

Index

ABANDONMENT

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

ABANDONMENT OF PROPERTY OF ESTATE

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

ABANDONMENT OF PROPERTY OF ESTATE —Cont'd

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

**ABANDONMENT OF
PROPERTY OF ESTATE**

—Cont'd

- Governing law, § **12:139, 12:140, 12:153**
- Grain assets, expedited determination of interests in and abandonment or other disposition of, § **12:133**
- Hazardous or toxic wastes, § **12:139 to 12:141**
- Hearing. Notice, below
- Homestead, abandonment of, exemptions, § **13:62**
- Imminent danger to public health and safety, § **12:140, 12:141**
- Implied power of trustee to abandon property, § **12:116, 12:140**
- Income
 - burdensomeness, income-producing ability as affecting determination of, § **12:118**
 - debtor's entitlement to earnings from abandoned property, § **12:125**
- Indenture trustee, notice and hearing on abandonment of property, § **12:129**
- Individual debt adjustment plans, confirmation, § **31:28**
- Intent, § **12:129**
- Investigation, determination of presence of hazardous wastes, § **12:141**
- Junior lienholder, equity in property sufficient to secure debt of, § **12:128**
- Jurisdiction, § **7:79, 12:151, 12:153**
- Liens and encumbrances, § **12:42**
- Limitations, § **12:118 to 12:120, 12:129, 12:140**
- Liquidation. See lines throughout this topic

**ABANDONMENT OF
PROPERTY OF ESTATE**

—Cont'd

- Maintenance costs, determination of burdensome property, § **12:118**
- Methods of abandonment, § **12:116**
- Midlantic decision, hazardous or toxic wastes, § **12:140**
- Motions, § **12:127, 12:129, 12:152**
- Nature of proceeding, § **12:127**
- Notice
 - generally, § **1:133, 12:129, 12:132, 12:134**
 - burdensome property, § **12:116**
 - compelled abandonment, § **12:130**
 - deemed abandonment, § **12:129**
 - foreclosure, § **12:125**
 - incorporation of notice of abandonment of property into notice of meeting of creditors, § **12:129**
 - indenture trustee, § **12:129**
 - objections to proposed abandonment, § **12:129, 12:132**
 - railroad line, abandonment, § **12:134, 12:135**
 - renoticing, § **12:130**
 - U. S. trustee, § **4:107**
- Nunc pro tunc, revestment of property in debtor, § **12:125**
- Objections, § **12:129, 12:131, 12:132**
- Operation of business, § **15:2**
- Orders
 - exceptions, deemed abandonment, § **12:123**
 - supersedeas bond, stay of enforcement of suspension of railroad line, § **12:137**
 - trustee, abandonment of property, § **12:116**

INDEX

**ABANDONMENT OF
PROPERTY OF ESTATE**

—Cont'd

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

**ABANDONMENT OF
PROPERTY OF ESTATE**

—Cont'd

- 12:127 to 12:132**
- Scheduling of property, effect on deemed abandonment, § **12:121, 12:122**
- Service of process and papers, objections to abandonment, § **12:131**
- Size and nature of claim, § **23:28**
- Standing, § **12:128**
- State law
 - environmental laws, § **12:139, 12:140**
 - threshold determination of debtor's interest in property, § **12:153**
- Surrender of Property (this index)
- Suspension of railroad service pending appeal, § **12:137**
- Time or date
 - contingent asset to estate, payment, § **12:123**
 - employees of railroad, payment, § **12:138**
 - grain assets, expedited procedures, § **12:133**
 - nunc pro tunc, revestment of property in debtor, § **12:125**
 - objection to proposed abandonment, § **12:131**
- Title, effect of abandonment on transfer of, § **12:124**
- Toxic waste, § **12:139 to 12:141**
- Trustee
 - generally, § **12:116**
 - compensation, § **5:89**
 - release, § **12:125**
- Turnover of property, § **14:85**
- Turnover of Property (this index)
- U. S. trustees, § **4:107**
- Unadministered property, § **12:116, 12:121**

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

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

**ABANDONMENT OF
RAILROAD LINE**

- Railroad Reorganization (this index)

ABILITY TO PAY

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

ABROGATION OF STATE LAW

- Scope of congressional bankruptcy power, § **1:10**

ABSENCE OR PRESENCE

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

ABSOLUTE PRIORITY RULE

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

ABSTENTION

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

ABSTENTION—Cont'd

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

INDEX

ABSTENTION—Cont'd

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

ABSTENTION—Cont'd

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

ABUSE OF PERSON

Harassment (this index)

ABUSE OF PROCESS

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

ACCELERATION

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

ACCEPTANCE

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

ACCEPTANCE—Cont'd

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

ACCESS TO INFORMATION

- Information (this index)

ACCIDENT AND HEALTH CLAIMS OR BENEFITS

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

ACCOMMODATION PARTIES

- Codebtor Stay (this index)

ACCORD AND SATISFACTION

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

ACCOUNTABILITY FOR PROPERTY

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

ACCOUNTANTS

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

ACCOUNTANTS—Cont'd

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

ACCOUNTS AND ACCOUNTING

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

INDEX

ACCOUNTS AND

ACCOUNTING—Cont'd

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

ACCOUNTS RECEIVABLE

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

ACCREDITATION OF COLLEGE

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

ACCRUAL BASIS CORPORATION

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

ACQUISITION OF PROPERTY, RIGHT, OR INTEREST

- Sale or Transfer (this index)

ACT

- Bankruptcy Act of 1898 (this index)

ACTS OF BANKRUPTCY

- Abolition of concept, § **9:65**

ADDITIONAL LIENS

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

ADDITION OF CLAIMS

- Reopening cases, § **36:17**

ADDITION OF CREDITORS

- Reopening cases, § **36:16**

ADDRESS

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

ADDRESS—Cont'd

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

ADEQUATE ASSURANCE

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

ADEQUATE INFORMATION

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

ADEQUATE PROTECTION

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

ADEQUATE PROTECTION

—Cont'd

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

INDEX

ADEQUATE PROTECTION

—Cont'd

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

ADEQUATE PROTECTION

—Cont'd

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

ADEQUATE PROTECTION**—Cont'd**

Individual debt adjustment plans, § **31:62**

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

Insurance, § **21:54, 21:59 to 21:61**

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

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

Inventory, § **21:23, 21:55, 21:64**

Junior liens, § **21:55**

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

Liens

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

Liquidation, § **21:23, 21:24, 21:26**

Loans or credit, § **21:8**

Lost opportunity costs, § **21:49**

Maintenance of property, § **21:63**

Money or cash

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

Monitoring plan, § **21:65**

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

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

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

Obtaining credit, § **21:8**

Offer to make payments, § **21:54**

ADEQUATE PROTECTION**—Cont'd**

Orders of court. Prior court order, below

Oversecured claims, § **21:17, 21:44**

Parties

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

Payment

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

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

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

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

Policy bases, § **21:2**

Preservation of status quo, § **21:3**

Presumptions and burden of proof, § **21:69**

Prior court order

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

Priorities, § **21:36, 21:37, 21:58**

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

Property insurance, § **21:59**

Proposal of adequate protection, § **21:66**

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

Redemption, § **12:109**

Rehabilitation, § **21:34**

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

Reorganization plans, liquidation plans, § **26:14**

Reorganization (this index)

INDEX

ADEQUATE PROTECTION

—Cont'd

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

ADEQUATE PROTECTION

—Cont'd

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

ADJOURNMENT

- Continuance of Action or Proceeding (this index)

ADJUSTMENT

- See more specific topics

ADMINISTRATIVE AGENCIES

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

ADMINISTRATIVE AGENCIES

—Cont'd

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

**ADMINISTRATIVE
CONVENIENCE CLASS**

- Reorganization plans, § 26:40

ADMINISTRATIVE EXPENSES

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

ADMINISTRATIVE EXPENSES

—Cont'd

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

INDEX

ADMINISTRATIVE EXPENSES

—Cont'd

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

ADMINISTRATIVE EXPENSES

—Cont'd

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

ADMINISTRATIVE EXPENSES

—Cont'd

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

ADMINISTRATIVE HOLDS OR FREEZES

- Automatic stay setoff rights, § 25:18

ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

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

ADMINISTRATIVE POWERS

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

ADMINISTRATIVE PROCEDURE ACT

- Railroad reorganization plans, § 26:35

ADMINISTRATIVE PROCEEDINGS

- Particular proceedings, see more specific topics

ADMINISTRATORS

- Estate Administrators (this index)
- Fiduciaries (this index)

ADMIRALTY

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

ADVANCES

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

ADVERSARY PROCEEDINGS

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

ADVERSE INTEREST

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

ADVERTISING

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

INDEX

ADVERTISING—Cont'd

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

ADVERTISING AGENCY

- Automatic stay, § 16:38

AFDC BENEFITS

- Aid to Families with Dependent Children (this index)

