjustment plans, § 30:5, 31:58
- Interested parties, generally, § 6:88
- Involuntary case, § 9:10
- Notice and hearing for reimbursement, § 2:83
- Professional persons, § 2:45, 2:83
- Proof of claim, filing, § 6:71, 22:6, 22:15, 22:20, 22:54
- Property of estate, § 12:129
- Reorganization Plans (this index)
- Reorganization (this index)
- Verified statement, obligation to file, § 6:72
- Voluntary bankruptcy, § 8:37, 8:77

### INDEPENDENCE DAY

- Clerks, § 4:43

### INDEPENDENCE PRINCIPLE

- Preferential transfer relating to letters of credit, § 18:113

### INDEPENDENT CONTRACTORS

- Contractors (this index)

### INDEXES AND INDICES

- Clerk of court, § 4:51, 4:52

### INDIANA

- Opt-out provision, § 13:6

### INDIGENTS

- Appeals in forma pauperis, § 37:3
- Entitlement to in forma pauperis relief, § 4:47

### INDIGENTS—Cont'd

- Filing fees, proceeding in forma pauperis, § 8:94
- Pilot program for in forma pauperis, § 8:94
- Voluntary bankruptcy, § 8:89, 8:93, 8:94
- Welfare Recipients (this index)

### INDIVIDUAL

- Defined, § 1:39
- Eligibility for Chapter 11 reorganization, § 1:49

### INDIVIDUAL DEBT ADJUSTMENT

- Generally, § 1:55 to 1:65, 1:72
- Accommodation codebtors.
  - Codebtor Stay (this index)
- Adequate protection, § 1:151, 21:26, 21:50, 21:51, 21:68
- After-acquired property, § 12:60, 12:61
- Allowance of claims or interests codebtor as party entitled to seek reconsideration, § 24:105
- objections to claim, § 24:11 to 24:13, 24:21
- postpetition claims, § 24:24 to 24:27, 24:29, 24:55, 24:57
- significance of allowance or disallowance of claim, § 24:1, 24:3
- unenforceable claim against debtor and property of debtor, § 24:35
- Appointment of trustee
  - generally, § 4:9, 5:1, 5:3, 5:44
  - bond requirements, § 5:7
  - disinterested requirement, § 5:4
  - standing trustees, § 5:11, 5:43
- Approval. Order or approval of court, below
- Assessment of tax, § 3:78

## INDIVIDUAL DEBT

### ADJUSTMENT—Cont'd

Assumption or rejection of executory contracts and unexpired leases, § **20:19, 20:29, 20:56, 20:57**

Attorney General, § **6:36**

Automatic stay

generally, § **1:145, 16:7**

Codebtor Stay (this index)

relief from stay, § **16:121, 16:123**

Avoidance powers of trustee, § **17:11, 17:12**

Bad faith. Individual Debt Adjustment Plans (this index)

Benefit and necessity of attorney's services to debtor, § **2:89**

Business

inventory, § **4:100, 12:158**

operation of business, below

Change or modification. Individual Debt Adjustment Plans (this index)

Chapter 11, conversion, § **11:59, 11:76**

Chapter 12, conversion, § **11:62, 11:76**

Chart for conversion, § **11:8**

Claims

allowance of claims or interests, above

proof of claim, below

Closing and reopening cases, § **36:1, 36:4**

Codebtor Stay (this index)

Commodity broker liquidation, operation of business, § **15:9**

Compensation

generally, § **1:58 to 1:64, 5:77, 5:87**

fees, generally, § **4:90, 4:92**

future earnings or income, below

## INDIVIDUAL DEBT

### ADJUSTMENT—Cont'd

Compensation—Cont'd

minimum compensation of trustees, § **5:90**

pensions, below

social security, below

trustees

generally, § **5:96 to 5:100**

denial of compensation, § **5:104, 5:105**

minimum compensation, § **5:90**

several trustees, § **5:101**

U.S. trustees, § **4:90, 4:92**

Confirmation of plan. Individual Debt Adjustment Plans (this index)

Consent or approval of court.

Order or approval of court, below

Contingent claims, § **1:56**

Conversion or dismissal

generally, § **1:122 to 1:125, 1:130, 11:67 to 11:77**

automatic dismissal for Chapter 7 or 13 debtor's failure to file certain documents, § **6:27**

bad faith, § **11:74**

Chapter 11, § **11:59, 11:76**

Chapter 12, § **11:62, 11:76**

chart for conversion, § **11:8**

death or incompetency of debtor, § **6:10**

failure to file plan, § **11:73**

family farmer or fisher debt adjustment, § **11:62**

farmers, § **11:77**

filings, generally, § **6:27**

fraudulent conduct, § **11:74**

lengthy duration of case, § **11:75**

liquidation, below

material default, § **11:70**

## INDEX

### INDIVIDUAL DEBT

#### ADJUSTMENT—Cont'd

Conversion or dismissal—Cont'd  
matter of right, conversion to  
Chapter 7 or dismissal,  
§ 11:67, 11:68

multiple filings, § 11:72

notice and hearing, § 6:27

plan payments, failure to timely  
commence, § 11:70, 11:71

property of estate after conver-  
sion from Chapter 13,  
§ 11:90

trustees, § 11:71

U.S. trustee, § 4:93

Cosigners. Codebtor Stay (this  
index)

Credit. Loans or credit, below

Death or incompetency of debtor,  
§ 6:10

Debtors' rights, generally, § 6:14

Debtor status. Eligibility, below

Default. Individual Debt Adjust-  
ment Plans (this index)

Discharge of debt

generally, § 1:164 to 1:167,  
35:71

distribution, below

revocation of discharge, § 35:63

superdischarge, § 35:72

Dismissal. Conversion or dis-  
missal, above

Distribution

generally, § 34:195 to 34:198

priority claims, § 34:196

small dividends, § 34:197

unclaimed property, § 34:198

Earnings and income. Compensa-  
tion, above

Eligibility, § 1:55 to 1:65

Employment

self-employed persons, § 1:61,  
1:62

unemployment, below

### INDIVIDUAL DEBT

#### ADJUSTMENT—Cont'd

Examination or investigation, wit-  
nesses, § 1:118

Executory contracts and unexpired  
leases

generally, § 1:148

assumption or rejection by  
trustee, § 20:19, 20:29,  
20:56, 20:57

Exemptions

generally, § 13:13, 13:26

liens on exempt property, debt-  
or's power to avoid,  
§ 13:138

statement of intention, § 13:34

time for claiming exemption,  
§ 13:37, 13:39

trustee's avoiding powers,  
§ 17:12

Failure to file plan, § 11:73

Family farmer or fisher debt  
adjustment, § 11:62

Farmers, § 11:77

Fees

generally, § 4:90, 4:92

filing fees, § 2:120, 4:90, 4:92

Filing

fees, § 2:120, 4:90, 4:92

installment payments, § 1:110

inventory statement of debtor's  
property, § 12:158

petition, eligibility to file,  
§ 1:55 to 1:65

plan. Individual Debt Adjust-  
ment Plans (this index)

statement of financial affairs,  
§ 12:157

Filing fees, § 2:120, 4:90, 4:92

Financial affairs, statement of,  
§ 12:157

Fraud and deceit

generally, § 5:77, 5:78

Individual Debt Adjustment  
Plans (this index)

## INDIVIDUAL DEBT

### ADJUSTMENT—Cont'd

- Fraudulent conduct, § **11:74**
- Fraudulent transfers and concealment of assets, § **19:126**
- Fund for U.S. Trustee System, § **4:63, 4:65**
- Future earnings or income generally, § **1:59**
- Individual Debt Adjustment Plans (this index)
- Good faith. Individual Debt Adjustment Plans (this index)
- Government benefits, qualification of recipients of, § **1:63**
- Hearings, use, sale, or lease of property, § **15:32**
- Income. Compensation, above
- Increase in debt ceiling by 1994 legislation, § **1:55**
- Installment payments of filing fees, § **1:110**
- Inventories and reports, § **4:100, 12:158**
- Inventory, § **12:158**
- Investigation. Examination or investigation, above
- Layoff. Unemployment, below
- Liens, avoidance power of debtor, § **13:138**
- Liquidation
  - contingent and unliquidated claims, § **1:56**
  - plan. Individual Debt Adjustment Plans (this index)
- Lists, property owned at time of filing, § **12:158**
- Loans or credit
  - generally, § **15:61**
  - other than in ordinary course of business, borrowing in, § **15:69**
  - superpriority lien credit, § **15:71**
- Local rules, § **1:28**

## INDIVIDUAL DEBT

### ADJUSTMENT—Cont'd

- Material default, § **11:70**
- Matter of right, conversion to Chapter 7 or dismissal, § **11:67, 11:68**
- Modification. Individual Debt Adjustment Plans (this index)
- Monitoring plant, § **4:91**
- Mortgages. Individual Debt Adjustment Plans (this index)
- Multiple filings, § **11:72**
- Notice
  - commencement of case, § **12:160**
  - hearings, use, sale, or lease of property, § **15:32**
  - plans. Individual Debt Adjustment Plans (this index)
- Objections, claims, § **24:11 to 24:13, 24:21**
- Operation of business
  - generally, § **15:20**
  - commodity broker liquidation, § **15:9**
  - continued operation by trustee, § **5:1**
- Partnership, § **1:65**
- Payments or repayments. Individual Debt Adjustment Plans (this index)
- Pensions, government benefits, § **1:63**
- Petitions, eligibility to file, § **1:55 to 1:65**
- Plan. Individual Debt Adjustment Plans (this index)
- Plan payments, failure to timely commence, § **11:70, 11:71**
- Preference rules, applicability of, § **18:96**
- Prior dismissal, § **1:39**
- Priority claims, § **34:196**
- Prohibited plan provisions, § **29:42**

## INDEX

### INDIVIDUAL DEBT

#### ADJUSTMENT—Cont'd

- Proof of claim
  - establishing right to participate, § 22:1, 22:6, 22:9
  - informal proofs, § 22:32
  - notice of bar date, § 22:52, 22:53
  - persons who may file, § 22:21
  - time for filing, § 22:42, 22:46 to 22:48
- Property of estate
  - definition of estate, applicability, § 12:4
  - use, sale, or lease of property, below
- Qualification to file, § 1:55 to 1:65
- Rehabilitation debtor discharges, § 35:40
- Rehabilitation hardship discharges, § 35:41
- Reorganization, § 5:74, 5:78
- Reorganization (this index)
- Repayment. Payments or repayments, above
- Revocation of discharge, § 35:63
- Rules of Bankruptcy (this index)
- Sale or transfer, § 5:77, 5:78
- Security Interests (this index)
- Self-employed persons, § 1:61, 1:62
- Separate taxable bankruptcy estate, § 3:27, 3:28
- Size and nature of claim, § 23:11, 23:27, 23:38
- Small dividends, § 34:197
- Social security benefits as income, § 1:64
- Sole proprietors, § 1:55, 1:65
- Sovereign immunity, § 6:78
- Speculative income, § 1:60
- Standing trustees, § 4:89, 4:90, 5:1, 5:43, 5:97 to 5:100
- Subordination, § 1:160

### INDIVIDUAL DEBT

#### ADJUSTMENT—Cont'd

- Superdischarge, § 35:72
- Taxes
  - assessment, § 3:78
  - filing of returns, § 3:5
  - returns, debtor's filing of federal, § 6:6
  - separate taxable bankruptcy estate, § 3:27, 3:28
- Time share contracts, § 1:148
- Trustees
  - appointment of trustee, above
  - avoidance powers, § 17:11, 17:12
  - business, continued operation by trustee, § 5:1
  - compensation, above
  - powers and duties, generally, § 5:77, 5:78, 17:11, 17:12
  - standing trustees, above
  - United States trustees, below
- Trusts, filing reports and summaries, § 12:22
- Turnover, third parties, § 14:30, 14:37
- Unclaimed property, § 34:198
- Undersecured debts, § 1:57
- Unemployment benefits as income, § 1:63
- United States trustees
  - generally, § 5:77
  - appointment of, or service as, trustee, § 4:92
  - compensation, § 4:90, 4:92
  - dismissal and conversion, § 4:93
  - fees and costs, § 4:90, 4:92
  - fund for United States Trustee System, § 4:63, 4:65
  - inventories and reports, § 4:100
  - monitoring plans, § 4:91
  - standing trustees, § 4:89, 4:90
- Use, sale, or lease of property
  - generally, § 1:139

**INDIVIDUAL DEBT**

**ADJUSTMENT—Cont'd**

Use, sale, or lease of property

—Cont'd

cash collateral, § 15:43

expedited determination of disposition of grain assets, § 15:27

free and clear of liens and other interests, § 1:142, 15:50

ordinary course of business, transactions other than in, § 15:32, 15:39

prepetition security interests in after-acquired property, § 15:24

Voluntary bankruptcy

filing of petition, § 8:3

good faith, § 8:32

lists, schedules, and statements, § 8:61, 8:69, 8:78, 8:80, 8:81, 8:86, 8:87

notice of order, § 8:36

Wage earners, eligibility for Chapter 13, § 1:61

Welfare benefits as income, § 1:63

**INDIVIDUAL DEBT**

**ADJUSTMENT PLANS**

Abandonment of property of estate, § 31:28

Ability-to-pay test, confirmation, § 31:35, 31:45, 31:50

Acceleration of debt, de-acceleration. Mortgages, below

Acceptance or rejection

confirmation, below

objections, below

pre-modification, effect of, § 30:7

Adverse changes, proposed modification of plan, § 30:6, 30:7

Alimony, support, and separate maintenance. Child support, below

**INDIVIDUAL DEBT**

**ADJUSTMENT PLANS**

—Cont'd

Allowed unsecured claimholder, proof of postconfirmation change in circumstances, § 30:13, 30:14

Amount of payments on claims of particular class, postconfirmation modification, § 30:8, 30:17

Anticipation of changed circumstances, § 30:14

Appearance

confirmation hearing, § 31:62

trustee at postconfirmation modification hearing, § 30:8

Applications, filing, § 30:2

Appreciation of property value, anticipated altered financial circumstances, § 30:14

Approval. Court approval, below  
Attorneys, confirmation of plan, § 31:3, 31:22

Automatic stay, § 16:166, 16:188

Bad faith. Good faith, below

Bankruptcy Code

relationship of Chapter 13 to other Code provisions, § 30:10

Best interest of creditors test  
confirmation of plan, § 31:18 to 31:25

postconfirmation modification of plan, § 30:10

Binding effect of confirmed plan, § 30:8, 31:65, 31:66

Burden of proof. Presumptions and burden of proof, below

Cause for extension of time for payment, § 30:16

Change. Modification, below

Charges. Fees and charges, below

Charitable donations, plan approval, § 31:54

## INDEX

### INDIVIDUAL DEBT

#### ADJUSTMENT PLANS

##### —Cont'd

- Child support
  - generally, § 1:63
  - confirmation of plan, § 31:40, 31:50, 31:53
- Claims
  - classes of claims or interests, below
  - confirmation of plan, generally, § 31:44, 31:74, 31:75
  - filing, proof of claims, § 30:2, 30:12
  - payments or repayments, below
  - priority claims, below
  - secured creditors, below
  - unsecured claims or creditors, below
- Classes of claims or interests
  - unsecured claims, generally, § 30:10, 30:13, 30:14
- Classes of claims or interests.
  - Discrimination in claims classification, below
- Clerk of court, confirmation of plan, § 31:55, 31:58
- Collateral
  - surrender of collateral, § 30:21
- Collection of future income by trustee, § 31:73
- Commencement of payments, § 30:3, 30:15, 31:2, 31:3
- Commitment of debtor's disposable income to plan payments, approval of plan after objection to confirmation by trustee or holder of allowed unsecured claim, § 31:45 to 31:54
- Compensation. Income of debtor, below
- Complaint, filing, § 30:2
- Completion of payments, postconfirmation modifica-

### INDIVIDUAL DEBT

#### ADJUSTMENT PLANS

##### —Cont'd

- tion relative to, § 30:11, 30:18, 30:19
- Conclusiveness of judgments or decrees
  - confirmation of plan, § 31:65
  - postconfirmation modification of plan, exception, § 30:8
  - reclassification of claim, denial, § 30:21
- Confirmation
  - generally, § 31:1 et seq.
  - ability-to-pay test, § 31:35, 31:45, 31:50
  - anticipation of altered financial circumstances, time or date, § 30:14
  - appearance at hearing, § 31:62
  - approval of plan after objection to confirmation by trustee or holder of allowed unsecured claim, § 31:42 to 31:54
  - attorneys, § 31:3, 31:22
  - Bankruptcy Code, compliance with, § 31:4
  - best interest of creditors test, § 30:10, 31:18 to 31:25
  - binding effect of confirmed plan, § 31:65, 31:66
  - charitable donations, approval of plan after objection to confirmation by trustee or holder of allowed unsecured claim, § 31:54
  - child support, § 31:40, 31:50, 31:53
  - claims, generally, § 31:44, 31:74, 31:75
  - clerk of court, § 31:55, 31:58
  - collection of future income by trustee, § 31:73
  - commencement of payment after plan is filed, duty as

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

Confirmation—Cont'd  
to, § **31:2, 31:3**  
commitment of debtor's disposable income to plan payments, approval of plan after objection to confirmation by trustee or holder of allowed unsecured claim, § **31:45 to 31:54**  
compliance with plan, § **31:33 to 31:38, 31:60**  
conclusiveness of judgments or decrees, § **31:65**  
contingency reserve or cushion, § **31:35, 31:36, 31:53**  
contingent or speculative source of funding for plan, § **31:38**  
conversion or dismissal, denial or revocation of confirmation, § **31:2, 31:66**  
costs and expenses  
dependents, § **31:50, 31:53**  
fees, below this group  
cram down, § **31:26, 31:29, 31:38**  
crimes and offenses, § **31:12, 31:16**  
cure and waiver of defaults, § **31:4**  
debtor, generally, § **31:71, 31:72**  
deferred payments, § **31:19, 31:21**  
dependents, § **31:50, 31:53**  
determination of debtor's disposable income, § **31:47, 31:49**  
disbursing agents, § **31:70 to 31:72**  
dischargeability of claims, § **31:14 to 31:17, 31:24, 31:25**

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

Confirmation—Cont'd  
discount rates, § **31:19, 31:20, 31:30, 31:31**  
disposable income, approval of plan after objection to confirmation by trustee or holder of allowed unsecured claim, § **31:45 to 31:54**  
disposition of case after revocation, § **31:80**  
domestic support obligations, § **31:40, 31:50, 31:53**  
duration of plan, § **31:46**  
earnings. Future earnings or income, below this group  
education, § **31:15, 31:50**  
emergencies, § **31:35, 31:36, 31:53**  
employment of debtor, § **31:37**  
entry of revocation of confirmation order, § **31:78**  
evidence, § **31:22, 31:45, 31:61 to 31:64**  
exceptions. Objections and exceptions, below this group  
exemptions, § **31:23**  
extinguishment of debt, § **31:28**  
failure to object, § **31:57**  
feasibility of debtor's compliance with plan, § **31:33 to 31:38**  
fees  
liquidation of bankruptcy estate, § **31:22**  
payment of fees, generally, § **31:5**  
trustee's fee, § **31:72**  
unpaid priority claims and fees, § **31:74, 31:75**  
filing  
commencement of payment



## INDEX

### INDIVIDUAL DEBT

#### ADJUSTMENT PLANS

##### —Cont'd

#### Confirmation—Cont'd

##### filing—Cont'd

after plan is filed,

§ 31:2, 31:3

fees and charges, § 31:5

good faith, § 31:9, 31:11

notice of time for filing,

§ 30:5

objections to confirmation,

§ 31:55

##### fraud and deceit

good faith, § 31:7, 31:10,

31:12, 31:17

revocation of confirmation

order, § 31:79, 31:80

##### full payment of claims,

approval of plan after

objection to confirmation

by trustee or holder of

allowed unsecured claim,

§ 31:44

##### funds

payment prior to plan

confirmation, § 31:3

speculative source of funding

for plan, § 31:38

##### future earnings or income

approval of plan after objec-

tion to confirmation by

trustee or holder of

allowed unsecured

claim, § 31:51

collection by trustee, § 31:73

gifts, § 31:47, 31:54

good faith, below

grounds for revocation of

confirmation order,

§ 31:79

hearing, § 30:5, 30:7, 30:10,

31:21, 31:58 to 31:64

illegal conduct, dischargeability

of claims arising from,

§ 31:16

### INDIVIDUAL DEBT

#### ADJUSTMENT PLANS

##### —Cont'd

#### Confirmation—Cont'd

inaccuracies and omissions in

bankruptcy documents,

§ 31:17

income. Future earnings or

income, above this group

interest on money, § 31:19,

31:38

##### liens

cram-down provision, reten-

tion of lien under,

§ 31:29

validity of lien after plan is

confirmed, § 31:69

liquidation, § 31:19, 31:21 to

31:25

##### loans

dischargeability of

educational loans,

§ 31:15

interest on money, § 31:19,

31:38

mortgages and deeds of trust,

§ 31:4, 31:29

luxury items, approval of plan

after objection to

confirmation by trustee or

holder of allowed

unsecured claim, § 31:52

meaningful repayment of debt,

§ 31:10

misrepresentation, fraud and

deceit, above this group

modification, below

mortgages and deeds of trust,

§ 31:4, 31:29

multiple filings, § 31:9, 31:11

notice and hearing

generally, § 31:58 to 31:64

hearing on confirmation,

§ 30:5

modified plan, hearing on,

§ 30:7

## INDIVIDUAL DEBT

### ADJUSTMENT PLANS

#### —Cont'd

Confirmation—Cont'd  
 notice and hearing—Cont'd  
 valuation date, § **31:21**  
 objections and exceptions  
 generally, § **31:55 to 31:57**  
 approval of plan after objection to confirmation by trustee or holder of allowed unsecured claim, § **31:42 to 31:54**  
 hearing, § **31:59**  
 omissions in bankruptcy documents, § **31:17**  
 order or approval of court, revocation of order of confirmation, § **31:57, 31:64, 31:76 to 31:80**  
 own motion of court, § **31:6, 31:10**  
 parent as dependent, § **31:50**  
 parties  
 approval of plan after objection to confirmation by trustee or holder of allowed unsecured claim, § **31:43**  
 binding effect of provisions of confirmed plan, § **31:66**  
 revocation of confirmation order, § **31:79**  
 standing, § **31:43**  
 payments or repayments  
 approval of plan after objection to confirmation by trustee or holder of allowed unsecured claim, § **31:44**  
 commencing of, § **31:2, 31:3**  
 deferred payments, § **31:19, 31:21**  
 disbursing agents, § **31:70 to 31:72**

## INDIVIDUAL DEBT

### ADJUSTMENT PLANS

#### —Cont'd

Confirmation—Cont'd  
 payments or repayments  
 —Cont'd  
 fees, above this group  
 good faith, below  
 lump sum payments, § **31:38**  
 unpaid priority claims and fees, § **31:74, 31:75**  
 zero payment plans, § **31:9, 31:10**  
 postconfirmation modification of plan, below  
 preconfirmation matters  
 modification of plan, below  
 payments, § **31:3**  
 prepetition conduct of debtor, § **31:12**  
 present value of claim  
 best interest of creditors test, § **31:19, 31:20**  
 discount rate to determine, § **31:30, 31:31**  
 replacement value, § **31:30**  
 presumptions and burden of proof, § **31:22, 31:45, 31:63**  
 prior case, § **31:11, 31:25**  
 priorities, payment of unpaid priority claims and fees, § **31:74, 31:75**  
 religious or charitable donations, § **31:54**  
 repayments. Payments or repayments, above this group  
 requirements, generally, § **31:4 to 31:41**  
 review by court of determination as to approval of plan after objection to confirmation by trustee or holder of allowed unsecured claim, § **31:49**

## INDEX

### INDIVIDUAL DEBT

#### ADJUSTMENT PLANS

##### —Cont'd

##### Confirmation—Cont'd

revocation of confirmation  
order, generally, § 31:57,  
31:76 to 31:80

secured creditors, § 31:26 to  
31:32, 31:43, 31:58

speculative source of funding  
for plan, § 31:38

surrender of property, § 31:28,  
31:29

taxation, § 31:41

time or date

generally, § 30:10, 30:14

approval of plan after objec-  
tion to confirmation by  
trustee or holder of  
allowed unsecured  
claim, § 31:46

good faith proposal of plan,  
date of bankruptcy fil-  
ing, § 31:13

payment, § 31:2, 31:3

postconfirmation modifica-  
tion of plan, below  
valuation, § 31:21

totality of circumstances, good  
faith assessed under,  
§ 31:8, 31:9

trustee

appearance at hearing,  
§ 31:62

approval of plan after objec-  
tion to confirmation by  
trustee or holder of  
allowed unsecured  
claim, § 31:42 to 31:54

collection of future income,  
§ 31:73

disbursement agent under  
plan, § 31:70

fees, § 31:72

notice of hearing, § 31:58

objections, § 31:56

### INDIVIDUAL DEBT

#### ADJUSTMENT PLANS

##### —Cont'd

##### Confirmation—Cont'd

unsecured claims or creditors

approval of plan after objec-  
tion to confirmation by  
trustee or holder of  
allowed unsecured  
claim, § 31:42 to 31:54

best interest of creditors test,  
§ 31:19, 31:23

good faith, § 31:9

luxury items, § 31:52

objections, § 31:56

value of property

best interest of creditors test,  
§ 31:18, 31:21

present value of claim, above  
this group

replacement value, § 31:30

vesting of estate property,  
§ 31:67 to 31:69

zero payment plans, § 31:9,  
31:10

Conflict of laws. State law, below

Consent. Court approval, below

Construction and interpretation,  
§ 30:8, 30:11, 30:15

Contingency reserve or cushion,  
§ 31:35, 31:36, 31:53

Contingent or speculative source  
of funding for plan, § 31:38

Conversion or dismissal, § 31:2,  
31:66

generally, § 30:3, 30:4

Copies of plan

court clerk, § 30:2, 30:5, 30:6

United States trustee, § 4:101

Court approval

cause for extension of payment  
period, § 30:16

confirmation, above

objection to confirmation by  
trustee or holder of

**INDIVIDUAL DEBT**  
**ADJUSTMENT PLANS**  
**—Cont'd**  
 Court approval—Cont'd  
     allowed unsecured claim,  
     approval after, § **31:42 to**  
     **31:54**  
 Court clerk, filing, § **30:2, 30:5**  
 Cram down provisions, § **31:26,**  
     **31:29, 31:38**  
 Creditor plans unauthorized,  
     § **30:1**  
 Crimes and offenses, § **31:12,**  
     **31:16**  
 Cure and waiver of defaults,  
     confirmation of plan, § **31:4**  
 Damage of property securing  
     claim, postconfirmation  
     modification of plan, § **30:19**  
 Date. Time or date, below  
 De-acceleration. Mortgages,  
     below  
 Deductions, specific types,  
     § **31:48**  
 Default. Cure and waiver of  
     defaults, above  
 Deferred payments, § **31:19,**  
     **31:21**  
 Dependents, § **31:50, 31:53**  
 Direct payment. Outside plan,  
     below  
 Disability, § **1:63**  
 Disbursements. Payments or  
     repayments, below  
 Discharge, confirmation, § **31:14**  
     **to 31:17, 31:24, 31:25**  
 Discount rates, § **31:19, 31:20,**  
     **31:30, 31:31**  
 Disposable income, § **31:45 to**  
     **31:54**  
 Domestic support obligations,  
     § **31:40, 31:50, 31:53**  
 Domestic support obligations.  
     Child support, below  
 Duration of modified plan,  
     postconfirmation modifica-  
     tion, § **30:15**

**INDIVIDUAL DEBT**  
**ADJUSTMENT PLANS**  
**—Cont'd**  
 Duration of plan, § **29:43, 29:44**  
 Earnings. Income of debtor, below  
 Education, § **31:15, 31:50**  
 Electronic filing, § **30:2**  
 Emergencies, § **31:35, 31:36,**  
     **31:53**  
 Encumbrances. Liens and  
     encumbrances, below  
 Erroneous filing of plan, § **30:2,**  
     **30:3**  
 Estoppel. Waiver and estoppel,  
     below  
 Evidence  
     confirmation of plan, § **31:22,**  
     **31:45, 31:61 to 31:64**  
     postconfirmation change in cir-  
     cumstances, § **30:12**  
     presumptions and burden of  
     proof, below  
     proof of claims or interests,  
     filing, § **30:2, 30:12**  
 Exceptions, exclusions, and  
     exemptions  
     confirmation, above  
     objections, below  
 Excusable neglect, extension of  
     time for filing plan based on,  
     § **30:4**  
 Exemptions. Exceptions, exclu-  
     sions, and exemptions, above  
 Expenses. Fees and charges,  
     below  
 Expiration of time. Time or date,  
     below  
 Extension of time  
     filing, § **30:3, 30:4**  
     payment period, § **30:16, 30:18**  
 Farmer debtor, conversion or dis-  
     missal, § **30:3**  
 Fees and charges  
     confirmation, above

## INDEX

### INDIVIDUAL DEBT

#### ADJUSTMENT PLANS

##### —Cont'd

- Fees and charges—Cont'd
  - postconfirmation change in expenses to warrant modification, § 30:13
- Filing of plan
  - generally, § 30:1 to 30:5
  - applications, § 30:2
  - confirmation, above
  - court clerk, § 30:2, 30:5
  - erroneous filing, § 30:2, 30:3
  - extension of time, § 30:4
  - notice of time for filing objections and confirmation hearing, § 30:5
  - objections, notice of time for filing, § 30:5
  - petition, § 30:3
  - place or location, § 30:2
  - proof of claims or interests, § 30:2, 30:12
  - time or date, § 30:2 to 30:5, 30:14, 30:15
- Foreclosure
  - confirmation, § 31:28
  - mortgage de-acceleration. Mortgages, below
- Fraud and deceit. Confirmation, above
- Fresh start, modification consistent with goal of, § 30:17
- Funds. Confirmation, above
- Future earnings or income
  - confirmation, above
  - value of property, § 30:14
- Gifts, § 31:47, 31:54
- Good faith
  - applicability to postconfirmation modification, § 30:12, 30:21
  - confirmation of plan, generally, § 31:6 to 31:17, 31:61
  - filing of plan, § 30:10

### INDIVIDUAL DEBT

#### ADJUSTMENT PLANS

##### —Cont'd

- Good faith—Cont'd
  - fraud and deceit, § 31:7, 31:10, 31:12, 31:17
  - payments or repayments, generally, § 31:6 to 31:17
- Governing law. State law, below
- Hearing. Notice and hearing, below
- Illegal conduct, dischargeability of claims arising from, § 31:16
- Illness, postconfirmation
  - modification of plan, § 30:16, 30:18
- Inaccuracies and omissions in bankruptcy documents, § 31:17
- Income of debtor
  - confirmation, above
  - future earnings or income, above
- Indenture trustee, notice, § 30:5
- Infants. Child support, above
- Inheritance receipt, proof of
  - postconfirmation change to warrant postconfirmation modification, § 30:13
- Interested persons or parties, § 31:43
- Interest on money
  - confirmation, § 31:19, 31:38
  - mortgage arrearages. Interest on mortgage arrearages, below
- Interest on mortgage arrearages
  - generally, § 26:5, 26:16
- Justification, reclassification claim, § 30:21
- Late filing of plan, exception, § 30:4
- Length of plan repayment period, § 30:15
- Liens and encumbrances
  - confirmation, above

## INDIVIDUAL DEBT

### ADJUSTMENT PLANS

#### —Cont'd

- Liens and encumbrances—Cont'd
  - mortgages, below
  - secured creditors, below
- Limitations
  - postconfirmation modification of plan, **§ 30:8, 30:15**
- Liquidation of bankruptcy estate
  - comparison to payments possible under postconfirmation modification of plan, **§ 30:10**
  - confirmation, **§ 31:19, 31:21 to 31:25**
  - conversion or dismissal, failure to timely file plan, **§ 30:3**
- Liquidation (this index)
- Loans
  - confirmation, above
  - mortgages, below
- Long-term debt. Mortgages, below
- Long-term layoff, postconfirmation modification of plan, **§ 30:18**
- Lottery win as change warranting postconfirmation modification, **§ 30:13**
- Luxury items, approval of plan after objection to confirmation by trustee or holder of allowed unsecured claim, **§ 31:52**
- Mail, notice for filing objections and hold confirmation hearing, **§ 30:5**
- Mandatory or voluntary matters
  - expenses of debtor, offset of increase in debtor's income, **§ 30:13**
- Maximum period
  - plan repayment period, length of, **§ 30:15**
- Medical services
  - postconfirmation modification of plan, **§ 30:18**

## INDIVIDUAL DEBT

### ADJUSTMENT PLANS

#### —Cont'd

- Minors. Child support, above
- Misrepresentations. Confirmation, above
- Modification
  - change in circumstances, postconfirmation modification, **§ 30:12, 30:13**
  - confirmation of plan, generally, **§ 31:38, 31:65**
  - court approval, **§ 30:8, 30:16**
  - creditor's rights to modification, **§ 30:6, 30:7**
  - outside payments, modification of plan to reflect, **§ 30:8**
  - postconfirmation modification of plan, below
  - preconfirmation modification of plan, below
  - termination of right to postconfirmation modification, **§ 30:11**
- Monthly payments, increase or reduction, type of modification permitted, **§ 30:17**
- Mortgages
  - confirmation of plan, **§ 31:4, 31:29**
  - de-acceleration
    - interest on mortgage arrearages, above
  - foreclosure, above
  - interest on money, above
  - interest on mortgage arrearages, above
  - long-term debt, above
  - modification of plan to include postpetition arrears, **§ 30:18**
- Motions, **§ 30:2, 30:4**
- Multiple filings, confirmation, **§ 31:9, 31:11**
- Nominal payment plans, confirmation, **§ 31:9**

## INDEX

### INDIVIDUAL DEBT

#### ADJUSTMENT PLANS

##### —Cont'd

- Notice and hearing
  - confirmation of plan, above
  - modification of plan, § 30:7, 30:8, 30:10
  - objections, filing, § 30:5
  - postconfirmation modification, § 30:8, 30:10
  - time for filing objections and hold confirmation hearing, § 30:5
  - United States trustee, § 4:101, 4:104
- Objections
  - allowed unsecured claimholders, § 30:10
  - confirmation, above
  - filing, § 30:2, 30:5
  - notice of time for filing, § 30:5
  - postconfirmation modification, § 30:8
- Obligations, § 30:8, 30:13
- Omissions in bankruptcy documents, § 31:17
- Omitted creditor, modification of plan to provide for, § 30:8
- Order of court
  - court approval, above
  - revocation of order of confirmation, § 31:57, 31:64, 31:76 to 31:80
- Outside plan, payments made
  - modification of plan reflecting outside payment, § 30:8
  - trustee's percentage fee, § 5:98, 5:99
- Own motion of court, confirmation, § 31:6, 31:10
- Parent as dependent, § 31:50
- Parties
  - confirmation, above
  - postconfirmation modification, parties entitled to request, § 30:9

### INDIVIDUAL DEBT

#### ADJUSTMENT PLANS

##### —Cont'd

- Payments or repayments
  - claims of particular class, postconfirmation modification, § 30:8, 30:17
  - confirmation, above
  - extension of payment period, § 30:16, 30:18
  - good faith, above
  - maximum payment period, § 30:15
  - nominal payment plans, § 31:9
  - outside claims, alteration of distribution to creditor's account for, postconfirmation modification, § 30:19
  - outside plan, above
  - priority claims, below
  - time for, § 30:3
  - zero payment plans, § 31:9, 31:10
- Percentage of repayment
  - postconfirmation modification of plan, § 30:10
- Petition, time of filing of plan relative to filing of, § 30:3
- Place or location, filing of plan, § 30:2
- Postconfirmation modification of plan
  - generally, § 30:8 to 30:21
  - allowed unsecured claimholder, proof of postconfirmation change circumstances, § 30:13, 30:14
  - alteration, creditor's distribution to account for payment of outsider claims, § 30:19
  - amount of payment to a particular class, § 30:17
  - anticipation of change, determination of possibility of, § 30:14

## INDIVIDUAL DEBT

### ADJUSTMENT PLANS

#### —Cont'd

Postconfirmation modification of plan—Cont'd

- Bankruptcy Code provisions, relationship to other, **§ 30:10**
- changed circumstances, **§ 30:12, 30:13**
- classes of claims, **§ 30:8, 30:17**
- completion of payments under plan as terminating right to modification, **§ 30:11**
- damage of property securing claim, **§ 30:19**
- employment layoff, **§ 30:18**
- evidence of change in circumstances, **§ 30:12**
- extension of payment period, cause for, **§ 30:16**
- good faith, **§ 30:10, 30:12**
- health care, reduction of payments to permit purchase of, **§ 30:20**
- illness, **§ 30:16, 30:18**
- increase or reduction in amount of payments on claims of particular classifications, **§ 30:17**
- limitations and restrictions, **§ 30:8, 30:15**
- liquidation as compared to, **§ 30:3, 30:10**
- notice and hearing, **§ 30:10**
- omitted creditor, modification to provide for, **§ 30:8**
- parties entitled to request modification, **§ 30:9**
- payment of particular claims reduction, **§ 30:17, 30:19**
- reclassification of claims, **§ 30:21**
- relationship to other Bankruptcy Code provisions, **§ 30:10**

## INDIVIDUAL DEBT

### ADJUSTMENT PLANS

#### —Cont'd

Postconfirmation modification of plan—Cont'd

- termination of right to modification by completion of payments under plan, **§ 30:11**
- time, **§ 30:15, 30:16**
- trustee, proof of postconfirmation changed circumstances, **§ 30:13**
- type of modifications permitted, **§ 30:17 to 30:21**

Preconfirmation modification of plan

- generally, **§ 30:6, 30:7**
- acceptance or rejection of plan prior to modification, effect, **§ 30:7**

Preconfirmation payments, **§ 31:3**

Premodification acceptance or rejection of plan, effect, **§ 30:7**

Prepetition matters, generally, **§ 31:12**

Present value. Confirmation, above

Presumptions and burden of proof, confirmation, **§ 31:22, 31:45, 31:63**

Principal residence, claims secured by interest in debtor's. Mortgages, above

Prior case, **§ 31:11, 31:25**

Priority claims, payment of unpaid priority claims and fees, confirmation of plan, **§ 31:74, 31:75**

Proof. Evidence, above

Proof of claim, plan as informal, **§ 22:32**

Reclassification of claims, postconfirmation modification, **§ 30:21**



## INDEX

### INDIVIDUAL DEBT

#### ADJUSTMENT PLANS

##### —Cont'd

- Reduction, rate of distribution to unsecured creditors, type of modification permitted, **§ 30:17**
- Rejection. Acceptance or rejection, above
- Relationship to other Bankruptcy Code provisions, postconfirmation modification, **§ 30:10**
- Release. Discharge, above
- Religious or charitable donations, **§ 31:54**
- Repayments. Payments or repayments, above
- Repetitive cases, **§ 31:9, 31:11**
- Residence. Principal residence, above
- Res judicata. Conclusiveness of judgments or decrees, above
- Restriction of modification of confirmed plan, prohibition, **§ 30:9**
- Review by court of determination as to approval of plan after objection to confirmation by trustee or holder of allowed unsecured claim, **§ 31:49**
- Revocation. Confirmation, above
- Salary. Income of debtor, above
- Secured claims or creditors
  - confirmation, **§ 31:26 to 31:32, 31:43, 31:58**
  - ineligibility to request modification of confirmed plan, **§ 30:9**
  - modification of claims or rights, **§ 30:10**
  - mortgages, above
  - unsecured claims or creditors, below
- Sovereign immunity, **§ 6:78**

### INDIVIDUAL DEBT

#### ADJUSTMENT PLANS

##### —Cont'd

- Speculative source of funding for plan, **§ 31:38**
- Standing, creditor objection of postconfirmation modification of plan, **§ 30:9**
- Standing to object, **§ 31:43**
- Substantial change in debtor's income, postconfirmation change of circumstance, **§ 30:12**
- Successive cases, **§ 31:9, 31:11**
- Summary of plan, delivery and notice by court clerk, **§ 30:5**
- Support and maintenance. Child support, above
- Surrender of collateral by modification of plan, **§ 30:21**
- Surrender of property, confirmation, **§ 31:28, 31:29**
- Taxation, confirmation, **§ 31:41**
- Temporary moratorium on payments, postconfirmation modification of plan, **§ 30:18**
- Termination, postconfirmation right to modify, **§ 30:11**
- Threshold showing of cause for postconfirmation modification, **§ 30:12**
- Time or date
  - commencement of plan payments, **§ 30:15**
  - confirmation, above
  - duration of modified plan, postconfirmation modification, **§ 30:15, 30:16**
  - erroneously delivered plan, filing date, **§ 30:2, 30:3**
  - expiration of time, **§ 30:4, 30:14, 30:15**
  - extension of time, above
  - filing, **§ 30:2 to 30:5, 30:14, 30:15**

## INDIVIDUAL DEBT

### ADJUSTMENT PLANS

#### —Cont'd

- Time or date—Cont'd
  - limitations, payments, § **30:8**, **30:15**
  - long-term debt, above
  - modification of plan, § **30:6**
  - notice and hearing, § **30:5**
  - objections, filing, § **30:5**
  - payment period, extension or reduction, § **30:16**, **30:18**
  - payments or repayments, § **30:3**
- Transmission, erroneously filed plan, § **30:2**
- Trustee
  - confirmation, above
  - distribution of plan payments
    - “as soon as practicable,” § **31:3**
  - entitlement to request modification of confirmed plan, § **30:9**
  - filing of plan by trustee unauthorized, § **30:1**
  - indenture trustee, notice, § **30:5**
  - notice of time for filing objections and hold confirmation hearing, § **30:5**
  - proof of postconfirmation change to warrant postconfirmation modification, § **30:13**
- Turnover of property, § **31:28**, **31:29**
- Type of modifications permitted, postconfirmation modification, § **30:17 to 30:21**
- Unforeseen change in financial condition, modification of plans, § **30:16**
- United States trustees
  - delivery of plan, § **30:2 et seq.**
  - monitoring of plans, § **30:1**
  - monitoring plans, § **4:91**

## INDIVIDUAL DEBT

### ADJUSTMENT PLANS

#### —Cont'd

- United States trustees—Cont'd
  - notice and copies, § **4:101**, **4:104**
- Unsecured claims or creditors
  - classes of claims or interests, above
  - confirmation, above
  - entitlement to request modification of confirmed plan, § **30:9**
  - proof of postconfirmation change to warrant postconfirmation modification, § **30:13**
- Value of property
  - confirmation, above
  - future income, § **30:14**
- Vesting of estate property, generally, § **29:38**, **31:67 to 31:69**
- Voluntary acts or matters. Mandatory or voluntary matters, above
- Wages or salary. Income of debtor, above
- Waiver and estoppel
  - confirmation, § **31:66**
  - cure and waiver of defaults, above
- Zero payment plans, confirmation requirements for, § **31:9**, **31:10**

## INDIVIDUAL RETIREMENT ACCOUNTS

- Disposable income for Chapter 13 plan, § **31:47**
- Exemptions, § **13:101**
- Property of estate, § **12:89**

## INDIVIDUAL WITH REGULAR INCOME

- Individual Debt Adjustment (this index)

## INDEX

### INDORSEMENTS

Endorsements (this index)

### INDUBITABLE EQUIVALENT

Adequate protection, generally,  
§ 21:1, 21:12, 21:30

Defined, § 21:12

Municipal debt adjustment cases,  
§ 21:30

Reorganization cases, § 28:40 to  
28:42

Turnover of property, § 14:38,  
14:56, 14:62

### INDUSTRY-WIDE TEST

Use, sale, or lease of property,  
§ 15:39

### INFANTS

Children (this index)

### INFORMAL PROOFS OF CLAIM

Generally, § 22:31, 22:32, 22:41

### IN FORMA PAUPERIS

Indigents (this index)

Waiver of filing fees, § 1:111

### INFORMATION

Confidentiality (this index)

Creditors' Meetings (this index)

Crimes and offenses, § 12:145,  
12:150

Disclosure (this index)

Disclosure statements. Reorgani-  
zation Plans (this index)

Examination or Investigation (this  
index)

Notice and Hearing (this index)

Records and Reports (this index)

Reorganization Plans (this index)

Reorganization (this index)

United States trustee, information  
furnished to, generally,  
§ 4:98 to 4:107

### INHERITANCE

Fraudulent transfer, disclaimer of  
inheritance as, § 19:71

### INJUNCTIONS

Generally, § 1:103, 7:162 to  
7:168, 16:217 to 16:232

Abstention (this index)

Allowance of claims or interest,  
§ 24:61

Alternative dispute resolution pro-  
cess, § 16:221

Ancillary and other cross-border  
cases, § 16:222, 16:223

Anti-Injunction Statute (this  
index)

Appeals (this index)

Arbitration agreements, effect of,  
§ 16:221

Attorney as "debt relief agency,"  
violation of restrictions on,  
§ 2:55

Automatic Stay (this index)

Clerks, § 4:45

Codefendants in tort actions,  
§ 16:228

Conditions, railroad reorganiza-  
tion, § 7:168

Continuance, § 7:165

Core proceedings, § 7:74

Corporate officers and directors,  
§ 16:225

Crimes and offenses, § 7:166,  
16:231

Discharge

generally, § 35:55 et seq.

personal liability of debtor,  
§ 35:55

property of debtor, protection  
of, § 35:56

setoff, effect of, § 25:7

Employees, § 16:225

Extension of automatic stay,  
§ 16:219

Federal anti-injunction statutes,  
§ 16:218

## INJUNCTIONS—Cont'd

- Foreign proceedings, injunctions in cases ancillary to, § 16:222, 16:223
- Governmental units, § 16:230
- Guarantors, § 16:227
- Insurers, § 16:229
- Judges, § 4:24
- Jurisdiction
  - generally, § 7:162 to 7:168
  - abstaining and remanding, § 7:74
  - automatic stay, § 7:96 to 7:98, 7:163
  - continuance, § 7:165
  - criminal proceedings, § 7:166
  - railroad reorganization, § 7:168
- Labor and labor relations, § 7:167
- Nondebtors, § 16:224 to 16:229
- Norris-LaGuardia Act, § 16:13
- Officers and directors, § 16:225
- Partners, § 16:226
- Petition preparers, § 2:48, 8:11, 8:17
- Postpetition claim proceedings, § 16:232
- Preconditions, railroad reorganization, § 7:168
- Preferential transfer relating to letters of credit, § 18:114
- Preliminary injunction, generally, § 1:103
- Prior injunctions, orders, and other proceedings in removed actions, effect of, § 16:220
- Railroad reorganization, § 7:168
- Reimposition of automatic stay, § 16:219
- Remand, § 7:74
- Reorganization, § 7:162
- Repeat filings, § 6:11
- Rolling stock, railroad reorganization, § 7:168
- Rules of Bankruptcy Procedure (this index)

## INJUNCTIONS—Cont'd

- Secured or unsecured claims, § 7:168
- Shareholders, § 16:225
- Size and nature of claim, § 23:26
- Sovereign immunity, § 6:40
- Taxation, § 3:62, 3:79
- Temporary restraining orders, generally, § 1:103
- Trustee's personal liability, § 5:51
- Unauthorized practice of law, § 2:47
- Use, sale, or lease of property, § 15:48
- Venue, § 7:182
- Voluntary bankruptcy, § 8:9, 8:90

## IN REM PROCEEDINGS

- Automatic stay, § 16:103
- Size and nature of claim, § 23:26

## INSANE PERSONS

- Incompetent and Insane Persons (this index)

## INSIDERS

- Administrative expenses, § 34:43
- Allowance of claims or interests, § 24:38
- Creditors' and equity security holders' committees, § 6:55, 6:59
- Discharges of insider debtors, § 35:30
- Disinterested persons as including, § 2:30
- Distribution, § 34:102
- Fraudulent transfers and concealment of assets, § 19:72 to 19:74, 19:77, 19:99, 19:101
- Hypothetical reasonable investor, § 27:7
- Involuntary cases, § 9:31
- Liquidation, § 5:17
- Preferences and Preferential Transfers (this index)
- Professional persons, § 2:30, 2:34

## INDEX

### **INSIDERS—Cont'd**

- Subordination, § 34:102
- Trustees (this index)
- Voluntary bankruptcy, § 8:64

### **INSOLVENCY**

- Ancillary and other cross-border cases under BAPCPA, § 33A:25
- Setoff implications, § 25:26

### **INSPECTION**

- Examination or Investigation (this index)

### **INSTALLMENT OBLIGATIONS AND PAYMENTS**

- Executory contracts and unexpired leases, § 20:7 to 20:9
- Forms, filing fees, § 1:110, 8:92, 8:93
- Mortgages and Deeds of Trust (this index)
- Preferences and preferential transfers, transfer giving creditor an advantage, § 18:36
- Redemption, § 12:97, 12:109
- Voluntary bankruptcy, generally, § 8:85, 8:92, 8:93

### **INSTRUCTIONS**

- Commodity broker liquidation, § 15:9

### **INSULAR POSSESSIONS**

- Territories (this index)

### **INSULATION FROM AUTOMATIC STAY**

- Automatic Stay (this index)

### **INSURANCE AND INSURANCE COMPANIES**

- Generally, § 12:31 to 12:38
- Adequate protection, § 21:54, 21:59 to 21:61
- After-acquired property, § 12:53, 12:65

### **INSURANCE AND INSURANCE COMPANIES—Cont'd**

- Allowance of claims or interests
  - administrative expenses, § 24:57
  - grain assets, § 24:72
  - retirees, § 24:62
  - sickness and accident benefits, § 24:62
- Automatic Stay (this index)
- Automobile Insurance (this index)
- Beneficiary, trustee change on life insurance policy, § 12:35
- Capacity to sue, § 5:48
- Cash value, exemptions, § 13:85, 13:86
- Casualty insurance, inclusion in bankruptcy estate, § 12:32, 12:33
- Contract between insured and underwriter, proceeds from, § 12:32
- Creditors' committees, § 6:49
- Debtor discharges, insurers to cover all potential recoveries, § 35:59
- Debtor in possession, § 5:112
- Defeasance, debtor's right to insurance payment subject to, § 12:31
- Defenses, debtor's right to insurance payments subject to, § 12:31
- Designation of estate as beneficiary of life insurance policy, § 12:35
- Disability insurance, § 12:37
- Discriminatory treatment of debtor, § 6:32
- Estate
  - designation as beneficiary of estate, § 12:35
  - property of estate, below
- Excess value of property disclosed and exempted, inclusion of

**INSURANCE AND INSURANCE  
COMPANIES—Cont'd**

proceeds in bankruptcy  
estate, § **12:32**

Executory contracts and unexpired  
leases, § **20:3, 20:130,**  
**20:131**

Exemptions  
generally, § **12:33, 13:83 to**  
**13:91, 13:116**  
alimony, support, and separate  
maintenance, § **13:87,**  
**13:88**  
cash value, § **13:85, 13:86**  
domestic support obligations,  
§ **13:87, 13:88**  
fire insurance, § **13:90**  
group insurance, § **13:83, 13:85**  
Life Insurance (this index)  
no fault automobile insurance,  
§ **13:91**  
private insurance, § **13:83 to**  
**13:91**

Fire Insurance (this index)

Grace period, inclusion in bank-  
ruptcy estate of insurance  
policy providing for, § **12:31**

Group insurance, exemptions,  
§ **13:83, 13:85**

Health Insurance (this index)

Individual debt adjustment plans,  
§ **31:36**

Injunctions, § **16:229**

Intent, wrongdoing by debtor after  
commencement of case,  
proceeds payable to bank-  
ruptcy estate, § **12:32**

Judges, § **4:36**

Jurisdiction, insurance proceeds,  
§ **7:16**

Leases, assumption, rejection or  
assignment of unexpired,  
§ **26:25**

Liability insurance, inclusion in  
bankruptcy estate, § **12:34**

Life Insurance (this index)

**INSURANCE AND INSURANCE  
COMPANIES—Cont'd**

Liquidation, § **1:42, 1:44**

No fault automobile insurance,  
exemptions, § **13:91**

Personal liability of trustee, § **5:53**

Postpetition damage to property,  
exclusion from bankruptcy  
estate, § **12:33**

Power to change beneficiary of  
life insurance, inclusion in  
bankruptcy estate, § **12:36**

Property of estate  
generally, § **12:31 to 12:38**  
casualty insurance, § **12:33,**  
**12:34**  
disability insurance, § **12:37**  
liability insurance, § **12:35**  
life insurance, § **12:35, 12:36**

Reduction of claims against estate,  
liability insurance, § **12:34**

Retirement insurance benefits,  
§ **1:150**

Size and nature of claim, § **23:22**

Small business debtor's duty to  
insure property, § **6:25**

Trustees  
capacity to sue, § **5:48**  
change of beneficiary of life  
insurance policy, § **12:35**  
compensation of trustee,  
§ **5:106**  
Life Insurance (this index)  
personal liability of trustee,  
§ **5:53**

Turnover of property, § **14:19,**  
**14:58, 14:62**

Underwriter, proceeds from  
contract between insured and,  
§ **12:32**

**INTANGIBLE PERSONAL  
PROPERTY**

Generally, § **12:44 to 12:47**

Airport landing slots, § **12:46**

## INDEX

### **INTANGIBLE PERSONAL PROPERTY—Cont'd**

- Automatic stay, violations, real-  
location of airport landing  
slots, § **12:46**
- Constructive fraudulent transfers,  
§ **19:35 to 19:41**
- Degrees, professional, exclusion  
from bankruptcy estate,  
§ **12:47**
- Federal Aviation Administration,  
granting of airport landing  
slots, § **12:46**
- Governmental licenses or permits,  
§ **12:45, 12:46**
- Licenses, § **12:44 to 12:47**
- Practices, professional, exclusion  
from bankruptcy estate,  
§ **12:47**
- Privilege, inclusion in bankruptcy  
estate, § **12:44**
- Professional degrees, licenses, and  
practices, exclusion from  
bankruptcy estate, § **12:47**
- Reallocation of airport landing  
slots, violation of automatic  
stay, § **12:46**
- Revocation license, § **12:45, 12:46**
- Turnover of property, § **14:37**

### **INTEGRITY**

- Judges, § **4:14**

### **INTELLECTUAL PROPERTY**

- Copyrights and Trademarks (this  
index)
- Licenses as executory contracts,  
§ **20:70 to 20:76**
- Patents (this index)
- Trade name, captions, § **1:76**
- Trade secrets, protective orders,  
generally, § **6:2**

### **INTENT**

- Closing and reopening cases,  
§ **36:16**

### **INTENT—Cont'd**

- Crimes and offenses, § **12:147, 12:150**
- Debts incurred through falsity and  
fraud, dischargability  
generally, § **35:98**  
credit card fraud, § **35:123**  
fiduciary defalcation, § **35:143**  
financial statements, § **35:117**  
inferred intent, § **35:99**
- Discharge (this index)
- Executory contracts and unexpired  
leases, § **20:83, 20:87**
- Exemptions, fraud of debtor,  
§ **13:22**
- Family farmer debt adjustment  
plans, § **33:8, 33:29**
- Fraudulent Transfers and Conceal-  
ment of Assets (this index)
- Good or Bad Faith (this index)
- Inferred intent, § **35:99**
- Insurance and insurance  
companies, § **12:32**
- Liquidation (this index)
- Malice (this index)
- Payroll withholding taxes, § **3:61**
- Preferences and Preferential  
Transfers (this index)
- Property of estate, § **12:129**
- Redemption, § **12:110, 12:111, 12:114**
- Rules of Bankruptcy Procedure,  
§ **13:34**
- Statement of intention. Intention,  
Statement of (this index)

### **INTENTION, STATEMENT OF**

- Automatic stay, § **16:133**
- Exemptions, § **13:34**
- Filing by debtor, § **6:18**
- Trustee's powers and duties,  
§ **5:62, 8:84**

### **INTERESTED PERSONS OR PARTIES**

- Adequate protection, § **21:13 to 21:20, 21:67**



**INTERESTED PERSONS OR PARTIES—Cont'd**

Administrative expenses, § 34:32  
 Allowance of Claims or Interests (this index)  
 Application for order of employment, § 2:23  
 Attorneys, generally, § 2:23, 2:29 to 2:31, 2:37, 2:38, 2:45  
 Compensation and reimbursement, § 2:91, 2:92  
 Consumer privacy ombudsman, § 6:92  
 Creditors, generally, § 6:35 to 6:43  
 Creditors as, § 6:37  
 Crimes and offenses, § 6:3  
 Debtor in possession, employment of professional persons, § 5:112  
 Debtors, generally, § 6:4 to 6:34  
 Definition of disinterested person, § 2:29 to 2:34, 5:4  
 Employment of professional persons, § 2:4  
 Equity security holders, § 2:33  
 Executory contracts and unexpired leases, § 20:106  
 Family Farmer or Fisher Debt Adjustment (this index)  
 Fraudulent transfers and concealment of assets, § 19:11 to 19:18  
 Holder or representative of adverse interest, § 2:35  
 Individual debt adjustment plans, § 31:43  
 Insiders, § 2:34  
 Intervention (this index)  
 Joint or Co-ownership Interests (this index)  
 Lienholders, § 2:32  
 Liquidation (this index)  
 Municipal debt adjustment, § 2:29, 6:83

**INTERESTED PERSONS OR PARTIES—Cont'd**

Participation in bankruptcy process, § 4:1 et seq., 6:1 et seq.  
 Perfection of Interest (this index)  
 Preferences and Preferential Transfers (this index)  
 Prior or current representation as precluding employment, § 2:36 to 2:41  
 Professional persons, generally, § 2:29 to 2:41  
 Property of estate, § 12:128  
 Protective orders regarding confidential or defamatory matters, § 6:2  
 Reorganization Plans (this index)  
 Reorganization (this index)  
 Securities, § 2:30  
 Size and nature of claim, § 23:10  
 Taxation, trustee's duties, § 3:65  
 Tax returns, inspection and copying of debtor's federal, § 6:21  
 Trustees (this index)  
 Vested Rights or Interests (this index)  
 Voluntary bankruptcy, § 8:77, 8:100

**INTEREST-FREE LOANS**

Trustee appointment, § 5:30

**INTEREST ON MONEY**

Adequate protection, § 21:17, 21:44, 21:48, 21:49  
 Administrative expenses, § 34:31  
 Allowance of Claims or Interests (this index)  
 Avoidance, § 17:42, 17:71  
 Carryover or carryback, § 3:55  
 Distribution, generally, § 34:30  
 Executory contracts and unexpired leases, § 20:45  
 Family Farmer or Fisher Debt Adjustment Plans (this index)  
 Fraudulent transfers, § 19:99



## INDEX

### **INTEREST ON MONEY—Cont'd**

- Impaired creditor's right to interest, § **26:46, 26:49**
- Individual Debt Adjustment Plans (this index)
- Maturity of Claim or Interest (this index)
- Payroll withholding taxes, § **3:63**
- Preferences and preferential transfers, § **18:73, 18:108 to 18:112**
- Priorities, interest on taxes, § **34:31, 34:81**
- Rate of interest. Interest Rate (this index)
- Redemption, § **12:105**
- Reorganization Plans (this index)
- Size and nature of claim, § **23:14 to 23:18**
- Taxes
  - generally, § **3:55, 3:63**
  - priorities, § **34:31, 34:81**
- Trustees, § **5:30**
- Usury (this index)

### **INTEREST RATE**

- Family farmer debt adjustment plans, § **33:36, 33:40 to 33:49**
- Hedges, § **16:105, 17:62**
- Market Rate Interest (this index)

### **INTERIM COMPENSATION**

- Compensation (this index)

### **INTERIM EMERGENCY RULE**

- Jurisdiction and powers of court, § **7:139 to 7:141**

### **INTERIM REIMBURSEMENT**

- Reimbursement (this index)

### **INTERIM RELIEF**

- Collective bargaining agreements, rejection of, § **20:126 to 20:128**

### **INTERIM TRUSTEE**

- Trustees (this index)

### **INTERLOCUTORY JUDGMENTS, ORDERS, AND DECREES**

- After-acquired property, § **12:54**
- Disclosure statement approval by court, § **27:15**
- Leave to appeal, § **37:47, 37:48**

### **INTERNAL REVENUE CODE**

- Taxation (this index)

### **INTERNAL REVENUE SERVICE**

- Administrative regulations, § **1:32**
- Liens and encumbrances, § **12:40**
- Reorganization Plans (this index)
- Trusts, § **12:22**
- Turnover of property, § **14:32, 14:37, 14:52**

### **INTERNATIONAL ARBITRATION**

- Automatic stay, § **16:173**

### **INTERNATIONAL FUEL TAX AGREEMENT (IFTA)**

- Proof of claim regarding, § **22:22**

### **INTERNATIONAL TRADE COURT**

- Court of International Trade (this index)

### **INTERPLEADER**

- Automatic stay, § **16:24, 16:65**

### **INTERPRETATION**

- Construction and Interpretation (this index)

### **INTERPRETERS**

- Creditors' meetings, § **10:18**

### **INTERRELATED CORPORATE ENTITIES**

- Voluntary bankruptcy, § **8:59**

**INTERRUPTION OF SERVICE**

Judges (this index)

**INTERSTATE COMMERCE**

Railroad Reorganization (this index)

Surface Transportation Board (this index)

**INTERSTATE COMMERCE ACT**

Trustee's capacity to sue, § 5:48

**INTERSTATE COMMERCE COMMISSION**

Surface Transportation Board (this index)

**INTERVENTION**

Generally, § 1:95

Attorney General, § 6:36

Avoidance, postpetition perfection of liens, § 17:57

Child support creditors or their representatives, § 6:37

Creditors' and equity security holders' committees, § 6:46, 6:48, 6:64

Creditor's rights, generally, § 6:37

Debtor's rights, generally, § 6:11

Equity security holders, § 6:60

Government agencies, § 6:85

Indenture trustees, § 6:71

Interested party, generally, § 6:87, 6:88

Involuntary cases, § 9:56 to 9:59

Reorganization, generally, § 1:95

Reorganization cases, § 6:84

Rules of Bankruptcy Procedure (this index)

Securities and Exchange Commission, § 6:86

Taxation, § 3:67

Waiver of sovereign immunity, § 6:82, 6:83

**INTER VIVOS TRUST**

After-acquired property, § 12:52

Reorganization, § 1:48

**INTOXICATING BEVERAGES**

Alcoholic Beverages (this index)

**INTRAFAMILY TRANSFERS**

Fraudulent transfers and concealment of assets, § 19:67 to 19:71

**INTRAOFFICE CONFERENCES**

Compensation, § 2:79, 2:95

**INTRASTATE RAILROADS**

Railroads (this index)

**INVENTORY**

Adequate protection, § 21:23, 21:55, 21:64

Debtor's duty to cooperate with trustee, § 6:26

Family farmer debt adjustment, § 12:158

Individual debt adjustment, § 12:158

Liquidation, § 12:158

Preferential transfers, exceptions to trustee's avoiding power, § 18:85 to 18:88

Size and nature of claim, § 23:35

Taxation, § 3:3, 3:23, 3:26

Trustees, generally, § 5:59

Turnover of property, § 14:16, 14:23, 14:24, 14:26

United States trustees, § 4:100, 14:24

**INVESTIGATION**

Examination or Investigation (this index)

**INVESTMENT BANKS AND BANKERS**

Disinterestedness requirement, § 2:30

Professional Persons (this index)

## INDEX

### INVESTMENT BANKS AND BANKERS—Cont'd

Trustees, disinterested requirement, § 5:4

### INVESTMENTS

Fraudulent transfers and concealment of assets, § 19:81

Money of estate, § 5:54

Real estate investment trusts, § 3:18

Taxation, § 3:18, 3:21, 3:37, 3:39

Trustee's powers, § 5:54

### INVESTMENT TAX CREDIT

Generally, § 3:21, 3:37, 3:39

### INVOICES

Adequate protection, § 21:64

### INVOLUNTARY BANKRUPTCY

Generally, § 9:1 to 9:82

Administrative expenses of creditors, § 6:42

Affiliates, petitions, § 9:42

Age of outstanding debt, § 9:76

Amendments, § 9:44, 9:45

Amounts involved, generally, § 9:16 to 9:28, 9:70, 9:73

Answer to petition, § 9:31, 9:51, 9:52

Appeals, § 9:22, 9:26

Appointment, § 9:77, 9:78

Attorneys, § 9:38, 9:40

Attorneys' fees, § 2:59, 2:117, 9:40

Automatic stay, § 9:41, 16:147

Bad faith. Good faith, below

Bona fide disputes, § 9:21 to 9:28

Bonds, generally, § 1:113

Breach of contract claims, § 9:20

Burden of proof. Presumptions and burden of proof, below

Challenge to sufficiency of number of petitioners, § 9:33

### INVOLUNTARY BANKRUPTCY —Cont'd

#### Claims

bona fide disputes, § 9:21 to 9:28

contingent claims, below

partnership, § 9:14

petitions, below

postpetition claims, § 9:17

type and amount of claims that may support involuntary petition, generally, § 9:16 to 9:28

Clerk of court, § 4:49, 9:41, 9:46, 9:47

Commencement of case, generally, § 9:41

Compensatory damages, § 11:100

#### Contingent claims

generally, § 9:18 to 9:20

joinder of parties, § 9:56

Conversion. Dismissal or conversion, below

Copies, § 9:27, 9:41, 9:44, 9:47

#### Corporations

generally, § 9:1, 9:2, 9:5

affiliates, petitions, § 9:42

exemptions, § 9:4, 9:5

officers and directors, § 9:10, 9:16

#### Costs, expenses, and fees

fee-splitting, § 2:59

petitions, § 9:45, 9:46

Counterclaims, § 9:23, 9:51

Custodian of assets, § 9:77, 9:78

Damages, § 9:35, 9:40, 9:62, 11:99 to 11:101

Demand of payment of debt, § 9:66

#### Dismissal or conversion

generally, § 11:10, 11:98 to 11:101

appeals, § 37:49

good faith, § 9:35

intervening creditors, § 9:58

## INVOLUNTARY BANKRUPTCY

### —Cont'd

Dismissal or conversion—Cont'd  
 joint cases against spouses,  
     § 9:3  
     number of entities, § 9:29  
     operation of business, § 15:10  
     order for relief, § 9:62  
     responsive pleadings, § 9:50  
 Dollar amount of claims required  
     to file petition increased,  
     § 9:28  
 80 percent test, exemptions, § 9:7  
 Eligibility, § 9:10 to 9:34  
 Employees, § 9:10, 9:31  
 Equity insolvency test. Petitions,  
     below  
 Equity security holders, § 9:79  
 Exclusions, § 9:32, 9:67  
 Exemptions, § 9:4 to 9:9, 13:35  
 Expenses. Costs, expenses, and  
     fees, above  
 Extension of time, § 9:82  
 Farmers  
     generally, § 9:1  
     exemptions, § 9:6 to 9:9  
     fees. Costs, expenses, and fees,  
         above  
     operation income, § 9:9  
 Filing  
     lists, schedules, and statements,  
         § 9:79 to 9:82  
     petitions, below  
 Fraud and deceit, § 9:39, 9:49,  
     9:59  
 Gap. Involuntary Gap (this index)  
 Good faith  
     generally, § 9:21 to 9:28, 9:35  
         to 9:40  
     petitions, below  
 Husband and wife, § 9:3  
 Inactive moneyed, business, or  
     commercial corporations,  
     § 9:2  
 Indenture trustees, § 9:10

## INVOLUNTARY BANKRUPTCY

### —Cont'd

Insiders, § 9:31  
 Intervention, § 9:56 to 9:59  
 Involuntary Gap (this index)  
 Joinder, petitions, § 9:12, 9:32,  
     9:56  
 Jurisdiction, generally, § 9:17  
 Jury trial, § 9:54  
 Liquidation (this index)  
 Lists, § 9:52, 9:79 to 9:82  
 Mail, § 9:47  
 Notice and hearing  
     generally, § 9:58, 15:11  
     good faith, § 9:38  
 Number of creditors, petitions,  
     § 9:29 to 9:34  
 Objections, § 9:37, 9:49, 9:53  
 Operation of business, § 15:10,  
     15:11, 24:28  
 Order for relief  
     gap. Involuntary Gap (this  
         index)  
     petitions, below  
 Parties  
     generally, § 9:1 to 9:3  
     intervention, § 9:56 to 9:59  
     joinder, § 9:56  
     number of creditors, § 9:29 to  
         9:34  
     responsive pleadings, § 9:49  
 Partnership  
     generally, § 9:13 to 9:15  
     claims, § 9:14  
     farmers, § 9:6 to 9:9  
     indemnity bond, § 1:113  
     lists, schedules, and statements,  
         § 9:80  
     petitions, § 1:112, 9:13, 9:15,  
         9:42, 9:48, 9:49, 9:51  
     reorganization, § 9:13, 9:15  
     responsive pleadings, § 9:49,  
         9:51  
 Pending cases or proceedings,  
     § 9:22, 9:42

## INDEX

### INVOLUNTARY BANKRUPTCY

#### —Cont'd

##### Petitions

- generally, § 9:1
- affiliates, § 9:42
- age of outstanding debt, § 9:76
- amendments, § 9:44, 9:45
- amounts involved, § 9:73
- answer to petition, § 9:31, 9:51, 9:52
- appeals, § 9:22
- appointment of custodian, § 9:77, 9:78
- attorneys' fees award on dismissal of, § 2:117
- bad faith. Good faith, below this group
- bona fide disputes, § 9:21 to 9:28
- claims
  - generally, § 9:16 to 9:28
  - bona fide disputes, § 9:21 to 9:28
  - contingent claims, § 9:18 to 9:20
  - counterclaims, § 9:23, 9:51
  - pendency of other proceedings, § 9:22
  - postpetition claims, § 9:17
  - tort claims, § 9:19
  - transferred claims, § 9:27
- clerk of court, § 9:41, 9:46, 9:47
- commencement of case, filing as, § 9:41
- contested petition rules, generally, § 1:112, 9:55
- contingent claims, § 9:18 to 9:20
- costs or fees, § 9:45, 9:46
- counterclaims and setoffs, § 9:23, 9:51
- custodians, § 9:77, 9:78
- equity insolvency test
  - generally, § 9:65 to 9:78

### INVOLUNTARY BANKRUPTCY

#### —Cont'd

##### Petitions—Cont'd

- equity insolvency test—Cont'd
  - ability of debtor to pay debts, § 9:72
  - age of outstanding debt, § 9:76
  - amount and manner of unpaid debts, § 9:73
  - appointment of custodian, § 9:77, 9:78
  - burden of proof, § 9:68
  - exclusion of debts, § 9:67
  - method of operation of debtor, § 9:75
  - time of filing, § 9:69
- estoppel. Waiver and estoppel, below this group
- exclusion of debts, § 9:32, 9:67
- extension of filing time, § 9:82
- filing
  - generally, § 9:41 to 9:48
  - clerk of court, § 9:41, 9:46, 9:47
  - commencement of case, generally, § 9:41
  - equity insolvency test, § 9:69
  - extension of filing time, § 9:82
  - fees, § 9:45, 9:46
  - good faith, § 9:35
  - intervention, § 9:59
  - lists, schedules, and statements, § 9:81, 9:82
  - pending petitions involving same or related debtors, § 9:42
  - presumptions and burden of proof, § 9:1, 9:37
  - time and date, generally, § 9:10, 9:69, 9:82
- foreign representatives, § 9:11
- gap. Involuntary Gap (this index)

## INVOLUNTARY BANKRUPTCY

### —Cont'd

#### Petitions—Cont'd

##### good faith

generally, § 9:21, 9:35 to 9:40

contingent claims, § 9:20

counterclaims, § 9:23

damages for bad-faith filing, § 9:35, 9:40, 9:62

genuine issue of material fact, § 9:24

pendency of other claims, § 9:22

responsive pleadings, § 9:53

service of petition, § 9:48

intervention, § 9:59

joinder, § 9:12, 9:32, 9:56

jury trial, § 9:54

liquidation, § 9:41

lists, schedules, and statements, § 9:52, 9:79 to 9:82

number of creditors, § 9:29 to 9:34

##### order for relief

generally, § 9:60 to 9:78  
amendment to petition, § 9:45

appointment of custodian, § 9:77, 9:78

discretion of court as to denial, § 9:61

entry of order, § 9:61

grounds, generally, § 9:65 to 9:78

joinder of parties, § 9:56

time for entering judgment on petition, § 9:62

trial required, § 9:63

vacation of order, § 9:64

parties, responsive pleadings, § 9:49

partners and partnerships, § 9:13, 9:15, 9:42, 9:48, 9:49, 9:51

## INVOLUNTARY BANKRUPTCY

### —Cont'd

#### Petitions—Cont'd

pending proceedings, § 9:22, 9:42

postpetition claims, § 9:17

prepetition investigations, § 9:36

presumptions and burden of proof, § 9:1, 9:12, 9:37, 9:68

punitive damages, § 9:35, 9:62

qualification to file petition, generally, § 9:10 to 9:15

receivers, § 9:13

secured creditors, § 9:12, 9:28

service of process, § 9:47, 9:48

small recurring claims, § 9:32

summary judgment, § 9:24

##### time and date

equity insolvency test, § 9:69

extension of filing time, § 9:82

filing, generally, § 9:10, 9:69, 9:82

lists, schedules, and statements, § 9:81, 9:82

order for relief, § 9:62

tort claims, petitioning creditors, § 9:19

transfer of claims, § 9:27

trial, § 9:63

type and amount of claims that may support involuntary petition, generally, § 9:16 to 9:28

vacation of order, § 9:64

verification, § 9:43, 9:45

##### waiver and estoppel

challenge to sufficiency of number of petitioners, § 9:33

objections, § 9:53

postpetition payment of claims, § 9:17

## INDEX

### INVOLUNTARY BANKRUPTCY

#### —Cont'd

Petitions—Cont'd  
waiver and estoppel—Cont'd  
secured creditors, § 9:12  
withdrawal from involuntary proceedings, § 9:34  
Pleadings  
amendment of pleadings, § 9:45  
counterclaims, § 9:23, 9:51  
responsive pleadings, below  
Postpetition transactions, § 9:17  
Preferred creditors, § 9:57  
Prepetition investigation of debtor's financial condition, § 9:36  
Preponderance of evidence, § 9:37  
Presumptions and burden of proof  
generally, § 9:1  
equity insolvency test, § 9:68  
good faith, § 9:37  
petitions, § 9:1, 9:12, 9:37, 9:68  
Promissory notes, § 9:10, 9:20, 9:30  
Publication, § 9:47  
Punitive damages, § 11:101  
Punitive damages, petitions, § 9:35, 9:62  
Qualification or eligibility, § 9:10 to 9:34  
Receivers filing petitions, § 9:13  
Reorganization Plans (this index)  
Reorganization (this index)  
Responsive pleadings  
generally, § 9:49 to 9:55  
counterclaims, § 9:51  
defenses, § 9:50  
jury trial requested, § 9:54  
lists of creditors filed with answers, § 9:52  
parties entitled to answer petition, § 9:49  
partnership, § 9:49, 9:51

### INVOLUNTARY BANKRUPTCY

#### —Cont'd

Responsive pleadings—Cont'd  
waiver of defense, failure to timely file objections as, § 9:53  
Rules of Bankruptcy Procedure (this index)  
Schedules, § 9:79 to 9:82  
Secured creditors, petitions, § 9:12, 9:28  
Securities, § 9:10, 9:16  
Service of petition and process, § 9:47, 9:48  
Setoffs, postpetition exercises, § 25:43  
Signatures, § 9:38, 9:44  
Small recurring claims, § 9:32  
Sovereign immunity abrogated, § 6:78  
Statements, § 9:79 to 9:82  
Summary judgment, § 9:24, 9:55, 9:63  
Taxation, § 3:58, 3:72  
Time and date  
delays or laches, § 9:54  
extension of time, § 9:82  
joinder of parties, § 9:56  
petitions, above  
responsive pleadings, § 9:50  
vacation of order for relief, § 9:64  
Tort claims, § 9:19  
Transfer of claims, § 9:27  
Trial, § 9:63  
Type and amount of claims that may support involuntary petition, generally, § 9:16 to 9:28  
United States trustees, § 15:11  
Vacation of order, § 9:64  
Verification of petition, § 9:43, 9:45  
Waiver. Petitions, above  
Withdrawal of petition, § 9:34

**INVOLUNTARY GAP**

- Allowance of claims, § 24:28
- Avoidance powers of trustee, § 17:13, 17:47
- Claims
  - allowances, § 24:28
  - priority, § 34:83
- Distribution priorities, § 34:83
- Postpetition transactions, protection of involuntary gap transferees, § 17:47
- Priority, § 34:83

**INVOLUNTARY PAYMENTS**

- Fines and Penalties (this index)
- Withholding Taxes (this index)

**INVOLUNTARY PETITIONS**

- Conversion or dismissal, § 11:10
- Involuntary Bankruptcy (this index)

**INVOLUNTARY TRANSFERS**

- Fraudulent transfer, involuntary transfer as, § 19:3, 19:8 to 19:11, 19:29

**IOWA**

- Opt-out provision, § 13:6

**IPSO FACTO OR  
BANKRUPTCY CLAUSES**

- Executory contracts and unexpired leases, § 20:22, 20:23
- Property of estate, § 12:9
- Reorganization plans, § 26:44, 26:47
- Use, sale, or lease of property, § 15:31

**IRA**

- Individual Retirement Accounts (this index)

**IRON FOR CLOTHING**

- Allowance of claims or interest, § 24:26

**IRREGULARITIES**

- Defects and Irregularities (this index)

**IRREPARABLE INJURY**

- Appeals, interlocutory decisions, § 37:10 to 37:12
- Automatic stay, § 16:193

**IRREVOCABLE ELECTION**

- Taxation, § 3:32

**ITEMIZATION OF SERVICES  
RENDERED**

- Turnover of property, § 14:74

**ITEMIZED DEDUCTIONS**

- Taxation, § 3:36

**JEWELRY**

- Exemptions, § 13:76

**JINGLE RULE**

- Abolition, § 22:5, 24:23

**JOBS**

- Employment (this index)

**JOHNSON 12-FACTOR TEST**

- Professional compensation, § 2:74

**JOINDER OF PARTIES**

- Claim transfers, § 22:25
- Interested party, generally, § 6:1
- Involuntary bankruptcy, § 9:12, 9:32, 9:56
- Petitions, § 8:48
- Rules of Bankruptcy Procedure (this index)
- Securities and Exchange Commission, § 6:86

**JOINT ADMINISTRATION**

- Generally, § 1:115
- Trustee election or appointment, § 5:45
- Voluntary bankruptcy, § 8:50, 8:51



## INDEX

### **JOINT AND SEVERAL LIABILITY**

- Allowance of claims or interest,  
§ 24:33, 24:50
- Automatic stay, § 16:75, 16:76
- Contribution (this index)
- Fraudulent transfers, § 19:97
- Homestead exemption, nonfiling  
spouse's liability, § 13:68

### **JOINT CASES AND JOINT PLANS**

- Consolidation of Cases (this  
index)
- Exemptions, § 13:28, 13:29
- Petitions (this index)
- Voluntary Bankruptcy (this index)

### **JOINT INCOME TAX OBLIGATIONS**

- Joint Tax Returns (this index)

### **JOINT LIABILITY**

- Joint and Several Liability (this  
index)

### **JOINT OR CO-OWNERSHIP INTERESTS**

- Generally, § 12:14 to 12:17
- Adequate protection, § 21:20
- Allowable claims, inclusion of  
interests liable for, § 12:14
- Codebtors (this index)
- Community Property (this index)
- Distribution of community prop-  
erty, liquidation cases,  
§ 12:14
- Divorce, effect on community  
property, § 12:15
- Entirety tenant, § 12:17
- Husband and wife, community  
property, § 12:14, 12:15,  
12:17
- Joint or co-ownership interests,  
§ 12:14, 12:16, 12:17
- Jurisdiction, state divorce court,  
§ 12:15

### **JOINT OR CO-OWNERSHIP INTERESTS—Cont'd**

- Marriage, community property,  
§ 12:14, 12:15, 12:17
- Nondebtor spouse, exclusion of  
property from bankruptcy  
estate, § 12:14, 12:17
- Presumptions, property acquired  
during marriage as com-  
munity property, § 12:14
- Separate property of nondebtor  
spouse, exclusion from bank-  
ruptcy estate, § 12:14
- Severance of joint tenancy,  
§ 12:16
- Spouse of debtor, § 12:14, 12:15,  
12:17
- State divorce court, jurisdiction,  
§ 12:15
- Survivorship in joint tenancies,  
right of, § 12:16, 12:17
- Tax return. Joint Tax Returns (this  
index)
- Tenancies by the entirety, § 12:17
- Undivided interest in joint  
tenancy, inclusion in bank-  
ruptcy estate, § 12:16
- Use, Sale, or Lease of Property  
(this index)

### **JOINT TAX RETURNS**

- Computation and payment of tax,  
§ 3:35
- Deductions and credits, § 3:41
- Filing, generally, § 12:83
- Gross income, § 3:40
- Property of estate, § 12:83
- Taxable year of estate, § 3:32,  
3:34

### **JOINT TENANCY**

- Joint or Co-ownership Interests  
(this index)

### **JOINT TORTFEASORS**

- Joint and Several Liability (this  
index)

## JUDGES

Generally, § 4:1 to 4:37  
 Allowance of Claims or Interests  
     (this index)  
 Appeals, § 4:3, 4:6, 4:12, 37:29  
 Appointment  
     generally, § 4:12 to 4:15, 4:27  
     constitutional law, § 7:130  
     reference of cases, § 7:45  
 Assistants, § 4:38  
 Attorneys, § 4:14, 4:25, 4:32, 4:34, 4:35  
 Bankruptcy Appellate Panels, § 4:6  
 Bias, § 4:31 to 4:33  
 Business division, § 4:21  
 Certifications required before  
     appointment of clerk, § 4:41  
 Chambers (this index)  
 Chief Judge (this index)  
 Chief Justice of the United States  
     (this index)  
 Circuit court, § 4:12  
 Clerk of court, § 4:41, 4:42  
 Compensation, § 4:16, 4:19, 7:44  
 Constitutional law, § 7:30, 7:143  
 Contempt, § 7:155  
 Court of appeals, § 4:12  
 Court sessions, § 4:9 to 4:11  
 Deputy clerks, § 4:42  
 Disability, § 1:17, 4:28, 4:29  
 Disqualification  
     generally, § 4:30 to 4:37  
     appointment, § 4:14  
     attorneys, § 4:32, 4:34, 4:35  
     bias, § 4:31 to 4:33  
     compensation, disqualification  
         from allowing, § 2:112  
     contempt, § 7:155  
     ex parte communications,  
         § 4:33  
     financial or other interest,  
         § 4:36

