Index

ABANDONMENT OF PROPERTY OF ESTATE
Chapter 7, **4:103**
Judicial liens and security interests in personal property, **9:4**

ABANDONMENT OR SURRENDER ALTERNATIVE
Adjustments of debt under Chapter 13, **5:65**

ADJUSTMENTS OF DEBT UNDER CHAPTER 13
See also Procedural Guide to Chapter 13 (this index)
Generally, **1:11, 5:1 to 5:127**
Abandonment or surrender of residence, **5:65**
Administrative convenience, **5:53**
Alimony, maintenance or support, **5:19, 5:55**
Amount creditors would receive under Chapter 7, **5:87**
Amount of debt owed, **5:4**
Assumption or rejection of executory conracts or unexpired leases, **5:74, 5:75**
Attorney fees, **5:15, 13:15**
Automatic stay
Generally, **5:17 to 5:19**
Exceptions, **5:21**
Judicial sale pending, **5:17**
Limitations, **5:26**
Relief from stay, **5:23 to 5:25**
Termination of stay, **5:22**
Best interests of creditors, **5:86 to 5:97, 5:111**
Chapter 11, **5:119**
Chapter 20 cases, **5:123 et seq.**
Child support, **5:55**

ADJUSTMENTS OF DEBT UNDER CHAPTER 13—Cont'd
Choosing the correct bankruptcy chapter. See Choice of Bankruptcy Chapter (this index)
Claims of creditors, payment of post-petition, **5:73**
Classes not specified in Code, **5:55**
Client meeting, supplemental, **2:8**
Co-debtor
Generally, **5:54**
Codebtor
Release, **5:59**
Codebtor stay
Generally, **12:3 to 12:11**
Denied to corporate entities, **5:18**
Effect of debtor plan on, **5:18**
Limited to duration of case, **5:18**
Preferred treatment under Chapter 13 plan, **12:12**
Commencement of case
Generally, **5:7**
Conversion to Chapter 13, **5:11**
Filing fee, **5:10**
Lists, schedules, and statement, **5:12**
Petition, **5:9**
Commencement of payments, **5:79**
Compliance with Code, **5:83**
Concurrent payment of secured and unsecured claims, **5:68**
Confirmation of plan
Amount creditors would receive under Chapter 7, **5:87**
Best interests of creditors, **5:86 to 5:97**
Compliance with Code, **5:83**
Default under confirmed plan, **5:107**
Effect of, **5:102**

ADJUSTMENTS OF DEBT UNDER CHAPTER 13—Cont'd
Confirmation of plan—Cont'd
Failure to obtain, **5:106**
Fees and charges, payment of, **5:84**
Good faith requirement, **5:85**
Hearing, **5:99**
Modification, postconfirmation, **5:100**
Mortgages, **8:15, 8:16**
Requirements for, **5:82 to 5:104**
Revocation for fraud, **5:104**
Consumer debts, post-petition, **5:40**
Conversion and dismissal
Cause, **5:118**
Chapter 11, to, **5:119**
Chapter 13, to, **5:11**
Effect of conversion, **5:120**
Effect of dismissal, **5:121**
Reasons for, **5:116**
Right to convert, **5:116**
Right to dismissal, **5:117**
COVID-19 Pandemic, temporary legislation enacted due to, **5:128**
Creditors, claims of
Allowable, **5:37**
Consumer debts, post-petition, **5:40**
Payment of post-petition, **5:73**
Taxes, post-petition, **5:39**
Utility debts, **5:41, 5:76**
Creditors, protecting interests of, **5:44**
Criminal proceedings, **5:21**
Cure over a reasonable time, **5:70**
Defaults, **5:67, 5:107**
Discharge
Completion, **5:105**
Effect of, **5:115**
Hardship, **5:108 to 5:113**
Home mortgage, **5:115**
Dischargeable under Chapter 13, but not Chapter 7, **5:55**
Dismissal. See Conversion and dismissal, above

ADJUSTMENTS OF DEBT UNDER CHAPTER 13—Cont'd
Duration of plan, **5:61**
Duties of Chapter 13 debtor, **5:34**
Effect of conversion, **5:120**
Effect of dismissal, **5:121**
Eligibility
Generally, **5:2 to 5:6**
Amount of debt owed, **5:4**
Joint case, **5:5**
Raising eligibility issue, **5:6**
Regular income, **5:3**
Equal treatment to claims within same class, **5:48**
Executory contracts and unexpired leases, **5:36, 5:74, 5:75**
Failure to complete payments, **5:110**
Fees and charges, payment of, **5:84**
Filing
Generally, **5:42 to 5:44**
Claims and objections, **5:37**
Fee, **5:10**
Pre-petition tax returns, **5:14**
Future earnings or income, submitting to trustee, **5:46**
Good faith requirement, **5:85, 5:126**
Hardship discharge, **5:108 to 5:113**
Hearings, confirmation of plan, **5:99**
Income
Future earnings or income, submitting to trustee, **5:46**
Projected disposable income, completion of Official Bankruptcy Form 122C, **5:16**
Regular, **5:3**
Small business that is not primary source of income, debts related to, **5:56**
Individual eligibility, **5:2**
Joint case eligibility, **5:5**
Leases
Sale or lease of property of estate, **5:31**
Liens and security interests of unsecured creditors, avoiding, **5:35**

ADJUSTMENTS OF DEBT UNDER CHAPTER 13—Cont'd
Limitation to automatic stay, **5:26**
Long term debt, **5:71**
Mandatory provisions, **5:45 to 5:49**
Modification of plan
Before confirmation, **5:81**
Not practicable, **5:112**
Postconfirmation, **5:100**
Modification of rights, secured and unsecured creditors, **5:62 to 5:66**
Modification of secured claims
Generally, **5:62 to 5:66**
Abandonment or surrender alternative, **5:65**
Mortgage
Curing defaults on residential, **5:69 to 5:71**
Default, conditions under which debtor may cure, **5:69**
Discharge, effect of, **5:115**
No unfair discrimination requirement, **5:127**
Optional provisions, **5:50 to 5:56**
Post-petition interest on unsecured, nondischargeable claims, **5:51**
Other provisions, generally, **5:57**
Payments
Commencement of, **5:79**
Concurrent, **5:68**
Full payment to priority creditors, **5:47**
Outside of plan, **5:80**
Post-petition claims, **5:73**
Student loans, **5:108 to 5:113**
Third parties to trustee, **5:101**
Preferred treatment, classes of claims that can be given, **5:52**
Priority creditors, full payment to, **5:47**
Property of estate
Generally, **5:28 to 5:30**
Payment of claims from, **5:77**
Vesting of, **5:78, 5:103**
Redemption rights, **5:24**

ADJUSTMENTS OF DEBT UNDER CHAPTER 13—Cont'd
Regular income, **5:3**
Relief from stay, **5:23 to 5:25**
Rights and powers
Generally, **5:1**
Convert, right to, **5:116**
Dismissal, right to, **5:117**
Of debtor, **5:31 to 5:33**
Sale or lease of property of estate, **5:31**
Secured claims
Generally, **5:89 et seq.**
Computation and determination of amount, **5:38**
Modification of, **5:62 to 5:66**
Small business that is not primary source of income, debts related to, **5:56**
Statute of limitations, tolling of, **5:27**
Statutory prohibitions, **5:60**
Statutory redemption periods, **5:24**
Stay
Automatic stay, **5:17 to 5:19**
Codebtor stay. See Codebtor stay, above
Relief from stay, **5:23 to 5:25**
Termination of stay, **5:22**
Student loans, hardship discharge, **5:108 to 5:113**
Taxes, post-petition, **5:39**
Tax returns, filing pre-petition, **5:14**
Third parties, order to make payments to trustee, **5:101**
Trustees
Avoidance powers, **5:58**
Future earnings or income, submitting to trustee, **5:46**
Third-party payments to trustee, **5:101**
Turnover of property of estate, **5:30**
Unsecured claims, modification of, **5:66**
Use of avoidance powers, **5:33, 5:35**
Use of property of estate, **5:32**
Utility debts, **5:41, 5:76**

