Index

ABSOLUTE RIGHT TO CONVERT
Commencement of case, **§ 13:6**

ADDRESS REQUIREMENT, CREDITORS
Commencement of case, **§ 13:7**

ADEQUATE PROTECTION
Preconfirmation case administration, **§ 13:13**

ADMINISTRATIVE EXPENSES
See Priority Claims

ADVERSARY PROCEEDINGS
Generally, see Litigation and procedures
Confirmation of plan. See Confirmation of Plan

ALIMONY, MAINTENANCE AND CHILD SUPPORT
Automatic stay, **§ 15:17**
Projected disposable income test, **§ 8:43**

ALLOWANCE OF CLAIMS
See Claims

APPEALS
Generally, **§ 24:1 to 24:9**
Appellate panel
Appeal to, generally, **§ 24:3**
Court of Appeals, appeal to, **§ 24:8**
Interlocutory orders, **§ 24:5**
Notice of appeal, **§ 24:2**
Prosecution of appeal to, **§ 24:6**
Appellate process, generally, **§ 24:1**
Court of Appeals
Appeal to, generally, **§ 24:8**
Direct appeal to, **§ 24:7**
Direct appeal to Court of Appeals, **§ 24:7**
District Court
Court of Appeals, appeal to, **§ 24:8**
Interlocutory orders, **§ 24:5**

APPEALS—Cont'd
District Court—Cont'd
Notice of appeal, **§ 24:2**
Prosecution of appeal to, **§ 24:6**
Effect of appeal, **§ 24:9**
Final judgment, order, or decree, **§ 24:4**
Interlocutory orders, **§ 24:5**
Notice of appeal to district court or bankruptcy appellate panel, **§ 24:2**
Prosecution of appeal to District Court or appellate panel, **§ 24:6**
Stay pending appeal, **§ 24:9**

APPELLATE COURT
See Appeals

APPELLATE PANEL
See Appeals

APPLICABILITY OF OTHER CHAPTERS OF BANKRUPTCY CODE
Generally, **§ 2:2 to 2:5**

APPOINTMENT
Chapter 13 trustee, **§ 17:2**

ASSESSING CLAIMS
Eligibility for relief, **§ 12:9**

ASSETS
Commencement of case, **§ 13:8**
Funding of plan, sale of assets, **§ 4:3**
Property. See Property of the Estate
Transfer of surrender of asset to creditor in lieu of funding claims, **§ 4:4**

ASSUMPTION OF DEBT
Eligibility for relief, **§ 12:9**

ATTORNEYS
Commencement of case, attorney of debtor as debt relief agency, **§ 13:2**

ATTORNEY'S FEES
Debtor's attorney, **§ 6:5, 6:7**

AUDITS
Preconfirmation case administration, United States Trustee audits, **§ 13:17**

AUTOMATIC STAY
See also Codebtor Stay
Generally, **§ 15:1**
Alimony, maintenance and child support, **§ 15:17**
Annulment, retroactive relief, **§ 15:9**
Bank accounts, **§ 15:14**
Burden of proof, relief, **§ 15:10**
Checks, worthless, **§ 15:21**
Child support, **§ 15:17**
Collection of debt, creditor communications, **§ 15:24**
College transcript, enrollment, or graduation, **§ 15:20**
Conversion or dismissal of case, **§ 20:12**
Creditor communications to collect debt, **§ 15:24**
Credit reporting agencies, **§ 15:24**
Criminal prosecutions, **§ 15:21**
Dispossessory proceedings, **§ 15:18**
Domestic relations, **§ 15:17**
Driver's license, reinstatement, **§ 15:19**
Duration of stay, **§ 15:4**
Effect of stay, **§ 15:6**
Exceptions to stay, **§ 15:3**
Ex parte relief, **§ 15:10**
Family matters, **§ 15:17**
Foreclosure, **§ 15:11**
14-day stay of certain orders and judgments, **§ 23:17**
Incarceration, **§ 15:21**
"In rem" relief from stay, **§ 15:27**
Litigation, **§ 15:16**
Maintenance, alimony, and child support, **§ 15:17**
Motor vehicle, turnover, **§ 15:12**
Police powers, **§ 15:22**
Postpetition claims, **§ 19:6**
Prohibited acts, **§ 15:2**

AUTOMATIC STAY—Cont'd
Regulatory powers, **§ 15:22**
"Reimposition" of stay, **§ 15:7**
Reinstatement of driver's license, **§ 15:19**
Relief from stay, **§ 15:8 to 15:10, 15:27**
Remedies for violations of stay, **§ 15:6**
Reports to credit reporting agencies, **§ 15:24**
Retroactive relief, **§ 15:9**
Sale of residence, **§ 15:11**
Serial cases, **§ 15:25 to 15:27**
Setoff, tax refunds, **§ 15:15**
Settlement of motions, relief, **§ 15:10**
Social Security benefits, withholding, **§ 15:22**
Support payments, **§ 15:17**
Tax refunds, setoff, **§ 15:15**
Turnover of motor vehicle, **§ 15:12**
University transcript, enrollment, or graduation, **§ 15:20**
Vesting, **§ 4:22**
Violations of stay, **§ 15:6**
Worthless checks, **§ 15:21**

AVOIDING POWERS
Debtor's powers, **§ 16:6**

BAD CHECKS
Automatic stay, **§ 15:21**
Classification of unsecured claims, **§ 7:13**

BANK DEPOSITS
Automatic stay, **§ 15:14**
Property of the estate, **§ 14:8**

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2005 (BAPCPA)
Commencement of case, **§ 13:2 et seq.**
Eligibility for relief, **§ 12:1 et seq.**
Projected disposable income test, **§ 8:2, 8:3**

BANKRUPTCY ACT OF 1898
Origins of Chapter 13, **§ 1:3**

BANKRUPTCY ALTERNATIVES
Applicability of other chapters of Bankruptcy Code, **§ 2:2 to 2:5**

BANKRUPTCY AMENDMENTS
Generally, **§ 1:5**
Postconfirmation modification of plan, **§ 11:1**

BANKRUPTCY CODE
Bankruptcy Amendments, **§ 1:5, 11:1**
Bankruptcy Reform Act of 1978, **§ 1:4, 11:1**
Confirmation of plan, compliance with Chapter 13 and Bankruptcy Code, **§ 4:25**
Priority claims under, **§ 6:11**

BANKRUPTCY LAW
Historic background, **§ 1:2 to 1:5**

BANKRUPTCY REFORM ACT OF 1978
Enactment of Code by, **§ 1:4**
Postconfirmation modification, **§ 11:1**

BAPCPA
See Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA)

BEQUESTS
Property of the estate, **§ 14:10**

BEST INTERESTS OF CREDITORS
Effect of confirmation of plan, vesting of property of estate, **§ 10:12**
Postconfirmation modification of plan, ''best interest of creditors'' test, **§ 11:9**
Unsecured creditors, generally, **§ 7:2, 7:6 to 7:9**

BURDEN OF PROOF
Automatic stay, relief, **§ 15:10**
Best interest of creditors test, **§ 7:6**
Confirmation of plan, **§ 9:7**
Eligibility for relief, **§ 12:12**
Relief from automatic stay, **§ 15:10**

BUSINESS DEBTORS
Projected disposable income test, **§ 8:34**

CASE LAW, INELIGIBILITY BASED ON PREVIOUS
Eligibility for relief, **§ 12:11 et seq.**

CERTIFICATE OF NOTICE DELIVERY
Commencement of case, **§ 13:10**

CHAPTER 11
Bankruptcy alternatives, **§ 2:4**
Conversion of Chapter 13 case, **§ 20:3, 20:7**

CHAPTER 12
Bankruptcy alternatives, **§ 2:4**
Conversion of Chapter 13 case, **§ 20:3, 20:7**

CHAPTER 7
Generally, **§ 2:2**
Bankruptcy alternatives, **§ 2:2, 2:5**
Confirmation of plan, discharge of debt nondischargeable in Chapter 7 as good faith factor, **§ 4:35**
Conversion or dismissal of case
Chapter 13 to Chapter 7, **§ 14:3, 20:4**
Debtor-requested conversion, **§ 20:4**
Debtor evaluation, **§ 2:5**
Discharge, conversion following commencement of case, **§ 13:6**
Hypothetical Chapter 7 liquidation, best interest of creditors test, **§ 7:7**
Property of the estate, conversion from Chapter 13 to Chapter 7, **§ 14:3**

CHAPTER 20 CASES
Discharge, **§ 21:23**
Eligibility for relief, **§ 12:11**

CHAPTER 13 TRUSTEE
Preconfirmation case administration, debtor's duty of cooperation, **§ 13:16**