## JUDGES—Cont'd

Disqualification—Cont'd  
     former law associate, involve-  
         ment of, § 4:35  
     personal or family involvement,  
         § 4:34  
     recusal, § 4:30, 4:32  
     waiver, § 4:37  
 Distinctions, § 4:1  
 Duty stations, § 4:5, 4:9  
 Employment  
     assistants, § 4:34  
     compensation, § 4:16, 4:19  
     disqualification for personal  
         involvement, § 4:34  
     restrictions, § 4:25, 4:27  
 Establishment of current court  
     structure, § 4:2  
 Exemptions, § 13:31  
 Ex parte communications, § 2:52, 4:26, 4:33  
 Facilities and services, use of,  
     § 4:22  
 Family and relatives, § 2:43, 2:44, 4:27, 4:34, 4:36  
 Financial or other interest,  
     disqualification, § 4:36  
 Former law associate, judge's  
     disqualification for involve-  
         ment of, § 4:35  
 Fraudulent transfers, § 19:120  
 Husband and wife, § 4:34, 4:36  
 Immunities, § 4:24  
 Impartiality. Disqualification,  
     above  
 Incompetence, § 7:44  
 Interruption of service. Termina-  
     tion or interruption of ser-  
     vice, below  
 Judicial Code, § 1:17  
 Judicial Conference of Circuits,  
     membership, § 4:23  
 Judicial conferences and councils,  
     § 4:4, 4:5, 4:13, 4:16, 4:23, 4:29, 4:41

## INDEX

### **JUDGES—Cont'd**

Law clerks, § **4:38**  
Local bankruptcy rules, § **4:8**  
Magistrates (this index)  
Masters, § **4:39, 37:32**  
Misconduct, generally, § **4:29, 7:44, 7:130**  
Municipal cases, § **4:20**  
Nominees for bankruptcy judgeships, § **1:32**  
Notice and hearing, § **4:13, 4:29, 4:31 to 4:33, 4:40**  
Number of judges, § **4:4**  
Order or Approval of Court (this index)  
Other districts, service in, § **4:18**  
Partiality. Disqualification, above  
Pensions or retirement. Retired judges, below  
Personal involvement, disqualification for, § **4:34**  
Place and location, § **4:5, 4:8 to 4:10**  
Powers and duties, § **4:7**  
Privileges and immunities, § **4:24**  
Proof of claim filed with, § **22:35**  
Qualification. Disqualification, above  
Recall of certain judges and magistrates, § **1:17**  
Recusal, § **4:30, 4:32**  
Relatives, employment of professional persons or agents, § **2:43, 2:44**  
Removal, § **4:29**  
Restrictions and limitations, § **4:25 to 4:27**  
Retired judges, § **1:17, 4:19**  
Rules of Bankruptcy Procedure (this index)  
Salary and expenses, § **4:16, 4:19, 7:44**  
Secretary, § **4:38**  
Service, generally, § **4:16 to 4:27**  
Sessions of court, § **4:9 to 4:11**

### **JUDGES—Cont'd**

Substitution of Judges (this index)  
Taxation, § **3:67**  
Tenure, § **4:16, 7:44**  
Termination or interruption of service  
    generally, § **4:28 to 4:37**  
    disqualification, above  
    removal, § **4:29**  
    substitution of disabled judge, § **4:28**  
Term of Office (this index)  
Territories, district judges for, § **4:17**  
Trials, generally, § **4:10**  
Vacancies, § **4:13, 4:15**  
Waiver, disqualification, § **4:37**  
Withdrawal of case, § **4:3, 4:24**

### **JUDGMENT LIENS**

Judicial Liens (this index)

### **JUDGMENTS AND DECREES**

Generally, § **1:101 to 1:103**  
Allowance of Claims or Interests (this index)  
Appeals (this index)  
Automatic Stay (this index)  
Avoidance of liens, § **13:143, 13:149**  
Clerks, § **4:52**  
Closing and reopening cases, § **36:6, 36:25**  
Collateral attack, waiver of sovereign immunity, § **6:83**  
Collateral Estoppel (this index)  
Conversion or dismissal, involuntary petition, § **11:98 to 11:101**  
Declaratory Judgments (this index)  
Default Judgments (this index)  
Definition, § **1:101**  
Discharge of debtor, voiding by, § **35:54**

## **JUDGMENTS AND DECREES**

### **—Cont'd**

- Divorce judgment lien, avoidance, § **13:150**
- Entry of judgment or order, generally, § **1:101**
- Executions (this index)
- Executory contracts and unexpired leases, § **20:10, 20:84, 20:124**
- Exemptions, § **13:66, 13:143, 13:149**
- Final Judgments, Orders, and Decrees (this index)
- Homestead exemption, § **13:66**
- Injunctions (this index)
- Interlocutory Judgments, Orders, and Decrees (this index)
- Order or Approval of Court (this index)
- Proof of claim, § **22:46**
- Reorganization Plans (this index)
- Reorganization (this index)
- Res Judicata (this index)
- Rules of Bankruptcy Procedure (this index)
- Size and Nature of Claim (this index)
- Summary Judgment (this index)
- Taxation, § **3:20, 3:74 to 3:76**
- United States trustees, notice, § **4:107**
- Vacating and Setting Aside (this index)

## **JUDICIAL CODE**

- Generally, § **1:17**

## **JUDICIAL CONFERENCES AND COUNCILS**

- Generally, § **1:19**
- Appeals, § **37:1, 37:2**
- Bankruptcy Appellate Panels, establishment in each circuit, § **37:26**
- Clerks, § **4:44, 4:47**

## **JUDICIAL CONFERENCES AND COUNCILS—Cont'd**

- Filing fees, § **8:88**
- Individual debt adjustment plan, confirmation, § **31:5**
- Involuntary bankruptcy, § **9:43**
- Judges, § **4:4, 4:5, 4:13, 4:16, 4:23, 4:29, 4:41**
- Judicial Code (28 USCA), § **1:17**
- Voluntary bankruptcy, § **8:19, 8:61, 8:88**

## **JUDICIAL ECONOMY**

- Abstention, § **7:32**
- Change of venue, § **7:196**
- Remand, § **7:126**

## **JUDICIAL IMMUNITY**

- Privileges and Immunities (this index)

## **JUDICIAL LIENS**

- Avoidance, § **13:126, 13:142, 17:38**
- Defined, § **13:142**
- Divorce judgment lien, avoidance, § **13:140**
- Exemptions, avoidance of liens impairing, § **13:126, 13:142**
- Preferences and preferential transfers, § **18:6, 18:86, 18:105, 18:130**

## **JUDICIAL NOTICE**

- Preferential transfer, greater amount test, § **18:32**

## **JUDICIAL REVIEW**

- Appeals (this index)

## **JUDICIAL SALES**

- Avoidance, protection of certain transferees, § **17:48, 17:49**
- Homestead exemption, § **13:58**

## **JUNIOR CREDITORS**

- Tax-free corporate reorganizations, § **3:48**

## INDEX

### JUNIOR LIENS

- Adequate protection, § **21:55**
- Allowance of claims or interest, § **24:92**
- Claims classification, § **26:15, 26:38**
- Distribution, liquidation, § **34:122**
- Loans or credit, § **15:70**
- Property of estate, § **12:128**
- Turnover of property, § **14:8**

### JUNIOR MORTGAGES

- Junior Liens (this index)

### JURISDICTION

- Abandonment of property of estate, § **7:79, 12:151, 12:153**
- Abstention (this index)
- Accounts receivable, core proceedings, § **7:59**
- Adjustment of debtor-creditor/equity security holder relationship, § **7:107**
- Administrative matters, § **7:10**
- Adversary proceedings
  - generally, § **7:2**
  - allegations in pleading, § **7:51**
- Allowance of claims or interests, § **7:29, 7:82 to 7:85**
- All Writs Act, § **7:149**
- Ancillary and other cross-border cases under BAPCPA, § **33A:11**
- Annulment of automatic stay, § **7:96 to 7:98**
- Appeals
  - Bankruptcy Appellate Panels, § **37:26, 37:46**
  - clearly erroneous standard, § **7:147**
  - core proceedings, § **7:71**
  - Courts of Appeals, § **37:6, 37:78**
  - district courts (this index)
  - remand, § **7:127**

### JURISDICTION—Cont'd

- Appeals—Cont'd
  - Supreme Court, § **37:84**
- Appearance by foreign representative, reference of cases, § **7:55**
- Appointment of receiver, § **7:181**
- “Arising in” jurisdiction, § **7:11**
- “Arising under” jurisdiction, § **7:10**
- Article I and Article III judges, § **7:1 et seq.**
- Automatic Stay (this index)
- Avoiding preferences, § **7:94, 7:95**
- BAFJA, § **7:1, 7:142 to 7:146**
- Bankruptcy appellate panels, § **7:145**
- Bankruptcy Reform Act of 1978, § **7:143**
- Breach of warranty, § **7:83**
- Burford abstention, § **7:19**
- Cash collateral, use of, § **7:105**
- Catchall provisions, § **7:63**
- Chief justice’s dissent, Northern Pipeline ruling, § **7:137**
- Child support assessments by IRS, § **7:2**
- Closing and reopening cases, § **36:2**
- Collection of accounts receivable, § **7:59**
- Comity (this index)
- Compensation of professional persons, § **7:80**
- Concurring opinion, Northern Pipeline ruling, § **7:135**
- Confirmation of plans, § **7:104**
- Consent or Approval (this index)
- Constitutional law
  - generally, § **7:128 to 7:147**
  - appellate panels, § **7:145**
  - Article I judges, § **7:130**
  - Bankruptcy Amendments and Federal Judgeship Act of 1984, § **7:142 to 7:146**

**JURISDICTION—Cont'd**

Constitutional law—Cont'd  
 Bankruptcy Reform Act of 1978, § **7:128 to 7:130, 7:143**  
 clearly erroneous standard, § **7:147**  
 district court jurisdiction, § **7:129**  
 extension of judges' terms, § **7:144**  
 jury trial, § **7:173 to 7:178**  
 model rule, § **7:139 to 7:141**  
 Northern Pipeline Decision (this index)  
 referral of cases and proceedings, § **7:146**  
 Contempt (this index)  
 Continuing Jurisdiction (this index)  
 Contracts and Agreements (this index)  
 Core Proceedings (this index)  
 Counterclaims (this index)  
 Court of Appeals, § **37:6, 37:78**  
 Credit, § **7:90**  
 Criminal contempt, § **7:151, 7:155**  
 Declaratory judgments, § **7:179**  
 Disallowance of claims, § **7:82 to 7:85**  
 Discharge, § **7:101, 7:102, 7:179**  
 Discretionary withdrawal, § **7:41**  
 Dismissal of cases, § **7:9, 7:16, 7:48, 7:55, 7:75**  
 Disputed liability and unmatured claims, § **7:92**  
 Dissenting opinion, Northern Pipeline ruling, § **7:136**  
 Distinction between case and proceeding, § **7:9**  
 District Courts (this index)  
 Divided nature of Northern Pipeline ruling, § **7:133**  
 Eligibility to file bankruptcy, § **1:38**

**JURISDICTION—Cont'd**

Employment of professional persons, § **7:18, 7:80**  
 Equitable powers of bankruptcy courts, § **7:76, 7:109, 7:148 to 7:150**  
 Estimation of claims and interests, § **7:82 to 7:85**  
 Examination of debtor, subpoena power, § **7:171**  
 Exclusive jurisdiction. See lines throughout this topic  
 Exempt property, § **7:16, 7:17, 7:29**  
 Exhaustion of administrative remedies, § **7:8**  
 Extension of judges' terms, § **7:144**  
 Federal Institutions Supervisory Act, § **7:8**  
 Federal question jurisdiction, generally, § **7:10**  
 Filing bankruptcy petition, § **7:2**  
 Final determination by bankruptcy judge, consent, § **7:50 to 7:52**  
 Fines and Penalties (this index)  
 Foreign representative, reference of cases, § **7:55**  
 Fraudulent conveyances, § **7:41, 7:43, 7:99, 7:100, 7:176, 19:112**  
 Governmental regulations, § **7:79**  
 Habeas corpus, § **7:172**  
 Hearing and determination motion for withdrawal, § **7:36**  
 Inherent powers, § **7:149**  
 Injunctions (this index)  
 Insurance, § **7:16**  
 Involuntary Bankruptcy (this index)  
 Joint or co-ownership interests, § **12:15**  
 Judicial Code (28 USCA), § **1:17**  
 Jury and Jury Trial (this index)

## INDEX

### JURISDICTION—Cont'd

- Leases, § 7:78
- Liens, § 7:10, 7:11, 7:103, 7:179
- Liquidation of assets, § 7:107
- Location of property, § 7:2
- Mandatory withdrawal, § 7:42
- Marathon Pipe Line case.
  - Northern Pipeline Decision (this index)
- Model rule of judicial conference, § 7:139 to 7:141
- Modification of automatic stay, § 7:96 to 7:98
- Motion for remand, § 7:126
- Municipal debt adjustment plans, § 32:34
- Negotiated Rates Act, § 7:7
- Noncore Proceedings (this index)
- Northern Pipeline Decision (this index)
- Objections, § 7:11, 7:21, 7:52, 7:102
- Part core and part noncore proceedings, § 7:69
- Partnership property, § 7:16, 7:17
- Penalties. Fines and Penalties (this index)
- Personal injury and wrongful death claims, § 7:29, 7:45, 7:53, 7:173
- Petitions (this index)
- Plurality opinion, Northern Pipeline ruling, § 7:134
- Postconfirmation powers, § 7:180
- Preferences, § 7:94, 7:95
- Priorities, § 7:76, 7:103, 7:109
- Professional persons, employment and compensation, § 7:80
- Property of estate, § 12:151
- Public rights versus private rights, § 7:146
- Pullman abstention, § 7:19
- Reclamation of property, § 7:76, 7:109

### JURISDICTION—Cont'd

- Recovering preferences, § 7:94, 7:95
- Reference of Cases (this index)
- Related proceedings, generally, § 7:48
- Release of personalty in creditor's possession, § 7:10
- Remand (this index)
- Removal or Transfer of Cases (this index)
- Reorganization, § 7:46
- Rules of Bankruptcy Procedure (this index)
- Sale of property, § 7:106, 7:179
- Sanctions
  - appellate sanctions, § 7:160
  - Contempt (this index)
  - Fines and Penalties (this index)
  - inherent power of court, § 7:159
  - miscellaneous sources of sanctioning power, § 7:161
  - multiplication of proceedings (28 USCA § 1927), § 7:157
  - signing and verification of papers, § 7:158
- Standing orders of reference, § 7:34
- State (this index)
- Stay, reference of cases and proceedings to bankruptcy court, § 7:38
- Subordination, § 7:76, 7:109, 7:179
- Subpoena power, § 7:169 to 7:171
- Supervisory powers, § 7:17
- Supreme Court of United States, § 37:84
- Taxation (this index)
- Termination of automatic stay, § 7:96 to 7:98
- Torts, § 7:29, 7:45, 7:53, 7:173
- Transfer of cases. Removal or Transfer of Cases (this index)



**JURISDICTION—Cont'd**

- Turnovers, § 7:62, 7:72, 7:88, 7:91 to 7:93, 14:80
- Unmatured claims, § 7:92
- Use or lease of property, § 7:105
- Venue (this index)
- Voluntary bankruptcy, § 8:11
- Waiver
  - objection to final determination by bankruptcy judge, § 7:51
  - subject matter jurisdiction, generally, § 7:6
- Withdrawal. Reference of Cases (this index)
- Wrongful Death (this index)
- Younger doctrine, § 7:19, 7:166

**JURY AND JURY TRIAL**

- Generally, § 7:173 to 7:177
- Bankruptcy courts, right to jury trial in, § 7:178
- Debtor in possession, § 5:114
- Fraudulent transfers and concealment of assets, § 7:99, 7:176, 19:113
- Grand Juries (this index)
- Involuntary cases, § 9:54
- Judicial Code (28 USCA), § 1:17
- Jurisdiction, generally, § 7:173 to 7:178
- Preferences and preferential transfers, § 7:173
- Reference of cases and proceedings to bankruptcy court, § 7:53

**JUST COMPENSATION  
CLAUSE OF  
CONSTITUTION**

- Size and nature of claim, § 23:32

**JUSTICE DEPARTMENT**

- Attorney General (this index)
- United States trustees, § 4:61, 4:69, 4:70, 4:89

**JUSTIFICATION**

- Excusable Neglect (this index)

**KANSAS**

- Opt-out provision, § 13:6

**KENTUCKY**

- Opt-out provision, § 13:6

**LABOR**

- Employment (this index)

**LABOR, SECRETARY OF,**

- Automatic stay, § 16:92

**LABOR CONTRACTS**

- Allowance of Claims or Interests (this index)
- Collective Bargaining Agreements (this index)

**LABOR DAY**

- Clerks, § 4:43

**LABOR UNIONS OR  
EMPLOYEES'  
ASSOCIATIONS**

- Collective Bargaining Agreements (this index)
- Creditors' committees, § 6:55
- Eligibility to file bankruptcy, § 1:38
- Executory Contracts and Unexpired Leases (this index)
- Interested party, generally, § 6:90
- National Labor Relations Board (this index)
- Payroll withholding taxes, § 3:62
- Reorganization Plans (this index)
- Trustee appointment, dues, § 5:30

**LACHES OR DELAY**

- Delay or Laches (this index)

**LANDFILL LICENSE**

- Automatic stay, § 16:62



## INDEX

### LANDLORD AND TENANT

Executory Contracts and  
Unexpired Leases (this  
index)  
Leases (this index)

### LAND SALE CONTRACT

Automatic stay, § 16:172

### LAND TRUSTS

Eligibility to file bankruptcy,  
§ 1:38

### LARCENY AND THEFT

Generally, § 35:145  
Automatic stay, § 16:83  
Causes of action, § 12:29  
Discharge  
    generally, § 1:167  
    conversion exception for willful  
        and malicious injuries,  
        § 35:173 et seq.  
    fiduciary fraud debt exception,  
        § 35:135, 35:199  
Embezzlement (this index)  
Individual debt adjustment plans,  
§ 31:12

### LATE CHARGES

Reorganization plans, impairment  
of claims, § 26:48  
Size and nature of claim, § 23:22

### LATE PAYMENTS

Default (this index)

### LAW CLERKS

Judges, § 4:38

### LAW QUESTIONS

Questions of Law and Fact (this  
index)

### LAWYERS

Attorneys (this index)

### LAYAWAY PLANS

Priority, consumer deposits,  
§ 34:87

### LAYOFFS

Collective bargaining agreements,  
rejection of, § 20:115  
Executory contracts and unexpired  
leases, § 20:115  
Individual Debt Adjustment (this  
index)

### LEASEBACK AGREEMENTS

Sale or Leaseback Agreements  
(this index)

### LEASES

Generally, § 12:11 to 12:13  
Acceptance. Executory Contracts  
and Unexpired Leases (this  
index)  
Adequate protection, § 21:19  
Aircraft Equipment Settlement  
    Leases Act, § 15:25, 16:123  
Airport Leases and Landing Slots  
(this index)  
Allowance of Claims or Interests  
(this index)  
Appeals (this index)  
Assignments (this index)  
Automatic stay  
    generally, § 16:45, 16:54,  
        16:67, 16:150  
    exception from automatic stay  
        provisions, § 16:97,  
        16:104  
    extensions, § 16:9  
    insulation from automatic stay  
        provisions, § 16:97,  
        16:104  
    possession of nonresidential  
        real property subject to  
        terminated lease, acts to  
        obtain, § 16:104  
    relief from stay, § 16:150,  
        16:172  
    rent, § 16:70, 16:97, 16:150  
    tenancy, § 16:45  
    termination or expiration,  
        § 16:22, 16:29, 16:61,  
        16:172

## LEASES—Cont'd

- Automatic stay, relief from, motion for, § **21:67**
- Avoidance of unperfected lien or security interest, § **17:25**
- Bailments (this index)
- Bankruptcy estate, inclusion in, § **12:11**
- Breach of Contract or Lease (this index)
- Conversion or dismissal, § **11:81**
- Debtor in possession, § **5:112**
- Deposits by consumers, § **34:87**
- Equipment on premises, inclusion in bankruptcy estate, § **12:11**
- Equitable relief action, lease termination or eviction, § **12:13**
- Eviction, equitable relief action, § **12:13**
- Executory Contracts and Unexpired Leases (this index)
- Expiration of lease, effect, § **12:12, 12:13**
- Family Farmer or Fisher Debt Adjustment (this index)
- Fixtures on premises, inclusion in bankruptcy estate, § **12:11**
- Fraudulent transfers and concealment of assets, § **19:14**
- Homestead exemption for leased premises, § **13:62, 13:65**
- Individual debt adjustment, § **5:78**
- Individual Debt Adjustment Plans (this index)
- Jurisdiction, § **7:78, 7:105, 7:168**
- Nonresidential property, effect of expiration of lease, § **12:12, 12:13**
- Petitions (this index)
- Preferences and preferential transfers, exceptions to avoidability, § **18:64, 18:72**
- Premises, equipment and fixtures as property of estate, § **12:11**

## LEASES—Cont'd

- Priorities, § **34:87**
- Railroad Reorganization (this index)
- Rejection. Executory Contracts and Unexpired Leases (this index)
- Reorganization Plans (this index)
- Reorganization (this index)
- Residential property, effect of expiration of lease, § **12:13**
- Setoffs and rejection power exercises by lessees, § **25:24**
- Shopping centers, real property in, § **20:48 to 20:50, 20:53**
- Size and nature of claim generally, § **23:35**
- rents and rental, § **23:36, 23:37**
- Subleases (this index)
- Termination
  - automatic stay, § **16:61, 16:172**
  - equitable relief action, § **12:12, 12:13**
- Time Share Interests (this index)
- Trustees
  - individual debt adjustment, § **5:78**
  - liabilities and duties, generally, § **5:47**
- Turnover of property, § **14:19, 14:41**
- Unexpired leases. Executory Contracts and Unexpired Leases (this index)
- United States trustees, § **4:64, 4:101, 4:107**
- Use, Sale, or Lease of Property (this index)

## LEAVE OF COURT

- Disclosure statement amendments, § **27:18**

## LEGACIES

- Decedents Estates (this index)

## INDEX

### LEGAL EXPENSES

Costs and Expenses (this index)

### LEGAL RESEARCH

Compensation, § 2:80

Paraprofessionals' fees, § 2:82

Protective orders regarding  
confidential or defamatory  
matter, § 6:2

Reimbursement, § 2:87

United States trustees, § 4:64

### LEGISLATIVE HISTORY

Waiver of sovereign immunity,  
congressional intent, § 6:78

### LETTERS

Credit. Letters of Credit (this  
index)

Proof of claim

informal, § 22:32

withdrawal of proof of claim,  
§ 22:37

### LETTERS OF CREDIT

Automatic stay, § 16:47, 16:59

Avoidance, § 17:41

Fraudulent transfers, § 19:16

Preferences and preferential  
transfers, § 18:16, 18:113 to  
18:119

Property of estate, § 12:86

Turnover of property, § 14:44

Twist Cap, § 18:114

### LEVERAGE

Commodity broker liquidation,  
§ 6:74

Fraudulent transfers, leveraged  
buyouts, § 19:76 to 19:78

Stockbroker liquidation, § 6:74

### LEVY

Liens and encumbrances, § 12:40,  
12:41

### LIABILITY INSURANCE

Insurance and insurance  
companies, § 12:34

### LIBEL OR SLANDER

Defamation (this index)

### LICENSES AND PERMITS

Alcoholic beverage license,  
§ 6:29, 6:32

Appraisers and auctioneers, § 2:19

Automatic Stay (this index)

Discrimination, § 6:28, 6:30, 6:32

Driver's licenses, discrimination,  
§ 6:29, 6:30, 6:32

Executory contracts and unexpired  
leases, intellectual property  
licenses, § 20:70 to 20:76

Intangible personal property,  
§ 12:44 to 12:47

Intellectual property licensing  
protections, § 20:70 to 20:76

Landfill license, automatic stay,  
§ 16:62

Liquor license, § 6:29, 6:32

### LIENS AND ENCUMBRANCES

Generally, § 12:39 to 12:43

Abandonment, preserved liens not  
of benefit to estate, § 12:42

Adequate Protection (this index)

After-acquired property, excep-  
tions to general rule, § 12:69,  
12:70

Allowance of claims or interests,  
§ 12:42

Automatic preservation of avoided  
transfer, § 12:42

Automatic Stay (this index)

Avoidance

aircraft equipment and vessels  
in Chapter 11 cases,  
unperfected security inter-  
est, § 17:26

allowed secured claims, § 12:42

bona fide purchasers of real  
property, § 17:28 to 17:30

## LIENS AND ENCUMBRANCES

### —Cont'd

- Avoidance—Cont'd
  - constructive or inquiry notice, § 17:19
  - debtor's avoidance of liens impairing exemptions. Exemptions, below
  - debtor's exercise of trustee's avoiding powers, § 17:12
  - divorce judgment lien, avoidance, § 13:140
  - equity and estoppel defenses, § 17:17
  - exemptions, liens impairing. Exemptions, below
  - finances and penalties, § 17:52
  - governing law, § 17:15, 17:18
  - judicial liens, § 13:126, 13:142, 17:38
  - marshaling of assets, § 17:27
  - notice or knowledge, § 17:18 to 17:20
  - property subject to avoidance, § 17:21, 17:22
  - purpose, § 17:14
  - satisfied liens, § 13:141
  - statutory liens, § 17:33 to 17:38
  - time when trustee acquires status, § 17:16
  - trustees in bankruptcy, generally, § 17:13 to 17:30, 17:51, 17:52
  - unperfected lien or security interest, § 17:24 to 17:26
  - unsatisfied execution creditor, § 17:23 to 17:27
- Bank account or account receivable, § 12:41
- Bona fide purchaser, transfer of ownership through sale of property, § 12:40, 12:41
- Books and papers, exemptions, § 13:78 to 13:82, 13:148, 13:153, 13:154

## LIENS AND ENCUMBRANCES

### —Cont'd

- Burdensome property, determination of, § 12:118
- Cash or cash equivalents, exclusion from bankruptcy estate, § 12:41
- Claims. See lines throughout this topic
- Clerks, § 4:52
- Closing and reopening cases, § 36:5, 36:20
- Compensation of trustee, § 5:92
- Definition, § 13:142
- Disallowed secured claims, liens as not void, exceptions, § 12:42
- Discharge of indebtedness, avoidance of liens, exemptions, § 13:169
- Disinterested professional person, § 2:32
- Distribution
  - administrative expenses, § 34:24
  - liquidation, § 34:117 to 34:124
  - priority claims, effect of lien upon, § 34:10, 34:14
- Divorce judgment lien, avoidance, § 13:140
- Enforcement, debtor discharge, § 35:60
- Equitable subordination principle, § 12:43
- Equity in property requirement, § 13:123, 13:124
- Executory contracts and unexpired leases, § 20:68
- Exemptions
  - generally, § 13:120 to 13:168
  - adversary procedure used in opt-out states, § 13:165
  - alimony, maintenance or support obligations, § 13:140
  - animals, § 13:129, 13:154, 13:158

## INDEX

### LIENS AND ENCUMBRANCES

#### —Cont'd

##### Exemptions—Cont'd

avoidance provisions, generally,  
§ 13:117 et seq.

books and papers, § 13:78 to  
13:82, 13:148, 13:153,  
13:154

claim of exemption, § 13:125

constitutionality of lien avoid-  
ance provisions, § 13:132  
to 13:136

construction and interpretation,  
§ 13:136, 13:155

Contracts Clause, § 13:132

core proceeding, avoidance of  
lien as, § 13:166

dischargeability of debt which  
lien secures, § 13:169

divorce proceeding, lien arising  
from, § 13:140, 13:144

Eleventh Amendment, § 13:133

equitable liens, § 13:144

equity in property requirement,  
§ 13:123, 13:124

family farmer debt adjustment  
cases, § 13:139

farm animals or crops,  
§ 13:129, 13:158

Federal Trade Commission's  
definition of household  
goods, § 13:156

Fifth Amendment, § 13:134

formula for determining impair-  
ment for avoidance  
purposes, § 13:126

fraud, § 13:19, 13:145

gap period liens, § 13:132,  
13:135

garnishment liens, § 13:146

governing law, § 13:128 to  
13:131

governmental units, § 13:137

homestead exemption,  
§ 13:140, 13:157

### LIENS AND ENCUMBRANCES

#### —Cont'd

##### Exemptions—Cont'd

household furnishings or goods,  
§ 13:148, 13:154 to  
13:163

husband and wife, § 13:102,  
13:109, 13:140, 13:144

impairing of exemption by lien,  
§ 13:126

implements, professional books  
or tools of trade, § 13:129,  
13:147, 13:160 to 13:163

individual debt adjustment  
cases, § 13:138

interest in property requirement,  
§ 13:122

involuntary transfer require-  
ment, § 13:118

judgments, § 13:143, 13:149

judicial liens, § 13:136, 13:142  
to 13:146

liability of exempted property  
for debt, § 13:24

limitation to property on list of  
exemptions, § 13:153

mobile homes, § 13:157

modification of security  
arrangement, § 13:150

nonpossessory, nonpurchase-  
money security interests,  
§ 13:124, 13:136, 13:147  
to 13:163

objection on motion for lien  
avoidance, § 13:48

opt-out on lien avoidance, effect  
of, § 13:130, 13:131,  
13:165

preservation of lien, § 13:23,  
13:127

procedure for lien avoidance,  
§ 13:164 to 13:169

reopening case to avoid lien,  
§ 13:167

retroactive application,  
§ 13:136

## LIENS AND ENCUMBRANCES

### —Cont'd

- Exemptions—Cont'd
  - sales and transfers, generally, § 13:117 to 13:168
  - security interest, § 13:124, 13:127, 13:136, 13:147 to 13:163
  - setoffs, recovery of, § 13:117 to 13:119
  - spillover or wild card exemptions, § 13:115
  - state law, § 13:128 to 13:131, 13:146
  - statutory liens, § 13:143, 13:159
  - tools of the trade, § 13:148, 13:160 to 13:163
  - transfers, generally, § 13:117 to 13:168
  - trustee, § 13:53, 13:54, 13:56
  - waiver, § 13:35, 13:120, 13:142, 13:147, 13:167
  - waiver by debtor of exemption or avoiding power, § 13:168
- Fair market value of property, § 12:39
- Family Farmer or Fisher Debt Adjustment (this index)
- Fines and penalties, § 17:52
- Floating Lien (this index)
- Fraud, exemptions, § 13:19, 13:145
- Gap period liens, § 13:132, 13:135
- Homestead exemption, § 13:140, 13:157
- Household furnishings or goods, avoidance of lien impairing, § 13:148, 13:154 to 13:163
- Individual debt adjustment, avoidance power of debtor, § 13:138
- Individual Debt Adjustment Plans (this index)

## LIENS AND ENCUMBRANCES

### —Cont'd

- Interested party, generally, § 6:1
- Internal Revenue Service, seized property as part of bankruptcy estate, § 12:40
- Judicial Liens (this index)
- Junior Liens (this index)
- Jurisdiction, § 7:10, 7:11, 7:103, 7:179
- Levy, effect of, § 12:40, 12:41
- Loans or credit, § 15:70
- Mechanics' Liens (this index)
- Mortgages and Deeds of Trust (this index)
- Municipal debt adjustment plans, § 32:3
- Ownership, transfer through sale of property to bona fide purchaser, not seizure, § 12:40
- Postpetition property interests, applicability to, § 12:69, 12:70
- Preferential transfers, trustee as lien creditor, § 18:99
- Preservation of lien for benefit of the estate, inclusion in bankruptcy estate, § 12:42
- Priorities, § 34:10, 34:14
- Property of estate, generally, § 12:85
- Rent, avoidance of lien for distress of, § 17:34, 17:38
- Reorganization Plans (this index)
- Rules of Bankruptcy Procedure (this index)
- Sale and transfer
  - exemptions, above
  - free and clear of liens and other interests, § 1:142
- Sale free and clear of liens and other interests, § 1:142
- Security interest
  - exemptions, § 13:124, 13:127, 13:136, 13:147 to 13:163

## INDEX

### LIENS AND ENCUMBRANCES

#### —Cont'd

- Security interest—Cont'd
  - inclusion of debtor's interest in bankruptcy estate, § 12:39
- Seizure of property by secured creditors, inclusion in bankruptcy estate, § 12:40, 12:41
- Setoff or offset, § 13:117 to 13:119
- Size and nature of claim, § 23:1 et seq., 23:23 to 23:30
- Statutory Liens (this index)
- Stripping of liens, size and nature of claim, § 23:27 to 23:29
- Subordinated claim, transfer to estate of lien securing, § 12:43
- Tax Liens (this index)
- Transfer. Sale and transfer, above
- Trustees
  - avoidance, above
  - compensation, § 5:92
  - exemptions, § 13:53, 13:54, 13:56
  - fixed liens, § 12:71, 12:73
  - liquidation, § 5:62
  - personal liability, § 5:52
- Turnover of Property (this index)
- Use, Sale, or Lease of Property (this index)
- Venue, § 7:190
- Voidable transfers. Avoidance, above
- Void liens, § 12:42
- Voluntary bankruptcy, § 8:23, 8:44
- Waiver, § 13:35, 13:120, 13:142, 13:147, 13:167

### LIFE INSURANCE

- After-acquired property, § 12:53
- Beneficiary, trustee's power to change, § 12:35, 12:36
- Compensation of trustee, § 5:106
- Debtor in possession, § 5:112

### LIFE INSURANCE—Cont'd

- Executory contracts and unexpired leases, § 20:131
- Exemptions
  - generally, § 13:83 to 13:89, 13:116
  - another person supporting debtor, policy on life of, § 13:87, 13:88
  - cash surrender or loan value, § 13:85, 13:86
  - executors of debtor, proceeds payable to, § 13:89
  - 180 days of filing bankruptcy, proceeds of life insurance received by debtor within, § 13:84
  - state law, § 13:86, 13:88
  - unmatured life insurance contracts, § 13:83
- Property of estate, generally, § 12:35, 12:36
- Trustees
  - capacity to sue, § 5:48
  - compensation of trustee, § 5:106
  - power to change beneficiary, § 12:35, 12:36
- Turnover of property, § 14:62

### LIGHTHOUSE SERVICE

- Widows' benefits, federal non-bankruptcy exemptions, § 13:116

### LIMITATION OF ACTIONS

- Statute of Limitations (this index)

### LIMITATIONS OR RESTRICTIONS

- Avoidance (this index)
- Conditions (this index)
- Executory Contracts and Unexpired Leases (this index)
- Exemptions, § 13:22, 13:30, 13:153

**LIMITATIONS OR  
RESTRICTIONS—Cont'd**

Family farmer debt adjustment plans, § 33:34  
Individual Debt Adjustment Plans (this index)  
Judges, § 4:25 to 4:27  
Municipal Debt Adjustment (this index)  
Professional persons, limitations on employment, § 2:29 to 2:44  
Property of estate, § 12:7 to 12:10, 12:118 to 12:120, 12:129, 12:140  
Reorganization plans, § 26:32  
Securities, restricted, § 14:18  
Statute of Limitations (this index)  
Stockbroker liquidation, § 34:149  
Subordination, § 34:93, 34:96  
Turnover of property, § 14:5, 14:9, 14:59, 14:68 to 14:71  
Use, sale, or lease of property, § 15:23

**LIMITED PARTNERSHIP**

Automatic stay, § 16:24  
Equity security holders, § 6:60  
Interested party, limited partner as, § 6:88  
Personal liability of general partner for deficiency, § 14:10  
Proof of claim, § 22:1  
Registered limited liability partnership, liability of partner of, § 22:5  
Reorganization Plans (this index)  
Trustee elections, § 5:15  
Turnover of property, § 14:10

**LIMITED RESOURCE  
PROGRAM**

Family farmer debt adjustment plans, § 33:25

**LIQUID AND GASEOUS  
HYDROCARBONS**

Related interests as property of estate, § 12:94

**LIQUIDATED DAMAGES**

Executory contracts and unexpired leases, § 20:20

**LIQUIDATION**

Abandonment of Property (this index)  
Abstention, § 7:29  
Adequate protection, § 21:23, 21:24, 21:26  
Administration. Officers and administration, below  
Administrative expenses, payment from community and other property, § 34:136  
Adverse interest, § 5:16  
After-acquired property, § 12:61  
Allowance of claims or interests administrative expenses, § 24:55, 24:71  
objection to claim, § 24:11 to 24:13  
partnership claims, § 24:22  
significance of allowance or disallowance of claim, § 24:1, 24:2, 24:4, 24:5  
unmatured interest claim, § 24:36  
Allowances, additional, § 11:27  
Appointment of trustee generally, § 5:1, 5:2  
eligibility and qualification, § 5:3  
interim trustee, § 5:13  
successor trustee, § 5:20  
U.S. trustee, appointment by, § 5:12  
Appointment of U.S. trustee, § 4:85, 4:86  
Approval of court. Order or approval of court, below



## INDEX

### LIQUIDATION—Cont'd

- Asset deficiency, failure to explain, debtor discharges, **§ 35:24 et seq.**
- Attorney General's appearance, **§ 6:36**
- Attorneys. Professional persons, below
- Automatic dismissal for Chapter 7 or 13 debtor's failure to file certain documents, **§ 6:27**
- Automatic stay, setoff rights, **§ 25:15**
- Automatic Stay (this index)
- Avoidance (this index)
- Award of costs to debtor, **§ 11:33**
- Bankruptcy planning and debtor discharges, **§ 35:12**
- Banks (this index)
- Bond requirements for trustees, **§ 5:7**
- Books and records. Records and reports, below
- Carryover or carryback, **§ 3:58**
- Cause, dismissal for
  - 11 U.S.C.A. Sec. 707(a), **§ 11:42**
  - ability to pay, **§ 11:40**
  - actions constituting cause, **§ 11:39, 11:40**
  - bad faith, **§ 11:39**
  - court order, **§ 11:36**
  - debtor's motion to dismiss, **§ 11:41 to 11:43**
  - motion, notice, and hearing, **§ 11:37**
  - objection by trustee, **§ 11:43**
  - Securities Investor Protection Corporation proceedings, **§ 11:44**
- Change of venue, **§ 7:196**
- Chapter 7 debtor discharges, **§ 35:6**
- Chapter 11
  - generally, **§ 11:15 to 11:34, 11:49, 11:50**

### LIQUIDATION—Cont'd

- Chapter 11—Cont'd
  - debtor discharges, **§ 35:7**
  - liquidating plans. Reorganization Plans (this index)
- Chapter 12, conversion from, **§ 11:60**
- Chapter 13
  - generally, **§ 11:15 to 11:34**
  - administrative expenses, **§ 11:22**
  - conversion to Chapter 7, **§ 11:67 to 11:75**
- Charges. Costs and expenses, below
- Chart for conversion, **§ 11:8**
- Claims
  - allowance of claims or interests, above
  - filing of proof of claim or interest, below
  - proof of claim or loss. Filing of proof of claim or interest, below
  - secured and unsecured claims, distribution of property, **§ 34:121, 34:122**
- Closing of estate, **§ 36:1, 36:7**
- Collection of estate property, **§ 5:65**
- Commodity Broker Liquidation (this index)
- Commodity brokers, automatic stay setoff rights, **§ 25:15**
- Community property, **§ 34:135 to 34:137**
- Compensation, generally, **§ 5:87 to 5:105**
- Concealment of property, **§ 19:126**
- Consumer debts, schedule of assets and liabilities, **§ 12:159**
- Consumer education program requirements, **§ 35:35**

**LIQUIDATION—Cont'd**

Contracts. Executory contracts and unexpired leases, below

Conversion, generally, § 11:7

Conversion of property from non-exempt to exempt, debtor discharges, § 35:12

Conversion or dismissal generally, § 1:119 et seq., 4:88, 4:93, 4:97, 11:11 to 11:44

abuse generally, § 11:15

administrative expenses, chapter 13, § 11:22

allowances, additional, § 11:27

award of costs to debtor, § 11:33

disabled veteran, prohibition of dismissal, § 11:30

education expenses, dependent child, § 11:23

family members, non-dependent, § 11:21

health insurance, § 11:18

housing and utility, § 11:24

liability of debtor attorney, § 11:32

limitations on actions, § 11:34

monthly expenses, § 11:17 to 11:27

notice to creditors of applicability of presumption, § 6:38

payment of debt, § 11:19

presumption of abuse, § 11:16 to 11:29, 11:31

priority debt payment, § 11:26

safety expenses, § 11:20

secured debt payment, § 11:25

special circumstances, rebuttal of presumption, § 11:28

**LIQUIDATION—Cont'd**

Conversion or dismissal—Cont'd

abuse—Cont'd

statement of income and abuse calculations, § 11:29

Copies, statement of intent, service, § 12:159

Core proceedings, § 7:79, 7:82, 7:107

Corporations

eligibility to be debtor, § 1:42 to 1:44

Costs and expenses

abandonment of property burdensome to bankruptcy estate, § 12:118

community property and other property, payment from, § 34:136

Court order, § 11:14, 11:36

Court order, refusal to obey, debtor discharges, § 35:27 et seq.

Creditors' and Equity Security Holders' Committees, § 6:43, 6:44, 6:53

Creditors' meeting examinations, § 10:24

Creditors' meetings, § 1:116

Creditors' rights, generally, § 6:38

Crime victim's, dismissal in best interest of, § 11:35

Criminal conduct of debtor, § 35:36

Date. Time or date, below

Death or incompetency of debtor, § 6:10

Debt discharges

generally, § 1:164 to 1:167, 35:66

trustee's powers and duties, § 5:62

Debtor discharges

generally, § 35:6 et seq.

## INDEX

### LIQUIDATION—Cont'd

#### Debtor discharges—Cont'd

- asset deficiency, failure to explain, § 35:24 et seq.
- bankruptcy planning, § 35:12
- Chapter 7, § 35:6
- Chapter 11, § 35:7
- consumer education program, failure to complete, § 35:35
- conversion of property from nonexempt to exempt, § 35:12
- court order, refusal to obey, § 35:27 et seq.
- criminal conduct of debtor, § 35:36
- deficiency of assets, unexplained, § 35:24 et seq.
- denial, grounds for, § 35:8 et seq.
- discretion of court, § 35:28
- education program, failure to complete, § 35:35
- eight-year rule
  - generally, § 35:31 et seq.
  - best efforts test, § 35:33
  - failure to enter prior discharge, § 35:32
  - revocation of prior discharge, § 35:32
- exemption conversion violations, § 35:12
- failure to explain loss or deficiency of assets, § 35:24 et seq.
- false oath or account, § 35:20 et seq.
- fraudulent activities, § 35:18
- insider debtors, § 35:30
- later amendment of false oath or account, § 35:22
- loss of assets, unexplained, § 35:24 et seq.

### LIQUIDATION—Cont'd

#### Debtor discharges—Cont'd

- materiality of false oath or account, § 35:21
- omissions, fraudulent, § 35:23
- prior discharges, § 35:31 et seq.
- privilege invocations, § 35:26
- records, failure to keep, § 35:13 et seq.
- refusal of court order, § 35:27 et seq.
- self-incrimination privilege, § 35:29
- subsequent disclosure of false oath or account, § 35:22
- sufficiency of records, § 35:14, 35:15
- waiver of discharge, § 35:34
- Debtor's right, § 11:11, 11:48
- Disabled veteran, prohibition of dismissal, § 11:30
- Discharge of U.S. trustee from office, § 4:86, 4:88
- Discretion of court, debtor discharges, § 35:28
- Disinterested requirement, trustees and examiners, § 5:4
- Dismissal. Conversion or dismissal, above
- Disputed elections, § 5:19
- Distribution
  - generally, § 1:161 to 1:163, 34:116 to 34:178
  - administrative expenses, § 34:136
  - commodity broker liquidation, § 1:163
  - community property, § 34:135 to 34:137
  - dividends, § 34:138 to 34:140
  - estate, distribution to, § 34:123
  - exceptions, § 34:118
  - excused tardy filing, § 34:130
  - filing, § 34:128 to 34:131

## LIQUIDATION—Cont'd

### Distribution—Cont'd

- final distribution, § **34:126 to 34:134**
- finances and penalties, § **34:132**
- junior liens, § **34:122**
- liens, § **34:117 to 34:124**
- partnership liquidations, § **34:141 to 34:143**
- postpetition acts and matters, § **34:133, 34:155**
- priorities, § **34:121, 34:122, 34:127**
- secured and unsecured claims, § **34:121, 34:122**
- senior liens, § **34:121**
- stockbroker liquidation, § **15:8**
- surplus, § **34:134, 34:143**
- tardily filed claims, § **24:48, 34:130, 34:131**
- tax liens, § **34:119 to 34:124**
- timely filed claims, § **34:128 to 34:131**
- two or more competing distributees, § **34:124**
- unexcused tardy filing, § **34:131**
- Dividends, distribution, § **34:138 to 34:140**
- Education expenses, dependent child, § **11:23**
- Education program, failure to complete, § **35:35**
- Eight-year rule
  - generally, § **35:31 et seq.**
  - best efforts test, § **35:33**
  - failure to enter prior discharge, § **35:32**
  - revocation of prior discharge, § **35:32**
- Election of trustee. Trustees, below
- Eligibility to be debtor, § **1:42 to 1:44**
- Encumbrances. Liens, below

## LIQUIDATION—Cont'd

- Estate, applicability of general definition, § **12:4**
- Estoppel. Waiver and estoppel, below
- Examination and investigation
  - appointment of trustee, above
  - trustee's duty, § **5:66, 5:67**
- Exceptions. Objections and exceptions, below
- Excess to debtor after payment of priority claims, § **34:134, 34:143**
- Executory contracts and unexpired leases
  - generally, § **1:148**
  - assumption or rejection by trustee
    - breach, rejection treated as, § **20:56, 20:57**
    - exceptions as to nullification of ipso facto or bankruptcy clauses, § **20:23**
    - time limits, § **20:36 to 20:38**
  - collective bargaining agreements, § **20:110**
  - commodity broker liquidation, § **20:17, 20:23**
- Exemption conversion violations, debtor discharges, § **35:12**
- Exemptions, § **13:37**
- Exemptions
  - generally, § **13:13**
  - conversion of case, § **13:37**
  - filing, § **12:157**
  - interests acquired or arising after filing of bankruptcy petition, § **13:39**
  - statement of intention, § **13:34**
- Expenses. Costs and expenses, above
- Failure to explain loss or deficiency of assets, debtor discharges, § **35:24 et seq.**

## INDEX

### LIQUIDATION—Cont'd

- False oath or account, debtor discharges, § **35:20 et seq.**
- Family Farmer or Fisher Debt Adjustment (this index)
- Family members, non-dependent, § **11:21**
- Fees and charges. Costs and expenses, above
- Filing of certain documents not made, § **6:27**
- Filing of proof of claim or interest
  - generally, § **5:15**
  - distribution, § **34:128 to 34:131**
  - exemptions, § **12:157**
  - schedule of assets and liabilities, § **12:157**
  - statement of intent concerning retention or surrender of property, § **12:159**
- Final distribution, § **34:126 to 34:134**
- Fines and penalties, distribution, § **34:132**
- Fraud
  - concealment of assets and fraudulent transfer.
    - Concealment of property, above
  - discharge of indebtedness, above
  - trustee's powers and duties, § **5:62**
- Fraudulent activities, debtor discharges, § **35:18**
- Fund for U.S. Trustee System, § **4:63, 4:65**
- Health insurance, § **11:18**
- Hearing. Notice and hearing, below
- Hearings, § **6:27**
- Hiding property. Concealment of property, above
- Housing and utility, § **11:24**
- Individual Debt Adjustment Plans (this index)

### LIQUIDATION—Cont'd

- Individual Debt Adjustment (this index)
- Insider debtors, discharges, § **35:30**
- Insider status, § **5:17**
- Insurance companies, § **1:42, 1:44**
- Intent, statement of, § **12:159, 13:34**
- Interested persons or parties
  - allowance of claims or interests, above
  - filing of proof of claim or interest, above
- Interim trustees
  - generally, § **4:85**
  - appointment, § **5:1, 5:3**
  - election of trustees, § **5:14**
  - operation of business, § **15:11**
  - powers and duties, generally, § **5:70**
  - termination of services, § **5:84**
- Inventory of debtor's property, trustee's duty, § **4:100, 12:158**
- Investigation. Examination and investigation, above
- Involuntary cases
  - generally, § **9:1 et seq.**
  - foreign representatives, § **9:11**
  - lists, schedules, and statements, § **9:79, 9:81**
  - operation of business, § **15:10, 15:11**
  - petitions, § **9:41**
  - provisions regulating involuntary bankruptcy, generally.
    - Involuntary Bankruptcy (this index)
  - transferred claims, § **9:27**
- Jointly administered estates, § **5:45**
- Judgments. Order or approval of court, below

**LIQUIDATION—Cont'd**

Jurisdiction, § **7:29, 7:79, 7:82, 7:107, 7:196**  
 Knowledge. Notice and hearing, below  
 Later amendment of false oath or account, debtor discharges, § **35:22**  
 Liability of debtor attorney, § **11:32**  
 Liens, distribution, § **34:117 to 34:124**  
 Limitations on actions, § **11:34**  
 Loans to operate or wind-up business, generally, § **15:68 to 15:77**  
 Loss of assets, unexplained, debtor discharges, § **35:24 et seq.**  
 Materiality of false oath or account, debtor discharges, § **35:21**  
 Means-testing, § **11:15 to 11:34**  
 Meetings of creditors, § **1:116**  
 Monthly expenses, § **11:17 to 11:27**  
 Motion, notice, and hearing, § **11:12**  
 Motions, § **5:68**  
 Municipal debt adjustment, operation of business, § **15:18**  
 Notice and hearing  
     appearance fees, § **5:90**  
 Notice and knowledge, § **6:27**  
 Objections and exceptions  
     distribution, § **34:118**  
 Officers and administration  
     expenses, payment from community and other property, § **34:136**  
     interim trustees, above  
     records and reports, below  
     successor trustees, below  
     time or date, below  
     trustees, below  
     United States trustees, below

**LIQUIDATION—Cont'd**

Omissions, fraudulent, debtor discharges, § **35:23**  
 Operation of business, § **15:4**  
 Operation of business  
     generally, § **15:4 to 15:11**  
     commodity broker liquidation, § **15:9**  
     involuntary cases, § **15:10, 15:11**  
     municipal debt adjustment, § **15:18**  
     stockbroker liquidation, § **15:9**  
 Panel of trustees. Trustees, below  
 Parties  
     eligibility to be debtor, § **1:42 to 1:44**  
     interested persons or parties, above  
 Partnerships, distribution, § **34:141 to 34:143**  
 Payment of debt, § **11:19**  
 Payments of expenses from community and other property, § **34:136**  
 Penalties, distribution, § **34:132**  
 Personal property schedules, filing with court, § **12:157**  
 Petitions (this index)  
 Postpetition acts and matters, distribution, § **34:133, 34:155**  
 Preference rules, applicability of, § **18:96**  
 Prior, effect of, § **11:13**  
 Prior discharges, § **35:31 et seq.**  
 Priorities  
     distribution, § **34:121, 34:122, 34:127**  
     tax claims, § **34:121, 34:122**  
 Priority debt payment, § **11:26**  
 Privilege invocations, debtor discharges, § **35:26**  
 Professional persons  
     court determination, § **2:25**  
     debtor not in possession, § **2:11**

## INDEX

### LIQUIDATION—Cont'd

- Professional persons—Cont'd
  - official committees, § 2:12
  - prior or current representation precluding employment, § 2:36
  - salaried employees, § 2:5
- Proof of claim
  - commodity broker liquidation, § 22:34, 22:42
  - deemed filing, § 22:9
  - dismissal motion, § 5:68
  - election of trustee, § 5:15
  - establishing right to participate, § 22:1, 22:5, 22:6, 22:8, 22:13
  - examination duty of trustee, § 5:67
  - filing of proof of claim or interest, above
  - notice of bar date, § 22:52, 22:53
  - time for filing proof of claim or interest, § 22:42, 22:46 to 22:48
  - voting rights, § 22:13
  - who may file claim, § 22:19
- Proofs of claims, trustee to oppose dismissal motion, § 5:68
- Property of estate. See specific lines throughout this topic
- Proxies, § 5:18
- Qualification or eligibility to be debtor, § 1:42 to 1:44
- Real property
  - schedules, § 12:157
- Records and reports
  - failure to keep, § 35:13 et seq.
  - trustee elections, § 5:19
- Redemption (this index)
- Reduction of tax attributes
  - generally, § 3:30
  - trustee's duties, § 3:65 to 3:70
- Refusal of court order, debtor discharges, § 35:27 et seq.

### LIQUIDATION—Cont'd

- Removal of U.S. trustee from office, § 4:86, 4:88
- Reopening of case, § 36:12, 36:17, 36:19, 36:21, 36:26, 36:27
- Reorganization Plans (this index)
- Reorganization (this index)
- Reports. Records and reports, above
- Revocation of discharge, § 35:62
- Safety expenses, § 11:20
- Sale or Transfer (this index)
- Schedule of assets and liabilities, § 12:157, 12:159
- Secured and unsecured claims, distribution of property, § 34:121, 34:122
- Secured debt payment, § 11:25
- Security. Bonds and undertakings, above
- Self-incrimination privilege, debtor discharges, § 35:29
- Separate taxable bankruptcy estate, § 3:27 to 3:44
- Service of process and papers, § 12:159
- Setoff rights and automatic stay, § 25:15
- Size and nature of claim
  - generally, § 23:9
  - collateral, liquidation value of, § 23:9
  - stockbroker liquidation cases, § 23:5, 23:6
- Special circumstances, rebuttal of presumption, § 11:28
- State and local taxes, § 3:28
- Statement of income and abuse calculations, § 11:29
- Statement of intent, § 12:159
- Stockbroker Liquidation (this index)
- Stockbrokers, automatic stay and setoff rights, § 25:15

## **LIQUIDATION—Cont'd**

- Subsequent disclosure of false oath or account, debtor discharges, § **35:22**
- Substantial abuse
  - United States trustees, § **4:101, 4:106**
- Successor trustee, § **4:86, 5:20, 5:70**
- Sufficiency of records, debtor discharges, § **35:14, 35:15**
- Surplus to debtor after payment of priority claims, § **34:134, 34:143**
- Surrender of property. Turnover of property, below
- Tardy filing of claims, distribution as affected by, § **34:130, 34:131**
- Taxation
  - carryover or carryback, § **3:58**
  - filing of returns, § **3:5**
  - operation of business, § **15:4**
  - reduction of tax attributes, above
  - sales or transfers, § **3:43, 3:44, 3:86**
  - separate taxable bankruptcy estate, generally, § **3:27 to 3:44**
  - trustee's powers and duties, § **5:62**
- Tax liens
  - distribution, effect on, § **34:119 to 34:124**
  - priorities, § **34:121, 34:122**
- Time or date
  - distribution, timely filing of claims, § **34:128 to 34:131**
  - filing, inventory of property by trustee, § **12:158**
  - postpetition acts and matters, above
  - service of statement of intent, § **12:159**

## **LIQUIDATION—Cont'd**

- Transferred claims, involuntary bankruptcy, § **9:27**
- Trustees
  - generally, § **5:64 to 5:70**
  - adverse interest, § **5:16**
  - appointment of trustee, above
  - bonds and undertakings, above
  - collection of estate property, § **5:65**
- Commodity Broker Liquidation (this index)
  - compensation, § **5:87, 5:90 to 5:95, 5:101, 5:105**
  - conversion or dismissal, above
  - dismissal motion, § **5:68**
  - disposal of property, § **1:161**
  - disputed elections, § **5:19**
  - duties, generally, § **12:158**
  - elections
    - generally, § **5:1, 5:14 to 5:19**
    - adverse interest, § **5:16**
    - disputed elections, § **5:19**
    - insider status, § **5:17**
    - proof of claim, filing of, § **5:15**
    - proxies, solicitation and voting of, § **5:18**
    - successor trustee, § **5:20**
  - insider status, § **5:17**
  - interim trustees, above
  - inventory of property, filing, § **12:158**
  - investigation of debtor, § **5:66**
  - jointly administered estates, § **5:45**
  - proof of claim, above
  - proxies, solicitation and voting of, § **5:18**
- Stockbroker Liquidation (this index)
  - successor trustees, § **4:86, 5:20, 5:70**
  - taxation, § **3:65 to 3:70**
  - United States trustees, below



## INDEX

### LIQUIDATION—Cont'd

- Trustees—Cont'd
  - vacancies. Successor trustees, above
- Turnover of property
  - attorneys, § 14:27
  - collection of property of estate, § 14:27
  - conversion of case, turnover of property upon, § 14:11, 14:27, 14:28
  - corporate officer, fiduciary duty of turnover, § 14:27
  - discharge of case for withholding information, § 14:67, 14:89
  - interim trustee, § 14:26, 14:73
  - inventory of property, filing by trustee, § 14:16, 14:23
  - licenses, § 14:44
  - reconversion, § 14:27
  - restricted securities, § 14:18
  - right to turnover, debtor's lack of, § 14:30
  - schedule of assets and liabilities, filing, § 14:15
  - seized or repossessed property, § 14:37
  - stockbroker liquidation, § 14:18
  - trustee accountability for property received, § 14:20
  - withholding recorded information, § 14:89, 14:90
- Undertakings. Bonds and undertakings, above
- Unincorporated businesses, eligibility to be debtor, § 1:42 to 1:44
- United States trustees
  - appointment, § 4:85, 4:86, 5:12
  - conversion or dismissal, § 4:88, 4:93, 4:97
  - fund for United States Trustee System, § 4:63, 4:65

### LIQUIDATION—Cont'd

- United States trustees—Cont'd
  - interim trustee appointed, § 4:85
  - inventory and reports, § 4:100
  - operation of business, § 15:4
  - panel of trustees, § 4:84
  - removal from office, § 4:86, 4:88
  - service as trustee, § 4:87
  - successor trustee, § 4:86
- Unliquidated Claims (this index)
- Unlisted and unscheduled debt
  - discharge exceptions, § 35:132
- Use, sale, or lease of property, § 15:22, 15:35, 15:43, 15:49
- Vacancies. Successor trustees, above
- Veteran, disabled, prohibition of dismissal, § 11:30
- Voluntary bankruptcy
  - good faith, § 8:23
  - lists, schedules, and statements, § 8:61 et seq.
  - notice of order, § 8:36
  - orders, § 8:36, 8:38
  - partnership, § 8:4
- Waiver and estoppel
  - debtor discharges, § 35:34
  - sovereign immunity, § 6:78

### LIQUOR

- Alcoholic Beverages (this index)

### LISTS

- Assets and liabilities. Schedules (this index)
- Clerks, § 4:52
- Closing and reopening cases, § 36:16
- Exemptions, § 13:31, 13:40 to 13:43, 13:153
- Family farmer debt adjustment plans, § 33:24, 33:55
- Filing. Reorganization (this index)

**LISTS—Cont'd**

Involuntary bankruptcy, § **9:52, 9:79 to 9:82**  
 Municipal debt adjustment, § **8:64, 8:66, 8:77 to 8:79, 8:87**  
 Municipal debt adjustment plans, § **32:11**  
 Petitions (this index)  
 Proof of claim, § **22:10**  
 Rules of Bankruptcy Procedure (this index)  
 Schedules (this index)  
 Size and nature of claim, § **23:4, 23:13**

**LIVESTOCK**

Exempt property, § **13:82, 13:158**

**LOANS OR CREDIT**

Generally, § **1:138, 15:68 to 15:77**  
 Adequate protection, § **15:61, 21:8**  
 Administrative expenses, § **15:70**  
 Appeals  
     reversal or modification of borrowing authorization, protection of lenders from, § **15:66**  
     voluntary dismissal of appeal, § **37:57**  
 Appointment of trustee, interest-free loans, § **5:30**  
 Capacity of trustee to sue, § **5:48**  
 Checklists, § **15:76**  
 Consolidation Loan (this index)  
 Credit Agencies (this index)  
 Credit Unions (this index)  
 Cross-collateralization, § **15:72**  
 Debtor in possession  
     generally, § **15:68 to 15:77**  
     rights, powers, and duties, generally, § **5:110 to 5:112**  
 Default (this index)  
 Discharge  
     Student Loans (this index)

**LOANS OR CREDIT—Cont'd**

Discharge—Cont'd  
     tax treatment, § **3:19**  
 Education. Student Loans (this index)  
 Exceptions. Exemptions and exceptions, below  
 Executory contract or unexpired lease, loan commitment, § **20:23, 20:26**  
 Exemptions and exceptions  
     life insurance loan value, § **13:85, 13:86**  
     securities registration, § **15:75**  
 Good faith, § **15:61**  
 Individual Debt Adjustment Plans (this index)  
 Individual Debt Adjustment (this index)  
 Insurance, exemptions for loan values on, § **13:85, 13:86**  
 Interest-free loans, trustee appointment, § **5:30**  
 Interest on Money (this index)  
 Investment Tax Credit (this index)  
 Involuntary bankruptcy, § **9:16**  
 Junior liens, § **15:70**  
 Jurisdiction, § **7:90**  
 Letters of Credit (this index)  
 Liens and encumbrances, § **15:70**  
 Long-term debt  
     family farmer debt adjustment plans, § **33:15**  
     Individual Debt Adjustment Plans (this index)  
 Mortgages and Deeds of Trust (this index)  
 Motion for authorization to obtain credit, § **15:73**  
 Municipal debt adjustment, § **15:18**  
 Nonrecourse Loans or Claims (this index)  
 Notice and hearing, § **15:73**

## INDEX

### **LOANS OR CREDIT—Cont'd**

- Ordinary course of business, borrowing in, § 15:68
- Other than in ordinary course of business, borrowing in, § 15:69
- Postpetition matters, § 12:14
- Preferences and Preferential Transfers (this index)
- Priority, § 15:70, 15:71
  - administrative expenses, § 15:70
  - borrowing with, § 15:70
  - junior liens, § 15:70
  - special administrative priority, § 15:70
- Reimbursement for interest, § 2:88
- Renewal or Refinancing (this index)
- Reorganization (this index)
- Rules of Bankruptcy Procedure, § 1:138
- Secured or unsecured claims, § 15:68
- Securities (this index)
- Sovereign immunity abrogated or waived, § 6:78, 6:83
- Special administrative priority, § 15:70
- Student Loans (this index)
- Superpriorities, borrowing with, § 15:71
- Trustees, generally, § 15:68 to 15:77
- Truth in Lending (this index)

### **LOCAL RATES**

- Compensation of professional persons, § 2:71

### **LOCAL RULES**

- Generally, § 1:28, 1:29, 4:8
- Core proceedings, timeliness, § 7:70
- Official forms, § 1:28, 1:31

### **LOCAL TAXES**

- State and Local Taxes (this index)

### **LOCAL TRAVEL CHARGES**

- Reimbursement, § 2:85

### **LOCATION OR PLACE**

- Place or Location (this index)

### **LODESTAR APPROACH**

- Professional compensation, § 2:76

### **LODGING**

- Creditors' and equity security holders' committee member's expenses in Chapter 11 cases, § 24:76
- Hotels and Motels (this index)
- Reimbursement, § 2:85

### **LONG DISTANCE TELEPHONE CHARGES**

- Reimbursement, § 2:84

### **LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT BENEFITS**

- Federal nonbankruptcy exemptions, § 13:116

### **LONG-TERM DEBT**

- Family farmer debt adjustment plans, § 33:15
- Individual Debt Adjustment Plans (this index)

### **LONG-TERM PAYMENTS**

- Family farmer debt adjustment plans, § 33:46

### **LOSS OR DEFICIENCY**

- Compensation or reimbursement, deficient fee application, § 2:96
- Discharge (this index)
- Exemptions of payments for loss of future earning, § 13:112
- Gains or Losses (this index)

**LOSS OR DEFICIENCY—Cont'd**

Net operating loss deduction,  
§ 3:39, 3:42  
Proof of claim, § 22:28, 22:33  
Taxation (this index)

**LOST OPPORTUNITY COSTS**

Adequate protection, § 21:49  
Allowance of claims or interests,  
§ 24:36  
Reorganization plans  
impairment of claims, § 26:48  
settlement or adjustment of  
claim or interest, § 26:26

**LOTTERY**

Individual debt adjustment plan,  
change in circumstances war-  
ranting modification of,  
§ 30:13

**LOUISIANA**

Opt-out provision, § 13:6

**LOVE AND AFFECTION**

Fraudulent transfers and conceal-  
ment of assets, § 19:38

**LUMP SUM PAYMENTS**

Exemptions, § 13:95  
Individual debt adjustment plans,  
confirmation, § 31:38  
Redemption, § 12:97, 12:109

**LUNCHEONS**

Reimbursement, § 2:85

**LUXURY GOODS OR  
SERVICES**

Individual debt adjustment plans,  
confirmation of, § 31:52

**MACHINE READABLE FORMS**

Turnover of property, § 14:13

**MACHINERY**

Equipment (this index)

**MADRID RULE**

Fraudulent transfers and conceal-  
ment of assets, § 19:21,  
19:48

**MAGISTRATES**

Appeals, reference to magistrate  
by district court, § 37:32  
Jury trial, Federal Magistrates Act,  
§ 7:174

**MAGNETIC TAPES**

Voluntary bankruptcy, § 8:88

**MAIDEN NAME**

Captions, § 1:76

**MAIL AND MAILING**

Clerks, § 4:48  
Creditors, notice to, § 6:38  
Creditors' and equity security  
holders' committees, § 6:45,  
6:66  
Individual debt adjustment plans,  
§ 30:5  
Involuntary bankruptcy, § 8:54  
Municipal debt adjustment plans,  
§ 32:5, 32:7 to 32:10, 32:26,  
32:27  
Notice, generally, § 1:83 to 1:86  
Professional persons, § 2:46, 2:84  
Property of estate, § 12:3  
Reclamation demand, § 17:80  
Reorganization Plans (this index)  
Rules of Bankruptcy Procedure  
(this index)  
Securities and Exchange Commis-  
sion, § 6:86  
Sovereign immunity, § 6:83, 6:86  
Taxation, trustee's duties, § 3:65  
Turnover of property, § 14:13,  
14:57  
U. S. trustees, transmittals to,  
§ 4:101 to 4:107  
Use, sale, or lease of property,  
§ 15:34, 15:46  
Voluntary bankruptcy, § 8:36

## INDEX

### MAINE

Opt-out provision, § 13:6

### MAINTENANCE AND SUPPORT

Domestic Support Obligations  
(this index)

### MAINTENANCE OF PROPERTY

Repairs (this index)

### MALICE

Definition, § 35:170  
Discharge (this index)  
Involuntary bankruptcy, § 9:39

### MANAGEMENT AND MANAGERS

Custodians, § 6:76, 6:77  
Employment of consultant, § 2:21  
Executory contracts and unexpired  
leases, § 20:112  
Mismanagement (this index)

### MANDAMUS

Generally, § 37:17

### MANDATORY ABSTENTION

Generally, § 7:23 to 7:29

### MANDATORY PROVISIONS

Generally, § 29:3 to 29:7  
Claims within a particular class  
entitled equal treatment,  
§ 29:7  
Full payment of priority claims,  
§ 29:4 to 29:6  
different treatment of a priority  
claim, § 29:5  
entitlement to postpetition inter-  
est, § 29:6  
Reorganization plans, § 26:5 to  
26:21, 26:33

### MANDATORY SUBORDINATION

Distribution, § 34:94 to 34:97

### MARATHON PIPE LINE CASE

Northern Pipeline Decision (this  
index)

### MARGIN CALLS

Commodity broker liquidation,  
§ 15:9

### MARGIN PAYMENT

Commodity broker liquidation,  
§ 34:175

### MARITIME CASES

Admiralty (this index)

### MARKET DATA APPROACH

Present value determinations, fam-  
ily farmer debt adjustment  
plans, § 33:39

### MARKET RATE INTEREST

Family farmer debt adjustment  
plans, § 33:32, 33:40  
Size and nature of claim, § 23:17

### MARKET VALUE

Fair Market Value (this index)

### MARRIAGE AND MARRIED PERSONS

Husband and Wife (this index)

### MARSHALING

Avoiding power of trustee,  
§ 17:27  
Taxation, § 3:28  
Turnover of property, § 14:7  
Voluntary bankruptcy, § 8:29

### MARSHALS

Crimes and offenses, § 12:146

### MARYLAND

Opt-out provision, § 13:6

### MASSACHUSETTS

Opt-out provision, § 13:7

### MASSACHUSETTS TRUSTS

Business Trusts (this index)

**MASS TORT LIABILITY**

Asbestos (this index)  
Hazardous Wastes (this index)  
Interested party, § 6:89

**MASTER AND SERVANT**

Employment (this index)

**MASTERS**

Generally, § 4:39, 6:91, 37:32

**MATERIALITY**

Debts incurred through falsity and fraud, dischargability, § 35:96  
Financial statement fraud, § 35:109

**MATERIALMEN'S LIENS**

Mechanic's Liens (this index)

**MATERIALS**

Size and nature of claim, § 23:35

**MATURITY OF CLAIM OR INTEREST**

Correlative topic. Contingent Claims (this index)  
Municipal debt adjustment plans, § 32:2  
Reorganization Plans (this index)  
Vested Rights or Interests (this index)

**MEAL EXPENSES**

Reimbursement, § 2:85

**MECHANICS' LIENS**

Avoidance, § 17:30, 17:41, 17:58  
Reorganization plans, claims classification, § 26:37  
Use, sale, or lease of property, § 15:24

**MEDIA**

Newspapers (this index)  
Television (this index)

**MEDIAN VALUE**

Size and nature of claim, § 23:9

**MEDICAL BENEFITS**

Allowance of claims or interest, § 24:26, 24:27, 24:62

**MEDICAL CARE AND TREATMENT**

Automatic stay, § 16:26, 16:33, 16:34  
Expenses. Medical Expenses (this index)

**MEDICAL DOCTORS**

Physicians and Surgeons (this index)

**MEDICAL EXPENSES**

Executory contracts and unexpired leases, § 20:130  
Exemptions, § 13:95  
Individual debt adjustment plans postconfirmation modification of plan, § 30:18  
Proof of claim, § 22:21

**MEDICAL OFFICERS**

Armed forces, § 1:18

**MEDICAL PRACTITIONERS**

Physicians and Surgeons (this index)

**MEDICARE**

Automatic stay, § 16:34, 16:118  
Discriminatory treatment of debtor, § 6:32

**MEETINGS, EXAMINATIONS, AND RELATED MATTERS**

Adjournments, § 10:7  
Attorneys and paralegals, creditors' meeting attendance, § 10:17  
Compensation of professionals for attendance at meetings, § 2:79  
Continuances, § 10:7  
Creditors' Meetings (this index)  
Examination or Investigation (this index)

## INDEX

### MEETINGS, EXAMINATIONS, AND RELATED MATTERS

#### —Cont'd

- Judges' annual meetings, § 4:23
- Location, § 10:9
- Place, § 10:9
- Press and public attendance at  
creditors' meetings, § 10:16
- Reorganization, creditors' meet-  
ing, generally, § 1:116, 6:43
- Reschedulings, § 10:8
- Special, § 10:4

### MEMORIAL DAY

- Clerks' holiday, § 4:43

### MENTAL DISABILITY

- Incompetent and Insane Persons  
(this index)

### MENTAL DISTRESS

- Causes of action, § 12:28

### MENTAL HEALTH

- Incompetent and Insane Persons  
(this index)

### MERCHANDISE

- Goods and Merchandise (this  
index)

### MERE CONDUIT RULE

- Avoidance, limitations on trustee's  
right of recovery, § 17:69

### MERGER

- Consolidation or Merger (this  
index)

### MESSENGER SERVICE

- Reimbursement, § 2:84
- Trustee's compensation for ser-  
vices, § 5:87

### MICHIGAN

- Opt-out provision, § 13:7, 13:15

### MICROFICHE OR MICROFILM

- Voluntary bankruptcy, § 8:88

### MIDLANTIC DECISION

- Property of estate, § 12:140

### MILEAGE

- Allowance of claims or interest,  
§ 24:77
- Compensation, § 2:78
- Reimbursement, § 2:85
- Witnesses, generally, § 1:118

### MILITARY

- After-acquired property, military  
retirement pay, § 12:66
- Alimony and child support obliga-  
tions, § 35:153
- Bonuses and special pay, § 35:209
- Dental officers, discharge, effect  
on special pay, § 1:18
- Discharge of domestic support  
obligations, § 35:153
- Discharge of indebtedness, § 1:18
- Discriminatory treatment of  
debtor, § 6:29, 6:32
- Group life insurance, alternative  
nonbankruptcy exemptions  
for wages, § 13:116
- Judicial Code (28 USCA), § 1:17
- Medical officers, § 1:18
- Service enlistment bonuses, § 1:18
- Soldiers' and Sailors' Civil Relief  
Act, § 1:33
- Taxation, § 3:84
- Turnover of property, retirement  
benefits, § 14:42
- Veteran's Benefits (this index)

### MINERALS

- Oil, Gas, or Minerals (this index)

### MINING

- Oil, Gas, or Minerals (this index)

### MINISTERIAL SERVICES

- Compensation, § 2:93

### MINNESOTA

- Opt-out provision, § 13:7

## **MINORS**

Children (this index)

## **MISCONDUCT**

Causes of action, § 12:29  
 Examiner, appointment, § 1:93  
 Fines and Penalties (this index)  
 Judges (this index)  
 Protective Orders (this index)  
 Reorganization plans, § 26:2  
 Sanctions (this index)  
 Trustees (this index)

## **MISMANAGEMENT**

Appointment of trustees and  
 examiners, § 5:29, 5:30  
 Causes of action, § 12:29  
 Crimes and offenses, § 12:149  
 Examiners, § 5:37, 5:74  
 Family Farmer Debt Adjustment,  
 § 15:19  
 Fines and penalties, § 12:149  
 Individual debt adjustment, § 5:78  
 Operation of business, § 15:19  
 Personal liability of trustee, § 5:51  
 Professional persons, employment  
 of, § 2:53  
 Reorganization plans, investiga-  
 tion by trustee, § 26:2  
 Trustees and examiners  
 appointments, § 5:29, 5:30,  
 5:37, 5:74  
 crime, mismanagement as,  
 § 12:149  
 individual debt adjustment,  
 § 5:78  
 personal liability of trustee,  
 § 5:51  
 Use, sale, or lease of property,  
 § 15:48

## **MISREPRESENTATIONS**

Fraud and Deceit (this index)

## **MISSISSIPPI**

Opt-out provision, § 13:6

## **MISSOURI**

Opt-out provision, § 13:6

## **MISTAKE**

Closing and reopening cases,  
 § 36:24, 36:26  
 Defects and Irregularities (this  
 index)  
 Filing of papers, place of, § 1:74  
 Harmless error. Appeals (this  
 index)  
 Inadvertence (this index)  
 Reorganization Plans (this index)  
 Rules of Bankruptcy Procedure  
 (this index)  
 Voluntary bankruptcy, § 8:35

## **MOBILE HOMES**

Avoidance of unperfected lien or  
 security interest, § 17:25  
 Executory contracts and unexpired  
 leases, § 20:78  
 Homestead exemption, § 13:64,  
 13:157

## **MODEL RULE**

Jurisdiction and powers of court,  
 § 7:139 to 7:141

## **MODIFICATION**

Change or Modification (this  
 index)

## **MONEYED CORPORATIONS**

Involuntary bankruptcy, § 9:2

## **MONEY OR CASH**

Adequate Protection (this index)  
 Avoiding power of trustee, stock-  
 broker and commodity broker  
 cases, § 17:6  
 Cash Collateral (this index)  
 Compensation of trustee or  
 examiner, § 5:93  
 Deferred Payments (this index)  
 Exempt property, avoidance of  
 liens, § 13:159



## INDEX

### **MONEY OR CASH—Cont'd**

- Foreign currency hedges,  
§ 16:105, 17:62
- Interest on Money (this index)
- Investment of money of estate,  
§ 5:54
- Liens and encumbrances, § 12:41
- Reorganization Plans (this index)
- Trustees
  - compensation of trustee, § 5:93
  - duty to collect and reduce estate  
property to money, § 5:65
- Turnover of property, § 14:21,  
14:38, 14:56

### **MONEY ORDERS**

- Sale proceeds as property of  
estate, § 12:95

### **MONITORING PLANS**

- Adequate protection, § 21:65
- Family farmer debt adjustment  
plans, § 33:38
- United States trustees, § 4:91

### **MONOPOLIES**

- Clayton Act antitrust waiting  
period, § 1:139

### **MONTANA**

- Opt-out provision, § 13:6

### **MONTHLY COMPENSATION OR REIMBURSEMENT**

- Interim compensation or  
reimbursement, § 2:104

### **MONTHLY PAYMENTS**

- Individual debt adjustment plans,  
§ 30:17

### **MOOTNESS OF APPEALS**

- Generally, § 37:16
- Conversion or dismissal, § 11:88

### **MORTGAGES AND DEEDS OF TRUST**

- Adequate protection, insurance,  
§ 21:61

### **MORTGAGES AND DEEDS OF TRUST—Cont'd**

- Allowance of Claims or Interests  
(this index)
- Automatic Stay (this index)
- Avoidance, § 17:29, 17:30
- Claim where debtor's personal  
liability discharged, § 22:2
- Core proceedings, § 7:103
- Creditors and equity security hold-  
ers, § 6:46, 6:65
- Curing default, family farmer debt  
adjustment plans, reinstatement  
to cure default, § 33:14
- De-acceleration problems. Indi-  
vidual Debt Adjustment Plans  
(this index)
- Discriminatory treatment of  
debtor, § 6:32
- Family Farmer or Fisher Debt  
Adjustment Plans (this index)
- Family Farmer or Fisher Debt  
Adjustment (this index)
- Foreclosure (this index)
- Indenture trustees, § 6:72
- Individual Debt Adjustment Plans  
(this index)
- Interest on arrearage. Individual  
Debt Adjustment Plans (this  
index)
- Modification of secured claims,  
residential mortgagee's  
rights, § 26:31
- Preferential transfers, § 18:46,  
18:54
- Proof of claim, § 22:6, 22:15,  
22:20
- Property of estate, § 12:92
- Reorganization Plans (this index)
- Second mortgages. Junior Liens  
(this index)
- Size and nature of claim  
generally, § 23:7, 23:23, 23:26
- Foreclosure (this index)

**MORTGAGES AND DEEDS OF TRUST—Cont'd**

Stripping down or strip down concept  
size and nature of claim, § 23:30  
Taxation, § 3:18  
Use, sale, or lease of property, § 15:31

**MOTHBALLING COSTS**

Use, sale, or lease of property, § 15:29

**MOTION, APPLICATION, OR REQUEST**

Generally, § 1:79, 1:80  
Abstention, § 7:21  
Allowance of Claims or Interests (this index)  
Appeals  
generally, § 1:172  
appellate panel, 37:42, 37:49, 37:50, 37:72, 37:73  
district courts, generally, § 37:40, 37:47, 37:48, 37:70, 37:71  
emergency motions, § 37:71  
motion for stay, § 37:52  
Attorneys. See Professional persons, employment of, below  
Automatic Stay (this index)  
Briefs (this index)  
Clerk of court, § 4:46  
Closing and reopening cases, § 36:6, 36:8, 36:11  
Compensation or reimbursement  
generally, § 2:81, 2:106 to 2:112  
attorneys, generally, § 2:81  
burden of proof, § 2:110  
deficient fee application or supporting documentation, § 2:96

**MOTION, APPLICATION, OR REQUEST—Cont'd**

Compensation or reimbursement—Cont'd  
detail and documentation required, § 2:107  
disqualification of judge from allowing compensation, § 2:112  
evidence, § 2:109, 2:110  
notice and hearing, § 2:108  
place to file applications and other papers, § 2:122  
presumptions and burden of proof, § 2:110  
sua sponte determination, § 2:111  
Contested matters, § 1:89  
Conversion or Dismissal (this index)  
Creditors' and equity security holders' committees, § 6:64  
Creditors' committee in small business reorganization, request that no committee be appointed, § 6:54  
Disqualification of judge from allowing compensation, § 2:112  
District courts, § 37:40, 37:47, 37:48, 37:70, 37:71  
Documentation, compensation or reimbursement, § 2:107  
Election of Chapter 11 trustees, § 5:33, 5:36  
Emergency motions, appeals, § 37:71  
Evidence, compensation or reimbursement, § 2:109, 2:110  
Examiner, appointment in Chapter 11 case, § 1:93  
Executory Contracts and Unexpired Leases (this index)

## INDEX

### MOTION, APPLICATION, OR REQUEST—Cont'd

- Extension of time to file reorganization plan, § **26:60**
- Fee applications, costs of preparing, § **2:81**
- Fraudulent transfers and concealment of assets, § **19:118, 19:122**
- Indenture trustees, § **6:72**
- Individual debt adjustment plans, § **30:2, 30:4**
- Intervention, § **1:95**
- Loans or credit, § **15:73**
- Municipal debt adjustment plans, § **32:1**
- Notice and hearing, compensation or reimbursement, § **2:108**
- Operation of business, § **15:4, 15:10, 15:14**
- Own Motion of Court (this index)
- Petition preparers, turnover of excessive fees, § **2:61**
- Petitions (this index)
- Professional persons, employment of
  - application for order of employment, § **1:80, 2:19, 2:23**
  - compensation or reimbursement, above
  - employment of, § **2:23**
  - examination of debtor's transactions with attorney, § **2:67**
- Proof of claim, § **22:32, 22:44, 22:47**
- Property of estate, § **12:127, 12:129, 12:135, 12:152**
- Redemption, § **12:112**
- Reimbursement. Compensation or reimbursement, above
- Remand, § **7:126**
- Reorganization Plans (this index)
- Reorganization (this index)
- Rules of Bankruptcy Procedure (this index)

### MOTION, APPLICATION, OR REQUEST—Cont'd

- Sanctions, noncompliance with signing and verification requirements, § **7:158**
- Size and nature of claim, § **23:4**
- Small business reorganization change in time for filing plan, § **26:56**
  - creditors' committee in small business reorganization, request that no committee be appointed, § **6:54**
- Trustee, appointment in Chapter 11 case, § **1:93**
- Turnover of property, § **14:1, 14:34, 14:63, 14:79, 14:86**
- U. S. trustees, § **4:79, 4:101 to 4:103, 4:107**
- Use, sale, or lease of property, § **15:46**
- Utility service, § **16:243, 16:244**

### MOTIVE OR INTENT

- Intent (this index)

### MOTOR CARRIERS

- Carriers (this index)

### MOTOR VEHICLES

- Allowance of claims or interest, repairs, § **24:26**
- Automatic stay, § **16:94, 16:99, 16:153**
- Avoidance, § **17:24, 17:25**
- Business or personal use, exemptions, § **13:72 to 13:74**
- Carriers (this index)
- Discrimination against debtors, § **6:30**
- Driver's licenses, discrimination, § **6:29, 6:30, 6:32**
- Exemptions
  - generally, § **13:70 to 13:74**
  - no fault automobile insurance, § **13:91**