AFFIDAVITS

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

AFFILIATES

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

AFFIRMATION

- Oath or Affirmation (this index)

AFFIRMATIVE DEFENSES

- Defenses (this index)

AFTER-ACQUIRED PROPERTY

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

AFTER-ACQUIRED PROPERTY

—Cont'd

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

AFTER-ACQUIRED PROPERTY

—Cont'd

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

AFTER-ACQUIRED PROPERTY

—Cont'd

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

AFTER NOTICE AND HEARING

- Defined, § 1:87, 5:26, 23:35

AGE

- Children (this index)

AGE DISCRIMINATION IN EMPLOYMENT ACT

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

AGENCIES OF GOVERNMENT

- Administrative Agencies (this index)

AGENTS

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

INDEX

AGENTS—Cont'd

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

AGREEMENTS

- Contracts and Agreements (this index)

AGRI-BUSINESSES

- Farmers and Farm Products (this index)

AGRICULTURAL

CONSERVATION PLAN

- Family farmer debt adjustment plans, § 33:34

AGRICULTURAL SUBSIDIES

- Discriminatory treatment of debtor, § 6:32

AGRICULTURE

- Farmers and Farm Products (this index)

AGRONOMIC FEASIBILITY

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

AID OR ASSISTANCE

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

AID TO FAMILIES WITH DEPENDENT CHILDREN

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

AIRCRAFT EQUIPMENT

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

AIRCRAFT EQUIPMENT SETTLEMENT LEASES ACT

- Generally, § 15:25, 16:123

AIRPORT LEASES AND LANDING SLOTS

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

ALABAMA

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

ALASKA

- Opt-out provision, § 13:6

ALCOHOLIC BEVERAGES

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

ALIAS

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

ALLEGATIONS

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

ALLOCATION OF PAYMENT DOCTRINE

- Withholding taxes, § **3:63**

ALLOWANCE OF CLAIMS OR INTERESTS

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

ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

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

INDEX

ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

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

ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

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

ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

- Contingent or unmatured claims, generally, § **24:21, 24:33, 24:36, 24:50**
- Continuation of business or financial transaction of debtor, § **24:86, 24:93**
- Contracts and agreements
 - breach of executory contracts, claims for, § **24:21, 24:29, 24:35, 24:46**
 - consideration, claims based on, § **24:33**
 - employment contracts, below
 - executory contracts and unexpired leases, § **24:21, 24:29, 24:35, 24:46**
 - leases, below
 - mortgage or indenture trustee, administrative expenses of, § **24:71, 24:72**
 - presumption of contract price as reasonable administrative expenses, § **24:60**
 - rejection or breach, claim based on, § **24:21, 24:29, 24:35, 24:46**
 - secured or unsecured claims, below
 - specific performance, claims subject to, § **24:22**
- Contribution, claims for, § **24:105**
- Conversion from other bankruptcy cases to Chapter 7, § **24:55**
- Core proceedings, § **24:17**
- Corn, grain as including, § **24:72**
- Corporate officers, personal debts of, § **24:33**
- Costs and expenses
 - generally, § **24:53 to 24:93**
 - Administrative Expenses (this index)
 - advertising costs, § **24:58**
 - attorneys' fees, above

ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

- Costs and expenses—Cont'd
 - benefit requirement of expense claim, § **24:57, 24:89 to 24:93**
 - collateral. Costs and expenses of preserving or disposing of collateral, below
 - consent or approval, above
 - creditors' expenses, § **24:68 to 24:74**
 - fees and charges, below
 - hazardous waste, removal or cleanup of, § **24:61**
 - Insurance and Insurance Companies (this index)
 - leases, below
 - lost opportunity costs, § **24:36**
 - medical benefits and expenses, § **24:26, 24:27, 24:62**
 - preservation of assets, administrative expenses, § **24:53, 24:58 to 24:61, 24:72**
 - preserving collateral. Costs and expenses of preserving or disposing of collateral, below
 - professional persons, below
 - Reorganization Plans (this index)
 - repair costs, below
 - storage costs and expenses, § **24:73**
 - telephone advertising, § **24:56**
 - witness mileage, § **24:77**
- Costs and expenses of preserving or disposing of collateral
 - generally, § **24:83 to 24:97**
 - actual benefit requirement, § **24:90**
 - administrative expenses, § **24:95**
 - attorneys' fees, § **24:94**

INDEX

ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

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

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

ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

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

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

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

Court or judge

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

Federal Rules of Civil Procedure, § 24:102

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

protection orders, § 24:11

Creditors

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

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

Crimes and offenses

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

Crops, § 24:73

Custodians, § 24:75

Date. Time or date, below

Death benefits for retirees, § 24:62

Debtors

- codebtors, above

ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

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

ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

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

INDEX

ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

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

ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

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

ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

Guarantors, § 24:43, 24:50 to 24:52

Hazard insurance as administrative expense, § 24:57

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

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

Hearings. Notice and hearing, below

Hospital care benefits for retirees, § 24:62

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

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

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

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

Including, defined, § 24:55

Income tax claims, § 24:21, 24:25

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

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

Individual Debt Adjustment (this index)

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

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

Insider, claims of, § 24:38

Inspection of report of investigation of debtor's financial

ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

affairs, § 24:11

Insurance and Insurance Companies (this index)

Interested parties. Parties or persons in interest, below

Interest on money generally, § 24:36
tax claims, § 24:65
usury claim, § 24:33

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

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

Involuntary gap creditors, § 24:28

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

Jingle rule relating to partnership creditors, § 24:23

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

Judge. Court or judge, above

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

Junior mortgages, § 24:92

Jurisdiction, § 7:29, 7:82 to 7:85

Knowledge. Notice and hearing, below

Labor contracts. Employment contracts, above

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

Landlord and tenant. Leases, below

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

INDEX

ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

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

ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

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

ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

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

ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

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

INDEX

ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

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

ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

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

ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

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

ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

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

INDEX

ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

Soybeans, grain as including, § 24:72

Specific performance, claims subject to, § 24:22

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

Spouses. Husband and wife, above

Standard of proof, § 24:20

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

State law, § 24:34, 24:61

Statements. Reports or statements, above

Statutory limitations on administrative expenses, § 24:86

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

Storage costs and expenses, § 24:73

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

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

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

Superpriority claims, § 24:55, 24:78

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

Support and maintenance of persons, § 24:39

Sureties, § 24:50 to 24:52

Surgical benefits for retirees, § 24:62

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

Tax claims
administrative expenses,

ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

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

employment tax claims, § 24:47, 24:64

income tax claims, § 24:22, 24:25

leases, damages for termination of, § 24:40

objections to claims, § 24:21

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

property tax claims, § 24:31, 24:37

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

tax penalties, § 24:25, 24:65

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

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

Telephone advertising, § 24:56

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

Temporary allowance or disallowance for purpose of accepting or rejecting reorganization plan, § 27:27, 27:35

Tenant and landlord. Leases, above

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

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

lease claims, § 24:29, 24:40 to 24:43

reconsideration of allowed or disallowed claim, above

ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

- Termination pay as administrative expenses, § **24:58**
- 30-day notice requirement, § **24:19**
- Three-part test of entitlement to recover expenses of preserving or disposing of collateral, § **24:86**
- Time or date
 - attorneys' fees, statement as to, § **24:38**
 - contingent claims, generally, § **24:22, 24:33, 24:36, 24:50**
 - employment contract, determining damages for termination of, § **24:44**
 - inspection of investigation report of debtor's financial affairs, § **24:11**
 - motion for reconsideration of allowed or disallowed claim, § **24:104**
 - nunc pro tunc approval for expenses to recover property for benefit of estate, § **24:69**
 - objections to allowance of claims, § **24:18**
 - rents due in future, calculation of damages for, § **24:40**
 - unmatured claims, generally, § **24:22, 24:33, 24:36, 24:50**
 - untimely claims, § **24:48**
- Toxic substances and chemicals, expenses of removal or cleanup of, § **24:61**
- Transfer. Sale or transfer, above
- Travel expenses of witnesses, § **24:77**
- Trustees and examiners
 - Administrative Expenses (this index)

ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

- Trustees and examiners—Cont'd
 - Compensation (this index)
 - cost of preserving or disposing of collateral, § **24:94**
 - counterclaim by trustee, § **24:15**
 - effect of refusal to object to claims, § **24:13, 24:14**
 - objections to claims, § **24:11, 24:12**
 - reconsideration of allowed claim by trustee, § **24:98**
 - reports of crimes by trustee, § **24:69**
 - voting for trustee, § **24:14**
- Two-step test as to expenses of preserving or disposing of collateral, § **24:86**
- Uncertain benefit of cost of preserving or disposing of collateral, § **24:92**
- Unconscionable nature of claim, § **24:33**
- Unemployment insurance taxes, § **24:47**
- Unenforceable claims, § **24:33 to 24:35**
- Union contracts, breach of, § **24:22, 24:29, 24:46**
- Unliquidated claims, generally, § **24:22, 24:33, 24:50**
- Unmatured claims, generally, § **24:21, 24:33, 24:36, 24:50**
- Usury claim, § **24:33**
- Vacation pay as administrative expenses, § **24:58**
- Value
 - going-concern value, § **24:86, 24:93**
 - lease value for purposes of reasonable administrative expenses, § **24:60**
 - preservation of assets, above
 - property tax claim in excess of value, § **24:37**

INDEX

ALLOWANCE OF CLAIMS OR INTERESTS—Cont'd

Value—Cont'd

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

Voidable transfers, § 24:30, 24:49

Voting. Election or voting, above

Wages. Compensation (this index)

Waiver. Estoppel or waiver, above

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

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

Wheat, grain as including, § 24:72

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

Witness fees and mileage, § 24:77

Words and phrases, see specific lines throughout this topic

Written objection to allowance of claim, § 24:15

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

ALL WRITS ACT

Generally, § 7:149

ALTERATION

Change or Modification (this index)

ALTER EGO

Actions to pierce corporate veil, § 12:30

Automatic stay, § 16:51

Causes of action, § 12:30

Reverse piercing of corporate veil, § 14:39

Turnover of property, § 14:39

ALTERNATIVE DISPUTE RESOLUTION PROCESS

Arbitration (this index)

Injunctions, § 16:221

ALTERNATIVE DISPUTE RESOLUTION PROCESS

—Cont'd

Mediation procedures, § 37:77

Reorganization plans, § 26:32

ALTERNATIVE GROUNDS FOR RELIEF FROM STAY

Automatic stay, § 16:153

ALTERNATIVES TO BANKRUPTCY

Generally, § 1:33 to 1:36

Alternative Dispute Resolution Process (this index)

AMENDMENTS

Allowance of Claims or Interests (this index)

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

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

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

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

Discharge complaints, § 35:43

Discharge (this index)

Disclosure statements, § 27:18

Exemptions (this index)

Involuntary bankruptcy, § 9:44, 9:45

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

Pleadings, § 7:40, 9:45

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

Reorganization plans, § 26:18

Schedules, § 8:96 to 8:105

Voluntary bankruptcy, § 8:22, 8:46

AMICUS CURIAE

APPEARANCES OR BRIEF

Appeals, filing, § 37:68

AMICUS CURIAE

**APPEARANCES OR BRIEF
—Cont'd**

Involuntary bankruptcy, § 9:62

AMORTIZATION

Adequate protection, § 21:44

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

Tax treatment of discharge, § 3:12

AMOUNT IN CONTROVERSY

Jury trial, § 7:174

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

Generally, § 16:223, 33A:1 to
33A:26

Access of foreign representatives
and creditors

to Chapter 15 case, § 33A:14
to court, § 33A:10 to 33A:14

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

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

Commencement of case
generally, § 33A:5

Chapter 15 case after recogni-
tion, § 33A:22
under section 301 or 303,
§ 33A:12

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

Coordination

Chapter 15 case and foreign
proceeding, § 33A:23
more than one foreign proceed-
ing, § 33A:24

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

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

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

Definitions, § 33A:3

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

Eligibility to be debtor, § 1:47

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

Interpretation of Chapter 15,
§ 33A:9

Jurisdiction, § 33A:11

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

Payment rule in concurrent
proceedings, § 33A:26

Petition, generally, § 33A:5

Presumption of insolvency,
§ 33A:25

Public policy exception, § 33A:7

Purpose and scope, § 33A:1

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

effect of recognition, § 33A:17
order granting recognition,
§ 33A:16

relief granted upon recognition,
§ 33A:18

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

Scope, § 33A:1

Treaty obligations, § 33A:4

Trustees

authorization to act, § 33A:6
cooperation with foreign courts
and representatives,
§ 33A:20

**ANCILLARY CASES UNDER
PRE-BAPCPA LAW**

Foreign Countries or Proceedings
(this index)

INDEX

ANIMALS

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

ANIMOSITY

- Judges, § 4:32

ANNUALIZATION OF INCOME

- Taxation, § 3:34

ANNUAL MEETINGS

- Judges, § 4:23

ANNUAL NET INCOME

PROJECTION

- Family farmer debt adjustment plans, § 33:47

ANNUITIES

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

ANNULMENT

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

ANSWER

- Involuntary Bankruptcy (this index)

ANTECEDENT DEBT

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

ANTI-ALIENATION CLAUSE

- Spendthrift Trusts (this index)

ANTI-ASSIGNMENT

PROVISIONS OF SOCIAL SECURITY ACT

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

ANTI-COMPETITION CLAUSE

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

ANTIDEFICIENCY LAWS

- Allowance of claims or interest, § 24:33

ANTI-INJUNCTION STATUTE

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

ANTITRUST

- Clayton Act waiting period, § 1:139

APPAREL

- Wearing Apparel (this index)

APPEAL AND REVIEW FORMS

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

APPEAL PANELS

- Appeals (this index)

APPEALS

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

APPEALS—Cont'd

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

APPEALS—Cont'd

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

INDEX

APPEALS—Cont'd

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

APPEALS—Cont'd

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

APPEALS—Cont'd

- Diligent prosecution of appeals, § **37:49**
- Direct appeal certified to Court of Appeals, § **37:14**
- Disclosure statement, order approving, § **37:8**
- Discretion of court, abuse of discretion standard of review, § **37:24**
- Dismissal of appeal
 - involuntary dismissal, § **37:49**
 - voluntary dismissal, § **37:50**
- Disqualification, § **37:29**
- District Courts (this index)
- Diversity suit, order denying stay, § **37:12**
- Dockets, Bankruptcy Appellate Panels and district courts, § **37:62**
- Dockets, Bankruptcy Appellate Panels and District Courts, § **37:38, 37:61**
- Emergency motions, § **37:71**
- Estoppel. Waiver, below
- Excusable neglect, extension of time for filing notice of appeal, § **37:42**
- Exemptions, appealable orders, § **37:7, 37:12**
- Expenses. Costs, above
- Experts, finality of orders, § **37:12**
- Extension of time
 - Bankruptcy Appellate Panels and district courts, § **37:41 to 37:43, 37:63, 37:64**
 - briefs, filing, § **37:63, 37:64**
 - notice of appeal, filing, § **37:41 to 37:43**
- Federal rules of appellate procedure. Rules of Appellate Procedure (this index)
- Fees. Costs, above
- Filing
 - generally, § **37:69**

APPEALS—Cont'd

- Filing—Cont'd
 - Bankruptcy Appellate Panels and district courts, § **37:37 to 37:40, 37:58, 37:59, 37:63, 37:64, 37:69**
 - briefs, filing and service of, § **37:63, 37:64**
 - fees, § **37:2**
 - notice of appeal, § **37:37 to 37:40**
 - record on appeal, § **37:58, 37:59**
- Final judgments and orders, generally, § **37:4 to 37:8**
- Foreclosure order, appealability of, § **37:7**
- Forma pauperis, § **37:3**
- Form requirements of briefs, § **37:65**
- Fraudulent transfers and concealment of assets, § **19:115**
- Harmless error
 - generally, § **37:25**
 - captions, § **1:76**
- Hearings. Notice and hearing, below
- Indigent persons, § **37:3**
- Individual debt adjustment plans, confirmation of, § **31:49**
- Inferences, § **37:19, 37:20**
- In forma pauperis, § **37:3**
- Injunctions
 - appealable orders, § **37:7**
 - Court of Appeals, § **37:83**
 - execution on supersedeas bonds, § **7:165**
- Interlocutory orders
 - generally, § **37:9 to 37:13**
 - Bankruptcy Appellate Panels and district courts, § **37:47, 37:48**
 - consent, § **37:9, 37:81**
 - Court of Appeals, § **37:13, 37:81**

INDEX

APPEALS—Cont'd

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

APPEALS—Cont'd

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

APPEALS—Cont'd

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

APPEALS—Cont'd

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

INDEX

APPEALS—Cont'd

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

APPEARANCE

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

APPEARANCE—Cont'd

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

APPELLATE PANELS

- Appeals (this index)

APPLIANCES

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

APPLICATION

- Motion, Application, or Request (this index)

APPOINTMENT

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

APPOINTMENT—Cont'd

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

APPORTIONMENT

- Allowance of Claims or Interests (this index)

APPRAISALS AND APPRAISERS

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

APPRECIATION

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

APPRENTICES

- Wage exemptions, § 13:116

APPROVAL

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

ARBITRATION

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

ARCHITECTURAL FIRM

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

ARGUMENTS OR COMMENTS

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

ARIZONA

- Opt-out provision, § 13:6

ARKANSAS

- Opt-out provision, § 13:6

ARMED FORCES

- Military (this index)

ARREARAGE

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

ARTICLE I AND ARTICLE III JUDGES

- Generally, § 7:1 et seq.