CHARITABLE CONTRIBUTIONS
Projected disposable income test, **§ 8:50**

CHILD SUPPORT
See Alimony, Maintenance, and Child Support

CLAIMS
Amendment of proof of claim, **§ 18:4**
Assignment of proof of claim, **§ 18:6**
CARES forbearance claim, supplemental claim for, **§ 18:4**
Codebtor stay, **§ 4:15, 4:16**
Filing and allowance
Generally, **§ 18:1**
Allowance and prima facie validity, **§ 18:5**
Amendment of proof of claim, **§ 18:4**
Assignment of proof of claim, **§ 18:6**
CARES forbearance claim, supplemental claim for, **§ 18:4**
Determination of status, debtor's principal residence, **§ 18:3**
Effect of failing to timely file, **§ 18:2**
Effect of filing proof of claim, **§ 18:5**
Form and contents, **§ 18:3**
Postpetition fees, expenses, charges, and payment changes, notice of, **§ 18:3**
Prima facie validity, **§ 18:5**
Time for filing, **§ 18:2**
Objections
Grounds, **§ 18:9**
Procedure for filing and service, **§ 18:11**
Reconsideration of allowance or disallowance of claim, **§ 18:12**
Standing, **§ 18:7**
Subordination of claims, **§ 18:10**
Time for filing, **§ 18:8**
Order of payment of claims, permissible plan provisions, **§ 4:18**
Prima facie validity, **§ 18:5**
Principal residence, treatment of claim secured only by. See Principal residence

CLAIMS—Cont'd
Priority claims. See Priority Claims
Reconsideration of allowance or disallowance of claim, **§ 18:12**
Same treatment for claims in same class, **§ 4:12**
Secured. See Secured Claims
Service, procedure for, **§ 18:11**
Subordination of claims, **§ 18:10**
Time for filing, **§ 18:2, 18:8**
Transfer of surrender of asset to creditor in lieu of funding claims, **§ 4:4**
Treatment of claims, illustration
Factual scenario, **§ 3:2**
Plan provisions, required, **§ 3:2**
Treatment of claims, mandatory provisions
Priority claims, full payment, **§ 4:11**
Same treatment for claims in same class, **§ 4:12**
Treatment of claims, permissible provisions
Generally, **§ 4:14**
Codebtor stay, **§ 4:15, 4:16**
Confirmation or discharge, provisions altering effect of, **§ 4:15, 4:17**
Dischargeability of debts excepted from discharge, **§ 4:17**
Order of payment of claims, **§ 4:18**
Plan provisions inconsistent with Chapter 13, **§ 4:15**
Unsecured. See Unsecured Claims
Vesting, transfers of property to creditor in full or partial satisfaction of claim, **§ 4:20**

CODEBTOR STAY
Generally, **§ 15:4**

COLLEGE TRANSCRIPT, ENROLLMENT, OR GRADUATION
Automatic stay, **§ 15:20**

COMMENCEMENT OF CASE
Generally, **§ 13:1 et seq.**
Absolute right to convert, **§ 13:6**

COMMENCEMENT OF CASE —Cont'd
Address requirement, creditors, **§ 13:7**
Adequate protection, **§ 13:13**
Assets and liabilities, **§ 13:8, 13:11**
Attorney of debtor as debt relief agency, **§ 13:2**
Audits by United States Trustee, **§ 13:17**
BAPCPA, **§ 13:2 et seq.**
Certificate of notice delivery, **§ 13:10**
Chapter 7 discharge, conversion following, **§ 13:6**
Chapter 13 trustee, debtor's duty of cooperation, **§ 13:16**
Community property, **§ 13:5**
Confidentiality, tax information, **§ 13:12**
Consolidation of estates, **§ 13:5**
Conversion of pending case, **§ 13:6**
Copies, failure to provide copies of most recent federal tax return, **§ 13:12**
Credit counseling, **§ 13:10**
Creditor address requirement, **§ 13:7**
Current monthly income determination, Form 22C, **§ 13:8**
Debtor's filing obligations, **§ 13:8 et seq.**
Debt relief agency (DRA), **§ 13:2**
Decision to file, **§ 13:1**
Defense of Marriage Act, **§ 13:5**
Deposits, utility service claims, **§ 13:14**
Disclosure obligations, **§ 13:8 et seq.**
Dismissal for failure to file, **§ 13:11**
Education IRA, **§ 13:10**
Electronic filings, **§ 13:4**
Extreme circumstances justifying conversion, **§ 13:6**
Failure to file required papers, **§ 13:11**
Federal tax returns, **§ 13:12**
Filing fees, **§ 13:4 et seq.**
Filing obligations, **§ 13:8 et seq.**
Filing tax returns, **§ 13:12**
Filing the petition, **§ 13:4**

COMMENCEMENT OF CASE —Cont'd
Form 22C, current monthly income determination, **§ 13:8**
Form of payment, **§ 13:4**
Form of petition, **§ 13:5 et seq.**
Inaccurate or incomplete schedules of assets, **§ 13:8, 13:11**
Income tax returns, **§ 13:12**
Individual filing, **§ 13:5**
In forma pauperis, **§ 13:4**
Insurance, **§ 13:13**
Joint administration, **§ 13:5**
Joint filing, **§ 13:5**
Lease payments, **§ 13:13**
Meeting of creditors, **§ 13:15**
Notice delivery, certificate of, **§ 13:10**
Notice to creditors, **§ 13:7**
Notice to debtor, **§ 13:1**
Payment advices, filing, **§ 13:9**
Payment of filing fee, form of, **§ 13:4**
Postpetition tax returns, **§ 13:12**
Preconfirmation case administration
  Generally, **§ 13:13 et seq.**
  Chapter 13 trustee, debtor's duty of cooperation, **§ 13:16**
  Meeting of creditors, **§ 13:15**
  Self-employed debtor, additional disclosure and reporting requirements, **§ 13:18**
  United States Trustee audits, **§ 13:17**
  Utility service claims, **§ 13:14**
Prefiling obligations, **§ 13:2**
Prefiling planning, **§ 13:1**
Preparers, **§ 13:3**
Property of the estate, **§ 14:4, 14:10, 14:21**
Reconversion issues, **§ 13:6**
Requirements, generally, **§ 13:4 et seq.**
Schedules, filing obligations, **§ 13:8**
Schedules of assets and liabilities, **§ 13:8, 13:11**
Section 342 disclosures, **§ 13:1**
Self-employed debtor, additional disclosure and reporting requirements, **§ 13:18**

COMMENCEMENT OF CASE —Cont'd
Signature requirements, **§ 13:4**
Sole and joint petitions, **§ 13:5**
Spouses, joint administration of estates, **§ 13:5**
Statement of financial affairs, **§ 13:8**
Substantive consolidation, **§ 13:5**
Tax returns, **§ 13:12**
Time of filing, **§ 13:1, 13:4**
Trustee, debtor's duty of cooperation to Chapter 13 trustee, **§ 13:16**
United States Trustee audits, **§ 13:17**
Utility service claims, **§ 13:14**

COMMUNITY PROPERTY
Commencement of case, **§ 13:5**
Property of the estate, **§ 14:7**

COMPENSATION
Chapter 13 trustee, **§ 17:5**

COMPLETION DISCHARGE
See Discharge

CONFIRMATION OF PLAN
Generally, **§ 3:1, 9:1, 9:2**
Adversary proceeding
Dischargeability of debt, **§ 9:4**
Objection to confirmation, **§ 9:3**
Preclusive effect of confirmation order, **§ 10:4**
Amount of claim, postconfirmation objections to claims, **§ 10:5**
Avoidance of lien on exempt property, **§ 9:4**
Best interests of creditors
Unsecured creditors, generally, **§ 7:2, 7:6 to 7:9**
Vesting of property of estate, effect of confirmation, **§ 10:12**
Binding effect of confirmation, **§ 10:1, 10:6**
Burden of proof and evidentiary matters, **§ 9:7**
Compliance with Chapter 13 and Bankruptcy Code, **§ 4:25**
Contested matters, objection to confirmation, **§ 9:3**
Cram down, **§ 10:6**