ADJUSTMENTS OF DEBT UNDER CHAPTER 13—Cont'd
Value of distributions to unsecured creditors, **5:88**

ADMINISTRATIVE CONVENIENCE
Adjustments of debt under Chapter 13, **5:53**

ALIMONY, MAINTENANCE AND SUPPORT
Adjustments of debt under Chapter 13
Generally, **5:57**
Arrearages, **5:19**
Other provisions of plan, **5:57**
Chapter 7
Generally, **4:37, 4:84, 4:260 et seq.**

APPEALS
Creditor's counsel, **14:33**
Procedure
Chapter 7, **4:295**
Chapter 13, **5:122**

APTER 7
Good faith purchasers for value, protection of, **4:150**
Transfers
Debtor about to incur debts, **4:149**
Trustee's avoidance powers
Fraudulent transfer and obligations
Capital, unreasonably small, **4:148**
Good faith purchasers for value, protection of, **4:150**
Transfer by debtor about to incur debts, **4:149**

ASSIGNMENTS AND RECEIVERSHIPS
Chapter 7, **4:110**

ATTORNEY, SERVICES OF INSIDER OR DEBTOR'S
Chapter 7, **4:195**

ATTORNEY'S FEES
Generally, **13:1 et seq.**
Adjustments of debt under Chapter 13, **5:15, 13:15**
Chapter 7
Generally, **13:1**
Discharge, exceptions, **4:299**
Problems facing attorneys, **13:8 to 13:14**
Chapter 13 cases
Problems facing attorneys, **13:8 to 13:14**
Procedures after commencement of case, **13:15, 13:16**
Representation fees, **13:6**
Retention and fee arrangements, **13:7**
Chapter 7 trustee's counsel, **13:13**
Charging liens, **13:14**
Conflict of interest, **13:9**
Creditor, obtaining of fees by debtor's counsel from, **13:16**
Fee-sharing agreements, **13:17, 13:18**
Forfeiture of fees, **13:10**
Justification of fees, **13:8**
Liens
Charging liens, **13:14**
Client records, **13:12**
Payment for post-petition services, **13:5**
Penalties and forfeiture of fees, **13:10**
Post-petition services, payment for, **13:5**
Problems facing attorneys in Chapters7 and 13 cases, **13:8 to 13:14**
Retention arrangments, **13:3, 13:4, 13:7**
Rule 2016, **13:2**
Source of fees, generally, **13:11**

AUTOMATIC STAY
Chapter 13. See Adjustments of Debt under Chapter 13 (this index)
Farm reorganizations. See Family farmer / fisherman debt adjust-

AUTOMATIC STAY—Cont'd
ments under Chapter 12 (this index)
Garnishment, avoid, **11:5**
Judicial liens and security interests in personal property, **9:2, 9:3**
Mortgages, **8:5, 8:6**
Procedure, Chapter 13, **5:17**
Scope, avoid garnishment of post-petition earnings, **11:5**
Wage garnishment of post-petition earnings
Avoidability of garnishments made during the preference window, **11:6**

AUTOMOBILE ENCUMBRANCES
Chapter 7, exemption, **4:76**
Creditor's counsel. See Creditor's Counsel (this index)

BACKGROUND AND LEGISLATIVE HISTORY
Generally, **1:1 to 1:3**

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT (BAPCPA)
Background and legislative history, **1:1 et seq.**
Chapter 12 changes, **7:1**

BENEFIT PLANS
Chapter 7, **4:86, 4:212**

BEST INTERESTS OF CREDITORS
Adjustments of debt under Chapter 13, **5:86 to 5:97, 5:111**
Farmer and fisherman debt adjustments under Chapter 12, **7:50, 7:68**

BODILY INJURY
Chapter 7, **4:90**

BRIBERY AND EXTORTION
Chapter 7, **4:236**

BURDEN OF PROOF
Procedure, Chapter 7, **4:297**

CASH SURRENDER VALUE
Chapter 7, **4:82**

CHAPTER 7
Generally, **1:4 to 1:9, 4:1 to 4:313**
Abandonment of property of estate, **4:103**
Alimony, maintenance or support, **4:37, 4:85, 4:260 et seq.**
Amendments to schedules, **4:300**
Appeals, **4:295**
Assets, checking for, **14:30**
Assign, power to, **4:110**
Assumption, effect of, **4:108**
Attorney, services of insider or debtor's, **4:195**
Attorney's fees. See Attorney's Fees (this index)
Automatic stay
Generally, **4:293, 4:301**
Acts covered by, **4:25**
Alimony, maintenance or support, **4:37**
Cause to warrant relief from stay, **4:56**
Claims against debtor, **4:31**
Commodity transactions, setoffs pertaining to, **4:41**
Criminal actions, **4:35**
Effect of, **4:50**
Enforcement of, **4:51**
Equity on property, lack of, **4:57**
Exceptions to, **4:34 et seq.**
Expiration of, **4:52**
Filing to hinder creditors, **4:58**
Foreclosure, **4:43**
Judgments, prepetition, **4:27**
Lease of nonresidential real property, **4:45**
Negotiable instruments, **4:46**
Nonapplicability, **4:293, 4:301**
Paternity, actions to establish, **4:37**
Perfection of interests in property, **4:38**

CHAPTER 7—Cont'd
Automatic stay—Cont'd
Police or regulatory power, actions that enforce, **4:39**
Proceeding against debtor, **4:26**
Property, obtaining or exercising control over, **4:28**
Property not property of estate, collection from, **4:36**
Property of debtor, liens against, **4:30**
Property of estate, liens against, **4:29**
Purpose, **4:24**
Regulatory judgments not for monetary power, **4:40**
Relief from stay, **4:54 et seq.**
Repo participants, setoffs by, **4:42**
Request for relief, **4:55 et seq.**
Setoffs, **4:32, 4:42**
Statutory redemption periods, **4:49**
Tax court proceedings, **4:33**
Tax deficiency, **4:44**
Avoidance power
Scope, **4:169**
Statutory liens, **4:163**
Benefit plans, **4:86, 4:212**
Bodily injury, **4:90**
Bribery, **4:236**
Burden of proof, **4:297**
Capital, unreasonably small, **4:148**
Cash surrender value, **4:82**
Choosing the correct bankruptcy chapter. See Choice of Bankruptcy Chapter (this index)
Claims, generally, **4:188 et seq.**
Claims against debtor, **4:31**
Codebtors, **12:2**
Schedule H to Official Bankruptcy Form 106, **4:17**
Collateral estoppel, **4:268, 4:298**
Collection of property of estate
Custodians, **4:177**
Knowledge of commencement of case, entities without, **4:176**

CHAPTER 7—Cont'd
Collection of property of estate —Cont'd
Life insurance premium payments, **4:175**
Turnover requirement, **4:174**
Commencement
Generally, **4:2 et seq.**
Joint cases for married couples, **4:5**
Protection against improper use of Chapter 7, **4:4**
Voluntary case, generally, **4:3, 4:4**
Community property, **4:66, 4:292**
Condominium associations, fees and assessments, **4:285**
Conduct in connection with case of insider, **4:242**
Constructive fraud, **4:145 et seq.**
Consumer debts and unexpired leases, statement of intention regarding disposition of property secured, Official Bankruptcy Form 108, **4:21**
Consumer deposits, **4:214**
Conversion, **4:306, 4:307, 9:11**
Cooperative member associations, fees and assessments, **4:285**
Court order, debt resulting from, **4:239**
Creditors holding unsecured claims
Priority claims, Schedule E/F to Official Bankruptcy Form 106, **4:14**
Crime victim's reparation reward, **4:87**
Criminal proceedings, **4:35, 4:290**
Custodians, **4:177**
Customs duties and taxes, **4:251**
Debtor not an individual, **4:231**
Debtor's duties, **4:63**
Debtor's interest in terminated nonresidential real property lease, **4:70**
Debts excepted from discharge. See Discharge, below