**MOTOR VEHICLES—Cont'd**

- Individual debt adjustment plans, confirmation, § **31:52**
- Insurance. Automobile Insurance (this index)
- Odometer rollback, § **16:94**
- Parking (this index)
- Preferences and preferential transfers, exceptions to avoidability, § **18:76, 18:77**
- Priorities, claim based on, § **34:89**
- Proof of claim, repairs, § **22:21**
- Tool of trade, § **13:70 to 13:74, 13:129**

**MULTIEMPLOYER PENSION PLAN**

- Allowance of claims or interest, § **24:63**

**MULTIFACTOR TESTS**

- Compensation, § **2:74, 2:75**

**MULTIPLE CONTRACTS**

- Executory contracts and unexpired leases, § **20:21**

**MULTIPLE DISTRICT SERVICE**

- United States trustees, § **4:73**

**MULTIPLE FILINGS**

- Automatic stay, duration of, § **16:128 to 16:135**
- Chapter 20 cases, filing of Chapter 13 petition after receipt of Chapter 7 discharge, § **8:31**
- Individual debt adjustment plans, § **31:9, 31:11**

**MULTIPLE PARTIES**

- Joinder. Joinder of Parties (this index)
- Joint administration. Joint Administration (this index)
- Joint cases. Joint Cases and Joint Plans (this index)
- Professional persons' representation, § **1:109**

**MULTIPLE PARTIES—Cont'd**

- Removal, § **7:116**
- Tort actions, § **16:228**

**MULTIPLE PLANS**

- Reorganization Plans (this index)

**MULTIPLE REPRESENTATION**

- Employment of professional persons, § **2:14**

**MULTIPLE TRANSFERS**

- Preference period, multiple transfers during, § **18:80**

**MULTIPLE TRUSTEES**

- Trustees (this index)

**MUNICIPAL COURT TRUSTEESHIP PROGRAM**

- Generally, § **1:33**

**MUNICIPAL DEBT ADJUSTMENT**

- Generally, § **1:69, 24:55, 24:71 24:76**
- Adequate protection, applicability of provisions to, § **1:151, 21:28, 21:38, 21:70**
- Administrative expenses, § **24:54, 24:70 to 24:73, 24:76, 34:182**
- Administrative expenses of creditors, § **6:42**
- Allowance of claims, § **24:55, 24:71, 24:74, 24:76**
- Attorneys, § **1:105, 1:106**
- Automatic stay
  - officers or inhabitants, acts against, § **16:74**
  - pledged special revenues, § **16:126**
  - relief from automatic stay, § **1:145, 16:127**
  - taxes or assessments, § **16:74**
- Avoiding powers, § **17:7**
- Borrowing, motion for authorization to obtain credit, § **15:18**

## INDEX

### MUNICIPAL DEBT

#### ADJUSTMENT—Cont'd

##### Claims

allowance of claims, § **24:55**,  
**24:71, 24:74, 24:76**

confirmation of plan. Municipal  
Debt Adjustment Plans  
(this index)

proof of claim, below

Closing of case, § **36:2**

Codebtor stay, § **1:145, 16:127**

Compensation, generally, § **2:58**

Contracts. Executory contracts and  
unexpired leases, below

Conversion or dismissal. Dis-  
missal, below

##### Costs and expenses

administrative expenses, gener-  
ally, § **24:55, 24:71, 24:74**,  
**24:76**

distribution, § **34:182**

reimbursement for expenses,  
§ **2:83**

Credit, motion for authorization to  
obtain credit, § **15:73**

Creditors' and equity security  
holders' committees, § **1:94**,  
**6:45, 6:46, 6:54 to 6:59**

Creditors' meetings, § **6:43**

Date or time. Municipal Debt  
Adjustment Plans (this index)

Debtor as trustee, § **5:21**

Discharge of debt, § **35:67**

##### Dismissal

generally, § **1:128, 11:45 to**  
**11:47**

nonconfirmation, effect of,  
§ **11:46**

notice and hearing, § **11:46**

plan. Municipal Debt Adjust-  
ment Plans (this index)

##### Distribution

generally, § **34:179 to 34:183**  
administrative expenses,  
§ **34:182**

### MUNICIPAL DEBT

#### ADJUSTMENT—Cont'd

##### Distribution—Cont'd

conditions to participation,  
§ **34:183**

unclaimed property, § **34:183**

##### Eligibility, § **1:45**

Executory contracts and unexpired  
leases

generally, § **1:148**

assumption or rejection by  
trustee

generally, § **20:16**

application for approval,  
§ **20:29**

breach, rejection treated as,  
§ **20:56, 20:57**

parties able to assume or  
reject, § **20:19**

trustee, assumption or rejection  
by trustee, above this  
group

Expenses. Costs and expenses,  
above

Filing of plan. Municipal Debt  
Adjustment Plans (this index)

Hearing, § **2:83, 11:47**

Indenture trustees, § **6:72**

Interested persons or parties, gen-  
erally, § **2:29, 6:83**

Intervention, § **1:95**

Judges, § **4:20**

Leases. Executory contracts and  
unexpired leases, above

Liquidation, operation of business,  
§ **15:18**

Lists, schedules, and statements,  
§ **8:64, 8:66, 8:77 to 8:79**,  
**8:87**

Loans, motion for authorization to  
obtain credit, § **15:73**

##### Notice

generally, § **1:82**

dismissal, § **11:47**

expense reimbursement, § **2:83**

**MUNICIPAL DEBT**

**ADJUSTMENT—Cont'd**

- Notice—Cont'd
  - plan. Municipal Debt Adjustment Plans (this index)
  - voluntary petitions, § 8:39
- Obtaining credit, motion for authorization, § 15:73
- Operation of business, § 15:18
- Parties
  - interested persons or parties, generally, § 2:29, 6:83
  - intervention, § 1:95
- Petition and proceedings relating to petition
  - plan. Municipal Debt Adjustment Plans (this index)
  - voluntary petition by municipal debtor, § 8:5, 8:39
- Preferences, applicability of 11 USCA § 547, § 18:96
- Professionals
  - generally, § 1:105, 1:106, 2:12, 2:14
  - adverse interest holder, § 2:35
  - application for order of employment, § 2:23
  - compensation, § 2:58
  - disinterestedness requirement, § 2:29
  - dual representation, § 2:37
  - notice and hearing for reimbursement, § 2:83
  - services by members and associates, § 2:26
- Proof of claim
  - claims payable from special revenues, § 22:4
  - deemed filing, § 22:9
  - establishing right to participate, § 22:1, 22:10
  - notice of bar date, § 22:53
  - time for filing proof of claim, § 22:42 to 22:44
  - who may file, § 22:14, 22:16

**MUNICIPAL DEBT**

**ADJUSTMENT—Cont'd**

- Property of estate, definition, § 12:4
- Public utilities. Utility service, below
- Railroad Reorganization (this index)
- Reference of cases, § 7:54
- Salary or other compensation, § 2:58
- Securities and Exchange Commission, § 6:86
- Size and nature of claim, § 23:2, 23:13, 23:23, 23:40
- Sovereign immunity abrogated, § 6:78, 6:83
- Specific authorization required to be Chapter 9 debtor, § 1:45
- Subordination of claims, applicability of 11 USCA § 510, § 1:160
- Taxation
  - generally, § 3:78
  - automatic stay, § 16:74
- Time or date. Municipal Debt Adjustment Plans (this index)
- Transfer. Sale or transfer, above
- Trustees
  - appointment, § 5:1, 5:22, 5:79
  - avoiding powers, § 17:7
  - debtor as trustee, § 5:21
  - executory contracts and unexpired leaves, above
- Unclaimed property, § 34:183
- Use, Sale, or Lease of Property (this index)
- Utility district, § 1:45
- Voidable transfers, § 17:7
- Voluntariness
  - good faith, § 8:23
  - lists, schedules, and statements, § 8:64, 8:66, 8:77 to 8:79, 8:87
  - notice, § 8:39

## INDEX

### MUNICIPAL DEBT

#### ADJUSTMENT—Cont'd

##### Voluntariness—Cont'd

petition, commencement of case  
by filing of, § 8:5

Wages and salaries, § 2:58

Waiver of sovereign immunity,  
§ 6:78, 6:83

### MUNICIPAL DEBT

#### ADJUSTMENT PLANS

Generally, § 1:157, 1:158, 32:1 to  
32:34

##### Acceptance or rejection

generally, § 32:12 to 32:18

disclosure, § 32:13, 32:16

exchange of securities before  
filing claim as acceptance,  
§ 32:15

form and content, § 32:17

hearings, § 32:13, 32:18

modification of plan, § 32:13 to  
32:16, 32:18

post-confirmation matters,  
§ 32:30

postpetition solicitation, § 32:16

solicitation, § 32:13, 32:16

timing of acceptance or rejection,  
§ 32:13 to 32:16

who may accept or reject,  
§ 32:12

withdrawal of acceptance or  
rejection, § 32:13 to 32:16

Adequate means for plan's execution,  
§ 32:3

Allowance of claims or interests,  
disclosure statement, § 32:8

Change. Modification of plan,  
below

Classification and treatment of  
claims or interests, § 32:1,  
32:2

Closing of case, § 32:34

##### Confirmation

generally, § 32:19 to 32:34

### MUNICIPAL DEBT

#### ADJUSTMENT PLANS

##### —Cont'd

##### Confirmation—Cont'd

accepted plan modified before  
confirmation, § 32:18

best interests of creditors,  
§ 32:20

Chapter 11 requirements,  
§ 32:21 to 32:24

denial of confirmation, § 32:28

hearing, § 32:25, 32:27

impaired classes, confirmation  
despite nonacceptance by,  
§ 32:22 to 32:24

modification of plan any time  
before or after confirmation,  
§ 32:30

notice to U. S. trustee, § 4:101,  
4:104

objection to confirmation of  
plan, § 32:7 to 32:10,  
32:26

order, revocation or confirmation  
of, § 32:28, 32:29

post-confirmation matters,  
below

prerequisites, generally, § 32:19  
to 32:24

secured claims, § 32:23

unsecured claims, § 32:24

Continuing jurisdiction, § 32:34

Conversion. Dismissal, below

Costs and expenses, transmittals  
required upon approval of  
disclosure statement, § 32:10

Cram Down Provisions (this  
index)

Cure of default, § 32:3

Date. Time or date, below

Default of debtor with respect to  
term of plan, dismissal of  
case, § 32:3

Denial of confirmation, § 32:28

Discharge, effect of confirmation,  
§ 32:32

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

Disclosure and disclosure state-  
ments  
generally, § 1:157, 32:5 et seq.,  
32:19  
acceptance or rejection of plan,  
§ 32:13, 32:16  
determination by court, § 32:9  
election prior to conclusion of  
hearing, § 32:8  
filing, generally, § 32:5 to 32:11  
hearing, § 32:7 to 32:10  
mailing, § 32:7 to 32:10  
modifications, § 32:7 to 32:10  
notice, § 32:7 to 32:10, 32:25  
objections, § 32:7 to 32:10  
transmittals required upon  
approval of disclosure  
statement, § 32:10  
unimpaired classes, § 1:158,  
32:5

Dismissal  
acceptance or rejection, § 32:13  
confirmation, effect of dismissal  
on, § 32:28

Distribution  
generally, § 32:4  
post-confirmation matters,  
§ 32:33

Exchange of securities before fil-  
ing claim as acceptance,  
§ 32:15

Exempt property, § 32:32

Filing of plan  
generally, § 32:5 to 32:11  
disclosure and disclosure state-  
ments, above  
exchange of securities before  
filing claim as acceptance,  
§ 32:15  
hearings, § 32:5, 32:7 to 32:10  
list of creditors and certain real  
property title holders,  
§ 32:11

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

Hearings  
generally, § 32:25, 32:27  
acceptance or rejection of plan,  
§ 32:13, 32:18  
classification and treatment of  
claims or interests, § 32:1  
confirmation of plan, § 32:25,  
32:27  
filing of plan, § 32:5, 32:7 to  
32:10

Impairment, § 32:2, 32:22 to  
32:24

Jurisdiction retained after  
confirmation of plan, dis-  
missal of case, § 32:34

List of creditors and certain real  
property title holders, § 32:11

Mail and mailing, § 32:5, 32:7 to  
32:10, 32:26, 32:27

Mandatory plan provisions, § 32:1  
to 32:3

Modification of plan  
acceptance or rejection, § 32:13  
to 32:16, 32:18  
confirmation, effect of dismissal  
on, § 32:28  
disclosure, § 32:7 to 32:10  
liens and encumbrances, § 32:3  
post-confirmation matters,  
modification of accepted  
plan after confirmation,  
§ 32:30

Nonconfirmation of plan, effect of,  
§ 11:46

Notice  
acceptance or rejection of plan,  
§ 32:13  
classification and treatment of  
claims or interests, § 32:1  
confirmation of plan, § 32:25  
disclosure, § 32:7 to 32:10,  
32:25  
filing of plan, § 32:5



## INDEX

### MUNICIPAL DEBT

#### ADJUSTMENT PLANS

##### —Cont'd

- Notice—Cont'd
  - hearings, above
  - modification of plan before confirmation, § 32:18
  - U. S. trustee, § 4:101, 4:104
- Objections to confirmation, § 32:7 to 32:10, 32:26
- Order, § 32:27 to 32:29
- Permissive provisions, § 32:4
- Post-confirmation matters
  - generally, § 32:30 to 32:34
  - binding effect of plan, § 32:31
  - closing of case, § 32:34
  - continuing jurisdiction, § 32:34
  - discharge of debtor, § 32:32
  - implementation of plan, § 32:34
  - modification of accepted plan after confirmation, § 32:30
  - time for performing certain acts under plan for participation in distribution, § 32:33
- Postpetition solicitation of acceptance or rejection, § 32:16
- Prepetition acceptances, § 32:14, 32:15
- Procedure, § 32:25 to 32:29
- Rejection. Acceptance or rejection, above
- Reorganization, confirmation plan or hearing, § 32:21 to 32:24
- Revocation of confirmation, § 32:29
- Rules of Bankruptcy Procedure (this index)
- Secured or unsecured claims, § 32:1, 32:4, 32:23, 32:24
- Securities, § 32:3, 32:15
- Securities and Exchange Commission, § 32:5, 32:7, 32:26
- Solicitation, § 32:13, 32:16
- Surrender of property, § 32:3, 32:12, 32:33

### MUNICIPAL DEBT

#### ADJUSTMENT PLANS

##### —Cont'd

- Time or date
  - acceptance or rejection, § 32:13 to 32:16
  - disclosure, § 32:7
  - filing of plan, § 32:5
  - list of creditors, § 32:11
  - modification of plan at any time before confirmation, § 32:18
  - notice and hearing, § 32:25
  - objections to confirmation, § 32:26
  - post-confirmation matters, § 32:33
  - revocation, § 32:29
  - solicitation, § 32:13
- Unimpaired classes, disclosure statements, § 32:5
- United States trustee, § 4:101, 4:104
- Withdrawal of acceptance or rejection, § 32:13 to 32:16

### MUNICIPALITIES

- Adequate protection, § 21:58
- Allowance of claims in Chapter 9 cases, § 24:55, 24:71, 24:74, 24:76
- Automatic stay, § 16:27
- Fraudulent transfers and concealment of assets, § 19:66
- Governmental Units (this index)
- Municipal Debt Adjustment Plans (this index)
- Municipal Debt Adjustment (this index)
- Operation of business, § 15:2

### MUSICAL INSTRUMENTS

- Avoidance of liens impairing exemption, § 13:154
- Exemption of debtor's interest in, § 13:154

**MUTILATION OF PROPERTY**

Destruction of Property (this index)  
Discharge of debtor denied on grounds of, § 35:8 et seq.

**MUTUAL DEBTS AND CREDITS**

Automatic stay, § 16:41

**MUTUAL INSURANCE COMPANY**

Judges, § 4:36

**NAKED POSSESSION**

Automatic stay, § 16:45, 16:56

**NAME**

Alias (this index)  
Captions, § 1:76  
Notice to creditor to contain debtor's name, address and taxpayer identification number, § 6:6  
Signatures (this index)  
Turnover of property, § 14:15

**NATIONAL HOURLY RATES**

Compensation, § 2:71

**NATIONAL HOUSING ACT**

Reconciling Bankruptcy Code goals and policies, § 26:1

**NATIONAL LABOR RELATIONS BOARD**

Automatic stay, § 16:92

**NATIONAL STUDENT LOAN PROGRAM**

Student Loans (this index)

**NATIONWIDE PILOT PROJECT**

United States trustees, § 4:59

**NATURAL GAS**

Oil, Gas, or Minerals (this index)

**NATURAL RESOURCES**

Oil, Gas, or Minerals (this index)

**NEBRASKA**

Opt-out provision, § 13:6

**NECESSITY TEST**

Automatic stay, § 16:180

**NEGATIVE AMORTIZATION**

Reorganization plans, § 28:38

**NEGLECT**

Excusable Neglect (this index)  
Judge, removal of, § 4:29

**NEGLIGENCE**

Professional persons, employment of, § 2:27

**NEGOTIABLE INSTRUMENTS**

Commercial Paper (this index)

**NEGOTIATED RATES ACT**

Jurisdiction, § 7:7  
Use, sale, or lease of property, § 15:31

**NET EQUITY**

Commodity broker liquidation, distribution, § 34:167 to 34:175  
Distribution (this index)  
Stockbroker liquidation, distribution of customer property, § 34:154 to 34:156

**NET OPERATING LOSS DEDUCTION**

Carryover or carryback, § 3:39, 3:42

**NET RESULT RULE**

Preferences and preferential transfers, § 18:34, 18:81

**NETTING AGREEMENTS**

Automatic stay, setoff rights, § 25:20

**NEVADA**

Opt-out provision, § 13:6

## INDEX

### **NEW DEBTOR SYNDROME**

Voluntary petitions, § 8:26, 8:27, 8:30

### **NEW HAMPSHIRE**

Opt-out provision, § 13:6

### **NEW JERSEY**

Opt-out provision, § 13:7

### **NEWLY DISCOVERED ASSETS**

Closing and reopening cases, § 36:13

### **NEWLY DISCOVERED EVIDENCE**

Closing and reopening cases, § 36:13

Voluntary bankruptcy, § 8:35

### **NEW MEXICO**

Opt-out provision, § 13:7

### **NEW TRIAL**

Generally, § 1:101, 24:100, 37:40

### **NEW VALUE**

Absolute priority rule and cram down of reorganization plans, § 28:45

Preference exception, § 18:39 to 18:45, 18:78 to 18:84

### **NEW YEAR'S DAY**

Clerks' holiday, § 4:43

### **NEW YORK**

Opt-out provision, § 13:6

### **NEXT FRIEND**

Eligibility to file bankruptcy, § 1:38

### **NINE ELEMENT TEST**

Collective bargaining agreements, § 20:100

### **NLRB**

National Labor Relations Board (this index)

### **NO-ASSET CASES**

Notice of commencement of case, § 22:8, 22:46, 22:54

Omission of creditor from list and schedule, § 36:16

Proof of claim, § 22:36

### **NO DIVIDEND NOTICE**

Proof of claim, § 22:8, 22:46, 22:54

### **NO FAULT AUTOMOBILE INSURANCE**

Exemptions, § 13:91

### **NOL'S**

Net operating loss deduction, § 3:39, 3:42

### **NOMINAL ASSET CASES**

Proof of claim, § 22:36

### **NOMINAL PAYMENT PLANS**

Family farmer debt adjustment plans, § 33:28

Individual Debt Adjustment Plans (this index)

### **NOMINEES FOR BANKRUPTCY JUDGESHIPS**

Generally, § 1:32

### **NONASSIGNABLE AND NONDELEGABLE CONTRACTS**

Executory contracts and unexpired leases, § 20:24 to 20:27

### **NONATTENDANCE**

Appearance (this index)

### **NONAUTOMATIC STAY ORDER**

Injunctions, § 16:217

### **NONBANKRUPTCY ALTERNATIVES**

Generally, § 1:33 to 1:36

**NONBANKRUPTCY  
ALTERNATIVES—Cont'd**

Alternative dispute resolution process  
injunctions, § **16:221**  
reorganization plans, § **26:32**  
Arbitration (this index)  
Automatic stay, § **16:8, 16:10, 16:23**  
Exemptions, § **13:97, 13:98, 13:116**  
Federal Debt Collection Procedures Act, § **1:34**

**NONBANKRUPTCY  
CUSTODIANSHIP**

Turnover of property, § **14:63**

**NONBUSINESS DEBTORS**

Eligibility for Chapter 11 reorganization, § **1:49**

**NONCORE PROCEEDINGS**

Appeals (this index)  
District courts, § **4:3**  
Judges, § **4:7**  
Northern Pipeline Decision (this index)  
Part core and part noncore proceedings, § **7:69**  
Turnover of property, § **14:81, 14:82**

**NONDEBTOR PARTIES**

Automatic stay, § **16:17, 16:58 to 16:60**  
Injunctions, § **16:224 to 16:229**  
Turnover of Property (this index)

**NONDEBTOR TAXPAYERS**

Generally, § **3:75**

**NONDISCHARGEABLE DEBT**

Discharge (this index)

**NONMONETARY JUDGMENT**

Automatic stay, § **16:91**

**NONPOSSESSORY,  
NONPURCHASE-MONEY  
SECURITY INTERESTS**

Exemptions  
avoidance of liens impairing, § **13:129, 13:147, 13:158**  
trustee's receipt of property, § **13:54**

**NONPROFESSIONAL  
SERVICES**

Compensation, § **2:93, 2:94**

**NONPROFIT ASSOCIATIONS**

Charitable Institutions (this index)  
Involuntary bankruptcy, § **9:5**

**NONPROFIT CORPORATIONS**

Automatic stay, § **16:62**  
Confirmation of reorganization plan involving transfer of property by non-business corporations, § **28:19**

**NONPURCHASE-MONEY  
SECURITY INTEREST**

Family farmer debt adjustment plans, § **33:35**

**NONRECOURSE LOANS OR  
CLAIMS**

Deficiency claim by unsecured creditor on nonrecourse loan, allowance of, § **24:33**  
Reorganization plans, classification of nonrecourse loan deficiencies, § **26:38**

**NONRESIDENTIAL REAL  
PROPERTY**

Automatic stay, § **16:61**  
Executory Contracts and Unexpired Leases (this index)

**NONVOTING EQUITY  
SECURITIES**

Reorganization plans, § **26:20**

## INDEX

### NORRIS-LAGUARDIA ACT

Automatic stay of act to collect  
prepetition debt, § 16:13

### NORTH CAROLINA

Bankruptcy administrators  
creditors' or equity security  
holders' meetings, presid-  
ing at, § 4:80  
Opt-out provision, § 13:6  
United States Trustee system,  
§ 1:20, 4:60

### NORTH DAKOTA

Opt-out provision, § 13:6

### NORTHERN PIPELINE

#### DECISION

Generally, § 7:1, 7:11, 7:131 to  
7:138  
Abstention, § 7:23  
Chief justice's dissent, § 7:137  
Concurring opinion, § 7:135  
Contempt, § 7:153  
Core proceedings, see lines  
throughout this topic  
Dissenting opinion, § 7:136, 7:137  
District court jurisdiction, § 7:132  
Divided nature of ruling, § 7:133  
Jurisdiction, see lines throughout  
this topic  
Noncore proceedings, see lines  
throughout this topic  
Plurality opinion, § 7:134  
Reference of cases, § 7:48, 7:51,  
7:146  
Retroactive or retrospective  
application, § 7:131, 7:153  
Subsequent Supreme Court com-  
ment, § 7:138

### NOTES

Commercial Paper (this index)

### NOTICE AND HEARING

Generally, § 1:82 to 1:87

### NOTICE AND HEARING

#### —Cont'd

Abandonment of Property of  
Estate (this index)  
Abstention, § 7:3, 11:6  
Address (this index)  
Address to be used in communica-  
tions to creditor, § 6:7, 6:38  
Adequate protection, § 21:22,  
21:70  
After notice and a hearing, § 1:87,  
5:26  
Allowance of Claims or Interests  
(this index)  
Appeals (this index)  
Appearance fees, notice of, § 5:90  
Automatic Stay (this index)  
Avoidance (this index)  
Bar date for filing proof of claim,  
§ 22:52 to 22:56  
Change of venue, § 7:192  
Clerk of Court (this index)  
Clerk's prepetition notice to  
debtor, § 4:5  
Closing and reopening cases,  
§ 36:1, 36:18, 36:19, 36:31,  
36:32  
Collective bargaining agreement,  
rejection of, § 20:123  
Commodity Broker Liquidation  
(this index)  
Compensation award  
generally, § 2:68, 2:95  
motion, application, or request,  
§ 2:108  
Consumer debtors, notice of  
chapters under which individ-  
ual may proceed, § 1:67, 8:2  
Consumer privacy ombudsman,  
§ 6:92  
Contempt, § 7:155  
Conversion or Dismissal (this  
index)  
Court of Appeals (this index)  
Credit, obtaining of, § 15:73

## NOTICE AND HEARING

### —Cont'd

Creditors' and equity security holders' committees, § **2:83, 6:44 et seq.**

Creditors' and Equity Security Holders' Committees (this index)

Creditor's rights, generally, § **6:37, 6:38**

Crimes and Offenses (this index)

Custodians, § **6:76**

Debtor in possession, § **5:106, 5:112, 5:114, 5:115**

Debtor's notices to creditors, generally, § **6:6 to 6:8**

Discharge (this index)

Electronic transmission of notice, § **1:83, 22:55**

Equity security holders, § **1:83, 1:86, 6:60, 6:61**

Executory Contracts and Unexpired Leases (this index)

Exemptions, § **13:34, 13:38, 13:40, 13:49**

Ex Parte Matters (this index)

Family Farmer or Fisher Debt Adjustment (this index)

Fraudulent transfers and concealment of assets, § **19:77, 19:103**

Government agencies, § **6:85**

Hearing. Notice and Hearing (this index)

Indenture trustees, § **6:71, 6:73**

Individual Debt Adjustment Plans (this index)

Involuntary Bankruptcy (this index)

Judges, § **4:13, 4:29, 4:31 to 4:33, 4:40**

Judicial notice, preferential transfer, greater amount test, § **18:32**

## NOTICE AND HEARING

### —Cont'd

Labor unions and employees' associations, § **6:90**

Liquidation (this index)

Mail and Mailing (this index)

Meetings of creditors. Creditors' meetings, above

Municipal Debt Adjustment Plans (this index)

Municipal Debt Adjustment (this index)

Name, address, and tax identification number in debtor's notices to creditors, § **6:6**

Notice of appearance fees, § **5:86**

Operation of debtor's business, § **15:9, 15:11, 15:12, 15:15, 15:19**

Petition preparers, § **8:13**

Petition preparers 342(b) notice, certificate of attorney or petition preparer giving debtor, § **6:16, 6:27**

Petitions (this index)

Preferences and Preferential Transfers (this index)

Preliminary Hearings (this index)

Prepetition notice to debtor, § **6:5**

Process. Service of Petitions, Process, and Papers (this index)

Professional persons, employment of, § **2:24, 2:67, 2:68, 2:83, 2:95, 2:108**

Proof of Claim (this index)

Property of Estate (this index)

Protective orders regarding confidential or defamatory matter, § **6:2**

Publication (this index)

Railroad reorganization, § **12:134, 12:135**

Reclamation demand, § **17:79, 17:80**

Redemption, § **12:113**

## INDEX

### NOTICE AND HEARING

#### —Cont'd

- Rehearing (this index)
- Reimbursement, § 2:83
- Removal or transfer of cases, § 7:112 to 7:114
- Reorganization Plans (this index)
- Reorganization (this index)
- Rules of Bankruptcy Procedure (this index)
- Section 342 (b) notice from consumer debtor's attorney, § 2:56
- Securities and Exchange Commission, § 6:86
- Size and Nature of Claim (this index)
- Small business reorganization, § 26:56
- Taxation (this index)
- Taxpayer identification number, § 6:6
- 342(b) notice, certificate of attorney or petition preparer giving debtor, § 6:16, 6:27
- Transfer of claim, objection to, § 22:24 to 22:26
- Trustees (this index)
- Turnover of Property (this index)
- United States Trustees (this index)
- Use, Sale, or Lease of Property (this index)
- Utility service, § 16:244
- Voluntary Bankruptcy (this index)
- Waiver of sovereign immunity, § 6:83

### NOVATION

- Fraudulent transfers and concealment of assets, § 19:55

### NSF CHECKS

- Bad Checks (this index)

### NUISANCES

- Reorganization plans, classification of nuisance claim, § 26:39

### NUNC PRO TUNC

- Avoiding power of trustee, limitations on, § 17:55
- Professional persons, employment and fees of, § 2:24, 2:27, 2:28, 2:108
- Property of estate, § 12:125

### NURSING HOMES

- Avoidability of preferences, collection tactics of creditors, § 18:71

### OATH OR AFFIRMATION

- Affidavits (this index)
- Crimes, false oaths, § 2:53
- False oath or account
  - generally, § 35:20 et seq.
  - crimes false oaths, § 2:53
  - later amendment, § 35:22
  - materiality, § 35:21
  - omissions, § 35:23
  - subsequent disclosure, § 35:22
- Judges, § 4:16
- Later amendment of false oath or account, § 35:22
- Omissions, fraudulent, § 35:23
- Omissions, materiality, § 35:21
- Perjury (this index)
- Reaffirmation of Debts (this index)
- Subsequent disclosure of false oath or account, § 35:22
- United States trustees, § 4:70, 4:80

### OATS

- Allowance of claims or interest, § 24:73
- Size and nature of claim, § 23:6

### OBJECTIONS AND EXCEPTIONS

- Abstention, § 7:11
- Adequate protection, § 1:151
- After-acquired property, § 12:70
- Automatic Stay (this index)

## **OBJECTIONS AND**

### **EXCEPTIONS—Cont'd**

Claims, § **1:152, 22:26, 24:7 to 24:22**  
 Clerks, § **4:46**  
 Creditors' and equity security holders' committees, § **6:45, 6:65**  
 Discharge, objection to, § **1:167**  
 Equity security holders, § **6:61**  
 Exemptions (this index)  
 Family Farmer or Fisher Debt Adjustment Plans (this index)  
 Family Farmer or Fisher Debt Adjustment (this index)  
 Fraudulent transfers and concealment of assets, § **19:118**  
 Individual Debt Adjustment Plans (this index)  
 Individual Debt Adjustment (this index)  
 Insurance and insurance companies, § **12:32**  
 Interests or claims, § **1:152, 24:7 to 24:22**  
 Involuntary bankruptcy, § **9:37, 9:49, 9:53**  
 Judges, § **4:3**  
 Jurisdiction, § **7:11, 7:51, 7:102**  
 Liquidation (this index)  
 Municipal debt adjustment plans, § **32:7 to 32:10, 32:26**  
 Partnership, proof of claim or interest, § **1:152**  
 Preferences and Preferential Transfers (this index)  
 Proof of Claim (this index)  
 Property of estate, § **12:8, 12:123, 12:129, 12:131, 12:132**  
 Reference of cases, § **7:51**  
 Reorganization Plans (this index)  
 Reorganization (this index)  
 Rules of Bankruptcy Procedure (this index)  
 Schedules (this index)

## **OBJECTIONS AND**

### **EXCEPTIONS—Cont'd**

Securities and Exchange Commission, § **6:86**  
 Size and nature of claim, § **23:31 to 23:40**  
 Trustees (this index)  
 Turnover of property, § **14:57**  
 U. S. trustees, § **4:83, 4:101 to 4:106**  
 Use, sale, or lease of property, § **15:33, 15:37, 15:38, 15:45**  
 Voluntary bankruptcy, § **8:63, 8:100, 8:102, 8:104**

## **OBTAINING CREDIT**

Loans or Credit (this index)

## **OCCUPATIONAL SAFETY AND HEALTH ACT**

Automatic stay, § **16:92**

## **ODOMETER ROLLBACK AND DISCLOSURE LAWS**

Automatic stay, § **16:94**

## **OFFENSES**

Crimes and Offenses (this index)

## **OFFER**

Adequate protection, offer to make payments, § **21:54**  
 Prospectus (this index)  
 Public Offering (this index)

## **OFFICERS**

Corporate Officers and Directors (this index)  
 Liquidation (this index)  
 Marshals, crimes and offenses, § **12:146**  
 Officers of court, see more specific topics  
 Presiding Officer (this index)  
 Removal From Office (this index)  
 Reorganization Plans (this index)  
 Substitution of Officers (this index)



## INDEX

### OFFICIAL COMMITTEES

Creditors' and Equity Security  
Holders' Committees (this  
index)

### OFFICIAL DUTY STATIONS

Duty Stations (this index)

### OFFSET

Setoff or Offset (this index)

### OFFSPRING

Children (this index)

### OHIO

Opt-out provision, § 13:6

### OIL, GAS, OR MINERALS

Avoidability of preferences, pay-  
ments in ordinary course of  
business, § 18:68

Employment of consultants,  
§ 2:21

Executory contracts and unexpired  
leases, § 20:9, 20:68

Farmout agreements, exclusion of  
certain hydrocarbon interests  
from estate, § 12:94

Liquid and gaseous hydrocarbon  
interests as property of estate,  
§ 12:94

Reclamation, § 17:81

Reorganization plans, claims clas-  
sification, § 26:39

Sale free and clear of liens and  
other interests, § 1:142

Utilities (this index)

### OKLAHOMA

Opt-out provision, § 13:6

### OMBUDSMEN

Consumer privacy ombudsman,  
§ 6:92

Patient care ombudsman, § 6:93,  
6:94

### ONGOING BUSINESS

#### REQUIREMENT

Reorganization, § 1:49

### OPENING CASE

Closing and Reopening Cases (this  
index)

### OPERATING REPORTS

Taxation, § 3:68

United States trustees, § 4:100

### OPERATION OF BUSINESS

Generally, § 12:117

Adequate protection, § 1:151

Adjustment of debt cases, § 15:18  
to 15:20

Administrative expense, § 1:138,  
34:26, 34:27

Commodity broker liquidation,  
§ 15:9

Conversion or dismissal, § 15:4,  
15:10, 15:20

Core proceedings, § 7:106

Credit, § 1:138

Debtor in possession, generally,  
§ 15:2, 15:3, 15:13

Executory contracts, stockbroker  
liquidation, § 15:6

Family farmer debt adjustment,  
§ 15:19

Farming and Farm Products (this  
index)

Individual Debt Adjustment (this  
index)

Involuntary case, § 15:10, 15:11,  
24:28

Jurisdiction, § 7:106

Liquidation (this index)

Loans to operate or wind-up busi-  
ness affairs. Loans or Credit  
(this index)

Motions, § 15:4, 15:10, 15:14

Municipal debt adjustments,  
§ 15:18

Net operating loss deduction,  
§ 3:39, 3:42

## **OPERATION OF BUSINESS**

### **—Cont'd**

Notice and hearing, § **15:11, 15:12, 15:15, 15:19**  
 Presumptions and burden of proof, § **15:12, 15:14**  
 Professional persons, retention or replacement of, § **15:3**  
 Railroad reorganization, § **15:16, 15:17**  
 Reorganization plan, § **15:12, 15:15, 26:56**  
 Reorganization (this index)  
 Reports, § **15:4, 15:13, 15:19**  
 Sale free and clear of liens and other interests, § **1:142**  
 Securities, § **15:6, 15:7**  
 State laws and regulations, § **15:2, 15:17**  
 Stockbroker Liquidation (this index)  
 Taxation, § **15:4, 15:13, 15:20**  
 Time or date, stockbroker liquidation, § **15:6, 15:7**  
 Trustees (this index)  
 U. S. trustees, § **15:4, 15:11, 15:19**  
 Use, Sale, or Lease of Property (this index)  
 Venue, § **7:187**  
 Voluntary bankruptcy, § **8:28**

## **OPINION EVIDENCE**

Expert Testimony (this index)

## **OPINIONS**

Fraudulent, § **35:94**

## **OPTION**

Election or Option (this index)

## **OPT-OUT PROVISIONS**

Amendment of lists and schedules, § **13:41**  
 Avoidance powers, § **13:130, 13:131**  
 Constitutionality, § **13:14, 13:15**

## **OPT-OUT PROVISIONS—Cont'd**

State opt-out provisions, § **13:4 to 13:7, 13:15, 13:29**

## **ORAL ARGUMENT**

Appeals, § **37:72**

## **ORDER FOR RELIEF**

Correlative topic. Petitions (this index)  
 Creditors, notice to, § **6:38**  
 Involuntary cases, § **1:114, 9:60 to 9:78**  
 U. S. trustee, notice to, § **4:101**  
 Voluntary cases, § **1:114, 8:33 to 8:44**

## **ORDER OR APPROVAL OF COURT**

Generally, § **1:101 to 1:103**  
 Abandonment of Property of Estate (this index)  
 Adequate Protection (this index)  
 Administrative expenses, expenses of recovering property, § **34:21**  
 After-acquired property, § **12:54**  
 Allowance of claims or interest, § **24:11**  
 Appeals (this index)  
 Claims, allowance of claims or interest, § **24:11**  
 Clerk of court, § **4:42, 4:52**  
 Conversion or dismissal, § **11:14**  
 Creditors' committee in small business reorganization, order that no committee be appointed, § **6:54**  
 Debtor in possession, § **5:114**  
 Discharge denials for refusal of court order generally, § **35:27 et seq.**  
 discretion of court, § **35:28**  
 self-incrimination assertions, § **35:29**  
 Discharge (this index)  
 Distribution (this index)

## INDEX

### **ORDER OR APPROVAL OF COURT—Cont'd**

Employment of professional persons. Professional Persons (this index)  
Entry of judgment or order, generally, § 1:101  
Executory Contracts and Unexpired Leases (this index)  
Family Farmer Debt Adjustment (this index)  
Individual Debt Adjustment Plans (this index)  
Interlocutory Judgments, Orders, and Decrees (this index)  
Involuntary Bankruptcy (this index)  
Judges, generally, § 4:10, 4:11  
Liquidation (this index)  
Loans or credit, § 15:77  
Municipal debt adjustment plans, § 32:27 to 32:29  
Nunc Pro Tunc (this index)  
Petitions (this index)  
Professional Persons (this index)  
Property of Estate (this index)  
Protective Orders (this index)  
Redemption, § 12:98  
Reorganization Plans (this index)  
Reorganization (this index)  
Retroactive, § 15:77  
Revival of dischargeable or discharged debt. Reaffirmation of Debt (this index)  
Rules of Bankruptcy Procedure (this index)  
Small business reorganization, order that no creditors' committee be appointed in, § 6:54  
Stockbroker Liquidation (this index)  
Tax treatment of discharge, § 3:20  
Trustees (this index)  
Turnover of property, § 14:79

### **ORDER OR APPROVAL OF COURT—Cont'd**

U. S. trustees, § 4:83, 4:101 to 4:107  
Use or lease of property, § 15:22, 15:48  
Voluntary Bankruptcy (this index)

### **ORDINARY BUSINESS TERMS**

Preferences, § 18:57

### **ORDINARY COURSE OF BUSINESS OR FINANCIAL AFFAIRS**

Allowance of claims or interest, § 23:9  
Avoiding power of trustee, § 17:42  
Business terms, ordinary, § 18:57  
Credit, § 1:138, 15:68  
Goods received within 20 days of bankruptcy, administrative expense treatment of, § 34:42  
Preferences and preferential transfers, § 18:56 to 18:72  
Priority of administrative expenses, § 34:27  
Reclamation rights, § 17:74  
Sale other than in ordinary course of business, § 4:107, 15:32 to 15:42, 27:2  
Use, Sale, or Lease of Property (this index)

### **OREGON**

Opt-out provision, § 13:6

### **ORIGINAL JURISDICTION**

Jurisdiction (this index)

### **OSHA**

Automatic stay, § 16:92

### **OTHER PERSONS**

Third Persons or Parties (this index)

### **OUTPOST COURT**

Change of venue, § 7:197

**OUTSIDE THE PLAN**

Family farmer debt adjustment plans, § 5:98, 5:99, 33:30, 33:38, 33:56, 33:58  
Individual Debt Adjustment Plans (this index)

**OVERDUE PAYMENTS**

Automatic stay, § 16:9, 16:154

**OVERSECURED CLAIMS**

Adequate protection, § 21:17, 21:44  
Redemption, § 12:105  
Size and nature of claim, § 23:14 to 23:16, 23:22

**OVERTIME**

Disposable income for Chapter 13 plan, § 31:47  
Reimbursement, § 2:86

**OWNERSHIP**

Title and Ownership (this index)

**OWN MOTION OF COURT**

Allowance of claims or interest, § 24:73, 24:103  
Attorneys' fees, § 2:67  
Closing and reopening cases, § 36:6, 36:11  
Compensation or reimbursement, § 2:111  
Conversion or dismissal, § 11:54  
Core proceedings, § 7:67, 7:70  
Creditors' and equity security holders' committees, § 6:65  
Fines and penalties, § 7:158  
Indenture trustees, § 6:72  
Individual debt adjustment plan confirmation, good faith, § 31:6, 31:10  
Interested party, generally, § 6:1  
Protective orders regarding confidential or defamatory matter, § 6:2  
Reference of cases, § 7:35, 7:38, 7:50, 7:52

**OWN MOTION OF COURT**

**—Cont'd**

Reorganization plans  
  designation of entity as to which good-faith plan acceptance or rejection is lacking, § 27:35  
  modification of, § 26:66  
Turnover of property, § 14:86  
Use, sale, or lease of property, § 15:27  
Voluntary bankruptcy, § 8:25, 8:82

**PACKERS AND STOCKYARDS ACT**

Discriminatory treatment of debtor, § 6:28

**PANELS**

Appeals (this index)  
Judges, § 4:6  
Trustees (this index)  
U. S. trustees, § 4:84

**PAPERS**

BFBooks and Papers (this index)

**PARALEGALS AND OTHER PARAPROFESSIONALS**

Allowance of claims or interest, § 24:67  
Compensation and reimbursement, § 2:82, 2:93  
Creditors' meeting attendance, § 10:17  
Petition Preparers (this index)  
Unauthorized practice of law, § 2:47

**PARENT AND SUBSIDIARY**

Subsidiary (this index)

**PARENTS**

Children (this index)

**PARKING**

Reimbursement of expenses, § 2:85

## INDEX

### **PART CORE AND PART NONCORE PROCEEDINGS**

Jurisdiction, § 7:69

### **PARTIALITY**

Bias or Prejudice (this index)

### **PARTIALLY SECURED CREDITORS OR CLAIMS**

Section 1111(b) election, § 1:159,  
23:2, 23:29, 27:28, 28:23,  
28:36

### **PARTIAL PAYMENT**

Fraudulent transfers, § 19:33

### **PARTIAL REJECTION**

Executory contracts and unexpired  
leases, § 20:20

### **PARTIES**

Adequate Protection (this index)

Administrative Agencies (this  
index)

Allowance of Claims or Interests  
(this index)

Amicus Curiae Appearances or  
Briefs (this index)

Appeals (this index)

Appearance (this index)

Automatic stay, § 16:145 to  
16:151

Capacity to Sue and be Sued (this  
index)

Chapter 7. Liquidation (this index)

Chapter 9. Municipal Debt Adjust-  
ment (this index)

Chapter 11. Reorganization (this  
index)

Chapter 13. Individual Debt  
Adjustment Plans (this index)

Closing and reopening cases,  
§ 36:26 to 36:29

Convenience of Parties and Wit-  
nesses (this index)

Creditors' and Equity Security  
Holders' Committees (this  
index)

### **PARTIES—Cont'd**

Creditors' Meetings (this index)

Custodians (this index)

Debtor in Possession (this index)

Default (this index)

Discharge (this index)

Domicile and Residence (this  
index)

Equity Security Holders (this  
index)

Examiners (this index)

Exemptions, § 13:26 to 13:30

Family Farmer Debt Adjustment  
(this index)

Filing (this index)

Fraudulent Transfers and Conceal-  
ment of Assets (this index)

Governmental agencies.

Administrative Agencies (this  
index)

Governmental Units (this index)

Indenture Trustees (this index)

Individual Debt Adjustment Plans  
(this index)

Interested Persons or Parties (this  
index)

Interpleader (this index)

Intervention (this index)

Involuntary Bankruptcy (this  
index)

Joinder of Parties (this index)

Jurisdiction (this index)

Liquidation (this index)

Multiple Parties (this index)

Municipal Debt Adjustment (this  
index)

Nondebtor Parties (this index)

Petitions (this index)

Presumptions and Burden of Proof  
(this index)

Proof of Claim (this index)

Receivers (this index)

Reference of cases, § 7:42

Reorganization (this index)

**PARTIES—Cont'd**

Rules of Bankruptcy Procedure  
(this index)  
Signature and verification, § 1:73  
State, interested party, § 6:78  
Subordination, § 34:111 to 34:114  
Substitution of Parties (this index)  
Third Persons or Parties (this  
index)  
Trustees (this index)

**PARTIES IN INTEREST**

Interested Persons or Parties (this  
index)

**PARTNERSHIP**

Allowance of claims or interests,  
§ 24:10, 24:23  
Attorneys' fees, § 2:62  
Automatic stay, § 16:24  
Basis adjustment, § 3:23  
Change of venue, § 1:104, 7:193  
Clerks, § 4:49  
Creditors' committees, § 6:48,  
6:49, 6:54  
Discharge of, § 35:5  
Discharge of indebtedness, tax  
treatment of, § 3:8  
Dissolution proceedings, § 1:33  
Distribution  
deferral rules, § 34:115  
liquidation, special rules for  
partnership situations,  
§ 34:141 to 34:143  
Equity security holders, § 6:60  
Estoppel, partnership by, § 1:65  
Examination under Rule 2004,  
§ 10:31  
Exemptions, § 13:26  
Family farmer debt adjustment,  
§ 1:50  
Family farmer debt adjustment  
plans, § 33:26  
Fraudulent transfers, § 19:65,  
19:85

**PARTNERSHIP—Cont'd**

Indebtedness discharge. Discharge  
of indebtedness, above  
Indenture trustees, § 6:71  
Individual debt adjustment, § 1:65  
Injunctions, § 16:226  
Involuntary Bankruptcy (this  
index)  
Jurisdiction, § 7:16, 7:17  
Limited Partnership (this index)  
Liquidation (this index)  
Objections, proof of claim or  
interest, § 1:152  
Petitions, voluntary, § 8:4  
Preferential transfer while debtor  
was insolvent, § 18:21  
Professional persons, § 2:26, 2:40,  
2:59, 2:62  
Proof of claim, § 22:1, 22:5,  
22:13  
Property of estate, generally,  
§ 12:81  
Reorganization, involuntary bank-  
ruptcy, § 9:13, 9:15  
Reorganization Plans (this index)  
Rules of Bankruptcy Procedure  
(this index)  
Separate taxable bankruptcy  
estate, § 3:27, 3:28  
Stockbroker Liquidation (this  
index)  
Taxation  
basis adjustment, § 3:23  
discharge, tax treatment of,  
§ 3:8  
separate taxable bankruptcy  
estate, § 3:27, 3:28  
trustee's duties, § 3:71  
Trustees (this index)  
Turnover of property, § 14:10  
Voluntary cases  
joint cases and joint plans,  
§ 8:50, 8:55, 8:56, 8:58  
lists, schedules, and statements,  
§ 8:68, 8:70

## INDEX

### **PATENTS**

- Executory contracts and unexpired leases, § **20:24, 20:72**
- Intellectual property, generally.
- Intellectual Property (this index)

### **PATERNITY**

- Automatic stay exception for establishment of paternity, § **16:84**

### **PATIENT CARE OMBUDSMAN**

- Generally, § **6:93, 6:94**

### **PAWNED PROPERTY**

- Exclusion of pawned property from estate, § **12:80**

### **PAY**

- Compensation (this index)

### **PAYMENT**

- Adequate Protection (this index)
- Administrative Expenses (this index)
- Advances (this index)
- Allowance of Claims or Interests (this index)
- Ancillary and other cross-border cases under BAPCPA, concurrent proceedings, § **33A:26**
- Concurrent Payments (this index)
- Default (this index)
- Deferred Payments (this index)
- Disbursements (this index)
- Discharge, voluntary repayment of debt after, § **35:61**
- Family Farmer or Fisher Debt Adjustment Plans (this index)
- Family Farmer or Fisher Debt Adjustment (this index)
- Fraudulent Transfers and Concealment of Assets (this index)
- Individual Debt Adjustment Plans (this index)

### **PAYMENT—Cont'd**

- Installment Obligations and Payments (this index)
- Late Charges (this index)
- Late payment. Default (this index)
- Lump Sum Payments (this index)
- Margin Payment (this index)
- Outside plan
  - family farmer debt adjustment, § **33:30, 33:38, 33:56, 33:58**
- Individual Debt Adjustment (this index), § **30:8**
- Trustees (this index)
- Period commencement
  - assessing duration of period, § **29:44**
- Petitions (this index)
- Plans, Bankruptcy, § **1:7**
- Prepayment. See Advances (this index)
- Pro Rata Distribution or Payment (this index)
- Refund (this index)
- Reimbursement (this index)
- Reorganization Plans (this index)
- Repayment (this index)
- Taxation (this index)
- Turnover of Property (this index)
- Utilities (this index)
- Voluntary, after discharge, § **35:61**

### **PAYROLL DEDUCTION**

- Automatic stay, § **16:36**
- Withholding Taxes (this index)

### **PAYROLL WITHHOLDING TAXES**

- Withholding Taxes (this index)

### **PECUNIARY INTEREST PURPOSE TEST**

- Automatic stay, § **16:90**

### **PENALTIES**

- Discharge exception generally, § **35:179 et seq.**

**PENALTIES—Cont'd**

Discharge exception—Cont'd  
election law violations,  
§ 35:203  
Fines and Penalties (this index)  
Setoff, § 25:28

**PENDING CASES OR  
PROCEEDINGS**

Abstention, § 7:25  
Allowance of claims or interest,  
§ 24:24 to 24:27, 24:53 to  
24:78  
Automatic stay, § 16:156 to  
16:158  
Bankruptcy Act proceeding,  
§ 1:16  
Conversion or dismissal, § 11:97  
Examination under Rule 2004  
during, § 10:27  
Involuntary bankruptcy, § 9:22,  
9:42  
Reorganization plans, extension of  
exclusivity period, § 26:64  
Stay Pending Appeal (this index)  
Taxation, trustee's duties, § 3:65  
Voluntary bankruptcy, § 8:43

**PENNSYLVANIA**

Opt-out provision, § 13:7

**PENSION ADMINISTRATORS**

Family farmer debt adjustment  
plans, § 33:54

**PENSION BENEFIT  
GUARANTY  
CORPORATION**

Automatic stay, § 16:92  
Creditors' committees, service on,  
§ 1:45

**PENSION OR RETIREMENT**

Allowance of Claims or Interests  
(this index)  
Assumption, rejection, and assign-  
ment of contracts. Executory  
Contracts and Unexpired

**PENSION OR RETIREMENT**

**—Cont'd**

Leases (this index)  
Automatic stay, § 16:92  
Civil service retirement benefits,  
§ 1:16  
Discharge, pension loan debts,  
§ 35:208  
ERISA (this index)  
Executory Contracts and  
Unexpired Leases (this  
index)  
Exemptions  
generally, § 13:92 to 13:101,  
13:109  
alternative nonbankruptcy  
exemptions disability pay-  
ments, § 13:97 to 13:100  
ERISA-qualified plans, § 13:97  
to 13:100  
federal exemptions, generally,  
§ 13:99  
foreign service, § 13:116  
impairment of obligation of  
contracts, § 13:18  
individual retirement accounts,  
§ 13:101  
insurance contracts and annui-  
ties, § 13:116  
nonbankruptcy law, § 13:97,  
13:98, 13:116  
preemption of state law by  
ERISA, § 13:100  
profit-sharing plans, § 13:102  
property of estate, ERISA-  
qualified plans as, § 13:96  
to 13:100  
question of fact as to necessity  
of payment for support,  
§ 13:95  
social security, § 13:95, 13:102,  
13:103  
Foreign service retirement pay-  
ments as exempt under  
federal nonbankruptcy law,  
§ 13:116



## INDEX

### PENSION OR RETIREMENT

#### —Cont'd

- Fraudulent transfers, § 19:75
- Individual debt adjustment,
  - government benefits, § 1:63
- Individual Retirement Accounts (this index)
- Insurance benefits, § 1:150
- Interested party, retiree as, § 6:90
- Judges, retired, § 1:17, 4:19
- Labor unions and employees' associations, § 6:90
- Plan administrator's obligations, debtor's duty to perform, § 6:24
- Preemption of state law by ERISA, § 13:100
- Preferences and preferential transfers, § 18:24, 18:107
- Priorities, § 34:63
- Property of estate, § 12:10, 12:88, 12:89, 13:96 to 13:100
- Protective orders regarding confidential or defamatory matter, § 6:2
- Rejection of contracts. Executory Contracts and Unexpired Leases (this index)
- Social Security (this index)
- Turnover of property, § 14:42

### PERCENTAGE FEE

- United States trustees, § 4:90

### PERCENTAGE REQUIREMENT TEST

- Taxation, § 3:54

### PERFECTION OF INTEREST

- Adequate protection, § 21:18
- Automatic stay, § 16:68 to 16:73, 17:57
- Avoiding powers of trustee
  - lien creditor or unsatisfied execution creditor, § 17:23
  - limitations on, § 17:57 to 17:60

### PERFECTION OF INTEREST

#### —Cont'd

- Avoiding powers of trustee
  - Cont'd
    - protection of good faith purchaser of realty, § 17:49
    - unperfected lien or security interest, § 17:24
    - unperfected statutory liens, § 17:36, 17:37
- Fraudulent transfers, when transfer is made, § 19:21
- Postpetition rents and lodging payments, § 15:24
- Preferences and preferential transfers, § 18:76, 18:77, 18:104, 18:105
- Proof of claim, § 22:33
- Size and nature of claim, § 23:36, 23:37, 23:39

### PERIODIC CASH PAYMENTS

- Adequate Protection (this index)

### PERISHABLE AGRICULTURAL COMMODITY ACT

- Generally, § 6:28

### PERJURY

- Immunity, § 6:3
- Prepetition notice to debtor, § 6:5
- Professional persons, employment of, § 2:53

### PERMISSION

- Consent or Approval (this index)

### PERMITS

- Licenses and Permits (this index)

### PERSON

- Definition, eligibility to file bankruptcy, § 1:37

### PERSONAL EXEMPTIONS

- Taxation, § 3:34, 3:36

**PERSONAL FINANCIAL  
MANAGEMENT**

Credit Counseling and Financial  
Management Instruction (this  
index)

**PERSONAL GUARANTEES**

Involuntary bankruptcy, § 9:20

**PERSONAL HOLDING  
COMPANIES**

Taxation, § 3:81

**PERSONAL INJURY**

Causes of action, § 12:27

Change of venue, § 7:198

Discharge exception for willful  
and malicious injuries

generally, § 35:168 et seq.

conversion, § 35:173 et seq.

drunk driving injuries, § 35:176  
et seq., 35:195 et seq.

implied malice injuries,  
§ 35:170

malice injuries, § 35:170

restitution obligations

civil cases, § 35:181, 35:201

criminal cases, § 35:180

secured property, conversion of,  
§ 35:175

specific malice injuries,  
§ 35:170

Drunk driving injuries, discharge  
exception for willful and  
malicious injuries, § 35:176  
et seq., 35:195 et seq.

Exemptions, personal injury  
claim, § 13:111

Jurisdiction, § 7:45, 7:53, 7:173

Jury trial, § 7:173

Malice injuries, § 35:170

Referral of cases, § 7:45, 7:53

Workers' Compensation (this  
index)

Wrongful Death (this index)

**PERSONAL LIABILITY**

Trustees (this index)

**PERSONAL PROPERTY**

Property of Estate (this index)

**PERSONAL  
REPRESENTATIVES**

Fiduciaries (this index)

Trustees (this index)

**PERSONAL SERVICE  
CONTRACTS**

Executory contracts and unexpired  
leases, § 20:25

**PERSONNEL OF COURT**

Generally, § 4:38 to 4:55

**PETITION PREPARERS**

Generally, § 2:48, 8:11

Crimes, § 2:53

Fees, § 2:61

Legal advice, giving of, § 2:49,  
8:15

Notice under 342(b), certificate of  
attorney or petition preparer  
giving debtor, § 6:16, 6:27

Payments to preparers, § 2:61

Privacy considerations, § 1:78

Remedies for violations, § 2:50

**PETITIONS**

Generally, § 1:77

Adequate protection, § 21:22

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

Appearance, foreign representa-  
tive, § 7:55

Attorneys' fees, involuntary peti-  
tions, § 2:117

Automatic stay, generally, § 16:1,  
16:147, 16:162

Avoidance  
postpetition. Postpetition Mat-  
ters (this index)

voluntary petitions, § 8:32

## INDEX

### PETITIONS—Cont'd

- Bad faith. Good faith, below
- Burden of proof and presumptions, § 8:26, 8:27, 8:61
- Change of venue, petitions involving same or related debtors in different courts, § 7:193
- Chapter 7 cases. Liquidation, below
- Checklist, voluntary petition, § 8:18
- Claims. Involuntary Bankruptcy (this index)
- Clerk of court, § 4:46, 4:49
- Compensation
  - attorneys' fees, involuntary case, § 2:117
  - priority for payment of petition filing fee, § 2:121
- Consolidation of cases, § 8:45 to 8:48, 8:52, 8:53
- Consumer debts, § 8:2
- Copies, creditor's right to receive, § 6:39
- Copies of voluntary petition, § 8:20, 8:22, 8:44
- Corporations
  - officers and directors, § 8:7, 8:8
  - voluntary cases, § 8:6 to 8:10
- Debtor in possession, filing of petition, § 5:104
- Discharge (this index)
- Distressed property, § 8:30
- Distribution (this index)
- Eligibility to file. Qualifications or Eligibility (this index)
- Equity insolvency test. Involuntary Bankruptcy (this index)
- Executory contracts and unexpired leases, § 20:10, 20:105
- Exemptions of property in joint cases, § 8:49
- Family and relatives. Husband and wife, below

### PETITIONS—Cont'd

- Family Farmer Debt Adjustment (this index)
- Farmers and Farm Products (this index)
- Fees and charges
  - attorneys' fees, involuntary petitions, § 2:117
  - filing fees for voluntary bankruptcy, § 8:45, 8:85 to 8:95
- Filing of petition
  - choice of chapter under which to file, § 1:67 to 1:72
  - conversion or dismissal, § 8:3, 8:6
  - eligibility to file. Qualification or Eligibility (this index)
  - fees for filing voluntary bankruptcy, § 8:45, 8:85 to 8:95
  - good faith, § 8:23 to 8:32
  - Involuntary Bankruptcy (this index)
  - jurisdiction, § 7:2
  - liquidation, below
  - multiple filings, § 8:31
  - notice, § 8:2
  - voluntary case, § 8:1 to 8:18, 8:45 to 8:48, 8:78 to 8:81
  - where to file, § 1:74
- Foreclosure, good faith, § 8:29
- Good faith
  - filing of petition, § 8:23 to 8:32
  - Involuntary Bankruptcy (this index)
- Governmental units. Municipal Debt Adjustment (this index)
- Hearing. Notice and hearing, below
- Husband and wife
  - generally, § 1:77
  - joint case, § 8:45 to 8:49
  - petition signed by power of attorney, § 8:3

**PETITIONS—Cont'd**

Husband and wife—Cont'd  
     voluntary petitions, § **8:45 to 8:49**

Individual debt adjustment,  
     eligibility for, § **1:55 to 1:65**

Individual debt adjustment plan  
     filing date relative to petition  
     date, § **30:3**

Involuntary Bankruptcy (this  
     index)

Joinder of parties, § **8:48**

Joint cases and joint plans  
     generally, § **1:77**  
     Consolidation of Cases (this  
     index)  
     voluntary petitions, § **8:45 to 8:49**

Jurisdiction  
     filing of petition, § **7:2**  
     sanctions, noncompliance with  
     signing and verification  
     requirements, § **7:158**

Leases, unexpired, § **20:10, 20:105**

Liquidation  
     involuntary cases, § **9:41**  
     voluntary petition, § **8:38**

Lists  
     Schedules (this index)  
     voluntary bankruptcy, § **8:90**

Married persons. Husband and  
     wife, above

Multiple Filings (this index)

Municipal Debt Adjustment (this  
     index)

New debtor syndrome, § **8:26, 8:27, 8:30**

Notice and hearing  
     filing of petition, § **8:2**  
     voluntary petitions, § **8:36 to 8:43, 8:100**

Order For Relief (this index)

Own motion of court, § **8:25**

**PETITIONS—Cont'd**

Parties  
     appearance, foreign representa-  
     tive, § **7:55**

Involuntary Bankruptcy (this  
     index)

Partnerships, voluntary petition,  
     § **8:4**

Petition Preparers (this index)

Postpetition Matters (this index)

Preparers. Petition Preparers (this  
     index)

Prepetition Claims (this index)

Prepetition Matters (this index)

Presumptions and burden of proof,  
     § **8:26, 8:27**

Priority for payment of petition  
     filing fee, § **2:121**

Ratification of unauthorized filing,  
     voluntary petitions on behalf  
     of corporation, § **8:10**

Real estate, § **8:44**

Receivers, § **8:9**

Relatives. Husband and wife,  
     above

Reorganization (this index)

Rules of Bankruptcy Procedure  
     (this index)

Sanctions, noncompliance with  
     signing and verification  
     requirements, § **7:158**

Service of Petitions, Process, and  
     Papers (this index)

Setting aside voluntary petitions,  
     § **8:34, 8:35**

Spouses. Husband and wife, above

State courts, voluntary petition,  
     § **8:32**

Taxation, contested prepetition  
     determination by competent  
     tribunal, § **3:76**

Third person or parties, § **2:117**

Time and date  
     Involuntary Bankruptcy (this  
     index)

## INDEX

### **PETITIONS—Cont'd**

- Time and date—Cont'd
  - voluntary petitions, § 8:41
- U. S. trustees, § 4:99, 8:93
- Vacating voluntary petitions,  
§ 8:34, 8:35
- Voluntary petitions, generally,  
§ 8:1 to 8:26, 8:82 to 8:102
- Waiver and estoppel. Involuntary  
Bankruptcy (this index)
- Where to file, § 1:74
- Withdrawal from involuntary  
proceedings, § 9:34

### **PETS**

- Exempt property, § 13:158

### **PHOTOCOPIES**

- Reimbursement for photocopying  
charges, § 2:84

### **PHYSICAL DISABILITY**

- Disability and Disability Insurance  
(this index)

### **PHYSICIANS AND SURGEONS**

- Allowance of claims or interest,  
§ 24:26, 24:27, 24:62
- Taxation, § 3:19

### **PICKETING**

- Jurisdiction over labor disputes,  
§ 7:166, 7:167

### **PICTURES**

- Reimbursement for photocopying  
charges, § 2:84

### **PIERCING CORPORATE VEIL**

- Alter Ego (this index)

### **PIGS AND HOGS ANALYSIS**

- Exemptions, § 13:22

### **PILOT PROGRAM**

- United States Trustees (this index)

### **PLACE OR LOCATION**

- Adequate protection, place for  
filing motions and other

### **PLACE OR LOCATION—Cont'd**

- papers, § 21:71
- Avoidance and reclamation action  
filings, § 17:90
- Compensation of professional  
persons, place to file applica-  
tions and other papers,  
§ 2:122
- Domicile and Residence (this  
index)
- Family Farmer Debt Adjustment  
plans, place of filing, § 33:5
- Individual debt adjustment plans,  
§ 30:2
- Judges, § 4:5, 4:8 to 4:10
- Principal Place of Business (this  
index)
- Proof of claim, place of filing,  
§ 22:35, 22:36
- Trustees (this index)
- Utilities, filing of motions and  
other papers as to adequate  
assurance of payment,  
§ 16:246
- Venue (this index)

### **PLANNING, BANKRUPTCY**

- Discharge of debtor challenges,  
§ 35:12

### **PLANS**

- See more specific topics

### **PLANTS AND PLANTERS**

- Farmers and Farm Products (this  
index)

### **PLEADINGS**

- Adversary proceedings, § 19:117
- Allowance of Claims or Interests  
(this index)
- Amendments, § 7:40, 9:45
- Answer (this index)
- Attorneys' fees, § 2:119
- Clerk of court, § 4:46
- Complaints (this index)
- Discharge (this index)

**PLEADINGS—Cont'd**

- Exemptions, § **13:164**
- Fraudulent transfers and concealment of assets, § **19:18, 19:118 to 19:120**
- Involuntary Bankruptcy (this index)
- Paraprofessionals' fees, § **2:82**
- Petitions (this index)
- Professional persons, employment of, § **2:24**
- Proof of claim, informal, § **22:32**
- Rules of Bankruptcy Procedure (this index)
- Size and nature of claim, § **23:4**
- Summons (this index)
- U. S. trustees, § **4:101 to 4:107**

**PLEDGES**

- Adequate protection, § **21:20**
- Automatic stay, pledged special revenues in Chapter 9 cases, § **16:126**

**POLICE POWER**

- Automatic stay exception in enforcement action, § **16:88 to 16:103**

**POLICE RECORDS**

- Family farmer debt adjustment plans, § **33:35**

**POLITICAL SUBDIVISIONS**

- Counties (this index)
- Governmental Units (this index)
- Municipalities (this index)

**POLLUTION CONTROL**

- Environmental Protection (this index)

**PONZI SCHEME**

- Fraudulent transfers, § **19:13, 19:81**

**POOR PERSONS**

- Indigents (this index)

**POSSESSION**

- Automatic stay of act to obtain, § **16:43 to 16:70**
- Debtor in Possession (this index)
- Executory contracts and unexpired leases, lessee's retention of possession rights after rejection by debtor-lessor, § **20:63**
- Exemptions (this index)
- Family Farmer or Fisher Debt Adjustment (this index)
- Fraudulent transfers and concealment of assets, § **19:14**
- Repossession (this index)
- Trustees (this index)
- Use, sale, or lease of property, § **15:25**

**POSSESSORY INTEREST**

- Automatic Stay (this index)

**POSTAGE**

- Trustee's compensation for services, § **5:83, 5:87**

**POSTAL SERVICE**

- Mail and Mailing (this index)

**POSTASSIGNMENT  
OBLIGATIONS**

- Executory contracts and unexpired leases, § **20:55**

**POSTCONFIRMATION  
MATTERS**

- Generally, § **31:65 to 31:75**
- Family Farmer Debt Adjustment (this index)
- Family Farmer or Fisher Debt Adjustment Plans (this index)
- Individual Debt Adjustment Plans (this index)
- Jurisdiction, § **7:180**
- Municipal Debt Adjustment Plans (this index)
- Reorganization Plans (this index)
- Reorganization (this index)

## INDEX

### POSTING OF BOND

Bonds and Undertakings (this index)

### POSTJUDGMENT INTEREST

Fraudulent transfers and concealment of assets, § 19:99

### POSTPETITION MATTERS

Adequate protection, interest on money, § 21:17

After-Acquired Property (this index)

Allowance of claims or interest, § 24:24 to 24:27, 24:53 to 24:78

Attorney's fees, § 2:65

Automatic stay

generally, § 16:32, 16:81

avoidance of transfer in violation, § 17:45

prepetition matters, refusal to deal with debtor postpetition, § 16:33

Avoidance

perfection of liens, § 17:57 to 17:59

preservation of avoided transfers, § 12:73

sovereign immunity, § 6:78

transfers, recovery of property as subject to avoided, § 12:71, 12:73

trustee's powers

generally, § 17:39 to 17:50

automatic stay, transfer in violation of, § 17:45

check delivered prepetition, but honored postpetition, § 17:44

good faith purchaser of realty, § 17:48 to 17:50

involuntary gap transferee, § 17:47

ordinary course of business, transfer in, § 17:42

### POSTPETITION MATTERS

#### —Cont'd

Avoidance—Cont'd

trustee's powers—Cont'd

property subject to avoidance, § 17:41

protection of certain transferees, § 17:47 to 17:50

purpose, § 17:40

secured creditor, payment to, § 17:43

sovereign immunity abrogated as to, § 6:78

unperfected liens, § 17:36

Core proceedings, § 7:77

Debts from superseded cases, final report, § 11:89

Disclosure statements, reorganization, § 1:157, 4:94, 4:101, 4:104

Distribution (this index)

Executory Contracts and Unexpired Leases (this index)

Exemptions

homestead exemption, § 13:60

objections, § 13:50

Final report, debts from superseded cases, § 11:89

Fraudulent transfers, § 19:20

Good faith purchaser of realty, protection from avoidance, § 17:48 to 17:50

Homestead exemption, § 13:60

Individual Debt Adjustment (this index)

Injunctions, § 16:232

Insurance and insurance companies, § 12:33

Involuntary cases, generally, § 9:17

Involuntary gap transferees, protection of, § 17:47

## **POSTPETITION MATTERS**

### **—Cont'd**

- Liens and encumbrances, § 2:32, 12:69, 12:70
- Liquidation (this index)
- Loans or credit, § 15:24
- Ordinary course of business, transfer in as avoidable, § 17:42
- Priorities, § 34:13, 34:14, 34:31
- Professional persons, employment of, § 2:32, 2:65
- Proof of claim, § 22:50
- Property of estate, § 12:125
- Reorganization Plans (this index)
- Secured creditor, payment to as avoidable, § 17:43
- Security interest, § 23:31 to 23:40
- Setoff or Offset (this index)
- Size and nature of claim, § 23:14 to 23:22, 23:31 to 23:40
- Stockbroker liquidation, § 34:155
- Taxes, § 34:31
- Trustees. Avoidance, above
- Turnover of Property (this index)
- Use, sale, or lease of property, § 15:24, 15:29
- Venue, postpetition claim arising from operation of debtor's business, § 7:187
- Voidable transfers. Avoidance, above
- Voluntary bankruptcy, § 8:44

## **POSTPONEMENT**

- Adjournment (this index)
- Extension of Time (this index)
- Voluntary bankruptcy, § 8:36

## **POST-REJECTION OBLIGATIONS**

- Executory contracts and unexpired leases, § 20:65

## **POWER OF ATTORNEY**

- Creditors' and equity security holders' committees, § 6:46

## **POWER OF ATTORNEY**

### **—Cont'd**

- Creditor's rights, generally, § 6:37
- Equity security holders, § 6:60
- Indenture trustees, § 6:72
- Interested party, generally, § 6:87
- Voluntary bankruptcy, § 8:3, 8:47

## **PRACTICABILITY**

- Individual Debt Adjustment Plans (this index)

## **PRECEDENT**

- Appellate panel decisions, § 37:30, 37:32
- District court decisions, § 37:31

## **PRECONFIRMATION MODIFICATION OF PLAN**

- Family Farmer or Fisher Debt Adjustment (this index)
- Individual Debt Adjustment Plans (this index)
- Reorganization plans, § 26:66 to 26:69

## **PRECONVERSION CLAIMS**

- Conversion or dismissal, § 11:82

## **PREEMPTION**

- Assignments for benefit of creditors, § 1:36
- Exemptions, § 13:16, 13:17, 13:100
- Federal Debt Collection Procedures Act, § 1:34
- Nonbankruptcy alternatives, § 1:33
- Operation of business, § 15:2
- Reclamation right under Uniform Commercial Code, § 17:76
- Size and nature of claim, § 23:21
- Supremacy Clause (this index)

## **PREEXISTING INTERESTS**

- Exemptions, § 13:140



## INDEX

### PREFERENCES AND PREFERENTIAL TRANSFERS

Accrual of interest, § **18:111**  
Adequate protection, § **21:18**  
Advance of new value, transfers  
followed by, § **18:78 to 18:84**  
Advantage to creditor, transfer  
giving  
comparison of percentages,  
§ **18:33**  
filing date determinative,  
§ **18:31**  
hypothetical liquidation,  
§ **18:30**  
installment payments to  
undersecured creditors,  
§ **18:36**  
net result rule not applicable,  
§ **18:34**  
other Code provisions, effect of,  
§ **18:35**  
Alimony and support payments  
generally, § **18:18, 18:49**  
avoidability exceptions, § **18:91**  
Allowance of claims or interests,  
§ **24:30, 24:49**  
Amount of payment in ordinary  
course of business, § **18:65**  
Antecedent debt, transfer for or on  
account of, § **18:17 to 18:20**  
Attorneys' account, transfers from,  
§ **18:7**  
Attorneys' fees, § **18:14, 18:16,**  
**18:19, 18:55, 18:70**  
Automatic preservation of avoided  
transfer, § **12:73**  
Avoiding power of trustee, gener-  
ally, § **18:97 to 18:101**  
Benefit of creditor, transfer to or  
for, § **18:15, 18:16**  
Breach of contract or lease,  
§ **18:18, 18:72**  
Cashier's checks, § **18:66, 18:70,**  
**18:71**

### PREFERENCES AND PREFERENTIAL TRANSFERS—Cont'd

Chapters, applicability of prefer-  
ence rules to cases under par-  
ticular, § **18:96**  
Checks, § **18:42, 18:120 to**  
**18:129**  
Child support, § **18:18, 18:49,**  
**18:91**  
Closing of debtor's business,  
§ **18:70**  
Collection tactics of debtor,  
§ **18:71**  
Comparison of percentages,  
transfer giving creditor an  
advantage, § **18:33**  
Consumer claims and debts  
exceptions to avoidability, gen-  
erally, § **18:73, 18:92,**  
**18:93**  
not for consumer debts, excep-  
tions to avoidability for  
payments not, § **18:94**  
Conversion or substantive  
consolidation of case,  
§ **18:27**  
Credit. Loans or credit, below  
Credit briefing, repayment sched-  
ule resulting from, § **18:95**  
Credit cards, § **18:18, 18:50,**  
**18:84**  
Creditors' committees, § **6:49**  
Date. Time or date, below  
Debts. Loans or credit, below  
Delay or laches  
antecedent debt, transfer on  
account of, § **18:20**  
payments in ordinary course of  
business, § **18:60, 18:64**  
perfection of interest or transfer,  
§ **18:77, 18:104**  
Delivery  
perfection of real property  
transfer, § **18:105**

**PREFERENCES AND  
PREFERENTIAL**

**TRANSFERS—Cont'd**

- Delivery—Cont'd
  - timing of transfers by check,  
§ 18:121, 18:127 to  
18:129
- Diminution of estate, § 18:8
- Direct/indirect transfer doctrine,  
§ 18:116 to 18:119
- Dishonor of checks, § 18:42,  
18:67
- Divorce decree payments of  
alimony, maintenance, or  
support, § 18:91
- Domestic support obligations,  
§ 18:91
- Earmarking doctrine, § 18:9 to  
18:12
- Earning of wages, timing of  
transfer under garnishment  
order, § 18:131
- Elements of exceptions, § 18:39,  
18:74, 18:78, 18:85, 18:89,  
18:92
- Enabling loans, § 18:44, 18:45,  
18:74 to 18:76
- Equitable basis for award of  
prejudgment interest,  
§ 18:109
- Escrow, funds in, § 18:133
- Evidence, § 18:22, 18:24, 18:25,  
18:29
- Exceptions to trustee's avoiding  
power
  - generally, § 18:37 to 18:91
  - advance of new value, transfers  
followed by, § 18:78 to  
18:84
  - alimony, maintenance, or sup-  
port payments, § 18:91
  - amount of payment in ordinary  
course of business, § 18:65
  - burden of proof, § 18:38
  - check, transfers by, § 18:42

**PREFERENCES AND  
PREFERENTIAL**

**TRANSFERS—Cont'd**

- Exceptions to trustee's avoiding  
power—Cont'd
  - closing of debtor's business,  
§ 18:70
  - collection tactics of creditor,  
§ 18:71
  - commencement of 30-day  
exception period, § 18:76
  - consumer debts and claims  
generally, § 18:73, 18:92,  
18:93
  - payments not primarily for  
consumer debts, § 18:94
  - contemporaneous exchange for  
new value, transfers  
intended as  
generally, § 18:39 to 18:55,  
18:78 to 18:84
  - delay, § 18:60, 18:64, 18:77
  - elements of exception, § 18:39,  
18:74, 18:78, 18:85,  
18:89, 18:92
  - enabling loans, § 18:44, 18:45,  
18:74 to 18:77
  - factors for consideration in  
ordinary course of business  
exception, § 18:58 to  
18:72
  - forbearance by creditor, § 18:49
  - form of payment, § 18:66
  - garnishment, payment under,  
§ 18:93
  - improvement-in-position test,  
§ 18:86
  - industry practices, § 18:61,  
18:62
  - insiders, payments to, § 18:69
  - intent of parties, § 18:40, 18:63
  - inventory or receivables, secu-  
rity interest in, § 18:85 to  
18:88
  - long-term debts, payment on,  
§ 18:73

## INDEX

### PREFERENCES AND PREFERENTIAL TRANSFERS—Cont'd

Exceptions to trustee's avoiding power—Cont'd  
multiple transfers during preference period, § 18:80  
nature of debtor's business, § 18:68  
net result rule, relationship to, § 18:81  
new credit, § 18:50, 18:84  
new value, transfers intended as contemporaneous exchange for, § 18:39 to 18:45, 18:79 to 18:84  
note, transfers by, § 18:43  
order of events, § 18:79  
ordinary course of business, payments in, § 18:56 to 18:72  
past practices between parties, § 18:59  
prejudice to other creditors, requirement of, § 18:87  
prior dishonor of checks, § 18:67  
purchase money security agreements, § 18:74 to 18:77  
purpose of exceptions, § 18:39, 18:56, 18:74, 18:78, 18:85, 18:89, 18:92  
receivables or inventory, security interest in, § 18:85 to 18:88  
release, § 18:48, 18:83  
satisfaction of statutory lien, § 18:90  
security interests, § 18:46, 18:47, 18:85 to 18:88  
settlement agreement, § 18:72  
state law, effect of, § 18:75  
statutory lien, fixing of, § 18:89, 18:90  
subsequent advance rule, new value under, § 18:82

### PREFERENCES AND PREFERENTIAL TRANSFERS—Cont'd

Exceptions to trustee's avoiding power—Cont'd  
substantially contemporaneous exchanges for new value, § 18:39 to 18:55  
substitution of obligations, § 18:41  
time, § 18:39, 18:47, 18:53 to 18:55, 18:60, 18:64, 18:76  
value and valuation, § 18:51, 18:88  
Family farmer debt adjustment plans, § 33:28  
Forbearance, § 18:49, 18:83  
Form of payment, § 18:66  
Fraudulent Transfers and Concealment of Assets (this index)  
Function of letters of credit, § 18:113  
Garnishment, § 18:93, 18:130 to 18:132  
Grain and grain storage, § 18:52, 18:64  
Greater amount test, § 18:32  
Honoring of check, transfers on, § 18:121, 18:126, 18:129  
Hypothetical liquidation, § 18:30  
Identification of preferences, criteria for, § 18:1  
Improvement-in-position test, § 18:86  
Indirect transfer, § 18:16, 18:113 to 18:119  
Industry practices, payments in ordinary course of business, § 18:61, 18:62  
Insiders  
noninsiders, payments to on loans guaranteed by insiders, § 18:134  
payments in ordinary course of business, § 18:69

**PREFERENCES AND  
PREFERENTIAL**

**TRANSFERS—Cont'd**

Insiders—Cont'd  
     transfer during preference  
     period, § **18:28, 18:29**  
 Insolvency of debtor, transfer at  
     time of  
     criteria of solvency, § **18:21**  
     evidence, § **18:22, 18:24, 18:25**  
     presumption of insolvency,  
     § **18:22, 18:25**  
     rebutting presumption of  
     insolvency, § **18:25**  
     valuation of assets, § **18:23**  
 Installment payments to  
     undersecured creditors,  
     § **18:36**  
 Intent  
     generally, § **18:1**  
     earmarking doctrine, § **18:11**  
     payments in ordinary course of  
     business, § **18:63**  
     substantially contemporaneous  
     exchanges for new value,  
     § **18:40**  
 Interest of debtor in property,  
     transfer of  
     diminution of estate, § **18:8**  
     earmarking doctrine, § **18:9 to**  
     **18:12**  
     non-earmarked funds of third-  
     parties, § **18:13, 18:14**  
     preferences as transfer, § **18:6**  
     substitution of secured for  
     unsecured debt, § **18:9 to**  
     **18:12**  
 Interest on money, § **18:73,**  
     **18:108 to 18:112**  
 Inventory or receivables, security  
     interests in, § **18:85 to 18:88**  
 Involuntary cases, § **9:57**  
 Judicial liens, § **18:6, 18:86,**  
     **18:105, 18:130**  
 Jurisdiction, § **7:94, 7:95**

**PREFERENCES AND  
PREFERENTIAL**

**TRANSFERS—Cont'd**

Jury and jury trial, jurisdiction,  
     § **7:173**  
 Laches. Delay or laches, above  
 Leases, § **18:64, 18:72**  
 Letters of credit, § **18:16, 18:113**  
     to **18:119**  
 Liquidation value, § **18:88**  
 Loans or credit  
     enabling loans, exceptions to  
     avoidability of preferences,  
     § **18:44, 18:45, 18:74 to**  
     **18:77**  
     non-earmarked funds of third-  
     parties, § **18:13**  
     payments to noninsiders,  
     § **18:134**  
     preferences as transfers, § **18:6**  
 Long-term debt payments, § **18:73**  
 Mortgages and deeds of trust,  
     § **18:46, 18:54**  
 Motor vehicles, § **18:76, 18:77**  
 Multiple transfers during prefer-  
     ence period, § **18:80**  
 Nature of debtor's business,  
     § **18:68**  
 Net result rule, § **18:34, 18:81**  
 New credit, § **18:50, 18:84**  
 New value, transfers intended as  
     contemporaneous exchange  
     for, § **18:39 to 18:45, 18:79**  
     to **18:84**  
 Non-earmarked funds of third-  
     parties, § **18:13, 18:14**  
 Noninsiders  
     payments to on loans  
     guaranteed by insiders,  
     § **18:134**  
     transferee of avoided prefer-  
     ence, recovery from  
     noninsider, § **17:70**  
 Note, transfers by, § **18:43**

## INDEX

### PREFERENCES AND PREFERENTIAL TRANSFERS—Cont'd

- Notice
  - collection tactics based on knowledge of debtor's condition, § 18:71
  - transfers in reimbursement of surety, § 18:99
- Objections. Exceptions to trustee's avoiding power, above
- Order of events, § 18:79
- Ordinary business terms, § 18:57
- Ordinary course of business, payments made in, § 18:56 to 18:72
- Past practices between parties as factor to be considered, § 18:59
- Pension or retirement, § 18:24, 18:107
- Perfection of interest or transfer, § 18:76, 18:77, 18:104, 18:105
- Period of preference, transfer during, § 18:26 to 18:29
- Postdated check, transfer by, § 18:128
- Prejudgment interest, § 18:108 to 18:112
- Prejudice to other creditors, requirement of, § 18:87
- Preservation of avoided transfer, § 12:73
- Presumptions and burden of proof, § 18:5, 18:22, 18:25, 18:36, 18:38, 18:61, 18:128
- Priorities (this index)
- Professional persons, simultaneous representation, § 2:40
- Purchase money security agreements, § 18:74 to 18:77
- Purpose
  - of exceptions, § 18:74, 18:78, 18:85, 18:89, 18:92
  - of preference rules, § 18:3, 18:4

### PREFERENCES AND PREFERENTIAL TRANSFERS—Cont'd

- Rate of interest, § 18:112
- Recover preferences, authority to, § 12:71, 18:97 to 18:101
- Reimbursement of surety, transfers in, § 18:98
- Release, § 18:48, 18:83
- Reorganization Plans (this index)
- Reorganization (this index)
- Satisfaction of statutory lien, § 18:90
- Secured creditors, § 18:4, 18:12
- Separation, payments for maintenance or support, § 18:91
- Setoff compared, § 25:3, 25:36
- Setoff or offset, § 18:2, 18:35
- Settlement agreement, § 18:58, 18:72
- Sole stockholder, § 18:52, 18:69
- Sovereign immunity abrogated, § 6:78
- State law, effect of, § 18:75, 18:132
- Status of particular debts, § 18:18 to 18:20
- Statutory basis for award, § 18:110
- Statutory liens, exceptions to avoidability, § 18:89, 18:90
- Subsequent advance rule, new value under, § 18:82 to 18:84
- Substitution of obligations, § 18:41
- Sureties
  - indirect transfer, § 18:16
  - reimbursement of surety, § 18:98
  - release of security interest, § 18:48
- Tax payments, § 18:135, 18:136
- Time or date
  - accrual of interest, § 18:111

**PREFERENCES AND  
PREFERENTIAL  
TRANSFERS—Cont'd**

Time or date—Cont'd

- advantage to creditor, transfer giving, § **18:31**
- antecedent debts, effect of time period involved, § **18:20**
- authority to avoid and recover preferences, § **18:97**
- check, timing of transfers by, § **18:120 to 18:129**
- commencing avoidance action, § **17:55**
- delay or laches, above
- exceptions to avoidability, § **18:39, 18:47, 18:53 to 18:55, 18:60, 18:64, 18:76**
- garnishment orders, timing of payments under, § **18:130 to 18:132**
- incurring of debt, § **18:102**
- insolvency of debtor, transfer at time of, above
- laches. Delay or laches, above
- letters of credit, when preference exists as to, § **18:117**
- liability of transferee of avoided property, § **18:100**
- making of transfer, § **18:103 to 18:106**
- preference, § **18:26 to 18:29**
- presumption of insolvency, § **18:22**
- purchase money security agreements or enabling loans, § **18:74 to 18:77**
- security interests in inventory or receivables, § **18:85**
- substantially contemporaneous exchanges for new value, § **18:47, 18:53 to 18:55**
- Transferee of avoided transfers, liability of, § **18:100, 18:101**
- Trust, tax payments from funds held in, § **18:136**

**PREFERENCES AND  
PREFERENTIAL  
TRANSFERS—Cont'd**

Trustee

- avoiding power of trustee, generally, § **18:94 to 18:98**
- exceptions to trustee's avoiding power, above
- Turnover of property, § **14:3, 14:11**
- Twist Cap case, § **18:114**
- Validity of letters of credit, § **18:119**
- Value and valuation
  - avoided transfer, liability of transferee, § **17:67**
  - contemporaneous exchanges for new value, § **18:51**
  - failure to turn over value, § **18:101**
  - hypothetical liquidation, § **18:30**
  - insolvency of debtor, transfer during, § **18:23**
  - inventory or receivables, security interest in, § **18:88**
  - liquidation value, § **18:88**
  - release of security interest, § **18:48**
- Voluntary petitions, § **8:61**
- Waiver of sovereign immunity, § **6:78**

**PREFERRED STOCK**

- Equity security holders' committees, § **6:69**
- Proof of claim, § **22:1**

**PREJUDGMENT INTEREST**

- Fraudulent transfers and concealment of assets, § **19:99**

**PREJUDICE**

- Bias or Prejudice (this index)

**PRELIMINARY HEARINGS**

- Automatic stay, § **16:196**

## INDEX

### PRELIMINARY HEARINGS

#### —Cont'd

Use, sale, or lease of property,  
§ 15:47

### PRELIMINARY INJUNCTIONS

Injunctions (this index)

### PREMATURE FILING

Appeals, § 37:39

### PREMIUMS

Discounts (this index)  
Fee award, § 2:77  
Tax treatment of discharge, § 3:12

### PREPACKAGED PLANS

Reorganization plans, § 26:4

### PREPAYMENT

Advances (this index)

### PREPETITION AGENTS

Custodians, § 6:75

### PREPETITION MATTERS

Generally, § 29:1 et seq.  
Adequate protection, payments,  
§ 21:33  
Alternatives to Bankruptcy (this  
index)  
Assignments for benefit of credi-  
tors, § 1:36  
Attorneys' fees, § 2:31, 2:39,  
2:65, 2:67, 2:72  
Automatic stay, setoff rights  
generally, § 25:13  
recoupments, § 25:14  
relief, necessity of, § 25:21  
Automatic Stay (this index)  
Contingent fees, § 2:72  
Creditors' and equity security  
holders' committees, § 6:54,  
6:56  
Employer payments and income  
statements, debtor's filing of  
evidence of, § 6:17, 6:27

### PREPETITION MATTERS

#### —Cont'd

Executory contracts and unexpired  
leases, § 20:10, 20:11, 20:41,  
20:56  
Exemptions, § 13:21, 13:22,  
13:24, 13:90  
Fraudulent Transfers and Conceal-  
ment of Assets (this index)  
Income and expenditure state-  
ments, debtor's filing of,  
§ 6:17  
Individual debt adjustment plan,  
confirmation, § 31:12  
Involuntary bankruptcy, § 9:36  
Loans or credit, § 15:24  
Municipal debt adjustment plans,  
§ 32:14, 32:15  
Postpetition setoff against prepeti-  
tion obligations, § 25:34  
Professional persons, § 2:31, 2:39,  
2:65, 2:67, 2:72  
Reorganization, § 6:54, 6:56  
Setoff or Offset (this index)  
Setoff rights  
generally, § 25:33  
automatic stay  
generally, § 25:13  
recoupments, § 25:14  
relief, necessity of, § 25:21  
postpetition setoff against  
prepetition obligations,  
§ 25:34  
Size and nature of claim, § 23:31  
to 23:40  
Turnover of property, § 14:13,  
14:43  
Use, sale, or lease of property,  
§ 15:24, 15:29

### PREPONDERANCE OF EVIDENCE

Allowance of claims or interest,  
§ 24:20  
Collective bargaining agreements,  
rejection of, § 20:103

**PREPONDERANCE OF  
EVIDENCE—Cont'd**

Involuntary bankruptcy, § **9:37**  
Preferential transfer, exceptions to  
avoidability, § **18:38**  
Proof of claim, § **22:12**  
Turnover of property, § **14:89**

**PRESENCE**

Absence or Presence (this index)

**PRESENTMENT OF SECURITY**

Municipal debt adjustment plans,  
§ **32:33**

**PRESERVATION OF  
PROPERTY**

Compiling, Preserving, and  
Protecting Assets (this index)

**PRESIDENT OF  
CORPORATION**

Voluntary bankruptcy, § **8:8**

**PRESIDING OFFICER**

Creditors' meetings, attendance at  
generally, § **10:13**  
role of court, § **10:14**

**PRESS AND SPEECH  
FREEDOM**

Freedom of Speech and Press (this  
index)

**PRESUMPTION OF ABUSE**

Generally, § **11:16 to 11:29, 11:31**

**PRESUMPTIONS AND BURDEN  
OF PROOF**

Abstention, § **7:26**  
Adequate protection, § **21:69**  
After-acquired property, § **12:59**  
Allowance of claims or interests,  
§ **24:20, 24:87**  
Ancillary and other cross-border  
cases under BAPCPA,  
§ **33A:25**  
Appeals (this index)  
Automatic Stay (this index)

**PRESUMPTIONS AND BURDEN  
OF PROOF—Cont'd**

Avoidance, § **17:28, 17:89**  
Change of venue, § **7:194**  
Claims allowance, § **24:20, 24:87**  
Clerks, § **4:55**  
Closing and reopening cases,  
§ **36:32**  
Collective bargaining agreements,  
§ **20:103**  
Compensation, generally, § **2:77,**  
**2:110**  
Creditors' committees, § **6:58**  
Discharge disputes, § **35:50,**  
**35:215**  
Distribution (this index)  
Executory contracts and unexpired  
leases, § **20:60, 20:61,**  
**20:103**  
Exemptions (this index)  
Family farmer debt adjustment  
plans, § **33:44, 33:49, 33:61**  
Fraudulent Transfers and Conceal-  
ment of Assets (this index)  
Good faith filing of petition,  
§ **8:26, 8:27**  
Individual Debt Adjustment Plans  
(this index)  
In forma pauperis relief, entitle-  
ment to, § **4:47**  
Involuntary Bankruptcy (this  
index)  
Joint or co-ownership interests,  
§ **12:14**  
Judges, § **4:30**  
Municipal debt adjustment plans,  
§ **32:12**  
Operation of business, § **15:12,**  
**15:14**  
Parties, see more specific lines  
throughout this topic  
Petitions, § **8:26, 8:27**  
Preferences and preferential  
transfers, § **18:5, 18:22,**  
**18:25, 18:36, 18:38, 18:61**



## INDEX

### **PRESUMPTIONS AND BURDEN OF PROOF—Cont'd**

Priorities, § 34:5  
Proof of claim, § 22:54  
Property of estate, § 12:131  
Reclamation actions, § 17:89  
Reference of cases, § 7:41  
Reorganization Plans (this index)  
Reorganization (this index)  
Rules of Bankruptcy Procedure (this index)  
Sovereign immunity waiver, § 6:83  
Subordination, § 34:108  
Taxation, § 3:69  
Trusts, § 12:20  
Use, sale, or lease of property, § 15:22, 15:23, 15:28, 15:38, 15:47  
Voluntary bankruptcy, § 8:10, 8:26, 8:27, 8:57

### **PRESUMPTIONS AND NOTICE**

Abuse of Chapter 7, notice to creditors of applicability of presumption of, § 6:38

### **PRETRIAL CONFERENCE**

Generally, § 7:148  
Involuntary bankruptcy, § 9:55

### **PRETRIAL MATTERS**

Conference. Pretrial Conference (this index)

### **PREVIOUS EMPLOYMENT**

Creditors' committees, § 6:55

### **PRIMA FACIE CASE**

Allowance of claims or interest, § 24:20  
Executory contracts and unexpired leases, § 20:103  
Exemptions, § 13:51  
Fraudulent transfers and concealment of assets, § 19:114  
Proof of claim, § 22:9 to 22:12

### **PRIMA FACIE CASE—Cont'd**

Property of estate, § 12:119  
Size and nature of claim, § 23:4, 23:13

### **PRIME INTEREST RATE**

Family farmer debt adjustment plans, § 33:40

### **PRINCIPAL AND AGENT**

Agents (this index)

### **PRINCIPAL PLACE OF ASSETS**

Venue, § 7:184

### **PRINCIPAL PLACE OF BUSINESS**

Exemptions, § 13:10  
Foreign ancillary proceedings, § 7:190  
Venue, § 7:183

### **PRINTING**

United States trustees, printing fees, § 4:64

### **PRIOR ASSUMPTION**

Executory contracts and unexpired leases, § 20:57

### **PRIOR CASE**

Closing and Reopening Cases (this index)  
Individual debt adjustment plans, § 31:11, 31:25

### **PRIOR COURT ORDER**

Adequate Protection (this index)

### **PRIOR EMPLOYMENT**

Creditors' committees, § 6:55

### **PRIOR INJUNCTIONS**

Generally, § 16:220

### **PRIORITIES**

Absolute Priority Rule (this index)  
Adequate protection, § 21:36, 21:37, 21:58

**PRIORITIES—Cont'd**

Administrative Expenses (this index)

Alimony, maintenance and child support debts, § 34:16, 34:17

Allowance of Claims or Interests (this index)

Attorneys' fees, § 34:32

Automatic stay, § 16:15, 16:158

Bank's capital maintenance commitment, claim based on, § 34:88

Burden of proof, § 34:5

Commission claims of salespersons, § 34:44

Consumer deposits, § 34:87

Core proceedings, § 7:76, 7:103, 7:109

Customs duties, § 34:64 to 34:82, 35:78 et seq.