CONFIRMATION OF PLAN —Cont'd
Debtor's rights, effect of confirmation, **§ 10:10**
Dischargeability of debt, adversary proceeding to determine, **§ 9:4**
Dischargeability of potentially nondischargeable debt, effect of confirmation, **§ 10:9**
Domestic support obligations, payment of, **§ 4:28**
Due process limits on preclusive effect of confirmation order, **§ 10:3**
Effect of confirmation, **§ 10:1 to 10:13**
Evidentiary matters and burden of proof, **§ 9:7**
Feasibility of plan, **§ 4:27, 10:5**
Fees, payment of, **§ 4:26**
Filing of plan, **§ 9:1**
Good faith requirements
Generally, **§ 4:30**
Ability to pay more than projected disposable income test requires as good faith factor, **§ 4:34**
Discharge of debt nondischargeable in Chapter 7 as good faith factor, **§ 4:35**
Litigation or strategic advantage, use of Chapter 13 for as good faith factor, **§ 4:37**
Petition, good faith in filing, **§ 4:40**
Postconfirmation modification of plan, **§ 11:8**
Practice and procedure, **§ 4:41**
Prefiling misconduct and lifestyle as good faith factors, **§ 4:38**
Prevention of foreclosure or collection activity as good faith factor, **§ 4:36**
Process and content objections, distinction between, **§ 4:33**
Successive filings as good faith factor, **§ 4:39**
Totality of circumstances test
Generally, **§ 4:32**
Development of, **§ 4:31**

CONFIRMATION OF PLAN —Cont'd
Hearing on confirmation, **§ 9:3, 9:7**
Lien stripping, additional procedures in connection with, **§ 9:4**
Modification of plan. See Postconfirmation Modification of Plan
Notice, **§ 9:2, 9:4**
Objection to confirmation, **§ 9:3, 9:4, 9:5**
Postconfirmation
Adequate protection, effect of confirmation, **§ 10:7**
Collection activity and modification issues, vesting of property of estate, **§ 10:12**
Foreclosure, repossession, or other collection activity, effect of confirmation, **§ 10:7**
Modification of plan. See Postconfirmation Modification of Plan
Motions to set aside confirmation order, **§ 9:8**
Objections to claims, amount of claim, effect of confirmation, **§ 10:5**
Preclusive effect of confirmation order
Adversary or other proceeding, **§ 10:4**
Due process limits on, **§ 10:3**
Preconfirmation modification of plan, **§ 9:6**
Prerequisites to confirmation
Generally, **§ 10:1**
Requirements
Generally, **§ 4:24 to 4:29**
Compliance with Chapter 13 and Bankruptcy Code, **§ 4:25**
Domestic support obligations, payment of, **§ 4:28**
Feasibility, **§ 4:27**
Fees, payment of, **§ 4:26**
Generally applicable, **§ 3:1**
Good faith requirements, above
Particular claims, **§ 3:1**
Tax returns, filing of, **§ 4:29**

CONFIRMATION OF PLAN —Cont'd
Res judicata, **§ 10:2**
Revocation of order of confirmation, **§ 9:9**
Secured claims, binding effect of confirmation, **§ 10:6**
Service of objection to confirmation, **§ 9:5**
Set aside, post confirmation motion, **§ 9:8**
Tax returns, filing of, **§ 4:29**
Time for filing notice, **§ 9:2**
Time for filing objection to confirmation, **§ 9:5**
Vesting of property of estate
Generally, **§ 10:11**
Free and clear of claims and interests - § 1327(c), **§ 10:13**
Future vesting approach, **§ 10:12**
Postconfirmation collection activity and modification issues, **§ 10:12**
Violation of mandatory plan requirement, effect of confirmation, **§ 10:8**

CONSEQUENCES OF FILING BY INELIGIBLE DONOR
Eligibility for relief, **§ 12:2**

CONSOLIDATION OF ESTATES
Generally, **§ 13:5**
Distinguished from joint estates, **§ 13:5**

CONTESTED MATTERS
See Litigation and procedures

CONTINGENT CLAIMS
Eligibility for relief, **§ 12:9**

CONTRACTS
See Executory contracts

CONVERSION OR DISMISSAL OF CASE
Generally, **§ 20:1 to 20:19**
''Abuse'' provisions of § 707(b), **§ 20:14**
Administrative expenses, unpaid expenses in case prior to conver-

CONVERSION OR DISMISSAL OF CASE—Cont'd
sion to Chapter 13, **§ 6:8**
Automatic stay, **§ 20:12**
Availability of relief in later case, **§ 20:10**
Chapter 7, debtor-requested conversion, **§ 20:4**
Chapter 13 to Chapter 7, **§ 14:3, 20:4**
Chapter 13 to Chapter 11, **§ 20:3, 20:7**
Chapter 13 to Chapter 12, **§ 20:3, 20:7**
Commencement of case, **§ 13:6**
Conversion for cause
Failure to file, **§ 13:11**
Sec. 1307(c), **§ 20:5**
Debtor-requested conversion, **§ 20:2, 20:4**
Disposition of undisbursed funds, **§ 20:9**
Effect of conversion, generally, **§ 20:8 to 20:14**
Effect of dismissal, generally, **§ 20:8 to 20:14**
Eligibility for further relief, **§ 20:10**
Failure to file required papers, conversion due to, **§ 13:11**
Farmers, **§ 20:1**
Filing of schedules, statements and other papers, **§ 20:3**
Former spouse claim for property settlement, **§ 20:18**
Grounds for dismissal after confirmation, **§ 20:6**
Homeowner's association claim, **§ 20:19**
Liens, effect upon, **§ 20:11**
Objections to exempt property, **§ 20:3**
Postpetition claims, effect upon, **§ 20:13**
Priority tax claims, **§ 20:17**
Procedures, generally, **§ 20:2, 20:3**
Property of the estate, effect upon, **§ 20:11**
Restrictions on conversion, **§ 20:1**
Retention of property and creditors' rights to repossess or foreclosure, **§ 20:16 to 20:19**
Schedules, filing of, **§ 20:3**
Secured claims, effect upon, **§ 20:11**
Statements, filing of, **§ 20:3**
Strategic considerations, **§ 20:15 to 20:19**
Times for filing proof of claim, **§ 20:3**

COPIES
Commencement of case, failure to provide copies of most recent federal tax return, **§ 13:12**

CORE PROCEEDINGS
Generally, **§ 22:4**

CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT)
Forbearance claim, supplemental claim for, **§ 18:4**

COSIGNED DEBTS
Classification of unsecured claims, **§ 7:11**

COURTS
Generally, **§ 22:1 to 22:7**
Appeals. See Appeals
Core proceedings, **§ 22:4**
Current law, **§ 22:3**
Jurisdiction. See Jurisdiction
Overview, **§ 22:1**
Prior bankruptcy statutes, **§ 22:2**
Sovereign immunity, **§ 22:7**
Venue, **§ 22:5**

CRAM DOWN
See also Secured Claims
Confirmation of plan, **§ 10:6**

CREDIT COUNSELING
Commencement of case, **§ 13:10**

CREDIT COUNSELING BRIEFING REQUIREMENT, PREPETITION
Eligibility for relief, **§ 12:4 et seq.**

CREDITOR ADDRESS REQUIREMENT
Commencement of case, **§ 13:7**

CREDIT REPORTING AGENCIES
Automatic stay, **§ 15:24**

CURE OF DEFAULTS
Acquisition of property in violation of restriction on transfer or due on sale provision, ability to cure after, **§ 5:38**
Availability of cure rights in absence of personal liability or after acquisition of collateral in violation of restrictions on transfer or due on sale provision
Generally, **§ 5:35**
Acquisition of property in violation of restriction on transfer or due on sale provision, ability to cure after, **§ 5:38**
Discharge of debt in prior Chapter 20 case, use of cure provisions after, **§ 5:36**
Personal liability on debt, ability to cure in absence of, **§ 5:37**
Cure amount, what constitutes, **§ 5:29**
Deaccelerating debt, use of cure provisions, **§ 5:33**
Discharge of debt in prior Chapter 20 case, use of cure provisions after, **§ 5:36**
Effect of cure under cure provisions, **§ 5:28**
Foreclosure proceeding, effect on cure rights, **§ 5:34**
Interest, payment on cure amount, **§ 5:30**
Maintenance payments, payment by debtor or trustee, **§ 5:32**
Modification and strip down not permitted under cure provisions, **§ 5:26**
Modification provisions, use of cure provisions in connection with to strip down undersecured claim, **§ 5:27**
Operation of cure provisions of § 1322(b)(3) and (b)(5)
Generally, **§ 5:25**