ARTICLES OF INCORPORATION

- Involuntary bankruptcy, § 9:5

ASBESTOS

- Appeals, finality of claim, § 37:12

INDEX

ASBESTOS—Cont'd

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

ASSEMBLING PROPERTY

- Compiling, Preserving and Protecting Assets (this index)

ASSESSMENTS

- Taxation (this index)

ASSETS AND LIABILITIES SCHEDULES

- Schedules (this index)

ASSIGNMENT FOR BENEFIT OF CREDITORS

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

ASSIGNMENTS

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

ASSIGNMENTS—Cont'd

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

ASSISTANTS

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

ASSISTED PERSON

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

ASSOCIATIONS

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

ASSUMPTION

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

ASSUMPTION OF DUTY

- Judges, § **4:28**

ASSURANCE

- Adequate Assurance (this index)

ATTACHMENT AND GARNISHMENT

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

ATTENDANCE

- Appearance (this index)

ATTORNEY-CLIENT PRIVILEGE

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

ATTORNEY GENERAL

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

ATTORNEY IN FACT

- Power of Attorney (this index)

ATTORNEYS

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

INDEX

ATTORNEYS—Cont'd

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

ATTORNEYS—Cont'd

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

ATTORNEYS—Cont'd

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

ATTORNEYS' FEES

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

ATTORNEYS' FEES—Cont'd

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

INDEX

ATTORNEYS' FEES—Cont'd

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

ATTORNEYS' FEES—Cont'd

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

ATTORNEYS' FEES—Cont'd

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

AUCTIONS AND AUCTIONEERS

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

AUCTIONS AND

AUCTIONEERS—Cont'd

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

AUDIO TAPE PLAYERS

- Exemptions, § 13:159

AUTHORIZED PERSONNEL OF COURT

- Generally, § 4:38

AUTHORSHIP

- Intellectual property defined, § 20:70

AUTOMATIC EXEMPTIONS

- Objections, § 13:45

AUTOMATIC PRESERVATION OF AVOIDED TRANSFER

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

AUTOMATIC REPEAL

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

AUTOMATIC STAY

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

INDEX

AUTOMATIC STAY—Cont'd

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

AUTOMATIC STAY—Cont'd

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

AUTOMATIC STAY—Cont'd

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

AUTOMATIC STAY—Cont'd

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

INDEX

AUTOMATIC STAY—Cont'd

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

AUTOMATIC STAY—Cont'd

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

AUTOMATIC STAY—Cont'd

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

AUTOMATIC STAY—Cont'd

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

INDEX

AUTOMATIC STAY—Cont'd

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

AUTOMATIC STAY—Cont'd

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

AUTOMATIC STAY—Cont'd

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

AUTOMATIC STAY—Cont'd

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

INDEX

AUTOMATIC STAY—Cont'd

- Jurisdiction—Cont'd
 - termination, annulment, or modification, § 7:96 to 7:98
- Knowledge. Notice and hearing, below
- Labor, Secretary of, § 16:92
- Labor and labor relations, § 16:13, 16:92
- Landfill license, § 16:62
- Land sale contract, § 16:172
- Leases (this index)
- Letters of credit, § 16:47, 16:59
- Licenses
 - generally, § 16:25, 16:46, 16:62, 16:95
 - landfills, § 16:62
 - liquor, § 16:25, 16:38, 16:40, 16:95
- Liens and encumbrances
 - generally, § 16:43
 - creation, perfection, or enforcement, § 16:68 to 16:73, 16:86
 - duplicate tax lien, § 16:40
 - equity of debtor, determination of, § 16:175
 - federal income tax, § 16:40, 16:69, 16:73
 - ineligible filing exception to stay, § 16:111
 - in rem enforcement exception to stay, § 16:110, 16:144
 - mortgages and deeds of trust, below
- Limitation of actions, § 16:8, 16:10
- Limited partnership, § 16:24
- Liquidation
 - generally, § 16:57, 16:186 to 16:188
 - breach of default-upon-filing clauses, § 16:165

AUTOMATIC STAY—Cont'd

- Liquidation—Cont'd
 - receivership proceedings, § 16:100
 - stockbroker cases, application for protective decree, § 16:119
- Liquor licenses, § 16:25, 16:38, 16:40, 16:95
- Marital dissolution and property division, § 16:27, 16:169
- Maritime foreclosure actions, § 16:124, 16:125
- Material misrepresentation of facts, § 16:92
- Medical care and treatment, § 16:26, 16:33, 16:34
- Medicare, § 16:34, 16:118
- Modification
 - generally, § 16:140
 - jurisdiction, § 7:39, 7:96 to 7:98
 - reference of cases, § 7:39
 - request for relief from stay, § 16:140
- Mortgages and deeds of trust
 - generally, § 16:14, 16:171
 - amount of debtor equity, § 16:175
 - HUD foreclosure actions, commencement of, § 16:102
 - quitclaim deed, § 16:64
 - recording after filing of petition, § 16:70
 - redemption of property, § 16:9
- Motions for relief from stay, § 16:194
- Motor vehicle insurance, § 16:48, 16:168
- Motor vehicles, § 16:99, 16:153
- Multiple petitions
 - duration of stay, § 16:130 to 16:132
 - relief from stay, § 16:162

AUTOMATIC STAY—Cont'd

Municipal Debt Adjustment (this index)

Municipal legislative power, § **16:27**

Mutual debts and credits, § **16:41**

Naked possession, § **16:45, 16:56**

National Labor Relations Board, § **16:92**

Necessity test, § **16:180**

Negotiable instrument, presentment, § **16:105**

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

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

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

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

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

Non-profit corporation, § **16:62**

Nonresidential real property, § **16:61**

Norris-LaGuardia Act, § **16:13**

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

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

Objections. Insulation from automatic stay provisions, above

Occupational Safety and Health Act, § **16:92**

Odometer rollback and disclosure laws, § **16:94**

AUTOMATIC STAY—Cont'd

Offset. Setoff or Offset (this index)

Overdue payments, § **16:9, 16:154**

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

Partners and partnerships, § **16:24**

Past-due child support obligation, § **16:169**

Paternity, exception for establishment, § **16:84**

Payroll deductions, § **16:36**

Pecuniary interest purpose test, § **16:90**

Pending actions, § **16:156 to 16:158**

Pension Benefit Guaranty Corporation, § **16:92**

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

Pension plans, § **16:92**

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

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

Person, defined, § **16:3**

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

Petroleum overpricing, § **16:101**

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

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

Pollution, § **16:88, 16:93**

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

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

INDEX

AUTOMATIC STAY—Cont'd

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

AUTOMATIC STAY—Cont'd

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

AUTOMATIC STAY—Cont'd

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

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

AUTOMATIC STAY—Cont'd

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

INDEX

AUTOMATIC STAY—Cont'd

Relief from stay—Cont'd
notice and hearing, § **16:199 to 16:201**
parties who may request relief, § **16:145 to 16:151**
practice and procedure, § **16:194 to 16:204**
preliminary and final hearings, § **16:195 to 16:197**
property not necessary to effective reorganization
generally, § **16:179 to 16:189**
ability to propose plan, § **16:184**
Chapter 11 cases, § **16:185, 16:186**
Chapter 13 cases, § **16:187, 16:188**
necessity, what constitutes, § **16:180, 16:181**
plan confirmation or delay thereof, effect of, § **16:188**
residence of debtor, § **16:183**
specific property, § **16:182, 16:183**
reorganization, § **16:174 to 16:188**
residence of debtor, § **16:168**
second petition filed while cases pending, § **16:162**
secured or unsecured claimants, § **16:148**
single asset real estate cases, § **16:189**
speculative evidence, § **16:177**
sufficiency of evidence, § **16:178, 16:181**
termination of contract and lease, § **16:172**
waiver, § **16:198**
Renewal, § **16:25, 16:61, 16:69**
Rent, § **16:70, 16:97, 16:150**
Rental laws, § **16:97**