CHAPTER 7—Cont'd
Debts subject to discharge, **4:248**
Decision to assume or reject, **4:106**
Discharge
Generally, **4:224 et seq.**
Amendments to schedules, **4:300**
Appeals, **4:295**
Attorney fees, **4:299**
Automatic stay, nonapplicability of, **4:301**
Burden of proof, **4:297**
Collateral estoppel, **4:298**
Community property, **4:292**
Criminal proceedings, **4:290**
Customs duties, **4:251**
Debts excepted from discharge
Generally, **4:249 et seq.**
Alimony, maintenance or support, **4:260 et seq.**
Collateral estoppel, **4:268**
Condominium and cooperative member associations, fees and assessments, **4:285**
Customs duties, **4:251**
Divorce decree, **4:284**
Dollar amounts, **4:250**
Domestic support obligations, **4:260 et seq.**
Driving while intoxicated, **4:267, 4:278**
Educational loans, **4:272 et seq.**
Egregious conduct, **4:266**
Embezzlement, **4:259**
False representations, arising from, **4:252**
Federal health assistance loan program, **4:275**
Fiduciary debts, **4:259**
Financial statements, false, **4:253 et seq.**
Fines, penalties and forfeitures, **4:271**
Fraud, depository institutions or credit unions, **4:280**
Identity of debtor, **4:273**
Just cause or excuse, **4:264**

CHAPTER 7—Cont'd
Discharge—Cont'd
Debts excepted from discharge —Cont'd
Larceny, **4:259**
Materially false statements, **4:254**
Measure of damages, **4:270**
National health service corps program loans, **4:277**
Pension / profit sharing or similar plans, debts owed to, **4:286**
Punitive damages, **4:270**
Reasonable reliance, **4:256**
Reckless disregard for rights of others, **4:265**
Restitution, **4:282**
Separation agreements, **4:284**
Statement pertaining to debtor, **4:255**
Taxes, **4:251, 4:283**
Undue hardship, **4:276**
Unscheduled debts, **4:258**
Waiver or denial in prior cases, **4:279**
Willful, definition of, **4:263**
Willful and malicious injuries, **4:262 et seq.**
Written statement with intent to deceive, **4:257**
Debts subject to discharge, **4:248**
Deferring entry of, **4:305**
Denial, grounds for
Generally, **4:231 et seq.**
Conduct in connection with case of insider, **4:242**
Court order, refusal to obey lawful, **4:239**
Debtor not an individual, **4:231**
Extortion and bribery, **4:236**
Failure to explain losses or insolvency, **4:238**
False claims, **4:235**
False oaths or accounts, **4:234**

CHAPTER 7—Cont'd
Discharge—Cont'd
Denial, grounds for—Cont'd
Felonious or tortious conduct, **4:247**
Fraudulent and knowing acts, **4:234 et seq.**
Fraudulent transfer or concealment of property, **4:232**
Personal financial management course, failure to complete, **4:246**
Previous Chapter 7 discharge, **4:243**
Previous Chapter 13 discharge, **4:244**
Questions, refusal to respond to material, **4:241**
Records, failure to keep or preserve, **4:233**
Refusal to cooperate with court, **4:239 et seq.**
Testify after grant of immunity, refusal to, **4:240**
Waiver, **4:245**
Withholding records from officer of estate, **4:237**
Effect of, **4:288 et seq.**
Exceptions to discharge, **4:293 to 4:301**
Felonious or tortious conduct, **4:247**
Insurers, **4:289**
Objections
Generally, **4:226 et seq.**
Content of complaint, **4:227**
Standard of proof, **4:229**
Timing, **4:228**
Personal financial management course, failure to complete, **4:246**
Pre-petition debts, **1:8**
Procedure, **4:230**
Punitive damages, **4:299**
Revocation, **4:287**
Sanctions, **4:294**

CHAPTER 7—Cont'd
Discharge—Cont'd
Stay, inapplicability of, **4:293**
Taxes, **4:251, 4:280**
Timing, **4:296**
Voiding of liens, **4:291**
Willful and malicious injuries, **4:262 et seq.**
Discriminatory treatment, protection against, **4:308 et seq.**
Dismissal, **4:306, 4:307**
Distributions, order of, **1:7**
Divorce decree, **4:284**
Driving while intoxicated, **4:278**
Duties of debtor, **4:63**
Educational loans, **4:272 et seq.**
Egregious conduct, **4:266**
Embezzlement, **4:259**
Employers, private, **4:310**
Exclusions from property of estate, **4:72**
Executory contracts and unexpired leases
Generally, **4:104 et seq.**
Assign, power to, **4:110**
Assumption, effect of, **4:108**
Code provision, **4:95**
Decision to assume or reject, **4:106**
Lease of nonresidential real property, **4:115**
Loan contracts, **4:114**
Option of buyer in possession of real property, **4:111**
Option of lessee of real property, **4:112**
Personal service contracts, **4:113**
Rejection, effect of, **4:107**
Schedule G to form 106, **4:16**
Scope, **4:105**
Unenforceability of bankruptcy clauses, **4:109**
Exemptions
Generally, **1:6, 4:75 et seq.**
Enhancement powers, debtor's, **4:166 et seq.**
Federal, **4:75 et seq.**

CHAPTER 7—Cont'd
Exemptions—Cont'd
Liens of unsecured creditors, avoiding, **4:173**
Motor vehicles, **4:76**
Nonbankruptcy exemptions
Generally, **4:92 et seq.**
Federal, **4:93**
State, **4:94**
Tenancies by the entireties and joint tenancies, **4:95**
Objections, **4:74**
Property recoverable by trustee, **4:172**
Property recovered by trustee, **4:171**
Schedule C to Official Bankruptcy Form 106
Property claimed, **4:12**
Security interests, nonpossessory, nonpurchase money, avoiding, **4:170**
Selection of exemptions, **4:74**
Unsecured creditors, avoiding liens of, **4:173**
Expenditures, current, Schedule J and J-2 to Official Bankruptcy Form 106
Individual debtors, **4:19**
Extortion, **4:236**
Failure to explain losses or insolvency, **4:238**
False claims, **4:235**
False oaths or accounts, **4:234**
False representations, arising from, **4:252**
Federal bankruptcy exemptions, **4:75 et seq.**
Federal health assistance loan program, **4:275**
Fees of Chapter 7 trustee's counsel, **13:13**
Felonious conduct, denial of discharge, **4:247**
Fiduciary debts, **4:259**
Filing fee, **4:7**

CHAPTER 7—Cont'd
Financial affairs, statement of, Official Bankruptcy Form 107
Generally, **4:20**
Financial statements, false, **4:253 et seq.**
Fines, penalties and forfeitures, **4:218, 4:271**
Fish processing, engaged in, **4:213**
Foreclosure, **4:43**
Fraud
Generally, **4:142 et seq., 4:234 et seq.**
Depository institutions or credit unions, **4:281**
Fraudulent and knowing acts, **4:234 et seq.**
Fraudulent transfer or concealment of property, **4:232**
General exemption, **4:79**
Good faith transfers, **4:102**
Governmental units, **4:309**
Grain storage, engaged in, **4:213**
Health aids, **4:83**
Homestead, **4:75**
Household goods and furnishings, **4:77**
Identity of debtor, **4:273**
Immunity, refusal to testify after grant of, **4:240**
Income
Current income, Schedule I to Official Bankruptcy Form 106
Individual debtors, **4:18**
Supplements or substitutes, **4:84**
Increase in payment to creditor, **4:126**
Insolvents, transactions involving, **4:147**
Insurers, **4:289**
Intent, **4:144**
Interest, unmatured, **4:193**
Involuntary case
Generally, **4:22 et seq.**
Compliance with requirements, **4:23**

CHAPTER 7—Cont'd
Involuntary case—Cont'd
Transfers in, **4:101, 4:179**
Jewelry, **4:78**
Joint cases
Doubling of exemptions, **4:96**
Married couples, **4:5**
Joint tenancies, **4:95**
Judgments, prepetition, **4:27**
Judicial liens
Avoidance, generally, **4:167 et seq.**
Status of lien creditor, **4:155**
Just cause or excuse, **4:264**
Knowledge of commencement of case, entities without, **4:176**
Landlord's claims, **4:197, 4:198**
Larceny, **4:259**
Leases
Executory contracts and unexpired leases, above
Landlord's claims, **4:197, 4:198**
Nonresidential real property, **4:45, 4:115**
Personal property, **4:116**
Liens
Generally, **4:167 et seq.**
Arising outside of preference vulnerability period, **4:168**
Subject to debtor's avoidance powers, **4:167**
Unsecured creditor's lien, avoiding, **4:173**
Life insurance
Companies, **4:100**
Policies, **4:81, 4:89**
Premium payments, **4:175**
Liquidation of property of estate, **4:185 et seq.**
Lists, schedules and statements, generally, **4:8 et seq.**
Loan contracts, **4:114**
Loss of future earnings, **4:91**
Married couples, joint cases for, **4:5**
Materially false statements, **4:254**
Measure of damages, **4:270**
Meeting of creditors, **4:64**