CURE OF DEFAULTS—Cont'd
Operation of cure provisions of § 1322(b)(3) and (b)(5)—Cont'd
Cure amount, what constitutes, **§ 5:29**
Effect of cure under cure provisions, **§ 5:28**
Interest, payment on cure amount, **§ 5:30**
Maintenance payments, payment by debtor or trustee, **§ 5:32**
Modification and strip down not permitted under cure provisions, **§ 5:26**
Modification provisions, use of cure provisions in connection with to strip down undersecured claim, **§ 5:27**
Overview, **§ 5:25**
Postconfirmation charges, **§ 5:29**
Timing and amount of payments to cure defaults, plan provisions, **§ 5:31**
Personal liability on debt, ability to cure in absence of, **§ 5:37**
Postconfirmation charges, **§ 5:29**
Timing and amount of payments to cure defaults, plan provisions, **§ 5:31**
Unsecured claims, **§ 7:4**

CURRENT MONTHLY INCOME DETERMINATION
Commencement of case, **§ 13:8**
Projected disposable income test, **§ 8:8 to 8:11**

DATE
See Time

DEBT LIMITATIONS
Eligibility for relief, **§ 12:8 et seq.**

DEBTOR ASSESSMENT
Generally, **§ 2:6**

DEBTOR'S FILING OBLIGATIONS
Commencement of case, **§ 13:8 et seq.**

DEBT RELIEF AGENCY (DRA)
Commencement of case, **§ 13:2**

DECEDENTS' ESTATES
Eligibility for relief, **§ 12:6**

DEFAULT UNDER PLAN
Cure. See Cure of defaults
Postconfirmation modification of plan, **§ 11:15**

DEFENSE OF MARRIAGE ACT
Commencement of case, **§ 13:5**

DISCHARGE
Generally, **§ 3:1, 21:1 to 21:24**
Chapter 20 cases, **§ 21:23**
Civil proceeding, pending, **§ 21:5**
Completion discharge
Generally, **§ 21:7**
Debts not discharged, **§ 21:16, 21:17**
Financial management course, **§ 21:4**
Confirmation. See Confirmation of Plan
Criminal proceeding, pending, **§ 21:5**
Disallowed debts under § 502, **§ 21:12**
Effect, generally, **§ 21:20**
Eligibility for further relief, **§ 21:24**
Exceptions
Generally, **§ 21:13 to 21:19**
Hardship discharge, **§ 21:18**
Long-term debts, **§ 21:14**
Postpetition consumer debt, **§ 21:15**
Exempt property, **§ 21:5**
Financial management course, **§ 21:4**
Full payment discharge, generally, **§ 21:7**
Grant of discharge, general requirements, **§ 21:3**
Hardship discharge
Generally, **§ 21:8**
Exceptions, **§ 21:16, 21:18**
"Lien-stripping," **§ 21:23**
Long-term debts, exceptions, **§ 21:14**
Personal financial management course, **§ 21:4**
Postpetition consumer debt, **§ 21:15**
Prerequisites to full payment discharge, **§ 21:2**

DISCHARGE—Cont'd
Previous case, receipt of discharge in, **§ 21:6**
Provided for by plan, **§ 21:11**
Receipt of discharge in previous case, **§ 21:6**
Revocation of discharge, generally, **§ 21:10**
Secured claims, **§ 21:21, 21:23**
"Superdischarge," generally, **§ 21:7**
Timing, **§ 21:9**
Unsecured claims, **§ 21:22**

DISCLOSURES
Commencement of case, obligations, **§ 13:8 et seq.**
Projected disposable income test, **§ 8:14 to 8:16**
Rights and powers of debtors, **§ 16:7**

DISCOVERY
Litigation and procedures, **§ 23:5, 23:6**

DISCRIMINATION
See Unfair Discrimination

DISMISSAL
See Conversion or Dismissal of Case

DISPOSABLE INCOME TEST
See Projected Disposable Income Test

DISPUTED DEBTS
Eligibility for relief, **§ 12:9**

DISTRIBUTIONS
Best interest of debtors test, **§ 7:8**
Method of distributing payments to creditors, **§ 4:10**

DISTRICT COURT
Appeals. See Appeals
Litigation and procedures, **§ 23:16**

DOMESTIC SUPPORT OBLIGATIONS
See also Alimony, Maintenance, and Child Support
Automatic stay, **§ 15:17**
Claims. See Priority claims

DOMESTIC SUPPORT OBLIGATIONS—Cont'd
Confirmation requirements, payment of support obligations, **§ 4:28**
Postpetition interest on claim, **§ 7:5**

DRA
See Debt Relief Agency (DRA)

EDUCATION ACCOUNTS
Property of the estate, **§ 14:14**

EDUCATIONAL INSTITUTIONS
Automatic stay, withholding of university transcript, enrollment, or graduation, **§ 15:20**

EDUCATIONAL LOANS
Classification of unsecured claims, **§ 7:12**

EDUCATION EXPENDITURES
Projected disposable income test, **§ 8:46, 8:53**

EDUCATION IRA
Commencement of case, **§ 13:10**

ELECTRONIC FILINGS
Commencement of case, **§ 13:4**

ELIGIBILITY FOR RELIEF
Generally, **§ 12:1 et seq.**
Assessing claims, **§ 12:9**
Assumption of debt, **§ 12:9**
BAPCPA, **§ 12:1 et seq.**
Burden of proof, **§ 12:12**
Calculating debt, **§ 12:8, 12:9**
Case law, ineligibility based on previous, **§ 12:11 et seq.**
Chapter 20 cases, **§ 12:11**
Consequences of filing by ineligible donor, **§ 12:2**
Contingent claims, **§ 12:9**
Debt limitations, **§ 12:8 et seq.**
Debtor requirements, generally, **§ 12:6 et seq.**
Decedents' estates, **§ 12:6**
Dismissal of previous case, ineligibility due to, **§ 12:12, 12:13, 12:15**
Disputed debts, **§ 12:9**
Exigent circumstances, prepetition counseling, **§ 12:5**

ELIGIBILITY FOR RELIEF —Cont'd
Income, individual with regular income, **§ 12:6 et seq.**
Individual with regular income, defined, **§ 12:6 et seq.**
Ineligibility based on previous case law
Generally, **§ 12:11 et seq.**
Dismissal of previous case, **§ 12:12, 12:13, 12:15**
Extension of ineligibility period for filing new case while ineligible, **§ 12:14**
Failure to appear at meeting of creditors, **§ 12:12**
Failure to prosecute, **§ 12:12**
Filing new case while ineligible, **§ 12:14**
Limitations on refilling, dismissal of previous case with, **§ 12:15**
180 day period, **§ 12:12, 12:13**
Refiling limitations, **§ 12:15**
Relief from stay, dismissal "following" filing of motion for, **§ 12:13**
Willful failure to abide by court order, **§ 12:12**
Liquidated claims, **§ 12:9**
New developments, **§ 12:2**
Noncontingent claims, **§ 12:9**
Objections to petitions based on ineligibility for relief, **§ 12:3, 12:3 et seq.**
Prepetition credit counseling briefing, requirement, **§ 12:4 et seq.**
Regular income, individual with
Generally, **§ 12:6, 12:7**
Defined through case law, **§ 12:7**
Restrictions, **§ 12:2 et seq.**
Secured or unsecured claim, determination, **§ 12:10**
Simultaneous cases, **§ 12:11**
Solely owned corporations, **§ 12:6, 12:7**
Sources of regular income, **§ 12:7**
Standing to object, **§ 12:3**
Statutory language problems, **§ 12:13**

ELIGIBILITY FOR RELIEF —Cont'd
Stockholders and commodity brokers, **§ 12:6**
Successive cases, **§ 12:11**
Sufficiency of regular income, **§ 12:7**
Temporary waiver of prepetition counseling, exigent circumstances, **§ 12:5**
Tort claims, **§ 12:9**
Trusts, **§ 12:6**
Unliquidated claims, **§ 12:9**
Unsecured claims, determination, **§ 12:10**
Waiver, **§ 12:3**
Waiver of ineligibility, **§ 12:2**

ESTATE
See also Property of Estate
Creation upon filing, **§ 14:1**

EVIDENCE
Burden of proof. See Burden of Proof
Litigation and procedures, **§ 23:8**

EXECUTORY CONTRACTS AND UNEXPIRED LEASES
Assumption, assignment, or rejection
Generally, **§ 5:2, 5:43**
Classification of unsecured claims, **§ 7:14**
Overview, **§ 5:2**
Requirements in Chapter 13 plan, **§ 5:46**
Time for assumption or rejection, **§ 5:45**
Damages, claims for, rejection of assumed contract or lease, **§ 6:10**
Determination of what is executory contract or unexpired lease, **§ 5:44**
Plan and plan process, **§ 3:1**
Rejection of assumed contract or lease, claims for damages, **§ 6:10**
Rent to own contracts, treatment of, **§ 5:47**