AUTOMATIC STAY—Cont'd

Reorganization (this index)
Repeat filers, duration of stay as to, § **16:130 to 16:132**
Repo participants, setoff rights, § **16:121, 25:16**
Repossession or repurchase, § **16:64, 16:73**
Rescission or cancellation, § **16:63, 16:95**
Residence of debtor, § **16:168**
Restitution order, § **16:80**
Restoration of status quo, § **16:206**
Restraining orders. Injunctions and restraining orders, above
Revocation or suspension
licenses, § **16:25, 16:62, 16:95**
probation, § **16:98**
tax-exempt status, § **16:40**
time period, § **16:9, 16:10**
Rules of Bankruptcy Procedure (this index)
Sale or transfer, § **16:35, 16:52, 16:64**
Sales tax records, § **16:40, 16:70, 16:73**
Sanctions, § **7:158, 16:209**
Schools and education, § **16:39, 16:54, 16:107**
Second petition filed while cases pending, § **16:162**
Secretary of Commerce, maritime foreclosure actions, § **16:125**
Secretary of Labor, § **16:92**
Secretary of Transportation, maritime foreclosure actions, § **16:124**
Secured or unsecured claimants, § **16:148**
Securities
generally, § **16:52**
exception to stay for securities self-regulatory agency, § **16:114**

AUTOMATIC STAY—Cont'd

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

AUTOMATIC STAY—Cont'd

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

INDEX

AUTOMATIC STAY—Cont'd

- Taxation—Cont'd
 - property tax statutory lien, exception for creation or perfection of, § **16:104**
 - refund, § **16:50, 16:85**
 - return, demand for tax, § **16:103**
 - sales tax, § **16:40, 16:70, 16:73**
 - special revenues, § **16:126**
 - Tax Court proceedings, stay of, § **16:42**
 - trustee's duties, § **3:67**
 - trust fund taxes, § **16:40**
- Tax-exempt status, revocation, § **16:40**
- Telephone contact, prepetition matters, § **16:31**
- Temporary restraining order, § **16:24**
- Tenancy, § **16:29, 16:45, 16:127, 16:172**
- Termination
 - generally, § **16:1, 16:10, 16:120, 16:127, 16:196**
 - contracts, § **16:61, 16:172**
 - executory contract, § **16:67**
 - lease, § **16:22, 16:29, 16:61, 16:104, 16:172**
 - license, § **16:62**
 - stay, termination of. Termination of stay, below
- Termination of stay
 - generally, § **16:128 to 16:135**
 - Adequate Protection (this index)
 - allowed claim for purchase price secured by personalty, § **6:18**
 - automatic expiration of stay, § **16:195 to 16:197**
 - Chapter 13 cases, stay protecting codebtors in, § **16:121, 16:123, 16:190 to 16:193, 16:196, 16:203**

AUTOMATIC STAY—Cont'd

- Termination of stay—Cont'd
 - codebtors, § **16:121, 16:123, 16:190 to 16:193, 16:196, 16:203**
 - commencement or continuation of action, § **6:40**
 - jurisdiction, § **7:96 to 7:98**
 - reimposition of automatic stay that has terminated, § **16:219**
 - relief from stay, above
 - repeat filers, duration of stay as to, § **16:130 to 16:132**
- Theft of services, § **16:83**
- Time or date
 - generally, § **16:2**
 - duration of stay, § **16:1, 16:128 to 16:135**
 - extension of lease option, § **16:9**
 - extension of time, above
 - filing of plan, § **16:164**
 - grace period, § **16:9**
 - statute of limitations, § **16:8, 16:10**
 - suspension of tolling of time periods, § **16:9, 16:10**
- Title to property, § **16:53**
- Tolling of time periods, § **16:9, 16:10**
- Toxic Substances Control Act, § **16:93**
- Transfer of funds, § **16:52**
- Transportation equipment, exceptions from automatic stay provisions, § **16:122, 16:123**
- Trust, property held in, § **16:53**
- Trustees, § **3:67, 16:8, 16:9, 16:149**
- Trust fund taxes, § **16:40**
- Unexpired lease, assumption of, § **16:133**
- University or college, § **16:39, 16:54, 16:107**

AUTOMATIC STAY—Cont'd

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

AUTOMOBILE INSURANCE
Automatic stay, § 16:48, 16:168

AUTOMOBILES
Motor Vehicles (this index)

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

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

AVOIDANCE—Cont'd

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

INDEX

AVOIDANCE—Cont'd

Exemptions—Cont'd

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

AVOIDANCE—Cont'd

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

AVOIDANCE—Cont'd

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

AVOIDANCE—Cont'd

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

INDEX

AVOIDANCE—Cont'd

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

BACK PAY AWARDS

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

BAD CHECKS

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

BAD FAITH

- Good or Bad Faith (this index)

BADGES OF FRAUD THEORY

- Exemptions, § 13:22

BAFJA

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

BAILMENTS

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

BALANCE OF THE HURT TEST

- Automatic stay, § 16:155

BALANCE SHEET

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

BALLOON PAYMENTS

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

BALLOTS

- Reorganization Plans (this index)

BANK ACCOUNTS

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

BANK LETTER OF CREDIT

- Letters of Credit (this index)

BANKRUPTCY

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

BANKRUPTCY ABUSE

PREVENTION AND CONSUMER PROTECTION ACT (BAPCPA)

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

BANKRUPTCY ACT OF 1898

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

BANKRUPTCY

ADMINISTRATORS

- Generally, § 4:58

BANKRUPTCY

ADMINISTRATORS

—Cont'd

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

BANKRUPTCY AMENDMENTS AND FEDERAL JUDGESHIP ACT OF 1984

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

BANKRUPTCY APPELLATE PANELS

- Appeals (this index)

BANKRUPTCY CLAUSE

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

BANKRUPTCY CODE

- Governing Law, § **1:13**

BANKRUPTCY COURT CLERK

- Clerk of Court (this index)

BANKRUPTCY FRAUD

- Criminal offense, § **12:148**

BANKRUPTCY JUDGE

- Judges (this index)

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

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

BANKRUPTCY PLANNING

- Discharge of debtor challenges, § **35:12**

BANKRUPTCY REFORM ACT OF 1978

- Taxation, § **3:1**

BANKRUPTCY REFORM ACT OF 1994

- See specific substantive entries throughout this index

BANKRUPTCY RULES

- Rules of Bankruptcy Procedure (this index)

BANKRUPTCY TAX ACT OF 1980

- Generally, § **3:1**

BANKS

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

INDEX

BANKS—Cont'd

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

BAR ASSOCIATIONS

- Judges, § 4:14

BAR DATE

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

BARLEY

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

BASIS

- Tax Treatment of Discharge (this index)

BEANS

- Size and nature of claim, § 23:6

BENEFICIAL OWNERSHIP

- Fraudulent transfers, § 19:16

BEQUESTS

- Decedent's Estates (this index)

BEST INTEREST OF CREDITORS TEST

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

BEST INTEREST OF DEBTOR

- Reaffirmation of debts, § 35:240

BETTING

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

BIAS OR PREJUDICE

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

BIDS AND BIDDING

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

BIFURCATED TRIAL

- Remand, § 7:126

BIFURCATION OF CLAIMS

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

BILDISCO CASE

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

BILLBOARDS

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

BILL OF EXCHANGE

Commercial Paper (this index)

BILLS AND NOTES

Commercial Paper (this index)

BIOTECHNOLOGICAL PRODUCTS

Executory contracts and unexpired leases, § 20:72

BIRTH DATE

Privacy considerations, § 1:78

BLANKET BONDS

Trustees, § 4:82
United States trustees, § 4:82

BOATS

Vessels (this index)

BONA FIDE DISPUTE

Involuntary bankruptcy, § 9:21 to 9:28

BONA FIDE PURCHASERS

Avoidance power of trustee, § 17:28 to 17:30
Executory contracts and unexpired leases, § 20:68
Liens and encumbrances, § 12:40, 12:41
Sale of property, protection from reversal or modification on appeal, § 15:61

BONDS (SECURITIES)

Securities (this index)

BONDS AND UNDERTAKINGS

Appeal, supersedeas bonds, § 12:137, 37:51 to 37:56
Automatic stay, § 16:49, 16:63
Blanket Bonds (this index)
Conversion or dismissal, § 11:102
Creditors' meetings, recommendation of amount of trustee's bond at, § 6:43
Involuntary bankruptcy, § 1:113
Liquidation cases, bond requirements for trustees in, § 5:7
Municipal debt adjustment plans, § 32:12
Payroll withholding taxes, § 3:62, 3:64
Preferential transfer in reimbursement of surety, § 18:98
Removal or transfer of case, § 7:113, 7:121, 7:122
Rules of Bankruptcy Procedure (this index)
Supersedeas bonds, § 12:137, 37:51 to 37:56
Sureties (this index)
Trustees (this index)
Turnover of property, § 14:25
United States Trustees (this index)

BONUSES

Allowance of claims or interest, § 24:58
Debtor's earnings, § 12:64
Exemptions, § 12:99
Professional compensation, generally, § 2:77