Death or personal injury, motor vehicle or vessel, intoxication, § 34:89

Deposits by consumers, § 34:87

Domestic support obligations, § 34:16, 34:17

Employee compensation, generally, § 34:44 to 34:56

Employment Benefits (this index)

Employment taxes, § 34:78

Equitable subordination. Subordination (this index)

ERISA, § 34:63

Excise taxes, § 34:79

Executory contracts and unexpired leases, § 20:95

Family farmer debt adjustment, distribution, § 34:192

Family farmer debt adjustment plans, § 33:8, 33:54, 33:57

Fines and penalties, § 34:30, 34:82

Fishermen and fish processing or storage facilities, § 34:86

**PRIORITIES—Cont'd**

Grain producers and grain storage facilities, § 34:84, 34:85

Income and gross receipts taxes. Taxation (this index)

Individual Debt Adjustment Plans (this index)

Intangible personal property, § 12:44

Interest on Money (this index)

Intoxication, motor vehicle or vessel, personal injury or death, § 34:89

Involuntary gap claims, § 34:83

Jurisdiction, § 7:76, 7:103, 7:109

Lease deposits by consumers, § 34:87

Liens, § 34:10, 34:14

Liquidation (this index)

Loans or Credit (this index)

Motor vehicle or vessel, personal injury or death, intoxication, § 34:89

Order of distribution. Distribution (this index)

Personal injury or death, motor vehicle or vessel, intoxication, § 34:89

Postconversion administrative expenses, § 34:15

Postpetition acts and matters, § 34:13, 34:14, 34:31

Presumptions and burden of proof, § 34:5

Professional persons, petition filing fee, § 2:121

Property of estate, § 12:138

Rental deposits by consumers, § 34:87

Reorganization, generally, § 34:185, 34:189

Reorganization Plans (this index)

Salaries, generally, § 34:44 to 34:56

## INDEX

### **PRIORITIES—Cont'd**

Secured claims, superpriority for inadequately protected creditors, § **34:12**

Setoff or offset, § **34:9**

Severance pay, § **34:53, 34:54**

Subordination (this index)

Subrogation (this index)

Superpriority (this index)

Tardy claims filed before commencement of distribution, § **24:48**

Taxation (this index)

Tax debts, § **35:78 et seq.**

Turnover of property, § **14:4, 14:6**

U. S. trustees' quarterly fees, § **34:39**

Utilities, guarantee of administrative expense priority, § **16:241**

Voluntary bankruptcy, § **8:95**

Wages, generally, § **34:44 to 34:56**

### **PRIOR LAW**

Bankruptcy Act of 1898 (this index)

### **PRIOR LAW ASSOCIATE**

Judge's disqualification for involvement of former law associate, § **4:35**

### **PRIOR PROCEEDINGS**

Prior Case (this index)

### **PRIOR REPRESENTATION**

Professional persons, § **2:36 to 2:41**

### **PRISONS AND PRISONERS**

Habeas Corpus (this index)

### **PRIVACY**

Consumer privacy ombudsman, § **6:92**

### **PRIVACY CONSIDERATIONS**

Generally, § **1:78**

### **PRIVATE INVESTIGATOR**

Employment of professional persons, § **2:21**

### **PRIVATE OR PUBLIC RIGHTS**

Jurisdictional question, § **7:146**

### **PRIVATE TRUSTEES**

Trustees (this index)

### **PRIVILEGED OR**

#### **CONFIDENTIAL MATTERS**

Confidentiality (this index)

Creditors' meetings examinations, § **10:22**

Debtor discharge invocations, § **35:26**

### **PRIVILEGES AND**

#### **IMMUNITIES**

Attorney-Client Privilege (this index)

Clerk of court, § **4:45**

Interested persons or parties, immunity from criminal prosecution, § **6:3**

Judges, § **4:23, 4:24**

Self-Incrimination (this index)

Sovereign Immunity (this index)

Trustees, immunity from suit, § **5:51 to 5:53**

Turnover of property, § **14:12, 14:52**

U. S. trustees, § **4:81**

### **PROBATION**

Automatic stay, § **16:98**

### **PROCEEDS**

Defined, § **23:35, 23:39**

Exemptions, § **13:63, 13:84**

Homestead exemption, § **13:63**

### **PROCESS**

Service of Petitions, Process, and Papers (this index)

**PRODUCTION OF DOCUMENTS**

Generally, § **9:66**  
Turnover of property, § **14:13, 14:14, 14:21, 14:53**

**PRODUCTS LIABILITY**

Automatic stay, § **16:16, 16:17**

**PROFESSIONAL ASSOCIATIONS**

Fee-splitting, § **2:42**

**PROFESSIONAL BOOKS**

Exemptions, § **13:78 to 13:82, 13:129**

**PROFESSIONAL PERSONS**

Generally, § **1:105 to 1:109, 2:1 et seq.**

Particular professions, see specific topics

Accountants (this index)

Administrative expenses, compensation and reimbursement of professionals, § **34:32 to 34:34**

Adverse interest, holder or representative of, § **2:35**

Agents, § **2:12, 2:23, 2:40, 2:51**

Allowance of Claims or Interests (this index)

Appraisals and Appraisers (this index)

Approval by court. Order or approval of court, below

Attorneys' Fees (this index)

Attorneys (this index)

Auctions and Auctioneers (this index)

Compensation (this index)

Consent. Order or approval of court, below

Contingent fees, § **2:72**

Corporate officers and directors, § **2:20, 2:30**

Corporations, § **2:26, 2:59**

**PROFESSIONAL PERSONS**

**—Cont'd**

Court supervision. Order or approval of court, below

Creditors' and Equity Security Holders' Committees (this index)

Debtor in Possession (this index)

Delays or laches, § **2:28, 2:88**

Discharge of indebtedness, § **2:100, 2:115**

Disclosure, § **2:23, 2:62, 2:63, 2:91, 2:92, 2:97**

Distribution, administrative expenses, compensation and reimbursement of professionals, § **34:32 to 34:34**

Documentation, § **2:96, 2:107**

Domicile and residence, § **2:19, 2:45**

Dual representation, § **2:14, 2:37**

Employment of, generally, § **2:1 et seq., 5:55, 15:3**

Equity Security Holders (this index)

Examination or inspection, § **1:108, 2:53, 2:67**

Examiner, employment of, § **2:42**

Family Farmer or Fisher Debt Adjustment (this index)

Fee-splitting, § **2:59, 2:60**

Indemnification, § **2:51**

Insiders, § **2:30, 2:34**

Interested Persons or Parties (this index)

Interim compensation, § **1:107**

Investment Banker (this index)

Judge's employment of relatives or friends, § **2:43, 2:44**

Jurisdiction, employment of professional persons, § **7:18, 7:80**

Limitations on who may be employed, § **2:29 to 2:44**

Liquidation (this index)

## INDEX

### PROFESSIONAL PERSONS

#### —Cont'd

Mail and mailing, § 2:46, 2:84  
Motion, Application, or Request  
(this index)  
Multiple creditors and security  
holders, § 1:109  
Multiple representation, § 2:14  
Municipal Debt Adjustment (this  
index)  
Notice and hearing, § 2:24, 2:45,  
2:67, 2:68, 2:83, 2:95, 2:108  
Nunc pro tunc, § 2:24, 2:27, 2:28,  
2:108  
Operation of business, § 15:3  
Order or approval of court  
generally, § 2:2 to 2:4, 2:22 to  
2:28, 2:72  
application for order of employ-  
ment, § 2:23  
compensation, § 2:58  
corporate officers and directors,  
§ 2:20  
creditors' and equity security  
holders committees, § 2:13  
debtor not in possession, § 2:11  
employment, § 1:105, 2:22 to  
2:28  
nunc pro tunc, § 2:24, 2:27,  
2:28, 2:108  
official committees, § 2:12  
prior or current representation  
precluding employment,  
§ 2:36  
salaried employees, § 2:5  
withdrawal or removal, § 2:7  
Own counsel. Trustees, below  
Partnership, § 2:26, 2:40, 2:59,  
2:62  
Postpetition matters, § 2:32, 2:65  
Prepetition payments, § 2:31,  
2:39, 2:65, 2:67, 2:72  
Principal of debtor, § 2:40  
Prior representation, § 2:36 to  
2:41

### PROFESSIONAL PERSONS

#### —Cont'd

Real Estate Agents and Brokers  
(this index)  
Reimbursement (this index)  
Relationship between employment  
and compensation provisions,  
§ 2:2  
Reorganization (this index)  
Rules of Bankruptcy Procedure  
(this index)  
Secretaries, § 2:21, 2:86  
Securities, § 2:30, 2:40, 2:41  
Shareholders, § 2:40  
Trustees  
generally, § 2:4, 2:8, 2:9  
adverse interests, generally,  
§ 2:35, 2:41  
application for order of employ-  
ment, § 2:23  
attorneys' fees, § 2:118  
compensation, § 2:58, 2:60,  
2:68, 2:83  
court's determination, § 2:25  
debtor's attorney, § 2:6  
employment of professional  
persons, generally, § 5:55  
fixing of compensation, § 2:60  
judge's relative or friends,  
§ 2:43, 2:44  
notice and hearing, § 2:68, 2:83  
prior representation, § 2:38  
reimbursement, § 2:94  
salaried employees, § 2:5  
services by members and  
associates, § 2:26  
U. S. trustees, below  
U. S. trustees  
generally, § 2:24, 2:36, 2:68  
relatives or friends, employment  
of, § 2:43, 2:44

### PROFITS

Earnings or Income (this index)  
Rents and Profits (this index)

**PROFIT-SHARING PLANS**

Exemptions, § 13:102

**PRO HAC VICE**

Attorneys, § 2:45

**PROHIBITED PLAN PROVISIONS**

Generally, § 29:42

**PROMISES**

Fraud and, § 35:94

Fraudulent transfers and concealment of assets, § 19:37

**PROMISSORY NOTES**

Allowance of claims or interest, § 24:36

Avoidance, protection of certain transferees, § 17:48

Executory contracts and unexpired leases, § 20:3

Fraudulent transfers and concealment of assets, § 19:53, 19:74

Involuntary bankruptcy, § 9:10, 9:20, 9:30

**PROOF OF CLAIM**

Generally, § 22:1 et seq.

Administrative expenses, § 22:50

Agents, claims by, § 22:20

Amendment of proof of claim, § 22:11, 22:38 to 22:41

Attorney, proof of claim delivered to, § 22:35

Automobile repairs, § 22:21

Bankruptcy judge, filing with, § 22:35

Bankruptcy trustee. Trustees (this index)

Bar date. Time or date for filing, below

Burden of proof, § 22:12

Cause shown as grounds for extension of time for filing, § 22:44, 22:45

**PROOF OF CLAIM—Cont'd**

Chapter 11. Reorganization (this index)

Chapter 12

notice of bar date, § 22:52, 22:53

time for filing, § 22:42, 22:46 to 22:48

Chapter 13. Individual Debt Adjustment (this index)

Claim, defined, § 22:20

Claims register, § 22:36

Class claimants, § 22:20

Clerk of court

generally, § 22:35

acceptance or rejection of proof of claim presented for filing, § 22:27, 22:35

Codebtors, § 22:17, 22:18, 22:20

Commissions, § 22:27

Common stockholders, § 22:1

Compensation, proof of claim, § 22:27

Consideration for transfer of claim, § 22:24, 22:25

Consolidation of claims by transferor and transferee, § 22:25

Constitutional requirements, § 22:53

Consumer debt claims, § 22:21, 22:56

Content and form, § 22:27 to 22:37

Contribution rights, § 22:18

Conversion or dismissal, § 22:49, 22:50, 22:52

Copies, § 22:28, 22:33

Corporate debtors, proof of claim by, § 22:19

Corporate stockholders, § 22:1

Correspondence as informal proof of claim, § 22:32

Costs and expenses

administrative expenses, § 22:50

## INDEX

### **PROOF OF CLAIM—Cont'd**

- Costs and expenses—Cont'd
  - medical expenses, § 22:21
- Counterclaim as informal proof of claim, § 22:32
- Creditor, filing by, § 22:14
- Creditors' meetings, § 22:53
- Creditor's rights, generally, § 6:37, 22:13
- Date. Time or date for filing, below
- Debtor in possession, § 5:112
- Debtors, filing of claims by, § 22:9, 22:10, 22:17 to 22:22, 22:51
- Debtor's duty to cooperate with trustee in examining, § 6:26
- Deed of trust, filing indenture trustee of, § 22:6, 22:15, 22:20, 22:54
- Deemed filing, § 22:9
- Deficiency claim by secured creditor, § 22:33
- Definitions, generally, § 22:2 to 22:5
- Demand in proof of claim, § 22:27
- Destruction or loss of original writing of secured claim, § 22:28
- Discharge
  - necessity of filing by creditor with nondischargeable claim, § 22:7
  - objection or complaint as informal proof of claim, § 22:32
- Discretion of court, § 22:38, 22:43, 22:44
- Distribution
  - establishing right to participate in, § 22:1 to 22:13
  - priority as to tardy claims filed before commencement of distribution, § 24:48
- District court clerk or judge, filing with, § 22:35

### **PROOF OF CLAIM—Cont'd**

- Due process requirements as to notice of bar date, § 22:53
- Duplicate of secured claim, filing of, § 22:28
- Electronic transmission of notice, § 22:55
- Endorser as person who may file, § 22:17
- Equitable power of court to extend time, § 22:48
- Equity security, defined, § 22:16
- Equity security holder
  - filing of proof of interest, § 22:6, 22:16
  - notice of bar date, § 22:54
- Equity security holders, § 6:60
- Estoppel as to informal proof of claim, § 22:32
- Exceptions and objections, § 22:13, 22:26
- Excusable neglect, extension of time to file based on, § 22:44, 22:45
- Executory contracts and unexpired leases, rejection, § 22:46
- Expenses. Costs and expenses, above
- Extension of time to file, § 22:44 to 22:47
- Family farmer debt adjustment
  - notice of bar date, § 22:52
  - time for filing, § 22:42, 22:46 to 22:48
- Filing
  - manner of filing, § 22:27 to 22:37
  - necessity and effect of, § 22:6 to 22:13
  - place of filing, § 22:35, 22:36
  - time for filing, § 22:42 to 22:51
  - who may file, § 22:14 to 22:26
- Fines in tax cases, amendment of claims for, § 22:39

**PROOF OF CLAIM—Cont'd**

Foreign countries, claimants in, § 22:56

Form and content, § 22:27 to 22:37

Fraudulent transfers, § 22:46

Fuel use tax liability, § 22:22

General partners, § 22:1, 22:5, 22:13

Governing law, § 22:12

Guarantors as persons who may file, § 22:17, 22:18, 22:20

How proof is filed, generally, § 22:27 to 22:37

Income taxes, amendment of claims for, § 22:39

Indenture trustee, filing by, § 6:71, 22:6, 22:15, 22:20, 22:54

Individual Debt Adjustment (this index)

Informal proofs of claim, § 22:31, 22:32, 22:41

Insufficiency of proof, § 22:13

Interest, definition of proof of, § 22:1, 22:16

Interest on tax, amendment of claim for, § 22:39

Joinder of claims by transferor and transferee, § 22:25

Judge, filing with, § 22:35

Judgments invalidating secured claims, filing after, § 22:46

Knowledge. Notice and hearing, below

Letter

- informal proofs of claim, § 22:32
- withdrawal of proof of claim, § 22:37

Limitation of actions, § 22:44, 22:48

Limited partners, § 22:1

Liquidation (this index)

List of creditors filed by debtor, § 22:10

**PROOF OF CLAIM—Cont'd**

Loss or destruction of original writing of secured claim, § 22:28

Mailing of notice, § 22:52, 22:54

Medical expenses, § 22:21

Meeting of creditors, notice of, § 22:53

Mortgage, filing by indenture trustee of, § 22:15, 22:20

Motion, application, or request, § 22:32, 22:44, 22:47

Motor vehicle, repairs of, § 22:21

Municipal Debt Adjustment (this index)

Necessity and effect of filing, § 22:6 to 22:13

No-asset cases, § 22:36

No dividend notice, § 22:8, 22:46, 22:54

Nominal asset cases, claim register for, § 22:36

Nondischargeable claims, § 22:7, 22:19

Notice and hearing

- amendment of proof of claim or interest, § 22:40
- bar date, § 22:10, 22:52 to 22:56
- debtor or trustee filing on behalf of creditor, § 22:51
- extension of time for filing claim, § 22:45
- hearings on objection to transfer of claim, § 22:26
- informal proof of claim, § 22:31
- no dividend notice, § 22:8, 22:46, 22:54
- transfer of claims, objection to, § 22:24 to 22:26
- withdrawal of proof of claim, § 22:37

Notice relating to claims secured by security interest in the debtor's principal residence, § 22:29



## INDEX

### PROOF OF CLAIM—Cont'd

Objections  
    generally, § 1:152, 22:12, 22:13  
    informal proof of claim, objection as, § 22:32  
    transfer of claim, § 22:26  
Open-end credit agreement, § 22:30  
Original of secured claim, filing of, § 22:28  
Own behalf, debtor filing claim on, § 22:19  
Parties who may file, generally, § 22:14 to 22:26  
Partners and partnership, § 22:1, 22:5, 22:13  
Penalties in tax cases, amendment of claims for, § 22:39  
Perfection of security interest, § 22:33  
Persons who may file, generally, § 22:14 to 22:26  
Place of filing, § 22:35, 22:36  
Pleading as informal proof of claim, § 22:32  
Postpetition claims, § 22:21, 22:51  
Postpetition transfers of claims, § 22:23 to 22:26  
Preferred stockholders, § 22:1  
Prepetition claims, § 22:6  
Preponderance of evidence, § 22:12  
Presumptions, § 22:54  
Prima facie evidence, § 22:9 to 22:12  
Privacy considerations, § 1:78  
Proof of interest, defined, § 22:1, 22:15  
Proprietor in sole proprietorship, § 22:1  
Publication of notice of bar date, § 22:56  
Public relations campaign involving notice of bar date, § 22:56

### PROOF OF CLAIM—Cont'd

Rebuttal of presumptions or prima facie case, § 22:12, 22:54  
Receipt from warehouse as prima facie evidence, § 22:11  
Register of claims, § 22:36  
Reimbursement rights, § 22:18  
Relation back of amendment of proof of claims, § 22:40  
Relief-from-stay motion as informal proof of claim, § 22:32  
Reorganization (this index)  
Repairs of auto, § 22:21  
Residence of debtor, notice relating to claims secured by security interest, § 22:29  
Revolving credit agreement, § 22:30  
Rules of Bankruptcy Procedure (this index)  
Salary or wages, § 22:27  
Satisfactory evidence of perfection of security interest, defined, § 22:33  
Scale ticket issued by warehouse, § 22:11  
Secured claims  
    indenture trustee, § 22:6, 22:15, 22:20, 22:54  
    informal proofs of claims, § 22:32  
    judgments invalidating secured claims, § 22:46  
    necessity of filing, § 22:6  
    perfection of security interest, § 22:33  
    transfers of claims for security, § 22:20, 22:25  
    writing requirement, § 22:28  
Small claims, notice of bar date involving, § 22:56  
Sole proprietorship, § 22:1  
Sovereign immunity, effect of governmental unit's filing proof of claim, § 6:80, 6:83

**PROOF OF CLAIM—Cont'd**

Special revenue, claims payable from, § 22:4

State law, burden of proof, § 22:12

State or subdivision, claims by, § 22:47

Statute of limitations, § 22:44, 22:48

Stock and stockholders, § 22:1

Subrogation rights, § 22:18

Suretyship and guaranty, § 22:17, 22:18, 22:20

Surplus after payment of claims, § 22:47

Taxation  
generally, § 22:21  
claims, amendment of, § 22:39  
proof of claim, § 22:12

Time or date for filing  
generally, § 22:42 to 22:51  
administrative expense claims, § 22:52  
amendment of proof of claim, § 22:38, 22:39, 22:41  
bar date, above  
extension of time, § 22:42 to 22:48  
notice of bar date, § 22:10, 22:52 to 22:56

Tort claims, § 22:6, 22:56

Tort complaint as informal proof of claim, § 22:32

Transferee or transferor of claim, § 22:23 to 22:26

Transfers in fraud of creditors, § 22:46

Trustees (this index)

United States, claims by, § 22:47

Unknown holders of securities under trust instrument, § 22:15

Voluntary bankruptcy, § 8:36, 8:83, 8:105

Voting rights of creditors, § 22:13

**PROOF OF CLAIM—Cont'd**

Wages, salary, or commissions, § 22:27

Warehouse receipt or scale ticket as prima facie evidence, § 22:11

Who may file, generally, § 22:14 to 22:26

Withdrawal of proof, § 22:37

Words and phrases, generally, § 22:2 to 22:5

Writing requirement for proof of claims, § 22:28, 22:31

**PROOF OF INTEREST**

Proof of Claim (this index)

**PROPERTY INSURANCE**

Adequate protection, § 21:59

**PROPERTY OF ESTATE**

Generally, § 12:1 et seq.

Abandonment of Property of Estate (this index)

Accounts and Accounting (this index)

Adequate Protection (this index)

Administrative Expenses (this index)

Adversary proceedings, recovery of money or property, § 12:152

After-Acquired Property (this index)

Animals (this index)

Annuities (this index)

Appliances (this index)

Appraisals and Appraisers (this index)

Appreciation of abandoned property, debtor entitlement to, § 12:125

Assets scheduled but not administered, abandonment of, § 12:116, 12:121

Assignment for Benefit of Creditors (this index)

## INDEX

### PROPERTY OF ESTATE

#### —Cont'd

Automatic Stay (this index)  
Avoidance (this index)  
Bailments (this index)  
Bankruptcy Act of 1898, § **12:2**  
Banks (this index)  
Books and Papers (this index)  
Brokers, § **2:21**  
Burdensome property, court authorization for trustee's abandonment of, § **12:116, 12:118 to 12:120, 12:129, 12:139**  
Causes of Action (this index)  
Clean-up costs of hazardous or toxic wastes, § **12:139**  
Closing and reopening cases, § **12:121 to 12:123**  
Clothing. Wearing Apparel (this index)  
College, accreditation as property of estate, § **12:93**  
Commencement of cases, § **12:1, 12:5**  
Community Property (this index)  
Compelled abandonment, § **12:116, 12:117, 12:130, 12:152**  
Complaint, filing of, commencement of adversary proceedings, § **12:152**  
Conflict of laws. Governing Law (this index)  
Consent to proposed abandonment, failure to object as, § **12:131**  
Consignments (this index)  
Constructive trusts, § **12:19 to 12:21**  
Consultation of state law, determination of debtor's interest in property, § **12:153**  
Contingent asset, exemption from deemed abandonment, § **12:123**

### PROPERTY OF ESTATE

#### —Cont'd

Contingent remainders, § **12:77, 12:78**  
Contracts and Agreements (this index)  
Control of estate, § **12:5**  
Conversion or dismissal  
    determination as of date of filing original petition, § **12:3**  
    from Chapter 12, § **11:100**  
    from Chapter 13, § **11:90**  
    records of, § **11:91**  
Costs and Expenses (this index)  
Creation of estate, commencement of case, § **12:1**  
Crops (this index)  
Custodians (this index)  
Date. Time or date, below  
Death of debtor during case, § **12:6**  
Deemed abandonment, § **12:116, 12:121 to 12:123, 12:129**  
Defamation (this index)  
Defenses of estate, § **6:9, 12:154**  
Definition, applicability in specific proceedings, § **12:4**  
Delivery of property, compelled, § **12:152**  
Dependents (this index)  
Deposits and Depositories (this index)  
Disposition of property, § **12:152, 12:155**  
Disputed interest of debtor in property, filing of complaint, § **12:124**  
Distribution, preservation of estate as administrative expense, § **34:25 to 34:27**  
District court, exclusive jurisdiction over property at time of commencement, § **12:151**

**PROPERTY OF ESTATE**

**—Cont'd**

Divestment of debtor's property interests, creation of estate, § **12:1**

Domestic Support Obligations (this index)

Educational loan eligibility, educational institution accreditation and licensing, § **12:93**

Effect of abandonment, generally, § **12:124 to 12:126**

Employee Retirement Income Security Act, § **12:10**

Equitable interest in property, § **12:7, 12:118, 12:119, 12:128**

ERISA-qualified pension plans, inclusion in bankruptcy estate, § **12:88**

Exceptions, § **12:8, 12:123**

Excess Property (this index)

Exclusive jurisdiction, § **12:151, 12:153**

Executory Contracts and Unexpired Leases (this index)

Exemptions (this index)

Fair market value of property, § **12:118**

Family Farmer or Fisher Debt Adjustment Plans (this index)

Family Farmer or Fisher Debt Adjustment (this index)

Farmout agreements, exclusion of certain hydrocarbon interests from estate, § **12:94**

Fees and charges, inclusion in bankruptcy estate, § **12:85**

Fiduciaries, exercise of control over estate, § **12:5**

Filing  
generally, § **12:152, 12:155 to 12:160**

**PROPERTY OF ESTATE**

**—Cont'd**

Filing—Cont'd

Abandonment of Property of Estate (this index)

complaint, disputed interest of debtor in property, § **12:124**

motion for abandonment, § **12:127**

objection to proposed abandonment, § **12:131**

schedule of assets and liabilities, § **12:121**

service of notice of intent to abandon property, § **12:129**

Foreclosure on abandoned property, notice to trustee, § **12:125**

Foreign proceedings, creation of estate, § **12:1**

Fresh start doctrine, § **12:2, 12:79**

Governing law, § **12:153**

Grains assets, § **12:90, 12:133**

Hazardous or toxic wastes, § **12:139 to 12:141**

Hearings. Notice and hearing, below

Homestead Exemption (this index)

Household Furnishings or Goods (this index)

Husband and Wife (this index)

Imminent danger to public health and safety, § **12:140, 12:141**

Implied power of trustee to abandon property, § **12:116, 12:140**

Inadequately listed property, revocation of deemed abandonment upon closing of case, § **12:122**

Income from abandoned property, debtor entitlement to, § **12:125**

## INDEX

### PROPERTY OF ESTATE

#### —Cont'd

Income-producing ability, determination of burdensome property, § 12:118  
Income taxes, refund as property of estate, § 12:82, 12:83  
Indenture trustee, notice and hearing on abandonment of property, § 12:129  
Individual Debt Adjustment (this index)  
Individual retirement accounts, inclusion in bankruptcy estate, § 12:89  
Initial pool of assets forming estate, § 12:2, 12:3  
Instigation of trustee, abandonment of property at, § 12:116  
Insurance and Insurance Companies (this index)  
Intangible Personal Property (this index)  
Intellectual Property (this index)  
Intent, § 12:129  
Intervention (this index)  
Inventory (this index)  
Investigation, determination of presence of hazardous wastes, § 12:141  
Investments (this index)  
Ipso facto clauses, § 12:9  
Jewelry exemptions, § 13:76  
Joint or Co-Ownership Interests (this index)  
Joint tax returns, § 12:83  
Junior lienholder, equity in property sufficient to secure debt of, § 12:128  
Jurisdiction, § 12:151  
Legal title, § 12:7, 12:92  
Letters of credit, exclusion from bankruptcy estate, § 12:86  
Liens and Encumbrances (this index)

### PROPERTY OF ESTATE

#### —Cont'd

Life Insurance (this index)  
Limitation of actions. Statute of Limitations (this index)  
Limitations, § 12:7 to 12:10, 12:118 to 12:120, 12:129, 12:140  
Liquid and gaseous hydrocarbons, interests related to, § 12:94  
Liquidation (this index)  
Mailing of bankruptcy petition, filing upon receipt by court, § 12:3  
Maintenance costs, determination of burdensome property, § 12:118  
Methods of abandonment, § 12:116  
Midlantic decision, hazardous or toxic wastes, § 12:140  
Money or Cash (this index)  
Money order sale proceeds, § 12:95  
Mortgages and deeds of trust, § 12:92  
Motions, § 12:127, 12:129, 12:152  
Municipal debt adjustment, definition, § 12:4  
Musical instruments, exemption of debtor's interest in, § 13:154  
Nature of proceeding, § 12:127  
No-Asset Cases (this index)  
Notice and hearing  
    generally, § 12:132, 12:134, 12:155 to 12:160  
    burdensome property, § 12:116  
    compelled abandonment, § 12:130  
    deemed abandonment, § 12:129  
    foreclosure, § 12:125  
    incorporation of notice of abandonment of property into notice of meeting of creditors, § 12:129

**PROPERTY OF ESTATE**

**—Cont'd**

Notice and hearing—Cont'd  
 indenture trustee, § 12:129  
 objections to proposed  
 abandonment, § 12:129,  
 12:132  
 renoticing, § 12:130  
 trustee, § 12:129  
 Nunc pro tunc, reinvestment of  
 property in debtor, § 12:125  
 Objections, § 12:129, 12:131,  
 12:132  
 Operation of business, § 15:7  
 Orders  
   exceptions, deemed abandon-  
   ment, § 12:123  
   supersedeas bond, stay of  
   enforcement of suspension  
   of railroad line, § 12:137  
   trustee, abandonment of prop-  
   erty, § 12:116  
 Outstanding valid encumbrances,  
 determination of burdensome  
 property, § 12:118  
 Partnership (this index)  
 Party in interest, request for  
 abandonment by, § 12:128  
 Pawned property, § 12:80  
 Pension or retirement systems,  
 § 12:10, 12:88, 12:89  
 Personal property. See more  
   specific lines throughout this  
   topic  
 Postpetition assessments against  
 abandoned property, debtor  
 entitlement to, § 12:125  
 Powers benefiting others, exclu-  
 sion from bankruptcy estate,  
 § 12:87  
 Practice and procedure, generally,  
 § 12:127 to 12:132  
 Precautionary measures, hazard-  
 ous and toxic waste, § 12:141  
 Preferences and Preferential  
 Transfers (this index)

**PROPERTY OF ESTATE**

**—Cont'd**

Presumptions and burden of proof,  
 § 12:131  
 Prevention of transfer of property,  
 restrictions, § 12:8  
 Prima facie case, lack of debtor's  
 equity in property, § 12:119  
 Probate estate of debtor, § 12:6  
 Proceeds (this index)  
 Profit from property deemed  
 abandoned, debtor entitle-  
 ment to, § 12:125  
 Protection of employees, rail carri-  
 ers, § 12:138  
 Public health and safety, trustee  
 responsibility for, § 12:140,  
 12:141  
 Public interest, representation by  
 ICC in abandonment of  
 railroad line, § 12:134,  
 12:135  
 Real Property (this index)  
 Receipt of property, record of,  
 § 12:155  
 Records and reports, § 12:155 to  
 12:160  
 Redemption (this index)  
 Refund, § 12:82, 12:83  
 Release of trustee, responsibilities  
 for abandoned property,  
 § 12:125  
 Remainder interests, inclusion in  
 bankruptcy estate, § 12:78  
 Removal of Property (this index)  
 Renoticing, compelled abandon-  
 ment, § 12:130  
 Reorganization Plans (this index)  
 Reorganization (this index)  
 Repurchase agreement liquidation,  
 excess of market price over  
 stated repurchase price and  
 expenses, § 12:91  
 Restrictions on transfer of benefi-  
 cial trusts, § 12:88

## INDEX

### PROPERTY OF ESTATE

#### —Cont'd

Return of property. Refund (this index)  
Revesting of property in debtor, § 12:125  
Revocation, inadequate listing of property deemed abandoned, § 12:122  
Sale of mortgages on secondary market, § 12:92  
Schedules (this index)  
Scope of estate, generally, § 12:2, 12:3  
Securities, § 12:84  
Security agreement, property subject to, § 12:9  
Seizure of Person or Property (this index)  
Sequestration (this index)  
Service of process and papers, objections to abandonment, § 12:131  
Setoff or Offset (this index)  
Spendthrift trusts, § 12:10, 12:88, 12:89  
Spouse, exclusion of excess withholdings on joint income tax return, § 12:83  
Standing, § 12:128  
State environmental laws, aggravation by abandonment, § 12:139, 12:140  
State law, threshold determination of interest in property, § 12:153  
Statute of frauds, defense of estate, § 6:9, 12:154  
Statute of limitations, § 6:9, 12:154  
Stockbroker Liquidation (this index)  
Surface Transportation Board, role in railroad lines, § 12:135  
Tenancy by Entirety (this index)  
Third persons or parties, § 12:5

### PROPERTY OF ESTATE

#### —Cont'd

Time or date  
generally, § 12:3, 12:90  
contingent asset to estate, payment, § 12:123  
employees of railroad, payment, § 12:138  
filing of bankruptcy petition, § 12:3  
grain assets, expedited procedures, § 12:133  
objection to proposed abandonment, § 12:131  
Title, effect of abandonment on transfer of, § 12:124  
Toxic waste, § 12:139 to 12:141  
Trustees (this index)  
Trust fund taxes, § 12:22  
Trusts (this index)  
Turnover of Property (this index)  
Unadministered property, § 12:116, 12:121  
Use, Sale, or Lease of Property (this index)  
Usury, estate's benefiting from defenses available to debtor, § 6:9, 12:154  
Value and Valuation (this index)  
Vested power to abandon property, § 12:125, 12:128  
Waiver of defense by debtor after commencement of case, § 6:9, 12:154  
Weapons exemptions, § 13:77  
Wearing Apparel (this index)

### PROPERTY TAXES

Adequate protection, § 21:54  
Automatic stay, § 16:101, 16:104  
Family farmer debt adjustment plans, § 33:9  
Priorities, § 34:74, 34:75  
Recapture, § 3:26  
Reorganization Plans (this index)

**PROPERTY TAXES—Cont'd**

- Tax treatment of discharge, § 3:3, 3:18, 3:24
- Use, sale, or lease of property, § 15:29

**PROPORTIONS**

- Fraudulent transfers and concealment of assets, § 19:18

**PROPRIETARY ACCOUNTS**

- Commodity broker liquidation, § 34:171

**PROPRIETARY INTEREST**

- Judges, § 4:36

**PROPRIETORS**

- Sole Proprietors (this index)

**PRO RATA DISTRIBUTION OR PAYMENT**

- Allowance of Claims or Interests (this index)
- Use, sale, or lease of property, § 15:44

**PRORATION**

- Taxation, § 3:34

**PRO SE**

- Generally, § 6:4
- Forma pauperis, § 8:94, 37:3
- Indenture trustees, § 6:71

**PROSPECTIVE APPLICATION**

- Retroactive Application (this index)

**PROTECTING ASSETS**

- Compiling, Preserving and Protecting Assets (this index)

**PROTECTIVE ORDERS**

- Generally, § 1:96
- Allowance of claims or interest, § 24:12
- Collective bargaining agreement, rejection or modification, § 20:99, 20:125

**PROTECTIVE ORDERS**

**—Cont'd**

- Confidentiality, § 1:96, 6:2
- Defamatory matters, § 1:96, 6:2
- Executory contracts and unexpired leases, § 20:99, 20:125
- Operation of business, § 15:5
- Rules of Bankruptcy Procedure (this index)
- Size and nature of claim, § 23:5

**PROXIES**

- Creditors' and equity security holders' committees, § 6:46, 6:56, 6:65
- Creditor's rights, generally, § 6:37
- Disclosure statements, proxy solicitation requirements inapplicable, § 27:4
- Indemnification of professionals, § 2:51
- Indenture trustees, § 6:71, 6:72
- Interested party, generally, § 6:87
- Liquidation, § 5:18
- Reorganization, § 5:34
- Reorganization plans, § 26:20
- Rules of Bankruptcy Procedure, § 4:107
- Trustee election, § 5:18, 5:34
- U. S. trustees, § 4:107
- Voluntary bankruptcy, § 8:3

**PUBLIC ACCESS**

- Creditors' meetings, press and public attendance at, § 10:16
- Papers filed in bankruptcy cases, generally, § 6:78
- Sovereign immunity as to access to papers, § 6:78

**PUBLIC AGENCY**

- Administrative Agencies (this index)

**PUBLIC ASSISTANCE**

**BENEFITS**

- Welfare Recipients (this index)



## INDEX

### PUBLICATION

- Automatic stay, public comment or statements regarding debtor, § 16:38
- Involuntary petition, § 9:47
- Motions, § 1:79
- Newspapers (this index)
- Notice by publication, § 1:83
- Proof of claim, § 22:56
- Use, sale, or lease of property, § 15:34
- Voluntary bankruptcy, § 8:36, 8:39

### PUBLIC CONVENIENCE AND NECESSITY

- Automatic stay, § 16:67

### PUBLIC FEE AWARDS

- Clerks, § 4:54

### PUBLIC HEALTH AND SAFETY

- Automatic stay, § 16:88 et seq.
- Property of estate, § 12:140, 12:141

### PUBLIC HOUSING

- Discriminatory treatment of debtor, § 6:28, 6:32

### PUBLIC INSPECTION

- Examination or Investigation (this index)

### PUBLIC INTEREST

- Property of estate, § 12:134, 12:135
- Railroad Reorganization (this index)
- Reorganization plans, § 26:1, 26:33 to 26:35

### PUBLIC OBLIGATIONS

- Securities (this index)

### PUBLIC OFFERING

- Taxation, § 3:52

### PUBLIC POLICY

- Ancillary and other cross-border cases under BAPCPA, § 33A:7
- Automatic stay, § 16:90
- Reorganization plans, mandatory provisions dealing with corporate governance, § 26:21

### PUBLIC RECORDS

- Creditors' meetings, filings, § 10:43
- Papers filed in bankruptcy cases, § 6:78
- Records and Reports (this index)

### PUBLIC RELATIONS

- Proof of claim, § 22:56

### PUBLIC RIGHTS-PRIVATE RIGHTS

- Jurisdictional questions, § 7:146

### PUBLIC UTILITIES

- Utilities (this index)

### PUBLIC WELFARE

- Welfare Recipients (this index)

### PUERTO RICO

- Opt-out provision, § 13:7

### PULLMAN ABSTENTION

- Generally, § 7:19

### PUNISHMENT

- Fines and Penalties (this index)
- Prisons and Prisoners (this index)
- Sanctions (this index)

### PUNITIVE DAMAGES

- Abstention, § 7:32
- Automatic stay, § 16:209 et seq.
- Avoidance, § 17:52, 17:53
- Fraudulent transfers and concealment of assets, § 19:100
- Involuntary case, § 9:35, 9:62

**PUNITIVE DAMAGES—Cont'd**  
Sovereign immunity not waived,  
§ 6:78

**PURCHASE-MONEY**

**SECURITY INTEREST**

Adequate protection, § 21:27  
Injunctions, § 7:168  
Nonpossessory, Nonpurchase-  
Money Security Interests  
(this index)  
Preferential transfers, exceptions  
to avoidability, § 18:74 to  
18:77  
Redemption, § 12:101  
Reorganization plans, classifica-  
tion of claims or interests,  
§ 26:39  
Use, sale, or lease of property,  
§ 15:25

**PURCHASER**

Sale or Transfer (this index)

**PUTS AND CALLS**

Commodity broker liquidation,  
§ 34:175

**QUALIFICATION OR  
ELIGIBILITY**

Ancillary and other cross-border  
cases, § 1:66  
Appeals, § 37:29  
Attorneys, § 7:80  
Creditors' committees, § 6:55  
Debtor, eligibility to be  
generally, § 1:40 to 1:66  
automatic stay exception based  
on ineligible filing,  
§ 16:111  
banks, § 1:43  
business trusts, § 1:48  
choice of chapter under which  
to file, § 1:67 to 1:72  
family farmer debt adjustment,  
§ 1:50 to 1:54

**QUALIFICATION OR**

**ELIGIBILITY—Cont'd**

Debtor, eligibility to be—Cont'd  
income tax return as measure of  
gross income, § 1:51  
individual debt adjustment,  
§ 1:55 to 1:65  
insurance companies, § 1:44  
liquidation, § 1:42 to 1:44  
municipal debt adjustment,  
§ 1:45  
ongoing business requirement,  
§ 1:49  
previous dismissal, effect of,  
§ 1:39  
small business Chapter 11  
cases, § 1:47  
Toibb v Radloff decision,  
§ 1:49  
Employment of professional  
persons, § 2:7  
Examiners, § 5:3 to 5:5  
Exemptions, § 13:37  
Individual debt adjustment, § 1:55  
to 1:65  
Involuntary bankruptcy, § 9:10 to  
9:34  
Judges (this index)  
Municipalities, specific authoriza-  
tion required to be Chapter 9  
debtor, § 1:45  
Prepetition credit counseling,  
§ 1:40  
Recusal of judges, § 4:30, 4:32  
Small business investment  
companies, ineligibility for  
Chapter 7, § 1:42  
Trustees (this index)

**QUANTUM MERUIT**

Compensation of trustee or  
examiner, § 5:106

**QUARTERLY FEES**

United States trustees, § 4:63,  
4:66, 4:67, 34:39

## INDEX

### QUESTIONS OF LAW AND

#### FACT

- Appeals, § 37:6, 37:21 to 37:23
- Discharge (this index)
- Exemptions, § 13:8, 13:79, 13:95, 13:161
- Impairment of claims or interests, reorganization plans, § 26:41
- Venue, § 7:183, 7:184

### QUICKIE REFUND

- Administrative expenses, § 34:29
- Allowance of claims or interest, § 24:64

### QUIET ENJOYMENT

- Executory contracts and unexpired leases, lessee's retention of quiet enjoyment rights after rejection by debtor-lessor, § 20:63

### QUITCLAIM DEED

- Automatic stay, § 16:64

### RACE DISCRIMINATION

- Trustee selection, § 5:10, 5:12

### RACKETEERING

- Crimes and offenses, § 12:150
- Professional persons, employment of, § 2:53

### RAILROAD

#### REORGANIZATION

- Abandonment of railroad line generally, § 1:134, 1:173, 26:34
- appeal, § 12:137
- cashlessness of railroad carrier, § 12:136
- employees, protection of, § 12:138
- plans, § 26:34
- Surface Transportation Board, § 1:134, 1:173, 12:135
- Administrative expenses, distribution, § 34:189

### RAILROAD

#### REORGANIZATION

##### —Cont'd

- Administrative Procedure Act, § 26:35
- Appeal, abandonment of railroad line, § 1:173, 12:137
- Bankruptcy Act of 1898, § 1:16
- Cashlessness of rail carrier, § 12:136
- Collective bargaining agreements, § 20:97
- Confirmation of plan, § 28:30, 28:31
- Continuation of rail service, specification in plan of extent of, § 26:33
- Conversion or dismissal, § 1:121, 26:33 to 26:35
- Costs and expenses, § 34:189
- Cram-down, § 7:168
- Creditors' meeting not convened, § 6:43
- Custodians, § 6:77
- Debtor in possession, § 5:112
- Distribution, § 34:188 to 34:190
- Employees, protection of, § 12:138
- Equipment. Rolling stock, below
- Executory contracts and unexpired leases, collective bargaining agreement, § 20:97
- Expenses, § 34:189
- Government agencies, § 6:85
- Hearing, generally, § 12:134, 12:135
- Injunctions, § 7:168
- Interested parties, § 6:85
- Intervention, § 1:95
- Involuntary bankruptcy, conversion or dismissal, § 26:33 to 26:35
- Judicial review, § 1:173, 12:137
- Labor protection benefits, § 12:138

## RAILROAD

### REORGANIZATION

#### —Cont'd

- Leases
  - executory labor contracts, § 20:97
  - loans distinguished, § 15:25
- Local regulation, Regional Rail Reorganization Act of 1973, § 15:17
- Meeting of creditors not convened, § 6:43
- Nonpurchase-money lenders
  - accorded protection, § 7:168
- Notice and hearing, generally, § 12:134, 12:135
- Officers and administration. Trustees, below
- Operation of debtor's business or affairs, generally, § 15:16, 15:17
- Petition, § 12:135
- Plan, formulation of, § 12:134
- Plans
  - generally, § 26:33 to 26:35
  - discretionary provisions, § 26:34
  - mandatory provisions, § 26:33
- Priority claims, § 12:138
- Public interest
  - generally, § 26:33 to 26:35
  - ICC representation of, § 12:134, 12:135
- Regional Rail Reorganization Act of 1973, § 15:17
- Rent. Leases, above
- Review, § 1:173, 12:137
- Right to be heard, § 12:134, 12:135
- Rolling stock
  - generally, § 15:26
  - injunctions, § 7:168
- Safe harbor definition of lease and security interest, § 7:168
- Sales of lines, § 26:34, 26:35

## RAILROAD

### REORGANIZATION

#### —Cont'd

- Six-months rule, distribution, § 34:190
- Stay, suspension of railroad lines, § 12:137
- Supersedeas bond, stay pending appeal, enforcement of order authorizing termination of service, § 12:137
- Surface Transportation Board
  - abandonment of railroad line, generally, § 1:134, 1:173, 12:135
  - plan transfers and operations requiring Board approval, § 26:35
  - rules, § 26:33, 26:35
- Termination of rail service, § 26:33
- Transportation Secretary,
  - abandonment of line, § 1:134
- Trustees
  - appointment of trustee, § 5:1, 5:24
  - operation of business, § 15:17
  - U. S. trustees, § 4:65, 4:95
  - U. S. trustees, § 4:65, 4:95
  - Use of property. Leases, above
  - Voluntary bankruptcy, § 8:87

## RAILROADS

- Annuities and pensions as exempt under federal nonbankruptcy law, § 13:116
- Debtor in possession, § 5:106, 5:112
- Executory contracts and unexpired leases, § 20:69, 20:97
- Notice and hearing, § 12:134, 12:135
- Railroad Reorganization (this index)
- Use of equipment subject to finance agreements, § 15:26

## INDEX

### **RAIL SAFETY ENFORCEMENT AND REVIEW ACT**

Airport leases, § 20:27, 20:51

### **RAILWAY LABOR ACT**

Executory contracts, § 20:97

### **RANCHES**

Adequate protection, § 21:55

### **RATES AND CHARGES**

Fees and Charges (this index)

### **RATIFICATION**

Correlative topic. Consent or  
Approval (this index)

Voluntary petitions on behalf of  
corporation, § 8:10

### **RAW MATERIALS**

Size and nature of claim, § 23:35

### **REAFFIRMATION OF DEBTS**

Generally, § 35:236 et seq.

Agreements, enforceability of,  
§ 35:237

Allowed claim for purchase price  
secured by personalty, § 6:18

Approval, § 35:239, 35:240

Attorneys, § 1:168

Automatic stay, § 16:133

Best interests of debtor standard,  
§ 35:240

Court approval, § 35:239, 35:240

Discharge, generally, § 1:168

Discriminatory treatment of  
debtor, § 6:28

Enforceability of agreements,  
§ 35:237

Exemptions, § 13:121

Hearings, § 35:241, 35:242

Informing debtor of rights,  
§ 35:242

Preferential transfers, effect of  
other Code provisions,  
§ 18:35

Redemption, § 12:97, 12:109

Truth in Lending Act, § 35:243

### **REAFFIRMATION OF DEBTS**

#### **—Cont'd**

Validity of agreements, § 35:237

Voluntariness, § 35:238

### **REAL ESTATE**

Real Property (this index)

### **REAL ESTATE AGENTS AND BROKERS**

Assumption of executory contract  
for broker's commission,  
§ 20:3

Commissions, after-acquired prop-  
erty, § 12:63

Executory contracts and unexpired  
leases, § 20:3

Exemptions for motor vehicles,  
§ 13:73

Professional persons, real estate  
brokers as, generally, § 2:21

Size and nature of claim, § 23:10

Use, sale, or lease of property,  
§ 15:30

### **REAL ESTATE COMMISSIONS**

After-acquired property, § 12:63

### **REAL ESTATE INVESTMENT TRUSTS**

Tax treatment of discharge, § 3:18

### **REAL PARTY IN INTEREST**

Interested Persons or Parties (this  
index)

### **REAL PROPERTY**

Agents and brokers. Real Estate  
Agents and Brokers (this  
index)

Avoidance, bona fide purchasers,  
§ 17:28 to 17:30, 17:48

Change of venue, real estate value,  
§ 7:196

Closing and reopening cases,  
§ 36:23

**REAL PROPERTY—Cont'd**

- Executory Contracts and  
Unexpired Leases (this  
index)
- Foreclosure (this index)
- Land trusts, eligibility for bank-  
ruptcy, § **1:38**
- Leases (this index)
- Liens and Encumbrances (this  
index)
- Liquidation (this index)
- Mortgages and Deeds of Trust  
(this index)
- Property Taxes (this index)
- Taxation
  - Property Taxes (this index)
  - treatment of discharge, § **3:18**
- Time Share Interests (this index)
- Voluntary bankruptcy, § **8:66**

**REAPPOINTMENT**

- Judges, § **4:15**

**REASONABLY EQUIVALENT  
VALUE**

- Fraudulent transfers, § **19:31 to  
19:55**

**REBATES**

- Discounts (this index)

**REBUTTAL**

- Presumption of abuse under  
Chapter 7 means test, § **11:31**
- Proof of claim, § **22:12, 22:54**

**RECALL TO SERVICE**

- Bankruptcy judge, § **1:17, 4:19**

**RECAPITALIZATION**

- Tax-free corporate reorganiza-  
tions, § **3:45**

**RECAPTURE**

- Separate taxable bankruptcy  
estate, § **3:31**
- Tax treatment of discharge, § **3:25,  
3:26**

**RECEIPT AND  
DISBURSEMENTS  
STATEMENTS**

- Taxation, § **3:68**

**RECEIPTS**

- Gross Receipts Tax (this index)
- Proof of claim, § **22:11**
- Turnover of property, § **14:22**

**RECEIVABLES**

- Accounts Receivable (this index)

**RECEIVERS**

- Allowance of Claims or Interests  
(this index)
- Alternatives to bankruptcy, § **1:33**
- Appointment of receiver, jurisdic-  
tion, § **7:181**
- Automatic stay, § **16:100**
- Compensation, § **2:60, 14:74**
- Crimes and offenses, § **12:149**
- Custodians, § **6:75, 6:76**
- Involuntary petitions, § **9:13**
- Judicial Code (28 USCA), § **1:17**
- Jurisdiction to appoint, § **7:181**
- Voluntary bankruptcy, § **8:9, 8:29**

**RECEIVING CONSIDERATION  
STANDARD**

- Automatic stay, § **16:191**

**RECLAMATION**

- Administrative expense claim or  
lien granted as alternative,  
§ **17:84**
- Adversary proceeding, form of  
action as, § **17:87**
- Automatic stay, § **16:66**
- Burden of proof, § **17:89**
- Customers holding customer name  
securities in stockbroker  
liquidation cases, § **17:86**
- Date. Time or date, below
- Demand, § **17:74, 17:78 to 17:80**
- Determination of insolvency,  
§ **17:77**

## INDEX

### RECLAMATION—Cont'd

- Exclusiveness of Bankruptcy Code remedy, § 17:75
- Good faith purchaser's superior rights, § 17:82, 17:83
- Grain producers and fishermen, § 17:85
- Jurisdiction, § 7:76, 7:109
- Place to file pleadings and other papers, § 17:90
- Property subject to reclamation, § 17:81
- Secured creditor, § 17:83
- Seller of goods, § 17:74 to 17:84
- Stockbroker liquidation, § 17:86
- Sufficiency of demand, § 17:80
- Time or date
  - demand, § 17:78, 17:79
  - superior rights of good-faith purchaser, § 17:82
- Uniform Commercial Code remedy, relation to, § 17:76
- Venue, § 17:88

### RECOGNITION

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

### RECOMMENDATION

- Abstention, § 7:20 to 7:22

### RECONSIDERATION OF CLAIMS

- Allowance of Claims or Interests (this index)

### RECONVERSION

- Turnover of property, § 14:27
- Voluntary bankruptcy, § 8:81

### RECORD AND TAPE RECORDINGS

- Sound Recordings (this index)

### RECORDS AND REPORTS

- Abstention, reports of bankruptcy judge, § 7:20 to 7:22

### RECORDS AND REPORTS

#### —Cont'd

- Allowance of Claims or Interests (this index)
- Appeals (this index)
- Automatic stay, § 16:40, 16:67, 16:70, 16:73
- Avoidance by trustee of
  - unrecorded or improperly recorded interest, § 17:29, 17:30
- Books and Papers (this index)
- Briefs (this index)
- Clerk of court, § 4:51 to 4:55
- Closing and reopening cases, § 36:4
- Commodity broker liquidation, § 34:169
- Compensation, § 2:96, 2:120
- Debtor discharge denials
  - generally, § 35:13 et seq.
  - justification for failure to keep or preserve, § 35:16, 35:17
  - sufficiency of records, § 35:14, 35:15
  - third parties, records kept by, § 35:15
- Debtor in possession, § 5:112, 5:114
- Disclosure statements, § 27:4
- Distribution (this index)
- Documentation (this index)
- Educational IRA or tuition program, interest in, § 6:20
- Family Farmer or Fisher Debt Adjustment Plans (this index)
- Filing (this index)
- Final Report (this index)
- Fraudulent transfers, evidence of insolvency, § 19:61
- Homestead exemption, § 13:59
- Investigation of debtor's financial affairs, inspection of report of, § 24:11

## RECORDS AND REPORTS

### —Cont'd

Investigations. Examinations or investigations, above  
 Judges, proceedings on complaints against, § **4:13**  
 Justification for debtor's failure to keep or preserve, § **35:16, 35:17**  
 Liquidation (this index)  
 Minutes of Meeting (this index)  
 Municipal Debt Adjustment (this index)  
 Operation of business, § **15:4, 15:13, 15:19**  
 Patient care ombudsman, § **6:94**  
 Preferences, perfection of real property transfer, § **18:104**  
 Privacy considerations, § **1:78**  
 Property of estate, § **12:155 to 12:160**  
 Protective Orders (this index)  
 Registration (this index)  
 Reorganization Plans (this index)  
 Reorganization (this index)  
 Rules of Bankruptcy Procedure (this index)  
 Searches of records, clerk of court, § **4:51**  
 Small business debtors, reporting requirements of, § **6:25**  
 Sound Recordings (this index)  
 Sovereign immunity as to access to papers, § **6:78**  
 Sufficiency of debtor's records, § **35:14, 35:15**  
 Taxation, § **3:68, 3:70**  
 Third parties, records of debtor kept by, § **35:15**  
 Transcripts (this index)  
 Transmission of record, appeals, § **37:61, 37:62**  
 Trustees (this index)  
 Turnover of Property (this index)

## RECORDS AND REPORTS

### —Cont'd

U. S. trustees, § **4:69, 4:100 to 4:102, 4:106, 4:107**

## RECOUPMENT

Automatic stay, § **16:14, 16:20, 16:34, 16:41**  
 Family farmer debt adjustment plans, § **33:34**  
 Setoff distinguished, § **25:6**

## RECOVERY OF PROPERTY OR FUNDS

Allowance of Claims or Interests (this index)

## RECREATION

Individual debt adjustment plans, confirmation, § **31:52**

## RECUSAL OF JUDGES

Generally, § **4:30, 4:32**

## REDACTION

Privacy considerations, § **1:78**

## REDEMPTION

Generally, § **1:137, 12:96 to 12:115**  
 Abandoned property, § **12:102, 12:103**  
 Adequate protection, § **12:109**  
 Allowance of claims or interest, § **24:5**  
 Allowed claim for purchase price secured by personalty, § **6:18**  
 Allowed secured claim, payment to redeem tangible personal property, § **12:104**  
 Amount necessary for redemption, § **12:104 to 12:108**  
 Artificial increase of redemption price, payment on collateral greater than agreed in repurchase agreement, § **12:108**  
 Automatic stay, § **12:111, 16:133**



## INDEX

### REDEMPTION—Cont'd

Closing or reopening of case, time of redemption, § 12:110, 12:111  
Collateral, § 12:96, 12:97, 12:104 to 12:108  
Consumer debt secured by property of estate, intent to redeem, § 12:114  
Contested matter, filing of motion, § 12:112  
Conversion or dismissal, § 12:109 to 12:111  
Currency of payments due, effect, § 12:111  
Debtor in possession, exercise of right of redemption, § 12:98  
Debtors' rights, generally, § 6:12  
Discharge of indebtedness, § 12:101, 12:111  
Equity interest in property, exemptions, § 12:103  
Exemptions, § 1:137, 12:102, 12:103  
Expiration, automatic stay, § 12:111  
Fair market value of collateral, § 12:97, 12:104, 12:106, 12:107  
Family farmer debt adjustment plans, § 33:13, 33:20, 33:36  
Fees and costs as component of redemption price, § 12:105  
Filing, motion, § 12:112  
First refusal, right of, § 12:96  
Foreclosure sales, fraudulent transfers, § 19:11  
Fraudulent transfers, § 19:11, 19:74  
Fresh start, redemption as facilitating, § 12:96  
Installment redemption payments, § 12:97, 12:109  
Intent, statement of, § 12:110, 12:111, 12:114

### REDEMPTION—Cont'd

Interest, payment to oversecured creditor for redemption of collateral, § 12:105  
Limited equity in property, effect, § 12:103  
Liquidation cases, generally, § 12:98  
Lump sum or installment payments, § 12:97, 12:109  
Method of redemption, § 12:109  
Motions, § 12:112  
Nonpurchase-money security interests, § 12:101  
Notice, motion to redeem property, § 12:113  
Order of court, right to redeem, § 12:98  
Oversecured creditors, redemption of collateral from, § 12:105  
Parties eligible to exercise right of redemption, § 12:98  
Personal, family or household use requirement, § 12:100, 12:101  
Practice and procedure, § 12:112 to 12:115  
Preferences, payments in ordinary course of business as exception to avoidability, § 18:68  
Purchase-money security interests, § 12:101  
Reaffirmation, § 12:97, 12:109  
Reorganization plans, sale of property free and clear of liens, § 26:13  
Repossession of collateral, redemption as preventing, § 12:96  
Repurchase agreement, amount required to redeem property, § 12:108  
Retail value of collateral, payment for redemption, § 12:106  
Right of first refusal, § 12:96

**REDEMPTION—Cont'd**

- Rules of Bankruptcy Procedure, § 1:137, 12:98, 12:112
- Size and nature of claim, § 23:11, 23:27, 23:28
- Sovereign immunity abrogated, § 6:78
- Statement of intent, § 12:110, 12:111, 12:114
- Tangible personal property as redeemable, § 12:99 to 12:103, 12:107
- Time
  - closing or reopening of case, § 12:110
  - conversion or dismissal of case, § 12:110
  - discharge of case, § 12:111
  - statement of intent to redeem, filing, § 12:110, 12:111, 12:114
  - valuation of collateral, § 12:107
- Undersecured creditor, price of redemption from, § 12:106, 12:107
- Valuation, § 12:107
- Waiver, debtor's right of redemption, § 12:115
- Wholesale value of collateral, payment for redemption, § 12:106

**REDETERMINATION**

- Taxation, § 3:77

**REDUCTION**

- Basis. Tax Treatment of Discharge (this index)
- Carryover or Carryback (this index)
- Compensation, § 2:89 to 2:100
- Liquidation (this index)
- Taxation (this index)

**REDUCTION OF TIME**

- Reorganization plans
  - exclusivity period for debtor's filing, § 26:62

**REDUCTION OF TIME—Cont'd**

- Reorganization plans—Cont'd
  - small business reorganization, change in time for filing plan, § 26:56

**REFERENCE OF CASES**

- Generally, § 7:11, 7:16, 7:34 to 7:55
- Abstention, § 7:48
- Amendment of pleadings, § 7:40
- Appeal, § 7:40, 7:45 to 7:50
- Appearance by foreign representative, § 7:55
- Appellate panel, § 7:50
- Article I judges, § 7:44
- Automatic stay, § 7:39, 7:43
- Bankruptcy Act of 1898, § 1:16
- Change of venue, § 7:48
- Civil rights disputes, § 7:42
- Clearly erroneous standard, § 7:50
- Clerk of court, motions for withdrawal, § 7:36
- Comprehensive Environmental Response, Compensation, and Liability Act, § 7:43
- Consent of parties, § 7:47, 7:48, 7:50, 7:52
- Consolidation of adversary proceedings, § 7:41
- Constitutional law, § 7:146
- Core proceedings, § 7:5, 7:40, 7:47, 7:48
- Counterclaims, § 7:51
- Debtor in possession, § 7:51
- De novo review, § 7:40, 7:48 to 7:50
- Disclosure statements, § 7:37
- Discretionary withdrawal, § 7:41
- Dismissal, § 7:48, 7:55
- Environmental laws, § 7:43
- ERISA, § 7:43
- Examples, § 7:52
- Final determination by bankruptcy judge, § 7:50 to 7:52

## INDEX

### REFERENCE OF CASES

#### —Cont'd

Findings of fact, § 7:48 to 7:50  
Foreign representative, appearance, § 7:55  
Fraudulent conveyances, § 7:41, 7:43  
Hearing and determination, generally, § 7:44 to 7:55  
Implied consent, § 7:50  
Jurisdiction, generally, § 7:4, 7:5, 7:34 to 7:43  
Jury trial, § 7:53  
Labor disputes, § 7:42  
Mandatory withdrawal, § 7:42  
Modification of stay, § 7:39  
Municipal debt adjustment, § 7:54  
Northern Pipeline case, § 7:48, 7:51  
Objection to final determination by bankruptcy judge, § 7:51  
Own motion of court, § 7:35, 7:38, 7:50, 7:52  
Partial withdrawal of reference, § 7:35  
Parties, § 7:42  
Pension laws, § 7:43  
Personal injury and wrongful death actions, § 7:45, 7:53  
Pleadings, § 7:40, 7:51  
Presumptions, § 7:41  
Reorganization, § 7:37, 7:46, 7:53  
Securities laws, § 7:42, 7:43  
Service of proposed findings of fact, § 7:49  
Standing orders of reference, § 7:34  
Stays, § 7:38  
Timeliness of motion, § 7:37, 7:38  
Torts, § 7:45  
Transcript request, § 7:49  
Venue, § 7:48, 7:53  
Withdrawal of reference  
generally, § 7:4  
mandatory withdrawal, § 7:42

### REFERENCE OF CASES

#### —Cont'd

Withdrawal of reference—Cont'd  
partial withdrawal of reference, § 7:35

### REFINANCING

Renewal or Refinancing (this index)

### REFORMATION

Reorganization plan, settlement agreement which became basis for, § 26:26

### REFUND

Confidentiality of returns, § 3:72  
Discounts (this index)  
Distribution  
erroneous refund or credit of tax as affecting status for purpose or priorities, § 34:80  
quickie refund, effect on priorities of tax liabilities, § 34:29  
Extension of payment time, § 3:84  
Filing returns, § 3:71  
Judicial determination of tax liability, § 3:74  
Property of estate, refund as, § 3:73, 12:82  
Quickie Refund (this index)  
State and local taxes, § 3:28  
Tax refunds. See lines throughout this topic

### REFUSAL TO TESTIFY

Discharge (this index)

### REGIONAL RAIL

#### REORGANIZATION ACT OF 1973

Operation of business, § 15:17

### REGISTER OF CLAIMS

Proof of claim, § 22:36

## REGISTRATION

- Clerk of court, § 4:47, 4:52
- Judgment registration, Federal Debt Collection Procedures Act, § 1:34
- Loans or credit, securities registration, § 15:75

## REGULARITY OF INCOME REQUIREMENT

- Individual debt adjustment, § 1:58

## REHABILITATION

- See more specific topics
- Chapter 11 debtor discharges
  - generally, § 35:38
  - individual debtors, § 35:39
- Chapter 12 debtor discharges
  - generally, § 35:40
  - hardship, § 35:41
- Chapter 13 debtor discharges
  - generally, § 35:40
  - hardship, § 35:41

## REHEARING

- Bankruptcy Appellate Panels and district courts, § 37:74
- Individual debt adjustment plans, confirmation, § 31:59

## REIMBURSEMENT

- Allowance of claims or interests, generally, § 24:105
- Computerized legal research, § 2:87
- Creditors' and equity security holders' committees, § 6:44, 6:52
- Deficient fee application or supporting documentation, § 2:96
- Delivery services, § 2:84
- Denial, reduction, or return, generally, § 2:89 to 2:100
- Disclosure of conflict of interest, § 2:92

## REIMBURSEMENT—Cont'd

- Disinterestedness requirement, § 2:91, 2:92
- Duplication of services, § 2:95
- Employment of professional persons, § 2:1
- Evidence, § 2:109, 2:110
- Fraudulent transfers, reimbursement of back-due salary and expenses, § 19:73
- Government agencies, § 6:85
- Indenture trustees, § 6:71
- Interest, § 2:88
- Interim reimbursement
  - generally, § 2:101 to 2:105
  - holdback of portion of reimbursement, § 2:103
  - monthly reimbursement, § 2:104
  - superpriority, § 2:105
- Lodging, § 2:85
- Mail and mailing services, § 2:84
- Meal expenses, § 2:85
- Monthly reimbursement, § 2:104
- Motion, Application, or Request (this index)
- Nonprofessional services, § 2:93, 2:94
- Notice and hearing, § 2:83
- Photocopying, § 2:84
- Preferential transfer in reimbursement of surety, § 18:98
- Prior employment order, § 2:90
- Professional persons, generally, § 1:107, 2:83 to 2:88
- Proof of claim, § 22:18
- Reorganization, § 6:52
- Secretarial overtime, § 2:86
- Securities and Exchange Commission, § 6:86
- Size and nature of claim, § 23:23
- Standing Trustees (this index)
- Superpriority, § 2:105
- Surety, preferential transfer in reimbursement of, § 18:98

## INDEX

### REIMBURSEMENT—Cont'd

- Taxation, § 3:28
- Telephone charges, § 2:84
- Travel expenses, § 2:85
- Trustees and examiners, § 2:94, 5:87, 5:88
- U. S. trustees, § 4:90, 4:101, 4:103
- Voluntary bankruptcy, § 8:82
- Word processing charges, § 2:86

### REINSTATEMENT

- Conversion or dismissal, § 11:96
- Executory contracts and unexpired leases, § 20:11
- Family Farmer or Fisher Debt Adjustment (this index)
- Fraudulent transfers, § 19:20
- Operation of business, § 15:19
- Reaffirmation of Debts (this index)
- Reorganization plans, curing or waiving default, § 26:16, 26:43, 26:45

### REINVESTMENT

- Homestead exemption, § 13:63

### REJECTION

- Correlative topic. Acceptance (this index)
- Allowance of Claims or Interests (this index)
- Contracts and Agreements (this index)
- Executory Contracts and Unexpired Leases (this index)
- Family Farmer or Fisher Debt Adjustment (this index)
- Individual Debt Adjustment Plans (this index)
- Powers of rejection and setoff exercises, § 25:24
- Reorganization Plans (this index)

### RELATED PROCEEDINGS

- Generally, § 7:48

### RELATION BACK

- Amendment to proof of claim, § 22:40
- Executory contracts and unexpired leases, § 20:58

### RELATIVES

- Family or Relatives (this index)

### RELEASE

- Discharge or Release (this index)

### RELIEF FROM STAY

- Automatic Stay (this index)

### RELIGION

- Discrimination in trustee selection, § 5:10, 5:12
- Fraudulent transfers, contributions as, § 19:88
- Individual debt adjustment plans, confirmation of, § 31:54

### REMAINDERS

- Property of estate, § 12:78

### REMAND

- Bifurcated trial, § 7:126
- Clerk of court, § 7:124
- Comity, § 7:126
- Core proceedings, § 7:65
- De novo review, § 7:125
- Forum non conveniens, § 7:126
- Judicial economy, § 7:126
- Jurisdiction, generally, § 7:75, 7:123 to 7:127

### REMOVAL

- Allowance of hazardous waste removal claims, § 24:61
- Cases. Removal or Transfer of Cases (this index)
- Debtor. Apprehension and Removal of Debtor (this index)
- Deputy clerks, § 4:42

**REMOVAL—Cont'd**

Judges, § 4:29  
Officers. Removal from Office  
(this index)  
United States Trustees (this index)

**REMOVAL FROM OFFICE**

Bankruptcy judges, § 7:130  
Debtor in possession, family  
farmer debt adjustment,  
§ 5:115  
Examiner, § 5:79 to 5:82  
Trustees (this index)  
United States Trustees (this index)

**REMOVAL OF PROPERTY**

Discharge of debtor denied on  
grounds of, § 35:8 et seq.