EXEMPTIONS
Property that is exempt, **§ 9:4, 14:2, 14:16, 14:17, 14:22 to 14:24, 21:5**

EXTREME CIRCUMSTANCES JUSTIFYING CONVERSION
Commencement of case, **§ 13:6**

FAILURE TO FILE DOCUMENTS
Commencement of case, **§ 13:11**

FARMERS
Conversion of cases, **§ 20:1**

FEDERAL TAX RETURNS
Commencement of case, **§ 13:12**

FEES
Chapter 13 trustee, **§ 17:5**
Confirmation requirements, payment of required fees, **§ 4:26**
Filing fees, **§ 13:4 et seq.**
Property of the estate, **§ 14:15**

FILING OBLIGATIONS
Commencement of case, **§ 13:8 et seq.**

FILING OF CLAIMS
See Claims

FILING OF PLAN
Generally, **§ 3:1**
Confirmation of plan, **§ 9:1**

FILING THE PETITION
Commencement of case, **§ 13:4**

FINAL JUDGMENT, ORDER, OR DECREE
Appeals, **§ 24:4**

FINANCIALLY DISTRESSED INDIVIDUALS
See also headings under Individual
Chapter 13 alternatives, **§ 2:2 to 2:4**
Circumstances and objectives of, **§ 2:1**

FINANCIAL MANAGEMENT COURSE
Discharge, **§ 21:4**

FINDINGS OF FACT AND CONCLUSIONS OF LAW
Litigation and procedures, **§ 23:16**

FINES
Classification of unsecured claims, **§ 7:13**

FORECLOSURE
Cure rights, effect of foreclosure proceeding, **§ 5:34**
Property of the estate, **§ 14:5**

FORM 22C
Commencement of case, **§ 13:8**

FORM OF PAYMENT
Commencement of case, **§ 13:4**

FORM OF PETITION
Commencement of case, **§ 13:5 et seq.**

FORMULA APPROACH
Value of stream of payments for cram-down purposes, **§ 7:8**

FUNDING OF PLAN
Generally, **§ 4:1 to 4:9**
Assets, sale of, **§ 4:3**
Commencing payments under plan, time for, **§ 4:7**
Extension of time to commence payments, **§ 4:8**
Future earnings or income, submission to trustee, **§ 4:2**
Maximum duration of plan, **§ 4:9**
Other sources, loans or refinancing, **§ 4:5**
Proceeds from claims of debtor and avoidance actions, **§ 4:6**
Transfer of surrender of asset to creditor in lieu of funding claims, **§ 4:4**

GOOD FAITH
Confirmation. See Confirmation of Plan
Postconfirmation modification of plan, **§ 11:8**
Projected disposable income test, **§ 8:24**

HARDSHIP DISCHARGE
Generally, **§ 21:8**
Exceptions, **§ 21:16, 21:18**

HEALTH CARE EXPENDITURES
Projected disposable income test, **§ 8:47**

HEALTH INSURANCE PLANS
Property of the estate, ''spendthrift'' trusts, **§ 14:13**

HEALTH SAVINGS ACCOUNTS
Projected disposable income test, **§ 8:49**

HEARINGS
Confirmation of plan, **§ 9:2, 9:4**
Litigation and procedures, **§ 23:2, 23:8**

HUSBAND AND WIFE
See Spouse

HYPOTHETICAL CHAPTER 7 LIQUIDATION
Best interest of creditors test, **§ 7:7**

INACCURATE OR INCOMPLETE SCHEDULES OF ASSETS
Commencement of case, **§ 13:8, 13:11**

INCOME
See Current Monthly Income Determination; Projected Disposable Income Test; Regular Income

INCOME TAX RETURNS
Commencement of case, **§ 13:12**

INDIVIDUAL DEFINED
Eligibility for relief, **§ 12:6 et seq.**

INDIVIDUAL FILING
Commencement of case, **§ 13:5**

INDIVIDUAL RETIREMENT ACCOUNT, EDUCATION
Commencement of case, **§ 13:10**

INDIVIDUAL WITH REGULAR INCOME
Eligibility for relief, **§ 12:6 et seq.**

INELIGIBILITY BASED ON PREVIOUS CASE LAW
Eligibility for relief, **§ 12:11 et seq.**

IN FORMA PAUPERIS
Commencement of case, **§ 13:4**

INSURANCE
Preconfirmation case administration, **§ 13:13**

INTEREST ON MONEY
Nondischargeable unsecured debt, payment of interest on, **§ 7:1, 7:5**

INTERLOCUTORY ORDERS
Appeals, **§ 24:5**

INTERNET SERVICE EXPENDITURES
Projected disposable income test, **§ 8:48**

JOINT ADMINISTRATION
Commencement of case, **§ 13:5**

JOINT FILING
Commencement of case, **§ 13:5**

JURISDICTION
Generally, **§ 22:1 et seq.**
Current law, **§ 22:3**
Overview, **§ 22:1**
Personal jurisdiction, **§ 22:6**
Prior bankruptcy statutes, **§ 22:2**

JURY TRIALS
Litigation and procedures, **§ 23:13**

LEASE, SALE OR USE OF PROPERTY
Rights and powers of debtors, **§ 16:3, 16:4**

LEASE PAYMENTS
Preconfirmation case administration, **§ 13:13**

LEASES, UNEXPIRED
See Executory contracts and unexpired leases

LIABILITIES
Commencement of case, **§ 13:8, 13:11**

LIENS
Confirmation of plan
Avoidance of lien on exempt property, **§ 9:4**
Lien stripping, additional procedures in connection with, **§ 9:4**
Discharge, ''lien-stripping,'' **§ 21:23**
Secured claims
Avoidance of lien, elimination or reduction of claim, **§ 3:1**
Existence of lien under nonbankruptcy law, **§ 3:1**
Unsecured claims, avoidance of liens, **§ 3:1**
Vesting, cancellation of liens on encumbered property, **§ 4:21**

LIFE INSURANCE
Projected disposable income test, **§ 8:44**
Property of the estate, **§ 14:10, 14:11**

LIFESTYLE
Prefiling lifestyle as good faith factor, **§ 4:38**

LIQUIDATED CLAIMS
Eligibility for relief, **§ 12:9**

LITIGATION AND PROCEDURES
Generally, **§ 23:1 to 23:17**
Adversary proceedings
Generally, **§ 23:4**
Discovery, **§ 23:5**
Pleading, **§ 23:5**
Pretrial procedures, **§ 23:5**
Service of process, **§ 23:7**
Automatic stay, **§ 23:17**
Contested matters
Generally, **§ 23:4**
Pretrial procedures and discovery, **§ 23:6**
Service of process, **§ 23:7**
Determination of issues, **§ 23:11**
Discovery, **§ 23:5, 23:6**
District Court review, **§ 23:16**

LITIGATION AND PROCEDURES —Cont'd
Evidence, **§ 23:8**
Evidentiary hearings, **§ 23:8**
Examination of debtor or other entity under Rule 2004, **§ 23:10**
Findings of fact and conclusions of law, **§ 23:16**
14-day stay of certain orders and judgments, **§ 23:17**
Hearings, **§ 23:2, 23:8**
Introduction to litigation in Bankruptcy Courts, **§ 23:3**
Issues, determination of, **§ 23:11**
Judgment, entry of, **§ 23:11**
Jury trials, **§ 23:13**
Notice, **§ 23:2**
Order, entry of, **§ 23:11**
Pleading, **§ 23:5**
Post-judgment motions, **§ 23:12**
Post-trial motions, **§ 23:12**
Pretrial procedures, **§ 23:5**
Reference, withdrawal of, **§ 23:14**
Removal of proceedings to bankruptcy court, **§ 23:15**
Service of process in adversary proceedings and contested matters, **§ 23:7**
Stay of proceedings, **§ 23:17**
Subpoenas, **§ 23:9**
Trials, **§ 23:8**
Types of proceedings, **§ 23:4**
Withdrawal of reference, **§ 23:14**

LOANS
Repayment of loans from retirement plans, mandatory plan provisions, **§ 4:13**

MEANS TEST
Projected disposable income test compared, **§ 8:4 et seq.**

MEDICAL PROVIDERS
Classification of unsecured claims, **§ 7:14**

MEETING OF CREDITORS
Eligibility for relief, **§ 12:12**
Failure to appear at meeting, **§ 12:12**

MEETING OF CREDITORS —Cont'd
Ineligibility based on previous case law, **§ 12:12**
Notice of meeting, **§ 9:1**
Time of meeting, **§ 9:1**