CHAPTER 7—Cont'd
Mortgage defaults, **8:2**
Motor vehicles, **4:76**
National health service corps program loans, **4:277**
Negotiable instruments, **4:46**
Objections, generally, **4:188 et seq.**
Option of buyer in possession of real property, **4:111**
Option of lessee of real property, **4:112**
Paternity, actions to establish, **4:37**
Pension / profit sharing or similar plans, debts owed to, **4:286**
Perfection of interests in property, **4:38**
Personal financial management course, failure to complete, **4:246**
Personal property, Schedule B to Official Bankruptcy Form 106, **4:11**
Personal service contracts, **4:113**
Police or regulatory power, actions that enforce, **4:39**
Power benefiting entities other than debtor, **4:69**
Preparation, **4:1**
Previous Chapter 7 discharge, **4:243**
Previous Chapter 13 discharge, **4:244**
Priority claims, **4:208 et seq.**
Proceeding against debtor, **4:26**
Property
Available for distribution, **1:5, 4:65 to 4:72**
Collection from non-estate property, **4:36**
General exemption, **1:6**
Interests acquired by debtor after filing, **4:68**
Interests transferred by debtor before petition, **4:67**
Obtaining or exercising control over, **4:28**
Turnover of property of estate, **4:62**

CHAPTER 7—Cont'd
Property of debtor
Generally, **4:121**
Liens against, **4:30**
Property of estate
Liens against, **4:29**
Provisions for sale, **4:186**
Sale after notice and hearing, **4:185**
Sale of co-owned property, **4:187**
Punitive damages, **4:218, 4:270, 4:299**
Reaffirmation, **4:304**
Real property, Schedule A to Official Bankruptcy Form 106, **4:10**
Reasonable reliance, **4:256**
Reasonable time requirement
Rule 60(b)(4), **4:314**
Reasonably equivalent value, **4:146**
Reckless disregard for rights of others, **4:265**
Records, failure to keep or preserve, **4:233**
Redemption, **4:302, 9:8**
Refusal to cooperate with court, **4:239 et seq.**
Regulatory judgments not for monetary power, **4:40**
Rejection, effect of, **4:107**
Relief from automatic stay, **4:54 et seq.**
Reopening closed case, **4:313**
Restitution, **4:282**
Revocation, **4:287**
Rule 60(b)(4)
Reasonable time requirement, **4:314**
Sanctions, **4:294**
Secured claims, Schedule D to Official Bankruptcy Form 106
Creditors, **4:13**
Secured creditors
Generally, **4:221 et seq.**
Determining amount of secured claim, **4:223**

CHAPTER 7—Cont'd
Secured creditors—Cont'd
Determining amount of unsecured claim, **4:222**
Rights of, **4:221**
Secured debt, **1:9**
Separation agreements, **4:284**
Setoffs
Generally, **4:161 et seq.**
Availability, **4:162 et seq.**
Debt, **4:32**
Limitations, **4:165**
Mutuality, **4:162**
Nonexempt requirement, **4:164**
Pertaining to commodity transactions, **4:42**
Prepetition requirement, **4:163**
Repo participants, **4:42**
Statement pertaining to debtor, **4:255**
Statute of limitations, **4:159, 4:312**
Statutory liens, **4:140, 4:141, 4:163**
Statutory redemption periods, **4:49**
Stay. Automatic stay, above
Strong-arm powers, **4:153 to 4:157**
Student loan providers, **4:311**
Sureties and guarantors, **4:206**
Tax court proceedings, **4:33**
Taxes
Generally, **4:215, 4:251, 4:283**
Deficiency, **4:44**
Property taxes, **4:194**
Tenancies by the entireties, **4:95**
Timing of discharge, **4:296**
Tolling of statute of limitations, **4:312**
Tools of trade, **4:80**
Tortious conduct, denial of discharge, **4:247**
Transfers
Antecedent debt, on account of, **4:123**
Avoidable, **4:118**
Creditor, to or for benefit of, **4:122**
During specified prepetition period, **4:125**

CHAPTER 7—Cont'd
Transfers—Cont'd
Fraudulent or concealment of property, **4:232**
Good faith, **4:102**
Insolvent debtor, **4:124**
Involuntary case, **4:101, 4:179**
Less than specified dollars, **4:161**
Lien for improvements, **4:183**
Post-petition
Involuntary case "gap" transfers, **4:179**
Lien for improvements, **4:183**
Real property transfers, **4:180**
Statute of limitations, **4:181, 4:184**
Transferee, liability of, **4:182 et seq.**
Trustee's avoidance powers, **4:178 et seq.**
Property interests transferred by debtor before petition, **4:67**
Real property transfers, **4:180**
Restrictions on transfer of debtor's property, **4:71**
Statute of limitations, **4:181, 4:184**
Time of, **4:151**
Transferee, liability of, **4:182 et seq.**
Wage garnishment as transfer of property, **4:128**
Trustee
Appointment, **4:59 et seq.**
Counsel, **13:13**
Duties of, **4:61**
Election and qualification, **4:60**
Interim, **4:59**
Trustee's avoidance powers
Generally, **4:107 et seq.**
Antecedent debt, transfer for or on account of, **4:123**
Bona fide purchaser of real property, **4:157**
Determining time of transfer, **4:127 et seq.**

CHAPTER 7—Cont'd
Trustee's avoidance powers—Cont'd
Execution returned unsatisfied, status of creditor, **4:156**
Fraudulent transfer and obligations
Generally, **4:142 et seq.**
Constructive, **4:145 et seq.**
Insolvents, transactions involving, **4:147**
Intent, **4:144**
Reasonably equivalent value, less, **4:146**
Time of transfer, **4:151**
Immunized preferences
Generally, **4:132 et seq.**
Contemporaneously exchanges, **4:132**
Enabling loans, **4:134**
New value, subsequent, **4:135**
Ordinary course, **4:133**
Transfers aggregating less than specified amount, **4:138**
Transfers less than specified amount, **4:137**
Immunized preferences, debtors primarily, nonconsumer debts
Transfers aggregating less than specified amount, **4:138**
Increase in payment to creditor, **4:126**
Judicial lien creditor status, **4:155**
Limitations, **4:158 et seq.**
Preferences
Generally, **4:120 et seq.**
Property of debtor, **4:121**
Statute of limitations, **4:159**
Statutory liens, **4:140, 4:141, 4:163**
Strong-arm powers, **4:153 to 4:157**
Transferees of property obtained through avoidable transfer, **4:119**
Transfers
Creditor, transfer to or for benefit of, **4:122**

CHAPTER 7—Cont'd
Trustee's avoidance powers—Cont'd
Transfers—Cont'd
Insolvent, transfers made while debtor, **4:124**
Less than specified dollars, **4:161**
Specified prepetition period, transfers made during, **4:125**
Wage garnishment as transfer of property, **4:128**
Wage garnishment as transfer of property, **4:128**
Turnover
Generally, **4:62, 4:98 et seq.**
Abandonment of property of estate, **4:103**
Exceptions to, **4:99 et seq.**
Good faith transfers, **4:102**
Involuntary case transfers, **4:101**
Life insurance companies, **4:100**
Requirement, **4:174**
Undue hardship, **4:276**
Unenforceability of bankruptcy clauses, **4:109**
Unscheduled debts, **4:258**
Unsecured claims
Distributions. Unsecured claims, distribution to holders of, below
Nonpriority claims, Schedule F to form 106, **4:15**
Proofs of claim, **4:189**
Unsecured claims, distribution to holders of
Generally, **4:190 et seq.**
Administrative expenses, **4:209**
Alimony, maintenance or support claims, **4:208**
Allowance, **4:191**
Balance to debtor, **4:220**
Categories, **4:207**
Consumer deposits, **4:214**
Employee benefits plans, **4:212**