**REMOVAL OR TRANSFER OF  
CASES**

Generally, § 7:111 to 7:122  
Appeals (this index)  
Attachment or garnishment,  
§ 7:121  
Bonds and undertakings, § 7:113,  
7:121, 7:122  
Change of Venue (this index)  
Clerks, § 4:51, 7:114, 7:116  
Consent of parties, § 7:111  
Continued effect of security and  
pre-removal injunctions,  
orders, and other proceed-  
ings, § 7:121  
Core proceedings, § 7:65, 7:81  
Filing in nonbankruptcy court,  
§ 7:114  
Injunctions, § 7:121, 16:220  
Judges, § 4:18  
Multiple defendants, § 7:116  
Notice of removal, § 7:112 to  
7:114  
Operation of business, § 15:19  
Pending actions, § 7:115  
Pleadings, § 7:119  
Pre-removal injunctions, § 7:121

**REMOVAL OR TRANSFER OF  
CASES—Cont'd**

Process and service, § 7:119  
Record, § 7:120  
Referral of removed claim to  
bankruptcy judge, § 7:118  
Rules of Bankruptcy Procedure,  
§ 7:111 et seq.  
Sequestration, § 7:121  
Service of process, § 7:119  
Voluntary bankruptcy, § 8:44,  
8:52  
Withdrawal of reference, § 7:4,  
7:35, 7:42

**RENDITION**

Entry of Judgment or Order (this  
index)

**RENEWAL OR REFINANCING**

Allowance of claims or interest,  
§ 24:40  
Automatic stay, § 16:25, 16:61,  
16:69  
Discriminatory treatment of  
debtor, § 6:28, 6:32  
Executory contracts and unexpired  
leases, § 20:15  
Exemptions, avoidance of liens,  
§ 13:152  
Fraudulent transfers and conceal-  
ment of assets, § 19:21  
Reaffirmation of Debts (this  
index)

**RENOTICING**

Property of estate, § 12:130

**RENOVATION**

Adequate protection, § 21:63

**RENTAL OF PROPERTY**

Leases (this index)

**RENTAL VALUE APPROACH**

Family farmer debt adjustment  
plans, § 33:39

## INDEX

### RENTS AND PROFITS

- Adequate protection, family farmer debt adjustment, § 21:31
- Avoidance, § 17:34, 17:38, 17:58
- Custodians, § 6:76
- Distress for rent, avoidance of lien of, § 17:34, 17:38
- Executory Contracts and Unexpired Leases (this index)
- Family farmer debt adjustment, § 21:31
- Security interest in postpetition rents and lodging payments, § 15:24
- Statutory liens for distress of rent, avoidance of, § 17:34, 17:38
- Use, sale, or lease of property, § 15:24

### REOPENING

- Cases. Closing and Reopening Cases (this index)

### REORGANIZATION

- Generally, § 1:41, 1:42, 1:70
- Abandonment of Property (this index)
- Acceptance. Reorganization Plans (this index)
- Acquisition of substantially all assets and continuity of interest requirements, § 3:48
- Adequate protection
  - generally, § 21:26, 21:27
  - additional or replacement lien, § 21:55
  - agreements, § 21:70
  - balancing creditor's and debtor's interests, § 21:5
  - cash payment or periodic cash payments, § 21:50, 21:51
  - guarantees, § 21:60
  - interest in property, § 21:14

### REORGANIZATION—Cont'd

- Adequate protection—Cont'd
  - preservation of status quo, § 21:3
  - prospects for reorganization, § 21:34
  - time to raise adequate protection issue, § 21:68
  - transportation equipment, § 21:27
- Administrative expenses
  - allowance of claims or interests. Reorganization Plans (this index)
  - plans. Reorganization Plans (this index)
  - priority claims in railroad reorganization, § 34:189
- Administrative expenses of creditors, § 6:42
- Adverse interests, employment of professional persons, § 2:29, 2:35, 2:41
- After-acquired property, § 12:60
- Agents. Employment of professional persons and agents, below
- Aircraft equipment and vessels generally, § 15:25
- Allowance of claims or interests. Reorganization Plans (this index)
- Alteration. Change or modification, below
- Appeal and review generally, § 37:7
  - plans. Reorganization Plans (this index)
- Applications. Motion, application, or request, below
- Appointment
  - creditors' and equity security holders' committees, § 1:94, 4:96, 5:32, 5:39, 6:54, 6:55, 6:57, 6:68

**REORGANIZATION—Cont'd**

Appointment—Cont'd

trustee or examiner. Appointment of trustee or examiner, below

Appointment of trustee or examiner

generally, § 4:85, 4:95, 4:96, 5:1, 5:23 to 5:32, 5:74

cause, appointment for, § 5:29 to 5:31

equity security holders, appointment in interest of, § 5:32, 5:39

involuntary cases, § 5:1

large debts exceeding five million, § 5:40

motion, § 1:93

notice and hearing, § 5:26

presumptions and burden of proof, § 5:27

railroad reorganization, § 5:1, 5:24

termination of appointment, § 5:85

Approval. Order or approval of court, below

Assets. Property or assets, below

Assumption or rejection of executory contracts by trustee, § 20:15, 20:29, 20:56, 20:57

Attorneys

employment, approval of, § 1:105

fees, § 1:106

Attorneys' fees, generally, § 1:106

Automatic stay

equity, § 16:174 to 16:188

evidence, § 16:176 to 16:178, 16:181

exception from automatic stay provisions, § 16:122 to 16:125

foreclosure, § 16:124, 16:125

liquidation, § 16:185, 16:186

**REORGANIZATION—Cont'd**

Automatic stay—Cont'd

maritime foreclosure actions, § 16:124, 16:125

residence of debtor, § 16:168

speculative evidence, § 16:177

transportation equipment, § 16:122, 16:123

Aviation

aircraft equipment and vessels, above

trustee's powers, § 17:8, 17:9

Bad faith. Good faith, below

Bankruptcy Act of 1898, § 1:16

Banks (this index)

Bildisco case, collective bargaining agreements, § 20:102

Boot received, tax-free corporate reorganizations, § 3:49

Burden of proof. Presumptions and burden of proof, below

Business trusts, eligibility to file bankruptcy, § 1:48

Carriers. Aircraft equipment and vessels, above

Carryover or carryback, § 3:50, 3:52, 3:58

Cause, appointment of trustee for, § 5:29 to 5:31

Change or modification

creditors' and equity security holders' committees, § 6:59

Executory Contracts and Unexpired Leases (this index)

operation of debtor's business, § 15:15

Reorganization Plans (this index)

Chapter 7. Liquidation, below

Chapter 9 plans, § 32:21 to 32:24

Chart for conversion, § 11:8

Checklists (this index)



## INDEX

### REORGANIZATION—Cont'd

- Claims and interests
  - allowance of claims or interests.
    - Reorganization Plans (this index)
  - priority claims, generally, § 34:185, 34:189
  - proof of claim, below
  - Reorganization Plans (this index)
  - secured claims, below
  - size and nature of claim, below
  - undersecured claims, election to have treated as secured, § 28:23, 28:36
- Clerk of court, generally, § 4:47
- Closing and reopening cases, § 36:1, 36:4, 36:6
- Collective bargaining agreements, generally, § 5:73, 26:39
- Committees. Creditors' and equity security holders' committees, below
- Compensation
  - generally, § 5:87, 5:91 to 5:95, 5:101
  - attorneys' fees, generally, § 1:106
  - creditors' and equity security holders' committees, § 6:52
  - professional persons or agents employed by committee, generally, § 2:58
  - trustees or examiners, § 5:87, 5:91 to 5:95, 5:101
- Compromise and settlement, § 1:156
- Confidential information, tax returns, § 3:6, 3:72
- Confirmation of plan. Reorganization Plans (this index)
- Conflicts of interest, employment of professional persons, § 2:29, 2:35, 2:41

### REORGANIZATION—Cont'd

- Consent or approval. Order or approval of court, below
- Contracts and agreements
  - Executory Contracts and Unexpired Leases (this index)
  - Reorganization Plans (this index)
- Conversion or dismissal
  - generally, § 1:120 to 1:123, 1:129, 4:97, 11:48 to 11:59
  - Chapter 7, conversion to or dismissal for cause, § 11:49, 11:50
  - Chapter 12, conversion, § 11:58, 11:61, 11:76
  - Chapter 13, conversion to, § 11:59
  - chart for conversion, § 11:8
  - death or incompetency of debtor, § 6:10
  - debtor's right to, § 11:48
  - eleemosynary institution as debtor, § 11:56
  - factors affecting choice of, § 11:51 to 11:57
  - family farmer or fisher debt adjustment, conversion to, § 11:58
  - farmer as debtor, § 11:57
  - good faith, § 11:53
  - grounds for, § 11:50
  - illustrations, § 11:52
  - individual debt adjustment, conversion to, § 11:59
  - notice and hearing, § 11:55
  - prior conversion or dismissal, § 1:39
  - standing, § 11:54
  - sua sponte motions, § 11:54
- Core proceedings, § 7:59, 7:74, 7:104

**REORGANIZATION—Cont'd**

Corporations  
     directors. Reorganization Plans (this index)  
     eligibility to be debtor, § **1:47 to 1:49**  
     tax-free corporate reorganizations, below  
     venue, § **7:184**  
 Costs. Expenses, below  
 Credit  
     generally, § **15:68**  
     interest on money. Reorganization Plans (this index)  
     mortgages, below  
     special administrative priority credit or credit secured by first or junior liens, § **15:70**  
 Creditors' and equity security holders' committees  
     generally, § **6:54 to 6:59, 6:67 to 6:70**  
     administrative expense treatment for members' expenses, § **34:38**  
     appointment, § **1:94, 4:96, 5:32, 5:39, 6:54, 6:55, 6:57, 6:68**  
     avoidance powers, exercise of, § **17:9**  
     employment of professional persons or other agents, § **2:14, 2:33**  
     involuntary bankruptcy, § **9:79**  
     postconfirmation committee, § **6:57**  
     prepetition committee, § **6:54, 6:56**  
     Reorganization Plans (this index)  
     small business reorganization, order that no committee be appointed, § **6:54**  
 Cure of defaults. Reorganization Plans (this index)  
 Date. Time or date, below

**REORGANIZATION—Cont'd**

Death or incompetency of debtor, § **6:10**  
 Debtor, discharge of, § **35:7**  
 Debtor in Possession (this index)  
 Debtor not in possession, § **2:11**  
 Debtors' rights, generally, § **6:13**  
 Debtor's right to conversion or dismissal, § **11:48**  
 Decrees. Judgments and decrees, below  
 Delay, exclusivity period, § **26:54, 26:60 to 26:62**  
 Directors and officers. Reorganization Plans (this index)  
 Discharge of debt  
     generally, § **35:68**  
     individual and corporate debtors, § **35:69**  
 Discharge of indebtedness  
     generally, § **1:164 to 1:167**  
     Reorganization Plans (this index)  
 Discharge revocation, § **35:62**  
 Disclosure of information  
     generally, § **1:157**  
     confidential information, tax returns, § **3:6, 3:72**  
     Reorganization Plans (this index)  
 Disclosure statements, § **1:157, 6:86**  
 Discontinuance of debtor's business, § **15:15**  
 Dismissal. Conversion or dismissal, above  
 Distribution  
     administrative expenses, § **34:38, 34:189**  
     conditions to participation, § **34:186**  
     priority claims, § **34:185**  
     railroad reorganization, § **34:188 to 34:190**  
     unclaimed property, § **34:186**

## INDEX

### REORGANIZATION—Cont'd

- Domicile, automatic stay,  
§ 16:183
- Dual representation, § 2:37
- Election of trustee
  - disputed election, resolution of,  
§ 5:36
  - manner of election, § 5:34
  - notice, § 5:34
  - report of undisputed election,  
§ 5:35
  - request for election, § 5:33
- Elections
  - fully secured status, § 1:159,  
23:2, 23:38, 27:28, 28:23,  
28:36
  - Reorganization Plans (this  
index)
  - trustee. Election of trustee,  
above
- Eleemosynary institution as  
debtor, § 11:56
- Eligibility to be debtor, § 1:47 to  
1:49
- Employment of professional  
persons and agents
  - adverse interests, § 2:29, 2:35,  
2:41
  - application for order of employ-  
ment, § 2:23
  - approval, § 1:105
  - attorneys, generally, § 1:105
  - compensation, above
  - court determination, § 2:25
  - creditors and equity security  
holders, § 2:14, 2:33
  - debtor, § 2:39
  - debtor in possession, § 2:110
  - debtor not in possession, § 2:11
  - dual representation, § 2:37
  - examiners, § 2:15
  - notice and hearing for  
reimbursement, § 2:83
  - prior or current representation  
precluding employment,  
§ 2:36, 2:38

### REORGANIZATION—Cont'd

- Employment of professional  
persons and agents—Cont'd
- Railroad Reorganization (this  
index)
  - salaried employees, § 2:5
  - services by members and  
associates, § 2:26
  - simultaneous representation,  
§ 2:40
  - specialized services, § 2:21
- Equity, automatic stay, § 16:174  
to 16:188
- Equity security holders
  - appointment of examiner,  
§ 5:39
  - appointment of trustee, § 5:32
  - creditors' and equity security  
holders' committees, above
- Estate, applicability of general  
definition, § 12:4
- Estoppel. Reorganization Plans  
(this index)
- Evidence and proof
  - automatic stay, § 16:176 to  
16:178, 16:181
  - presumptions and burden of  
proof, below
- Examiners
  - generally. Trustees or examin-  
ers, below
  - appointment. Appointment of  
trustee or examiner, above
- Exceptions. Objections and excep-  
tions, below
- Execution. Distribution, above
- Executory Contracts and  
Unexpired Leases (this  
index)
- Exemptions, § 13:23, 13:39
- Expenses
  - administrative expenses, above
  - creditors' and equity security  
holders' committees,  
§ 6:52

**REORGANIZATION—Cont'd**

Expenses—Cont'd  
     fees or charges of attorney,  
         § **1:106**

Extension of time. Reorganization  
     Plans (this index)

Factors affecting choice of conver-  
     sion or dismissal, § **11:51 to**  
         **11:57**

Farmer as debtor, § **11:57**

Fees or charges, attorneys' fees,  
     § **1:106**

Fiduciary duties, trustees and  
     debtors in possession,  
     § **15:13**

Filing  
     collective bargaining agree-  
         ments, good faith in filing  
         bankruptcy petition,  
         § **20:105**  
     plans. Reorganization Plans  
         (this index)  
     returns, § **3:71**  
     schedule of assets and  
         liabilities, § **12:157**

Foreclosure, automatic stay,  
     § **16:124, 16:125**

Fraudulent transfers and conceal-  
     ment of assets, § **19:116,**  
         **19:120, 19:124, 19:125**

Fund for U.S. Trustee system,  
     § **4:63, 4:65 to 4:67**

Furnishing of information. Infor-  
     mation, above

Good faith  
     collective bargaining agree-  
         ments, § **20:105**  
     conversion or dismissal, § **11:53**  
     Reorganization Plans (this  
         index)

Governmental units, interested  
     party, § **6:84**

Grounds for conversion or dis-  
     missal, § **11:50**

Guarantees, adequate protection,  
     § **21:60**

**REORGANIZATION—Cont'd**

Hearing. Notice, below

Husband and wife. Reorganization  
     Plans (this index)

Income tax. Taxation, below

Indenture trustees  
     generally, § **6:71, 6:72**  
     Reorganization Plans (this  
         index)

Individual Debt Adjustment (this  
     index)

Information  
     confidential information, tax  
         returns, § **3:6, 3:72**  
     disclosure of information, gen-  
         erally, § **1:157**  
     Reorganization Plans (this  
         index)

Injunctions, § **7:162**

Interested persons  
     generally, § **6:85**  
     employment of professionals,  
         § **2:29, 2:35, 2:41**  
     governmental units, § **6:84**

Interest on money. Reorganization  
     Plans (this index)

Interests. Claims and interests,  
     above

Interim relief, rejection of collec-  
     tive bargaining agreements,  
     § **20:126, 20:128**

Interim trustees, § **4:85**

Intervention, generally, § **1:95**

Inventory and reports, § **4:100,**  
     **14:24**

Involuntary cases  
     generally, § **9:1 et seq.**  
     equity security holders, § **9:79**  
     foreign representatives, § **9:11**  
     lists, schedules, and statements,  
         § **9:79, 9:81**  
     operation of business, § **15:10,**  
         **15:11**  
     partnerships, § **9:13, 9:15**  
     petitions, § **9:41**

## INDEX

### REORGANIZATION—Cont'd

Involuntary cases—Cont'd  
provisions regulating involuntary bankruptcy. Involuntary Bankruptcy (this index)  
transferred claims, § 9:27  
trustee appointment, § 5:1  
Judges, § 4:27  
Judgments and decrees  
appeal and review, above  
executory contracts and unexpired leases, § 20:124  
Judicial determination of tax liability, § 3:74  
Judicial review. Appeal and review, above  
Laches or delays, § 26:54, 26:60 to 26:62  
Large debts exceeding five million, § 5:40  
Lawyers. Attorneys, above  
Leases  
Executory Contracts and Unexpired Leases (this index)  
use, sale, or lease of property, below  
Liquidation  
automatic stay, § 16:185, 16:186  
conversion or dismissal, above  
plans. Reorganization Plans (this index)  
trusts, § 1:48  
Loans. Credit, above  
Maritime foreclosure actions, § 16:124, 16:125  
Meetings, creditors', § 1:116, 6:43  
Modification. Change or modification, above  
Mortgages  
foreclosure, automatic stay, § 16:124, 16:125

### REORGANIZATION—Cont'd

Mortgages—Cont'd  
Reorganization Plans (this index)  
Motion, application, or request  
application for employment order, § 2:23  
appointment of trustee or examiner, § 1:93  
collective bargaining agreements, § 20:122  
Sua Sponte Action of Court (this index)  
Municipal debt adjustment plans, § 32:21 to 32:24  
Nonbusiness debtors, § 1:49  
Notice  
generally, § 1:82, 5:26  
executory contracts and unexpired leases, § 20:122, 20:123, 20:128, 20:137, 20:146  
operation of business by trustee, § 15:12  
plans. Reorganization Plans (this index)  
reimbursement, § 2:83  
U. S. Trustees, § 4:101 to 4:107  
voluntary petitions, § 8:36, 8:40  
Objections and exceptions, plans.  
Reorganization Plans (this index)  
Operating reports, § 3:68, 14:25  
Operation of business  
generally, § 15:12 to 15:17  
commodity broker liquidation, § 15:9  
discontinuance or modification of business, § 15:15  
fiduciary duties of trustees and debtors in possession, § 15:13  
involuntary cases, § 15:10, 15:11  
notice, § 15:12

**REORGANIZATION—Cont'd**

Operation of business—Cont'd  
     presumptions and burden of  
     proof, § **15:12, 15:14**  
     records and reports, § **15:13**  
     taxation, § **15:13**  
     trustees, generally, § **15:12,**  
     **15:13**  
 Order or approval of court  
     executory contracts, § **20:122**  
     plans. Reorganization Plans  
         (this index)  
     revocation of confirmation.  
         Reorganization Plans (this  
         index)  
 Parties in interest. Interested  
     persons, above  
 Partnership, involuntary bank-  
     ruptcy, § **9:13, 9:15**  
 Pensions. Executory Contracts and  
     Unexpired Leases (this  
     index)  
 Petitions  
     collective bargaining agree-  
     ments, good faith in filing  
     bankruptcy petition,  
     § **20:105**  
     voluntary petitions, § **8:40**  
 Plans. Reorganization Plans (this  
     index)  
 Postconfirmation matters. Reorga-  
     nization Plans (this index)  
 Preferences and preferential  
     transfers  
     applicability of preferred rules,  
     § **18:96**  
     priority claims, generally,  
     § **34:185, 34:189**  
 Prepetition matters, § **6:54, 6:56**  
 Presumptions and burden of proof  
     operation of business, § **15:12,**  
     **15:14**  
     plans. Reorganization Plans  
         (this index)  
     trustee appointment, § **5:27**

**REORGANIZATION—Cont'd**

Prior dismissal, § **1:39**  
 Priority claims, generally,  
     § **34:185, 34:189**  
 Prior or current representation  
     precluding employment,  
     § **2:36, 2:38**  
 Privacy, tax returns, § **3:6, 3:72**  
 Professional persons. Employment  
     of professional persons and  
     agents, above  
 Prompt tax determination by IRS,  
     request for, § **3:66**  
 Proof  
     claim. Proof of claim, below  
     evidence and proof, above  
 Proof of claim  
     deemed filing, § **22:9**  
     election of trustee, § **22:13**  
     establishing right to participate  
     in distribution, § **22:1,**  
     **22:6, 22:9**  
     notice of bar date, § **22:52,**  
     **22:53**  
     time for filing proof of claim or  
     interest, § **22:42 to 22:48**  
     who may file claim, § **22:14,**  
     **22:16**  
 Property or assets  
     schedule of assets and  
     liabilities, below  
     use, sale or lease of property,  
     below  
 Protective orders, § **6:2**  
 Proxies, § **5:34**  
 Qualification to be debtor, § **1:47**  
     **to 1:49**  
 Railroad Reorganization (this  
     index)  
 Reaffirmation, § **1:168**  
 Records and reports  
     generally, § **14:24, 14:25**  
     filing, above  
     operation of business, § **15:13**

## INDEX

### REORGANIZATION—Cont'd

- Records and reports—Cont'd
  - plans. Reorganization Plans (this index)
- Rehabilitation debtor discharges
  - generally, § 35:38
  - individual debtors, § 35:39
- Reorganization Plans (this index)
- Reports. Records and reports, above
- Request. Motion, application or request, above
- Residence, automatic stay, § 16:168
- Retiree benefits. Executory Contracts and Unexpired Lease (this index)
- Return of goods shipped to Chapter 11 debtor, § 17:63
- Review. Appeal and review, above
- Revocation of discharge, § 35:62
- Salaries. Compensation, above
- Sale or transfer
  - generally, § 3:47
  - involuntary bankruptcy, § 9:27
  - preferences and preferential transfers, above
  - use, sale, or lease of property, below
- Schedule of assets and liabilities
  - filing of, § 12:157
  - prima facie evidence, § 23:13
- SEC. Securities and Exchange Commission, § 6:86
- Secrecy, tax returns, § 3:6, 3:72
- Section 1111(b) election, § 1:159, 28:23, 28:36
- Secured claims
  - election of fully secured status, § 1:159, 28:23, 28:36
  - mortgage foreclosure, automatic stay, § 16:124, 16:125
- Securities
  - generally, § 3:48, 3:49

### REORGANIZATION—Cont'd

- Securities—Cont'd
  - creditors' and equity security holders' committees, above
  - Reorganization Plans (this index)
- Securities and Exchange Commission, generally, § 6:86
- Separate taxable bankruptcy estate, § 3:27, 3:29, 3:30, 3:43, 3:44
- Shareholders and security holders. Securities, above
- Simultaneous representation, § 2:40
- Size and nature of claim
  - bifurcation of secured claims, § 23:1, 23:2
  - interest, fees, costs, and charges, § 23:14
  - large debts exceeding \$5 million, § 5:40
  - lien avoidance, § 23:23, 23:28, 23:38
  - lists and schedules as prima facie evidence, § 23:13
  - postpetition effect of security interest, § 23:37
- Small Business Reorganization (this index)
- Snap-back provisions, rejection of collective bargaining agreements, § 20:104
- Solvent debtor, § 34:187
- Sovereign immunity abrogated, § 6:78
- Specialized services, § 2:21
- Speculative evidence, automatic stay, § 16:177
- State and local taxes, § 3:70
- Stay. Automatic stay, above
- Stock and securities. Securities, above
- Subordination (this index)
- Taxation
  - generally, § 1:46, 5:73

**REORGANIZATION—Cont'd**

**Taxation—Cont'd**

- assessment of tax, § **3:78**
- carryover or carryback, § **3:50, 3:52, 3:58**
- judicial determination of tax liability, § **3:74**
- operation of business, § **15:13**
- separate taxable bankruptcy estate, § **3:27, 3:29, 3:30, 3:43, 3:44**
- tax-free corporate reorganizations, below
- trustee's powers and duties
  - generally, § **5:73**
  - confidentiality of tax returns, § **3:72**
  - filing returns, § **3:71**
  - notices, § **3:65**
  - operating reports, § **3:68**
  - request for prompt tax determination by IRS, § **3:66**
  - state and local taxes, § **3:70**

**Tax-free corporate reorganizations**

- generally, § **3:45 to 3:49**
- acquisition of substantially all assets and continuity of interest requirements, § **3:48**
- boot received, § **3:49**
- type G reorganizations, § **3:46 to 3:49**

**Termination**

- Railroad Reorganization (this index)
- trustees' appointment, § **5:85**

**Time or date**

- adequate protection, time to raise issue of, § **21:68**

**Executory Contracts and Unexpired Leases (this index)**

- extension of time. Reorganization Plans (this index)

**REORGANIZATION—Cont'd**

**Time or date—Cont'd**

- plans. Reorganization Plans (this index)
- Transfer. Sale or transfer, above
- Transportation equipment. Aviation, above
- Trustees or examiners
  - generally, § **5:1, 5:73, 5:74**
  - appointment of trustee or examiner, above
  - avoiding powers, § **17:8, 17:9**
  - compensation, § **5:87, 5:91 to 5:95, 5:101**
  - eligibility and qualification of, § **5:5**
  - employment of professional persons and agents, § **2:15**
  - executory contracts and unexpired leases, assumption or rejection by trustee, § **20:15, 20:29, 20:56, 20:57**
  - indenture trustees, above
  - individual debt adjustment, § **5:78**
  - operation of business, above
  - plans. Reorganization Plans (this index)
  - powers and duties, § **5:73, 5:84**
  - Railroad Reorganization (this index)
  - removal of trustee for cause, § **5:82**
  - taxation, above
  - United States trustees, below
  - waiver of attorney-client privilege, § **5:56**
- Turnover of Property (this index)
- Type G reorganizations, taxation, § **3:46 to 3:49**
- Unclaimed property, § **34:186**
- Undersecured claims, election to have treated as secured, § **28:23, 28:36**



## INDEX

### REORGANIZATION—Cont'd

- United States trustees
  - generally, § 4:94 to 4:97, 5:5, 5:23, 5:85
  - appointment of trustee or examiner, § 4:85, 4:95, 4:96, 5:23, 5:85
  - conversion or dismissal request, § 4:97
  - creditors' and equity security holders' committees, appointment of, § 4:96
  - fund for United States Trustee System, § 4:63, 4:65 to 4:67
  - interim trustees, § 4:85
  - inventory and reports, § 4:100, 14:24
  - notice, § 4:101 to 4:107
  - railroads, § 4:65, 4:95
  - records and reports, § 14:24
- Use, sale, or lease of property
  - cash collateral, transactions in ordinary course of business involving other than, § 15:43
  - costs for preserving or disposing of property, § 15:29
  - financing agreements, use of property subject to, § 15:26
  - objections to transactions other than in ordinary course of business, § 15:37, 15:38
- plans. Reorganization Plans (this index)
- Railroad Reorganization (this index)
- sale other than in ordinary course of business, § 15:37, 15:38, 15:40
- Venue, § 7:184
- Vessels of United States. Aircraft equipment and vessels, above
- Voluntary bankruptcy
  - filing of petition, § 8:4

### REORGANIZATION—Cont'd

- Voluntary bankruptcy—Cont'd
  - good faith, § 8:23, 8:25, 8:28
  - joint cases and joint plans, § 8:48, 8:57, 8:58
  - lists, schedules, and statements, § 8:61 et seq.
  - notice or knowledge, § 8:36, 8:40
  - United States trustee system fees, § 8:91
- Wages and salaries. Compensation, above
- Waiver and estoppel
  - attorney-client privilege, § 5:56
  - Reorganization Plans (this index)
- Waiver and estoppel, attorney-client privilege, § 5:56
- Witnesses, § 1:118

### REORGANIZATION PLANS

- Abandonment of property
  - equal treatment of claims of same class as impacted by state abandoned property laws, § 26:9
  - railroad line, § 26:34
- Absolute priority rule
  - generally, § 28:44 to 28:46
  - claims classification, § 26:37
  - disclosure statement objections, § 27:14
- Acceleration of debt, § 26:16, 26:43, 26:45
- Acceptance or rejection of plan
  - claims, generally, § 27:25, 27:27
  - codebtors, § 27:31
  - confirmation of plan, below
  - deemed plan acceptance or rejection, below
  - disclosure statements, § 27:3, 27:9, 27:12
  - form of acceptance or rejection, § 27:29

## REORGANIZATION PLANS

### —Cont'd

- Acceptance or rejection of plan
  - Cont'd
  - good faith, § 27:25 to 27:27, 27:35
  - impaired class, § 27:32
  - interests, generally, § 27:25
  - modification of plan, § 26:68
  - notice of time to accept or reject, § 27:17
  - 180-day period, § 26:65
  - partially secured creditors, § 27:28, 27:33
  - party in interest filing plan when debtor's plan not accepted, § 26:57
  - prepetition acceptance or rejection, § 27:34
  - presumed acceptance by unimpaired creditors, § 27:32
  - release of nondebtor from liability, § 27:25
  - solicitation of plan acceptance or rejection, below
  - time as of which right to vote for acceptance or rejection is determined, § 27:27
  - time to accept or reject generally, § 27:30
  - notice, § 27:17
  - prepetition acceptance or rejection, § 27:34
  - status conference, setting time at, § 27:20
  - Treasury Secretary, § 27:27
  - vote, modification or withdrawal, § 27:36
  - withdrawal of vote, § 27:36
- Access to outside sources of information as affecting adequacy of disclosure statement, § 27:5
- Adequate information, § 27:4 to 27:7, 27:15

## REORGANIZATION PLANS

### —Cont'd

- Adequate means for plan's execution, § 26:10 to 26:14
- Adjustment or settlement of claim or interest, § 26:26
- Administration of estate, generally, § 26:4
- Administrative agencies, confirmation of plan, § 28:48, 28:49
- Administrative convenience class of unsecured claims, § 26:40
- Administrative expenses, unimpaired claims or interests, § 28:26
- Affiliates, § 27:23
- Agreements. Contracts and agreements, below
- Allowance of claims or interests generally, § 27:25 to 27:28
- classification of claims on basis of difference in allowed amount, § 26:37
- temporary allowance or disallowance for purpose of accepting or rejecting plan, § 27:27, 27:35
- two-thirds and one-half requirement, amount and number of allowed claims or interests held, § 27:25, 27:26
- voting to accept or reject plan, entitlement, § 27:27, 27:35
- Alteration of rights, § 26:42, 26:51
- Alternative dispute resolution, provision for, § 26:32
- Amendment
  - debtor's charter, § 26:18
  - disclosure statement, necessity for amending, § 27:18
- Amount and number of allowed claims or interests held, § 27:25, 27:26

## INDEX

### REORGANIZATION PLANS

#### —Cont'd

- Appeal and review
  - application, action on, § 26:35
  - extension of exclusivity period
  - interlocutory order, § 26:60
  - pending adverse judgment as cause, § 26:64
  - labor unions, § 26:2
- Application. Motion, application, or request, below
- Appointment of trustee, effect on filing of plan, § 26:55, 26:57, 26:58
- Approval. Consent or approval, below
- Arbitrary classification of claims or interests, § 26:37
- Arrearages, § 26:16, 26:43, 26:45
- Asbestos cases
  - impairment of claims, § 26:42
- Assignment
  - avoidance powers, § 26:11
  - executory contract or unexpired lease, § 26:24, 26:25
- Assumption of obligation by third party pursuant to plan as impairment of claim, § 26:42
- Assumption or assignment of executory contracts and unexpired leases, § 26:24, 26:25
- Attorney for creditors' committee, safe harbor provision protection, § 27:23
- Attorneys' fees
  - claims for fees, classification of, § 26:39
  - impairment of claims or interests, § 26:48
- Avoidance, § 26:11
- Bad faith. Good faith, below
- Bailment claims, classification of, § 26:39

### REORGANIZATION PLANS

#### —Cont'd

- Ballots
  - generally, § 27:29
  - disclosure statement, mailing with approved, § 27:17
  - solicitation by sending pre-marked facsimiles, § 27:21
- Best interest of creditors test
  - generally, § 28:20 to 28:24
  - disclosure statement objections, § 27:14
- Binding of parties, § 26:1
- Bond of contractors, classification of claim with other unsecured claims, § 26:39
- Bonds. Securities, below
- Books and records of debtor, disclosure statements, § 27:4
- Burden of proof. Presumptions and burden of proof, below
- Business justification for classification of claims, § 26:37, 26:38
- Cancellation
  - executory contract by rejection, § 26:24
  - indenture or similar instrument, § 26:10
- Cash. Money, below
- Cause for modification of exclusivity period, § 26:61 to 26:64
- Change or modification
  - alteration of rights not made, § 26:42, 26:51
  - deemed acceptance or rejection, § 27:36
  - exclusivity period, § 26:60 to 26:64
  - interest rate, outstanding securities, § 26:17
  - lien, cure, or waiver of default, § 26:10, 26:15

## REORGANIZATION PLANS

### —Cont'd

Change or modification—Cont'd  
 loan and security documents,  
 plan provisions for  
 modification of, § 26:32  
 plan modification, generally,  
 § 28:68 to 28:71  
 postconfirmation modification,  
 § 28:68 to 28:71  
 preconfirmation, § 26:66 to  
 26:69  
 railroad reorganization, § 26:35  
 secured claims, residential  
 mortgagee's rights,  
 § 26:31  
 time. Extension of time, below  
 voting rights, § 26:20  
 Charters, § 26:18, 26:20  
 Claims or interests  
 acceptance or rejection of plan,  
 generally, § 27:25  
 administrative convenience  
 class, § 26:40  
 allowance of claims or interests,  
 above  
 classification, generally, § 26:6,  
 26:36 to 26:40  
 dissenting class, § 26:37  
 effect of confirmation, § 28:64  
 equal treatment for claims in  
 same class, § 26:9  
 impairment of claims or  
 interests, below  
 maturity of claim or interest,  
 below  
 modification of secured claims,  
 residential mortgagee's  
 rights, § 26:31  
 objection to claims classifica-  
 tion at confirmation hear-  
 ing, § 28:50  
 partially secured claims, accep-  
 tance or rejection of plan,  
 § 27:28, 27:33  
 priority claims, below

## REORGANIZATION PLANS

### —Cont'd

Claims or interests—Cont'd  
 retention and enforcement pur-  
 suant to plan provision,  
 § 26:26, 26:27  
 section 1111(b) election,  
 § 1:159, 23:2, 23:29,  
 27:28, 28:23, 28:36  
 tax claims. Taxation, below  
 unsecured claims, classification  
 of, § 26:38 to 26:40  
 withdrawal of claim as with-  
 drawal of plan acceptance  
 or rejection, § 27:36  
 Classification. Claims or interests,  
 above  
 Clearly erroneous rule, modifica-  
 tion of exclusivity period,  
 § 26:61  
 Closing and reopening cases,  
 § 36:6  
 Codebtors, § 26:39, 27:31  
 Coercion, bad faith plan rejection,  
 § 27:35  
 Collateral  
 adequate means of plan  
 implementation, § 26:10  
 distribution, effect of nonbank-  
 ruptcy law, § 26:10  
 impairment of claims, § 26:42,  
 26:44  
 section 1111(b) election,  
 § 1:159, 23:2, 23:29,  
 27:28, 28:23, 28:36  
 value stability, § 26:14, 26:30  
 Commercial free speech,  
 disclosure and solicitation,  
 § 27:21  
 Commingling of funds, claims  
 classification, § 26:39  
 Commissions, effect of rejection  
 of executory contract,  
 § 26:24  
 Compensation of officers and  
 directors, disclosure of,  
 § 27:8

## INDEX

### REORGANIZATION PLANS

#### —Cont'd

- Competing plans
  - generally, § 26:57 to 26:59, 27:29
  - single plan confirmable, § 28:52
- Complexity of case as cause for modification of exclusivity period, § 26:63
- Compromise and settlement
  - disclosure statements, § 27:14, 27:15
  - solicitation of plan acceptance or rejection, § 27:21
- Confirmation hearing
  - generally, § 1:158, 28:49
  - disclosure statements
    - comparative roles of hearings on disclosure statement and confirmation, § 27:14
    - notice provided with transmittal of approved statement, § 27:17
    - prerequisite to commencement, § 27:1
    - reexamination of adequacy of information, § 27:15
  - intervention by labor union or employees association, § 28:50
  - notice, § 28:48
  - objections to confirmation, § 28:50
- Confirmation of plan
  - generally, § 28:1 et seq.
  - absolute priority rule, § 28:44 to 28:46
  - acceptance or rejection of plan
    - generally, § 28:16
    - impaired class of claims or interests, § 28:25
  - allowance of claims or interests, above
  - automatic stay, § 28:56, 28:63

### REORGANIZATION PLANS

#### —Cont'd

- Confirmation of plan—Cont'd
  - BAPCPA-added standards for, § 26:16.10, 28:17 to 28:19
  - best interest of creditors test, § 28:20 to 28:24
  - changes in votes, § 28:9
  - compliance with provisions of Title 11, § 28:1, 28:2
  - cram down provisions, generally, § 28:1, 28:32 to 28:47
  - deferred cash payments equal to value of secured interest, § 28:36 to 28:39
  - deferred payments, § 28:27, 28:28
  - denial of confirmation. See lines throughout this group
  - deposit, § 28:51
  - disposable earnings or income, § 28:18
  - domestic support obligations, payment of, § 26:16.10, 28:17
  - equal treatment of claims of same class, § 26:9
  - “fair and equitable rule,” § 28:34 et seq.
  - feasibility standards, § 28:11 to 28:13
  - filing requirements, § 28:52
  - good faith, § 28:3 to 28:7
  - hearing. Confirmation hearing, above
  - impairment of claims or interests, § 26:41, 28:20 et seq.
  - indubitable equivalence, realization of, § 28:40 to 28:42
  - insiders, disclosure of, § 28:9
  - interests
    - generally. See other specific headings under this

## REORGANIZATION PLANS

### —Cont'd

Confirmation of plan—Cont'd  
 interests—Cont'd  
     topic such as Claims or  
     interests, above  
     fair and equitable rule,  
     § 28:47  
 involuntary gap creditors,  
   § 28:26  
 limited partnerships, § 28:21  
 liquidating plans, § 28:6  
 municipal debt adjustment  
 plans, § 32:21 to 32:24  
 new value exception to absolute  
 priority rule, § 28:45  
 notice to U. S. trustee, § 4:101,  
   4:104  
 objection, independent duty of  
   court absent, § 28:1  
 operation of business, § 15:12  
 order of confirmation  
   generally, § 28:54  
   automatic stay of, § 28:56  
   revocation, § 28:58  
 payments for services, costs and  
 expenses, approval of,  
   § 28:8  
 postconfirmation matters, below  
 priority claims, cash payments,  
   § 28:29  
 railroad reorganization, § 28:30,  
   28:31  
 rate changes, regulatory  
   approval of, § 28:10  
 retiree insurance benefits, con-  
 tinuance of, § 28:15  
 revocation of confirmation, gen-  
 erally, § 28:58  
 secured claims, fair and equita-  
 ble requirement as to,  
   § 28:35 et seq.  
 securities law, denial of  
 confirmation where plan  
 seeks to avoid, § 28:53

## REORGANIZATION PLANS

### —Cont'd

Confirmation of plan—Cont'd  
 single plan rule, § 28:52  
 tax claims, § 28:28  
 taxes or securities law, denial of  
 confirmation where plan  
 seeks to avoid, § 28:53  
 transfers of property by non-  
 business corporations,  
 compliance with non-bank-  
 ruptcy law governing,  
   § 28:19  
 unimpaired classes, § 28:26 et  
   seq.  
 unsecured claims, § 28:43 to  
   28:46  
 Consent or approval  
   court approval. Disclosure and  
   disclosure statements,  
   below  
     cram down provisions, § 26:37  
 Consolidation or merger  
   adequate means of plan  
   implementation, § 26:12  
   disclosure statement objections,  
   § 27:14  
   foreclosure judgment, § 26:16  
   railroad reorganization, § 26:35  
 Consummation of plan, closing  
 and reopening cases, § 36:6  
 Continuation of business as  
   justification for classification  
   of claims, § 26:37, 26:38  
 Contracts and agreements  
   acceptance or rejection of exec-  
   utory contracts, § 26:24,  
   26:25  
   release of nondebtor from  
   liability, § 27:25  
   service contracts, § 26:24  
 Conversion or dismissal  
   adequate means of plan  
   implementation, § 26:10  
   exclusivity period, § 26:54

## INDEX

### REORGANIZATION PLANS

#### —Cont'd

- Conversion or dismissal—Cont'd
  - involuntary debtor, § **26:33 to 26:35**
  - liquidating plans, § **26:30**
  - postconfirmation, § **28:59**
- Copies
  - generally, § **26:2**
  - disclosure and disclosure statements, § **27:11, 27:21**
  - U. S. trustee, § **4:101, 4:104**
- Core proceedings, § **7:104**
- Corporations
  - affiliates, § **27:23**
  - charter, § **26:18, 26:20**
  - directors, below
  - officers, below
  - public policy, mandatory plan provisions dealing with corporate governance, § **26:21**
- Costs and expenses
  - administrative expenses, unimpaired claims or interests, § **28:26**
  - impairment of claims or interests, § **26:48**
  - Lost Opportunity Costs (this index)
  - sunk costs, settlement or adjustment of claim or interest, § **26:26**
- Counterclaim, § **26:24**
- Court approval. Disclosure and disclosure statements, below
- Cram down
  - generally, § **28:1, 28:32 to 28:47**
  - aircraft equipment and vessels, § **15:25**
  - deemed rejection of plan by creditors receiving no distribution, § **27:33**

### REORGANIZATION PLANS

#### —Cont'd

- Cram down—Cont'd
  - disclosure and disclosure statements, § **27:3, 27:14**
  - presumed acceptance of plan by unimpaired creditors, § **27:32**
  - railroad reorganization, § **7:168**
- Creditors' and equity security holders' committees
  - acceptance or rejection of plan, § **27:27**
  - disclosure statement objections, § **27:13**
  - enforcement of claim or interest, § **26:28**
  - equal treatment for claims in same class, § **26:9**
  - filing of plan, § **26:58**
  - formation of plan, role in, § **26:2**
  - participation in formulation of plan, § **26:2**
  - railroad reorganization, § **26:35**
  - safe harbor provision, § **27:23**
  - selection of officer, director, or trustees, § **26:21**
  - solicitation of plan acceptances, convening committee meeting as, § **27:20**
- Cure of default
  - adequate means of plan implementation, § **26:10, 26:16**
  - amount necessary to cure, determination of, § **26:5**
  - assumption or assignment of unexpired lease, § **26:25**
  - impairment of claims and interests, § **26:43, 26:44**
- Damages, impairment of claims or interests, § **26:47 to 26:49**
- Date. Time or date, below
- De-acceleration, § **26:16, 26:43, 26:45**

## REORGANIZATION PLANS

### —Cont'd

- Deceit. Fraud, below
- Deemed plan acceptance or rejection
  - impaired classes, § 26:41
  - modification of plan, § 27:36
  - prepetition acceptance or rejection, § 27:34
  - rejection of plan by class
    - receiving no distribution, § 27:33
- De facto plan, creditor's circulation of, § 26:2, 26:57
- Default. Cure of default, above
- Deferred payments
  - confirmation of plan, § 28:27, 28:28, 28:36 to 28:39
- Delay, exclusivity period, § 26:54, 26:60 to 26:62
- Delivery, § 26:37, 26:52
- Department of Energy, claims classification, § 26:39
- Deposit with trustee or debtor in possession, § 28:51
- Designation of entity as to which good-faith plan acceptance or rejection is lacking, § 27:20, 27:24, 27:35
- Directors
  - compensation, § 27:8
  - disclosure of identity as condition to confirmation, § 28:9
  - officers, below
  - selection, § 26:21
- Disapproval of application, § 26:35
- Discharge
  - claims classification, § 26:9, 26:39
  - effect of confirmation, § 28:65, 28:66
- Disclosure and disclosure statements
  - generally, § 1:157, 1:158, 27:1 to 27:17

## REORGANIZATION PLANS

### —Cont'd

- Disclosure and disclosure statements—Cont'd
  - accounting method to be disclosed, § 27:8
  - accounts receivable, § 27:8
  - addendum to statement in lieu of amended statement, § 27:18
  - adequate information, § 27:4 to 27:7, 27:15
  - administrative expenses to be disclosed, § 27:8
  - affidavit of mailing, § 27:17
  - affiliates of debtor, § 27:8
  - amendment of statement, § 27:18
  - appeal of order approving statement, § 27:15, 27:19
  - appraisal of assets, § 27:8, 27:15
  - approval by court
    - generally, § 27:15
    - adequate information, § 27:4 to 27:7, 27:15
    - amended statement, § 27:18
    - appeal of approval order, § 27:15, 27:19
    - conditioned on amendment, § 27:18
    - confirmability of plan, objection or refusal of court approval based on lack of, § 27:14, 27:15
    - confirmation prerequisite, § 27:1
    - small business cases, § 27:16
    - vacating approval as remedy for unauthorized solicitation, § 27:20, 27:21
  - assets, description and statement of value, § 27:8
  - attorneys' fees to be disclosed, § 27:8
  - Bankruptcy Act of 1898, § 27:1



## INDEX

### REORGANIZATION PLANS

#### —Cont'd

Disclosure and disclosure statements—Cont'd  
beneficial and nominal holders of securities, § 27:11, 27:17  
boilerplate language, § 27:8  
books and records of debtor, § 27:4  
capital needs of debtor, § 27:8  
cause of bankruptcy filing, § 27:8  
claims against estate to be disclosed, § 27:8  
classification and treatment of claims against estate, § 27:8, 27:14  
clerk of court, § 27:9  
codebtor spouses, § 27:12  
collectability of accounts receivable, § 27:8  
commercial free speech considerations, § 27:21  
committees, § 27:11, 27:13  
compensation of officers and directors, § 27:8  
complexity of case as affecting adequacy of disclosure, § 27:4  
confirmability of plan, objection or refusal of court approval based on lack of, § 27:14, 27:15  
confirmation hearing, above  
consent. Approval by court, above this group  
contents of statement, generally, § 27:8  
copies of statements, § 27:11  
core proceeding, § 27:11  
cost of distributing statements, § 27:11, 27:17  
creditor control of reorganization process, § 27:1

### REORGANIZATION PLANS

#### —Cont'd

Disclosure and disclosure statements—Cont'd  
cumulative effect of inaccurate and misleading statements, § 27:4  
delinquencies, § 27:7  
differing statements to different classes, § 27:17  
director compensation, § 27:8  
disclaimer, § 27:8  
discovery of documents under Bankruptcy Rule 2004, § 27:11  
disputed debts, § 27:7  
documentation of debtor's income and expenses, § 27:7  
due process, § 27:11, 27:12, 27:14  
employment history and prospects of wage-earner debtor, § 27:8  
erroneous delivery, § 27:9  
estoppel  
claim undisclosed, § 27:13  
litigation possibilities undisclosed, § 27:8  
objection to claims which statement represented would be paid, § 27:15  
execution of plan, description of manner, § 27:8  
exemption from securities law requirements, § 27:4, 27:22, 27:23  
expenses of debtor, generally, § 27:7  
expenses of distributing statements, § 27:11, 27:15  
filing of statement, § 27:9, 27:10  
First Amendment considerations, § 27:21  
foreclosures, § 27:7

## REORGANIZATION PLANS

### —Cont'd

Disclosure and disclosure statements—Cont'd

- freedom of speech and press considerations, § 27:21
- funding of plan, § 27:8
- future of business, § 27:8
- hearing on statement
  - generally, § 27:11, 27:12, 27:14
  - good-faith determination as to liquidating plan, § 28:7
- history of debtor's business, § 27:4, 27:8
- hypothetical reasonable investor typical of class, § 27:4, 27:7
- identities of principals and insiders, § 28:9
- impairment of claim or class, § 27:3, 27:4, 27:13, 27:15
- income of debtor, § 27:7
- inconsistent information in statement, § 27:4, 27:15
- informed decisions on plan acceptance or rejection, § 27:1
- insiders, § 27:8
- interlocutory appeal of approval or nonapproval, § 27:15
- involuntary cases, § 27:15
- lay persons, understandability of disclosures to, § 27:7
- length of disclosure statement, § 27:8
- limited partnership debtors, § 27:8
- liquidating plans, § 27:3
- liquidation analysis, § 27:8
- litigation outside bankruptcy, § 27:8
- local rules, § 27:8

## REORGANIZATION PLANS

### —Cont'd

Disclosure and disclosure statements—Cont'd

- mailing
  - generally, § 27:11
  - affidavit of mailing, § 27:17
  - approved statement and plan, § 27:17
  - small business cases, § 27:16, 27:20
  - unimpaired classes, § 27:3
- management information to be disclosed, § 27:7
- modification of plan, § 26:67, 28:73
- nature of debtor's business, § 27:8
- nature of impaired and unimpaired claims, § 26:7
- nonconfirmability of plan, objection or refusal of court approval based on, § 27:14
- notice
  - approved statement, notice transmitted with, § 27:17
  - hearing on disclosure statement, § 27:11, 27:12
  - sale before confirmation of all or substantially all assets, disclosure, § 27:2
  - sale outside ordinary course of business, disclosure requirements, § 27:2
  - unimpaired classes not mailed disclosure statement, § 27:3, 27:17
- objections to statement
  - generally, § 27:13, 27:14
  - necessity of hearing if no objections, § 27:12
  - notice of time for filing, § 27:17
  - standing to object, § 27:13

## INDEX

### REORGANIZATION PLANS

#### —Cont'd

Disclosure and disclosure statements—Cont'd  
  opinion of court, transmitting with approved statement, § 27:21  
  opinions and declarations  
    competing plans, § 27:21  
    factual basis, § 27:8  
  opponent's rights as to soliciting plan rejections, § 27:21  
  out-of-court agreement between parties, § 27:15  
  outside sources of information as affecting adequacy of information, § 27:6  
  parties in interest, § 27:11  
  personal information about debtor, § 27:7  
  plan or summary mailed with statement, § 27:8, 27:11, 27:17  
  postconfirmation modification of plan, § 28:73  
  postpetition condition and performance of debtor, § 27:8  
  preconfirmation modification of plan, § 26:67  
  preconfirmation sale of all or substantially all assets, § 27:2  
  preference action, amendment of statement to reflect discovery of, § 27:18  
  prepackaged plans, § 26:4  
  prepackaged plans, adequate information, § 27:5  
  primary source of information about debtor's condition, § 27:1  
  pro forma projections, § 27:8  
  projections as to future of business, § 27:8  
  prospectus requirements inapplicable, § 27:4

### REORGANIZATION PLANS

#### —Cont'd

Disclosure and disclosure statements—Cont'd  
  proxy solicitation requirements inapplicable, § 27:4  
  purpose of disclosure statement, § 27:1  
  reimbursement for expenses, § 27:11, 27:15  
  res judicata as to amended statements, § 27:21  
  risks being taken by creditors and interest holders, § 27:8  
  rulemaking power of Supreme Court, § 27:4, 27:12  
  sale out of ordinary course of business, § 27:2  
  Securities and Exchange Commission  
    generally, § 27:11, 27:13  
    appeal of order approving statement, § 27:19  
    state counterparts, § 27:13, 27:19  
  securities law requirements, exemption from, § 27:4, 27:22, 27:23  
  shareholder filing of statement, § 27:9  
  size of case as affecting adequacy of disclosure, § 27:4  
  solicitation of plan acceptance or rejection, § 27:9, 27:20, 27:21  
  source of information to be stated, § 27:7  
  summary of disclosure statement for mailing with full statement, § 27:17  
  summary of plan, inclusion in or mailing with statement, § 27:8, 27:17  
  takeover entities, § 27:8  
  tax consequences of plan, § 3:6, 27:8

## REORGANIZATION PLANS

### —Cont'd

Disclosure and disclosure statements—Cont'd

- time
  - amending statement, § 27:18
  - “day one, “ disclosure requirement as beginning on, § 27:4
  - filing statement, § 26:57, 27:9 to 27:11
  - notice, § 27:17
- transfer of proxy vote to shareholder, § 26:20
- transmittal of statement
  - generally, § 27:9
  - adequacy of procedures, § 27:11
  - approved statement, § 27:17
- trustee, § 27:11, 27:13
- unconfirmability of plan, objection or refusal of court approval based on, § 27:14
- unimpaired classes, § 27:3, 27:17
- United States trustee, § 4:014, 4:94, 4:101, 4:104, 27:9, 27:11, 27:13, 27:17
- vacating approval as remedy for unauthorized solicitation, § 27:20, 27:21
- valuation of assets, § 27:8, 27:15
- variable standard of reasonable practicality, § 27:4
- voidable transfers, § 27:7
- waiver and estoppel. Estoppel, above this group
- waiver of statement, § 27:3
- Discount rate, disclosure statement objections, § 27:14
- Discovery and depositions, § 26:4
- Discretionary provisions, § 26:23 to 26:32, 26:34

## REORGANIZATION PLANS

### —Cont'd

Discrimination
 

- claims classification, § 26:37
- treatment of claims within class, § 26:9

Dismissal. Conversion or dismissal, above

Dissenting class, § 26:37

Distribution
 

- adequate means to implement plan, § 26:13
- post-confirmation matters, § 28:56
- pre-plan sale of property of estate, § 26:29

Division of similar claims, creation of consenting class, § 26:36

Divorce decree, impairment of claims, § 26:23

Due process in classification of claims, § 26:38, 26:47

Duration of exclusivity period, § 26:54

Earnings of debtor
 

- adequate means of plan implementation, § 26:10
- postpetition income, payment of individual debtor's, § 26:10

Elections
 

- section 1111(b) election, § 1:159, 23:2, 23:29, 27:28, 28:23, 28:36
- voting, below

Employees and employers. Pension or retirement plans or funds, below

Encumbrances. Liens and encumbrances, below

Endorser, voting for acceptance or rejection of plan, § 27:31

Enforcement of claim or interest pursuant to plan, § 26:27, 26:28

## INDEX

### REORGANIZATION PLANS

#### —Cont'd

- Equal treatment of claims of same class, § 26:9
- Equity security holders
  - acceptance or rejection of plan, § 27:27
  - committees. Creditors' and equity security holders' committees, above
  - contributions to fund plan, § 26:10
  - filing of plan, § 26:58
  - record holders' entitlement to vote for acceptance or rejection of plan, § 27:27
- Error or mistake
  - appeal and review, above
  - delivery of papers to be filed, § 26:52
- Escrow plan contracted-for, non-use by plan as impairment of claim, § 26:42
- Estate administrator, filing of plan by, § 26:59
- Estoppel. Waiver and estoppel, below
- Evidence
  - modification of exclusivity period, § 26:61
  - presumptions and burden of proof, below
- Examination or investigation
  - Rule 2004 examinations, § 26:3
  - trustee investigation of debtor, § 26:2
- Exceptions. Objections, below
- Exclusive right to file plan, period in which debtor has
  - generally, § 26:54, 27:9
  - appeal, § 26:60
  - extension of period, § 26:60 to 26:65
  - reduction of period, § 26:62
  - small businesses, § 26:56

### REORGANIZATION PLANS

#### —Cont'd

- Executory contracts and unexpired leases, § 26:24, 26:25
- Exemption of disclosure statements from securities law requirements, § 27:4, 27:22, 27:23
- Exempt property
  - lease, debtor's consent to lease of exempt property, § 26:25
  - sale, debtor's consent to sale of exempt property, § 26:29
- Expenses of distributing disclosure statements, § 27:11, 27:15
- Extension of time
  - acceptance of plan, effect of extension of exclusivity period on time for, § 26:65
  - adequate means of plan implementation, § 26:10
  - disclosure statement, filing of, § 27:18
  - exclusivity period for filing plan, § 26:60 to 26:64
  - outstanding securities, maturity date, § 26:17
- Facsimiles. Copies, above
- Fair and equitable rule
  - generally, § 28:34 et seq.
  - disclosure statement objections, § 27:14
- Family. Husband and wife, below
- Farmers, liquidation plans, § 26:14, 26:30
- Feasibility standards
  - confirmation of plan, § 28:11 to 28:13
  - disclosure statement objections, § 27:14
- Filing
  - generally, § 26:52 to 26:65
  - competing plan, § 26:57 to 26:59

## REORGANIZATION PLANS

### —Cont'd

#### Filing—Cont'd

- confirmation of plan, § **28:52**
- creditors, filing by, § **6:37**
- exclusivity period for filing by debtor
  - generally, § **26:54, 27:10**
  - appeal, § **26:60**
  - extension of period, § **26:60 to 26:65**
  - reduction of period, § **26:62**
  - extension of time, above
  - statement of investigation, § **26:2**

#### Final decree, application for, § **28:57**

#### First Amendment considerations in solicitation of plan acceptance or rejection, § **27:21**

#### Fraud

- classification of claims or interests, § **26:39**
- investigation by trustee, § **26:2**
- retention and enforcement of claim or interest, plan provision for, § **26:28**

#### Freedom of speech and press considerations in solicitation of plan acceptance or rejection, § **27:21**

#### Funding plan, adequate means for plan's execution, § **26:10 to 26:14**

#### Gerrymandering claims classification to obtain affirmative vote on plan, § **26:37, 26:38**

#### Goal of plans, § **26:1**

#### Good faith

- acceptance or rejection of plan, § **27:25 to 27:27, 27:35**
- confirmation of plan, § **28:3 to 28:7**
- disclosure statement objections, § **27:14**
- implementation of plan, § **26:10**

## REORGANIZATION PLANS

### —Cont'd

#### Good faith—Cont'd

- liquidation plans, § **26:30**
- safe harbor provision, § **27:21, 27:23**
- solicitation of plan acceptance or rejection, § **27:24**

#### Guaranty

- second mortgages, claims classification, § **26:38**
- voting by guarantors for acceptance or rejection of plan, § **27:31**

#### Hearings

- confirmation hearing, above
- disclosure and disclosure statements, above
- notice, below

#### Husband and wife

- disclosure statements, codebtor spouses, § **27:12**
- exclusivity period, modification, § **26:62**
- impairment of claims or interests, § **26:23**

#### Impairment of claims or interests generally, § **26:41 to 26:51**

- acceptance of plan by at least one impaired class, § **27:32, 28:20 et seq.**
- confirmation of plan, § **27:32, 28:20 et seq.**
- cure of default, § **26:43, 26:44**
- damages caused by reliance on contractual provisions or applicable law, § **26:47 to 26:49**

- de-acceleration, § **26:43, 26:45**
- disclosure and disclosure statements, § **27:3, 27:4, 27:13, 27:15**

- engineered, intentional or artificial impairment, § **26:23, 26:41**

## INDEX

### REORGANIZATION PLANS

#### —Cont'd

- Impairment of claims or interests
  - Cont'd
  - interest on money, § 26:46, 26:49
  - postpetition interest, § 26:49
  - reinstatement of maturity, § 26:46
  - section 1111(b) election, § 28:23
  - specification of treatment of impaired classes, § 26:8
  - specification of unimpaired classes, § 26:7
  - unimpaired creditors, generally, § 26:7, 26:23
  - voting, § 26:41, 28:25
- Implementation of plan, adequate means, § 26:10 to 26:14
- Incompetence, § 26:2
- Indenture trustees
  - generally, § 26:2
  - classification of claims with bondholder claims, § 26:39
  - filing of plan, § 26:58
  - modification of plan, notice of, § 26:66
- Individual debtor's postpetition earnings, payment to creditors of, § 26:22
- Indubitable equivalence, realization of, § 28:40 to 28:42
- Information. Disclosure and disclosure statements, above
- Injunctions
  - notice of injunction to be issued under plan, § 27:11
  - SEC injunctive activity, safe harbor protection from, § 27:21, 27:23
- Insiders
  - disclosure and disclosure statements, § 27:8

### REORGANIZATION PLANS

#### —Cont'd

- Insiders—Cont'd
  - voting for plan acceptance or rejection, § 27:35
- Interest on money
  - adequate means of plan implementation, § 26:10
  - best interest of creditors test, § 28:21
  - "fair and equitable rule," § 28:37
  - impairment of claims or interests, § 26:46, 26:49
  - outstanding securities, § 26:17
- Interests
  - claims or interests, above
  - fair and equitable rule, § 28:47
- Internal Revenue Service
  - claims classification, § 26:39
  - trust fund taxes, plan provisions for allocation of tax payments, § 26:32
- Investigation by trustee of matters relevant to plan formulation, § 26:2
- Investors, disclosure and disclosure statements, § 27:4, 27:7
- Involuntary bankruptcy
  - confirmation of plan, involuntary gap creditors, § 28:26
  - disclosure statements, § 27:15
- Ipso facto clauses, § 26:44, 26:47
- Joint debtors, § 26:9
- Judgments
  - appeal and review, above
  - cure or waiver of default, § 26:16
  - labor unions, § 26:2
  - pre-plan order authorizing payment of some class members, § 26:37
- Labor and employment. Pension or retirement plans or funds, below

## REORGANIZATION PLANS

### —Cont'd

- Labor unions
  - as party in interest, § 6:90
  - classification of claims or interests, § 26:39
- Executory Contracts and Unexpired Leases (this index)
  - role in plan formulation, § 26:2
- Late charges, impairment of claims, § 26:48
- Lawsuits, pending litigation as cause for extension of exclusivity period, § 26:64
- Leases and leasehold interests.
  - Use, sale, or lease of property, below
- Leave of court, amendment of disclosure statement, § 27:18
- Lender liability claim, classification of claims as affected by pendency of, § 26:38
- Liens and encumbrances
  - adequate means of plan implementation, § 26:10, 26:15
  - classification of claims or interests, § 26:39
  - discretionary plan provisions, § 26:23
  - liquidation plans, § 26:14
  - mortgages, below
  - outstanding securities, affect of change, § 26:17
  - retention or attachment to sale proceeds, fair and equitable requirement as to, § 28:35
  - sale of property of estate free and clear, § 26:13, 28:35
- Limited partnership
  - confirmation of plan, § 28:21
  - enforcement of claim or interest by member of limited partnership, § 26:28

## REORGANIZATION PLANS

### —Cont'd

- Limited partnership—Cont'd
  - filing of plan by limited or general partner, § 26:59
- Liquidating plans
  - confirmation, § 28:6
  - discretionary plan provisions, § 26:30, 26:32
  - mandatory plan provisions, § 26:14
- Liquidating trustee's standing to enforce claim or interest, § 26:28
- Liquidation analysis, § 27:8, 27:21
- Liquidation under Chapter 7, conversion without consent during exclusivity period prohibited, § 26:54
- Litigation, pending litigation as cause for extension of exclusivity period, § 26:64
- Lost Opportunity Costs (this index)
- Mailing
  - affidavit of mailing, § 27:17
  - approved statement and plan, § 27:17
  - disclosure statements, generally, § 27:11
  - small business cases, § 27:16, 27:20
  - unimpaired classes, § 27:3
- Mandatory provisions, § 26:5 to 26:21, 26:33
- Marital community property, reduction of exclusivity period, § 26:62
- Market testing, subjection of new value to, § 28:45
- Maturity of claim or interest
  - impairment, reinstatement of maturity, § 26:46
  - time or date, § 26:10, 26:17



## INDEX

### REORGANIZATION PLANS

#### —Cont'd

- Mechanics' liens, claims classification, § 26:37
- Merger. Consolidation or merger, above
- Misconduct, § 26:2
- Mismanagement, investigation by trustee, § 26:2
- Misrepresentation. Fraud, above
- Mistake. Error or mistake, above
- Modification. Change or modification, above
- Money
  - adequate means of plan implementation, generally, § 26:10
  - interest on money, above
  - settlement for cash, liquidation plan, § 26:14
- Mortgages
  - claims classification, § 26:37, 26:38
  - cure of arrearage proposed by plan, interest on arrearages, § 26:5, 26:16
  - impairment of claims, § 26:41 to 26:51
  - implementation of plan, § 26:15
  - modification of secured claims, residential mortgagee's rights, § 26:31
  - purchase by mortgagee of unsecured creditors' claims not plan solicitation, § 27:21
  - single asset debtors, creditor's good faith acceptance or rejection of plan, § 27:35
- Motion, application, or request
  - assumption or rejection of unexpired lease, § 26:25
  - designation of entity as to which good-faith plan acceptance or rejection is lacking, § 27:35

### REORGANIZATION PLANS

#### —Cont'd

- Motion, application, or request
  - Cont'd
  - disclosure statement hearing in absence of request therefor, § 27:12
  - extension of time to file plan, § 26:60
  - modification of exclusivity period, § 26:60
  - railroad reorganization, § 26:35
- Multiple plans
  - generally, § 26:55, 27:21, 27:29
  - single plan confirmable, § 28:52
- Negative amortization, § 28:38
- New value exception to absolute priority rule, § 28:45
- Nondebtor entities, role in plan formulation, § 26:2
- Nondischargeable debt, claims classification, § 26:9, 26:39
- Nonrecourse loan deficiencies, claims classification, § 26:38
- Nonvoting equity securities, § 26:20
- Notice
  - approved statement, notice transmitted with, § 27:17
  - confirmation hearing, § 27:17, 28:48
  - designation of entity as to which good-faith plan acceptance or rejection is lacking, § 27:35
  - disclosure and disclosure statements, above
  - hearing on disclosure statement, § 27:11, 27:12
  - injunction to be issued under plan, § 27:11
  - liquidation plan, § 26:30
  - modification, § 26:60, 26:66
  - prepetition acceptance or rejection of plan, § 27:34

## REORGANIZATION PLANS

### —Cont'd

- Notice—Cont'd
  - rejection by third-party creditor, § 26:25
  - retention and enforcement of claim or interest, plan provision for, § 26:26
  - sale before confirmation of all or substantially all assets, disclosure, § 27:2
  - status conference, hearing on disclosure statement, § 27:11
  - temporary allowance or disallowance for purpose of accepting or rejecting plan, § 27:27, 27:35
- U. S. trustee, § 4:101, 4:104
- unexpired leases, § 26:25
- unimpaired creditors, § 1:158, 27:3, 27:17
- withdrawal of vote on plan acceptance or rejection, § 27:36
- Nuisance claimant's claim, classification with unsecured contract claims, § 26:39
- Number of allowed claims or interests held, § 27:25, 27:26
- Objections
  - confirmation, § 27:32
  - disclosure and disclosure statements, above
  - exclusivity period, rights of debtor subsequent to, § 26:55
  - notice to unimpaired creditors, § 1:158
- Officers
  - disclosure of identity as condition to confirmation, § 28:9
  - selection of, § 26:21
- Oil pricing regulations, claims classification, § 26:39

## REORGANIZATION PLANS

### —Cont'd

- Operation of business, § 15:12, 15:15, 26:56
- Opinion of court, transmittal with approved statement, § 27:17
- Opinions and declarations as to disclosure statements
  - competing plans, § 27:21
  - factual basis, § 27:8
- Option or election, section 1111(b) election, § 1:159, 23:2, 23:29, 28:23, 28:36
- Order of confirmation
  - generally, § 28:54
  - revocation, § 28:58
- Outstanding securities, change or modification, § 26:17
- Own motion of court
  - designation of entity as to which good-faith plan acceptance or rejection is lacking, § 27:35
  - modification of plan on, § 26:66
- Parent-subsidiary relationship and modification of exclusivity period, § 26:63
- Partially secured creditors or claims
  - acceptance or rejection of plan, § 27:28, 27:33
  - section 1111(b) election, § 1:159, 23:2, 23:29, 27:28, 28:23, 28:36
- Partnership
  - generally, § 26:39, 26:59, 27:26
  - limited partnership, above
- Party in interest filing plan, § 26:57 to 26:59
- Payment. Deferred payments, above
- Pending litigation as cause for extension of exclusivity period, § 26:64
- Pension or retirement plans or funds
  - claims, classification of general

## INDEX

### REORGANIZATION PLANS

#### —Cont'd

- Pension or retirement plans or funds—Cont'd
  - unsecured claims, § 26:39
  - continuance of, § 28:15
- Executory Contracts and Unexpired Leases (this index)
- Postconfirmation matters
  - generally, § 28:55 et seq.
  - acceptance or rejection of modified plan, § 28:74
  - adversary proceedings, § 26:32
  - conversion of case, § 28:59
  - discharge of debtor, § 28:65, 28:66
  - disclosure requirements, § 28:73
  - dismissal of case, § 28:59
  - distribution, § 28:56
  - effect of confirmation, generally, § 28:62 to 28:67
  - exemption from securities laws, § 28:72 to 28:77
  - filing reports, § 28:57
  - final decree, application for, § 28:57
  - implementation of plan, § 28:55
  - Internal Revenue Service, objection by, § 28:75
  - jurisdiction, § 7:180, 28:67
  - modification, § 28:68 to 28:71
  - revocation of confirmation order, § 28:58
  - tax matters, § 28:60, 28:61
  - U.S. trustee quarterly fee, § 4:67
  - vesting of property, § 28:63
- Preferences and preferential transfers
  - avoidance pursuant to plan provision for retention and enforcement of claim or interest, § 26:27, 26:28

### REORGANIZATION PLANS

#### —Cont'd

- Preferences and preferential transfers—Cont'd
  - disclosure statement amendment to reflect discovery of preference action, § 27:18
  - plan provisions for recovery of preferences, § 26:32
  - sale of property of estate, § 26:13, 26:29
- Preferred claims. Priority claims, below
- Prepackaged plans, § 26:4, 27:5
- Prepetition acceptance or rejection, § 27:34
- Pre-plan distribution of proceeds of property of estate, § 26:29
- Pre-plan order authorizing payment of some class members, § 26:37
- Presumptions and burden of proof
  - acceptance by unimpaired creditors presumed, § 27:32
  - avoidance action pursuant to plan provision for retention and enforcement of claim or interest, § 26:28
  - classification of claims for legitimate reason, § 26:38
  - extension of time to file plan, § 26:61
  - investigation by trustee, § 26:2
  - modification of exclusivity period, § 26:61
- Priority claims
  - absolute priority rule, claims classification, § 26:37
  - administrative expenses, unimpaired claims or interests, § 28:26
  - cash payment, § 28:29
  - classification of claims or interests, § 26:37
  - designation of classes, § 26:6
  - impairment of claims, § 26:42

## REORGANIZATION PLANS

### —Cont'd

- Priority claims—Cont'd  
railroad reorganization plans,  
§ 26:35
- Proof of claim, acceptance or  
rejection of plan by codebtor  
filing, § 27:31
- Property of estate. See more  
specific lines throughout this  
topic
- Protection of interests of employ-  
ees, transfer of railroad lines,  
§ 26:35
- Proxy vote, transfer to  
shareholder, § 26:20
- Public interest, § 26:1, 26:33 to  
26:35
- Public policy, mandatory plan pro-  
visions dealing with  
corporate governance,  
§ 26:21
- Purchase-money security interest,  
classification of claims or  
interests, § 26:39
- Purpose of plans, § 26:1
- Questions of law, impairment of  
claim as, § 26:41
- Railroad Reorganization (this  
index)
- Real property taxes. Taxation,  
below
- Records and reports  
books and records of debtor,  
disclosure statements,  
§ 27:4  
postconfirmation reports,  
§ 28:57
- Redemption (this index)
- Reduction of time  
exclusivity period for debtor's  
filing, § 26:62  
small business reorganization,  
change in time for filing  
plan, § 26:56

## REORGANIZATION PLANS

### —Cont'd

- Reference of cases, § 7:37, 7:46,  
7:53
- Reformation of settlement agree-  
ment which became basis for  
plan, § 26:26
- Reinstatement, curing or waiving  
default, § 26:16, 26:43,  
26:45
- Rejection of contracts and agree-  
ments, § 26:24, 26:25
- Rejection of plan. Acceptance or  
rejection of plan, above
- Release of nondebtor from  
liability, § 27:25
- Reports, postconfirmation, § 28:57
- “Representative of the estate,”  
defined, § 26:28
- Request. Motion, application, or  
request, above
- Rescission or cancellation.  
Cancellation, above
- Res judicata, relitigation of  
whether debtor may reject  
contract, § 26:24
- Retention of estate of property by  
debtor, § 26:10
- Retirement plans. Pension or  
retirement plans or funds,  
above
- Review. Appeal and review, above
- Revocation of confirmation, gen-  
erally, § 28:58
- Rules of Bankruptcy Procedure  
(this index)
- Safe harbor provision, § 27:21,  
27:23
- Sales or transfers  
confirmation of plan involving  
transfer of property by  
non-business corporation  
or trust, § 28:19  
disclosure requirements, sales  
outside ordinary course of  
business, § 27:2

## INDEX

### REORGANIZATION PLANS

#### —Cont'd

- Sales or transfers—Cont'd
  - discretionary provisions,  
§ 26:29, 26:30
  - mandatory plan provisions,  
§ 26:11 to 26:14
  - preferences and preferential  
transfers, above
  - railroad reorganization, § 26:34,  
26:35
  - use, sale, or lease of property,  
below
- Satisfaction of lien as means of  
plan implementation,  
§ 26:10, 26:15
- Second mortgages, § 26:15, 26:38
- Section 1111(b) election, § 1:159,  
23:2, 23:29, 27:28, 28:23,  
28:36
- Securities
  - bondholder claims, § 26:9,  
26:39
  - confirmation denied where plan  
seeks to avoid securities  
law, § 28:53
  - creditors' and equity security  
holders' committees, above
  - disclosure statements and solici-  
tation, § 27:22, 27:23
  - equity security holders, above
  - exemption from securities laws,  
§ 28:72 to 28:77
  - issuance as means of plan  
implementation, § 26:10,  
26:19
  - short sales of stock, § 26:37
- Securities, issuance of, § 26:19
- Securities and Exchange Commis-  
sion
  - disclosure and disclosure state-  
ments, above
  - injunctive action by SEC, safe  
harbor protection from,  
§ 27:21, 27:23

### REORGANIZATION PLANS

#### —Cont'd

- Security deposit, impairment of  
claim, § 26:42
- Selection of officers, directors, or  
trustee, § 26:21
- Self-addressed envelopes, plan  
solicitation, § 27:21
- Service contracts, acceptance or  
rejection of, § 26:24
- Setoff, executory contracts and  
unexpired leases, § 26:24,  
26:25
- Settlements, § 26:14, 26:26
- Shareholder claims, § 26:9, 26:42
- Shareholder voting rights, manda-  
tory plan provisions, § 26:20
- Short sales of stock, § 26:37
- Similar claims or interests, clas-  
sification of substantially,  
§ 26:36 to 26:39
- “Similar instrument,” meaning of,  
§ 26:10
- Single asset debtors
  - creditor's good faith acceptance  
or rejection of plan,  
§ 27:35
  - real estate asset, relief from  
automatic stay, § 16:189
- Size of case as cause for modifica-  
tion of exclusivity period,  
§ 26:63
- Small Business Reorganization  
(this index)
- Small unsecured claims,  
administrative convenience  
class for, § 26:40
- Solicitation of plan acceptance or  
rejection
  - generally, § 27:20 to 27:24
  - commercial free speech  
considerations, § 27:21
  - disclosure statement approval as  
prerequisite, § 27:9, 27:20,  
27:21

## REORGANIZATION PLANS

### —Cont'd

Solicitation of plan acceptance or rejection—Cont'd  
 exemption from securities laws, § 27:22  
 First Amendment  
   considerations, § 27:21  
   good or bad faith, § 27:24  
   impaired classes, § 26:41  
   modification of plan, § 26:67  
   opponent's rights as to soliciting rejections, § 27:21  
   prepackaged plans, § 26:4  
   prepetition acceptance or rejection, § 27:34  
   “safe harbor” provision, § 27:21, 27:23  
   sanctions for untimely solicitation, § 27:20  
   small business cases, § 27:16, 27:20  
   unauthorized solicitation, § 27:21  
   unimpaired creditors or interest holders, § 27:32  
   voting, below  
 Sovereign immunity abrogated, § 6:78  
 Specification of unimpaired classes, § 26:7, 26:8  
 Spouses. Husband and wife, above  
 Stalled plan negotiations as cause for extension of exclusivity period, § 26:63  
 Statements. Disclosure and disclosure statements, above  
 Status conference  
   generally, § 7:148  
   debtor must file plan, setting date by which, § 26:53  
   disclosure statement, § 27:9, 27:11  
   notice regarding hearing on disclosure statement, order

## REORGANIZATION PLANS

### —Cont'd

Status conference—Cont'd  
   concerning, § 7:148  
   setting date for filing disclosure statement and plan or soliciting plan acceptances, § 7:148  
   solicitations, § 27:20  
 Subordination, § 26:40  
 Substantially similar claims, classification of, § 26:36 to 26:40  
 Substantive consolidation  
   adequate means of plan implementation, § 26:12  
   disclosure statement objections, § 27:14  
 Sunk costs, settlement or adjustment of claim or interest, § 26:26  
 Supremacy clause, federal law as governing counting of votes approving or disapproving, § 27:26  
 Surety, voting for acceptance or rejection of plan, § 27:31  
 Takeovers  
   bad faith and disqualification of vote on plan, § 27:35  
   disclosure statements, § 27:8  
 Taxation  
   claims, generally, § 26:39  
   classification of claims or interests, § 26:39  
   confirmation  
     deferred cash payments for tax claims, § 28:28  
     denial where plan seeks to avoid securities law, § 28:53  
     postconfirmation matters, § 28:60, 28:61  
   impairment of claims, § 26:42, 26:44  
   postconfirmation  
     determination of tax effects of plan, § 28:60

## INDEX

### REORGANIZATION PLANS

#### —Cont'd

- Taxation—Cont'd
  - postconfirmation—Cont'd
    - stamp or similar tax, exemption for, § **28:61**
  - trust fund taxes, plan provisions for allocation of tax payments, § **26:32**
- Temporary allowance or disallowance of claim or interest for purpose of accepting or rejecting plan, § **27:27, 27:35**
- Test of substantial similarity, § **26:6**
- Time or date
  - acceleration of debt, § **26:16, 26:43, 26:45**
  - acceptance or rejection of plan, above
  - application, railroad reorganization, § **26:35**
  - disclosure and disclosure statements, above
  - exclusivity period for filing by debtor. Filing, above
  - extension of time, above
  - maturity, § **26:10, 26:17**
  - modification of plan, § **26:66**
  - payment of employees, § **26:35**
  - railroad, transfer of operation, § **26:34, 26:35**
- Tort claimants and trade creditors, classification together, § **26:39**
- Transfers. Sales or transfers, above
- Transmission of plan, § **27:34**
- Transmittal of disclosure statements, § **27:9, 27:11, 27:17**
- Trustee
  - disclosure statement objections, § **27:13**
  - filing of plan, § **26:58**
  - indenture trustees, above

### REORGANIZATION PLANS

#### —Cont'd

- Trustee—Cont'd
  - investigation of matters relevant to plan formulation, § **26:2**
- Trust fund taxes, plan provisions for allocation of tax payments, § **26:32**
- Two-thirds and one-half requirement, amount and number of allowed claims or interests held, § **27:25, 27:26**
- Underwriters, exemption of disclosure statements from securities law requirements, § **27:4, 27:22, 27:23**
- Unexpired leases, § **26:25**
- Unimpaired creditors or interest holders
  - generally, § **1:158, 26:7, 26:23, 26:41 to 26:51**
  - confirmation of plan, § **28:26 et seq.**
  - disclosure and disclosure statements, § **27:3, 27:17**
  - solicitation of plan acceptance or rejection, § **27:32**
  - voting to accept or reject plan, § **27:27**
- United States trustees
  - generally, § **4:94**
  - copies to, § **4:104**
  - disclosure statements, § **4:94, 4:101, 4:104, 27:9, 27:11, 27:13, 27:17**
  - filing of plan by, § **26:59**
- Unsecured claims
  - administrative convenience class, § **26:40**
  - classification, generally, § **26:38 to 26:40**
  - section 1111(b) election, § **1:159, 23:2, 23:29, 27:28, 28:23, 28:36**
- Use, sale, or lease of property
  - adequate means of plan



## REORGANIZATION PLANS

### —Cont'd

Use, sale, or lease of property

#### —Cont'd

implementation, § 26:10, 26:13

disclosure requirements as to sale out of ordinary course of business, § 27:2

Utilities

rate changes, regulatory approval of, § 28:10

transfer from state to federal regulatory authority, § 26:13

Value or valuation

adequate means of plan implementation, § 26:10

collateral, § 26:14, 26:30  
disclosure statements, § 27:8, 27:15

fair and equitable confirmation requirement, § 28:39

impairment of claim, valuation unnecessary to determine, § 26:41

Venue, § 26:52

Voluntary bankruptcy, § 8:80

Voting

ballots, above  
corporate charters, § 26:18, 26:20

creditors entitled to vote on plan acceptance or rejection, § 27:14, 27:27

disallowance of votes, § 27:21, 27:24, 27:27

disqualification to vote, § 27:35

failure to vote, effect of, § 27:32

gerrymandering claims classification to obtain affirmative vote on plan, § 26:37, 26:38

impaired claims or interests, § 26:41, 28:25

## REORGANIZATION PLANS

### —Cont'd

Voting—Cont'd

interest holders entitled to vote on plan acceptance or rejection, § 27:14, 27:27

multiple claims voted separately on plan acceptance or rejection, § 27:14

proxy vote, transfer to shareholder, § 26:20

representative voting for creditor or interest holder, § 27:29

separate classes of unsecured claims, reduction of creditors eligible to vote, § 26:40

separate voting of disparate claims held by single entity, § 27:25

solicitation of plan acceptance or rejection, § 27:20 to 27:24

two-thirds and one-half requirement, amount and number of allowed claims or interests held, § 27:25, 27:26

withdrawal or vote, § 27:36

Waiver and estoppel

disclosure and disclosure statements, above

reject contract, relitigation of whether debtor may, § 26:24

Who may file plan. Filing, above

Wife. Husband and wife, above

Withdrawal or vote, § 27:36

Workers' compensation, § 26:9, 26:39

Writing, § 27:29

## REPAIRS

Adequate protection, § 21:63

Allowance of Claims or Interests (this index)



## INDEX

### REPAIRS—Cont'd

- Disposable income for Chapter 13 plan, § **31:47**
- Proof of claim, § **22:21**

### REPARATIONS

- Exemption of award under crime victim's reparation law, § **13:110**

### REPAYMENT

- Family Farmer or Fisher Debt Adjustment (this index)
- Individual Debt Adjustment Plans (this index)
- Payment (this index)
- Reaffirmation of Debts (this index)
- Reimbursement (this index)
- Taxation, § **3:19**

### REPEAL

- Bankruptcy Act of 1898, § **1:16**
- Family farmer debt adjustment, § **1:21, 1:50**
- Jingle rule, allowance of claims or interest, § **24:23**

### REPEATED FILINGS

- Multiple Filings (this index)

### REPETITIOUS EMPLOYMENT

- Professional persons, employment of, § **2:25**

### REPLACEMENT

- Debtor in possession, replacement by trustee, § **5:113**
- Judges, § **4:28**
- Liens
  - adequate protection, § **21:1, 21:11, 21:55, 21:56**
  - turnover of property, § **14:4, 14:38, 14:56**

### REPO PARTICIPANTS

- Generally. Repurchase or "REPO" Agreements (this index)

### REPO PARTICIPANTS—Cont'd

- Automatic stay, setoff rights, § **25:16**

### REPORTS

- Records and Reports (this index)

### REPOSSESSION

- Adequate protection, § **21:27, 21:32**
- Automatic stay, § **16:64, 16:73**
- Avoidance, unperfected security interest in aircraft equipment and vessels, § **17:26**
- Redemption, § **12:96**
- Turnover of property, § **14:37, 14:38**
- Use, sale, or lease of property, § **15:25**

### REPRESENTATION AND REPRESENTATIVES

- Attorneys (this index)
- Fiduciaries (this index)
- Interested party, § **6:90**

### REPRODUCTION

- Copies (this index)

### REPURCHASE OR "REPO" AGREEMENTS

- Automatic stay, applicability to certain setoffs, § **16:121**
- Avoidance power of trustee, limitation, § **17:61**
- Fraudulent transfers, § **19:107**
- Property of estate, § **12:91**
- Redemption, § **12:108**
- Setoff, amount in excess of repurchase price, § **12:91**

### REPUTATION

- Judges, § **4:14**

### REQUEST

- Demand or Request (this index)

**RESALE**

- Cash, deeded property resold for, § 1:33
- Repurchase or “Repo” Agreements (this index)

**RESCISSION OR  
CANCELLATION**

- Attorneys’ fees, § 2:64
- Automatic stay, § 16:63, 16:95
- Executory contracts and unexpired leases, § 20:54
- Municipal debt adjustment plans, § 32:3
- Reaffirmation, § 1:168
- Reorganization Plans (this index)
- Subordination for rescission of purchase or sale of security of debtor or affiliate, § 34:94 to 34:96
- Taxation, § 3:11, 3:12, 3:18, 3:23, 3:32

**RESEARCH**

- Compensation, § 2:80
- Legal Research (this index)
- Protective orders regarding confidential or defamatory matter, § 6:2
- Reimbursement, § 2:87

**RESIDENCE**

- Domicile and Residence (this index)

**RESIGNATION**

- Trustees, generally, § 5:46
- United States trustees, § 4:95

**RES JUDICATA**

- Discharge determinations, § 35:233 et seq.
- Disclosure statement amended, § 27:21
- Family farmer debt adjustment plans, § 33:60
- Individual Debt Adjustment Plans (this index)

**RES JUDICATA—Cont’d**

- Reorganization plans, relitigation of whether debtor may reject contract, § 26:24
- Sale of debtor’s assets, order approving, § 15:67
- Size and nature of claim, § 23:8
- Tax liability, bankruptcy court determination of, § 3:77

**RESPONSIVE PLEADINGS**

- Answer (this index)
- Involuntary Bankruptcy (this index)

**RESTITUTION**

- Automatic stay, § 16:80
- Claims, § 22:2

**RESTRAINING ORDERS**

- Injunctions (this index)

**RESTRICTIONS**

- Limitations or Restrictions (this index)

**RETAINERS**

- Adverse interests, generally, § 2:41
- Attorneys’ fees, § 2:65
- Disinterestedness requirement, § 2:30
- Professional persons, employment of, § 2:30, 2:41

**RETENTION OF CLAIM**

- Fraudulent transfers and concealment of assets, § 19:109

**RETENTION OF LIEN**

- Individual debt adjustment plans, confirmation of, § 31:29

**RETENTION OF PROPERTY**

- Surrender of Property (this index)

**RETIREMENT**

- Pension or Retirement (this index)

## INDEX

### RETROACTIVE APPLICATION

- Adequate protection, § 21:49
- Exemptions (this index)
- Financing, postpetition, § 15:77
- Northern Pipeline decision,  
§ 7:131, 7:153
- Nunc Pro Tunc (this index)
- Professional persons, employment  
of, § 2:22
- Relation Back (this index)
- Voluntary bankruptcy, § 8:61

### RETROJECTION

- Fraudulent transfers, § 19:62
- Preferential transfer, evidence of  
insolvency, § 18:24

### RETURN OF COMPENSATION

- Professional persons, § 2:98

### RETURN OF PROPERTY

- Refund (this index)

### RETURNS

- Taxation (this index)

### REVESTING

- Conversion or dismissal, § 11:96

### REVIEW

- Appeals (this index)

### REVIVAL OF DISCHARGEABLE OR DISCHARGED DEBT

- Reaffirmation of Debts (this  
index)

### REVOCATION

- Automatic Stay (this index)
- Debtor discharge revocation
  - Chapter 7, § 35:62
  - Chapter 11, § 35:62
  - Chapter 12, § 35:63
  - Chapter 13, § 35:63
- Discharge (this index)
- Discriminatory treatment of  
debtor, § 6:28

### REVOCATION—Cont'd

- Family farmer debt adjustment  
plans, § 33:62
- Family Farmer or Fisher Debt  
Adjustment (this index)
- Individual Debt Adjustment Plans  
(this index)
- Individual Debt Adjustment (this  
index)
- Municipal debt adjustment plan  
confirmation, § 32:29
- Professional persons, employment  
of, § 2:45
- Reorganization plan, revocation of  
confirmation, § 28:58
- Suspension (this index)
- Taxation, § 3:23, 3:32
- U. S. trustees, request for revoca-  
tion of discharge, § 4:101,  
4:105
- Waiver of sovereign immunity,  
§ 6:83

### RHODE ISLAND

- Opt-out provision, § 13:7

### RICE

- Size and nature of claim, § 23:6

### RISK FACTOR

- Family farmer debt adjustment  
plans, § 33:41

### RISK TEST

- Family farmer debt adjustment,  
§ 1:53

### ROLLING STOCK

- Injunctions, § 7:168
- Railroad reorganization, generally,  
§ 15:26

### ROYALTIES

- Executory contracts and unexpired  
leases, § 20:74
- Fraudulent transfers, § 19:37
- Intellectual property, § 20:74

**RULEMAKING POWERS**

Judges, § 4:8

**RULE OF CONSTRUCTION**

Construction and Interpretation  
(this index)

**RULES OF APPELLATE  
PROCEDURE**

Generally, § 1:27

Governing law, § 1:27

Stay, § 37:53

**RULES OF BANKRUPTCY  
PROCEDURE**

Abandonment or disposition of  
property, § 1:133, 1:161,  
4:107, 12:127 to 12:132

Abstention from hearing proceed-  
ing, § 7:21 to 7:22

Accountants. Professional persons,  
below

Accounting by prior custodian of  
estate property, § 1:132,  
14:71

Adequate protection, § 21:67,  
21:70

Adversary proceedings

appeals, § 37:33, 37:36, 37:62

class proceedings, § 22:20

complaint, below

contested involuntary or ancil-  
lary petitions and proceed-  
ings to vacate order for  
relief, applicability of Part  
VII rules, § 8:34, 8:35,  
9:55, 9:63, 9:64

contested matters, applicability  
of certain Part VII rules,  
§ 1:23, 1:25, 1:89

defenses and objections, § 7:50  
to 7:52

defined, § 1:22

discovery and depositions.