MISCONDUCT
Prefiling misconduct as good faith factor, **§ 4:38**

MODIFICATION OF PLAN
See Postconfirmation Modification of Plan

NEW DEVELOPMENTS
Eligibility for relief, **§ 12:2**

NONCONTINGENT CLAIMS
Eligibility for relief, **§ 12:9**

NOTICE
Appeals, notice of appeal to district court or bankruptcy appellate panel, **§ 24:2**
Commencement of case. See Commencement of Case
Confirmation of plan, **§ 9:2, 9:4**
Litigation and procedures, **§ 23:2**

OBJECTIONS TO CLAIMS
See Claims

OBJECTIONS TO CONFIRMATION
Grounds, **§ 9:3 to 9:5**

OBJECTIONS TO PETITIONS BASED ON INELIGIBILITY FOR RELIEF
Eligibility for relief, **§ 12:3**

PARTIES IN INTEREST
Creditors, **§ 20:3**
Trustee, **§ 20:3**

PAYMENT ADVICES
Commencement of case, **§ 13:9**

PAYMENTS
Commencement of case, form of payment, **§ 13:4**

PAYMENTS—Cont'd
Confirmation of plan
Domestic support obligations, **§ 4:28**
Fees, payment of, **§ 4:26**
Debtor's plan, commencement of payments, **§ 4:7**
Distributing payments to creditors, **§ 4:10**
Extension of time to commence payments, **§ 4:8**
Order of payment of claims, permissible plan provisions, **§ 4:18**
Plan payments. See Postconfirmation Modification of Plan

PERSONAL FINANCIAL MANAGEMENT COURSE
Discharge, **§ 21:4**

PERSONAL JURISDICTION
Generally, **§ 22:6**

PLAN
Generally, **§ 3:1**
Base plan, **§ 7:2**
Components, basic, **§ 3:1**
Confirmation. See Confirmation of Plan
Contents
Mandatory provisions, **§ 4:11 to 4:13**
Permissible provisions, **§ 4:14 to 4:18**
Debtor's plan, commencement of payments, **§ 4:7**
Discharge, debts provided for by plan, **§ 21:11**
Duration of plan, **§ 4:9**
Filing, **§ 3:1**
Funding. See Funding of Plan
Initial concepts, **§ 3:1**
Modification. See Postconfirmation Modification of Plan
Percentage plan, **§ 7:2**
Postconfirmation modification. See Postconfirmation Modification of Plan
Secured claims, treatment of, **§ 3:1**

PLAN—Cont'd
Unsecured claims. See Unsecured Claims
Vesting, plan provisions. See Property of the Estate

PLEADING
Litigation and procedures, **§ 23:5**

POSTCONFIRMATION MODIFICATION OF PLAN
Generally, **§ 11:1, 11:2**
Ability-to-pay policy and discretion, standard for modification, **§ 11:4**
Acquisition of property, postconfirmation, plan payments, **§ 11:13**
Bankruptcy Reform Act of 1978, **§ 11:1**
''Best interest of creditors'' test, **§ 11:9**
Change in circumstances, **§ 11:3**
Commitment period, plan payments, **§ 11:12**
Curing of defaults, long-term obligations, secured claims, **§ 11:18**
Defaults, plan payments, **§ 11:15**
Discretion and ability-to-pay policy, standard for modification, **§ 11:4**
Early pay-off plan, **§ 11:13**
Good faith requirement, **§ 11:8**
Income, changes in, plan payments, **§ 11:12**
Loss of encumbered property, secured claims, **§ 11:16**
1984 amendments, **§ 11:1**
Plan payments
Acquisition of property, postconfirmation, **§ 11:13**
Commitment period, change in, **§ 11:12**
Defaults, **§ 11:15**
Early pay-off plan, **§ 11:13**
Income, changes in, **§ 11:12**
Projected disposable income test, **§ 11:12**
Reduction in allowed amounts of claims, **§ 11:14**
Value in property, change, **§ 11:13**
Procedure, **§ 11:5**

POSTCONFIRMATION MODIFICATION OF PLAN —Cont'd
Projected disposable income test, plan payments, **§ 11:12**
Reduction in allowed amounts of claims, plan payments, **§ 11:14**
Repossession, secured claims, **§ 11:16**
Requirements under 11 U.S.C.A. § 1329
Generally, **§ 11:6**
"Best interest of creditors" test, **§ 11:9**
Feasibility requirement, **§ 11:10**
Good faith requirement, **§ 11:8**
Limits on duration, **§ 11:11**
Plan content and confirmation requirements, **§ 11:7**
Secured claims
Curing of defaults, long-term obligations, **§ 11:18**
Loss of encumbered property, **§ 11:16**
Repossession, **§ 11:16**
Surrender, **§ 11:16**
Treatment of claim, change in, **§ 11:17**
Standard for modification, discretion and ability-to-pay policy, **§ 11:4**
Surrender, secured claims, **§ 11:16**
2005 amendments, **§ 11:1**
Value in property, change, plan payments, **§ 11:13**

POST-JUDGMENT MOTIONS
Litigation and procedures, **§ 23:12**

POSTPETITION CLAIMS
Generally, **§ 19:1 to 19:8**
Allowability, **§ 19:2**
Alternatives other than through plan, **§ 19:8**
Automatic stay, **§ 19:6**
Consumer debts, **§ 19:4**
Debtors right to incur postpetition debt, **§ 16:9**
Modified plan, **§ 19:5**
Priority, **§ 19:2**
Proof of claim, **§ 19:7**

POSTPETITION CLAIMS—Cont'd
Taxes that "become payable" after filing of petition, **§ 19:3**

POSTPETITION TAX RETURNS
Commencement of case, **§ 13:12**

POST-TRIAL MOTIONS
Litigation and procedures, **§ 23:12**

PRECONFIRMATION CASE ADMINISTRATION
Commencement of case, **§ 13:13 et seq.**

PRECONFIRMATION MODIFICATION OF PLAN
Confirmation of plan, **§ 9:6**

PREPARERS
Commencement of case, **§ 13:3**

PREPETITION CREDIT COUNSELING BRIEFING REQUIREMENT
Eligibility for relief, **§ 12:4 et seq.**

PRETRIAL PROCEDURES
Litigation and procedures, **§ 23:5, 23:6**

PREVIOUS CASE LAW
Eligibility for relief, **§ 12:11 et seq.**

PRINCIPAL RESIDENCE, CLAIM SECURED ONLY BY
Generally, **§ 5:39 to 5:42**
Determination whether claim is secured only by debtor's principal residence, **§ 5:42**
Exception in § 1322(c)(2) to antimodification for residential mortgage claim on which last payment under original payment schedule is due prior to last payment under plan, **§ 5:41**
Modification of protected mortgage, prohibition in § 1322(b)(2), **§ 5:39**
Plan cannot strip down but can strip off protected mortgage, **§ 5:40**

PRIORITY CLAIMS
Generally, **§ 6:11**

PRIORITY CLAIMS—Cont'd
Administrative expenses
Generally, **§ 6:6**
Attorney's fees, debtor's, **§ 6:7**
Failure of adequate protection, claims for, **§ 6:9**
Payment, filing for, **§ 6:13**
Rejection of assumed executory contract or unexpired lease, claims for damages, **§ 6:10**
Treatment of administrative expense and priority claims, requirements for, below
Trustee fees, **§ 6:7**
Unpaid expenses in case prior to conversion to Chapter 13, **§ 6:8**
Assignment of claims, **§ 6:12**
Attorney's fees, debtor's, payment of, **§ 6:5, 6:7**
Bankruptcy Code, claims under, **§ 6:11**
Customs duties entitled to priority, **§ 6:23**
Domestic support obligations
Generally, **§ 6:13**
Definitions, **§ 6:14**
Postpetition interest on claim, **§ 6:15**
Employment taxes entitled to priority, **§ 6:21**
Excise taxes entitled to priority, **§ 6:22**
Full payment, mandatory plan provisions, **§ 4:11**
Full payment of priority claims, general rule of § 1322(a)(2) requiring, **§ 6:2**
Income and gross receipts taxes entitled to priority, **§ 6:18**
Order and timing of payment of administrative expenses and other priority claims under plan, **§ 6:5**
Other priority claims, **§ 6:27**
Penalties related to tax, entitlement to priority, **§ 6:24**
Postpetition interest on priority claims
Generally, **§ 6:4**