CHAPTER 7—Cont'd
Unsecured claims, distribution to holders of—Cont'd
Executory contract claims, rejected, **4:203**
Fines, penalties and punitive damages, **4:218**
Fish processing, engaged in, **4:213**
General claims, **4:216 et seq.**
Grain storage, engaged in, **4:213**
Involuntary cases, **4:202, 4:210**
Limitations
Attorney, services of insider or debtor's, **4:195**
Interest, unmatured, **4:193**
Landlord's claims, **4:197, 4:198**
Support, unmatured claims for, **4:196**
Taxes, property, **4:194**
Transferees of avoidable transfers, **4:200**
Unemployment contracts, breach of, **4:199**
Unenforceable, **4:192**
Post-petition claims, **4:201 et seq.**
Post-petition interest, **4:219**
Priority claims, **4:208 et seq.**
Sureties and guarantors, **4:206**
Tardily filed claims, **4:217**
Taxes, **4:205, 4:215**
Timely filed and tardily filed claims, **4:216**
Time period rules, **4:201**
Trustee's recovery of property, claims arising from, **4:204**
Unemployment contracts, breach of, **4:199**
Wage claims, **4:211**
Utility service, **4:117**
Value of collateral, determination of, **4:303**
Voluntary case, generally, **4:3, 4:4**
Wage claims, **4:211**
Wage garnishment as transfer of property, **4:128**
Waiver, **4:97, 4:245, 4:279**

CHAPTER 7—Cont'd
Willful and malicious injuries, **4:262 et seq.**
Withholding records from officer of estate, **4:237**
Written statement with intent to deceive, **4:257**
Wrongful death award, **4:88**

CHAPTER 12
See Family farmer / fisherman debt adjustments under Chapter 12 (this index)

CHAPTER 13
Debtor's home, security interests limited to. See Mortges (this index)
See Adjustments of Debt Under Chapter 13 (this index)

CHAPTER 20
Adjustments of debt under Chapter 13, **5:123 et seq., 5:124**

CHARGING LIENS
Attorney's fees, **13:14**

CHILD SUPPORT
Adjustments of debt under Chapter 13, **5:55**

CHOICE OF BANKRUPTCY CHAPTER
Chapter 7 or 13, choosing between, **3:2**
Determining need, **3:1**

CLOSED CASE, REOPENING
Chapter 7, **4:313**

CODEBTOR
Generally, **12:1 to 12:12**
Chapter 7, **4:17, 12:2**
Chapter 13, **5:18, 5:54, 5:59, 12:3 to 12:12**
Consideration received by, **12:7**
Consumer debts, limitation on, **12:4 to 12:11**

CODEBTOR—Cont'd
Cosigners, claims against nondebtor, **12:1**
Farmer and fisherman debt adjustments under Chapter 12, **7:9 to 7:12**
Guarantors, claims against nondebtor, **12:1**
Individual, codebtor who is an, **12:5**
Insufficient Chapter 13 payments, **12:8**
Irreparable damages, **12:9**
Ordinary course of business, **12:6**
Preferred treatment under Chapter 13 plan, **12:12**
Stay of, **5:18, 12:3 to 12:11**

COLLATERAL
Farmer and fisherman debt adjustments under Chapter 12, **7:55**

COLLATERAL ESTOPPEL
Chapter 7, **4:268, 4:298**

COMMUNITY PROPERTY
Chapter 7, **4:66, 4:292**

CONDOMINIUM ASSOCIATIONS
Chapter 7, **4:285**

CONFIRMATION
Chapter 12 plans. See Family farmer / fisherman debt adjustments under Chapter 12 (this index)
Chapter 13 plans. See Adjustments of Debt Under Chapter 13 (this index)
Small Business Reorganization Act of 2019, **6:8**

CONFLICT OF INTEREST
Attorney's fees, **13:9**

CONSUMER DEPOSITS
Chapter 7, **4:214**

CONVERSION
Adjustments of debt under Chapter 13, **5:11, 5:116 to 5:121**
Chapter 7, **4:306, 4:307**

CONVERSION—Cont'd
Farmer and fisherman debt adjustments under Chapter 12, **7:72 to 7:75**
Judicial liens and security interests in personal property, **9:11**

COOPERATIVE MEMBER ASSOCIATIONS
Chapter 7, **4:285**

CORPORATE ENTITIES
Denial of codebtor stay under Chapter 12, **7:10**

COVID-19 PANDEMIC
Temporary legislation enacted due to COVID-19 impacting Chapter 13, **5:128**

CRAM-DOWN
Farmer and fisherman debt adjustments under Chapter 12, **7:56**

CREDIT COUNSELING
Interviewing debtor client, **2:9**

CREDITOR'S COUNSEL
Generally, **14:1 et seq.**
Appeals, **14:33**
Assets, checking for, **14:30**
Automobile encumbrances
Generally, **14:12**
Automatic stay, relief from, **14:22**
Chapter 13 plan, **14:20, 14:21**
Determination of need for action, **14:13**
Foreign jurisdiction, **14:17**
Insurance, maintenance of, **14:23**
Liens, avoidability of, **14:15**
Proof of claim, preparing and filing, **14:14**
Reaffirmation, **14:19**
Repossession, **14:16**
Request to receive notices, preparing and filing, **14:14**
Secured claims, avoidability of, **14:15**
Value, ascertaining, **14:18**

CREDITOR'S COUNSEL—Cont'd
Chapter 13
Appropriateness, **14:20**
Preconfirmation receipt of payments to trustee, **14:21**
Dischargeability, **14:32**
Examining secured claims filed by other creditors, **14:24**
Foreign jurisdiction, **14:17**
Frivolous filings, **14:1**
Immediate action, determining need for, **14:3, 14:13**
Insurance, maintenance of, **14:23**
Liens or security interests, avoidability of, **14:5, 14:15, 14:31**
Monitoring case, **14:11, 14:25**
Mortgages, home
Generally, **14:2**
Debtor's plan, appropriateness of, **14:7**
Determining need, **14:3**
Liens, avoidability of, **14:5**
Monitoring case, **14:11**
Payments, prepetition receipt of, **14:8**
Proof of claim, preparing and filing, **14:4**
Reaffirmation, **14:6**
Request to receive notices, preparing and filing, **14:4**
Secured claims, other creditors, examining, **14:10**
Stay, relief from, **14:9**
Motor vehicles. Automobile encumbrances, above
Notices be mailed directly to creditor's counsel, request that, **14:1, 14:4, 14:14, 14:28**
Payments, prepetition receipt of, **14:8**
Plan, appropriateness of debtor's, **14:7**
Proof of claim
Distribution system, **14:29**
Preparing and filing, **14:4, 14:14, 14:28**
Reaffirmation, **14:6, 14:19**

CREDITOR'S COUNSEL—Cont'd
Repossession, **14:16**
Request to receive notices, preparing and filing, **14:1, 14:4, 14:14, 14:28**
Secured claims
Avoidability of, **14:15**
Other creditors, examining claims filed by, **14:10**
Stay, relief from, **14:9, 14:22**
Unsecured claims
Generally, **14:26**
Appeals, **14:33**
Assets, checking for, **14:30**
Dischargeability, **14:32**
Liens or security interests, determining avoidability, **14:31**
Proof of claim, **14:28, 14:29**
Request to receive notices, preparing and filing, **14:28**
Value, ascertaining, **14:18**

CRIME VICTIM'S REPARATION REWARD
Chapter 7, **4:87**

CRIMINAL LAW
Chapter 7, **4:35, 4:290**

CURE
Adjustments of debt under Chapter 13, **5:69 to 5:71**
Mortgage defaults
Generally, **8:10 to 8:12**
Conditions applicable, **8:10**
Long-term debt, **8:12**
Reasonable time, **8:11**