Examination of debtor and  
others, below

dismissal, § 9:29

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

Adversary proceedings—Cont'd  
execution, § 1:169, 36:8

Federal Rules of Civil Proce-  
dure, below

findings by court, § 37:19,  
37:40

injunctions, § 1:80, 1:103,  
7:164

intervention, § 6:44, 6:71

joinder of parties, § 7:9, 7:17,  
7:197

pleadings, § 1:22, 1:24, 1:76,  
2:119, 7:50 to 7:52, 9:45,  
15:34, 19:17, 19:117

process and service of summons  
and complaint, § 4:49

removal and remand, applicabil-  
ity of Part VII rules,  
§ 7:111 to 7:127

scope of Part VII rules, § 1:22,  
1:24, 1:88

stay of proceedings to enforce  
judgment, § 37:51, 37:53

summary judgment, § 9:63,  
37:7, 37:8

transfer of adversary proceed-  
ing, § 7:197

Alabama, United States trustee  
program, § 1:20, 4:60

Allowance of claims or interests,  
§ 24:77

Amendment of Federal Rules of  
Civil Procedure, § 1:25

Ancillary cases

petition and summons, service,  
§ 9:47, 9:48

responsive pleading or motion,  
§ 8:11, 9:49 to 9:51

Appeal and review

briefs, § 37:49, 37:63 to 37:68

“clearly erroneous” rule,  
§ 7:147, 37:19 to 37:23,  
37:40

costs, § 37:75

## INDEX

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

Appeal and review—Cont'd  
dismissal of appeal, § 1:27,  
1:170, 1:171, 37:2, 37:49,  
37:50, 37:57, 37:80  
filing and service of papers,  
§ 37:69  
leave to appeal, § 1:27, 1:171,  
37:9 to 37:12, 37:47,  
37:48  
motions, § 1:172, 37:70, 37:71  
noncore proceedings, nonappel-  
late review of proposed  
findings and conclusions,  
§ 4:49, 7:6  
notice of appeal, § 1:27, 1:170,  
1:171, 37:36 to 37:46,  
37:80  
notice of appeal, filing, § 37:49  
oral argument, § 37:72  
record, § 37:58 to 37:60  
rules of circuit judicial councils  
and district courts, § 1:29  
stay of appellate court judg-  
ment, § 1:172, 37:76,  
37:83  
stay pending appeal, § 37:49,  
37:51 to 37:56  
suspension, § 37:36, 37:62  
United States trustees, § 37:1  
Appraisers and auctioneers  
generally, § 2:19, 2:25, 2:68,  
15:22  
professional persons, below  
Arbitration, § 15:6, 15:7, 34:32  
Attorneys  
generally, § 1:105 et seq.  
fees. Attorneys' fees, below  
notice of appearance, § 2:45  
professional persons, below  
signing and verification of  
papers, § 1:73, 1:75,  
2:113, 7:158, 7:160, 8:22,  
8:23, 8:73, 9:44

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

Attorneys' fees  
disclosure of compensation paid  
or promised debtor's  
attorney, § 1:106, 2:62 to  
2:67, 2:106, 2:107  
examination of debtor's transac-  
tions with own attorney,  
§ 1:108, 2:67, 2:98  
excessive compensation, § 2:67,  
2:98  
pleading of request in adversary  
proceeding, § 2:119, 7:51  
prior payment of filing fees,  
§ 8:85, 8:87, 8:92, 9:46  
statement of compensation paid  
or agreed, § 1:108  
Auctioneers, repeated employment  
on disproportionate basis,  
§ 2:25  
Automatic stay  
relief from, § 1:145, 16:194 et  
seq.  
use, sale, or lease of property,  
§ 15:23  
Bonds and undertakings, proceed-  
ing to avoid indemnifying  
lien or transfer to surety,  
§ 18:98  
Burden of proof  
exemptions, § 13:51  
validity of postpetition transfer,  
§ 17:89  
Captions  
general requirements of form,  
§ 1:76  
petition, § 1:76, 8:21, 8:46,  
9:43  
Change of venue, § 1:104  
Claims and interests  
classification, § 32:1  
election pursuant to 11 USCA  
§ 1111(b), § 32:8  
objections to claims, § 24:14,  
24:15, 24:18

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

Claims and interests—Cont'd  
proof of claim or interest, generally, § 22:1 et seq., 23:4, 23:13, 32:13  
reconsideration, § 24:98, 24:100 to 24:102  
valuation of security, § 23:4, 23:7, 23:12  
withdrawal of claim, § 22:37, 32:13

Class actions, adversary proceedings, § 22:20

Clerk of court  
generally, § 4:40 et seq.  
appellate court clerk's duties, § 37:73  
certification of copies, § 4:50  
filing of papers with clerk, § 4:46  
filing of papers with clerk (Bankruptcy Rule 5005), § 26:52  
office hours, § 4:10, 4:11, 4:43  
record on appeal, § 37:27, 37:61, 37:62  
records kept, § 1:101, 4:51 to 4:53, 22:36

Closing or reopening of case, § 1:169, 36:1, 36:6, 36:8, 36:11, 36:15, 36:26

Compensation. Attorneys' fees, above

Complaint  
commencement of adversary proceeding, § 1:81, 1:88  
service of summons and complaint, § 4:49

Compromise and settlement, § 1:84, 1:156, 4:107, 15:6, 15:7, 34:32

Confirmation of plan, § 1:84, 1:156

Consolidation or joint administration of case  
generally, § 8:50 et seq.

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

Consolidation or joint administration of case—Cont'd  
trustee for jointly administered cases, § 8:50

Contempt, § 16:215

Contested matters, generally, § 1:23, 1:25, 1:89

Contracts, assumption, rejection, or assignment of executory contracts, § 1:148, 20:29, 20:34, 20:83, 20:122, 33:18

Conversion of case, § 1:82, 1:119 to 1:125

Copies  
certification of copies by clerk, § 4:50  
record on appeal, § 37:27, 37:61, 37:62  
signing and verification of papers, § 1:73, 1:75, 2:113, 7:158, 7:160, 8:22, 8:23, 8:73, 9:44  
transcript fees, § 4:50, 4:55

Core proceedings  
abstention, § 1:97  
adversary pleading to allege whether proceeding core or noncore, § 2:119, 7:51  
reference of cases, § 7:70

Counterclaim and cross-claim, § 16:204

Credit, obtaining, § 1:138

Creditors' committee, review of appointment of prepetition committee, § 6:56

Creditors or equity security holders meetings, generally, § 1:116, 4:80, 6:43, 6:63

Custodian, U. S. trustee's report, § 4:107

Death or incompetency of debtor, § 6:10

Debtor's duties, generally, § 6:6, 14:15, 14:16

## INDEX

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

Debtors in possession  
prosecution and defense of  
proceedings, § 14:2

Delivery of papers, mistake in,  
§ 1:73

Depositions and discovery. Exami-  
nation of debtor and others,  
below

Discharge, § 1:164

Dischargeability of particular  
debts, § 1:167

Disclosure, attorneys' fees, § 2:62

Disclosure statements, § 32:5 to  
32:7, 32:9, 32:10, 32:12 to  
32:14, 32:18, 32:25

Discovery. Examination of debtor  
and others, below

Discrimination against classes,  
family farmer debt adjust-  
ment, § 33:9

Dismissal  
generally, § 1:82, 1:126 to  
1:131  
adversary proceeding, § 9:29  
venue, dismissal of case or  
transfer to another district,  
§ 7:192, 7:193, 7:195

Distribution  
Chapter 7 dividends, generally,  
§ 34:138  
plan, distribution under,  
§ 34:180  
small dividends, § 33:55,  
34:139, 34:193, 34:197

Dividends, small, § 33:55, 34:139,  
34:193, 34:197

Electronic transmission of notice,  
§ 1:83, 22:55

Employment of professional  
persons. Professional  
persons, below

Evidence  
burden of proof, above

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

Evidence—Cont'd  
findings by court in adversary  
proceeding, § 1:91, 37:19,  
37:40  
record, admissibility of, § 4:50,  
4:55  
rules applicable, § 1:25, 23:12

Examination of debtor and others  
generally, § 1:117, 1:118,  
7:170, 7:171, 26:3, 28:51  
admission, requests for, § 9:66  
compelling debtor's attendance  
for examination, § 1:117,  
7:171  
debtor's transactions with own  
attorney, § 1:108, 2:67,  
2:98  
depositions before adversary  
proceedings or pending  
appeal, § 9:66  
discovery, general provisions,  
§ 9:66  
interrogatories to parties, § 9:66  
oral examination, depositions  
upon, § 9:66  
persons before whom deposi-  
tions may be taken, § 9:66  
physical and mental examina-  
tion of persons, § 9:66  
Rule 2004, generally, § 7:170,  
7:171  
sanctions for failure to make  
discovery, § 9:55  
stipulations regarding discovery  
procedure, § 9:66  
use of depositions in adversary  
proceedings, § 9:66  
written questions, depositions  
upon, § 9:66

Examiners  
generally, § 5:58, 5:59  
appointment, § 4:27  
record of compensation  
awarded, § 2:120, 4:54

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

Examiners—Cont'd  
     relatives of judge or U. S.  
         trustee serving as  
         examiner, § **2:43, 2:44,**  
         **4:27**

Exceptions. Objections and excep-  
     tions, below

Excessive compensation, § **2:67,**  
     **2:98**

Excessive employment, § **2:25**

Execution, § **36:8**

Executory contacts and unexpired  
     leases, assumption, rejection,  
     or assignment, § **1:148, 8:62,**  
     **8:71, 20:29, 20:34, 20:83,**  
     **20:122, 33:18**

Exemptions, generally, § **1:135,**  
     **1:136, 13:1 et seq.**

Ex parte contacts, § **4:26, 4:33,**  
     **4:74**

Family and relatives  
     appointment or employment,  
         § **2:43, 4:27**  
     discrimination, family farmer  
         debt adjustment, § **33:9**  
     family farmer debt adjustment  
         plans, below  
     of judge or U. S. trustee serving  
         as trustee, examiner, or  
         professional person,  
         § **2:43, 2:44, 4:27**  
     of U. S. trustee serving as  
         professional person, § **4:27**

Family farmer debt adjustment,  
     discrimination against  
     classes, § **33:9**

Family farmer debt adjustment  
     plans, notice, § **33:51**

Family farmer debt adjustment  
     plans, notice of objection,  
     § **33:49**

Federal Rules of Civil Procedure  
     amendment of FRCP, effect,  
     § **1:25**

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

Federal Rules of Civil Procedure  
     —Cont'd  
     entry of judgment, § **1:101,**  
         **37:38**  
     evidence, § **1:25, 23:12**  
     FRCP 4, § **4:49**  
     incorporation by reference,  
         § **1:24, 1:25**  
     involuntary petitions, defenses  
         and objections to, § **9:49 to**  
         **9:51**  
     local bankruptcy rules, § **1:28,**  
         **4:8**  
     masters, § **4:39**  
     new trial or amendment of judg-  
         ment, § **1:101, 24:100,**  
         **37:40**  
     scope and applicability of Part  
         VII of the Bankruptcy  
         Rules, generally. Adver-  
         sary proceedings, above  
     subpoenas, § **1:25, 1:117,**  
         **1:118, 7:169 to 7:171**  
     time computation, § **1:90 to**  
         **1:92, 8:93, 9:49, 15:45 to**  
         **15:50, 17:55, 22:43 to**  
         **22:45, 22:54**  
     time computation (Bankruptcy  
         Rule 9006), § **30:4**

Filing  
     clerk of court, filing papers  
         with, § **26:52**  
     fees. Filing fees, below  
     individual debt adjustment  
         plans, time for filing objec-  
         tions, § **30:5**  
     proof of claim, time for filing,  
         § **22:42 et seq.**

Filing fees  
     generally, § **8:85, 8:87, 8:92,**  
         **9:46**

Final decree in Chapter 11 case,  
     § **36:6**

Final report of trustee, § **36:1**



## INDEX

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

Forms. Official forms, below  
Guarantor. Sureties, below  
Harmless error, § 37:25  
Hearings  
    abstention from hearing  
        proceedings, § 1:97  
    confirmation of plan, discharge  
        and reaffirmation hearing,  
        § 1:84, 1:156  
    notice, below  
Incompetency or death of debtor,  
    § 6:10  
Incorporation by reference,  
    Federal Rules of Civil Procedure,  
    § 1:24, 1:25  
Individual debt adjustment  
    assets and liabilities, schedule  
        of, § 8:69  
    executory contracts and  
        unexpired leases, schedule  
        of, § 8:62, 8:71  
    schedule of assets and  
        liabilities, § 8:69  
Individual debt adjustment plans  
    objections, time for filing,  
    § 30:5  
    U. S. trustee, clerk to transmit  
        copy of, § 30:2 et seq.  
Injunctions  
    adversary proceedings, § 1:80,  
        1:103, 7:164  
    stay, below  
Intention, statement of, § 13:34  
Interim trustees, § 4:107, 14:26  
Intervention, § 1:95, 6:16, 6:18,  
    6:37, 32:26  
    generally (Bankruptcy Rule  
        2018), § 26:2  
Involuntary petitions  
    generally, § 9:1, 9:13, 9:27,  
        9:38, 9:48, 9:52, 9:56  
    contested involuntary petitions,  
        applicability of Part VII

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

Involuntary petitions—Cont'd  
    rules, § 9:55, 9:63, 9:64  
    order for relief, below  
    responsive pleading or motion,  
        § 9:49 to 9:51  
    service, § 9:47, 9:48  
Joinder of parties  
    adversary proceedings, § 7:9,  
        7:17, 7:197  
    involuntary petitioners, § 9:27,  
        9:38, 9:52, 9:56  
Joint administration. Consolidation  
    or joint administration of  
    case, above  
Judges  
    close connections with judge,  
        employment of professional  
        persons or agents  
        with, § 2:43, 2:44, 2:112  
    disability, § 4:28  
    disqualification, § 2:112, 4:27,  
        4:30 to 4:37  
    ex parte contacts, § 4:26, 4:33,  
        4:74  
    filing of papers with clerk or  
        judge, § 4:46  
    local bankruptcy rules, § 4:8  
    local rules, § 4:8  
    motion on appeal, § 1:172,  
        37:70, 37:71  
    relatives of judge serving as  
        trustee, examiner, or  
        professional person,  
        § 2:43, 2:44, 2:112, 4:27,  
        4:30 to 4:37  
    trial, hearings, and orders,  
        § 4:10, 4:11, 4:43  
    withdrawal and abstention,  
        § 1:98, 7:21 to 7:22, 7:36,  
        7:39  
Judgments, orders, and decrees  
    generally, § 1:101 to 1:103  
    adversary proceedings, above

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

Judgments, orders, and decrees  
—Cont'd  
clerk's records, § 1:101, 4:51 to 4:53, 22:36  
entry of judgment, § 1:101, 37:38  
new trial or amendment of judgment, § 1:101, 24:100, 37:40  
notice of judgment or order, § 1:101, 37:37, 37:43, 37:80  
order for relief, below  
protective orders, below  
relief from judgment or order, § 1:101, 8:34, 8:35, 9:64, 24:100, 36:8  
U. S. trustees, notice, § 4:107  
Jurisdiction  
adversary proceedings, jurisdictional allegations in pleading, § 2:119, 7:51  
noncore proceedings, review of proposed findings and conclusions, § 7:6, 7:49  
rules as not affecting, § 7:6, 7:182  
Jury trial, contempt, § 7:156  
Leases, assumption, rejection, or assignment of unexpired leases, § 1:148, 20:29, 20:34, 20:83, 20:122, 33:18  
Liens  
proceeding to avoid indemnifying lien or transfer to surety, § 18:98  
redemption of property from lien or sale, § 1:137, 12:98, 12:112  
Lists, schedules, and statements  
generally, § 8:62 et seq., 9:79  
amendment, § 8:96 et seq., 9:45  
Chapter 13 cases, § 8:69

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

Lists, schedules, and statements  
—Cont'd  
clerks of court, filing with, § 26:52  
representatives of multiple creditors, statements by, § 1:109  
United States trustees, § 1:88  
verification, § 1:73, 1:75, 2:113, 7:158, 7:160, 8:22, 8:23, 8:46, 8:73, 8:99, 9:44, 9:79  
voluntary bankruptcy, form of schedule, § 8:80  
Loans and credit, § 1:138  
Local bankruptcy rules, § 1:28, 4:8  
Local rules, § 1:28, 1:29, 4:8  
Mail and mailing  
appellate filings, § 37:69  
conversion or dismissal, mailing of notice, § 1:83, 1:119, 1:123 et seq.  
service of process in adversary proceedings, § 4:49  
time for service, § 1:83, 22:54  
Masters, § 4:39, 37:32  
Meetings of creditors and equity security holders, § 1:116, 4:80, 6:43, 6:56, 6:63  
Mistake, § 1:73  
Motions  
particular motions, see rules dealing with subject in question  
appeal  
motion for stay, § 37:51, 37:52  
motions on appeal, generally, § 1:172, 37:70, 37:71  
rehearing motion on appeal, § 37:74, 37:76, 37:80  
contested matters, generally, § 1:23, 1:25, 1:89

## INDEX

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

Motions—Cont'd  
    form and service, generally,  
        § **1:79, 21:67**  
    time for service of motion and  
        affidavits, § **1:91, 1:92,**  
        **13:45, 13:47, 15:45 to**  
        **15:50**  
    transmittals to U. S. trustee,  
        § **4:101 to 4:107**  
    United States trustee, transmit-  
        tals to, § **4:101 to 4:107**  
Municipal debt adjustment plans  
    form of ballot, § **32:17**  
    notice of hearing on confirma-  
        tion, § **32:25**  
    unimpaired classes, disclosure  
        statements, § **32:5**  
New trial or amendment of judg-  
    ment, § **1:101, 24:100, 37:40**  
Noncore proceedings, review of  
    proposed findings and  
    conclusions, § **7:6, 7:49**  
North Carolina, United States  
    trustee pilot program, § **1:20**  
Notice  
    generally, § **1:82 to 1:87, 8:41**  
    abandonment or disposition of  
        property, § **1:133, 1:161,**  
        **12:129, 12:130**  
    appeal, notice of, § **37:39,**  
        **37:44, 37:45**  
    applications for court action,  
        § **1:80**  
    attorney's notice of appearance,  
        § **2:45**  
    compromise and settlement,  
        § **1:156**  
    conversion, § **1:119, 1:123**  
    electronic transmission of  
        notice, § **1:83, 22:55**  
    executory contracts and  
        unexpired leases, § **1:148,**  
        **20:29, 20:83, 20:122,**  
        **33:18**

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

Notice—Cont'd  
    family farmer debt adjustment  
        plans, § **33:51**  
    family farmer debt adjustment  
        plans, notice of objection,  
        § **33:49**  
    hearing, see Hearings, above  
    municipal debt adjustment  
        plans, notice of hearing on  
        confirmation, § **32:25**  
    publication, § **1:79, 28:48**  
    removal, § **7:112 to 7:114**  
    Securities and Exchange Com-  
        mission, § **1:82**  
    time and date, below  
    transmittals of papers to U. S.  
        trustee, § **4:46, 4:101 to**  
        **4:107**  
    United States trustees, below  
    use, sale, or lease of property,  
        § **15:33 to 15:36, 15:58**  
Objections and exceptions  
    abandonment or disposition of  
        property, hearing on objec-  
        tion to, § **12:131**  
    claims objections, § **24:14,**  
        **24:15, 24:18**  
    exceptions unnecessary, § **37:33**  
    exemptions, § **1:136, 13:44 to**  
        **13:48**  
    family farmer debt adjustment  
        plans, notice of objection,  
        § **33:49**  
    individual debt adjustment  
        plans, § **30:5**  
    plan confirmation, § **28:48,**  
        **28:50, 28:54, 28:67,**  
        **31:55, 31:59, 31:61,**  
        **31:64, 32:26, 32:27,**  
        **32:34, 33:48, 33:49,**  
        **33:53, 33:60, 34:184**  
    responsive pleading in adver-  
        sary proceeding, § **7:50 to**  
        **7:52, 9:49 to 9:51**

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

Objections and exceptions  
—Cont'd  
transmittals to U. S. trustee,  
§ 4:101 to 4:107  
United States trustee, transmit-  
tals to, § 4:101 to 4:107  
Official forms  
generally, § 1:31, 8:19, 9:43  
executory contracts and  
unexpired leases, § 8:62  
executory contracts and  
unexpired leases (Official  
Form No. 6), § 8:71  
local bankruptcy rules, § 1:28,  
4:8  
municipal debt adjustment,  
form of ballot (Official  
Form No. 14), § 32:17  
scope and short title, § 1:31  
Order for relief  
generally, § 9:49, 9:60 to 9:64  
proceedings to vacate order for  
relief, applicability of Part  
VII rules, § 8:34, 8:35  
Order or approval of court,  
employment of professional  
persons, § 2:22 et seq.  
Parties  
adversary proceedings, above  
intervention, above  
joinder of parties, above  
Partnership  
lists, schedules, and statements,  
§ 8:62 et seq., 9:79  
petitions, § 9:13, 9:48  
Petitions  
caption, § 1:76, 8:21, 8:46,  
9:43  
commencement of case, § 8:1,  
9:41  
involuntary petitions, above  
joint or multiple petitions,  
consolidation or joint

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

Petitions—Cont'd  
administration, § 8:50 et  
seq.  
order for relief, above  
partnership petitions, § 9:13,  
9:48  
verification, § 1:73, 1:75, 2:113,  
7:158, 7:160, 8:22, 8:23,  
8:46, 8:73, 8:99, 9:44,  
9:79  
Pilot project, United States trust-  
ees, § 1:20, 4:56 et seq.  
Plans  
acceptance or rejection,  
§ 31:27, 32:12 to 32:14,  
32:17  
confirmation, § 28:48, 28:49,  
28:54, 28:67, 31:55,  
31:59, 31:61, 31:64,  
32:26, 32:27, 32:34,  
33:48, 33:49, 33:53,  
33:60, 34:184  
distribution under plan,  
§ 34:180  
filing, § 32:5 to 32:7, 32:14,  
32:18, 33:61  
modification, § 32:18, 33:24  
Pleadings in adversary proceed-  
ings, § 1:22, 1:24, 1:76,  
2:119, 7:50 to 7:52, 9:45,  
15:34, 19:117  
Presumption. Burden of proof,  
above  
Privacy considerations, § 1:78  
Professional persons  
generally, § 1:105 et seq.  
appraisers' and auctioneers'  
appointment and  
compensation, § 2:19,  
2:25, 2:68, 15:22  
compensation, generally,  
§ 1:106, 2:62 to 2:67,  
2:106, 2:107

## INDEX

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

Professional persons—Cont'd  
employment application,  
§ 2:23, 2:26  
order or approval of court,  
§ 2:22 et seq.  
record of compensation  
awarded, § 2:120, 4:54  
relatives of judge or U. S.  
trustee serving as profes-  
sional person, § 2:43, 2:44,  
4:27  
Proof of claim. Claims or  
interests, above  
Protective orders  
generally, § 1:96, 6:2  
joint administration or  
consolidation of case,  
§ 8:50 et seq.  
Proxies, § 4:107  
Record  
admissibility in evidence,  
§ 4:50, 4:55  
compensation awarded trustee,  
examiner, or professional  
person, § 2:120, 4:54  
proof of claim, § 22:42 et seq.  
removed actions, § 7:120  
Redemption of property from lien  
or sale, § 1:137, 12:98,  
12:112  
Reference of cases, § 7:70  
Relatives. Family and relatives,  
above  
Removal and remand, § 7:111 to  
7:127  
Reopening of case, § 1:169, 36:8,  
36:10, 36:11, 36:15, 36:26  
Reorganization cases  
plan acceptance or rejection,  
§ 27:27 to 27:29, 27:31,  
27:34, 27:36  
proof of claim or interest, gen-  
erally, § 27:27, 27:31,  
27:36

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

Reorganization cases—Cont'd  
sale. Use, sale or lease of prop-  
erty, below  
withdrawal of claim, § 27:36  
Sale  
not in ordinary course of busi-  
ness, § 4:107  
use, sale or lease of property,  
below  
Schedules. Lists, schedules, and  
statements, above  
Scope of rules and official forms,  
§ 1:31  
Service  
ancillary petition and summons,  
§ 9:47, 9:48  
appeal, notice of, § 1:27, 1:170,  
1:171, 37:27, 37:33, 37:36  
to 37:46, 37:80  
involuntary petition and sum-  
mons, § 9:47, 9:48  
pleadings and papers in adver-  
sary proceedings, § 15:34  
process, adversary proceedings,  
§ 4:49  
publication, § 1:79, 28:48  
time, generally, § 1:91, 1:92  
Signing and verification of papers,  
§ 1:73, 1:75, 2:113, 7:158,  
7:160, 8:22, 8:23, 8:46, 8:73,  
8:99, 9:44, 9:79  
Statements  
disclosure statements, § 32:5 to  
32:7, 32:9, 32:10, 32:12 to  
32:14, 32:18, 32:25  
intention, statement of, § 13:34  
lists, schedules, and statements,  
above  
representatives of multiple cred-  
itors, § 1:109, 2:14, 6:46  
United States trustees, § 1:88  
Stay  
appeal, stay pending, § 37:49,  
37:51 to 37:56

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

Stay—Cont'd  
    appellate court judgment, stay  
    of, § **1:172, 37:76, 37:83**  
    automatic stay, above  
    bond requirement, § **37:54**  
    injunctions in adversary  
    proceedings, § **1:80, 1:103,**  
    **7:164**  
    motion for stay, § **37:51, 37:52**  
    proceedings to enforce judg-  
    ment, § **37:51, 37:53**  
    standards for granting stay,  
    § **37:55**  
    withdrawal or abstention  
    motion, § **1:98, 7:21 to**  
    **7:22, 7:36, 7:39**  
Subordination, § **1:160**  
Subpoenas, § **1:25, 1:117, 1:118,**  
**7:169 to 7:171**  
Substitution, trustee or successor  
trustee, § **5:45**  
Successor trustee, § **5:45**  
Sureties, proceeding to avoid  
indemnifying lien or transfer  
to surety, § **18:98**  
Time and date  
    generally, § **1:79, 1:80, 1:83,**  
    **1:90 to 1:92, 8:93, 9:49,**  
    **13:45, 13:47, 15:45 to**  
    **15:50, 17:55, 22:42,**  
    **37:49, 37:59**  
    generally (Bankruptcy Rule  
    9006), § **30:4**  
    enlargement or reduction of  
    time periods, § **1:90 to**  
    **1:92, 8:93, 9:49, 13:47,**  
    **15:45 to 15:50, 22:43 to**  
    **22:45, 37:49, 37:59**  
    enlargement or reduction of  
    time periods (Bankruptcy  
    Rule 9006), § **30:4**  
    individual debt adjustment  
    plans, time for filing objec-  
    tions, § **30:5**

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

Time and date—Cont'd  
    lists, schedules, and statements,  
    § **8:62 et seq., 9:79**  
    noncore proceedings, review of  
    proposed findings and  
    conclusions, § **7:6, 7:49**  
    notice  
    of appeal, § **1:170, 1:171,**  
    **37:33, 37:36 to 37:46**  
    of bar date, § **22:54**  
    oral argument, § **37:72**  
    proof of claim, time for filing,  
    § **22:42 et seq.**  
    rehearing motion on appeal,  
    § **37:74, 37:80**  
    relief from judgment or order,  
    § **1:101, 8:34, 8:35, 9:64,**  
    **24:100, 36:8**  
    removal notices, filing, § **7:114**  
    service of process in adversary  
    proceedings, § **4:49**  
Transfer of claim, generally,  
    § **22:23 to 22:26**  
Transfer or sale. Use, sale or lease  
of property, below  
Transmittal of proposed rules to  
Supreme Court, § **1:19**  
Trial  
    adversary proceedings, above  
    jury trial, contempt, § **7:156**  
    new trial or amendment of judg-  
    ment, § **1:101, 24:100,**  
    **37:40**  
Trustees  
    generally, § **5:58, 5:59**  
    abandonment or disposition of  
    property, § **1:133, 1:161**  
    adoption of rules, § **1:20**  
    Chapter 11 trustee, appoint-  
    ment, § **4:27**  
    final report, § **36:1**  
    interim trustees, above

## INDEX

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

Trustees—Cont'd  
    jointly administered cases,  
        § 8:50  
    prosecution and defense of  
        proceedings, § 14:2  
    record of compensation  
        awarded, § 2:120, 4:54  
    relatives of judge or U. S.  
        trustee serving as trustee,  
        § 2:43, 2:44, 4:27  
    reopening of case, appointment  
        of trustee, § 36:8, 36:11,  
        36:15, 36:26  
    turnover and final report and  
        account in converted or  
        reconverted cases, § 1:132  
    United States trustees, below  
Turnover of records and property  
    generally, § 1:132  
    converted or reconverted cases,  
        § 1:132  
    interim trustee, § 14:26  
Unclaimed funds, § 34:140,  
    34:194, 34:198  
United States trustees  
    abandonment of property,  
        § 4:107  
    Alabama and North Carolina,  
        § 1:20, 4:60  
    appeals, § 37:1  
    attorneys fee, statement of  
        compensation paid,  
        § 1:108  
    close connections with U.S.  
        trustee, employment of  
        professional persons or  
        agents with, § 2:43, 2:44,  
        2:112  
    compromise and settlement,  
        § 4:107  
    creditors' and equity security  
        holders' committees,  
        § 6:56, 6:63

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

United States trustees—Cont'd  
    creditors' or equity security  
        holders' meetings, § 6:63  
    delivery of papers, mistake in,  
        § 1:73  
    ex parte contacts, § 4:26, 4:33,  
        4:74  
    filing, § 1:88  
    individual debt adjustment  
        plans, § 30:2 et seq.  
    interests recoverable by trustee,  
        § 12:71 to 12:76  
    interim trustees, § 4:107  
    lists, schedules, and statements,  
        § 1:88, 8:62 et seq., 9:45,  
        9:79  
    notice  
        generally, § 1:82, 1:84, 1:85,  
        4:101 et seq.  
        appeal transmitted to,  
            § 37:27, 37:36, 37:45  
        manner of transmittal of  
            notice or pleadings,  
            § 4:102  
        miscellaneous matters,  
            § 4:107  
        transmittals of papers to, gen-  
            erally, § 4:46, 4:101 to  
            4:107  
    pilot project, generally, § 1:20,  
        4:56 et seq.  
    pleadings, § 1:88  
    proxies, § 4:107  
    records and recording, § 1:88  
    relatives  
        of judge serving as trustee,  
            examiner, or profes-  
            sional person, § 2:43,  
            2:44, 2:112  
        of U. S. trustee serving as  
            professional person,  
            § 4:27  
    transmittals of papers to, gener-  
        ally, § 4:46, 4:101 to  
        4:107

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

Use, sale, or lease of property  
generally, § **1:139, 1:142,**  
**1:143, 15:33 to 15:36,**  
**15:51 to 15:58**  
automatic stay, relief from,  
§ **15:23**  
U. S. trustees, § **4:107**  
Venue  
change of venue, generally,  
§ **1:104**  
dismissal of case or transfer to  
another district, § **7:192,**  
**7:193, 7:195**  
removal and remand, § **7:111 to**  
**7:127**  
rules as not affecting, § **7:6,**  
**7:182**  
transfer of adversary proceed-  
ing, § **7:197**  
Verification, § **1:73, 1:75, 2:113,**  
**7:158, 7:160, 8:22, 8:23,**  
**8:46, 8:73, 8:99, 9:44, 9:79**  
Withdrawal  
of case or proceeding, § **7:36,**  
**7:39**  
of claim, § **1:154**

**RULES OF CIVIL PROCEDURE**

Federal Rules of Civil Procedure  
(this index)

**RULES OF CONSTRUCTION**

Construction and Interpretation  
(this index)

**RURAL HOMESTEADS**

Homestead exemption, § **13:69**

**RYE**

Allowance of claims or interest,  
§ **24:72**  
Size and nature of claim, § **23:6**

**SAFE HARBOR PROVISION**

Definition of lease and security  
interest, § **15:25**

**SAFE HARBOR PROVISION  
—Cont'd**

Reorganization plan solicitation,  
§ **27:21, 27:23**

**SALARIES**

Compensation (this index)

**SALE AND LEASEBACK  
AGREEMENTS**

Executory contracts and unexpired  
leases, § **20:9**

**SALE OR TRANSFER**

Allowance of Claims or Interests  
(this index)  
Appeals, voluntary dismissal of,  
§ **37:57**  
Automatic stay, § **16:35, 16:52,**  
**16:64**  
Avoidance (this index)  
Bona Fide Purchasers (this index)  
Bulk Transfers (this index)  
Buy-Ins and Sell-Outs (this index)  
Carryover or carryback, § **3:50**  
Closing and reopening cases,  
§ **36:14, 36:28**  
Commodity broker liquidation,  
§ **5:69, 8:70**  
Conditional Sales (this index)  
Consignments (this index)  
Controlled corporations, § **3:85**  
Conversion of Property (this  
index)  
Corporations, § **3:47, 3:85**  
Declaratory judgments, § **7:179**  
Examiners, reorganization, § **5:69,**  
**5:74**  
Exchange of property, municipal  
debt adjustment plans,  
§ **32:15**  
Exchange of Property (this index)  
Exemptions (this index)  
Fair Market Value (this index)  
Family Farmer or Fisher Debt  
Adjustment (this index)



## INDEX

### SALE OR TRANSFER—Cont'd

First Refusal Rights (this index)  
Foreclosure (this index)  
Fraudulent Transfers and Concealment of Assets (this index)  
Free and clear of liens, § **1:142, 15:51 to 15:58**  
Homestead exemption, § **13:63**  
Individual debt adjustment, § **5:77, 5:78**  
Involuntary bankruptcy, § **9:31**  
Jurisdiction, § **7:106, 7:179**  
Liens and Encumbrances (this index)  
Liquidation, taxation, § **3:43, 3:44, 3:86**  
Money order sale proceeds as property of estate, § **12:95**  
Municipal debt adjustment plans, § **32:3**  
Preferences and Preferential Transfers (this index)  
Removal of trustee or examiner for cause, § **5:82**  
Reorganization Plans (this index)  
Reorganization (this index)  
Repurchase or “Repo” Agreements (this index)  
Resale (this index)  
Retrojection (this index)  
Rules of Bankruptcy Procedure (this index)  
Sale and Leaseback Agreements (this index)  
Separate taxable bankruptcy estate, § **3:31, 3:36, 3:43, 3:44**  
Setoff or Offset (this index)  
Size and Nature of Claim (this index)  
State taxation, § **3:86**  
Stock-for-debt exchange, § **3:17, 3:54**  
Subordination, generally, § **34:94 to 34:96**

### SALE OR TRANSFER—Cont'd

Taxation. Sales Tax (this index)  
Termination, § **3:31, 3:44**  
Trustees  
    generally, § **3:69, 5:47**  
    Auctions and Auctioneers (this index)  
    commodity broker liquidation cases, § **5:69**  
    individual debt adjustment, § **5:77, 5:78**  
    removal of trustee or examiner for cause, § **5:82**  
    United States trustees, § **4:101, 4:107**  
U. S. trustees, § **4:101, 4:107**  
Use, Sale, or Lease of Property (this index)  
Validity of restrictions on transfer of property of estate, § **12:8**  
Voluntary bankruptcy, § **8:30**

### SALES REPRESENTATIVES

Commissions (this index)  
Exemptions for motor vehicles, § **13:73**

### SALES TAX

Automatic stay, § **16:40, 16:70, 16:73**  
Carryover or carryback, § **3:50**  
Controlled corporations, § **3:85**  
Corporations, § **3:47, 3:85**  
Liquidation, § **3:43, 3:44, 3:86**  
Reorganization, § **3:47**  
Separate taxable bankruptcy estate, § **3:31, 3:36, 3:43, 3:44**  
State taxation of bankruptcy sales, § **3:86**  
Stock-for-debt exchange, § **3:17, 3:54**  
Termination, § **3:31, 3:44**  
Trustees, § **3:69**

## **SANCTIONS**

- Appellate sanctions, § 7:160
- Automatic stay, § 16:209
- Fines and Penalties (this index)
- Inherent power of court, § 7:159
- Miscellaneous sources of sanctioning power, § 7:161
- Multiplication of proceedings (28 USCA § 1927), § 7:157
- Protective Orders (this index)
- Signing and verification of papers, § 1:73, 1:75, 2:113, 7:158, 7:160, 8:22, 8:23, 8:46, 8:73, 8:99, 9:44, 9:79

## **SATISFACTION**

- Accord and Satisfaction (this index)

## **SATURDAYS**

- Clerks, § 4:43

## **SAVINGS ACCOUNTS**

- Exemptions, § 13:159

## **SAVINGS AND LOAN ASSOCIATIONS**

- Capital maintenance commitments, § 20:14
- Exemptions for insiders, § 13:24
- Liquidation, § 1:42
- Swap agreements, § 20:23
- Turnover of property, § 14:19

## **SAVINGS CLAUSE**

- Bankruptcy Act of 1898, § 1:16

## **SCALE TICKETS**

- Proof of claim, § 22:11

## **SCANDALOUS MATTER**

- Defamation (this index)

## **SCHEDULES**

- Actual knowledge, § 35:130
- After-acquired property, § 12:55
- Amendments generally, § 8:96 to 8:105, 35:133

## **SCHEDULES—Cont'd**

- Amendments—Cont'd
  - exemptions, § 13:40 to 13:43
  - leave of court, § 13:42
  - liberal allowance, § 13:43
- Ancient debts, § 35:134, 35:198
- Appeal, § 37:2
- Assets, see lines throughout this topic
- Chapter 7 cases, unlisted and unscheduled debt discharge exceptions, § 35:132
- Closing and reopening cases, § 36:4, 36:12
- Copies, creditor's right to receive, § 6:39
- Creditor identification, § 35:129
- Current income and expenditures, § 8:62
- Debtor's duty to file, § 6:15, 6:25
- Dismissal of case for debtor's failure to file, § 6:27
- Dockets (this index)
- Earnings, current income, § 8:62
- Exempt property list
  - generally, § 1:135, 13:31
  - amendments to schedule or exempt property, § 13:40 to 13:43
  - interests acquired or arising after filing of bankruptcy petition, § 13:39
  - objections by creditor to exemption schedule, § 1:136, 13:44 et seq.
- Expenditures. Current income and expenditures, above
- Family farmer debt adjustment plans, § 33:6, 33:24, 33:36
- Filing, generally, § 8:62
- Identification, creditor, § 35:129
- Income, current, § 8:62
- Involuntary bankruptcy, § 9:79 to 9:82

## INDEX

### SCHEDULES—Cont'd

- Liabilities, see lines throughout this topic
- Liquidation, § 12:157, 12:159
- Name and address errors, § 35:129
- No asset cases, unlisted and unscheduled debt discharge exceptions, § 35:132
- Notice, § 35:130
- Objections. Exceptions and objections, above
- Old debts, § 35:134, 35:198
- Omissions, rectifying, § 35:133
- Partial listing or scheduling, § 35:131
- Prior case, debts predating, § 35:134, 35:198
- Property of estate, generally, § 12:121, 12:122
- Reopening case to add omitted creditor, § 35:133
- Reorganization, § 12:157
- Rules of Bankruptcy Procedure (this index)
- Signing and verification of papers, § 1:73
- Size and nature of claim, § 23:4, 23:13
- Small business debtor's duty to file, § 6:25
- Supplemental schedules, § 8:80, 12:55
- Turnover of property, § 14:15
- 2, 4, 6 claims, § 35:128
- U. S. trustees, § 4:87
- Unlisted and unscheduled debt discharge exceptions
  - generally, § 35:127 et seq.
  - actual knowledge, § 35:130
  - amendments, § 35:133
  - ancient debts, § 35:134, 35:198
  - creditor identification, § 35:129
  - name and address errors, § 35:129

### SCHEDULES—Cont'd

- Unlisted and unscheduled debt discharge exceptions
  - Cont'd
  - no asset Chapter 7 cases, § 35:132
  - notice, § 35:130
  - old debts, § 35:134, 35:198
  - omissions, rectifying, § 35:133
  - partial listing, § 35:131
  - prior case, debts predating, § 35:134, 35:198
  - reopening to add omitted creditor, § 35:133
  - 2, 4, 6 claims, § 35:128
- Voluntary Bankruptcy (this index)

### SCHOOLS

- Education (this index)

### S CORPORATIONS

- Taxation, § 3:9, 3:15

### SEAMEN'S WAGES

- Federal nonbankruptcy exemptions, § 13:116

### SEARCHES OF RECORDS

- Clerk of court, search of indices and paper, § 4:51

### SEC

- Securities and Exchange Commission (this index)

### SECOND MORTGAGES

- Junior Liens (this index)

### SECOND PRIORITY STATUS

- Allowance of claims or interest, § 24:28

### SECRETARIES

- Employment of professional persons, § 2:21, 2:86
- Judges, § 4:38
- Reimbursement, § 2:86
- Trustee's compensation for services, § 5:87

**SECRETARIES OF  
GOVERNMENT  
DEPARTMENTS**

See specific departments

**SECRET MATTERS**

Confidentiality (this index)  
Protective Orders (this index)  
Trade Secrets (this index)

**SECTION 341 MEETING**

Creditors' Meetings (this index)

**SECTION 382 LIMITATIONS**

Carryover or Carryback (this index)

**SECTION 1111(B) ELECTION**

Generally, § 1:159, 23:2, 23:29, 27:28, 28:23, 28:36

**SECURED OR UNSECURED  
CLAIMS**

Adequate Protection (this index)  
Allowance of Claims or Interests (this index)  
Automatic stay, relief from, § 16:148  
Avoidance of liens, § 13:127  
Bifurcation of Claims (this index)  
Change of venue, § 7:191  
Collateral (this index)  
Distribution (this index)  
Election under section 1111(b), § 1:159, 23:2, 23:29, 27:28, 28:23, 28:36  
Exemptions, § 13:35, 13:127  
Family Farmer or Fisher Debt Adjustment (this index)  
Individual Debt Adjustment Plans (this index)  
Injunctions, § 7:168  
Involuntary bankruptcy, § 9:12, 9:28  
Liquidation, distribution of property, § 34:121, 34:122  
Loans or credit, § 15:68 to 15:77

**SECURED OR UNSECURED  
CLAIMS—Cont'd**

Municipal debt adjustment plans, § 32:1, 32:4, 32:23, 32:24  
Oversecured Claims (this index)  
Partially Secured Creditor (this index)  
Payment. Liquidation (this index)  
Preference rules, purpose as to secured creditors, § 18:4  
Priorities, § 34:12  
Proof of Claim (this index)  
Reclamation, superior rights of good faith purchaser, § 17:83  
Reorganization (this index)  
Repossession (this index)  
Section 1111(b) election, § 1:159, 23:2, 23:29, 27:28, 28:23, 28:36  
Setoffs of secured claims, § 25:29, 25:48  
Size and nature of claim, § 23:1 et seq.  
Taxation, § 3:17  
Trustee's compensation, § 5:98, 5:99  
Undersecured Claims (this index)  
Use, sale, or lease of property, § 15:24, 15:44  
Venue, § 7:182  
Voluntary bankruptcy, § 8:64  
Wind up business, § 15:68 to 15:77

**SECURITIES**

Adequate protection, § 21:45, 21:55, 21:64  
Adverse interests, § 2:41, 5:2  
Allowance of claims or interest, § 24:33  
Automatic Stay (this index)  
Avoidance of transfer, SEC approval, § 17:6  
Carryover or carryback, § 3:52  
Cash collateral, § 1:141

## INDEX

### SECURITIES—Cont'd

Clearing house. Securities Clearing House (this index)  
Commodity broker liquidation, distribution of customer property, § **34:159 to 34:178**  
Contract. Stockholder Liquidation (this index)  
Convertible security, equity security holders' committees, § **6:69**  
Discharge of indebtedness, § **3:17, 3:26**  
Disclosure statements and solicitation, § **27:22, 27:23**  
Disinterestedness requirement, § **2:30**  
Distribution (this index)  
Dividends (this index)  
Earnings and profits, taxation, § **3:83**  
Equity securities, defined, § **17:71**  
Equity security holders, § **6:60, 6:61**  
Executory contract to issue security, § **15:6**  
Fraudulent Transfers and Concealment of Assets (this index)  
Holders. Equity Security Holders (this index)  
Investments (this index)  
Involuntary bankruptcy, § **9:10, 9:16**  
Liquidation (this index)  
Loans or credit  
    generally, § **15:75**  
    securities registration laws, applicability, § **15:75**  
Money or Cash (this index)  
Municipal debt adjustment plans, § **32:3, 32:15**  
Municipal Debt Adjustment (this index)  
Operation of business, § **15:6, 15:7**

### SECURITIES—Cont'd

Options. Stock Options (this index)  
Preferential transfer, valuation of new value, § **18:51**  
Preferred Stock (this index)  
Premiums, § **3:12**  
Presentment of Security (this index)  
Professional persons, employment of, § **2:30, 2:40, 2:41**  
Proof of interest, filing by shareholder, § **22:1**  
Property of estate, § **12:84**  
Real estate investment trusts, § **3:18**  
Recapture of gain on subsequent sale, § **3:26**  
Reference of cases, securities laws, § **7:42, 7:43**  
Reorganization Plans (this index)  
Reorganization (this index)  
Restricted securities, turnover of property, § **14:18**  
Safe Harbor Provision (this index)  
S Corporations, § **3:9**  
Securities Clearing House (this index)  
Securities Investor Protection Corporation (this index)  
Simultaneous representation, § **2:40**  
Size and nature of claim, § **23:2, 23:40**  
Sole stockholder, preference exceptions, § **18:52, 18:69**  
Stockbroker Liquidation (this index)  
Stock-for-debt exchange, § **3:17**  
Stock options, allowance of claims or interest, § **24:58**  
Subordination (this index)  
Taxation  
    carryover or carryback, § **3:52**

**SECURITIES—Cont'd**

- Taxation—Cont'd
  - discharge of indebtedness, § 3:17, 3:26
  - dividends, § 3:49, 3:83
  - earnings and profits, § 3:83
  - premiums, § 3:12
  - real estate investment trusts, § 3:18
  - recapture of gain on subsequent sale, § 3:26
  - reorganization of corporation tax-free, § 3:48, 3:49
  - S corporations, § 3:9
  - stock-for-debt exchange, § 3:17, 3:54
- Termination of interest, effect on earnings and profits,
- Trustees
  - adverse interest, § 5:2
  - right to invest money of estate, § 5:54
- Turnover of property, § 14:18, 14:21
- Voluntary bankruptcy, § 8:39
- Waiver of sovereign immunity, § 6:83

**SECURITIES ACT OF 1933**

- Reorganization plan disclosure statements, § 27:22

**SECURITIES AND EXCHANGE COMMISSION**

- Administrative regulations, § 1:32
- Appeals, § 6:86
- Appearance, § 6:86
- Appointment, § 6:86
- Avoidable transfers, § 17:6
- Government agencies, § 6:85
- Interested party, generally, § 6:86
- Municipal debt adjustment plans, § 32:5, 32:7, 32:26
- Notice to local office only, § 1:82
- Reorganization, § 6:86
- Reorganization Plans (this index)

**SECURITIES AND EXCHANGE COMMISSION—Cont'd**

- Stockbroker Liquidation (this index)
- Trustees, generally, § 6:86

**SECURITIES CLEARING HOUSE**

- Avoidance, postpetition perfection of liens, § 17:60
- Fraudulent transfers and obligations, § 19:107

**SECURITIES EXCHANGE ACT OF 1934**

- Reorganization plan disclosure statements and solicitation, § 27:22, 27:23

**SECURITIES INVESTOR PROTECTION ACT**

- Generally, § 1:18
- Administrative regulations, § 1:32
- Operation of business, § 15:5
- Securities Investor Protection Corporation (this index)
- Size and nature of claim, § 23:5
- Stockbroker liquidation, § 1:18, 34:145

**SECURITIES INVESTOR PROTECTION CORPORATION**

- Automatic stay, § 16:119
- Operation of business, § 15:5
- Parties, generally, § 6:86
- Proceedings, conversion or dismissal, § 11:44
- Securities and Exchange Commission (this index)
- Voluntary bankruptcy, § 8:38

**SECURITY**

- Adequate Protection (this index)
- Agreement. Security Agreement (this index)
- Bonds and Undertakings (this index)

## INDEX

### **SECURITY—Cont'd**

- Cash Collateral (this index)
- Collateral (this index)
- Deposit. Security Deposit (this index)
- Interest. Security Interest (this index)
- Mortgages and Deeds of Trust (this index)
- Utilities (this index)

### **SECURITY AGREEMENT**

- Executory contracts and unexpired leases, § 20:7
- Property of estate, § 12:9

### **SECURITY DEPOSIT**

- Adequate protection, § 21:52
- Assignee, unexpired lease, § 20:55
- Impairment of claim, reorganization plans, § 26:42
- Setoff, mutuality requirement, § 25:12
- Utilities (this index)

### **SECURITY INTEREST**

- Adequate protection, § 21:27
- Attorneys' fees, § 2:62
- Avoidance of transfer, generally, § 17:24 to 17:26
- Closing and reopening cases, § 36:20
- Executory contracts and unexpired leases, § 20:9
- Exemptions
  - avoidance provisions, § 13:129, 13:147 to 13:163
  - involuntary transfer requirement, § 13:118
  - Nonpossessory, Nonpurchase-Money Security Interest (this index)
  - trustee's receipt of property, § 13:54
- Fraudulent transfers, § 19:34
- Individual Debt Adjustment Plans (this index)

### **SECURITY INTEREST—Cont'd**

- Involuntary bankruptcy, § 9:72
- Liens and Encumbrances (this index)
- Liquidation, § 34:153
- Nonpossessory, Nonpurchase-Money Security Interests (this index)
- Postpetition effect, § 23:31 to 23:40
- Postpetition rents and lodging payments, § 15:24
- Preferences and preferential transfers, exceptions to avoidability of transfers, § 18:46 to 18:48, 18:85 to 18:88
- Professional persons, employment of, § 2:32
- Purchase-Money Security Interest (this index)
- Stockbroker liquidation, apportioning debtor's equity remaining after liquidation of security interest, § 34:153
- Tax-free corporate reorganizations, § 3:49
- Use, Sale, or Lease of Property (this index)
- Voluntary bankruptcy, § 8:76

### **SEGREGATION OF PROPERTY**

- Sequestration (this index)

### **SEIZURE OF PERSON OR PROPERTY**

- Automatic stay provisions, § 16:103
- Avoidance, postpetition perfection of liens, § 17:57
- Distress for rent, avoidance of lien of, § 17:34, 17:38
- Liens and encumbrances, § 12:40, 12:41
- Preferences, satisfaction of statutory lien, § 18:90
- Sovereign immunity, § 6:62



**SEIZURE OF PERSON OR  
PROPERTY—Cont'd**

Turnover of property, § **14:37**,  
**14:38**

**SELF-ADDRESSED  
ENVELOPES**

Reorganization plan solicitation,  
§ **27:21**

**SELF-EMPLOYED  
INDIVIDUALS**

Individual debt adjustment,  
§ **1:61**, **1:62**

Individual debt adjustment plans,  
confirmation, § **31:51**

Professional persons, employment  
of, § **2:9**

**SELF-EVICTION**

Executory contracts and unexpired  
leases, § **20:85**

**SELF-EXECUTING LEASE**

Executory contracts and unexpired  
leases, § **20:80**

**SELF-EXECUTING ORDER**

Automatic stay, § **16:2**

**SELF-INCRIMINATION**

Generally, § **6:3**

Turnover of property, § **14:12 to**  
**14:14**, **14:21**, **14:53**, **14:55**

Voluntary bankruptcy, § **8:75**

**SELF-REPRESENTATION**

Pro Se (this index)

**SELL-OUTS OF OPEN  
CONTRACTS**

Buy-Ins and Sell-Outs (this index)

**SENIORITY**

Allowance of claims or interests,  
§ **24:22**

**SENIOR LIENS**

Adequate protection, § **21:8**,  
**21:57**

**SENIOR LIENS—Cont'd**

Liquidation, § **34:121**

**SENTENCE AND PUNISHMENT**

Fines and Penalties (this index)

Prisons and Prisoners (this index)

**SEPARATE TAXABLE  
BANKRUPTCY ESTATE**

Taxation (this index)

**SEPARATE TAX RETURNS**

Married persons, § **3:35**, **3:40**

**SEPARATION OF POWERS**

Generally, § **7:138**

**SEPARATION OF SPOUSES**

Divorce (this index)

**SEQUESTRATION**

Adequate protection, § **21:64**

Exemptions, § **13:143**

**SERIAL FILINGS**

Multiple Filings (this index)

**SERVICE CONTRACT ACT**

Automatic stay, § **16:92**

**SERVICE CONTRACTS**

Reorganization plans, executory  
contracts, § **26:24**

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

Adequate protection, § **21:70**

Appeals to Bankruptcy Appellate  
Panels and district courts,  
§ **37:45**, **37:58**, **37:59**, **37:63**,  
**37:64**, **37:69**

Automatic stay, § **16:2**, **16:29**

Briefs, § **37:63**, **37:64**

Certificates and Certification (this  
index)

Change of venue, § **7:196**

Clerks, § **4:49**

Contempt power, § **7:155**

Contested matters, service of  
motion, § **1:89**



## INDEX

### **SERVICE OF PETITIONS, PROCESS, AND PAPERS —Cont'd**

Creditors' and equity security  
holders' committees, § 6:45,  
6:55

Executory contracts and unexpired  
leases, § 20:29

Exempt property, § 13:164

Family farmer debt adjustment  
plans, § 33:5

Intervention, § 1:95

Involuntary Bankruptcy (this  
index)

Judges, § 4:11

Liquidation, § 12:159

Professional persons, employment  
of, § 2:24

Property of estate, § 12:131

Publication (this index)

Reference of cases, proposed find-  
ings of fact, § 7:49

Reorganization Plans (this index)

Rules of Bankruptcy Procedure  
(this index)

Sanctions, noncompliance with  
signing and verification  
requirements, § 7:158

Transfer of claim, objection to,  
§ 22:26

Use, sale, or lease of property,  
§ 15:23, 15:34, 15:37, 15:46

Warrants (this index)

### **SERVICES**

Duplication of effort or services,  
§ 2:95

Temporary Service (this index)

Termination (this index)

### **SESSIONS OF COURT**

Judges, § 4:9 to 4:11

### **SETOFF OR OFFSET**

Generally, § 25:1

Adequate protection requirement,  
§ 21:18, 25:22

### **SETOFF OR OFFSET—Cont'd**

Administrative holds and freezes  
under automatic stay, § 25:18

Administrative powers

adequate protection require-  
ment, § 25:22

Automatic stay, effect of, below

cash collateral, use of, § 25:23

lessees, rejection power  
exercises by, § 25:24

rejection power exercises,  
§ 25:24

timeshare purchasers, rejection  
power exercises by,  
§ 25:24

Allowance of claims or interests,  
§ 24:5, 24:15, 24:16, 24:30

Assertion of right

generally, § 25:37

postpetition exercises, § 25:38  
et seq.

prepetition exercise, § 25:37

waivers of rights, § 25:44

Automatic stay, effect of

generally, § 25:13 et seq.

administrative holds and  
freezes, § 25:18

commodity broker cases,  
§ 16:120, 16:121, 25:15

financial participants, § 25:16

freezes, administrative, § 25:18

holds, administrative, § 25:18

income tax returns, § 25:19

matters stayed, § 16:14, 16:20,  
16:41

netting agreements, § 25:20

prepetition debt

generally, § 25:13

recoupments, § 25:14

relief, necessity of, § 25:21

recoupment of prepetition debt,  
§ 25:14

repo participants, § 25:16

**SETOFF OR OFFSET—Cont'd**

Automatic stay, effect of—Cont'd  
 stockbroker and commodity  
 broker cases, § **16:120**,  
**16:121**  
 stockbroker cases, § **16:120**,  
**16:121, 25:15**  
 swap participants, § **16:108**,  
**25:17**  
 Automatic stay exception for net-  
 ting agreement setoffs,  
 § **16:117**  
 Avoidance, § **17:12, 17:46**  
 Bankruptcy Code, effect on right,  
 § **25:2, 25:4**  
 Burden of proof, postpetition  
 exercises, § **25:41**  
 Calculations, § **25:47**  
 Commodity Broker Liquidation  
 (this index)  
 Common law and Bankruptcy  
 Code, § **25:2, 25:4**  
 Date. Time and date, below  
 Debtors in possession, mutuality  
 requirement, § **25:9**  
 Debtor's right of, § **25:5**  
 Debtor's right of recovery, § **25:49**  
 Defensive assertions, § **25:40**  
 Determination of right  
 generally, § **25:37**  
 postpetition exercises, § **25:38**  
**et seq.**  
 prepetition exercise, § **25:37**  
 waivers of rights, § **25:44**  
 Disallowed claims, § **25:25**  
 Discharge injunction, effect of,  
 § **25:7**  
 Distribution, priorities, § **34:9**  
 Eve-of-bankruptcy incurred debts,  
 § **25:36**  
 Exceptions to  
 generally, § **25:8 et seq.**  
 adequate protection require-  
 ment, § **25:22**  
 automatic stay, effect of, above

**SETOFF OR OFFSET—Cont'd**

Exceptions to—Cont'd  
 cash collateral, use of, § **25:23**  
 lessees, rejection power  
 exercises by, § **25:24**  
 mutuality requirement, below  
 rejection power exercises,  
 § **25:24**  
 timeshare purchasers, rejection  
 power exercises by,  
 § **25:24**  
 Executory contracts and unexpired  
 leases, § **20:64, 20:67**  
 Exempt property, § **13:24, 13:117**  
**to 13:119**  
 Family farmer debt adjustment  
 plans, § **33:34**  
 Filing of proof of claim, § **25:39**  
 Financial participants under  
 automatic stay, § **25:16**  
 Freezes, administrative under  
 automatic stay, § **25:18**  
 Government claims  
 generally, § **25:30**  
 inter-unit claims, § **25:31**  
 Holds, administrative under  
 automatic stay, § **25:18**  
 Improvement in position test  
 generally, § **25:45 et seq.**  
 calculations, § **25:47**  
 purpose, § **25:46**  
 secured claims, § **25:48**  
 source of recovery provision,  
 § **25:46**  
 Income tax returns, automatic stay,  
 effect of, § **25:19**  
 Insolvency factor, § **25:26**  
 Involuntary bankruptcy, postpeti-  
 tion exercises, § **25:43**  
 Joint obligations, mutuality  
 requirement, § **25:10**  
 Lessees, rejection power exercises  
 by, § **25:24**  
 Limitations on  
 generally, § **25:8 et seq.**

## INDEX

### SETOFF OR OFFSET—Cont'd

#### Limitations on—Cont'd

- adequate protection require-  
ment, § 25:22
- automatic stay, effect of, above  
cash collateral, use of, § 25:23
- lessees, rejection power  
exercises by, § 25:24
- mutuality requirement, below  
rejection power exercises,  
§ 25:24
- timeshare purchasers, rejection  
power exercises by,  
§ 25:24

#### Mutuality requirement

- generally, § 25:8 *et seq.*
- debtors in possession, § 25:9
- joint obligations, § 25:10
- related entities, § 25:11
- security deposits, § 25:12
- triangular relationship excep-  
tion, § 25:11

#### Mutual postpetition obligations, § 25:35

#### Nature of obligation, effect of

- generally, § 25:25
- eve-of-bankruptcy incurred  
debts, § 25:36
- government claims  
generally, § 25:30
- inter-unit claims, § 25:31
- insolvency factor, § 25:26
- mutual postpetition obligations,  
§ 25:35
- not-due obligations, § 25:27
- penal liability obligations,  
§ 25:28
- prepetition debts  
generally, § 25:33
- postpetition against prepeti-  
tion obligations, § 25:34
- remedial liability obligations,  
§ 25:28
- secured claims, § 25:29
- transferred claims, § 25:32

### SETOFF OR OFFSET—Cont'd

#### Nature of obligation, effect of

##### —Cont'd

- unliquidated obligations,  
§ 25:27

#### Necessity of obtaining relief, postpetition exercises, § 25:42

#### Netting agreements under automatic stay, § 25:20

#### Not-due obligations, § 25:27

#### Penal liability obligations, § 25:28

#### Penalties, § 25:28

#### Postpetition exercises

- generally, § 25:38 *et seq.*
- burden of proof, § 25:41
- defensive assertions, § 25:40
- filing of proof of claim, § 25:39
- involuntary bankruptcy, § 25:43
- necessity of obtaining relief,  
§ 25:42

#### proof of claim, filing of, § 25:39

#### Preferences and preferential transfers, § 18:2, 18:35

#### Preferential transfers compared, § 25:3, 25:36

#### Prepetition debt

- generally, § 25:33
- automatic stay, effect of  
generally, § 25:13
- recoupments, § 25:14
- relief, necessity of, § 25:21
- postpetition against prepetition  
obligations, § 25:34

#### Prepetition exercise, § 25:37

#### Proof of claim, filing of, § 25:39

#### Recoupment distinguished, § 25:6

#### Recoupment (this index)

#### Recoupments of prepetition debt, § 25:14

#### Rejection power exercises, § 25:24

#### Related entities, mutuality require- ment, § 25:11

**SETOFF OR OFFSET—Cont'd**

Remedial liability obligations,  
§ 25:28

Reorganization plans, executory  
contracts and unexpired  
leases, § 26:24, 26:25

Repo participants, § 25:16

Repurchase or “Repo” Agree-  
ments (this index)

Return of goods shipped to  
Chapter 11 debtor, § 17:63

Secured claims, § 25:29, 25:48

Security deposits, mutuality  
requirement, § 25:12

Size and nature of claim, § 23:1

Source of recovery provision,  
§ 25:46

Sovereign immunity, § 6:78, 6:82

Stockbroker liquidations  
generally, § 16:120, 16:121  
automatic stay, effect of,  
§ 25:15

Swap agreements  
generally, § 16:105, 16:111  
automatic stay, effect of,  
§ 25:17  
termination, § 20:23

Termination, swap agreements,  
§ 20:23

Time and date of  
commencing setoff action,  
§ 17:55

Timeshare purchasers, generally,  
§ 20:64

Timeshare purchasers, rejection  
power exercises by, § 25:24

Transfer. Sale or transfer, above

Transferred claims, § 25:32

Triangular relationship exception,  
mutuality requirement,  
§ 25:11

Trustee’s right of  
generally, § 25:5  
calculations, § 25:47

**SETOFF OR OFFSET—Cont'd**

Trustee’s right of—Cont’d  
improper setoffs, trustee’s  
recovery of, § 12:71  
improvement in position test,  
above  
secured claims, § 25:48  
source of recovery provision,  
§ 25:46

Turnover of property, § 14:1,  
14:45, 14:47, 14:60, 14:83

Unliquidated obligations, § 25:27

Use, Sale, or Lease of Property  
(this index)

Waivers of rights, § 25:44

**SETTING ASIDE**

Vacating and Setting Aside (this  
index)

**SETTLEMENT**

Compromise and Settlement (this  
index)

**SEVENTH AMENDMENT**

Jury and Jury Trial (this index)

**SEVERANCE**

Bifurcation of Claims (this index)

Joint or co-ownership interests,  
§ 12:16

**SEVERANCE PAY**

Administrative expenses, § 34:43,  
34:54

After-acquired property, § 12:67,  
12:68

Allowance of claims or interest,  
§ 24:58

**SEWERS AND DRAINS**

Sewer rents, priorities, § 34:75

**SEX DISCRIMINATION**

Trustee selection, § 5:10, 5:12

**SEXUAL HARASSMENT**

Trustee, removal for cause, § 5:81

## INDEX

### SHAREHOLDERS

Interested parties, § 6:88  
Securities (this index)

### SHAREHOLDERS' COMMITTEES

Creditors' and Equity Security  
Holders' Committees (this  
index)

### SHARING OF COMPENSATION OR PROPERTY

Fee-Splitting (this index)  
Time Share Interests (this index)

### SHIPS

Vessels (this index)

### SHOPPING CENTERS

Leases, § 20:48 to 20:50, 20:53,  
20:63

### SHORT SALES OF STOCK

Reorganization plans, § 26:37

### SHORT TAXABLE YEAR

Generally, § 3:34

### SHOW CAUSE ORDERS

Turnover of property, § 14:84  
Voluntary bankruptcy, § 8:66,  
8:76

### SICKNESS

Health (this index)

### SIGNATURES

Generally, § 1:73, 1:75  
Avoidance of unperfected lien or  
security interest, § 17:25  
Fines and penalties, signing  
requirements, § 7:158  
Homestead exemption, § 13:59  
Involuntary bankruptcy, § 9:38,  
9:44  
Municipal debt adjustment plans,  
§ 32:17  
Petition preparers, § 8:11

### SIGNATURES—Cont'd

Rules of Bankruptcy Procedure,  
§ 1:73, 1:75, 2:113, 7:158,  
7:160, 8:22, 8:23, 8:46, 8:73,  
8:99, 9:44, 9:79  
Voluntary bankruptcy, § 8:22,  
8:73

### SILOS

Grain and Grain Storage (this  
index)

### SIMULTANEOUS REPRESENTATION

Professional persons, employment  
of, § 2:40

### SINGLE ASSET DEBTORS

Creditor's good faith acceptance  
or rejection of reorganization  
plan, § 27:35  
Real estate asset, automatic stay,  
§ 16:189

### SIPA

Securities Investor Protection Act  
(this index)

### SIPC

Securities Investor Protection  
Corporation (this index)

### SIX-MONTHS RULE

Distribution, railroad reorganiza-  
tion, § 34:190

### SIZE AND NATURE OF CLAIM

Generally, § 23:1 et seq.  
Abandoned property, § 23:28  
Accounts receivable, § 23:34  
Account with stockbroker, § 23:5  
Adversary nature of proceeding,  
§ 23:4  
After notice and hearing, defined,  
§ 23:35  
Agreements. Contracts and agree-  
ments, below  
Alimony claims, § 23:23

**SIZE AND NATURE OF CLAIM**

**—Cont'd**

Allocation of claims secured by  
realty, § **23:7**  
Appreciation of value of property,  
§ **23:9**  
Attorneys' fees, § **23:19 to 23:22**  
Automatic stay of foreclosure,  
§ **23:3**  
Avoidance of liens, § **23:23 to**  
**23:30**  
Barley as constituting grain,  
§ **23:6**  
Beans as constituting grain, § **23:6**  
Bifurcation into secured and  
unsecured claims, § **23:1 to**  
**23:3, 23:30**  
Bond holders of municipal bonds,  
§ **23:2, 23:40**  
Broker's commission on sale,  
§ **23:10**  
"Capricious" comma in statute as  
to interest on claim, § **23:16**  
Charges and fees, § **23:14, 23:19**  
**to 23:22**  
Commission of broker on sale,  
§ **23:10**  
Complaint or pleadings, § **23:4**  
Confirmation or confirmation  
hearing as date of valuation,  
§ **23:11**  
Consensual oversecured claims,  
§ **23:16**  
Construction of statutes, generally,  
§ **23:3, 23:28, 23:38**  
Contingent claims list, § **23:13**  
Continuation of operation of busi-  
ness after bankruptcy,  
§ **23:35**  
Continuation statement to extend  
perfection of security interest,  
§ **23:39**  
Contracts and agreements  
costs and expenses, § **23:20,**  
**23:22**

**SIZE AND NATURE OF CLAIM**

**—Cont'd**

Contracts and agreements  
—Cont'd  
fees and charges, § **23:21,**  
**23:22**  
impairment of obligation of  
contract, § **23:40**  
Contribution, claims for, § **23:23**  
Core proceedings in determining  
extent of liens, § **23:4**  
Corn as constituting grain, § **23:6**  
Costs and expenses  
fees and charges, § **23:14,**  
**23:19 to 23:22**  
holder of chain, costs recover-  
able by, § **23:14 to 23:22**  
valuation standards, § **23:9,**  
**23:10**  
Counterclaim, § **23:1**  
Crops or proceeds of crops,  
§ **23:33**  
Date. Time or date, below  
Declining real estate market,  
§ **23:9**  
Decrees. Judgments and decrees,  
below  
Deductions in determining value  
cost of sale, § **23:9, 23:10**  
liens, § **23:7**  
Default rate of interest, § **23:18**  
Delay in foreclosure, § **23:3**  
Discharge injunction, effect on  
enforcement of liens, § **23:26**  
Discount rate of interest, § **23:17**  
Disposition of property as  
determining value, § **23:8**  
Dry edible beans as constituting  
grain, § **23:6**  
Due process of law provisions of  
constitution, § **23:32**  
Election to have collateral secure  
entire claim, § **23:2**  
Equities of case in applying  
prepetition security interest to

## INDEX

### SIZE AND NATURE OF CLAIM

#### —Cont'd

postpetition proceeds,  
§ 23:38, 23:39  
Equity security holders, § 23:13  
Evidence  
    filing proof of claim. Filing,  
        below  
    prima facie evidence, § 23:4,  
        23:13  
Examination costs of title, § 23:22  
Exception for security interest in  
    property acquired prepetition,  
    § 23:40  
Exempted property, § 23:28  
Expenses. Costs and expenses,  
    above  
Extends to, defined, § 23:35  
Fair market value, § 23:9  
Farmers and Farm Products (this  
    index)  
Federal or state law as applicable,  
    § 23:21, 23:39  
Fees and charges, § 23:14, 23:19  
    to 23:22  
Fifth Amendment due process  
    rights, § 23:32  
Filing  
    continuation statement to  
        extend perfection of secu-  
        rity interest, § 23:39  
    proof of claim  
        time at which valuation is to  
        be made, § 23:11  
Flaxseed as constituting grain,  
    § 23:6  
Floating lien, § 23:39  
Forced sale of debtor's assets,  
    § 23:9  
Foreclosure (this index)  
Fraudulent transfers, § 23:35  
Full faith and credit of debtor  
    municipality, § 23:2  
Furniture for house, § 23:9  
Going-concern value, § 23:9

### SIZE AND NATURE OF CLAIM

#### —Cont'd

Governing law, § 23:21, 23:39  
Grain assets cases, § 23:6  
Grain sorghum as constituting  
    grain, § 23:6  
Grain storage facility, § 23:6  
Hearing. Notice and hearing,  
    below  
Household goods, § 23:9  
Husband, alimony and support  
    claims, § 23:23  
Hypothetical sale expenses in  
    determining value, § 23:10  
Impairment of obligation of  
    contract, § 23:40  
Individual debt adjustment,  
    § 23:11, 23:38  
Injunction discharge, effect on  
    enforcement of liens, § 23:26  
In rem nature of lien enforcement  
    action, § 23:26  
Insurance on title, § 23:22  
Interest in property of creditor,  
    defined, § 23:10  
Interest on money, § 23:14 to  
    23:18  
Inventory, § 23:35  
Judgments and decrees  
    generally, § 23:5  
    res judicata, § 23:8  
Just compensation clause of con-  
    stitution, § 23:32  
Late charges, § 23:22  
Lawyers' fees, § 23:19 to 23:22  
Leases (this index)  
Liens or other secured interest,  
    generally, § 23:1 et seq.  
Liquidation (this index)  
Lists as prima facie evidence of  
    value, § 23:4, 23:13  
Maintenance and alimony claims,  
    § 23:23  
Market rate interest, § 23:17  
Market value, § 23:9

**SIZE AND NATURE OF CLAIM**

**—Cont'd**

Median value between retail and wholesale value, § 23:9

Mortgages (this index)

Motion, determination of matters on, § 23:4

Municipal debt adjustment, § 23:2, 23:13, 23:23, 23:40

Nonconsensual oversecured claims, § 23:16

Notice and hearing  
after notice and hearing, defined, § 23:35  
confirmation hearing as date of valuation, § 23:11  
valuation, § 23:12

Oats as constituting grain, § 23:6

Obligation of contracts, impairment of, § 23:40

Option to have collateral secure entire claim, § 23:2

Oversecured claims, § 23:14 to 23:16, 23:22

Perfection of security interest, § 23:36, 23:37, 23:39

Personal property redemption, § 23:27

Plain meaning of language  
approach as to lien avoidance, § 23:28

Pleadings or complaint, § 23:4

Possession of perfected security interest, § 23:36

Postpetition claims, generally, § 23:14 to 23:22, 23:31 to 23:40

Preemption of bankruptcy law over state law, § 23:21

Prepetition security interest as affecting property acquired after petition, generally, § 23:31 to 23:40

Prima facie evidence, § 23:4, 23:13

Proceeds, defined, § 23:35, 23:39

**SIZE AND NATURE OF CLAIM**

**—Cont'd**

Proof. Evidence, above

Proposed disposition or use of property, valuation based on, § 23:8

Protective decree under Securities Investor Protection Act, § 23:5

Purpose of property as determining value, § 23:8

Rate of interest allowable, § 23:17, 23:18

Raw materials converted into inventory, § 23:35

Real estate broker's commission on sale, § 23:10

Real estate market, valuation affected by decline in, § 23:9

Real property redemption, § 23:27

Reasonableness of fees, costs, or charges, § 23:19, 23:20

Redemption, § 23:11, 23:27

Rehabilitative provisions of Chapter 11, § 23:38

Reimbursement, claim for, § 23:23

Rent and rentals, § 23:36, 23:37

Reorganization (this index)

Residence of debtor, § 23:30

Res judicata, § 23:8

Retail value, § 23:9

Revenue bond holders of municipal bonds, § 23:2, 23:40

Revenue pledge by municipalities, § 23:2, 23:40

Rice as constituting grain, § 23:6

Risks of loss of continued operation of business, § 23:35

Rye as constituting grain, § 23:6

Sale of property  
bankruptcy administration, sale in, § 23:35  
expenses of sale, § 23:9, 23:10



## INDEX

### SIZE AND NATURE OF CLAIM

#### —Cont'd

Sale of property—Cont'd  
forced sale of debtor's assets,  
§ 23:9  
fraudulent transfer or sale,  
§ 23:35  
Schedules as prima facie evidence,  
§ 23:4, 23:13  
Secured claims, generally, § 23:1  
et seq.  
Secured creditor distinguished  
from secured claim, § 23:3  
Securities Investor Protection Act,  
§ 23:5  
Security cushion, payment of  
postpetition interest out of,  
§ 23:15  
Setoff, § 23:1  
Soybeans as constituting grain,  
§ 23:6  
Special revenue of municipality,  
claims payable from, § 23:2  
Specific statute as prevailing over  
general statute, § 23:38  
Spouse, support and alimony  
claims by, § 23:23  
Standards used for valuation,  
§ 23:9  
State or federal law as applicable,  
§ 23:21, 23:39  
Stay of foreclosure, § 23:3  
Stockbroker liquidation cases,  
§ 23:5, 23:6  
Storage facilities for grain, § 23:6  
Stripping down or strip down  
concept, § 23:27 to 23:29  
Successor to creditors and  
purchasers, trustee in bank-  
ruptcy as, § 23:35  
Support and alimony claims,  
§ 23:23  
Survival of action, § 23:23  
Taking of property clause of con-  
stitution, § 23:32

### SIZE AND NATURE OF CLAIM

#### —Cont'd

Time or date  
continuation statement to  
extend perfection of secu-  
rity interest, § 23:39  
filing claim prior to request for  
lien avoidance, § 23:24  
late charges, § 23:22  
valuation, determination of,  
§ 23:11  
Title, § 23:22  
Unadministered property, § 23:23,  
23:28  
Uniform Commercial Code,  
§ 23:35, 23:39  
Unliquidated claims, lists of,  
§ 23:13  
Unsecured creditor distinguished  
from unsecured claim, § 23:3  
Use of property  
use of property in bankruptcy  
administration, § 23:35  
value based on proposed use of  
property, § 23:8  
Value and valuation  
generally, § 23:7 to 23:13  
collateral, definition of, § 23:7  
creditor's interest, definition of,  
§ 23:7  
deductions in determining  
value, above  
definitions, § 23:7 to 23:9  
Wheat as constituting grain,  
§ 23:6  
Wholesale value, § 23:9  
Wife, alimony and support claims,  
§ 23:23

### SIZE OF BANKRUPTCY CASE

Small Business Reorganization  
(this index)

### SLANDER

Defamation (this index)

**SMALL BUSINESS**

**ADMINISTRATION**

Administrative regulations, § 1:32

**SMALL BUSINESS DEBTOR  
REORGANIZATION**

Small Business Reorganization  
Act of 2019, § 26:69

**SMALL BUSINESSES**

Individual debt adjustment,  
partnerships, § 1:65  
Reorganization. Small Business  
Reorganization (this index)  
Sole Proprietors (this index)

**SMALL BUSINESS  
INVESTMENT COMPANIES**

Ineligibility for Chapter 7, § 1:42

**SMALL BUSINESS  
REORGANIZATION**

Conditional approval of disclosure  
statement, § 27:16  
Creditors' committee, order that  
no committee be appointed,  
§ 6:54  
Disclosure statement approval by  
court, § 27:16  
Duties of debtor, § 6:25  
Election, § 26:56  
Eligibility to be debtor, § 1:47  
Motion, application, or request  
change in time for filing plan,  
§ 26:56  
creditors' committee in small  
business reorganization,  
request that no committee  
be appointed, § 6:54  
Plans  
approval of disclosure state-  
ment, § 27:16  
conditional approval of  
disclosure statement,  
§ 27:16  
disclosure statement hearing  
and approval, § 27:16

**SMALL BUSINESS  
REORGANIZATION**

**—Cont'd**

Plans—Cont'd  
objection to disclosure state-  
ment, § 27:16  
solicitation of plan acceptance  
or rejection, § 27:16, 27:20  
time for filing plan, § 26:56  
Reporting requirements of debtor,  
§ 6:25  
Returns, filing 2005 amendments,  
§ 3:5  
Tax returns, § 3:5  
Time for filing election and plan,  
§ 26:56  
Withdrawal of election, § 26:56