PRIORITY CLAIMS—Cont'd
Postpetition interest on priority claims—Cont'd
Domestic support obligations, **§ 6:15**
Projected disposable income test, **§ 8:60 to 8:62**
Proof of claim, filing required, **§ 6:3**
Property taxes entitled to priority, **§ 6:19**
Subrogation of claims, **§ 6:12**
Tax claims
Generally, **§ 6:16**
Conversion or dismissal of case, **§ 20:17**
Customs duties entitled to priority, **§ 6:23**
Dischargeability issues, **§ 6:17**
Employment taxes entitled to priority, **§ 6:21**
Excise taxes entitled to priority, **§ 6:22**
Income and gross receipts taxes entitled to priority, **§ 6:18**
Penalties related to tax, entitlement to priority, **§ 6:24**
Postpetition claims, **§ 19:3**
Priority and nonpriority status of claims secured by tax liens, determination of, **§ 6:26**
Priority of taxes required to be collected or withheld, **§ 6:20**
Property taxes entitled to priority, **§ 6:19**
Suspension of time periods applicable to priority of tax claims, **§ 6:25**
Time periods applicable to priority of tax claims, suspension of, **§ 6:25**
Treatment of administrative expense and priority claims, requirements for
Generally, **§ 6:1 to 6:5**
Attorney's fees, debtor's, payment of, **§ 6:5**
Filing of proof of claim required, **§ 6:3**
Full payment of priority claims, general rule of § 1322(a)(2)

PRIORITY CLAIMS—Cont'd
Treatment of administrative expense and priority claims, requirements for—Cont'd
requiring, **§ 6:2**
Order and timing of payment of administrative expenses and other priority claims under plan, **§ 6:5**
Postpetition interest on priority claims, **§ 6:4**
Treatment under plan, **§ 3:1**
Trustee fees, **§ 6:7**

PROCEDURES
See Litigation and procedures

PROJECTED DISPOSABLE INCOME TEST
Generally, **§ 8:1 to 8:71**
Above median debtors, expenditures of, **§ 8:30 to 8:34**
Alimony and child support, **§ 8:43**
Below median debtors, expenditures of, **§ 8:28, 8:29**
Business expenses, **§ 8:34**
Charitable contributions, **§ 8:50**
Commitment period, **§ 8:65 to 8:67**
Comparison of calculations under means and disposable income tests, **§ 8:7**
Components of disposable income, **§ 8:25 to 8:27**
Confirmation of plan, good faith requirement for, **§ 4:34**
Current monthly income determination, **§ 8:8 to 8:11**
Determination of income and expenditures under means test, **§ 8:6**
Determination of projected disposable income, **§ 8:19 to 8:21**
Disclosures by debtor required, **§ 8:14 to 8:16**
Education expenditures, **§ 8:46, 8:53**
Expenditures, **§ 8:27 et seq.**
Good faith requirement to increase payment, **§ 8:24**
Health care expenditures, **§ 8:47**
Health savings accounts, **§ 8:49**

PROJECTED DISPOSABLE INCOME TEST—Cont'd
Internet service expenditures, **§ 8:48**
Involuntary deductions required for employment, **§ 8:43**
IRS local standards, expenses allowed under, **§ 8:38 to 8:40**
IRS national standards, expenses allowed under, **§ 8:35 to 8:37**
Life insurance allowed as expenditures, **§ 8:44**
Means test relationship to projected disposable income test, **§ 8:4 et seq.**
Median income provisions, **§ 8:12, 8:13**
Non-filing spouse, effect of income and expenditures, **§ 8:70, 8:71**
Post-BAPCPA test, **§ 8:3**
Postconfirmation modification of plan, **§ 11:12**
Pre-BAPCPA test, **§ 8:2**
Priority and administrative claims, **§ 8:60 to 8:62**
Reasonably necessary expenditures, **§ 8:28 et seq.**
Retirement plans, **§ 8:52**
Secured claims, expenditures for, **§ 8:55 et seq.**
Special circumstances, adjustments for, **§ 8:63, 8:64**
Step increases in plan payments, **§ 8:23**
Taxes allowed as expenditures, **§ 8:42**
Tax refunds and bonuses, **§ 8:22**
Telecommunication expenditures, **§ 8:48**
Time of filing petition, effect of, **§ 8:17, 8:18**
Unsecured claims, **§ 7:1 to 7:4**
Unsecured creditors, payments to, **§ 8:68, 8:69**

PROOF OF CLAIMS
See Claims

PROPERTY OF THE ESTATE
Generally, **§ 14:1**
Bank deposits, **§ 14:8**

PROPERTY OF THE ESTATE —Cont'd
Bequests, inheritance, and devise, **§ 14:10**
Bonuses, **§ 14:15**
Causes of action, **§ 14:12**
Choice of law governing exemptions, **§ 14:23**
Commencement of case, interests acquired after, **§ 14:10, 14:21**
Commencement of case, interests owned at, **§ 14:4**
Commissions, **§ 14:15**
Community property, **§ 14:7**
Conversion from Chapter 13 to Chapter 7, **§ 14:3**
Education accounts, **§ 14:14**
Exclusions from property of estate, **§ 14:2, 14:16, 14:17**
Exemptions, generally, **§ 14:2, 14:22 to 14:24**
Express and implied trusts, **§ 14:18**
Federal pensions, **§ 14:19**
Fees, **§ 14:15**
Foreclosed, repossessed, or sold property at judicial tax sale prior to filing of petition, **§ 14:5**
Future or joint interests, **§ 14:6**
Implied and express trusts, **§ 14:18**
Inheritance, **§ 14:10**
Interests acquired after commencement of case, **§ 14:10, 14:21**
Interests owned at commencement of case, **§ 14:4**
Joint or future interests, **§ 14:6**
Legal title, property which debtor holds only, **§ 14:18**
Life insurance proceeds, **§ 14:10, 14:11**
Offspring, **§ 14:21**
"Pawned" property, **§ 14:16**
Performance of services, **§ 14:15**
Postpetition property, **§ 14:10, 14:21**
Powers of appointment, **§ 14:17**
Proceeds, **§ 14:21**
Profits, **§ 14:21**
Recoverable property by trustee, **§ 14:20**
Rents, **§ 14:21**

PROPERTY OF THE ESTATE —Cont'd
Repossessed, foreclosed, or sold property at judicial tax sale prior to filing of petition, **§ 14:5**
Retirement programs, **§ 14:13, 14:19**
Social Security benefits, **§ 14:19**
"Spendthrift" trusts, **§ 14:13**
Stock option agreements, **§ 14:15**
Tax refunds, **§ 14:9**
Vesting of property of estate, plan provisions
Generally, **§ 4:19 to 4:23**
Automatic stay, **§ 4:22**
Cancellation of liens on encumbered property, **§ 4:21**
Effect of confirmation
Generally, **§ 10:11**
Free and clear of claims and interests - § 1327(c), **§ 10:13**
Future vesting approach, **§ 10:12**
Postconfirmation collection activity and modification issues, **§ 10:12**
Sale of property or prosecution of avoidance actions, nonvesting provisions, **§ 4:23**
Transfers of property to creditor in for or partial satisfaction of claim, **§ 4:20**
Wages, **§ 14:15**

RECONVERSION ISSUES
Commencement of case, **§ 13:6**

REGULAR INCOME
Eligibility for relief
Defined through case law, **§ 12:7**
Individual, **§ 12:6, 12:7**

RENT TO OWN
Treatment of contracts, **§ 5:47**

REPOSSESSION
Confirmation, effect of, postconfirmation foreclosure, repossession, or other collection activity, **§ 10:7**

REPOSSESSION—Cont'd
Postconfirmation modification of plan, secured claims, **§ 11:16**

RESIDENCE
Principal residence, treatment of claim secured only by. See Principal residence

RESTITUTION
Classification of unsecured claims, **§ 7:13**

RESTRICTIONS
Eligibility for relief, **§ 12:2 et seq.**

RETIREMENT PLANS
Projected disposable income test, **§ 8:52**
Property of the estate, **§ 14:13, 14:19**
Repayment of loans, mandatory plan provisions, **§ 4:13**

RIGHTS AND POWERS OF DEBTORS
Generally, **§ 16:1 to 16:9**
Avoidance powers, **§ 16:6**
Business credit, **§ 16:8**
Confirmation of plan, effect of confirmation, **§ 10:10**
Disclosure, **§ 16:7**
Judicial estoppel, **§ 16:7**
Nonbankruptcy causes of actions, **§ 16:5**
Possession of property, **§ 16:2**
Postpetition debt, **§ 16:9**
Use, sale, or lease of property, **§ 16:3, 16:4**