CUSTODIANS
Chapter 7, **4:177**

DAMAGES
Chapter 7, **4:218, 4:270, 4:299**
Codebtor, **12:9**

DEFAULTS
See also Cure (this index)

DEFAULTS—Cont'd
Adjustments of debt under Chapter 13, **5:67, 5:69 to 5:71**
Farmer and fisherman debt adjustments under Chapter 12, **7:34**
Mortgages. See Mortgages (this index)

DISCHARGE
Adjustments of debt under Chapter 13, **5:55, 5:105, 5:116 to 5:121**
Chapter 7. Chapter 7 (this index)
Creditor's counsel, **14:32**
Farmer and fisherman debt adjustments under Chapter 12, **7:64 to 7:75**
Small Business Reorganization Act of 2019, **6:9**

DISCRIMINATORY TREATMENT
Chapter 7, **4:308 et seq.**

DISMISSAL
Adjustments of debt under Chapter 13, generally, **5:116 to 5:121**
Chapter 7, generally, **4:306, 4:307**
Farmer and fisherman debt adjustments under Chapter 12, **7:72 to 7:75**
Procedure, Chapter 13, **5:116 to 5:121**
Wage garnishment, **11:12**

DIVORCE DECREE
Chapter 7, **4:284**

DOMESTIC SUPPORT OBLIGATIONS
See Alimony, Maintenance and Support (this index)

DRIVING WHILE INTOXICATED
Chapter 7, **4:267, 4:278**

EDUCATIONAL LOANS
Adjustments to debt, Chapter 13, **5:108 to 5:113**
Chapter 7, **4:272 et seq., 4:311**

EMBEZZLEMENT
Chapter 7, **4:259**

EMPLOYERS, PRIVATE
Chapter 7, **4:310**

EXCLUSIONS FROM PROPERTY OF ESTATE
Chapter 7, **4:72**

EXECUTORY CONTRACTS AND UNEXPIRED LEASES
Adjustments of debt under Chapter 13, generally, **5:36, 5:74, 5:75**
Farmer and fisherman debt adjustments under Chapter 12, **7:36**
Procedure
Chapter 7, **4:16**
Chapter 13, **5:36**

EXEMPTIONS
Chapter 7. See Chapter 7 (this index)
Interviewing debtor client, **2:7**

EXTORTION AND BRIBERY
Chapter 7, **4:236**

FALSE CLAIMS
Chapter 7, **4:235**

FALSE OATHS OR ACCOUNTS
Chapter 7, **4:234**

FALSE REPRESENTATIONS
Chapter 7, **4:252**

FAMILY FARMER / FISHERMAN DEBT ADJUSTMENTS UNDER CHAPTER 12
Generally, **1:10, 7:1 to 7:75**
Acceptance of plan, **7:53**
Alteration of rights of secured creditors, **7:51**
Alternative methods of treating holders of allowed secured claims, **7:53 to 7:56**
Amount of debt, **7:4**
Assumption or rejection of executory contracts or unexpired leases, **7:36**

FAMILY FARMER / FISHERMAN DEBT ADJUSTMENTS UNDER CHAPTER 12—Cont'd
Automatic stay
Generally, **7:8**
Codebtor
Effective when, **7:11**
Effect of plan on, **7:12**
Limitation to consumer debt, **7:9**
Corporate entities, denial of codebtor stay, **7:10**
Avoidance powers, **7:17**
Background, **7:2**
Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA), changes to Chapter 12, **7:1 et seq.**
Best interests of creditors test, **7:50, 7:68**
Chapter 12, Bankruptcy Abuse Prevention and Consumer Protection Act (BAPCPA) changes, **7:1 et seq.**
Claims of creditors, **7:21 to 7:25**
Classes of unsecured claims and preferred treatment of claims, **7:30**
Code, compliance with, **7:47**
Codebtor stay
Effective when, **7:11**
Effect of plan on, **7:12**
Limitation to consumer debt, **7:9**
Collateral, surrender of, **7:55**
Concurrent payment of secured and unsecured claims, **7:35**
Confirmation
Acceptance of plan, **7:53**
Alteration of rights of secured creditors, **7:51**
Alternative methods of treating holders of allowed secured claims, **7:53 to 7:56**
Best interests of creditors, **7:50**
Code, compliance with, **7:47**
Collateral, surrender of, **7:55**
Cram-down, **7:56**

FAMILY FARMER / FISHERMAN DEBT ADJUSTMENTS UNDER CHAPTER 12—Cont'd
Confirmation—Cont'd
Effect of, **7:61**
Feasibility, **7:57**
Fees and charges, **7:48**
Good faith, **7:49**
Hearing, **7:45**
Limitations to allowed secured plans provided by plan, **7:53**
Objections, **7:58**
Protection for secured creditor's interests, **7:52**
Requirements, **7:46**
Conversion, **7:72 to 7:75**
Corporate entities, denial of codebtor stay, **7:10**
Cram-down, **7:56**
Credit, obtaining, **7:16**
Creditors, claims of
No provision for post-petition claims, **7:22**
Curing or waiving defaults, **7:34**
Discharge
Completion of, **7:64**
Effect of, **7:71**
Hardship, **7:66 to 7:70**
Post-confirmation modification, **7:65**
Dismissal, **7:72 to 7:75**
Duration of plan, **7:42**
Effect of post-confirmation modifications to secured claims, **7:40**
Eligibility
Amount of debt, **7:4**
Discharge of hardship, **7:66**
Entity type, **7:4**
Income requirement, **7:5**
Joint case, **7:6**
180 day disability, **7:7**
Entity type, **7:4**
Equal treatment for claims within same class, **7:28**
Failure to complete payments, **7:67**
Fees and charges, **7:48**

FAMILY FARMER / FISHERMAN DEBT ADJUSTMENTS UNDER CHAPTER 12—Cont'd
Filing, **7:3**
Future earnings or income, submitting to trustee, **7:26**
Good faith, **7:49**
Hearing, **7:45**
Inclusion of post-petition secured and unsecured debt, **7:41**
Income requirement, **7:5**
Joint case, **7:6**
Limitations to allowed secured plans provided by plan, **7:53**
Mandatory plan provisions, **7:25 to 7:28**
Modification of plan
Not practicable, **7:69**
Preconfirmation, **7:44**
Modifying rights of holders of secured and unsecured claims, **7:31 to 7:33**
Objections, **7:58**
180-day disability, **7:7**
Optional plan provisions
Generally, **7:29**
Assumption or rejection of executory contracts or unexpired leases, **7:36**
Classes of unsecured claims and preferred treatment of claims, **7:30**
Concurrent payment of secured and unsecured claims, **7:35**
Curing or waiving defaults, **7:34**
Effect of post-confirmation modifications to secured claims, **7:40**
Inclusion of post-petition secured and unsecured debt, **7:41**
Modifying rights of holders of secured and unsecured claims, **7:31 to 7:33**
Payments of claims from property of estate or property of debtor, **7:37**

FAMILY FARMER / FISHERMAN DEBT ADJUSTMENTS UNDER CHAPTER 12—Cont'd
Optional plan provisions—Cont'd
Sale of property of estate, **7:38**
Secured claims, **7:32**
Unsecured claims, **7:33**
Vesting of property of estate, **7:39**
Oversecured creditors, claims of, **7:23**
Payments
Claims from property of estate or property of debtor, **7:37**
Connection with plan, **7:60**
Outside of plan, **7:18**
Possession of property of estate, **7:15**
Postpetition claims, **7:20**
Priority claims, full payment to, **7:27**
Property, vesting in debtor, **7:62**
Property of estate, **7:13, 7:14**
Protection for secured creditor's interests, **7:52**
Requirements, **7:46**
Revocation, **7:63**
Rights and powers of debtor, **7:3, 7:13 to 7:20**
Sale or lease of property of estate, **7:14, 7:38**
Secured claims, **7:32, 7:51 to 7:56**
Secured creditor's interests, adequate protection of, **7:15**
Third party payments to trustees, **7:59**
Trustee, payments to, **7:43**
Undersecured creditors, **7:21**
Unsecured claims, **7:33**
Use of property of estate, **7:14**
Vesting of property of estate, **7:39**