**SMALL CLAIMS**

Involuntary cases, petitioning  
creditors in, § 9:32  
Proof of claim, § 22:56

**SMALL DIVIDENDS**

Distribution, § 33:55, 34:193,  
34:197

**SNAP-BACK PROVISIONS**

Collective bargaining agreements,  
rejection of, § 20:104

**SOCIAL SECURITY**

Assignments (this index)  
Automatic stay exception,  
§ 16:118  
Dischargeable debts  
generally, § 35:207  
anti-assignment rule, § 35:167  
Exemptions  
generally, § 13:102, 13:103,  
13:116  
payment be reasonably neces-  
sary for support require-  
ment, § 13:95  
Family farmer debt adjustment  
plans, § 33:54

## INDEX

### **SOCIAL SECURITY—Cont'd**

- Individual debt adjustment,  
benefits as income, § **1:64**
- Petition preparers, § **8:13**
- Privacy considerations, § **1:78**
- Voluntary petitions, § **8:46**

### **SOCIAL SECURITY NUMBER**

- Captions, § **1:76**
- Debtor's notice to creditor to  
contain taxpayer identifica-  
tion number, § **6:6**

### **SOCIETAL ROLE**

- Bankruptcy, § **1:3**

### **SOLDIERS' AND SAILORS' CIVIL RELIEF ACT**

- Generally, § **1:33**

### **SOLE PROPRIETORS**

- Individual debt adjustment  
eligibility, § **1:55, 1:65**
- Proof of claim, § **22:1**

### **SOLE STOCKHOLDER**

- Preferential transfer, exceptions to  
avoidability, § **18:52, 18:69**

### **SOLICITATION**

- Municipal debt adjustment plans,  
§ **32:13, 32:16**
- Reorganization, election of  
trustee, § **5:34**
- Reorganization Plans (this index)

### **SORGHUM**

- Allowance of claims or interest,  
§ **24:72**

### **SOUND RECORDINGS**

- Clerks, § **4:55**
- Exemptions of equipment,  
§ **13:159**
- Voluntary bankruptcy, § **8:88**

### **SOURCE-OF-INCOME TESTS**

- Taxation, § **3:18**

### **SOUTH CAROLINA**

- Opt-out provisions, § **13:7**

### **SOUTH DAKOTA**

- Opt-out provisions, § **13:6**

### **SOVEREIGN IMMUNITY**

- Abrogation, § **6:78, 6:79**
- Automatic stay, § **16:3**
- Consent. Waiver, below
- Constitutionality of section 106(a),  
§ **6:79**
- Counterclaim, § **6:80**
- Exemptions, § **13:133**
- Intervention, § **6:82, 6:83**
- Municipal debt adjustment,  
§ **6:78, 6:83**
- Proof of claim, effect of  
governmental unit's filing,  
§ **6:80**
- Reorganization, § **6:78, 6:84**
- Setoff, § **6:78, 6:82**
- Turnover of property, § **14:32, 14:52**
- Waiver
  - generally, § **6:78 to 6:82**
  - counterclaim, § **6:80**
  - intervention, § **6:82, 6:83**
  - municipal debt adjustment,  
§ **6:83**
  - offset of claims, § **6:80**
  - reorganization, § **6:84**
  - states, § **6:78**
  - United States, § **6:78**

### **SOYBEANS**

- Allowance of claims or interest,  
§ **24:72**
- Size and nature of claim, § **23:6**

### **SPECIAL ADMINISTRATIVE PRIORITY**

- Loans or credit, § **15:70**

### **SPECIAL CIRCUMSTANCES**

- Family farmer debt adjustment  
plans, § **33:28, 33:38**

**SPECIAL MEETINGS**

Creditors', § 10:4

**SPECIAL REVENUES**

Municipal Debt Adjustment (this index)

**SPECIFICALLY IDENTIFIABLE PROPERTY**

Commodity broker liquidation, § 34:173 to 34:175, 34:177

**SPECIFICITY**

Exemptions, § 13:32

**SPECIFIC PERFORMANCE**

Allowance of claims or interest, § 24:22

Executory contracts and unexpired leases, § 20:7, 20:58

**SPECULATIVE INCOME**

Individual debt adjustment, § 1:60

Individual debt adjustment plan confirmation, § 31:38

**SPEECH AND PRESS FREEDOM**

Freedom of Speech and Press (this index)

**SPENDTHRIFT TRUSTS**

Avoidance, § 17:23

Exclusion from bankruptcy estate, § 12:18, 12:24

Exemptions, § 13:92

Property of estate, § 12:10, 12:88, 12:89

**SPILL-OVER EXEMPTIONS**

Generally, § 13:113, 13:115, 13:153

**SPORTS CARS**

Individual debt adjustment plans, confirmation, § 31:52

**SPOT FOREIGN EXCHANGE AGREEMENTS**

Swap agreements, § 20:23

**SPOUSAL SUPPORT**

Discharge (this index)

**SPOUSES**

Husband and Wife (this index)

**STABILITY OF INCOME REQUIREMENT**

Individual debt adjustment, § 1:58

**STACKING**

Exemptions, § 13:28, 13:29, 13:71

**STAFF**

Employment (this index)

**STALLED PLAN NEGOTIATIONS**

Reorganization plans, cause for extension of exclusivity period, § 26:63

**STANDARDIZED DEDUCTIONS**

Taxation, § 3:36

**STANDING**

Interested Persons or Parties (this index)

**STANDING TRUSTEES**

Generally, § 5:11

Appointment

eligibility and qualification, below

family farmer debt adjustment, § 5:1, 5:41

individual debt adjustment, § 5:1, 5:43

Attorneys (this index)

Compensation and reimbursement generally, § 5:97 to 5:100

computation of payment, § 5:97, 5:98

court review, § 5:100

impaired claims, § 5:99

Computation of payment, § 5:97, 5:98

Court review, § 5:100

## INDEX

### STANDING TRUSTEES—Cont'd

- Disinterested requirement, § 5:4
- Eligibility and qualification
  - generally, § 5:11
  - disinterested requirement, § 5:4
- Family farmer debt adjustment, § 5:1, 5:41, 5:97 to 5:100
- Impaired claims, § 5:99
- Individual debt adjustment, § 4:89, 4:90, 5:1, 5:43, 5:97 to 5:100
- Removal of trustee or examiner for cause, § 5:79
- United States trustees, § 4:63, 4:68, 4:89, 4:90, 5:11, 5:41, 5:44

### STATE

- Abrogation of state-law entitlements, scope of congressional bankruptcy power, § 1:10
- Abstention, § 7:2
- Allowance of claims or interest, § 24:34, 24:61
- Alternatives to bankruptcy, state insolvency proceedings, § 1:33
- Core proceedings, § 7:58, 7:87, 7:95
- Executory contracts and unexpired leases, state law, § 20:1, 20:7, 20:9, 20:10, 20:41
- Exemptions (this index)
- Foreign Countries or Proceedings (this index)
- Fraudulent transfers, option to proceed under state law, § 19:90 to 19:92
- Individual Debt Adjustment Plans (this index)
- Injunctions, § 7:165
- Interested parties, § 6:78
- Jurisdiction, generally, § 7:14, 7:15, 7:58, 7:87, 7:95, 7:108
- Law of state. State Law (this index)

### STATE—Cont'd

- Operation of business, § 15:2, 15:17
- Opt Out Provision (this index)
- Parties, interested parties, § 6:78
- Remand (this index)
- Sovereign Immunity (this index)
- Supreme Court review of state court decisions, § 37:86
- Taxation. State and Local Taxes (this index)
- Uniformity required by Bankruptcy Clause, § 1:9

### STATE, SECRETARY OF

- Involuntary bankruptcy, § 9:2

### STATE AND LOCAL TAXES

- Generally, § 3:2
- Allowance of claims or interest, § 24:22, 24:28, 24:31, 24:37, 24:47
- Assessment, § 3:77, 3:78
- Automatic stay exception for creation or perfection of statutory lien relating to postpetition property taxes, § 16:104
- Carryover or carryback, § 3:10, 3:58
- Corporations, § 3:10, 3:58
- Gross income exclusions, § 3:10
- Judicial determination of tax liability, § 3:74
- Proof of claim, burden of proof, § 22:12
- Sales or transfers, § 3:86
- Separate taxable bankruptcy estate, § 3:28
- Trustees, § 3:70, 3:71
- Withholding taxes, § 3:64

### STATE ATTORNEYS GENERAL

- Appearance on behalf of consumer creditors, § 6:36
- Interested party, § 6:85

## STATE LAW

- Abandonment, § **12:139, 12:140, 12:153**
- Abrogation of state-law entitlements, scope of congressional bankruptcy power, § **1:10**
- Alternatives to bankruptcy, state insolvency proceedings, § **1:33**
- Governing Law (this index)
- Individual Debt Adjustment Plans (this index)
- Opt Out Provision (this index)
- Preemption (this index)
- Proof of claim, burden of proof, § **22:12**
- Scope of congressional bankruptcy power, § **1:10**
- Spendthrift Trusts (this index)
- Uniformity required by Bankruptcy Clause, § **1:9**

## STATEMENTS

- Allowance of Claims or Interests (this index)
- Amendment, § **8:96 to 8:105**
- Appeal, statement of issues to be presented on appeal, § **37:58, 37:59**
- Copies, creditor's right to receive, § **6:39**
- Creditors' and equity security holders' committees, verified statement by, § **6:46, 6:56, 6:65**
- Debtor's duty to file, § **6:15**
- Disclosure statements. Reorganization Plans (this index)
- Dismissal of case for debtor's failure to file, § **6:27**
- Employer payments and income statements, debtor's filing of evidence of, § **6:17, 6:27**
- Exemptions, statement of intention, § **13:34**

## STATEMENTS—Cont'd

- Family farmer debt adjustment, § **12:157**
- Financial Statements (this index)
- Income and expenditure statements, debtor's filing of, § **6:17**
- Indenture trustee, verified statement by, § **6:72**
- Individual debt adjustment, § **12:157**
- Intention, Statement of (this index)
- Involuntary bankruptcy, § **9:79 to 9:82**
- Liquidation, § **12:159**
- Redemption, § **12:110, 12:111, 12:114**
- Reorganization Plans (this index)
- Rules of Bankruptcy Procedure (this index)
- Small business debtor's duty to file, § **6:25**
- Taxation, § **3:68**
- Voluntary bankruptcy, § **8:62 et seq.**

## STATIONERY

- Trustee's compensation for services, § **5:87**

## STATUS CONFERENCE

- Reorganization Plans (this index)

## STATUS QUO RESTORATION

- Automatic stay, § **16:88**

## STATUTE OF FRAUDS

- Property of estate, § **6:9, 12:154**

## STATUTE OF LIMITATIONS

- Abstention, § **7:31**
- Automatic stay, § **16:8, 16:10**
- Avoidance powers of trustee, § **17:55, 17:56, 17:73**
- Causes of action, § **12:25**
- Crimes and offenses, § **12:142**
- Debtor in possession, § **5:112**

## INDEX

### STATUTE OF LIMITATIONS

#### —Cont'd

- Defenses available to estate, § 6:9, 12:154
- Extensions of time, § 1:91
- Fraudulent transfers and concealment of assets, § 19:90, 19:114
- Proof of claim, § 22:44, 22:48
- Property of estate, defenses available to estate, § 6:9, 12:154
- Reopening case, § 1:169, 36:8
- Taxation
  - generally, § 3:78
  - assessment of taxes, § 34:71
- Voluntary bankruptcy, § 8:35, 8:97

### STATUTORY LIENS

- Automatic stay exception for creation or perfection of statutory lien relating to postpetition property taxes, § 16:104
- Avoiding powers, generally, § 13:142, 13:158, 17:33 to 17:38
- Defined, § 13:143, 17:34
- Distress of rent, avoidance of liens for, § 17:34, 17:38
- Effectiveness of lien on bankruptcy or insolvency, trustee's avoiding powers, § 17:35
- Exemptions, § 13:143, 13:159
- Preferential transfers, exceptions to avoidability, § 18:89, 18:90
- Sovereign immunity abrogated, § 6:78
- Unperfected liens, trustee's avoiding powers, § 17:36, 17:37

### STAY PENDING APPEAL

- Bankruptcy Appellate Panels and district courts, § 37:51 to 37:56
- Court of Appeals, § 37:83

### STAY PENDING APPEAL

#### —Cont'd

- Supersedeas Bonds (this index)

### STAYS

- Ancillary and other cross-border cases under BAPCPA, § 16:223
- Appeal
  - generally. Appeals (this index)
  - Stay Pending Appeal (this index)
- Automatic Stay (this index)
- Codebtor Stay (this index)
- Injunctions (this index)
- Operations of, conversion or dismissal, § 11:86, 11:93
- Pending appeal. Stay Pending Appeal (this index)
- Railroad reorganization, suspension of lines, § 12:137
- Rules of Bankruptcy Procedure (this index)
- Taxation (this index)

### STEREO SYSTEMS

- Exemptions, § 13:159

### STIPULATIONS

- Adequate protection, § 21:27, 21:35
- Core proceedings, § 7:77
- Use, sale, or lease of property, § 15:45

### STOCK AND STOCKHOLDERS

- Securities (this index)

### STOCK BONUSES

- Exemptions, § 13:102

### STOCKBROKER LIQUIDATION

- Agreements. Securities contract, below
- Automatic stay
  - matters insulated from, § 16:119 to 16:121
  - setoff rights, § 25:15

## STOCKBROKER LIQUIDATION

### —Cont'd

Avoiding power of trustee, generally, § **17:6, 17:60, 17:61**  
 Banks, treatment of customer accounts, § **34:146**  
 Claims, subordination, § **34:156**  
 Contracts. Securities contract, below  
 Customer  
     generally, § **6:74**  
     claims, subordination, § **34:156**  
     property. Customer property, below  
         securities. Customer name securities, below  
 Customer accounts, § **34:146**  
 Customer name securities  
     distribution, § **34:148**  
     operation of business, § **15:7**  
     reclamation, § **17:86**  
 Customer property  
     distribution, § **34:150 to 34:156**  
     operation of business, § **15:8**  
 Date. Time and date, below  
 Definitions. See lines throughout this topic  
 Delivery of customer name securities, § **34:148**  
 Distribution  
     generally, § **34:144 to 34:158**  
     apportionment of equity after liquidation of security interest, § **34:153**  
     customer accounts, § **34:146**  
     customer name securities, § **34:148**  
     customer property, § **15:8, 34:150 to 34:156**  
     delivery of customer name securities, § **34:148**  
     excess customer property, § **34:157**  
     exclusions, customer property, § **34:152**

## STOCKBROKER LIQUIDATION

### —Cont'd

Distribution—Cont'd  
     insufficient customer property, § **34:158**  
     limitations, § **34:149**  
     net equity claims, § **34:154 to 34:156**  
     postpetition transactions, § **34:155**  
     securities, generally, § **34:147 to 34:149**  
 Securities Investor Protection Act, § **34:145**  
     subordination, § **34:156**  
     time and date, net equity claims, § **34:155**  
     valuation, net equity claims, § **34:155**  
 Distribution, generally, § **1:162**  
 Equity  
     apportioning debtor's equity remaining after liquidation of security interest, § **34:153**  
     distribution of customer property, § **34:154 to 34:156**  
     net equity, distribution of customer property, § **34:154 to 34:156**  
 Excess customer property, distribution, § **34:157**  
 Exclusions, customer property, § **34:152**  
 Executory contracts. Securities contract, below  
 Limitations, distribution, § **34:149**  
 Liquidation proceeding, § **34:153**  
 Names. Customer name securities, above  
 Net equity, distribution of customer property, § **34:154 to 34:156**  
 Offset, § **16:120, 16:121**  
 Operation of business  
     generally, § **15:5 to 15:8**



## INDEX

### STOCKBROKER LIQUIDATION

#### —Cont'd

- Operation of business—Cont'd
  - distribution of customer property, § 15:8
  - executory contracts for purchase or sale of securities, § 15:6
  - property of estate, securities held as, § 15:7
- Postpetition transactions, § 34:155
- Property of estate
  - customer property, above operation of business, § 15:7
- Reclamation, § 17:86
- Securities contract
  - customer name securities, above operation of business, § 15:6
- Securities Investor Protection Act (this index)
- Securities Investor Protection Corporation (this index)
- Security interest, apportioning debtor's equity remaining after liquidation of, § 34:153
- Setoff, § 16:120, 16:121
- SIPA. Securities Investor Protection Act (this index)
- SIPC. Securities Investor Protection Corporation (this index)
- Size and nature of claim, § 23:5, 23:6
- Stay, matters insulated from automatic, § 16:119 to 16:121
- Stockholder. Customer, above
- Subordination, § 34:156
- Time and date
  - net equity claims, § 34:155
  - operation of business, § 15:6, 15:7
- Trustees
  - generally, § 5:69
  - avoiding powers, § 17:6, 17:60, 17:61, 18:6

### STOCKBROKER LIQUIDATION

#### —Cont'd

- Turnover of property, § 14:18
- Valuation, net equity claims, § 34:155
- Voluntary bankruptcy, § 8:38

### STOCKBROKERS

- Clerks, § 4:48
- Fraud and Deceit (this index)
- Fraudulent transfers and concealment of assets, § 19:107
- Stockbroker Liquidation (this index)

### STOCK-FOR-DEBT EXCHANGES

- Taxation, § 3:17, 3:54

### STOCK OPTIONS

- Allowance of claims or interest, § 24:58

### STOCK PURCHASE AGREEMENT

- Automatic stay, § 16:52

### STONEWALLING

- Collective bargaining agreements, rejection, § 20:117

### STOP PAYMENT

- Trustee's liabilities and duties, § 5:47

### STORAGE

- Allowance of claims or interest, § 24:73
- Avoidance of lien for rent, § 17:38
- Fish processing or storage facilities. Fish and Fishermen (this index)
- Grain and Grain Storage (this index)
- Size and nature of claim, § 23:6
- Use, sale, or lease of property, § 15:29

**STRAIGHT BANKRUPTCIES**

Liquidation (this index)

**STRIKES**

Injunctions, § 7:167

**STRIPPING DOWN OR STRIP  
DOWN CONCEPT**

Size and nature of claim, § 23:27  
to 23:29

**STRONG ARM CLAUSE**

Avoidance, generally, § 17:13 to  
17:32

Turnover of property, § 14:4

**STUDENT LOANS**

Consolidation, § 1:33

Discharges

generally, § 35:182 et seq.

codebtors, § 35:185

contingent obligation loans,  
§ 35:184

dependency obligations,  
consideration of, § 35:191

discretion of court, § 35:187

factors considered, § 35:189 et  
seq.

future prospects of debtor,  
consideration of, § 35:193

good faith repayment efforts,  
§ 35:194

guarantors, § 35:185

HEAL loans, § 35:184

health factors, consideration of,  
§ 35:190

living expenses, consideration  
of, § 35:192

nature of lender and loan,  
§ 35:183

PSAP loans, § 35:184

repayment, good faith efforts,  
§ 35:194

tests, § 35:188

Discriminatory treatment of  
debtor, § 6:31, 6:32

**STUDENT LOANS—Cont'd**

Educational loan consolidation  
provisions, § 1:33

Government loan insurance, ade-  
quate protection, § 21:61

Individual debt adjustment plans  
confirmation, § 31:15

Property of estate, educational  
loan eligibility, § 12:93

Sovereign immunity, § 6:79

Tax treatment of discharge, § 3:19

**SUA SPONTE**

Own Motion of Court (this index)

**SUBCONTRACTORS**

Trustee's capacity to sue, § 5:48

**SUBLEASES**

Appeals, § 37:7

Executory contracts and unexpired  
leases, § 20:50, 20:63

**SUBORDINATION**

Generally, § 34:90 to 34:114

Agreements, § 34:92, 34:93

Attorney-client privilege, § 34:110

Bankruptcy court, standing to  
raise equitable subordination  
claim, § 34:114

Burden of proof, § 34:108

Codebtors, § 34:97

Commodity broker liquidation,  
§ 34:171

Core proceedings, § 34:107

Corporations, § 34:104

Creditors' committee, standing to  
raise equitable subordination  
claim, § 34:112

Debtor in possession, standing to  
raise equitable subordination  
claim, § 34:113

Declaratory judgments, § 7:179

Disallowance, relationship of  
equitable subordination to,  
§ 34:91

## INDEX

### SUBORDINATION—Cont'd

- Distribution, generally, § 1:160, 34:90 to 34:114
- Equitable subordination, generally, § 34:98 to 34:114
- Fraudulent transfers and concealment of assets, § 19:110
- Harm, equitable subordination, § 34:101
- Inequitable conduct by claimant, § 34:100
- Insiders, equitable subordination, § 34:102
- Jurisdiction, § 7:76, 7:109, 7:179
- Liens and encumbrances, § 12:43
- Limitations, § 34:93, 34:96
- Loans or credit, § 34:104
- Mandatory subordination, § 34:94 to 34:97
- Noninsiders, § 34:105, 34:106
- Practice and procedure, § 34:107 to 34:114
- Reorganization, generally, § 1:160
- Reorganization plans, § 26:40
- Rules of Bankruptcy Procedure, § 1:160
- Sale or Transfer (this index)
- Securities. Stocks and securities, below
- Sovereign immunity, § 6:78
- Standing to assert entitlement to equitable subordination, § 34:111 to 34:114
- Stockbroker liquidation, § 34:156
- Stocks and securities
  - distribution, § 34:94 to 34:96, 34:103
  - purchase rescission claims, § 34:94 to 34:96
- Time for filing motion to subordinate, § 34:108
- Trustee, standing to raise equitable subordination, § 34:111
- Undercapitalized corporate debtors, § 34:104

### SUBPOENAS

- Generally, § 1:117
- Jurisdiction, subpoena power of court, § 7:169 to 7:171
- Service of Petitions, Process, and Papers (this index)
- Third party examination under Rule 2004, § 10:38

### SUBROGATION

- Allowance of claims or interest, § 24:51, 24:105
- Codebtors, tax and custom duties debts, § 35:77
- Priorities, generally, § 34:8
- Proof of claim, § 22:18

### SUBSEQUENT ADVANCE RULE

- Preferential transfers, exceptions to avoidability, § 18:78 to 18:84

### SUBSEQUENT BANKRUPTCY CASES

- Conversion or dismissal, § 11:95

### SUBSEQUENT TRANSFEREES

- Fraudulent transfers and concealment of assets, § 19:101, 19:107

### SUBSIDIARY

- Professional persons, employment of, § 2:41
- Reorganization plans, modification of exclusivity period, § 26:63

### SUBSTANTIAL ABUSE

- Notice to U. S. trustee, § 4:101, 4:106

### SUBSTANTIAL CONTRIBUTION

- Distribution, § 34:37

### SUBSTANTIALLY ALL ASSETS

- Tax-free corporate reorganizations, § 3:48

**SUBSTANTIVE**

**CONSOLIDATION**

Consolidation of Cases (this index)

**SUBSTITUTION OF JUDGES**

Disabled judge, § 4:28

**SUBSTITUTION OF OBLIGATIONS**

Avoidability of preferences, exceptions to, § 18:41

**SUBSTITUTION OF OFFICERS**

Disabled judge, § 4:28

Rules of Bankruptcy Procedure (this index)

Successor trustees, § 5:46

Trustees, generally, § 5:46

**SUCCESSORS OR SUCCESSION**

Fraudulent transfers, successor corporation, § 19:84

Individual debt adjustment plans, § 31:9, 31:11

Preferential transfers, trustee as successor to certain creditors and purchasers, § 18:99

Taxation (this index)

Trustee. Successor Trustee (this index)

**SUCCESSOR TRUSTEE**

Accounting, § 4:41, 5:45

Compensation of trustee, § 5:101

Fraudulent transfers and concealment of assets, § 19:114

Liquidation, § 4:86, 5:20, 5:70

Rules of Bankruptcy Procedure, § 5:19, 5:45

Substitution, § 5:46

U. S. trustees, § 4:70, 4:85, 4:86

**SUMMARIES**

Individual debt adjustment plans, § 30:5

Professional persons, record of fees, § 2:120

**SUMMARIES—Cont'd**

Reorganization plans and disclosure statements, § 27:8, 27:17

**SUMMARY JUDGMENT**

Appeals, final orders, § 37:7, 37:8

Involuntary bankruptcy, § 9:24, 9:55, 9:63

Preferential transfer giving creditor an advantage, § 18:30

**SUMMONS**

Clerk of court, § 4:49

Exemptions, § 13:164

Involuntary petition, § 9:47

Service of Petitions, Process and Papers (this index)

**SUNDAYS AND HOLIDAYS**

Avoidance, statute of limitations as limiting trustee's power, § 17:55

Clerks, § 4:43

Computation of time, § 1:90

Labor Day, § 4:43

"Legal holiday" defined, § 1:90

Memorial Day, § 4:43

New Year's Day, § 4:43

Washington's Birthday, § 4:43

**SUNK COSTS**

Reorganization plans, settlement or adjustment of claim or interest, § 26:26

**SUNSET PROVISION**

Family farmer debt adjustment, § 1:21, 1:50

**SUPERDISCHARGE**

Chapter 13 cases, § 35:72

Individual debt adjustment, § 31:13

**SUPERPRIORITY**

Adequate protection, § 21:36, 21:37

## INDEX

### **SUPERPRIORITY—Cont'd**

- Administrative expenses, § 34:15
- Allowance of claims or interest,  
§ 24:55, 24:78
- Compensation, § 2:105
- Distribution, § 34:11 to 34:15
- Executory contracts and unexpired  
leases, § 20:95
- Loans or credit, § 15:71
- Reimbursement, § 2:105

### **SUPERSEDEAS BONDS**

- Generally, § 37:51 to 37:56
- Injunction against execution of  
bond, § 7:165
- Railroad reorganization, § 12:137

### **SUPERSEDED CASES**

- Conversion or dismissal, § 11:84,  
11:88, 11:89

### **SUPERVISION**

- District court, § 7:17
- U. S. trustees, § 4:78, 4:79

### **SUPPLEMENTAL SCHEDULES**

- Generally, § 12:55
- Exemptions, § 13:39

### **SUPPLEMENTAL SECURITY INCOME BENEFITS**

- Automatic stay, § 16:34

### **SUPPLEMENTAL STATEMENTS**

- Attorneys' fees, § 2:63

### **SUPPLIES**

- Materialmen's liens. Mechanic's  
Liens (this index)
- Size and nature of claim, § 23:35

### **SUPPLY FEES**

- U. S. trustees, § 4:64

### **SUPPORTING DOCUMENTS**

- U. S. trustees, § 4:99

### **SUPPORT OF PERSONS**

- Domestic Support Obligations  
(this index)

### **SUPREMACY CLAUSE**

- Automatic stay, § 16:3
- Exemptions, § 13:16, 13:17
- Reorganization plans, federal law  
as governing counting of  
votes approving or disap-  
proving, § 27:26

### **SUPREME COURT OF UNITED STATES**

- Appeals, generally, § 37:84 to  
37:87
- Chief Justice of the United States  
(this index)
- Court of Appeals judgments,  
decrees, and orders, gener-  
ally, § 37:85
- Disclosure statements, rulemaking  
power, § 27:4, 27:12
- Jurisdiction, § 37:84
- Northern Pipeline Decision (this  
index)
- Rules of practice, § 1:19
- State court decisions, review of,  
§ 37:86

### **SURCHARGE**

- Federal Debt Collection  
Procedures Act, § 1:34
- Turnover of property, § 14:1,  
14:63, 14:69
- Use, sale, or lease of property,  
§ 15:29, 15:30

### **SURETIES**

- Allowance of claims or interests,  
§ 24:50 to 24:52
- Automatic stay, § 16:26, 16:49,  
16:63
- Payroll withholding taxes, § 3:62,  
3:64
- Preferences and Preferential  
Transfers (this index)

**SURETIES—Cont'd**

- Proof of claim, § 22:17, 22:18, 22:25
- Reimbursement of surety, preferential transfer in, § 18:98
- Rules of Bankruptcy Procedure (this index)
- Subrogation rights, tax and custom duties debts, § 35:77
- Turnover of property, § 14:87
- United States trustees, § 4:81 to 4:83

**SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977**

- Automatic stay, § 16:93

**SURFACE TRANSPORTATION BOARD**

- Abandonment of railroad property, § 1:134, 1:173
- Interested party, generally, § 6:85
- Property of estate, § 12:135
- Railroad reorganization
  - abandonment of railroad line, § 1:134, 1:173, 12:135
  - plan transfers or operations requiring Board approval, § 26:35

**SURGEONS**

- Physicians and Surgeons (this index)

**SURPLUS**

- Distribution, surplus to debtor after payment of priority claims, § 34:134, 34:143
- Liquidation, surplus to debtor after payment of priority claims, § 34:134, 34:143
- Proof of claim, § 22:47
- Taxation, § 3:44

**SURRENDER OF PROPERTY**

- Abandonment of Property of Estate (this index)

**SURRENDER OF PROPERTY —Cont'd**

- Debtor's surrender to trustee, § 6:23
- Executory contracts and unexpired leases, § 20:85
- Exemptions, § 13:34
- Family farmer debt adjustment plans, § 33:42
- Individual Debt Adjustment Plans (this index)
- Liquidation (this index)
- Municipal debt adjustment plans, § 32:3, 32:12, 32:33
- Turnover of Property (this index)

**SURVIVAL**

- Discharge (this index)

**SURVIVING SPOUSE**

- Voluntary bankruptcy, § 8:80

**SUSPENSION**

- Automatic Stay (this index)
- Discriminatory treatment of debtor, § 6:28, 6:32
- Voluntary bankruptcy, § 8:25
- Workouts, suspension of proceedings, § 1:35

**SWAP AGREEMENTS**

- Automatic stay, setoff rights, § 25:17
- Avoiding powers, § 17:62
- Fraudulent transfers, § 19:107
- Setoff by swap participants, § 16:108
- Spot foreign exchange agreements, § 20:23
- Termination or offset of termination values, § 20:23

**TAPE RECORDINGS**

- Sound Recordings (this index)

**TAXABLE YEAR**

- Separate taxable bankruptcy estate, § 3:32, 3:34

## INDEX

### TAXATION

- Generally, § **3:1 to 3:86**
- Adequate protection, § **21:33, 21:54, 21:58**
- Administrative expenses
  - generally, § **3:37, 3:58**
  - postpetition taxes, § **34:31**
  - priorities, § **34:28 to 34:31**
- Agreements, distribution, § **34:72**
- Allowance of Claims or Interests (this index)
- Annualization of income, § **3:34**
- Anti-injunction statute, § **3:79**
- Appointment of trustee, § **5:30**
- Approval. Consent or approval, below
- Assessments
  - generally, § **3:77 to 3:80**
  - automatic stay, generally, § **16:7, 16:101, 16:103**
  - priorities, § **34:70 to 34:73**
- Assignment of tax claims, § **3:40, 3:73**
- Audits, automatic stay exception, § **3:78**
- Automatic Stay (this index)
- Avoiding taxes. Evasion of Taxes (this index)
- Bankruptcy Reform Act, § **3:1**
- BAPCPA, § **3:4 to 3:6**
- Basis. Tax Treatment of Discharge (this index)
- Business expenses, § **3:37**
- Cancellation, § **3:11, 3:12, 3:18, 3:23, 3:32**
- Capital Expenditures (this index)
- Capital (this index)
- Carryover or Carryback (this index)
- Changes
  - assessment, § **3:78**
  - Carryover or Carryback (this index)
  - reductions, below

### TAXATION—Cont'd

- Claims
  - Allowance of Claims or Interests (this index)
  - assignment of tax claims, § **3:40, 3:73**
  - Attorney General, § **6:36**
  - Proof of Claim (this index)
- Computation, § **3:35**
- Confidentiality of returns, § **3:6, 3:72**
- Consent or approval
  - assessment, § **3:78**
  - basis adjustment, § **3:23**
- Contested prepetition determination by competent tribunal, § **3:76**
- Continuance
  - assessment, § **3:78**
  - personal holding company, § **3:81**
- Conversion or Dismissal (this index)
- Core proceedings, § **7:84**
- Corporations (this index)
- Costs. Fees and costs, below
- Credits Against Taxes (this index)
- Date. Time or date, below
- Debtor in possession, § **3:64, 3:70**
- Declaratory judgment, jurisdiction, § **7:179**
- Deductions from Taxes (this index)
- Deficiency. Loss or deficiency, below
- Depreciation and Depreciable Property (this index)
- Discharge of debts
  - generally, § **35:74 et seq., 35:89, 35:202**
  - codebtors' subrogation rights, § **35:77**
  - employment tax priorities, § **35:85**

**TAXATION—Cont'd**

Discharge of debts—Cont'd  
 excise tax priorities, § 35:83, 35:84  
 fees distinguished, § 35:76  
 gross receipts tax priorities, § 35:80  
 income tax priorities, § 35:80  
 penalties, priorities, § 35:87  
 policy considerations, § 35:75  
 priority claims, § 35:78 et seq.  
 property tax priorities, § 35:81  
 subrogation rights, § 35:77  
 surety's subrogation rights, § 35:77  
 trust fund tax priorities, § 35:82, 35:84  
 Disclosure, § 3:6, 3:72  
 Discounts, § 3:12, 3:13  
 Distributable net income, § 3:38  
 Distribution  
   generally, § 34:64 to 34:82  
   administrative expenses, § 34:28 to 34:31  
   agreements, § 34:72  
   customs duties, § 34:64 to 34:82  
   employment taxes, § 34:78  
   erroneous refund or credit of tax as affecting status for purpose of priorities, § 34:80  
   excise taxes, § 34:79  
   exclusions, § 34:73  
   filing date, effect on taxes, § 34:68, 34:69  
   income and gross receipts taxes, § 34:67 to 34:73  
   liens, § 34:119 to 34:124  
   liquidation, § 34:119 to 34:124  
   priorities, generally, § 34:28 to 34:31, 34:64 to 34:82  
   property taxes, § 34:74, 34:75  
 Refund (this index)  
 sales taxes, § 34:77

**TAXATION—Cont'd**

Distribution—Cont'd  
 stay of limitations period for assessment, § 34:71  
 unassessed taxes, § 34:70 to 34:73  
 water and sewer rents, § 34:75  
 withholding taxes, § 34:76  
 Earnings and income  
   generally, § 3:22, 3:49, 3:50, 3:83  
   automatic stay, § 16:40, 16:69, 16:73  
   discharge of indebtedness, income from. Tax Treatment of Debt Discharge (this index)  
   gross receipts taxes and income, § 34:67 to 34:73  
 Election or option  
   basis adjustments, § 3:23  
   new loss corporation, election not to have bankruptcy exception apply, § 3:57  
   taxable year of estate, § 3:32  
 Employment Taxes (this index)  
 Employment tax priorities, § 35:85  
 Evasion of Tax (this index)  
 Excise Taxes (this index)  
 Excise tax priorities, § 35:83, 35:84  
 Exclusions, § 34:73  
 Exemptions  
   generally, § 3:36, 13:24  
   business and administrative expenses, § 3:37  
   personal exemptions, § 3:34, 3:36  
   reduction of tax attribute, § 3:30  
   taxable year, § 3:32, 3:34  
 Expenses. Fees and costs, below  
 Extensions of time, § 3:74, 3:84  
 Family farmer debt adjustment plans, § 33:9



## INDEX

### TAXATION—Cont'd

- Family Farmer or Fisher Debt Adjustment (this index)
- Family or Relatives (this index)
- Federal unemployment tax credits, § 3:82
- Fees and costs
  - administrative expenses, above
  - Capital Expenditures (this index)
- Fees and debts distinguished, § 35:76
- Filing returns. Returns, below
- Fines and Penalties (this index)
- Foreign Taxes (this index)
- Fraud and Deceit (this index)
- Fuel use tax, proof of claim regarding, § 22:22
- Gains or Losses (this index)
- Gift taxes, extension of time to pay, § 3:84
- Government agencies, § 6:85
- Gross income
  - generally, § 3:29, 3:35
  - Tax Treatment of Discharge (this index)
- Gross receipts tax priorities, § 35:80
- Gross Receipts Tax (this index)
- Husband and Wife (this index)
- Identification number, privacy considerations regarding, § 1:78
- Income. Earnings and income, above
- Income tax priorities, § 35:80
- Income tax return of debtor provided to trustee, § 3:5
- Individual Debt Adjustment Plans (this index)
- Individual Debt Adjustment (this index)
- Individual debtor's tax liability, § 3:40, 3:41
- Injunctions, § 3:62, 3:79

### TAXATION—Cont'd

- Interest on money, § 3:55, 3:63
- Interest (this index)
- Internal Revenue Service (this index)
- International Fuel Tax Agreement, proof of claim regarding, § 22:22
- Intervention in tax court, § 3:67
- Inventory, § 3:3, 3:23, 3:26
- Investments, § 3:18, 3:21, 3:37, 3:39
- Investment Tax Credit (this index)
- Involuntary bankruptcy, § 3:58, 3:72
- Joint Tax Returns (this index)
- Judgments, § 3:20, 3:74 to 3:76
- Judicial Code (28 USCA), § 1:17
- Judicial determination of tax liability, § 3:74 to 3:76
- Jurisdiction
  - generally, § 3:74 to 3:76
  - core proceedings, § 7:84
  - declaratory judgment, § 7:179
- Liens. Tax Liens (this index)
- Limitations period for assessment, § 3:78, 34:71
- Liquidation (this index)
- Loss corporations, § 3:50 to 3:59
- Loss or deficiency
  - assessment, § 3:77
  - automatic stay, § 3:78
  - corporate earnings and profits, § 3:83
  - extension of payment time, § 3:84
  - net operating loss deduction, § 3:39, 3:42
- Modification. Changes, above
- Municipal Debt Adjustment (this index)
- Net operating loss deduction, § 3:39, 3:42
- Nondebtor taxpayers, § 3:75

**TAXATION—Cont'd**

Notice  
     automatic stay, § **3:78**  
     trustees, § **3:65**  
     withholding taxes, § **3:62**  
 Operating reports, § **3:68**  
 Operation of business, § **15:4, 15:13, 15:20**  
 Options. Election or option, above  
 Partnership (this index)  
 Payment  
     extension of payment time, § **3:84**  
     repayment, § **3:19**  
     separate taxable bankruptcy estate, § **3:35**  
     withholding taxes, § **3:63**  
 Payroll withholding taxes. Withholding Taxes (this index)  
 Penalties, priorities, § **35:87**  
 Periodic reports, § **3:68, 3:70**  
 Personal exemptions, § **3:34, 3:36**  
 Personal holding companies, § **3:81**  
 Petitions, contested prepetition determination by competent tribunal, § **3:76**  
 Postpetition sale of farmland not attributable to estate, taxes arising from, § **33:8**  
 Postpetition taxes, § **34:31**  
 Preferences and preferential transfers, § **18:135, 18:136**  
 Priorities  
     generally, § **35:78 et seq.**  
     administrative expenses, § **34:28 to 34:31**  
     agreements, § **34:72**  
     distribution, § **34:28 to 34:31, 34:64 to 34:82**  
     employment taxes, § **34:78**  
     erroneous tax refund or credit, § **34:80**  
     excise taxes, § **34:79**  
     exclusions, § **34:73**

**TAXATION—Cont'd**

Priorities—Cont'd  
     filing date, effect on taxes, § **34:68, 34:69**  
     income and gross receipts taxes, § **34:67 to 34:73**  
     interest on money, § **34:31, 34:81**  
     property taxes, § **34:74, 34:75, 35:81**  
     sales taxes, § **34:77**  
     stay of limitations period for assessment, § **34:71**  
     unassessed taxes, § **34:70 to 34:73**  
     water and sewer rents, § **34:75**  
     withholding, § **34:76**  
     withholding taxes, § **34:77**  
 Proof of claim regarding fuel tax, § **22:22**  
 Proof of Claim (this index)  
 Property Taxes (this index)  
 Property tax priorities, § **35:81**  
 Quickie Refund (this index)  
 Real property. Property Taxes (this index)  
 Recapture (this index)  
 Reductions  
     Carryover or Carryback (this index)  
     tax treatment of discharge, § **3:20, 3:30**  
 Refund (this index)  
 Reorganization Plans (this index)  
 Reorganization (this index)  
 Reports, § **3:68, 3:70**  
 Request for prompt tax determination by IRS, § **3:66**  
 Returns  
     basis adjustment, § **3:23**  
     computation of tax, § **3:35**  
     confidentiality, § **3:6, 3:72**  
     copies  
         creditor's right to receive, § **6:39**

## INDEX

### TAXATION—Cont'd

- Returns—Cont'd
  - copies—Cont'd
    - debtor's providing of copy to court and trustee, § 6:21
  - deductions and exemptions, § 3:36
  - demand, automatic stay exception, § 3:78
  - family farmer debt adjustment, measure of gross income, § 1:51
  - filing
    - generally, § 3:71, 5:47
    - trustees, below
    - 2005 amendments, § 3:5
  - individual debtor's liability, § 3:40
  - joint or co-ownership interests, § 12:83
  - Joint Tax Returns (this index)
  - separate taxable bankruptcy estate, § 3:32, 3:35, 3:36, 3:40
  - small business debtors, duties and reporting requirements of, § 6:25
  - state and local taxes, § 3:5, 3:70
  - taxable year, § 3:32, 3:34
  - Tax Court (this index)
- Revocation, § 3:23, 3:32
- Sales Tax (this index)
- S corporations, § 3:9, 3:15
- Securities (this index)
- Separate taxable bankruptcy estate
  - generally, § 3:31 to 3:44
  - annualization of income, § 3:34
  - bifurcation of tax year, § 3:33
  - business and administrative expenses, § 3:37
- Carryover or Carryback (this index)
  - computation and payment, § 3:35
- corporations, § 3:27, 3:28, 3:34

### TAXATION—Cont'd

- Separate taxable bankruptcy estate—Cont'd
  - creation, § 3:27, 3:28
- Credits Against Taxes (this index)
- Deductions From Taxes (this index)
  - dismissal of case, § 3:29
- distributable net income, § 3:38
- exemptions, § 3:36
- husband and wife, § 3:32, 3:35, 3:36, 3:40, 3:41
- individual debt adjustment, § 3:27, 3:28
- individual debtor's tax liability, § 3:40, 3:41
- Liquidation (this index)
  - partnership, § 3:27, 3:28
- reduction of tax attributes, § 3:30
- reorganization, § 3:27, 3:29, 3:30, 3:43, 3:44
- returns, § 3:32, 3:35, 3:36, 3:40
- sale or transfer, § 3:31, 3:36, 3:43, 3:44
- state and local taxes, § 3:28
- taxable year, § 3:32 to 3:34

- Sewer rents, § 34:75
- Sovereign immunity abrogated, § 6:78
- State and Local Taxes (this index)
- Statute of Limitations (this index)
- Stays
  - Automatic Stay (this index)
    - distribution, limitations period for assessment, § 34:71
  - injunctions, § 3:62, 3:79
  - penalties, § 3:62
- Subrogation rights of codebtor or surety, § 35:77
- Successors or succession
  - generally, § 3:10
  - carryover or carryback, § 3:50
  - trustee's duties, § 3:66

**TAXATION—Cont'd**

Surplus of estate transferred,  
§ 3:44

Taxable year, § 3:32, 3:34

Tax Court (this index)

Taxpayer identification number,  
privacy considerations  
regarding, § 1:78

Tax returns. Returns, above

Tax Treatment of Discharge (this  
index)

Termination  
cancellation, § 3:11, 3:12, 3:18,  
3:23, 3:32  
revocation, § 3:23, 3:32  
transfers, § 3:31, 3:44

Time or date  
basis adjustment, § 3:24  
carryover or carryback, § 3:56  
extensions of time, § 3:74, 3:84  
judicial determination of tax  
liability, § 3:74  
payroll withholding taxes,  
§ 3:62  
Statute of Limitations (this  
index)

Trustees  
generally, § 3:2, 3:65 to 3:73  
appointment of trustee, § 5:30  
confidentiality, § 3:72  
family farmer debt adjustment,  
§ 3:68, 3:71, 5:76  
intervention in tax court, § 3:67  
judicial determination of tax  
liability, § 3:74  
liquidation, § 3:65 to 3:70, 5:62  
notices, § 3:65  
property of estate, § 3:73  
Reorganization (this index)  
reports, § 3:68, 3:70  
request for prompt tax determi-  
nation by IRS, § 3:66  
state and local taxes, § 3:70,  
3:71  
tax court, § 3:67, 3:69

**TAXATION—Cont'd**

Trustees—Cont'd  
transferee liability, § 3:69  
United States trustees, below  
withholding taxes, § 3:64, 3:70,  
3:73

Trust Fund Taxes (this index)

Trust fund tax priorities, § 35:82,  
35:84

Turnover of property  
individual debtor's providing of  
return, § 14:16  
withholding of taxes, § 14:13,  
14:42, 14:43, 14:51

2005 amendments, § 3:4 to 3:6

Unassessed taxes, § 34:70 to  
34:73

United States trustees  
generally, § 4:63  
notices, § 3:65  
operating reports, § 3:68

Voluntary bankruptcy, § 8:5, 8:37,  
8:40

Water and sewer rents, § 34:75

Withholding Taxes (this index)

**TAX COURT**

Assessment, § 3:77, 3:78

Automatic stay of proceedings,  
§ 16:42

Judicial determination of tax  
liability, § 3:74

Trustees, § 3:67, 3:69

**TAX EVASION**

Evasion of Tax (this index)

**TAX IDENTIFICATION  
NUMBER**

Captions, § 1:76

Debtor's notice to creditor to  
contain, § 6:6

**TAXI FARES**

Reimbursement, § 2:85

## INDEX

### TAX LIENS

- Avoidance, § 17:29, 17:37, 17:59
- Distribution, effect on, § 34:119 to 34:124
- Liquidation (this index)
- Use, sale, or lease of property, § 15:24, 15:29

### TAXPAYER IDENTIFICATION NUMBER

- Captions, § 1:76
- Debtor's notice to creditor to contain, § 6:6

### TAX REFUND

- Refund (this index)

### TAX RETURNS

- Taxation (this index)

### TAX TREATMENT OF DISCHARGE

- Generally, § 3:7 to 3:26
- Adjustments. Basis adjustments, below
- Basis adjustments
  - generally, § 3:20 to 3:26
  - carryovers, manner of reduction, § 3:21
  - cash basis stockholder contributing to accrual basis corporation, § 3:16
  - credits against taxes, § 3:20, 3:21
  - recapture, § 3:25, 3:26
  - S corporations, § 3:15
  - state and local taxes, § 3:10
  - unamortized premium or discount on canceled debt, § 3:12
- Canceled debt, § 3:12
- Capital, § 3:14 to 3:16
- Carryover or carryback, § 3:20, 3:21, 3:24
- Cash basis stockholder contributing to accrual basis corporation, § 3:16

### TAX TREATMENT OF

#### DISCHARGE—Cont'd

- Corporations, § 3:16, 3:18
- Credits against taxes, § 3:20, 3:21
- Depreciation and depreciable property, § 3:20, 3:22 to 3:26
- Discount on canceled debt, § 3:12
- Effective date of basis adjustment, § 3:24
- Election to adjust basis, § 3:23
- Exclusions from gross income.
  - Gross income exclusions, below
- Gross income exclusions
  - generally, § 3:7 to 3:19
  - capital contribution, § 3:14 to 3:16
  - cash basis stockholder contributing to accrual basis corporation, § 3:16
  - income as not realized to extent of last deduction, § 3:11
  - partnership indebtedness discharge, § 3:8
  - real estate investment trusts, § 3:18
  - related person incurring debt, § 3:13
- S corporations, § 3:9, 3:15
- state and local taxes, § 3:10
- stock-for-debt exchange, § 3:17
- student loan indebtedness discharge, § 3:19
- unamortized premium or discount on canceled debt, § 3:12
- Order of court, § 3:20
- Partnership indebtedness discharge, § 3:8
- Premiums, § 3:12
- Property taxes, § 3:3, 3:18, 3:24
- Real estate investment trusts, § 3:18
- Recapture, § 3:25, 3:26

**TAX TREATMENT OF**

**DISCHARGE—Cont'd**

- Reduction. Basis adjustments, above
- Related person incurring debt, § 3:13
- S corporations, § 3:9, 3:15
- State and local taxes, § 3:10
- Stock, § 3:17, 3:26
- Student loan indebtedness discharge, § 3:19
- Unamortized premium or discount on canceled debt, § 3:12

**TEETH**

- Armed forces dental officers, discharge, effect on special pay, § 1:18
- Automatic stay, dental insurance, § 16:63

**TELEPHONES**

- Allowance of claims or interest, § 24:56
- Automatic stay, § 16:31
- Fees, § 2:84
- Involuntary bankruptcy, § 9:44

**TELEVISION**

- Allowance of claims or interest, § 24:26
- Executory contracts and unexpired leases, § 20:24
- Exemption of TV sets, § 13:159

**TEMPORARY PROCEEDINGS OR MATTERS**

- Generally. See topics beginning with Interim
- Executory contracts and unexpired leases, § 20:126

**TEMPORARY RESTRAINING ORDERS**

- Injunctions (this index)

**TEMPORARY SERVICE**

- Judges, § 4:18

**TEMPORARY SERVICE**

**—Cont'd**

- United States trustees, § 4:73

**TENANCY BY ENTIRETY**

- Closing and reopening cases, § 36:21
- Exemption for homestead, § 13:67, 13:68
- Fraudulent transfers and concealment of assets, § 19:69
- Homestead exemption, § 13:67, 13:68
- Joint or co-ownership interests, § 12:17
- Use, sale, or lease of property, § 15:54

**TENNESSEE**

- Opt-out provision, § 13:6, 13:30

**TENURE**

- Judges, § 7:130, 7:143

**TERMINATION**

- Adequate protection, automatic stay, § 21:6
- Allowance of Claims or Interests (this index)
- Appeals, § 37:4
- Automatic Stay (this index)
- Closing and Reopening Cases (this index)
- Conversion or Dismissal (this index)
- Early Termination of Case (this index)
- Executory contracts and unexpired leases, § 19:9, 20:10 to 20:12
- Family Farmer or Fisher Debt Adjustment (this index)
- Fraudulent Transfers and Concealment of Assets (this index)
- Individual debt adjustment plans, § 30:11
- Judges (this index)
- Leases (this index)

## INDEX

### TERMINATION—Cont'd

- Railroad reorganization, § 12:137
- Removal (this index)
- Reorganization (this index)
- Rescission or Cancellation (this index)
- Resignation (this index)
- Revocation (this index)
- Service
  - examiners, § 11:83
  - railroad reorganization, § 12:137
  - trustees, § 5:84, 5:86, 11:83
- Severance Pay (this index)
- Taxation (this index)
- Trustees (this index)
- Use, sale, or lease of property, forfeiture or ipso facto clauses, § 15:31

### TERM OF OFFICE

- Generally, § 4:16
- Bankruptcy judges, § 4:16, 7:44
- United States trustees and assistants, § 4:70

### TERRITORIES

- District judges, § 4:17
- Guam, jurisdiction of district court of, § 1:18
- Virgin Islands, opt-out provision, § 13:7

### TESTAMENTARY TRUSTS

- After-acquired property, § 12:52

### TESTIMONY

- Witnesses (this index)

### TEXAS

- Opt-out provision, § 13:7

### THANKSGIVING DAY

- Clerks, § 4:43

### THEFT

- Larceny and Theft (this index)

### THIRD PERSONS OR PARTIES

- Adequate Protection (this index)
- Attorneys' Fees (this index)
- Avoidance, trustee's power as to property held in constructive trust, § 17:22
- Causes of action, § 12:25
- Closing and reopening cases, § 36:28
- Complaint, § 2:119
- Debtor in possession, § 5:106, 5:111
- Discharge (this index)
- Examination under Rule 2004, § 10:35
- Examination under Rule 2004 (this index)
- Fraudulent Transfers and Concealment of Assets (this index)
- Interested Persons or Parties (this index)
- Interpleader (this index)
- Intervention (this index)
- Involuntary bankruptcy, § 9:39
- Preferences and preferential transfers, non-earmarked funds of third parties, § 18:13, 18:14
- Property of estate, § 12:5
- Records kept by, debtor discharge denials, § 35:15
- Setoffs of transferred claims, § 25:32
- Trusts, § 12:20, 12:21
- Turnover of Property (this index)

### TIME OR DATE

- Abandonment of Property of Estate (this index)
- Abstention, § 7:21, 7:24 to 7:26
- Adequate Protection (this index)
- Adjournment (this index)
- After-acquired property, § 12:50 to 12:70
- Allowance of Claims or Interests (this index)

**TIME OR DATE—Cont'd**

Antecedent debt, preferences,  
**§ 18:17 to 18:20**  
 Appeals (this index)  
 Attorneys' fees, disclosure state-  
 ment, **§ 2:63**  
 Automatic Stay (this index)  
 Avoidance (this index)  
 BAPCPA extension of time debtor  
 must live in state before  
 being able to claim its  
 exemptions, **§ 13:10**  
 Birth date, privacy considerations  
 regarding, **§ 1:78**  
 Clerk of court, **§ 4:43, 4:48**  
 Closing and reopening cases,  
**§ 36:1, 36:4, 36:6, 36:8,**  
**36:30, 36:32**  
 Computation, generally, **§ 1:90 to**  
**1:92**  
 Concurrent Payment (this index)  
 Conversion or Dismissal (this  
 index)  
 Court of Appeals, time for appeal,  
**§ 37:80**  
 Court sessions, **§ 4:9 to 4:11**  
 Creditors' and equity security  
 holders' committees, **§ 6:64,**  
**6:65**  
 Creditors' committees, **§ 6:44**  
 Creditor's rights, generally, **§ 6:37**  
**to 6:40**  
 Delay or Laches (this index)  
 Discharge (this index)  
 Disclosure statement and plan or  
 soliciting plan acceptances,  
 status conference order set-  
 ting date for filing, **§ 7:148**  
 Distribution (this index)  
 Dockets (this index)  
 Effective Dates (this index)  
 Equity security holders, **§ 6:60,**  
**6:61**  
 Executory Contracts and  
 Unexpired Leases (this  
 index)

**TIME OR DATE—Cont'd**

Exemptions (this index)  
 Expedited Determination of  
 Interests (this index)  
 Extension of Time (this index)  
 Family Farmer or Fisher Debt  
 Adjustment Plans (this index)  
 Family Farmer or Fisher Debt  
 Adjustment (this index)  
 Fraudulent Transfers and Conceal-  
 ment of Assets (this index)  
 Gap Period (this index)  
 Indenture trustees, **§ 6:71**  
 Individual Debt Adjustment Plans  
 (this index)  
 Involuntary Bankruptcy (this  
 index)  
 Liquidation (this index)  
 Municipal Debt Adjustment Plans  
 (this index)  
 Operation of business, **§ 15:6,**  
**15:7**  
 Order or Approval of Court (this  
 index)  
 Petitions (this index)  
 Preferences and Preferential  
 Transfers (this index)  
 Prepetition Matters (this index)  
 Priorities (this index)  
 Proof of Claim (this index)  
 Property of Estate (this index)  
 Reclamation (this index)  
 Redemption (this index)  
 Reduction of Time (this index)  
 Reorganization Plans (this index)  
 Reorganization (this index)  
 Rules of Bankruptcy Procedure  
 (this index)  
 Sale or Transfer (this index)  
 Securities (this index)  
 Setoff or Offset (this index)  
 Small business reorganization  
 election and plan, filing of,  
**§ 26:56**  
 Statute of Limitations (this index)



## INDEX

### **TIME OR DATE—Cont'd**

- Stockbroker Liquidation (this index)
- Taxation (this index)
- Term of Office (this index)
- Tolling of Statute of Limitations (this index)
- Turnover of Property (this index)
- United States Trustees (this index)
- Use, Sale, or Lease of Property (this index)
- Utilities (this index)
- Voluntary Bankruptcy (this index)

### **TIME SHARE INTERESTS**

- Generally, § 1:148
- Assumption, rejection, assignment of interests, § 20:62 to 20:69
- Executory contracts and unexpired leases, § 20:62 to 20:69
- Family farmer debt adjustment plans, § 33:18
- Setoffs, rejection power exercises by, § 25:24

### **TITHES**

- Individual debt adjustment plans, confirmation of, § 31:54

### **TITLE 11**

- Governing Law, § 1:12

### **TITLE AND OWNERSHIP**

- Automatic stay, § 16:53
- Avoidance, property subject to trustee's avoiding power, § 17:21
- Carryover or Carryback (this index)
- Closing and reopening cases, § 36:23
- Documents of Title (this index)
- Executory contracts, title placed in escrow, § 20:8
- Family farmer debt adjustment plans, § 33:13

### **TITLE AND OWNERSHIP**

#### **—Cont'd**

- Joint or Co-Ownership Interests (this index)
- Liens and encumbrances, § 12:40
- Property of estate, § 12:124
- Trusts, § 12:18
- Turnover of property, § 14:21
- Voluntary bankruptcy, § 8:66

### **TITLE INSURANCE**

- Size and nature of claim, § 23:22

### **TITLE OF CASE**

- Captions (this index)

### **TOLLING OF STATUTE OF LIMITATIONS**

- Automatic stay, § 16:9, 16:10
- Causes of action, § 12:25

### **TOOLS**

- Avoidance of liens impairing exemptions, § 13:129
- Exemptions, § 13:78 to 13:82, 13:129, 13:160 to 13:163

### **TORTS**

- Change of venue, § 7:198
- Injunctions, codefendants in tort actions, § 16:228
- Involuntary bankruptcy, § 9:19
- Jurisdiction, § 7:29, 7:45, 7:53, 7:173
- Jury trial, § 7:173
- Mass Tort Liability (this index)
- Personal Injury (this index)
- Proof of claim, § 22:6, 22:32, 22:56
- Referral of cases, § 7:45
- Reorganization plans, classification of trade creditors and tort claimants, § 26:39

### **TOTALITY OF CIRCUMSTANCES TEST**

- Family farmer debt adjustment, § 1:54

**TOTTEN TRUSTS**

Trusts, § **12:23**

**TOWNS**

Municipalities (this index)

**TOXIC SUBSTANCES**

**CONTROL ACT**

Automatic stay, § **16:93**

**TOXIC WASTES**

Hazardous Wastes (this index)

**TRACING**

Fraudulent transfers, § **19:13**

**TRADE CLAIMS**

Reorganization plans, claims classification, § **26:39**

**TRADE EXPENSES**

Taxation, § **3:37**

**TRADEMARKS**

Copyrights and Trademarks (this index)

**TRADE NAME**

Captions, § **1:76**

**TRADE SECRETS**

Protective orders, generally, § **6:2**

**TRAFFICKING IN  
CARRYOVERS**

Taxation, § **3:51**

**TRAILERS**

Mobile Homes (this index)

**TRAINS**

Railroads (this index)

**TRANSCRIPTS**

Clerk of court, § **4:55**

Reference of cases, § **7:49**

Voluntary bankruptcy, § **8:88**

**TRANSCRIPTS, ACADEMIC**

Discriminatory treatment prohibited, § **6:31, 6:32**

**TRANSFER OF CASES**

Removal or Transfer of Cases (this index)

**TRANSFER OF CLAIM**

Involuntary cases, § **9:27**

Rules of Bankruptcy Procedure, § **22:23 to 22:26**

**TRANSFER OF PROPERTY**

Sale or Transfer (this index)

**TRANSFORMATION RULE**

Exemptions, § **13:152**

**TRANSMISSION OF RECORD**

Appeals, § **37:61, 37:62**

**TRANSPORTATION  
DEPARTMENT**

Generally, § **6:85**

Transportation Secretary (this index)

**TRANSPORTATION  
EQUIPMENT**

Automatic stay, § **16:122, 16:123**

**TRANSPORTATION INDUSTRY**

Adequate protection, transportation equipment financiers, § **21:27**

**TRANSPORTATION  
SECRETARY**

Automatic stay, maritime foreclosure actions, § **16:124**

Railroad reorganization, abandonment of line, § **1:134**

United States trustees, § **4:95**

**TRAVEL**

Allowance of claims or interest, § **24:77**

Mileage (this index)

United States trustees, § **4:64, 4:95**

## INDEX

### **TREASURY SECRETARY**

- Municipal debt adjustment plans,  
§ 32:12
- Taxation, trustee's duties, § 3:65

### **TREATIES**

- Ancillary and other cross-border  
cases under BAPCPA,  
§ 33A:4

### **TRIAL**

- Debtor in possession, § 5:114
- New Trial (this index)
- Rules of Bankruptcy Procedure  
(this index)

### **TRIANGULAR RELATIONSHIPS**

- Setoff mutuality requirement,  
§ 25:11

### **TRIPARTITE TRANSACTIONS**

- Fraudulent Transfers and Conceal-  
ment of Assets (this index)

### **TRUST DEEDS**

- Mortgages and Deeds of Trust  
(this index)

### **TRUSTEES**

- Generally, § 5:1 et seq., 12:71,  
12:76
- Abandonment of Property of  
Estate (this index)
- Accountants (this index)
- Accounts and Accounting (this  
index)
- Adverse interests
  - generally, § 5:2, 5:4, 5:5
  - compensation, § 5:104
  - election of trustee, liquidation,  
§ 5:16
  - eligibility or qualification to  
serve as trustee, § 5:4, 5:5
  - removal, § 5:81
- Allowance of Claims or Interests  
(this index)

### **TRUSTEES—Cont'd**

- Ancillary and other cross-border  
cases under BAPCPA,  
§ 33A:6
- Appeals
  - compensation of trustee or  
examiner, § 5:100
  - order appointing trustee, final-  
ity, § 37:8, 37:12
  - persons entitled to appeal,  
§ 37:7
- Appointment
  - Debtor in Possession (this  
index)
  - eligibility or qualification to  
serve as trustee, below
  - family farmer debt adjustment,  
§ 4:92, 5:1, 5:41, 5:42
  - Individual Debt Adjustment  
(this index)
  - interim trustees, § 5:1, 5:3, 5:13
  - jointly administered estates,  
§ 5:45
  - Liquidation (this index)
  - municipal debt adjustment,  
§ 5:1, 5:22, 5:72
  - new trustee. Successor Trustee  
(this index)
  - qualification. Eligibility or qual-  
ification to serve as trustee,  
below
  - railroad reorganization, § 5:1,  
5:24
  - Reorganization (this index)
  - Standing Trustees (this index)
  - Successor Trustee (this index)
  - United States Trustees (this  
index)
- Appraisals and appraisers, § 5:51,  
5:55
- Approval. Order or approval of  
court, below
- Assignment for benefit of credi-  
tors, turnover of property,  
§ 1:132
- Attorney General (this index)

**TRUSTEES—Cont'd**

Attorneys' Fees (this index)  
 Attorneys (this index)  
 Auctions and Auctioneers (this index)  
 Automatic preservation of avoided transfers, § **12:73**  
 Automatic stay, § **3:67, 16:8, 16:9, 16:149**  
 Avoidance (this index)  
 Bonds and undertakings  
   capacity to be sued, § **5:50**  
   eligibility or qualification to serve as trustee, § **5:7 to 5:9**  
   interim trustee, § **5:13**  
   notice, § **5:6, 5:7**  
   United States Trustees (this index)  
 Capacity to be sued, § **5:1, 5:48 to 5:50**  
 Cash. Money or cash, below  
 Causes of action  
   generally, § **12:26, 12:29, 12:30**  
   collection of estate property, § **5:65**  
   investigation of debtor by trustee, § **5:66**  
   municipal debt adjustment, § **5:72**  
   removal of trustee or examiner for, § **5:79 to 5:82**  
   reorganization, appointment of trustee for cause, § **5:29 to 5:31**  
 Chapter (b)7 cases. Liquidation (this index)  
 Chapter 3 provisions, § **5:47 to 5:59**  
 Chapter 9 cases. Municipal Debt Adjustment (this index)  
 Chapter 11 cases. Reorganization (this index)  
 Chapter 12 cases. Family Farmer Debt Adjustment (this index)

**TRUSTEES—Cont'd**

Chapter 13 cases. Individual Debt Adjustment (this index)  
 Charges. Fees and charges, below  
 Checklist for qualification, § **5:9**  
 Checks  
   appointment of trustee, § **5:31**  
   stop payment, § **5:47**  
 Claims  
   Fee-Splitting (this index)  
   impairment of, § **5:99**  
   impairment of claims, § **5:95**  
   proof of claim, below  
 Clerk of court, § **4:54**  
 Closing and reopening cases  
   generally, § **36:1 to 36:7, 36:12, 36:27**  
   appointment in reopened case, § **5:20**  
 Collection of estate property, § **5:65**  
 Collective bargaining agreement, § **5:73**  
 Collusive sales, avoidance of, § **12:72**  
 Commodity Broker Liquidation (this index)  
 Compensation (this index)  
 Concealment by trustee as crime, § **5:61**  
 Conflicts of interest. Adverse interests, above  
 Consent. Order or approval of court, below  
 Contracts and Agreements (this index)  
 Conversion of property, § **5:30**  
 Conversion or Dismissal (this index)  
 Cooperation with trustee by debtor, § **6:23, 6:26**  
 Corporations (this index)  
 Costs and expenses  
   appointment of trustee, § **5:28**  
   collusive sale, § **12:72**

## INDEX

### TRUSTEES—Cont'd

- Costs and expenses—Cont'd
  - Compensation (this index)
  - domestic support obligations, § 34:17
  - reimbursement, § 2:94, 5:87, 5:88
- Co-trustees. Multiple trustees, below
- Creditors' and Equity Security Holders Committees (this index)
- Creditors' Meetings (this index)
- Crimes and offenses, § 5:61, 12:142, 12:145
- Custodian, recovery of property held by, § 12:75
- Damages, § 5:51, 12:72
- Death (this index)
- Debtor identification, request for, § 6:22
- Debtor in Possession (this index)
- De facto trustee, § 5:7
- Definitions
  - after notice and hearing, § 5:26
  - disinterested person, § 5:4
  - notice and hearing, § 5:87
- Delay or laches, § 5:80, 5:81
- Delivery of property held by custodian to trustee, § 12:75
- Deposits, § 5:54
- Direct payment, § 5:98, 5:99
- Discharge
  - from office. Removal from office, below
  - of debtor. Discharge (this index)
- Disclosure
  - appointment of trustee, § 5:23, 5:30
  - eligibility or qualification to serve as trustee, § 5:5
- Disclosure statements, § 27:11, 27:13
- Discrimination
  - appointment, § 5:11, 5:12

### TRUSTEES—Cont'd

- Discrimination—Cont'd
  - plan payments, § 5:98
- Disinterestedness. Adverse interests, above
- Dismissal. Conversion or Dismissal (this index)
- Distribution (this index)
- Domestic support obligations, costs and expenses of administering assets to pay, § 34:17
- Duties and liabilities, generally, § 5:47 to 5:77
- Election or Vote (this index)
- Eligibility of creditors to vote for trustee, § 5:15 to 5:17
- Eligibility or qualification to serve as trustee
  - generally, § 5:3 to 5:11
  - adverse interests, § 5:4, 5:5
  - bond requirements, § 5:7 to 5:9
  - checklist, § 5:9
- Corporations (this index)
- disinterested requirement, § 5:4, 5:5
- Family Farmer or Fisher Debt Adjustment (this index)
- liquidation, § 5:10
- notice of rejection or acceptance, § 5:6, 5:8
- panels of trustees, § 5:10
- reorganization, § 5:5
- Standing Trustees (this index)
- United States Trustees (this index)
- Embezzlement, § 5:61, 12:147
- Equity security holders, § 5:4, 5:15, 5:78
- Examiners (this index)
- Executory Contracts and Unexpired Leases (this index)
- Exemptions (this index)

**TRUSTEES—Cont'd**

Family Farmer or Fisher Debt Adjustment Plans (this index)  
 Family Farmer or Fisher Debt Adjustment (this index)  
 Family or relative  
     election of trustee, § 5:17  
     eligibility or qualification to serve as trustee, § 5:5, 5:10  
     Family Farmer or Fisher Debt Adjustment (this index)  
     judge's relatives, § 5:5  
     United States trustee's relatives, § 5:10  
 Fees and charges  
     Compensation (this index)  
     fee application not representing compensable services, § 5:87  
     fee-splitting, § 5:103  
     plan payments made directly to creditors, below  
 Fiduciary duty, breach of, generally, § 5:105  
 Filing, § 5:7, 5:15, 5:47, 22:19, 22:51  
 Final report, § 36:4  
 Fines and Penalties (this index)  
 Fixed liens, § 12:71, 12:73  
 Forfeitures (this index)  
 Fraud and Deceit (this index)  
 Fraudulent Transfers and Concealment of Assets (this index)  
 Hearing. Notice, below  
 Husband and wife  
     disinterested requirement, § 5:4  
     vacancy in office, § 5:46  
 Immunity from liability, generally, § 5:51 to 5:53  
 Impairment of claims, § 5:99  
 Improper setoff, recovery of property as subject of avoided transfer, § 12:71  
 Indenture Trustees (this index)

**TRUSTEES—Cont'd**

Individual Debt Adjustment Plans (this index)  
 Individual Debt Adjustment (this index)  
 Insiders  
     disinterested requirement, § 5:4  
     election of trustee, § 5:17  
 Insurance and Insurance Companies (this index)  
 Intention, debtor's statement of, § 8:84  
 Interested persons or parties.  
     Adverse interests, above  
 Interest on money, § 5:30  
 Interim compensation, § 5:89  
 Interim trustees  
     appointment, § 5:1, 5:3, 5:13  
     compensation, § 5:88, 5:89, 5:101  
     election of trustee, § 5:14  
     eligibility and qualification, bond requirements, § 5:7  
 Liquidation (this index)  
 powers and duties, generally, § 5:70  
 removal of trustee for cause, § 5:82  
 Rules of Bankruptcy Procedure (this index)  
     termination of interim trustee's services, § 5:84  
 U. S. trustees, § 4:85, 4:87, 4:107, 5:13  
 Inventory, generally, § 5:59  
 Investigation of debtor by trustee, § 5:66  
 Investments, powers of trustees, § 5:54  
 Jointly administered estates, § 5:45  
 Judges, § 4:27  
 Judicial Code (28 USCA), § 1:17  
 Leases (this index)

## INDEX

### TRUSTEES—Cont'd

- Liabilities and duties, generally,  
§ 5:47 to 5:77, 15:47 to  
15:75, 36:5
- Liens and Encumbrances (this  
index)
- Life Insurance (this index)
- Liquidation (this index)
- Loans or Credit (this index)
- Minimum compensation, § 5:90
- Misconduct. Removal from office,  
below
- Mismanagement (this index)
- Money or cash
  - compensation of trustee, § 5:93
  - duty to collect and reduce estate  
property to money, § 5:65
- Multiple trustees
  - bond, § 5:7
  - compensation, § 5:101
  - limitation on compensation,  
§ 5:101
- Municipal Debt Adjustment (this  
index)
- Notice
  - appointment of trustee, § 5:29,  
5:85
  - bonds and undertakings, § 5:6,  
5:7
  - compensation of trustee, § 5:89,  
5:104
  - defined, § 5:87
  - delivery of property held by  
custodian to trustee,  
§ 12:75
  - election of trustee, § 5:34
  - individual debt adjustment,  
§ 5:78
  - interim trustee, § 5:13
  - liquidation, trustee's powers  
and duties, § 5:62
  - rejection or acceptance of  
office, notice of, § 5:7
  - removal of trustee, § 5:79

### TRUSTEES—Cont'd

- Notice—Cont'd
  - reorganization, trustee appoint-  
ment, § 5:26
  - Rules of Bankruptcy Procedure,  
§ 5:59
  - trustee eligibility and qualifica-  
tion, § 5:6, 5:8
  - U. S. trustees, § 4:101, 4:107
- Objections and exceptions
  - compensation of trustee, § 5:95
  - motion to dismiss, § 5:68, 11:43
- Operation of debtor's business  
generally, § 15:1 to 15:20
- Reorganization (this index)
- United States trustees, § 15:4,  
15:11, 15:19
- Order or approval of court
  - appointment of trustee, § 5:23,  
5:30, 5:85
  - compensation of trustee,  
§ 5:105
  - jointly administered estates,  
§ 5:45
  - personal liability, § 5:51
  - professionals, employment of,  
§ 5:55
  - removal of trustee or examiner  
for cause, § 5:81
- Outside the plan. Plan payments  
made directly to creditors,  
below
- Panels
  - also see more specific lines in  
this topic
  - appointment or election of trust-  
ees, § 5:12
  - eligibility and qualification to  
serve as trustee, § 5:10
- Partnership
  - dismissal, standing of trustee to  
oppose motion for, § 5:68
  - election of trustee, § 5:15, 5:17
  - eligibility and qualifications of  
trustee, disinterested

**TRUSTEES—Cont'd**

Partnership—Cont'd

- requirement, § **5:4, 5:5**
- interim trustee appointment,  
§ **5:13**
- panels of trustees, § **5:10**
- recovery of property from  
partner, § **12:76**
- standing trustees, § **5:11**
- tax returns, § **5:47**

Payment

- direct payment, § **5:98, 5:99**
- fees and charges, above
- individual debt adjustment,  
§ **5:77**
- plan payments made directly to  
creditors, below

Personal liability, generally, § **5:51  
to 5:53, 15:51 to 15:58, 36:5**

Personal property leases, grace  
period for trustee's perfor-  
mance of debtor's obligations  
under unexpired, § **20:145**

Petition preparers, motion seeking  
damages, fees, costs or  
injunction, § **2:48**

Plan payments made directly to  
creditors

- family farmer debt adjustment  
cases, § **5:98, 5:99, 33:30,  
33:38, 33:56, 33:58**
- individual debt adjustment  
cases, § **5:95, 5:99, 30:8**

Postpetition Matters (this index)

Powers, rights, duties, and  
liabilities, generally, § **5:47  
to 5:77, 12:71 to 12:73**

Preferences and Preferential  
Transfers (this index)

Preservation of avoided transfers,  
§ **12:73**

Privileges and immunities,  
immunity from suit, § **5:51 to  
5:53**

Professional Persons (this index)

**TRUSTEES—Cont'd**

Proof of claim

- examination by trustee, § **5:67**
- family farmer debt adjustment,  
§ **5:76**
- filing, § **5:15, 22:19, 22:51**
- individual debt adjustment,  
§ **5:77**

Liquidation (this index)

place of filing, § **22:35**

Property of estate

- collection and reduction to  
money, § **5:65**
- compensation of trustee,  
§ **5:106**
- debtor's surrender of, § **6:23**
- eminent danger, duty to protect  
public health and safety,  
§ **12:141**
- implied power of abandonment,  
§ **12:116, 12:140**
- indenture trustee, § **12:129**
- instigation of abandonment of  
property, § **12:116**
- interests recoverable by trustee,  
§ **12:71 to 12:76**
- investigation, presence of haz-  
ardous wastes, § **12:141**
- investments, powers of trustees,  
§ **5:54**
- joint administration, § **5:45**
- Mismanagement (this index)
- notice and hearing, § **12:125,  
12:129**
- release from responsibilities for  
abandoned property,  
§ **12:125**

Protective orders regarding  
confidential or defamatory  
matter, § **6:2**

Proxies, § **5:18, 5:34**

Purchase. Sale or Transfer (this  
index)

Qualification. Eligibility or quali-  
fication to serve as trustee,  
above



## INDEX

### TRUSTEES—Cont'd

- Quantum meruit, § **5:106**
- Railroad Reorganization (this index)
- Records and reports
  - appointment of trustees, § **5:30**
  - compensation of trustee, § **5:87**
  - debtor's surrender to trustee, § **6:23**
  - elections, § **5:19, 5:35, 5:36**
  - filing, § **5:7, 5:15, 5:47**
  - final report, § **36:4**
  - individual debt adjustment, § **5:77, 5:78**
  - interim trustee, § **5:13, 5:70**
  - personal liability of trustees, § **5:51**
  - Rules of Bankruptcy Procedure, § **5:59**
  - waiver of attorney-client privilege, § **5:56**
- Reimbursement, § **2:94, 5:87, 5:88**
- Removal from office
  - adverse interests, § **5:81**
  - cause, removal of trustee or examiner for, § **5:79 to 5:82**
  - closing and reopening cases, § **36:1, 36:2, 36:7**
  - fraud and deceit, § **5:80**
  - notice and hearing, § **5:79**
  - resignation, § **4:95, 5:46**
  - substitution of successor trustee, § **5:46**
  - vacancy, United States trustees, § **4:73, 5:46**
- Reorganization Plans (this index)
- Reorganization (this index)
- Reports. Records and reports, above
- Residence requirements, § **5:3, 5:4**
- Resignation, § **4:95, 5:46**
- Returned fees, excess payment to attorney, § **12:74**

### TRUSTEES—Cont'd

- Rights, powers, and duties, § **5:47 to 5:77, 12:71 to 12:73**
- Rules of Bankruptcy Procedure (this index)
- Sale or Transfer (this index)
- Securities and Exchange Commission, § **6:86**
- Securities (this index)
- Setoff or offset, § **12:71**
- Setoff or Offset (this index)
- Several trustees. Multiple trustees, above
- Sexual harassment, removal for cause, § **5:77, 5:81**
- Sovereign immunity abrogated, § **6:78**
- Standing Trustees (this index)
- Statute of Limitations (this index)
- Stockbroker Liquidation (this index)
- Stock ownership, adverse interest, § **5:2**
- Strong arm clause, § **17:13 to 17:32**
- Substitution of successor trustee, § **5:46**
- Successor Trustee (this index)
- Surety. Bonds and undertakings, above
- Taxation (this index)
- Tax returns, inspection and copying of debtor's federal, § **6:21**
- Termination
  - conversion of case as terminating service of trustee, § **11:83**
  - family farmer debt adjustment, § **5:82, 5:86**
  - interim trustees, § **5:84**
  - removal from office, above
  - United States Trustees (this index)
- Title 18 provisions, § **5:62**
- Title 28 provisions, § **5:61**

**TRUSTEES—Cont'd**

- Transfer. Sale or Transfer (this index)
- Turnover of Property (this index)
- United States Trustees (this index)
- Use, Sale, or Lease of Property (this index)
- Vacancy, U. S. trustees, § 4:73, 5:46
- Voluntary bankruptcy
  - indenture trustees, § 8:37, 8:77
  - intention, debtor's statement of, § 8:84
  - joint cases and joint plans, § 8:56
  - liquidation, § 8:38
  - lists, schedules, and statements, § 8:77, 8:79, 8:100
  - notice of order, § 8:41
  - United States Trustees (this index)
- Voting for trustee. Election or Vote (this index)
- Waiver of attorney-client privilege, § 5:56
- Words and phrases
  - after notice and hearing, § 5:26
  - disinterested person, § 5:4
  - notice and hearing, § 5:87

**TRUST FUND TAXES**

- Generally, § 3:59 to 3:62
- Automatic stay, § 16:40
- Discharge of indebtedness, § 3:18
- Property of estate, § 12:22
- Reorganization plan provisions for allocation of tax payments, § 26:32

**TRUST INDENTURE ACT**

- Reorganization plans, § 28:77

**TRUSTS**

- Generally, § 12:18 to 12:24
- After-acquired property, § 12:52

**TRUSTS—Cont'd**

- Anti-alienation clause, spendthrift trusts, § 12:24
- Automatic stay, § 16:53
- Beneficial interest in spendthrift trust, exclusion from bankruptcy estate, § 12:24
- Burden of proof, constructive trusts, § 12:20
- Business trusts, eligibility to file bankruptcy, § 1:48
- Commingleing of funds, third party claims of constructive trust relationship, § 12:20, 12:21
- Constructive Trusts (this index)
- Creditors' and equity security holders' committees, § 6:46, 6:64
- Dissipation of trust fund, § 12:21
- Distribution of assets, non-statutory priority over creditors, constructive trusts, § 12:19
- Equitable interest in trust fund, inclusion in bankruptcy estate, § 12:18, 12:21, 12:23
- Equitable powers of court, existence of constructive trust relationship, § 12:20
- Evidence, existence of constructive trust relationship, § 12:20, 12:21
- Exclusion, commingled trust funds, § 12:21
- Ex mal cio trusts, § 35:141
- Express trusts, § 35:139
- Family farmer debt adjustment, filing of reports and summaries, § 12:22
- Federal withholding taxes, funds withheld from employee's wages for, § 12:22
- Fiduciaries, prohibition from use of trust property for own benefit, § 12:18
- Filing, reports and summaries of amount of deduction for taxes

## INDEX

### TRUSTS—Cont'd

- withheld, § 12:22
- Fraudulent Transfers and Concealment of Assets (this index)
- Identification of trust fund, third party claims of constructive trust relationship, § 12:20
- Indenture trustees, § 6:72
- Individual debt adjustment, filing reports and summaries, § 12:22
- Internal Revenue Service, funds withheld from employee's wages as held in trust for, § 12:22
- Involuntary bankruptcy, § 9:10
- Land trusts, eligibility for bankruptcy, § 1:38
- Legal and equitable interest in property, Totten trust, § 12:23
- Lowest intermediate balance test, determination of exclusion of commingled trust funds, § 12:21
- Non-statutory priority over creditors in distribution of assets, constructive trusts, § 12:19
- Preferences and preferential transfers, tax payments from funds held in trust, § 18:136
- Real estate investment trusts, § 3:18
- Reorganization plan involving transfer of property by non-business corporation or trust, confirmation of, § 28:19
- Restrictions and limitations, transfer of beneficial interest, § 12:24
- Spendthrift Trusts (this index)
- State trust law, § 35:140
- Taxes. Trust Fund Taxes (this index)
- Technical trusts, § 35:139
- Third party claims, constructive trust relationship, § 12:20, 12:21

### TRUSTS—Cont'd

- Title of debtor to trust property, exclusion from bankruptcy estate, § 12:18
- Totten trusts, inclusion in bankruptcy estate, § 12:23
- Tracing of trust fund, third party claiming constructive trust relationship, § 12:20, 12:21
- Unsecured creditor, treatment of beneficiary for lack of proof of existence of constructive trust relationship, § 12:20
- Withdrawal of funds on deposit after commingling equitable interest in trust fund, § 12:21
- Withheld taxes as in trust for United States, § 12:22

### TRUTH IN LENDING

- Exemptions, § 13:115

### TRUTH IN LENDING ACT

- Credit card debt, discharge of, § 35:126
- Reaffirmation of debts, § 35:243

### TUITION

- Individual debt adjustment plans, confirmation, § 31:50

### TURNOVER OF PROPERTY

- Generally, § 1:132, 14:1 et seq.
- Abandonment of property, expedited procedures, § 14:85
- Accountability for property custodians, § 14:1, 14:63, 14:79
- third parties, § 14:31 to 14:44
- trustee or debtor in possession, § 14:12, 14:20, 14:21, 14:26
- Accountant-client privilege, § 14:53 to 14:56
- Accounts and accounting, § 1:132, 14:49, 14:82