SALE, USE OR LEASE OF PROPERTY
Rights and powers of debtors, **§ 16:3, 16:4**

SCHEDULES, FILING OBLIGATIONS
Commencement of case, **§ 13:8**

SECTION 342 DISCLOSURES
Commencement of case, **§ 13:1**

SECURED CLAIMS
Generally, **§ 5:1, 5:3**

SECURED CLAIMS—Cont'd
Amount of claim, bifurcation principle and "lien stripping," **§ 5:5**
Confirmation of plan, binding effect of confirmation, **§ 10:6**
Cram down. Modification and cram down principles, below
Determination of secured status, **§ 5:3 to 5:7**
Discharge, **§ 21:21, 21:23**
Eligibility for relief, **§ 12:10**
Hanging paragraph, application and effects
Generally, **§ 5:20**
Deficiency claim upon surrender of collateral, **§ 5:24**
Motor vehicle acquired for debtor's personal use, **§ 5:23**
Purchase money security interest, requirement of, **§ 5:22**
Secured claim, interest, and adequate protection, **§ 5:21**
Lien avoidance, elimination or reduction of secured claim, **§ 5:7**
Lien under nonbankruptcy law, existence of, **§ 5:4**
Modification and cram down principles, generally applicable
Generally, **§ 5:10**
Claim modified under § 1322(b)(2), payments must be completed within term of plan, **§ 5:13**
Lien, secured creditor must retain, **§ 5:11**
Payment of value of secured claim, interest, **§ 5:12**
Modified secured claim, payment through other than periodic payments
Balloon payments under plan, **§ 5:18**
Partial surrender or transfer, **§ 5:19**
Sale or refinancing of encumbered property, **§ 5:18**
Surrender or transfer of encumbered property as full satisfaction of debt, **§ 5:19**

SECURED CLAIMS—Cont'd
Modified secured claim, payment through periodic payments
Generally, **§ 5:14**
Equal monthly amounts, **§ 5:17**
Holders of claims secured by personal property, periodic payments must provide adequate protection, **§ 5:15**
Purchase money security interest in personal property, requirement of preconfirmation adequate protection for claims secured by, **§ 5:16**
Non-cram down methods
Acceptance of plan by secured creditor, **§ 5:8**
Surrender of encumbered property as treatment of secured claim, **§ 5:9**
Postconfirmation modification of plan
Curing of defaults, long-term obligations, **§ 11:18**
Loss of encumbered property, **§ 11:16**
Repossession, **§ 11:16**
Surrender, **§ 11:16**
Treatment of claim, change in, **§ 11:17**
Principal residence, treatment of claim secured only by. See Principal residence
Projected disposable income test, **§ 8:55 et seq.**
Treatment under plan, **§ 3:1, 10:6**
Valuation of encumbered property, **§ 5:6**

SELF-EMPLOYED DEBTOR
Preconfirmation case administration, additional disclosure and reporting requirements, **§ 13:18**

SERVICE OF PROCESS
Litigation and procedures, **§ 23:7**

SETOFF
Stay, **§ 15:15**

SIGNATURE REQUIREMENTS
Commencement of case, **§ 13:4**

SIMULTANEOUS CASES
Eligibility for relief, **§ 12:11**

SOCIAL SECURITY BENEFITS
Automatic stay, withholding of benefits, **§ 15:22**
Property of the estate, **§ 14:19**

SOLELY OWNED CORPORATIONS
Eligibility for relief, **§ 12:6, 12:7**

SOURCES OF REGULAR INCOME
Eligibility for relief, **§ 12:7**

SOVEREIGN IMMUNITY
Generally, **§ 22:7**

SPOUSE
Commencement of case, joint administration of spouses estates, **§ 13:5**

STANDING TO OBJECT
Eligibility for relief, **§ 12:3**

STATEMENT OF FINANCIAL AFFAIRS
Commencement of case, **§ 13:8**

STATUTORY LANGUAGE PROBLEMS
Eligibility for relief, **§ 12:13**

STAYS
Generally, **§ 23:17**
Appeal, stay pending, **§ 24:9**
Codebtor stay, permissible plan provisions, **§ 4:15, 4:17**

STOCKHOLDERS AND COMMODITY BROKERS
Eligibility for relief, **§ 12:6**

STOCK OPTION AGREEMENTS
Property of the estate, **§ 14:15**

STUDENT LOANS
Classification of unsecured claims, **§ 7:12**

SUBORDINATION
Unsecured claims, **§ 7:14**

SUBPOENAS
Litigation and procedures, **§ 23:9**

SUBROGATION
Priority claims, **§ 6:12**

SUBSTANTIVE CONSOLIDATION
Commencement of case, **§ 13:5**

SUCCESSIVE CASES
Eligibility for relief, **§ 12:11**

SUFFICIENCY OF REGULAR INCOME
Eligibility for relief, **§ 12:7**

TAX CLAIMS
Priority. See Priority claims

TAX REFUNDS
Automatic stay, **§ 15:15**
Projected disposable income test, **§ 8:22**
Property of the estate, **§ 14:9**

TAX RETURNS
Commencement of case, **§ 13:12**
Confirmation requirements, filing of tax returns, **§ 4:29**

TELECOMMUNICATION EXPENDITURES
Projected disposable income test, **§ 8:48**

TEMPORARY WAIVER OF PREPETITION COUNSELING, EXIGENT CIRCUMSTANCES
Eligibility for relief, **§ 12:5**

TIME
Assumption, assignment, or rejection, time for, **§ 5:45**
Commencement of case, **§ 13:1**
Conversion or dismissal of case, times for filing proof of claim, **§ 20:3**
Cure of default, **§ 7:4**
Discharge, timing of, **§ 21:9**
Effective date of plan for purpose of best interests test, **§ 7:9**
Extension of time to commence payments, **§ 4:8**

TIME—Cont'd
Meeting of creditors, **§ 9:1**
Notice, confirmation of plan, **§ 9:2**
Objection to confirmation, **§ 9:5**
Plan payments, commencement of, **§ 4:7, 4:8**
Priority tax claims, suspension of time periods applicable to, **§ 6:25**
Projected disposable income test, **§ 8:17, 8:18**
Unsecured creditors, payments to, **§ 7:3**

TORT CLAIMS
Eligibility for relief, **§ 12:9**

TRIALS
Litigation and procedures, **§ 23:8**

TRUSTEE
Chapter 13 trustee
Generally, **§ 13:16, 17:1 to 17:6**
Appointment, **§ 17:2**
Compensation, **§ 17:5**
Duties, **§ 17:3**
Fees, **§ 17:5**
Liability of trustee, **§ 17:6**
Powers, **§ 17:4**
Removal, **§ 17:2**
Eligibility for relief, **§ 12:6**

TRUSTS
Eligibility for relief, **§ 12:6**
Property of the estate
Express and implied trusts, **§ 14:18**
"Spendthrift" trusts, **§ 14:13**

TURNOVER OF PROPERTY
See Automatic Stay

UNEXPIRED LEASES
See Executory contracts and unexpired leases

UNFAIR DISCRIMINATION
Unsecured creditors, **§ 7:1, 7:10 to 7:14**

UNITED STATES TRUSTEE AUDITS
Preconfirmation case administration, **§ 13:17**

UNLIQUIDATED CLAIMS
Eligibility for relief, **§ 12:9**

UNSECURED CLAIMS
Best interests of creditors test, **§ 7:2, 7:6 to 7:9**
Defined, **§ 7:1**
Discharge, **§ 21:22**
Eligibility for relief, **§ 12:10**
Projected disposable income test, **§ 8:68, 8:69**
Treatment under plan
Generally, **§ 7:1 et seq.**
Assumed leases, **§ 7:14**
Avoidance of liens, **§ 3:1**
Bad checks, **§ 7:13**
Classification of unsecured claims, **§ 7:10 to 7:14**
Cosigned debts, **§ 7:11**
Criminal restitution and fines, **§ 7:13**
Cure of default, **§ 7:1, 7:4**
General unsecured claims, **§ 3:1**
Interest on nondischargeable debt, **§ 7:5**
Medical providers, **§ 7:14**

UNSECURED CLAIMS—Cont'd
Treatment under plan—Cont'd
Modification of unsecured creditor's rights, **§ 7:1 to 7:3**
Priority claims, **§ 3:1**
Student loans, **§ 7:12**
Subordination of claims, **§ 7:14**

USE, SALE, OR LEASE OF PROPERTY
Rights and powers of debtors, **§ 16:3, 16:4**

UTILITY SERVICE CLAIMS
Preconfirmation case administration, **§ 13:14**

VALUATION
Best interest of creditors test, **§ 7:8**
Encumbered property, **§ 5:6**

VENUE
Litigation and procedures, **§ 22:5**

VESTING OF PROPERTY UNDER PLAN
See Property of the Estate

WAIVER
Eligibility for relief, **§ 12:2, 12:3**