FEDERAL BANKRUPTCY EXEMPTIONS
Chapter 7, **4:75 et seq.**

FEES, CHARGES AND EXPENSES
Adjustments of debt under Chapter 13, **5:84**

FEES, CHARGES AND EXPENSES —Cont'd
Attorney's fees. See Attorney's Fees (this index)
Chapter 7, **4:7, 4:283**
Farmer and fisherman debt adjustments under Chapter 12, **7:48**
Filing fee procedure
Chapter 7, **4:7**
Chapter 13, **5:10**

FEE-SHARING AGREEMENTS
Attorney's fees, generally, **13:17**
Third parties, recovery of fees from, **13:18**

FIDUCIARY DEBTS
Chapter 7, **4:259**

FILING
Adjustments of debt under Chapter 13, **5:10, 5:37, 5:42 to 5:44**
Chapter 7, **4:216, 4:217**
Creditor's counsel
Proof of claim, **14:4, 14:14, 14:28**
Request to receive notices, **14:1, 14:4, 14:14, 14:28**
Farmer and fisherman debt adjustments under Chapter 12, **7:3**
Mortgages, **8:4**
Procedure in Chapter 13, **5:10, 5:14, 5:37, 5:42**

FILING FEE
Procedure
Chapter 7, **4:7**
Chapter 13, **5:10**

FINANCIAL AFFAIRS, STATEMENT OF
Chapter 7. Chapter 7 (this index)

FINANCIAL STATEMENTS, FALSE
Chapter 7, **4:253 et seq.**

FINES, PENALTIES AND FORFEITURES
Attorney's fees, **13:10**
Chapter 7, **4:218, 4:271**

FISHERMEN
See Family farmer / fisherman debt adjustments under Chapter 12 (this index)

FISH PROCESSING, ENGAGED IN
Chapter 7, **4:213**

FORECLOSURE
Chapter 7, **4:43**

FOREIGN JURISDICTION
Creditor's counsel, **14:17**

FRAUD
Adjustments of debt under Chapter 13, **5:104**

FURNISHINGS
Chapter 7, **4:77**

GARNISHMENT
See Wage Garnishment (this index)

GOOD FAITH
Adjustments of debt under Chapter 13, **5:85, 5:126**
Chapter 7, **4:102, 4:150**
Farmer and fisherman debt adjustments under Chapter 12, **7:49**
Purchaser for value, Chapter 7, **4:150**

GOVERNMENTAL UNITS
Chapter 7, **4:309**

GRAIN STORAGE
Chapter 7, **4:213**

GUARANTORS
Chapter 7, **4:206**
Codebtor stay, **12:1**

HARDSHIP DISCHARGE
Adjustments of debt under Chapter 13, **5:108 to 5:113**

HEALTH AIDS
Chapter 7, **4:83**

HEARINGS
Adjustments of debt under Chapter 13, **5:99**

HEARINGS—Cont'd
Chapter 7, **4:185**
Farmer and fisherman debt adjustments under Chapter 12, **7:45**

HOMESTEAD
Chapter 7, **4:75**

HOUSEHOLD GOODS
Chapter 7, **4:77**
Judicial liens. See Judicial Liens and Household Goods (this index)
Security interests. See Judicial Liens and Security Interests in Personal Property (this index)

IMMUNITY
Refusal to testify after grant of, **4:240**
Trustee's avoidance powers, immunized preferences. See Chapter 7 (this index)

INDIVIDUAL DEBT ADJUSTMENT
See Adjustments of Debt Under Chapter 13 (this index)

INSURANCE
Chapter 7, **4:81, 4:89, 4:100, 4:175, 4:289**
Creditor's counsel, **14:23**
Life insurance, **4:81, 4:89, 4:100, 4:175, 4:289**

INTERVIEWING DEBTOR CLIENT
Generally, **2:1 to 2:11**
Conditioning, **2:2**
Credit counseling, **2:9**
Determining need for relief, **2:3**
Exemption planning, **2:7**
Final review, **2:10**
Future income and expenses, questionnaire, **2:5**
Obligations of attorney as debt relief agency, **2:11**
Questionnaires, **2:4, 2:5**
Screening, **2:1**
Supplemental meeting for Chapter 13 plan, **2:8**

INTERVIEWING DEBTOR CLIENT—Cont'd
Supplementary information, **2:6**

INVOLUNTARY CASES
Attorney's fees recoverable from third parties, **13:18**
Chapter 7, transfers in, **4:101, 4:179**

JEWELRY
Chapter 7, **4:78**

JOINT CASE
Adjustments of debt under Chapter 13, **5:5**
Chapter 7, **4:96**
Farmer and fisherman debt adjustments under Chapter 12, **7:6**

JOINT TENANCIES
Chapter 7, **4:95**

JUDICIAL LIENS AND SECURITY INTERESTS IN PERSONAL PROPERTY
Generally, **9:1 to 9:11**
Abandoned property, **9:4**
Automatic stay, **9:2, 9:3**
Avoiding, **9:5, 9:6**
Relief from automatic stay, **9:3**
Unavoidable
Generally, **9:7 to 9:11**
Conversion, **9:11**
Reaffirmation, **9:9**
Redemption, **9:8**
Ride-through option, **9:10**

LARCENY
Chapter 7, **4:259**

LEGISLATIVE HISTORY
Generally, **1:1 to 1:3**

LIENS
Adjustments of debt under Chapter 13, **5:35**
Attorney's fees
Charging liens, **13:14**
Client records, **13:12**

LIENS—Cont'd
Creditor's counsel, **14:5, 14:15, 14:31**
Judicial liens. See Judicial Liens and Household Goods (this index)
Procedure, Chapter 13, **5:35**
Strip down of mortgage
Chapter 20, **5:125**

LIQUIDATION
See Chapter 7 (this index)

MEETINGS WITH CLIENT
Adjustments of debt under Chapter 13, **2:8**
Interviewing debtor client, **2:10**

MODIFICATIONS
Adjustments of debt under Chapter 13, **5:62 to 5:66, 5:81, 5:100, 5:112**
Farmer and fisherman debt adjustments under Chapter 12, **7:40, 7:44, 7:69**
Mortgages, **8:8, 8:9, 8:20**

MORTGAGES
Generally, **8:1 to 8:20**
Adjustments of debt under Chapter 13, **5:69 to 5:71**
Automatic stay, **8:5**
Close of case, **8:19**
Commencement of payments, **8:14**
Confirmation, **8:15, 8:16**
Consummation of plan, **8:17**
Creditor's counsel. See Creditor's Counsel (this index)
Cure defaults
Generally, **8:10 to 8:12**
Conditions applicable, **8:10**
Long-term debt, **8:12**
Reasonable time, **8:11**
Debtor's home, Chapter 13 and security interests limited to
Generally, **8:14 to 8:19**
Close of case, **8:19**
Commencement of payments, **8:14**

MORTGAGES—Cont'd
Debtor's home, Chapter 13 and security interests limited to—Cont'd
Confirmation, failure to obtain, **8:15**
Consummation of plan, **8:17**
Default under confirmed plan, **8:16**
Discharge, effect of, **8:17 to 8:19**
Failure to complete payments under plan, **8:18**
Debtor's home, Chapter 13 and security interests no limited to, **8:20**
Defaults
Generally, **8:2**
Chapter 7, **8:4**
Chapter 13
Automatic stay, **8:5**
File in timely manner, failure to file plan in, **8:4**
Protection for mortgagee, **8:7**
Relief from stay, **8:6**
Cure defaults, above
Workouts, pre-petition, **8:3**
Discharge, effect of, **5:115**
Failure to complete payments under plan, **8:18**
Filing of plan in timely manner, **8:4**
Lien strip downs
Chapter 20, **5:125**
Limitation on time, **8:11**
Modification
Rights and limitations, **8:8, 8:20**
Post-confirmation mortgage disputes, **8:13**
Protection for mortgagee, **8:7**
Security interests limited to debtor's home
Close of case, **8:19**
Commencement of payments, **8:14**
Confirmation
Default under confirmed plan, **8:16**
Failure to obtain, **8:15**
Consummation of plan, **8:17**
Failure to complete payments under plan, **8:18**