BOOK FEES

United States trustees, § 4:64

BOOKS AND PAPERS

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

INDEX

BOOKS AND PAPERS—Cont'd

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

BOOK VALUE

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

BOOT

- Tax-free corporate reorganization, § 3:49

BORROWING

- Loans or Credit (this index)

BOYS MARKET EXCEPTION

- Injunctions, § 7:167

BREACH OF CONTRACT OR LEASE

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

BREACH OF FIDUCIARY DUTY

- Causes of action, § 12:29

BREACH OF FIDUCIARY DUTY—Cont'd

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

BREAKUP FEES

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

BRIBERY

- Professional persons, employment of, § 2:53

BRIEFS

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

BROKERS AND DEALERS

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

BUILDING AND LOAN ASSOCIATIONS

Savings and Loan Associations
(this index)

BULK TRANSFERS

Jury trial, § 7:176

BURDEN OF GOING FORWARD

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

BURDEN OF PROOF

Presumptions and Burden of Proof
(this index)

BUREAU OF EMPLOYMENT SECURITY

Automatic stay, § 16:92

BURFORD ABSTENTION

Generally, § 7:19

BURIAL PLOTS

Exemption, § 13:113

BUSINESS ADDRESS

Address (this index)

BUSINESS CORPORATIONS

Corporations (this index)

BUSINESS DIVISION

Judges, § 4:21

BUSINESS EXPENSES

Taxation, § 3:37

BUSINESS HOURS

Clerks, § 4:43

BUSINESS INVENTORY

Inventory (this index)

BUSINESS JUDGMENT RULE

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

BUSINESS LUNCHEONS

Reimbursement, § 2:85

BUSINESS OPERATION

Operation of Business (this index)

BUSINESS OR TRADE

See more specific topics

BUSINESS TRUSTS

Reorganization, eligibility to file
bankruptcy, § 1:48

BUYOUTS

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

BYLAWS

Charter or Bylaws (this index)

CALENDARING

Dockets (this index)

CALENDAR YEAR

Taxation, § 3:32

CALIFORNIA

Opt-out provision, § 13:6

CANCELLATION

Rescission or Cancellation (this
index)

CAPACITY TO SUE AND BE SUED

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

CAPITAL

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

INDEX

CAPITAL—Cont'd

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

CAPITAL EXPENDITURES

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

CAPITAL STOCK

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

CAPTIONS

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

CARRIERS

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

CARRYBACK

- Carryover or Carryback (this index)

CARRYOVER OR CARRYBACK

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

CASE TRUSTEE

- Trustees (this index)

CASH

- Generally. Money or Cash (this index)

CASH BASIS TAXPAYER

Tax treatment of discharge, § 3:16

CASH COLLATERAL

Adequate protection, § 21:7,
21:35, 21:45, 21:64, 21:65
Deposit accounts, § 1:141
Hotel, motel, and lodging charges,
§ 1:141, 15:24, 15:44
Jurisdiction, § 7:105
Securities, § 1:141
United States trustee, notice,
§ 4:101
Use, Sale, or Lease of Property
(this index)

CASH CUSHION

Equity cushion. Adequate Protec-
tion (this index)
Family farmer debt adjustment
plans, § 33:47

CASH-FLOW

Family farmer debt adjustment
plans, § 33:3, 33:36, 33:44,
33:47
Fraudulent transfers and conceal-
ment of assets, § 19:59

CASHIER'S CHECKS

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

CASH SURRENDER VALUE

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

CASUALTY INSURANCE

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

CAUSES OF ACTION

Generally, § 12:25 to 12:30
Alter ego actions, § 12:30
Appointment of trustee's law firm
to litigate, § 12:26
Breach of fiduciary duty, inclusion
in bankruptcy estate, § 12:29
Claims distinguished, § 22:2

CAUSES OF ACTION—Cont'd

Conversion causing direct and
personal damage, exclusion
from bankruptcy estate,
§ 12:29
Corporate debtors, § 12:29, 12:30
Corporate veil, actions to pierce,
§ 12:30
Debtor in possession, § 12:26,
12:29, 12:30
Director, action against, inclusion
in bankruptcy estate, § 12:29
Emotional distress, action for
damages, inclusion in bank-
ruptcy estate, § 12:28
Exemption, personal injury
claims, § 12:27
Expansion, rights of debtor against
third parties, § 12:25
Fiduciary duty, breach of, § 12:29
Individual creditor and sharehold-
ers, preclusion from enforce-
ment of action for breach of
fiduciary duty, § 12:29
Misconduct actions, inclusion in
bankruptcy estate, § 12:29
Mismanagement actions, inclusion
in bankruptcy estate, § 12:29
Misrepresentation actions, exclu-
sion from bankruptcy estate,
§ 12:29
Officers, actions against, inclusion
in bankruptcy estate, § 12:29
Personal injury actions, exemp-
tions, § 12:27
Property of estate, § 12:25 to
12:30
Shareholders, actions against,
inclusion in bankruptcy
estate, § 12:29
Standing, § 12:26
Statute of limitations, § 12:25
Theft actions, exclusion from
bankruptcy estate, § 12:29
Third parties, inclusion of actions
against, § 12:25

INDEX

CAUSES OF ACTION—Cont'd

Tolling of statute of limitations,
§ 12:25

Trustees (this index)

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

CAVEAT EMPTOR

Bankruptcy sales, § 15:59

CD'S

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

CEMETERIES

Exemptions for burial plots,
§ 13:113

CERCLA

Comprehensive Environmental
Response (this index)

CERTAINTY AND DEFINITENESS

Specificity (this index)

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Automatic stay, § 16:67

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

CERTIFICATES AND CERTIFICATION

Clerk of court, § 4:50, 4:55

Credit counseling certificate,
§ 6:19

Debtor in possession, § 5:109,
5:114

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

CERTIFICATES AND

CERTIFICATION—Cont'd

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

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

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

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

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

Voluntary bankruptcy, § 8:88

CERTIFICATES OF DEPOSIT

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

CERTIFIED PUBLIC ACCOUNTANT

Accountants (this index)

CFTC

Commodity Futures Trading Com-
mission (this index)

CHAMBERS

Orders in chambers, § 4:10

CHANGE OF ADDRESS

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

CHANGE OF VENUE

Generally, § 1:104, 7:191 to 7:198

Adversary proceedings, § 7:197

Burden of proof, § 7:194

Core proceedings, § 7:65

Death actions, § 7:198

Evidence, § 7:194, 7:196

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

CHANGE OF VENUE—Cont'd

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

CHANGE OR MODIFICATION

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

CHANGE OR MODIFICATION

—Cont'd

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

CHAPTER 7

- Liquidation (this index)

CHAPTER 9

- Municipal Debt Adjustment (this index)

CHAPTER 11

- Reorganization (this index)

CHAPTER 12

- Family Farmer or Fisher Debt Adjustment (this index)

CHAPTER 13

- Individual Debt Adjustment (this index)

CHAPTER 15

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

INDEX

CHAPTER 20

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

CHARACTER AND REPUTATION

Judges, § **4:14**

CHARGE CARDS

Credit Cards (this index)

CHARGES

Fees and Charges (this index)

CHARITABLE INSTITUTIONS

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

CHARTER OR BYLAWS

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

CHARTS

Conversion of cases, § **11:8**

CHECKLISTS

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

CHECKS

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

CHECKS—Cont'd

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

CHEMICAL WEAPONS CONVENTION

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

CHIEF JUDGE

Generally, § **4:21**

CHIEF JUSTICE OF THE UNITED STATES

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

CHILDREN

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

CHILDREN—Cont'd

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

CHILD SUPPORT

- Discharge (this index)

CHOICE OF CHAPTER

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

CHOOSE IN ACTION

- Causes of Action (this index)

CHRISTMAS DAY

- Clerks, § 4:43

CHURCHES

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

CIRCUIT COURTS

- Court of Appeals (this index)

CIRCUIT JUDICIAL COUNCIL

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

CIRCUMSTANTIAL EVIDENCE

- Exemptions, § 13:20

CITIES

- Municipalities (this index)

CIVIL AERONAUTICS BOARD

- Federal Aviation Administration (this index)

CIVIL PROCEDURE RULES

- Federal Rules of Civil Procedure (this index)

CIVIL SERVICE

- Generally, § 1:16, 1:17

CLAIMS

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

INDEX

CLAIMS—Cont'd

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

CLAIMS—Cont'd

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

CLAIMS REGISTER

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

CLASS OR CLASSIFICATION

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

CLASS OR CLASSIFICATION

—**Cont'd**

- Individual Debt Adjustment Plans (this index)
- Proof of claim, filing of class, § 22:20
- Reorganization Plans (this index)
- Turnover of property, § 14:14

CLAYTON ACT

- Antitrust waiting period, § 1:139

CLEAN-UP COSTS OF HAZARDOUS OR TOXIC WASTES

- Hazardous Wastes (this index)