## TURNOVER OF PROPERTY

### —Cont'd

- Address
  - change of debtor's address, § 14:16
  - persons holding money or property controlled by debtor, § 14:15
- Adequate protection of liens, § 14:37, 14:38, 14:56
- Adversary proceedings, core proceedings, § 14:79, 14:80
- Alter ego, turnover or property held by, § 14:39
- Armed services retirement benefits, exclusion from turnover, § 14:42
- Assignee for benefit of creditors, § 1:132, 14:78
- Attachment order, creditor in possession of property as custodian pursuant to, § 14:65
- Attorney-client privilege, § 14:54, 14:55
- Attorneys' fees, recovery of fees incurred to obtain turnover of property, § 14:33
- Automatic preservation of avoided transfer
  - generally, § 14:3 to 14:8
  - benefit of estate, transfer preserved for, § 14:4
  - costs and expenses, recovery from secured property, § 14:4, 14:9
  - exempted transfers, avoidance, § 14:3, 14:4
  - fixed statutory liens, avoidance, § 14:3
  - fraudulent petition transfers and obligations, avoidance of, § 14:3
  - inferiority of estate's interest to competing interests, § 14:6

## TURNOVER OF PROPERTY

### —Cont'd

- Automatic preservation of avoided transfer—Cont'd
  - junior lienholders, effect on, § 14:8
  - liens and encumbrances, § 14:3, 14:4, 14:7, 14:8
  - limitations, § 14:5, 14:9
  - marshaling of assets, doctrine of, § 14:7
  - postpetition transfers, avoidance of, § 14:3
  - preferences and preferential transfers, avoidance of, § 14:3
  - priority interests, § 14:4, 14:6
  - secured property, recovery of trustee's costs and expenses from, § 14:9
  - senior lienholders, effect on, § 14:7, 14:8
  - statutory liens, avoidance of fixed, § 14:3
  - strong-arm clause, avoidance by, § 14:4
  - transferee, priority interest, § 14:6
  - trustee or debtor in possession, § 14:3
  - unsecured creditors, priority of interests, § 14:4
  - voluntary transfer, exemption of property recovered by trustee, § 14:4
  - windfall upon avoidance of senior lien, prevention of junior lienholder's, § 14:8
- Banks
  - good-faith transfers or payments, § 14:19, 14:50, 14:60
  - statements of debtor's depository and investment accounts, filing of, § 14:16

## INDEX

### TURNOVER OF PROPERTY

#### —Cont'd

- Benefit of estate, transfer preserved for, § **14:4, 14:17**
- Best interests of creditors, § **14:75 to 14:78**
- Books, turnover of, § **14:13, 14:53, 14:89**
- Building and loan associations, notice to, § **14:19**
- Burden of proof, cause for failure to turnover property, § **14:14, 14:83**
- Cash or cash equivalents, § **14:21, 14:38, 14:56**
- Charge for value of property not turned over, § **14:17**
- Checks honored postpetition, § **14:36**
- Classification of documents, proof of possibility of self-incrimination, § **14:14**
- Coercion, payment of one creditor before others, prevention of, § **14:53, 14:56**
- Collection of property of estate, § **14:17, 14:82**
- Comity, economical and expeditious administration of estate, § **14:11, 14:74**
- Commencement of action
  - generally, § **14:2, 14:13**
  - notice to parties, § **14:19, 14:63, 14:68, 14:70**
- Commingled security deposit, postpetition, turnover of, § **14:41**
- Compensation
  - custodian, payment to, § **14:63, 14:73, 14:74**
  - devaluation of lienholder's interests, § **14:4, 14:38, 14:56**
- Complaint, filing, § **14:1, 14:63, 14:86**

### TURNOVER OF PROPERTY

#### —Cont'd

- Computer stored data, turnover of, § **14:13**
- Constructive trust, turnover of partial, § **14:40**
- Contempt, violation of turnover requirements, § **14:33, 14:84**
- Contested matters, § **14:79**
- Contingent debts, turnover of, § **14:34, 14:37, 14:48**
- Conversion or dismissal, § **14:11, 14:27, 14:28**
- Cooperation with trustee, § **14:16**
- Core proceedings, § **7:62, 7:72, 7:88, 7:91 to 7:93, 14:79 to 14:82**
- Corporations, fiduciary duty to deliver property, § **14:12, 14:27**
- Costs and expenses
  - attorneys' fees, § **14:33**
  - custodian reimbursement, § **14:1, 14:63, 14:73, 14:74**
  - evidence of debtor's income and expenses, filing of evidence of, § **14:16**
  - secured property, recovery from, § **14:4, 14:9**
- Court authorization, § **14:37, 14:75 to 14:78**
- Crimes, § **14:90**
- Custodians
  - generally, § **14:63 to 14:67**
  - accountability for property in possession or control, § **14:1, 14:63**
  - assignment, benefit of debtor's creditors, § **14:78**
  - attachment order, creditor in possession as custodian pursuant to, § **14:65**
  - best interests of creditors, § **14:75 to 14:78**

## **TURNOVER OF PROPERTY**

### **—Cont'd**

Custodians—Cont'd  
 comity, presumption of  
   reasonableness, § **14:74**  
 compensation, § **14:63, 14:73, 14:74**  
 costs and expenses, § **14:1, 14:63, 14:73, 14:74**  
 court authorization, exemption  
   from turnover provisions,  
   § **14:75 to 14:78**  
 definition, § **14:64**  
 delivery of property of estate,  
   § **14:1, 14:63, 14:70**  
 disbursement of property, prohi-  
   bition against postpetition,  
   § **14:68, 14:69**  
 divestment of authority to act,  
   § **14:63**  
 duties, generally, § **14:68 to 14:71**  
 equitable interest in property,  
   threshold element in turn-  
   over proceedings, § **14:67**  
 equity security holders, § **14:76, 14:77**  
 examination, administration of  
   estate, § **14:79**  
 exclusion from turnover provi-  
   sions, § **14:1, 14:32, 14:75 to 14:78**  
 hearing, § **14:71**  
 interim trustee, division of  
   compensation between  
   case trustee and, § **14:73**  
 itemization of services  
   rendered, § **14:74**  
 legal interest in property,  
   threshold element in turn-  
   over proceeding, § **14:67**  
 limitations, generally, § **14:68 to 14:71**  
 mismanagement by debtor,  
   exception from turnover of

## **TURNOVER OF PROPERTY**

### **—Cont'd**

Custodians—Cont'd  
 property requirements,  
   § **14:76**  
 nonbankruptcy custodianship,  
   termination upon com-  
   mencement of case,  
   § **14:63**  
 notice, below  
 obligations to entities, § **14:72**  
 preservation of property of  
   estate, § **14:1, 14:63, 14:68**  
 protections, § **14:1, 14:63, 14:72 to 14:78**  
 recorded information, turnover  
   to estate, below  
 reports by, § **14:1, 14:63, 14:71**  
 retention of property, § **14:84**  
 services rendered, compensa-  
   tion, § **14:1, 14:63, 14:73, 14:74**  
 sovereign immunity abrogated,  
   § **6:78**  
 surcharge, improper or exces-  
   sive disbursement, § **14:1, 14:63, 14:69**  
 use, sale, or lease of property,  
   generally, § **14:70, 14:71**  
 Customer name securities, reduc-  
   tion to money, § **14:18**  
 Damages, failure to surrender  
   property to estate, § **14:12**  
 Debtor in possession. Trustee or  
   debtor in possession, below  
 Default of turnover duty, account-  
   ability for value of property,  
   § **14:12**  
 Defense proceedings, § **14:2**  
 Deficiency payment, recovery  
   from nondebtor partner,  
   § **14:10**  
 Delivery of property of estate,  
   § **14:26, 14:30 to 14:44, 14:63, 14:70**

## INDEX

### TURNOVER OF PROPERTY

#### —Cont'd

Deposits, § **14:21, 14:87**  
Devaluation of lienholders interest, § **14:4, 14:38, 14:56**  
Disbursement of property of estate, § **14:1, 14:11, 14:63, 14:68, 14:69**  
Discharge, withholding recorded information, § **14:89**  
Dismissal or conversion, § **14:11, 14:27, 14:28**  
Disposition of property, record of, § **14:22**  
Dispute of debts, § **14:48, 14:81**  
Divestment of power or authority, § **14:34, 14:63**  
Document production, § **14:13, 14:14, 14:16, 14:21, 14:53, 14:89**  
Economical and expeditious administration of estate, § **14:11, 14:17, 14:74, 14:85**  
Employee stock ownership plan, turnover of earnings from, § **14:42**  
Encumbrances. Liens and encumbrances, below  
Entity having custody, turnover of property to estate by, § **14:32**  
Equitable interest in property, threshold element in turnover proceedings, § **14:67, 14:83**  
Equity security holders, best interests of, § **14:76, 14:77**  
Erroneous filing of papers, § **14:86**  
Evidence, § **14:14, 14:83**  
Examination, custodial administration of property, § **14:79**  
Exceptions, turnover requirements, § **14:45, 14:47, 14:58 to 14:63, 14:76, 14:78**  
Executory contracts and unexpired leases, expedited procedures, § **14:85**

### TURNOVER OF PROPERTY

#### —Cont'd

Exemptions, § **14:3, 14:4, 14:29, 14:32, 14:75 to 14:78**  
Expenses. Costs and expenses, above  
Family Farmer Debt Adjustment cases, § **14:12, 14:19, 14:20, 14:22, 14:23**  
Farm Credit Act provision, ownership of stock to Farm Credit Association, § **14:44**  
Federal questions, applicability of federal common law, § **14:54**  
Fifth Amendment, effect, § **14:14**  
Filing  
    complaints, motions, other papers, § **14:1, 14:63, 14:86**  
    erroneous filing of papers, § **14:56**  
    final report and account by interim trustee, § **14:26**  
    inventory of property, § **14:16, 14:23, 14:24, 14:26**  
    payment due as of date of petition, § **14:45**  
    schedule of assets and liabilities, § **14:15**  
Fines and penalties, § **14:90**  
Fixed statutory liens, trustee avoidance of, § **14:3**  
Foreign claims process, protection of U.S. claimholders from, § **14:11**  
Form of action, adversary proceeding or contested matter, § **14:79**  
Forwarding of redirected nonbusiness mail to debtor, § **14:57**  
Fraudulent transfers or obligations, avoidance, § **14:3**  
Fresh start, expeditious administration of estate, § **14:11**  
Full faith and credit, § **14:87**

## **TURNOVER OF PROPERTY**

### **—Cont'd**

- Good-faith transfers and payments, § **14:1, 14:19, 14:29, 14:50, 14:58 to 14:62**
- Governmental unit, assertion of claim against, § **14:32, 14:52**
- Government obligations, use of, § **14:87**
- Grain assets, expedited procedures for turnover, § **14:85**
- Immunity provisions, § **14:12, 14:52**
- Imprisonment, § **14:90**
- Income of debtor, filing of evidence of, § **14:16**
- Income tax refunds, turnover of, § **14:13, 14:43, 14:51**
- Inconsequential value or benefit to estate, property subject to turnover, § **14:35**
- Indemnity for deficiency recoverable from nondebtor partner, § **14:10**
- Individual debt adjustment cases, third parties, § **14:30, 14:37**
- Indubitable equivalent of lienholder's interests, § **14:38, 14:56, 14:62**
- Inferiority of interest to competing interests, § **14:6, 14:7**
- Insurance companies, § **14:19, 14:58, 14:62**
- Intangible property, applicability of turnover provisions, § **14:37**
- Interim trustee, § **14:26, 14:73**
- Internal Revenue Service, § **14:32, 14:37, 14:52**
- Inventory, preparation and filing, § **14:16, 14:23, 14:24, 14:26**
- Investment, money of estate, § **14:87**
- Itemization of services rendered, § **14:74**

## **TURNOVER OF PROPERTY**

### **—Cont'd**

- Junior lienholders, effect on, § **14:8**
- Jurisdiction, § **7:62, 7:72, 7:88, 7:91 to 7:93, 14:80**
- Laches and delay, preclusion of recovery of property, § **14:31**
- Landlord of debtor, notice to, § **14:19**
- Lease agreement, § **14:41**
- Legal interest in property, threshold element, § **14:67**
- Letters of credit, exclusion of transfers to beneficiary under, § **14:44**
- Liens and encumbrances
  - adequate protection, § **14:37, 14:38, 14:56**
  - automatic preservation of avoided transfers, § **14:3, 14:4, 14:7, 14:8**
  - compensation for devaluation of lienholder's interests, § **14:56**
  - recorded information, turnover to estate, § **14:56, 14:62**
  - third parties, § **14:37, 14:38, 14:56**
- Life insurance companies, § **14:62**
- Limitations, § **14:5, 14:9, 14:59, 14:68 to 14:71**
- Limited partnerships, liability for noncompliance, § **14:10**
- Liquidation (this index)
- Location of property and persons, § **14:15**
- Machine readable forms, § **14:13**
- Mail, redirection of, § **14:13, 14:57**
- Marshaling of assets, doctrine of, § **14:7**
- Maximization of value of estate, duty of, § **14:17**
- Mismanagement by debtor, exception to turnover of property, § **14:76**



## INDEX

### TURNOVER OF PROPERTY

#### —Cont'd

- Motions, location of filing, § **14:1, 14:34, 14:63, 14:79, 14:86**
- Names of persons holding money or property, duty to supply, § **14:15**
- Negotiable instruments, segregation of cash collateral, § **14:21**
- Nonbankruptcy custodianship, termination, § **14:63**
- Noncore proceedings, liability under state law, § **14:81, 14:82**
- Nondebtor
  - motion to compel turnover of property, § **14:10, 14:34, 14:79**
  - partnership as alter ego, § **14:39**
- Notice
  - administration of property, § **14:71**
  - commencement of case, § **14:19, 14:68, 14:70**
  - compensation for expenses and services rendered, § **14:73**
  - criminal acts, § **14:90**
  - custodial retention of property, § **14:84**
  - debtor's notice to creditors, effect of
    - 6:8
  - entities holding money or property, § **14:19**
  - exceptions to turnover provisions, § **14:63, 14:76, 14:78**
  - good faith transfers, § **14:58 to 14:62**
  - obligations to entities, protection of, § **14:72**
  - recorded information, turnover after hearing, § **14:53**
  - redirection of mail, § **14:57**

### TURNOVER OF PROPERTY

#### —Cont'd

- Notice—Cont'd
  - self-incrimination privilege requirements, § **14:14**
  - surcharge, improper disbursement, § **14:69**
  - third party liability for value of property not delivered, § **14:30**
  - withholding information, § **14:89**
- Objections, redirection of mail, § **14:57**
- Obligations to entities, § **14:72**
- Offset, payment of debt that is property of estate, § **14:1, 14:45, 14:47, 14:60, 14:83**
- Orders, forms, § **14:79**
- Partnership trustee, rights against general partners, § **14:10**
- Payment of debts to estate
  - generally, § **14:45 to 14:52**
  - accounts receivable, applicability of turnover provisions, § **14:49**
  - bank, refusal of payment of checks presented postpetition, § **14:50**
  - contingent debts, § **14:48**
  - disputed debts, turnover of, § **14:48**
  - federal government, preclusion of monetary recovery from, § **14:52**
  - filing of petition, payment due as of date of, § **14:45**
  - governmental unit, defined, § **14:52**
  - income tax refunds, § **14:51**
- Internal Revenue Service, subjection to turnover property, § **14:52**
- postpetition offsets, creditor's retention of funds subject to, § **14:47**

## TURNOVER OF PROPERTY

### —Cont'd

- Payment of debts to estate
  - Cont'd
  - reorganization, recovery of debt incurred during, § 14:46
  - setoff of claim, exception to turnover provisions, § 14:45, 14:47
  - state government, preclusion of monetary recovery from, § 14:52
  - unliquidated debts, § 14:48
  - waiver of sovereign immunity, § 14:52
- Payor, protection limited to, § 14:59
- Personal records, Fifth Amendment coverage, § 14:14
- Petition preparer's excessive fees, § 2:61
- Postal Service, authorization of redirection of mail, § 14:57
- Postpetition matters
  - offsets, retention of funds subject to, § 14:47
  - transfers, avoidance of, § 14:3, 14:29, 14:36, 14:59
- Preferences and preferential transfers, avoidance, § 14:3, 14:11
- Prepetition earnings or refunds, § 14:13, 14:43
- Preponderance of evidence, bankruptcy crimes, § 14:89
- Preservation of property by custodian, § 14:1, 14:63, 14:68
- Priority of interests, § 14:4, 14:6
- Production of documents, self-incrimination from, § 14:13, 14:14, 14:21, 14:53
- Proof beyond reasonable doubt, bankruptcy crimes, § 14:89
- Property subject to turnover, generally, § 14:34 to 14:44

## TURNOVER OF PROPERTY

### —Cont'd

- Protections, § 14:11, 14:59, 14:63, 14:72 to 14:78
- Public utility company, notice to, § 14:19
- Reasonable compensation, § 14:1, 14:63, 14:74
- Receipts for money and property received, § 14:22
- Reconversion, § 14:27
- Recorded information
  - generally, § 14:12 to 14:14, 14:26, 14:29, 14:53 to 14:62
  - accountant-client privilege, § 14:53 to 14:56
  - adequate protection of liens, prerequisite to turnover, § 14:56
  - attorney-client privilege, § 14:54, 14:55
  - automatic premium loan by insurance company, exception to turnover, § 14:58, 14:62
  - bank, refusal to pay checks presented postpetition, § 14:60
  - books, § 14:53, 14:89
  - cash or periodic cash payment, devaluation of lienholder's interest, § 14:56
  - coercion, payment of debts ahead of other creditors, § 14:53, 14:56
  - conversion of case, turnover to upon, § 14:27, 14:28
  - custodians, reports by, § 14:1, 14:63, 14:71
  - discharge, withholding information, § 14:89
  - documents, § 14:53
  - federal questions, applicability of federal common law, § 14:54

## INDEX

### TURNOVER OF PROPERTY

#### —Cont'd

Recorded information—Cont'd  
forwarding nonbusiness mail to debtor, § 14:57  
good-faith transactions, exception to turnover, § 14:62  
insurance company, exception of automatic premium loan, § 14:58, 14:62  
liens and encumbrances, § 14:56, 14:62  
mail of debtor, redirection, § 14:57  
notice and hearing, § 14:53  
objections, redirection of mail, § 14:57  
payor, protection limited to, § 14:59  
Postal Service, authorization of mail redirection, § 14:57  
postpetition transfers, avoidance, § 14:59  
redirection of debtor's mail, § 14:57  
setoff by bank, § 14:60  
state questions, applicability of state law of provisions, § 14:54  
third party appointment to receive mail, § 14:57  
transferor, protection limited to, § 14:59  
waiver, attorney-client privilege, § 14:55  
Redirection of debtor's mail, § 14:13, 14:57  
Reorganization cases  
recovery of debts incurred during, § 14:46  
trustee or debtor in possession, below  
Replacement lien, compensation for devaluation of lienholder's interests, § 14:4, 14:38, 14:56

### TURNOVER OF PROPERTY

#### —Cont'd

Reports. Recorded information, above  
Repossessed property, turnover of, § 14:37, 14:38  
Restricted securities, § 14:18  
Retirement benefits, turnover of, § 14:42  
Reverse piercing of corporate veil, § 14:39  
Rules of Bankruptcy Procedure (this index)  
Salary, turnover of, § 14:42  
Savings and loan associations, notice to, § 14:19  
Schedule of assets and liabilities, filing, § 14:15  
Secured property, recovery of costs and expenses from, § 14:9  
Securities, § 14:18, 14:21  
Segregation of cash collateral, § 14:21  
Seized property, turnover of, § 14:37, 14:38  
Self-incrimination, privilege against, § 14:12 to 14:14, 14:21, 14:53, 14:55  
Senior lienholders rights, § 14:7, 14:8  
Services rendered, compensation for, § 14:1, 14:63, 14:73, 14:74  
Setoff, § 14:1, 14:45, 14:47, 14:60, 14:83  
Show cause proceedings, § 14:84  
Sovereign immunity, § 6:78, 14:32, 14:52  
State questions, applicability of state law of provisions, § 14:54  
Statutory liens, avoidance of fixed, § 14:3  
Stockbroker liquidation, § 14:18  
Strong-arm clause, § 14:4

## TURNOVER OF PROPERTY

### —Cont'd

- Sua sponte invocation of expedited procedures, § 14:86
- Surcharge, excessive disbursement of property by custodian, § 14:1, 14:63, 14:69
- Surety bonds, use of government obligations instead of, § 14:87
- Surrender of property of estate and recorded information to trustee, § 14:12 to 14:14
- Tangible personal property, limitations, § 14:34
- Taxes
  - individual debtor's providing of return, § 14:16
  - withholding, § 14:13, 14:42, 14:43, 14:51
- Testimony, classification of property as, § 14:14
- Third parties
  - generally, § 14:12, 14:29 to 14:44
  - accountability, § 14:31 to 14:44
  - adequate protection of lienholders' rights, § 14:37, 14:38
  - alter ego, turnover of property held by, § 14:39
  - appointment to receive redirected mail of debtor, § 14:13, 14:57
  - armed services retirement benefits, § 14:42
  - attorneys' fees, recovery of fees incurred to obtain turnover of property, § 14:33
  - cash or periodic cash payments, compensation for devaluation of lienholder's interests, § 14:38
  - commingled security deposit, postpetition, turnover of, § 14:41

## TURNOVER OF PROPERTY

### —Cont'd

- Third parties—Cont'd
  - constructive possession of property, § 14:32
  - contempt, failure to deliver property, § 14:33
  - contingent possessory interest in property, § 14:34, 14:37
  - court authorized retention of property, § 14:32
  - custodians, above
  - delivery of property to estate, § 14:30 to 14:44
  - divestment of property, § 14:34
  - employee stock ownership plan, turnover of earnings from, § 14:42
  - entities subject to turnover duty, generally, § 14:32
  - exemptible property, turnover, § 14:29
  - Farm Credit Act provision, ownership of stock to Farm Credit Association, § 14:44
  - good-faith transfers and payments, § 14:29
  - governmental unit, defined, § 14:32
  - income tax refund on prepetition earnings, § 14:43
  - inconsequential value or benefit to estate, turnover of property of, § 14:35
  - individual debt adjustment, § 14:30, 14:37
  - indubitable equivalent of lienholders interest, § 14:38
  - intangible property, § 14:37
  - Internal Revenue Service, turnover by, § 14:32, 14:37
  - laches and delay, preclusion of recovery of turnover of property, § 14:31

## INDEX

### TURNOVER OF PROPERTY

#### —Cont'd

- Third parties—Cont'd
  - lease agreement, rights under, § 14:41
  - letters of credit, exclusion of monies transferred to beneficiary under, § 14:44
  - liability for property no longer in possession, § 14:32
  - liens and encumbrances, § 14:37, 14:38, 14:56
  - nondebtor assets, exclusion from property of estate, § 14:34
  - nondebtor partnership as alter ego, turnover of property on ground of, § 14:39
  - notice and knowledge, § 14:30
  - partial constructive trust, § 14:40
  - postpetition transfer of property, § 14:36
  - prepetition withheld taxes, § 14:43
  - property subject to turnover, generally, § 14:34 to 14:44
  - recorded information, § 14:57
  - redirected mail, appointment to receive, § 14:13, 14:57
  - replacement lien, compensation for devaluation of lienholder's interests, § 14:38
  - repossessed property, turnover of, § 14:37, 14:38
  - retirement benefits, turnover of, § 14:42
  - seized property, turnover of, § 14:37, 14:38
  - sovereign immunity, Internal Revenue Service exclusion from, § 14:32
  - tangible personal property, limitations, § 14:34

### TURNOVER OF PROPERTY

#### —Cont'd

- Third parties—Cont'd
  - tax refunds and payments, turnover of, § 14:43
  - trust, turnover of property held in, § 14:40
  - use, sale, or lease of property, § 14:29, 14:31, 14:32, 14:34
  - voluntary transfers, exclusion from turnover, § 14:29, 14:36
  - wages, turnover of, § 14:42
  - waiver of sovereign immunity, § 14:32
  - withheld taxes or wages, turnover of, § 14:42
- Time or date
  - commencement of case, § 14:13
  - completion of expedited procedures, § 14:85
  - controversion of petition for ancillary case, § 14:11
  - duty of turnover, effective date, § 14:32
  - erroneous filing of papers, § 14:86
  - filing, above
  - stop payment on unpaid checks, § 14:88
  - transfer to custodian, § 14:70
- Title documents, segregation of cash collateral, § 14:21
- Transferee, priority interest, § 14:6
- Transferor, protection limited to, § 14:59
- Transfers by bank, applicability of exception of good-faith transfers or payments, § 14:60
- Trustee or debtor in possession
  - generally, § 1:132
  - accountability for property delivered, § 14:12, 14:20, 14:21, 14:26

## TURNOVER OF PROPERTY

### —Cont'd

Trustee or debtor in possession  
 —Cont'd  
 address, persons holding money or property, § 14:15  
 attorneys, turnover of property, § 14:27  
 automatic preservation of avoided transfer, above  
 bank, notice to, § 14:19  
 books, turnover of, § 14:13  
 building and loan associations, notice of case, § 14:19  
 burden of proof, reasonable cause for fear of self-incrimination, § 14:14  
 cash or cash equivalents, segregation of cash collateral, § 14:21  
 cause of action beneficial to estate, § 14:17  
 charge for value of property not turned over, § 14:17  
 classification of documents, proof of self-incrimination possibility, § 14:14  
 collection of property of estate, § 14:17  
 computer stored data, turnover of, § 14:13  
 conversion of case, turnover of property to upon, § 14:27, 14:28  
 corporations, fiduciary duty to deliver property, § 14:12, 14:27  
 costs and expenses, recovery from secured property, § 14:9  
 customer name securities, exemption from reduction to money, § 14:18  
 damages, failure to surrender property to estate, § 14:12

## TURNOVER OF PROPERTY

### —Cont'd

Trustee or debtor in possession  
 —Cont'd  
 default of turnover duty, accountability for value of property, § 14:12  
 delivery of records and property to interim trustee, § 14:26  
 deposits, § 14:21  
 disposition of property, record of, § 14:22  
 documents, turnover of, § 14:13, 14:21  
 family farmer debt adjustment cases, § 14:12, 14:19, 14:20, 14:22, 14:23  
 Fifth Amendment, effect, § 14:14  
 filing, above  
 fixed statutory liens, avoidance, § 14:3  
 fraudulent transfers or obligations, avoidance, § 14:3  
 immunity provisions, § 14:12  
 income tax refunds, turnover, § 14:13  
 inferiority of interest to senior lienholder, § 14:7  
 insurance company, notice to, § 14:19  
 interim trustee, § 14:26  
 inventory, preparation and filing, § 14:16, 14:23, 14:24  
 landlord of debtor, notice to, § 14:19  
 liability for property no longer in possession, § 14:32  
 lien creditor and successor, § 14:3  
 location of property and persons, § 14:15  
 machine readable forms, turnover, § 14:13  
 mail, redirection of, § 14:13

## INDEX

### TURNOVER OF PROPERTY

#### —Cont'd

Trustee or debtor in possession  
—Cont'd  
maximization of value of estate,  
duty of, § 14:17  
names, persons holding money  
or property, § 14:15  
negotiable instruments, segrega-  
tion of cash collateral,  
§ 14:21  
notice, above  
personal records, applicability  
of Fifth Amendment,  
§ 14:14  
prepetition earnings and  
refunds, turnover of,  
§ 14:13  
priority interest, § 14:6  
production of documents, self-  
incrimination from,  
§ 14:14  
public utility company, notice  
to, § 14:19  
receipts for money and prop-  
erty, § 14:22  
reconversion of case, turnover  
of property upon, § 14:27  
redirection of mail, § 14:13  
reorganization cases, § 14:12,  
14:15, 14:16, 14:20, 14:23  
savings and loan associations,  
notice to, § 14:19  
securities, § 14:18, 14:21  
segregation of cash collateral,  
§ 14:21  
self-incrimination, privilege  
against, § 14:12, 14:14  
senior lienholder, assertion of  
rights, § 14:8  
stockbroker liquidation, § 14:18  
surrender of property to trustee,  
§ 14:12 to 14:14  
testimony, classification of  
property as, § 14:14

### TURNOVER OF PROPERTY

#### —Cont'd

Trustee or debtor in possession  
—Cont'd  
title documents, segregation of  
cash collateral, § 14:21  
United States trustee, supervi-  
sion of administration of  
estate, § 14:23 to 14:25  
use, sale, or lease of property by  
debtor, generally, § 14:21,  
14:29, 14:31, 14:32, 14:34  
voluntary transfer, exemption,  
§ 14:4  
waiver of debtor's privilege  
against self-incrimination,  
§ 14:55  
Unclaimed property, § 14:88  
United States trustee, supervision  
of administration of case,  
§ 14:23 to 14:25, 14:87  
Unliquidated debts, scope of gen-  
eral turnover provisions,  
§ 14:48  
Unsecured creditors, priority of  
interests, § 14:4  
Use, sale, or lease of property  
custodians, above  
trustee or debtor in possession,  
above  
Utilities, notice to, § 14:19  
Venue, § 7:186  
Voluntary transfers, § 14:1, 14:4,  
14:29, 14:36  
Wages, turnover of, § 14:42  
Waiver of privileges, § 6:78,  
14:32, 14:52, 14:55  
Windfall upon avoidance of senior  
lien, prevention of junior  
lienholder's, § 14:8  
Withholding of recorded informa-  
tion, denial of discharge for  
debtor's, § 14:89

### TWIST CAP

Letters of credit, § 18:11

**2, 4, 6 CLAIMS**

Unlisted and unscheduled debt  
discharge exceptions,  
§ 35:128

**TYPE G REORGANIZATIONS**

Taxation, § 3:46 to 3:49

**UEA**

Uniform Exemptions Act (this  
index)

**UNAMORTIZED PREMIUM  
AND DISCOUNT**

Amortization (this index)

**UNCLAIMED PROPERTY**

Chapter 9 or 11 cases, § 34:183,  
34:186

Chapter 13 cases, § 34:198

Distribution, § 34:183, 34:186,  
34:194, 34:198

Family farmer debt adjustment  
proceedings, § 34:194

Individual debt adjustment,  
§ 34:198

Municipal debt adjustment,  
§ 34:183

Reorganization, § 34:186

Turnover of property, § 14:88

**UNDERCAPITALIZED  
CORPORATE DEBTORS**

Subordination, § 34:104

**UNDERSECURED CLAIMS**

Individual debt adjustment, § 1:57

Valuation, § 1:155

**UNDERTAKINGS**

Bonds and Undertakings (this  
index)

**UNDERWRITER**

Insurance and insurance  
companies, § 12:32

Reorganization (this index)

**UNEMPLOYMENT  
COMPENSATION**

Allowance of claims or interest,  
§ 24:47

Exemptions, § 13:102, 13:107

Federal tax credits, § 3:82

Individual debt adjustment,  
benefits as income, § 1:63

Lien for taxes, limitations on  
trustee's avoiding power,  
§ 17:59

**UNEXPIRED LEASES**

Executory Contracts and  
Unexpired Leases (this  
index)

**UNFAIR LABOR PRACTICES**

Creditors' committees, § 6:49

**UNIFORM COMMERCIAL  
CODE**

Commercial Paper (this index)

Reclamation right, relation of  
Bankruptcy Code and UCC  
remedies, § 17:76

Secured and Unsecured Claims  
(this index)

Size and nature of claim, § 23:35,  
23:39

Warehouse receipts, proof of  
claim, § 22:11

**UNIFORM FRAUDULENT  
CONVEYANCE ACT**

Generally, § 19:91

**UNIFORM FRAUDULENT  
TRANSFER ACT**

Generally, § 19:92

Preferential transfer, trustee as lien  
creditor, § 18:99

**UNILATERAL TERMINATION  
OR MODIFICATION**

Executory contracts and unexpired  
leases, § 20:98



## INDEX

### UNIMPAIRED CREDITORS

- Municipal debt adjustment plans,  
§ 1:158, 32:5
- Notice, Chapter 9 and 11 cases,  
§ 1:158
- Reorganization, notice to  
unimpaired classes, § 1:158
- Reorganization Plans (this index)

### UNINCORPORATED ASSOCIATIONS

- Eligibility to file bankruptcy,  
§ 1:38
- Reorganization, § 1:46

### UNIONS

- Credit Unions (this index)
- Labor Unions or Employees'  
Associations (this index)

### UNIQUE CIRCUMSTANCES DOCTRINE

- Appeals, § 37:43

### UNITED STATES

- Generally. Federal Government  
(this index)

### UNITED STATES ATTORNEYS

- Immunity from criminal prosecution,  
§ 6:3
- Voluntary bankruptcy, § 8:37

### UNITED STATES SUPREME COURT

- Supreme Court of United States  
(this index)

### UNITED STATES TAX COURT

- Tax Court (this index)

### UNITED STATES TERRITORIES

- Territories (this index)

### UNITED STATES TRUSTEES

- Generally, § 4:56 to 4:107
- Abandonment of property, notice,  
§ 4:107
- Alabama, pilot project, § 4:60

### UNITED STATES TRUSTEES

#### —Cont'd

- Appeals, § 4:107, 37:1
- Appearance, § 4:77
- Application for employment and  
compensation, § 4:79, 4:101,  
4:103
- Appointment of creditors' committee,  
§ 4:96
- Appointment of trustee or  
examiner
  - generally, § 4:70, 5:1, 5:37
  - bond requirements, § 5:7
  - checklist for qualifying as  
trustee, § 5:9
  - compensation of trustee or  
examiner, § 5:100
  - disinterested requirement, § 5:4,  
5:5
  - eligibility and qualification,  
generally, § 5:3
  - family farmer debt adjustment  
proceedings, § 4:9
  - individual debt adjustment  
proceedings, § 4:92
  - interim trustee, § 5:13
  - liquidation proceedings, § 4:85,  
4:86, 5:12
  - notice, § 4:101, 5:6
  - panels of trustees, § 5:10
  - reorganization, § 4:85, 4:95,  
4:96, 5:5, 5:23, 5:85
  - standing trustees, § 5:11, 5:41,  
5:44
  - supervision of cases, § 4:79
  - termination, below
- Assistants, § 4:72, 4:74, 4:75, 5:5
- Attorney General, § 4:56, 4:70,  
4:89, 4:101, 4:103
- Authority to appear and be heard,  
§ 4:77
- Blanket bonds, § 4:82
- Bonds and undertakings
  - generally, § 4:81 to 4:83, 5:7
  - blanket bonds, § 4:82

**UNITED STATES TRUSTEES**

**—Cont'd**

Cash collateral, § **4:102**  
 Chapter 7. Liquidation (this index)  
 Chapter 11. Reorganization (this index)  
 Chapter 12. Family Farmer Debt Adjustment (this index)  
 Chapter 13. Individual Debt Adjustment (this index)  
 Checklist for qualifying as trustee, § **5:9**  
 Clerk of Court (this index)  
 Close connections to U.S. trustee, employment of professional persons or agents with, § **2:43, 2:44, 2:112**  
 Closing and reopening cases, § **36:4**  
 Compensation  
     generally, § **4:72, 4:81, 4:107, 5:87, 5:97, 5:98, 5:100**  
     application for compensation, § **4:79, 4:103**  
     family farmer debt adjustment, § **4:90, 4:92**  
     Fund for United States Trustee System, § **4:63, 4:64, 4:67**  
     individual debt adjustment proceedings, § **4:90, 4:92**  
     notice and hearing, § **2:68, 4:101, 4:103**  
 Compromise or settlement, notice, § **4:101, 4:107**  
 Concealment of estate property, documents or accounts as crime, § **2:53**  
 Confirmation of plan, § **4:95, 4:101, 4:104**  
 Consumer privacy ombudsman, appointment of, § **6:92**  
 Contracts, § **4:74**  
 Conversion or dismissal  
     generally, § **4:106**  
     family farmer debt adjustment proceedings, § **4:93**

**UNITED STATES TRUSTEES**

**—Cont'd**

Conversion or dismissal—Cont'd  
     fund for United States Trustee System, § **4:63, 4:65, 4:66**  
     individual debt adjustment proceedings, § **4:93**  
     liquidation, § **4:88, 4:93, 4:97**  
     notice and pleadings, § **4:101, 4:106**  
     reorganization proceedings, § **4:97**  
 Copies, § **4:98, 4:99, 4:101 to 4:107**  
 Costs. Fees and costs, below  
 Credit, authority to obtain, § **4:101**  
 Creditors' and equity security holders' committees, § **4:80, 4:94, 4:96, 4:99, 4:107, 6:68**  
 Custodian, report, § **4:107**  
 Date. Time and date, below  
 Death, § **4:58, 4:86, 4:95**  
 Debtor identification, request for, § **6:22**  
 Discharge of indebtedness, § **4:88, 4:101, 4:105**  
 Disclosure statements, § **4:94, 4:101, 4:104**  
 Disinterested requirement, § **5:4, 5:5**  
 Dismissal. Conversion or dismissal, above  
 Disposition of property, notice, § **4:107**  
 Disqualification, § **4:75, 4:86, 4:92, 4:95**  
 Duty stations, § **4:71**  
 Election of trustee, § **5:15, 5:34 to 5:36**  
 Employment  
     generally, § **4:72, 4:74, 4:75, 4:79, 4:101, 4:103**  
     compensation, above  
 Estate administrators, pilot project, § **4:58**

## INDEX

### UNITED STATES TRUSTEES

#### —Cont'd

Examiners. Appointment of trustee or examiner, above

Excess amounts, United States Trustee System Fund, § 4:68, 4:69

Executory contracts and unexpired leases, § 4:107

Ex parte contracts, § 4:74

Expenses. Fees and costs, below

Family and relatives, § 2:43, 2:44, 2:112

Family Farmer or Fisher Debt Adjustment (this index)

Fees and costs

- generally, § 4:72
- family farmer debt adjustment cases, § 4:90, 4:92
- fund for United States Trustee System, § 4:63 to 4:67
- individual debt adjustment cases, § 4:90, 4:92
- supervision of cases, § 4:78

Final account, § 4:100, 4:101, 4:106

Fund for United States Trustee System

- generally, § 4:63 to 4:69
- compensation, § 4:63, 4:64, 4:67
- conversion or dismissal, § 4:63, 4:65, 4:66
- excess fund amounts, § 4:68, 4:69
- family farmer debt adjustment, § 4:63, 4:65
- individual debt adjustment, § 4:63, 4:65
- liquidation, § 4:63, 4:65
- quarterly fees, § 4:63, 4:66, 4:67
- reorganization, § 4:63, 4:65 to 4:67
- reports, § 4:69

### UNITED STATES TRUSTEES

#### —Cont'd

Fund for United States Trustee System—Cont'd

- uses, § 4:64

Guarantees, § 4:69, 4:81 to 4:83

Hearings, § 4:101 to 4:104, 4:106, 4:107

Incidents of office, generally, § 4:70 to 4:75

Individual Debt Adjustment Plans (this index)

Individual Debt Adjustment (this index)

Information to be furnished to U. S. trustee, generally, § 4:98 to 4:107

Interested party, generally, § 6:87

Interim trustee, § 4:85, 4:87, 4:107, 5:13

Inventories of property transmitted to, § 14:24

Inventory, § 4:100, 14:24

Involuntary bankruptcy, § 9:41, 15:11

Judgment, notice, § 4:107

Judicial Code (28 USCA), § 1:17

Justice Department, § 4:61, 4:69, 4:70, 4:89

Leases, § 4:64, 4:101, 4:107

Liquidation (this index)

Mail, notice by, § 1:82, 1:84, 1:85

Meeting of creditors

- convening of, § 4:80
- examination of debtor at, § 4:80

Monitoring plans, § 4:91

Nationwide system, pilot project, § 4:59

North Carolina, pilot project, § 4:60

Notice

- generally, § 1:82, 1:84, 1:85, 4:82, 4:98, 4:101 to 4:107, 5:6
- appeal, § 4:107

**UNITED STATES TRUSTEES**

**—Cont'd**

Notice—Cont'd  
     application for employment and compensation, § **4:102, 4:103**  
     compensation, § **4:101, 4:103**  
     conversion or dismissal, § **4:101, 4:106**  
     discharge, § **4:101, 4:105**  
     liquidation, § **4:82**  
     manner of transmittal, § **4:102**  
     miscellaneous matters, § **4:107**  
     plans and disclosure statements, § **4:101, 4:104**  
     reorganization, § **4:95**  
     selection notice, § **5:6**  
     time and date, § **4:101 to 4:107**  
 Oath of office, § **4:70, 4:80**  
 Objections, § **4:83, 4:101 to 4:106**  
 Operation of business, § **15:4, 15:11, 15:19**  
 Operations reports, § **4:100**  
 Order for relief, § **4:101**  
 Order or approval of court, § **4:83, 4:101 to 4:107**  
 Panels of trustees, § **5:10**  
 Patient care ombudsman, appointment of, § **6:93**  
 Petition of bankruptcy, § **4:99**  
 Petition preparers, motion seeking damages, fees, costs or injunction, § **2:48**  
 Pilot program  
     generally, § **4:56 to 4:62**  
     estate administrators, § **4:58**  
     governing provisions, § **4:62**  
     Justice Department, § **4:61**  
     nationwide system, § **4:59**  
     opt-in for North Carolina and Alabama, § **4:60**  
     phase-in, § **4:59**  
     term of office, § **4:70**  
 Plans, § **4:101, 4:104, 26:59**  
 Pleadings, § **4:101 to 4:107**

**UNITED STATES TRUSTEES**

**—Cont'd**

Powers and duties, generally, § **4:76 to 4:97**  
 Professional persons, employment of, § **2:24, 2:36, 2:68, 4:79, 4:101, 4:103**  
 Proxies, § **4:107**  
 Quarterly fees, § **4:63, 4:66, 4:67, 34:39**  
 Railroad reorganizations, § **4:65, 4:95**  
 Records and reports, § **4:69, 4:100**  
 Reimbursement, § **4:90, 4:101, 4:103**  
 Relatives, employment of professional persons or agents, § **2:43, 2:44, 2:112**  
 Removal from office  
     generally, § **4:75, 4:86, 4:88**  
     dismissal from office, § **4:93, 4:97**  
     ex parte contracts, § **4:74**  
     individual or family farmer debt adjustment, § **4:93**  
     liquidation, § **4:86, 4:88**  
     reorganization, § **4:97**  
 Reorganization (this index)  
 Rules of Bankruptcy Procedure (this index)  
 Sales and transfers, § **4:101, 4:107**  
 Service as trustee, § **4:81, 4:87, 4:92**  
 Standing trustees, § **4:63, 4:68, 4:89, 4:90, 5:11, 5:41, 5:44**  
 Substantial abuse dismissals, § **4:101, 4:106**  
 Successor trustee, § **4:70, 4:85, 4:86**  
 Supervision of cases and trustees, § **4:78, 4:79**  
 Supporting documents, § **4:99**  
 Taxation (this index)  
 Tax returns, inspection and copying of debtor's federal, § **6:21**

## INDEX

### UNITED STATES TRUSTEES

#### —Cont'd

- Term of office, § 4:70
- Time and date
  - appointment and term of office, § 4:70
  - conversion or dismissal, § 4:66
  - creditors' or equity security holders' meeting, § 4:80
  - notice, § 4:101 to 4:107
- Travel and transportation, § 4:64, 4:95
- Trustee's acceptance or qualification for office, § 4:107
- Turnover of property, § 14:87
- Undertakings. Bonds and undertakings, above
- Use, sale, or lease of property, notice, § 4:101, 4:107
- Vacancy in office, § 4:73, 5:46
- Voluntary bankruptcy
  - conversion or dismissal, § 8:91, 8:92, 8:95
  - copies of petition, § 8:20
  - filing fees, § 8:91
  - lists, schedules, and statements, § 8:72, 8:79, 8:82, 8:89, 8:92, 8:97, 8:99
  - notice of petition, § 8:41
- Voluntary conversion of case, § 4:63, 4:65

### UNIVERSITIES

- Colleges and Universities (this index)

### UNLIQUIDATED CLAIMS

- Allowance of Claims or Interests (this index)
- Size and nature of claim, § 23:13
- Turnover of property, § 14:48

### UNMATURED CLAIMS

- Allowance of claims or interest, § 24:21, 24:33, 24:36, 24:50

### UNSCHEDULED DEBTS

- Discharge (this index)

### UNSECURED CLAIMS

- Secured or Unsecured Claims (this index)

### UPSTREAM GUARANTIES

- Fraudulent transfers and concealment of assets, tripartite transactions, § 19:52

### URBAN HOMESTEADS

- Homestead exemption, § 13:69

### USE, SALE, OR LEASE OF PROPERTY

- Generally, § 1:139 to 1:144, 15:21 to 15:67
- Adequate assurance. Cash collateral, below
- Adequate protection
  - generally, § 1:144, 15:22, 15:23, 15:32, 15:44, 15:47, 21:7, 21:19
  - approval and objections to agreement, § 1:151
  - burden of proof, § 21:69
  - cash payment or periodic cash payments, § 21:52, 21:53
  - municipal debt adjustment, § 21:28
  - time and expenses of repossession and sale, § 21:32
- Administrative expenses, § 15:28, 15:30
- After-acquired property, § 15:24
- Agreement
  - cash collateral agreement, ordinary course of business, § 15:45
- Executory Contracts and Unexpired Leases (this index)
- Aircraft, § 15:25
- Amount of property used, sold, or leased other than in ordinary

**USE, SALE, OR LEASE OF  
PROPERTY—Cont'd**

course of business, § **15:35**

Appeals

good-faith purchasers protected from reversal or modification on appeal, § **15:61**

notice and hearing, transactions other than in ordinary course of business, § **15:36**

stay pending appeal, § **15:21, 15:32, 15:66**

Appraisals, § **15:22**

Auctions and Auctioneers (this index)

Authorization to sell property free and clear, § **15:58**

Automatic stay, § **15:25, 15:32, 15:43**

Bankruptcy rule 9019 and section 363(b), § **15:64**

Bids, collusive, § **15:62**

Bona fide purchasers, protection of sale from reversal or modification on appeal, § **15:61**

Breach of Contract or Lease (this index)

Breakup fees, § **15:32, 15:41, 15:42**

Brokers and Dealers (this index)

Burden of proof, § **15:22, 15:23, 15:28, 15:38, 15:47**

Business justification requirement, § **15:42**

Cash collateral

generally, § **1:141, 15:22, 15:23, 15:32, 15:44, 15:47**

definition, § **1:141, 15:24**

hotel, motel, and lodging charges, § **1:141, 15:24, 15:44**

notice, § **15:44, 15:46, 15:47**

ordinary course of business, § **15:43 to 15:48**

**USE, SALE, OR LEASE OF  
PROPERTY—Cont'd**

Cash collateral—Cont'd

service and content of notice, § **15:34**

Change or modification, § **15:31, 15:61**

Clayton Act antitrust waiting period, § **1:139**

Collateral. Cash collateral, above

Collusive bidding, § **15:62**

Commercial fishing property, § **15:50**

Compensation, valuation and appraisal, § **15:22**

Consumer privacy ombudsman, § **6:92**

Contract or agreement

cash collateral agreement, ordinary course of business, § **15:45**

Executory Contracts and Unexpired Leases (this index)

Co-owner or spouse

costs for preservation or disposal of property, § **15:30**

sale free and clear, § **12:30**

Costs and expenses

administrative expenses, § **15:28, 15:30**

ordinary course of business, transactions other than in, § **15:34**

preserving or disposing of assets, § **15:28 to 15:30**

Credit bidding, setoff of claim against purchase price by lienholder, § **15:60**

Debtor in possession, generally, § **15:21 to 15:67**

Dower or curtesy, § **15:55**

Encumbrances. Liens and encumbrances, below

Exceptions and objections, § **15:33, 15:37, 15:38, 15:45**

## INDEX

### USE, SALE, OR LEASE OF PROPERTY—Cont'd

Executory Contracts and  
Unexpired Leases (this  
index)  
Exemption from transfer tax,  
§ 15:63  
Exemptions  
generally, § 13:23  
avoidance of security interest,  
§ 13:161  
homestead exemption, § 13:61  
motor vehicles, § 13:74  
personal, family, or household  
use of items, § 13:75 to  
13:77  
Ex parte proceedings, § 15:23,  
15:47  
Expedited determination of dispo-  
sition of grain assets, § 15:27  
Expenses. Costs and expenses,  
above  
Family farmer debt adjustment  
plans, § 33:17, 33:20  
Family Farmer or Fisher Debt  
Adjustment (this index)  
Farmers and farm products,  
§ 15:52  
Finance agreements, § 15:25,  
15:26  
First refusal right of co-owner or  
debtor's spouse, § 15:56  
Fishing property, commercial,  
§ 15:50  
Foreclosure, § 15:25, 15:30  
Forfeiture, § 15:31  
Free and clear sale, § 1:142, 15:51  
to 15:58  
Good-faith purchasers protected  
from reversal or modification  
on appeal of sale authoriza-  
tions, § 15:61  
Homestead exemption, § 13:61  
Husband and wife. Co-owner or  
spouse, above

### USE, SALE, OR LEASE OF PROPERTY—Cont'd

Individual Debt Adjustment (this  
index)  
Ipso facto or bankruptcy clauses,  
effect of, § 15:31  
Joint or co-ownership interests.  
Co-owner or spouse, above  
Jurisdiction, § 7:105  
Jurisdiction retention, § 15:65  
Liens and encumbrances  
generally, § 1:142  
prepetition security interests in  
after-acquired property,  
§ 15:24  
preservation of property, costs  
for, § 15:29  
sale free and clear of liens,  
§ 1:142, 15:51 to 15:58  
setoff of allowed claims against  
purchase price, § 15:60  
tax liens, § 15:24, 15:29  
Limitations, § 15:23  
Liquidation, § 15:22, 15:35,  
15:43, 15:49  
Mail and mailing, § 15:34, 15:46  
Mortgages and deeds of trust,  
§ 15:31  
Motion for authorization of cash  
collateral, ordinary course of  
business, § 15:46  
Municipal debt adjustment  
generally, § 15:32, 15:45  
adequate protection, § 21:28  
Municipal debt adjustment, ade-  
quate protection, § 21:28  
Negotiated Rates Act, § 15:31  
Notice and hearing  
adequate protection, § 15:23  
all or substantially all of reorga-  
nization debtor's assets,  
§ 15:40  
business justification require-  
ment, § 15:42

**USE, SALE, OR LEASE OF  
PROPERTY—Cont'd**

Notice and hearing—Cont'd  
 cash collateral, § **15:44, 15:46, 15:47**  
 family farmer debt adjustment, § **15:52**  
 free and clear sale of property, § **15:58**  
 individual debt adjustment, § **15:32**  
 objections, § **15:37**  
 other than in ordinary course of business, use, sale, or lease, § **15:33 to 15:36**  
 Objections and exceptions, § **15:33, 15:37, 15:38, 15:45**  
 Offset. Setoff or offset, below  
 Operating debtors' business, generally, § **and see specific lines throughout this topic, 15:21 et seq.**  
 Order or approval of court, § **15:22, 15:48**  
 Ordinary course of business or financial affairs  
 generally, § **1:140, 15:43 to 15:48**  
 cash collateral, § **15:43 to 15:48**  
 other than in ordinary course of business, § **1:139, 15:32 to 15:42**  
 Postpetition matters, § **12:14**  
 Prepetition matters, § **15:24, 15:29**  
 Preserving or disposing of assets, costs of, § **15:28 to 15:30**  
 Procedure for sale, § **15:59 to 15:67**  
 Proportionate share of proceeds of sale, co-owner or spouse's right to, § **15:57**  
 Protection of interests of bankruptcy estate  
 generally, § **15:28 to 15:31**  
 adequate protection, above

**USE, SALE, OR LEASE OF  
PROPERTY—Cont'd**

Railroad Reorganization (this index)  
 Railroad rolling stock, § **15:26**  
 Reorganization Plans (this index)  
 Reorganization (this index)  
 Resale (this index)  
 Res judicata effect of sale order, § **15:67**  
 Review. Appeals, above  
 Rules of Bankruptcy Procedure (this index)  
 Sale free and clear of certain interests, § **1:142, 15:51 to 15:58**  
 Secured or unsecured claims, § **15:24, 15:44**  
 Security interest  
 cash collateral, above  
 prepetition security interests in after-acquired property, § **15:24**  
 Service of petitions, process, and papers, § **15:23, 15:34, 15:37, 15:46**  
 Setoff or offset  
 lienholder, setoff of claim against purchase price by, § **15:60**  
 Ships and vessels, § **15:25**  
 Size and Nature of Claim (this index)  
 Sovereign immunity abrogated, § **6:78**  
 Spouse. Co-owner or spouse, above  
 Stipulations for use of cash collateral in ordinary course of business, § **15:45**  
 Surcharge, § **15:29, 15:30**  
 Tax liens, § **15:24, 15:29**  
 Tenancy by the entirety, § **15:54**  
 Termination, forfeiture or ipso facto clauses, § **15:31**



## INDEX

### USE, SALE, OR LEASE OF PROPERTY—Cont'd

#### Time and date

- aircraft and vessels subject to  
financing agreements,  
§ 15:25
- cash collateral, § 15:45, 15:47
- notice and hearing requirement,  
transactions other than in  
ordinary course of busi-  
ness, § 15:34
- objections, transactions other  
than in ordinary course of  
business, § 15:37
- railroad rolling stock subject to  
financing agreement,  
§ 15:26
- Trustees, generally, § 15:21 to  
15:67
- Turnover of Property (this index)
- U. S. trustees, § 4:101, 4:107
- Unauthorized use of cash collat-  
eral, ordinary course of busi-  
ness, § 15:48
- Value of property, § 1:143, 15:22

### USURY

- Allowance of claims or interests,  
unenforceable claims,  
§ 24:33
- Property of estate, defenses avail-  
able to estate, § 6:9, 12:154

### UTAH

- Opt-out provision, § 13:6

### UTILITIES

- Generally, § 16:233 to 16:246
- Adequate assurance of payment  
generally, § 16:237 to 16:246
- administrative expense priority  
guaranteed, § 16:241
- deposit, § 16:239
- hearing to modify amount of  
security necessary to  
provide adequate assur-  
ance, § 16:244

### UTILITIES—Cont'd

- Adequate assurance of payment  
—Cont'd
- modification of security,  
§ 16:244
- other security, § 16:240, 16:241
- place to file motions and other  
papers, § 16:246
- request for adequate assurance  
by utility, § 16:243
- termination of service, § 16:245
- trustee or debtor to provide ade-  
quate assurance of pay-  
ment, § 16:242
- what constitutes adequate assur-  
ance, § 16:238
- Administrative expenses, § 16:241
- Assurance of payment. Adequate  
assurance of payment, above
- Change or modification, hearing to  
modify amount of security,  
§ 16:244
- Citizens groups as interested par-  
ties, § 6:88
- Closing and reopening cases,  
§ 36:26, 36:28
- Creditors' and equity security  
holders' committees, § 6:58
- Deposit, adequate assurance of  
payment, § 16:239
- Discontinuance of service  
generally, § 1:147
- grounds for, § 16:236
- Discrimination, § 6:11, 6:13,  
16:233 to 16:236
- Discriminatory treatment of  
debtor, § 6:32, 6:34
- Filing of motion, § 16:246
- Hearing and request to modify  
amount of security, § 16:244
- Modification of amount of secu-  
rity, hearing for, § 16:244
- Motion, application, or request,  
§ 16:243, 16:244
- Municipal debt adjustment, § 1:45

## UTILITIES—Cont'd

- Payments. See more specific entries throughout this topic
- Place to file motions and other papers, adequate assurance of payment, § **16:246**
- Preferential transfers, new value advanced, § **18:82**
- Priorities, administrative expense priority guaranteed, § **16:241**
- Reorganization plans
  - rate changes, regulatory approval of, § **28:10**
  - transfer from state to federal regulatory authority, § **26:13**
- Sale free and clear of liens and other interests, § **1:142**
- Security. Adequate assurance of payment, above
- Sovereign immunity, § **6:78, 6:83**
- Telephones (this index)
- Termination of service, adequate assurance or security, § **16:245**
- Turnover of property, § **14:19**
- Types of acts affected, § **16:235**
- Types of utilities affected, § **16:234**
- U. S. trustees, utility fees, § **4:64**
- Use, sale, or lease of property, § **15:29**
- Waiver of sovereign immunity, § **6:78, 6:83**

## VACANCY

- Adequate protection, § **21:21**
- Judges, § **4:13, 4:15**
- Trustees, § **2:73, 5:46**
- U. S. trustees, § **4:73, 5:46**

## VACATING AND SETTING ASIDE

- Closing and reopening cases, § **36:7, 36:9**
- Conversion or dismissal, § **11:96**

## VACATING AND SETTING ASIDE—Cont'd

- Exemptions, avoidance of liens, § **13:133**
- Fraudulent transfers, § **19:18, 19:70**
- Involuntary bankruptcy, § **9:64**
- Petitions, § **8:34, 8:35**
- Voluntary bankruptcy, § **8:34, 8:35, 8:48**

## VACATION PAY

- After-acquired property, § **12:62**
- Allowance of claims or interest, § **24:58**
- Priorities, § **34:51, 34:52**

## VALUE AND VALUATION

- Abandonment of property of inconsequential value, § **12:118, 12:120**
- Adequate Protection (this index)
- Allowance of Claims or Interests (this index)
- Appraisals and Appraisers (this index)
- Automatic stay, § **16:145, 16:175 to 16:178**
- Change of venue, value of real estate, § **7:196**
- Closing and reopening cases, § **36:1, 36:5, 36:6**
- Defined, § **13:124**
- Exemptions, objections based on value of property, § **13:46, 13:162**
- Fair Market Value (this index)
- Family Farmer or Fisher Debt Adjustment Plans (this index)
- Family Farmer or Fisher Debt Adjustment (this index)
- Fraudulent Transfers and Concealment of Assets (this index)
- Going Concern Valuation (this index)

## INDEX

### VALUE AND VALUATION

#### —Cont'd

- Individual Debt Adjustment Plans (this index)
- Municipal debt adjustment plans, § 32:9
- New Value (this index)
- Operation of business, § 15:4
- Preferences and Preferential Transfers (this index)
- Property of estate, see more specific entries throughout this topic
- Reorganization Plans (this index)
- Sale of property, § 1:143
- Size and Nature of Claim (this index)
- Unsecured claim, § 1:155
- Use, sale, and lease of property, § 1:143, 15:22

### VEHICLES

- Motor Vehicles (this index)

### VENDOR AND PURCHASER

- Sale or Transfer (this index)

### VENUE

- Generally, § 7:182 to 7:198
- Affiliates, § 2:35
- Appeals, § 37:7
- Avoidance actions, § 17:88
- Change of Venue (this index)
- Checklist, § 7:185, 7:188
- Contractual forum selection clauses, § 7:189
- Domicile and residence, § 7:182
- Exemptions, § 13:10
- Foreign proceedings, cases ancillary to, § 7:190, 7:196
- Forum selection clauses, § 7:189
- Judicial Code (28 USCA), § 1:17
- Operation of debtor's business, § 7:187

### VENUE—Cont'd

- Postpetition claim arising from operation of debtor's business, § 7:187
- Principal place of assets, § 7:184
- Principal place of business, § 7:183
- Proof of claim, place of filing, § 22:35
- Questions of law and fact, § 7:183, 7:184
- Reclamation actions, § 17:88
- Reference of cases, § 7:53
- Reorganization plans, § 26:52
- Rules of Bankruptcy Procedure (this index)

### VERIFICATION

- Generally, § 1:73
- Creditors' and equity security holders' committees, § 6:46, 6:56, 6:65
- Fines and penalties, verification requirements, § 7:158
- Involuntary bankruptcy, § 9:43, 9:45
- Professionals, employment, § 2:23
- Reorganization plans, representative voting for creditor or interest holder, § 27:29
- Rules of Bankruptcy Procedure (this index)
- U. S. trustee, transmittals to, § 4:102, 4:103
- Voluntary bankruptcy, § 8:22, 8:46, 8:73

### VERMONT

- Opt-out provision, § 13:7

### VERTICAL DIMENSION TEST

- Use, sale, or lease of property, § 15:39

### VESSELS

- Avoidance of unperfected security interest in vessels, § 17:26

**VESSELS—Cont'd**

Priorities, claim based on, § 34:89  
Reorganization (this index)

**VESTED RIGHTS OR INTERESTS**

Family farmer debt adjustment plans, § 33:21  
Family Farmer or Fisher Debt Adjustment (this index)  
Individual debt adjustment plans, § 31:67 to 31:69

**VESTING OF PROPERTY OF ESTATE**

Family farmer debt adjustment plans, generally, § 33:21

**VETERANS' BENEFITS**

Adequate protection, VA insurance, § 21:61  
Dismissal or conversion under BAPCPA for abuse of Chapter 7, § 11:30  
Exemptions, § 13:105, 13:116

**VETERANS DAY**

Clerks holiday, § 4:43

**VETO OF CONFIRMATION**

Individual debt adjustment plans, § 31:26

**VICTIM OF CRIME**

Exemptions, § 13:110

**VIDEOTAPES**

Exemptions, § 13:159

**VIRGINIA**

Opt-out provision, § 13:6

**VIRGIN ISLANDS**

Opt-out provision, § 13:7

**VOIDABLE TRANSFERS**

Avoidance (this index)

**VOLUNTARINESS**

Payroll withholding taxes, § 3:61, 3:63  
Turnover of property, § 14:1, 14:4, 14:29, 14:36  
Voluntary Bankruptcy (this index)

**VOLUNTARY BANKRUPTCY**

Generally, § 8:1 to 8:121  
Abuse of process, § 8:23  
Adequacy of notice, § 8:42, 8:43  
Amendments, § 8:22, 8:46, 8:96 to 8:105  
Attorneys, § 8:22, 8:73  
Automatic stay, § 8:23, 8:29, 8:45, 8:90  
Avoidance, § 8:23, 8:32  
Captions, § 8:21, 8:46  
Change or modification, § 8:31, 8:66, 8:80  
Checklists, § 8:18, 8:71  
Children, § 8:47, 8:48  
Claims. Consumer claims and debts, below  
Clerk of court  
    joint cases and joint plans, § 8:45  
    lists, schedules, and statements, § 8:83, 8:85, 8:88, 8:99  
    reorganization, § 8:40  
Consent or approval, § 8:4, 8:47  
Consolidation of Cases (this index)  
Constitutional Law (this index)  
Consumer claims and debts  
    lists, schedules, and statements, § 8:72, 8:81, 8:84  
    petitions, § 8:2  
    timeliness of notice, § 8:41  
Copies  
    lists, schedules, and statements, § 8:72, 8:88, 8:97, 8:99  
    petition, § 8:20, 8:22, 8:44

## INDEX

### VOLUNTARY BANKRUPTCY

#### —Cont'd

Corporations  
interrelated corporate entities,  
§ 8:59  
joint cases and joint plans,  
§ 8:50, 8:55  
lists, schedules, and statements,  
§ 8:68  
officers and directors, § 8:7,  
8:8, 8:34  
petition for voluntary bank-  
ruptcy, § 8:6 to 8:10  
Crimes and offenses, § 8:50, 8:75  
Death, § 8:80  
Defaults, § 8:84, 8:89  
Delays or laches, § 8:31, 8:101  
Discharge of indebtedness, § 8:83,  
8:105  
Disclosure of security holders,  
§ 8:76  
Distressed property, § 8:28, 8:30  
Due process, § 8:42, 8:43  
Eligibility to be a debtor. Quali-  
fication or Eligibility (this  
index)  
Equity security holders, § 8:36,  
8:40  
Executory Contracts and  
Unexpired Leases (this  
index)  
Exemptions  
joint cases, § 8:49  
lists, schedules, and statements,  
§ 8:63, 8:74, 8:80, 8:96,  
8:104  
Extension of time, § 8:79, 8:81,  
8:93  
Family farmer debt adjustment  
plans, generally, § 33:24  
Family Farmer or Fisher Debt  
Adjustment (this index)  
Fees and charges  
filing fees, below

### VOLUNTARY BANKRUPTCY

#### —Cont'd

Fees and charges—Cont'd  
lists, schedules, and statements,  
§ 8:82  
United States trustee system  
fees, § 8:93  
Filing  
fees. Filing fees, below  
lists, schedules, and statements,  
§ 8:62, 8:64, 8:66  
Petitions (this index)  
Filing fees  
generally, § 8:85 to 8:95  
Petitions (this index)  
United States trustee system  
fees, § 8:93  
Foreclosure, § 8:27, 8:29  
Fraud and deceit, § 8:11, 8:35,  
8:102  
Good faith  
generally, § 8:23 to 8:32, 8:44  
amendment to petitions, lists,  
schedules and statements,  
§ 8:101, 8:102  
Hearing. Notice and hearing,  
below  
Husband and wife, § 8:21, 8:45 to  
8:49, 8:80  
Impoundment of lists, § 8:77  
Indenture trustees, § 8:37, 8:77  
Indigents, § 8:89, 8:93, 8:94  
Individual Debt Adjustment (this  
index)  
Injunctions, § 8:9, 8:90  
Installment Obligations and Pay-  
ments (this index)  
Interested persons or parties,  
§ 8:77, 8:100  
Interrelated corporate entities,  
§ 8:59  
Joinder of parties, § 8:48  
Joint administration, § 8:50, 8:51  
Joint cases and joint plans  
consolidation of cases, § 8:45 to  
8:49, 8:53

## **VOLUNTARY BANKRUPTCY**

### **—Cont'd**

Joint cases and joint plans

#### **—Cont'd**

corporations, § 8:50, 8:55

lists, schedules, and statements,  
§ 8:69

notice and knowledge, § 8:47,  
8:49

partnership, § 8:50, 8:55, 8:56,  
8:58

reorganization, § 8:48, 8:57,  
8:58

U. S. trustee system fees, § 8:92

Judicial Conference, § 8:19, 8:61,  
8:88

Jurisdiction, § 8:11

Liens and encumbrances, § 8:23,  
8:44

Liquidation (this index)

Lists. Schedules, lists, and state-  
ment of affairs, below

Mail and mailing, § 8:36

Multiple debtors, § 8:54 to 8:61

Municipal Debt Adjustment (this  
index)

New debtor syndrome, § 8:26,  
8:27, 8:30

Notice and hearing

generally, § 8:36 to 8:43

consolidation of cases, § 8:60

joint cases and joint plans,  
§ 8:47, 8:49

lists, schedules, and statements,  
generally, § 8:61, 8:79,  
8:80, 8:83, 8:88, 8:100,  
8:105

Petitions (this index)

reorganization, § 8:36, 8:40

security holders, disclosure of,  
§ 8:76

time and date, § 8:39, 8:41

Number of copies, § 8:72

Objections and exceptions, § 8:63,  
8:100, 8:102, 8:104

## **VOLUNTARY BANKRUPTCY**

### **—Cont'd**

Optional statement of exempt  
property, § 8:63

Orders

generally, § 8:33 to 8:44

show cause orders, § 8:66, 8:76

Own motion of court, § 8:25, 8:82

Partnership (this index)

Petitions (this index)

Pooling of assets, § 8:55

Power of attorney, § 8:3, 8:47

Preferences and preferential  
transfers, § 8:61

President of corporation, § 8:8

Presumptions and burden of proof,  
§ 8:10, 8:26, 8:27, 8:57

Proof of claim, § 8:36, 8:83,  
8:105

Publication, § 8:36, 8:39

Receivers, § 8:9, 8:29

Removal or transfer of cases,  
§ 8:44, 8:52

Reorganization (this index)

Sale or transfer, § 8:30

Schedules, lists, and statements of  
affairs

generally, § 8:62 to 8:84

amendments, § 8:96 to 8:105

checklists, § 8:71

clerk of court, § 8:83, 8:85,  
8:88, 8:99

constitutional privilege, § 8:75,  
8:90

consumer claims and debts,  
§ 8:72, 8:81, 8:84

conversion or dismissal, § 8:89

copies, § 8:72, 8:88, 8:97, 8:99

defaults, § 8:84

disclosure of security holders,  
§ 8:76

Executory Contracts and  
Unexpired Leases (this  
index)

## INDEX

### **VOLUNTARY BANKRUPTCY**

#### **—Cont'd**

Schedules, lists, and statements of affairs—Cont'd  
exemptions, § 8:63, 8:74, 8:80, 8:96, 8:104  
extension of filing time, § 8:79, 8:81  
Family Farmer Debt Adjustment, § 8:61, 8:68, 8:81, 8:82, 8:87  
fees and charges, § 8:82  
filing, § 8:62, 8:64, 8:66  
impoundment of lists, § 8:77  
inaccuracies or omissions, § 8:83  
individual debt adjustment, § 8:69  
liquidation, § 8:61 et seq.  
municipal debt adjustment, § 8:64, 8:66, 8:77 to 8:79, 8:87  
notice and knowledge, § 8:61, 8:79, 8:80, 8:83, 8:88, 8:100, 8:105  
number of copies, § 8:72  
partnership, § 8:68, 8:70  
reorganization, § 8:61 et seq.  
standard of compliance, § 8:74  
statements, § 8:62 et seq.  
supplemental schedules, § 8:80  
time and date, § 8:62, 8:78, 8:79, 8:84, 8:97  
trustees, § 8:77, 8:79, 8:100  
U. S. trustees, § 8:72, 8:79, 8:82, 8:89, 8:97, 8:99  
unsecured claims, § 8:64  
verification, § 8:73  
Secured or unsecured claims, § 8:64  
Security holders, § 8:76  
Show cause orders, § 8:66, 8:76  
Signatures, § 8:22, 8:73  
Statements, § 8:62 et seq.  
Statute of limitations, § 8:35, 8:97

### **VOLUNTARY BANKRUPTCY**

#### **—Cont'd**

Suspension, § 8:25  
Taxation, § 8:5, 8:37, 8:40  
Time and date  
commencement of case, generally, § 8:1  
delays or laches, § 8:31, 8:101  
extension of time, § 4:106, 8:79, 8:81, 8:93  
filings, § 8:93  
notice, § 8:39, 8:41  
schedules, lists, and statements of affairs, § 8:62, 8:78, 8:79, 8:84, 8:97  
statute of limitations, § 8:35, 8:97  
Title and ownership, § 8:66  
Trustees (this index)  
United States Trustees (this index)  
Vacating and setting aside, § 8:34, 8:35, 8:48  
Verification, § 8:22, 8:46, 8:73

### **VOTERS AND VOTING**

Election or Vote (this index)

### **WAGE EARNERS**

Attachment and Garnishment (this index)  
Individual debt adjustment, § 1:61

### **WAGERING LOSSES**

Fraudulent transfers and concealment of assets, § 19:40

### **WAGES, SALARIES, OR OTHER COMPENSATION**

Compensation (this index)

### **WAIVER AND ESTOPPEL**

Allowance of Claims or Interests (this index)  
Appeals (this index)  
Attorney-client privilege, § 5:56  
Attorneys' fees, § 2:117

## WAIVER AND ESTOPPEL

### —Cont'd

- Automatic stay, § **16:3, 16:5, 16:132, 16:198**
- Avoidance (this index)
- Client's rights as "assisted person," § **2:55**
- Collateral Estoppel (this index)
- Counterclaims, waiver of sovereign immunity, § **6:80**
- Debtor discharge, § **35:34**
- Executory contracts and unexpired leases, § **20:54, 20:75, 20:86 to 20:89**
- Exemptions (this index)
- Family Farmer or Fisher Debt Adjustment Plans (this index)
- Family Farmer or Fisher Debt Adjustment (this index)
- Filing fees, § **1:111**
- Fraudulent transfers and concealment of assets, § **19:73**
- Indenture trustees, § **6:72**
- Individual Debt Adjustment Plans (this index)
- Intervention, § **6:82, 6:83**
- Involuntary Bankruptcy (this index)
- Judge's disqualification, § **4:37**
- Jurisdiction (this index)
- Jury trial, § **7:176**
- Liens, waiver of, § **13:35, 13:120, 13:142, 13:147, 13:167**
- Liquidation (this index)
- Municipal debt adjustment, waiver of sovereign immunity, § **6:83**
- Municipal debt adjustment plans, § **32:3**
- Petitions. Involuntary Bankruptcy (this index)
- Proof of claim, estoppel as to informal, § **22:32**
- Property of estate, § **6:9, 12:154**
- Redemption, § **12:115**

## WAIVER AND ESTOPPEL

### —Cont'd

- Reference of cases, § **7:42, 7:51**
- Reorganization Plans (this index)
- Reorganization (this index)
- Setoff right waivers, § **25:44**
- Sovereign Immunity (this index)
- Trustees, waiver of attorney-client privilege, § **5:56**
- Turnover of property, § **6:78, 14:32, 14:52, 14:55**
- U. S. trustees, § **4:101, 4:104, 4:105**
- Use, sale, or lease of property, § **15:37**
- Voluntary bankruptcy, § **8:4**

## WAREHOUSE RECEIPTS

- Proof of claim, § **22:11**

## WAREHOUSE SCALE TICKET

- Proof of claim, § **22:11**

## WARRANTS

- Automatic stay, § **16:29, 16:103**
- Creditors' and equity security holders' committees, § **6:46**
- Indenture trustees, § **6:72**

## WAR RISK HAZARDS

- Alternative nonbankruptcy exemptions, § **13:116**

## WAR ZONES

- Taxation, § **3:84**

## WASHINGTON

- Opt-out provision, § **13:7**

## WASHINGTON DC

- District of Columbia (this index)

## WASHINGTON'S BIRTHDAY

- Clerks holiday, § **4:43**

## WASTES

- Hazardous Wastes (this index)

## WATER AND WATERWAYS

- Priorities, § **34:75**



## INDEX

### WEAPONS

Exemptions, § 13:77

### WEARING APPAREL

Exemptions  
generally, § 13:76  
avoidance of liens, § 13:154

### WEATHER

Family farmer debt adjustment,  
risk test, § 1:53  
Family farmer debt adjustment  
plans, § 33:41, 33:44

### WELFARE RECIPIENTS

Aid to Families with Dependent  
Children (this index)  
Discharge, AFDC assignments,  
§ 35:166  
Exemptions, § 13:102, 13:104  
Individual debt adjustment,  
benefits as income, § 1:63

### WEST VIRGINIA

Opt-out provision, § 13:6

### WHEAT

Allowance of claims or interest,  
§ 24:72  
Size and nature of claim, § 23:6

### WHOLESALE PRICES

Adequate protection, § 21:23  
Redemption, § 12:106  
Size and nature of claim, § 23:9

### WIDE REACH

Bankruptcy, § 1:1

### WIDOWS

Lighthouse Service personnel,  
federal nonbankruptcy  
exemptions, § 13:116

### WIFE

Husband and Wife (this index)

### WILD CARD EXEMPTIONS

Generally, § 13:113, 13:115,  
13:153

### WILLFULNESS

Automatic stay, § 16:1, 16:142,  
16:209 to 16:214  
Crimes and offenses, § 12:149  
Definition, § 35:89, 35:169  
Discharge (this index)  
Payroll withholding taxes, § 3:61

### WINDING UP

Core proceedings, § 7:105

### WINDOWS

Avoidance of unperfected lien or  
security interest, § 17:25

### WIRE TRANSFER OF FUNDS

Avoidability of preferences, pay-  
ments in ordinary course of  
business, § 18:66, 18:67

### WISCONSIN

Opt-out provision, § 13:7

### WITHDRAWAL

Claims and interests, § 1:154  
Employment of professional  
persons, § 2:7  
Involuntary proceedings, § 9:34  
Judges, § 4:3, 4:24  
Municipal debt adjustment plans,  
§ 32:13 to 32:16  
Proof of claim, § 22:37  
Reference of Cases (this index)  
Small business reorganization  
election, § 26:56  
Trusts, § 12:21

### WITHHOLDING TAXES

Generally, § 3:59 to 3:64  
Allocation of payment doctrine,  
§ 3:63  
Allowance of claims or interest,  
§ 24:47, 24:64  
Bonds and undertakings, § 3:62,  
3:64  
Distribution, see lines throughout  
this topic  
Fines and penalties, § 3:59 to 3:63

## **WITHHOLDING TAXES**

### **—Cont'd**

- Officer of corporation, § 3:59, 3:60
- Priorities, § 34:76, 34:77
- Sales, § 34:77
- State and local taxes, § 3:64
- Staying collection, § 3:62
- Trustees, § 3:64, 3:70, 3:73
- Trust fund taxes, personal liability for, § 3:59 to 3:62, 12:22
- Voluntariness, § 3:61, 3:63

## **WITNESSES**

- Change of venue, § 7:196
- Clerks, § 4:55
- Convenience of Parties or Witnesses (this index)
- Credibility, jurisdiction, constitutional questions, § 7:147
- Discharge objection hearings, § 35:49
- Examination under Rule 2004 (this index)
- Expert Testimony (this index)
- Fees Witness' Fees (this index)
- Judges, § 4:35
- Mileage (this index)
- Privileges and Immunities (this index)
- Self-Incrimination (this index)
- Subpoenas (this index)
- Turnover of property, § 14:14

## **WITNESS' FEES**

- Allowance of claims or interest, § 24:77

## **WORD PROCESSING**

- Computers (this index)

## **WORDS AND PHRASES**

- Abstention, distinctions between types of abstention, § 7:20
- Accountants, § 2:18
- Actual intent, § 19:22

## **WORDS AND PHRASES—Cont'd**

- Adequate protection, § 21:1
- Administrative expenses, § 34:19
- Advertisement, § 2:57
- Affected air carrier, § 20:27, 20:51
- After notice and a hearing, § 1:87, 5:26, 23:35
- Antecedent debt, § 18:17
- Assisted person, § 2:54
- Attorneys, § 2:17
- Bankruptcy assistance, § 2:54
- Bankruptcy Court, § 4:1
- Bankruptcy petition preparer, § 2:48, 2:53
- Cash collateral, § 15:44
- Claim, § 22:2
- Claim against the debtor, § 22:3
- Claims, § 9:16
- Clerk, § 4:40
- Clerk of court, § 4:40
- Consumer creditor, § 6:36
- Consumer debt, § 18:92
- Cost of comparable services, § 2:69
- Court, § 4:1
- Creditor, § 6:14
- Creditors, § 2:31
- Cross-collateralization, § 15:72
- Custodian, § 6:75, 9:78
- Customer name security, § 17:86
- Customer property, § 15:8
- Customers, § 6:74
- Debtor, § 6:4, 8:6, 13:26, 33A:3
- Debt relief agency, § 2:54
- Dependent, § 8:63
- Disinterested persons, § 2:30, 5:4
- Disposable income, § 31:47
- Document for filing, § 2:48, 2:53
- Earliest practicable time, § 9:62
- Earmarked, § 18:9
- Equipment, § 15:25
- Equity cushion, § 21:39

## INDEX

### WORDS AND PHRASES—Cont'd

Equity security holders, § 2:33, 6:14  
Excusable neglect, § 8:93  
Executory contracts, § 20:1 to 20:6  
Extends to, § 23:35  
Fair valuation, § 17:77  
Family farmers, § 9:8  
Farmer, § 9:6  
Farming operation, § 1:52 to 1:54, 9:9  
Farmout agreement, § 12:94  
Fiduciary, § 35:136  
Financial interest, § 4:36  
Fraudulent transfers, § 19:3  
Gap creditors, § 6:14  
Good faith, § 15:61  
Governmental unit, § 6:78  
Grain, § 17:85  
Grain storage facility, § 17:85  
Gross value, § 15:35  
Household goods, § 13:142  
Hypothetical reasonable investor, § 27:7  
Impair an exemption, § 13:126  
Improper, § 5:5  
Improvement, § 17:72  
Incurring of debt, § 18:102  
Individual, § 1:39  
Insider, § 2:34, 18:70  
Insolvency, § 17:77, 18:21  
Insolvent, § 19:60, 19:65  
Inventory, § 18:85  
Jingle rule, § 24:23  
Judge, § 4:1  
Judgment, § 1:101  
Judicial lien, § 13:142  
Jurisdiction, distinction between case and proceeding, § 7:9  
Knowledge, § 17:67  
Lease, § 7:168, 15:25  
Legal holiday, § 1:90  
Lessee, § 20:62

### WORDS AND PHRASES—Cont'd

Lien, § 23:3, 23:23  
Liens, § 13:142  
Malice, § 35:170  
Margin payment, § 17:60  
New value, § 18:37  
Noncore proceedings, § 4:7  
Notice and hearing, § 5:87  
Objection, § 24:7  
Order for relief, § 11:79  
Ordinary, § 18:59  
Person, § 1:37, 9:1, 13:26  
Possession, § 18:76, 20:63  
Preference, § 18:1  
Proceeds, § 23:35, 23:39  
Producer, § 17:85  
Production payment, § 12:94  
Professional associations, § 2:59  
Professional persons, § 2:16  
Property, § 18:7  
Property of estate, § 12:4  
Racketeering activity, § 12:150  
Receivable, § 18:85  
Regular associate, § 2:26  
Relative, § 2:43  
Repo participant, § 17:61  
Repurchase agreement, § 17:61  
Right to payment, § 22:2  
Rolling stock equipment, § 7:168  
Settlement payment, § 17:60  
Similar instrument, § 26:10  
Single asset real estate, § 16:189  
Small business, § 26:56, 27:11  
Statutory lien, § 13:143  
Student loan program, § 6:31  
Swap agreement, § 16:105, 20:23  
Swap participant, § 16:105, 17:62  
Termination event, § 20:51  
Term overriding royalty, § 12:94  
Timeshare plan, § 20:66  
Transfer, § 18:6, 18:120, 19:6  
Transferee, § 17:65  
Unexpired lease, § 20:9

**WORDS AND PHRASES—Cont'd**

Value, § 13:124, 17:67, 19:32,  
23:8, 23:9  
Value of collateral, § 23:7  
Value of creditor's interest, § 23:7  
Willfulness, § 35:89, 35:169

**WORKERS' COMPENSATION**

Automatic stay, § 16:92  
Disposable income for Chapter 13  
plan, § 31:47  
Exemption of benefits, § 13:108  
Reorganization plans, § 26:9,  
26:39

**WORKOUTS**

Alternatives to bankruptcy, § 1:35

**WORK PRODUCT**

Compensation, § 2:80

**WRITING**

Municipal debt adjustment plans,  
§ 32:17  
Proof of claim, § 22:28, 22:31  
Signatures (this index)  
Statute of frauds, § 6:9, 12:154  
Waiver and Estoppel (this index)

**WRITS**

All Writs Act, generally, § 7:149  
Executions (this index)

**WRITS—Cont'd**

Habeas corpus, jurisdiction,  
§ 7:172  
Service of Petitions, Process, and  
Papers (this index)

**WRONGFUL DEATH**

Abstention, § 7:29  
Change of venue, § 7:198  
Exemptions, § 13:111  
Jurisdiction, generally, § 7:53  
Jury trial, § 7:173  
Reference of cases, § 7:45, 7:53

**WRONGFUL DISCHARGE**

Allowance of claims or interest,  
§ 24:29, 24:44 to 24:46

**WYOMING**

Opt-out provision, § 13:6

**YOUNGER DOCTRINE**

Jurisdiction, § 7:19, 7:166

**ZERO REPAYMENT TO  
UNSECURED CREDITORS**

Family farmer debt adjustment  
plans, § 33:28  
Individual debt readjustment  
plans, § 31:9, 31:10

**ZONING LAWS**

Automatic stay, § 16:27