MORTGAGES—Cont'd
Security interests limited to debtor's home—Cont'd
Modification, **8:8, 8:9**
Workouts, pre-petition, **8:3**

MOTOR VEHICLES
Chapter 7, **4:76**
Creditor's counsel. See Creditor's Counsel (this index)

NEGOTIABLE INSTRUMENTS
Chapter 7, **4:46**

ORDINARY COURSE OF BUSINESS
Codebtor stay, **12:6**

PLANS
Chapter 12. Family farmer / fisherman debt adjustments under Chapter 12 (this index)
Chapter 13. See Adjustments of Debt Under Chapter 13 (this index)
Small Business Reorganization Act of 2019, **6:8**

POLICE OR REGULATORY POWER
Automatic stay and actions that enforce, **4:39**

PROCEDURAL GUIDE TO CHAPTER 13
Generally, **5:1 to 5:127**
Appeals, **5:122**
Automatic stay, **5:17**
Confirmation of plan. See Adjustments of Debt Under Chapter 13 (this index)
Conversion, **5:11, 5:116 to 5:121**
Dismissal, **5:116 to 5:121**
Executory contracts and unexpired leases, **5:36, 5:74, 5:75**
Filing, **5:10, 5:14, 5:37, 5:42**
Liens, **5:35**
Lists, schedules and statement, **5:12**
Payments
Commencement of, **5:79**

PROCEDURAL GUIDE TO CHAPTER 13—Cont'd
Payments—Cont'd
To priority creditors, **5:47**
Petition, **5:9**
Property of estate, **5:77**
Redemption, **5:24**
Relief from stay, **5:23 to 5:25**
Statute of limitations, tolling of, **5:27**
Statutory redemption periods, **5:25**
Timing of filing, **5:8**
Trustee's avoidance powers, **5:58**
Turnover, **5:30**
Unsecured claims and creditors, **5:85, 5:88**

QUESTIONNAIRES
Interviewing debtor client, **2:4, 2:5**

REAFFIRMATION
Creditor's counsel, **14:6, 14:19**
Judicial liens and security interests in personal property, **9:9**
Procedure in Chapter 7, **4:304**

RECORDS
Attorney's fees, **13:12**
Failure to keep or preserve, **4:233**
Withholding records from officer of estate, **4:237**

REDEMPTION
Chapter 7, **4:302**
Judicial liens and security interests in personal property, **9:8**
Procedure, Chapter 13, **5:25**

REOPENING CLOSED CASE
Chapter 7, **4:313**

REPOSSESSION
Creditor's counsel, **14:16**

REQUEST TO RECEIVE NOTICES, PREPARING AND FILING
Creditor's counsel, **14:1, 14:4, 14:14, 14:28**

RESTITUTION
Chapter 7, **4:282**

REVOCATION
Adjustments of debt under Chapter 13, **5:104**
Chapter 7, **4:287**
Farmer and fisherman debt adjustments under Chapter 12, **7:63**

SCREENING
Interviewing debtor client, **2:1**

SECURED CLAIMS AND CREDITORS
Adjustments of debt under Chapter 13, generally, **5:62, 5:63, 5:89 et seq.**
Chapter 7, generally, **4:13, 4:221 et seq.**
Creditor's counsel, **14:10, 14:15, 14:24 et seq.**
Farmer and fisherman debt adjustments under Chapter 12, **7:31 to 7:35, 7:35, 7:40, 7:51 to 7:56**
Procedure
Chapter 7, **4:13**

SECURITY INTERESTS IN PERSONAL PROPERTY
Judicial Liens and Security Interests in Personal Property (this index)

SEPARATION AGREEMENTS
Chapter 7, **4:284**

SMALL BUSINESS REORGANIZATION ACT OF 2019
Generally, **6:1 to 6:11**
Administration, **6:3**
Claim process, **6:7**
Committees and professionals, **6:4**
Confirmation, plan and, **6:8**
Discharge, **6:9**
Duties of debtor under Subchapter V, **6:6**
Eligibility, **6:2**
Key provisions, **6:12**

SMALL BUSINESS REORGANIZATION ACT OF 2019—Cont'd
Plan and confirmation, **6:8**
Preference law, **6:10**
Professionals, committees and, **6:4**
Retroactive applicability of Subchapter V, **6:11**
Subchapter V
Duties of debtor under, **6:6**
Plan and confirmation, **6:8**
Retroactive applicability of, **6:11**
Trustees, **6:5**
Trustees, Subchapter V, **6:5**

STATUTE OF LIMITATIONS
Chapter 7, **4:159, 4:312**
Procedure, Chapter 13, **5:27**

STATUTORY REDEMPTION PERIODS
Chapter 7, **4:49**

STAY
Automatic stay. See Automatic Stay (this index)
Codebtor stay, **5:18, 12:3 to 12:11**
Creditor's counsel, **14:9, 14:22**

STRONG-ARM POWERS
Chapter 7, **4:153 to 4:157**

STUDENT LOAN PROVIDERS
Chapter 7, **4:311**

SURETIES AND GUARANTORS
Chapter 7, **4:206**
Codebtor stay, **12:1**

TAX COURT PROCEEDINGS
Chapter 7, **4:33, 4:44**

TAXES AND CUSTOM DUTIES
Adjustments of debt under Chapter 13, **5:39**
Chapter 7, **4:194**

TENANCIES BY THE ENTIRETIES
Chapter 7, **4:95**

TIME OR DATE
Chapter 13 petition, filing of, **5:8**

TOOLS OF TRADE
Security interests. See Judicial Liens and Security Interests in Personal Property (this index)

TRUSTEES
Attorney's fees of Chapter 7 trustee's counsel, **13:13**
Avoidance powers
Chapter 7, statutory liens, **4:140, 4:141, 4:163**
Procedural guide to Chapter 13, **5:58**
Chapter 7. See Chapter 7 (this index)
Chapter 13. See Adjustments of Debt Under Chapter 13 (this index)
Family farmer/fisherman debt adjustments under Chapter 12, **7:26, 7:43, 7:59**
Small Business Reorganization Act of 2019, Subchapter V, **6:5**

TURNOVER
Adjustments of debt under Chapter 13, **5:30**

UNSECURED CLAIMS AND CREDITORS
Adjustments of debt under Chapter 13, **5:62, 5:85, 5:88**
Creditor's counsel. See Creditor's Counsel (this index)
Procedure
Chapter 7, **4:14, 4:15**
Chapter 13, **5:85, 5:88**

UTILITY SERVICE
Adjustments of debt under Chapter 13, **5:41, 5:76**
Chapter 7, **4:117**

VALUATION
Creditor's counsel, **14:18**

WAGE CLAIMS
Chapter 7, **4:211**

WAGE GARNISHMENT
Generally, **11:1 to 11:12**
Automatic stay, **11:5**
Automatic stay, avoid
Post-petition earnings, Relief from the automatic stay, **11:7**
Avoiding garnishment of post-petition earnings, **11:5, 11:6**
Avoiding garnishment of pre-petition earnings
Earnings in possession of employer, **11:8**
Payments to creditor, **11:8 to 11:11**
Pre-petition earnings paid to garnishing creditor, **11:9**
Recovery of garnished funds, **11:10**
Recovery of garnishment payments, **11:11**
Dismissal, effect of, **11:12**
Earnings in possession of employer
Avoiding garnishment of pre-petition earnings, **11:8**
Federal restrictions, **11:2**

WAGE GARNISHMENT—Cont'd
Payments to creditor, **11:8 to 11:11**
Recovery of garnished funds from creditor
Avoiding garnishment of pre-petition earnings, Pre-petition earnings paid to garnishing creditor, **11:10**
Recovery of garnishment payments by debtor
Avoiding garnishment of pre-petition earnings, Pre-petition earnings paid to garnishing creditor, **11:11**
Workouts, pre-petition, **11:4**

WAIVER
Chapter 7, **4:97, 4:245, 4:279**

WORKOUTS
Mortgage payment defaults
Pre-petition workouts, **8:3**
Wage garnishment, **11:4**

WRONGFUL DEATH AWARD
Chapter 7, **4:88**