CLEAN WATER ACT

- Automatic stay, § 16:93

CLEAR AND CONVINCING EVIDENCE

- Correlative topic. Preponderance of Evidence (this index)

CLEARING HOUSE

- Securities Clearing House (this index)

CLEARING ORGANIZATION

- Commodity Broker Liquidation (this index)
- Securities Clearing House (this index)
- Stockbroker liquidation, § 6:74

CLEARLY ERRONEOUS RULE

- Constitutional law, § 7:147
- Core proceedings, § 7:61
- Reference of cases, § 7:50
- Reorganization plans, modification of exclusivity period, § 26:61
- Standard of review, § 37:19 to 37:23

CLERICAL ERRORS

- Correlative topic. Mistake (this index)

CLERICAL ERRORS—Cont'd

- Allowance of claims or interest, § 24:104
- Voluntary bankruptcy, § 8:42

CLERICAL EXPENSES

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

CLERK

- Court clerk. Clerk of Court (this index)
- Law clerks, § 4:38

CLERK OF COURT

- Generally, § 4:40 to 4:55
- Abstention, § 7:21
- Appeals, generally, § 4:47
- Appointment, § 4:41
- Attorneys' fees, § 2:120
- Avoidance, § 17:90
- Certificates and certification, § 4:50, 4:55
- Collection of fees and costs, § 4:47
- Conversion or dismissal, § 4:47, 4:51
- Copies, § 4:50, 4:52, 4:55
- Creditors' and equity security holders' committees, § 6:46
- Debtor in possession, § 5:114
- Defined, § 4:40
- Deputy clerks, generally, § 4:42
- Director of Administrative Office, § 4:53
- Duties, generally, § 4:45 to 4:55
- Electronic transmission of notice, § 1:83, 22:55
- Evidence, § 4:46, 4:55
- Exemptions, § 13:31, 13:34, 13:40
- Filing
 - generally, § 4:46
 - fees, § 4:47, 4:50, 4:54
- Hours, § 4:43

INDEX

CLERK OF COURT—Cont'd

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

CLERK OF COURT—Cont'd

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

CLOSELY HELD CORPORATIONS

Taxation, § 3:9

CLOSING AND REOPENING CASES

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

CLOSING AND REOPENING

CASES—Cont'd

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

CLOSING AND REOPENING

CASES—Cont'd

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

CLOSING OF PLANT

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

CLOTHING

- Wearing Apparel (this index)

CODEBTORS

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

INDEX

CODEBTORS—Cont'd

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

CODEBTOR STAY

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

CODEFENDANTS

- Multiple Parties (this index)

COERCION

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

COHABITATION

- Voluntary petitions, § **8:47**

COLLATERAL

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

COLLATERAL—Cont'd

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

COLLATERAL ATTACK

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

COLLATERAL ESTOPPEL

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

COLLECTION AND CREDIT AGENCIES

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

COLLECTIVE BARGAINING AGREEMENTS

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

COLLECTIVE BARGAINING AGREEMENTS—Cont'd

- Filing of bankruptcy petitions, § **20:105**
- Good faith, § **20:101, 20:105, 20:121**
- Interim relief, § **20:126 to 20:128**
- Judgment, entry of, § **20:124**
- Modification, generally, § **20:106 to 20:115**
- Nine element test, approval of court of rejection, § **20:100**
- Notice and hearing, § **20:123**
- Order or approval of court, § **20:96, 20:99 to 20:102, 20:122, 20:125**
- Prerequisites to approval of request for rejection, generally, § **20:106 to 20:121**
- Presumptions and burden of proof, § **20:103**
- Procedure, § **20:122 to 20:125**
- Protective orders, § **6:2, 20:99, 20:125**
- Railroad reorganization, § **20:97**
- Railway Labor Act, § **20:97**
- Reorganization (this index)
- Retiree benefits. Executory Contracts and Unexpired Leases (this index)
- Snap-back provisions, § **20:104**
- Status of agreement pending rejection, § **20:98**
- Time of meeting for modification, § **20:120**
- Trustees or examiners, § **5:73**

COLLECTIVE NATURE

- Bankruptcy, § **1:2**

COLLEGE LOANS

- Discharge (this index)

COLLEGES AND UNIVERSITIES

- Accreditation of College (this index)

COLLEGES AND UNIVERSITIES—Cont'd

- Automatic stay, § **16:39, 16:54, 16:107**
 - Discriminatory treatment of debtor, § **6:31**
- COLLUSION**
- Bidding
 - avoiding powers of trustee, § **17:53**
 - use, sale, or lease of property, § **15:62**
 - Fraudulent transfers and concealment of assets, § **19:25, 19:67**
 - Trustees, § **12:72**

COLUMBUS DAY

- Clerks, § **4:43**

COMBAT ZONES

- Taxation, § **3:84**

COMITY

- Abstention (this index)
- Ancillary and other cross-border cases under BAPCPA, § **33A:10**
- Jurisdiction
 - generally, § **7:2**
 - Abstention (this index) remand, § **7:126**
 - Remand, § **7:126**
 - Turnover of property, § **14:11, 14:74**

COMMENCEMENT OF CASE

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

COMMERCE SECRETARY

- Automatic stay, maritime foreclosure actions, § **16:125**

COMMERCIAL CODE

- Uniform Commercial Code (this index)

INDEX

COMMERCIAL

CORPORATIONS

Corporations (this index)

COMMERCIAL INFORMATION

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

COMMERCIAL PAPER

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

COMMINGLING

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

COMMISSIONS

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

COMMISSIONS—Cont'd

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

COMMITTEES

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

COMMODITIES

Commodity Broker Liquidation
(this index)

COMMODITIES EXCHANGE ACT

Automatic stay, § 16:101

COMMODITY BROKER LIQUIDATION

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

COMMODITY BROKER

LIQUIDATION—Cont'd

- Contract or agreement—Cont'd
 - liquidation of commodity contract by trustee, § 34:161 to 34:163
- Customer
 - generally, § 6:74
 - accounts, distribution, § 34:160
 - instructions of customer, § 15:9, 34:174
- Customer property
 - generally, § 34:164 to 34:178
 - customer accounts, disposition of, § 34:160
 - excess property, distribution of, § 34:176 et seq.
 - insufficient property, distribution of, § 34:178
 - margin payment, meaning of, § 34:175
 - net equity, meaning of, § 34:167 to 34:175
 - proprietary accounts, § 34:171
 - records and books, net equity claims, § 34:169
 - specifically identifiable property, § 34:173 to 34:175, 34:177
 - subordination of proprietary accounts, § 34:171
- Delivery, § 15:9
- Distribution
 - generally, § 1:163, 34:159 to 34:178
 - accounts, § 34:160
 - clearing organization, § 34:172
 - contracts, § 34:161 to 34:163
 - instructions of customers, § 34:174
 - liquidation of securities, § 34:161 to 34:163
 - specifically identifiable property, § 34:173 to 34:175, 34:177

COMMODITY BROKER

LIQUIDATION—Cont'd

- Equity, net, § 34:167 to 34:175
- Exceptions to automatic stay provisions, § 16:119 to 16:121
- Excess property, distribution of, § 34:176, 34:177
- Exclusions of customer property from distribution, § 34:165, 34:166
- Executory contracts and unexpired leases, § 20:17, 20:23
- Instructions, compliance by trustee with customer, § 15:9
- Insufficient customer property, distribution of, § 34:178
- Leverage transactions, § 6:74
- Margin, operation of business, § 15:9
- Margin payment, distribution, § 34:175
- Net equity, distribution, § 34:167 to 34:175
- Offset. Setoff or offset, below
- Operation of business, generally, § 15:9
- Options dealers, § 6:74
- Payment, margin, § 34:175
- Proof of claim, § 22:34, 22:42
- Property, see more specific lines throughout topic
- Proprietary accounts, § 34:171
- Puts and calls, distribution of customer property, § 34:175
- Records, distribution of net equity claims, § 34:169
- Sale or transfer, § 5:69, 8:70
- Securities, distribution of customer property, § 34:144 to 34:158
- Setoff or offset
 - automatic stay of setoff, § 16:120, 16:121
- Subordination, distribution of unpaid portion of claim of

INDEX

COMMODITY BROKER

LIQUIDATION—Cont'd customer, § 34:171

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

Trustee

generally, § 5:69

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

customer property, above

Voluntary bankruptcy, § 8:38

COMMODITY BROKERS

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

Liquidation. Commodity Broker
Liquidation (this index)

COMMODITY CONTRACTS

Commodity Broker Liquidation
(this index)

COMMODITY FUTURES

Commodity Futures Trading Com-
mission (this index)

Liquidation. Commodity Broker
Liquidation (this index)

COMMODITY FUTURES TRADING COMMISSION

Generally, § 1:18, 1:32, 1:163

Automatic stay, § 16:101

Conversion or dismissal, § 6:86

Interested party, § 6:86

COMMODITY OPTIONS DEALERS

Commodity broker liquidation,
§ 6:74

COMMON CARRIERS

Carriers (this index)

COMMON LAW COMPOSITION

Generally, § 1:35

COMMUNICATION FEES

United States trustees, § 4:64

COMMUNITY CLAIM

Voluntary bankruptcy, § 8:37

COMMUNITY PROPERTY

Automatic stay, § 16:122, 16:169

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

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

Liquidation, § 34:135 to 34:137

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

COMPARABLE SERVICES

Compensation of professionals,
§ 2:69

COMPARISON OF VALUES

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

COMPELLED ABANDONMENT

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

COMPENSATION

Generally, § 2:1 et seq.

Abandonment of property, § 5:93

Accountants. Trustees, examiners,
and professional persons,
below

Adequate protection, § 21:12,
21:47

Administrative Expenses (this
index)

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

Allowance of claims
administrative expenses,
§ 24:52, 24:59

custodians, § 24:75

employment taxes, § 24:47,
24:64

receivers, § 24:74

sickness and accident benefits,
§ 24:62

Appeals (this index)

COMPENSATION—Cont'd

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

COMPENSATION—Cont'd

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

INDEX

COMPENSATION—Cont'd

Examiners. Trustees, examiners, and professional persons, below

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

Executory Contracts and Unexpired Leases (this index)

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

Family Farmer or Fisher Debt Adjustment (this index)

Fee-Splitting (this index)

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

Future Earnings or Income (this index)

Government agencies, § **6:85**

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

Indenture trustees, § **6:71**

Individual Debt Adjustment Plans (this index)

Individual Debt Adjustment (this index)

Interest, § **2:88**

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

COMPENSATION—Cont'd

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

Intraoffice conferences, § **2:79, 2:95**

Johnson 12-factor test, § **2:74**

Judges, § **4:16, 4:19, 7:44**

Jurisdiction, compensation of professional persons, § **7:80**

Legal research, § **2:80**

Local or national hourly rates, § **2:71**

Lodestar approach, § **2:76**

Meetings, attendance at, § **2:79**

Minimum compensation, § **5:90**

Monthly compensation, § **2:104**

Motion, Application, or Request (this index)

Multi-factor tests, § **2:74, 2:75**

Municipal debt adjustment, § **2:58**

Nonprofessional services, § **2:93, 2:94**

Notice and Hearing (this index)

Paraprofessionals, § **2:82, 2:93**

Payroll Deduction (this index)

Pension or Retirement (this index)

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

Premium fee awards, § **2:77**

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

Prior employment order, § **2:90**

Priorities. Distribution, above

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

COMPENSATION—Cont'd

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

COMPENSATION—Cont'd

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

INDEX

COMPENSATION—Cont'd

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

COMPENSATION—Cont'd

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

COMPENSATORY DAMAGES

Damages (this index)

COMPETENCE

Incompetent and Insane Persons (this index)

COMPETITORS

Protective Orders (this index)

COMPILING, PRESERVING, AND PROTECTING ASSETS

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

COMPLAINTS

Generally, § **1:81**

COMPLAINTS—Cont'd

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

COMPOSITIONS

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

COMPREHENSIVE ENVIRONMENTAL RESPONSE

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

COMPROMISE AND SETTLEMENT

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

COMPROMISE AND SETTLEMENT—Cont'd

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

COMPUTATION

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

COMPUTERS

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

CONCEALMENT

- Allowance of claims or interest, § 24:70

INDEX

CONCEALMENT—Cont'd

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

CONCILIATION

- Workouts (this index)

CONCLUSIONS OF LAW

- Allowance of claims or interest, § 24:17

CONCLUSIVENESS OF JUDGMENTS OR DECREES

- Res Judicata (this index)

CONCURRENT PAYMENT

- Family farmer debt adjustment plans, § 33:16

CONDITIONAL SALES

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

CONDITIONS

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

CONDOMINIUM

- Reorganization of condominium association, § 1:46

CONDUCTING BUSINESS OF DEBTOR

- Operation of Business (this index)

CONFERENCES

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

CONFIDENTIALITY

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

CONFIRMATION OF PLAN

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

CONFIRMATION OF PLAN

—**Cont'd**

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

CONFISCATION

- Seizure of Person or Property (this index)

CONFLICT OF INTEREST

- Interested Persons or Parties (this index)

CONFLICT OF LAWS

- Governing Law (this index)

CONGRESS

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

CONNECTICUT

- Opt-out provision, § **13:7**

CONSCIOUSNESS

- Payroll withholding taxes, § **3:61**

CONSENT DECREE

- Automatic stay, § **16:36**

CONSENT OR APPROVAL

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

INDEX

CONSENT OR APPROVAL

—Cont'd

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

CONSERVATION

- Environmental Protection (this index)

CONSERVING AND PROTECTING ASSETS

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

CONSIDERATION

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

CONSIGNMENTS

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

CONSOLIDATED RAIL CORPORATION (CONRAIL)

- Operation of business, § 15:17

CONSOLIDATION LOAN

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

CONSOLIDATION OF CASES

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

CONSOLIDATION OF CASES

—Cont'd

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

CONSOLIDATION OR MERGER

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

CONSPIRACY

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

CONSTITUTIONAL LAW

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

CONSTITUTIONAL LAW

—Cont'd

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

CONSTITUTIONAL LAW

—Cont'd

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

CONSTRUCTION AND INTERPRETATION

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

INDEX

**CONSTRUCTION AND
INTERPRETATION—Cont'd**

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

CONSTRUCTIVE DEFAULT

- Automatic stay, § 16:165

CONSTRUCTIVE FRAUD

- Fraudulent Transfers and Concealment of Assets (this index)

**CONSTRUCTIVE
KNOWLEDGE**

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

CONSTRUCTIVE OCCUPATION

- Homestead exemption, § 13:61

CONSTRUCTIVE TRUSTS

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

CONSULTANTS

- Employment of professional persons, § 2:21

**CONSUMER CLAIMS AND
DEBTS**

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

**CONSUMER CLAIMS AND
DEBTS—Cont'd**

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

CONSUMERS

- Debtor discharge education programs, § 35:35

**CONTEMPORANEOUS
EXCHANGE FOR NEW
VALUE**

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

CONTEMPT

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

CONTEMPT—Cont'd

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

CONTENTS

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

CONTESTED MATTERS

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

CONTINGENCY RESERVE OR CUSHION

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

CONTINGENT ASSET

- Property of estate, § **12:123**

CONTINGENT CLAIMS

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

CONTINGENT FEES

- Professional persons, compensation of, § **2:72**

CONTINGENT OBLIGATION LOANS

- Discharge, § **35:184**

CONTINGENT OR SPECULATIVE SOURCE OF FUNDING

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

CONTINGENT REMAINDERS

- Property of estate, § **12:77, 12:78**

CONTINUANCE OF ACTION OR PROCEEDING

- Automatic stay, § **16:10, 16:18 to 16:27, 16:88, 16:127, 16:141 to 16:143, 16:153, 16:193, 16:201**
- Injunctions, § **7:165**
- Interested party, generally, § **6:1**

CONTINUATION OF BUSINESS

- Operation of Business (this index)

INDEX

CONTINUATION OF LIEN

Automatic stay, § 16:69

CONTINUATION STATEMENT

Size and nature of claim, § 23:39

CONTINUED PERFORMANCE

Executory contracts and unexpired leases, § 20:76

CONTINUED POSSESSION

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

CONTINUING JURISDICTION

Generally, § 7:180

Municipal debt adjustment plans, § 32:34

Reorganization, postconfirmation jurisdiction, § 28:67

CONTINUING LEVY THEORY

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

CONTINUING OFFENSES

Professional persons, employment of, § 2:53

CONTINUITY OF INTEREST

Tax-free corporate reorganization, § 3:48

CONTRACT INTEREST RATE

Family farmer debt adjustment plans, § 33:40

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

CONTRACTORS

Employment of professional persons, § 2:5

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

Trustee's capacity to sue, § 5:48

CONTRACT RATE

Contract Interest Rate (this index)

CONTRACTS AND AGREEMENTS

Adequate protection, § 21:37, 21:70

Allowance of Claims or Interests (this index)

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

Attorneys' fees, § 2:64

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

Breach of Contract or Lease (this index)

Collective Bargaining Agreements (this index)

Commodity Broker Liquidation (this index)

Compensation of trustee, § 5:87

Consideration (this index)

Contingent fees, § 2:72

Conversion or dismissal, § 11:81

Core proceedings, § 7:77, 7:85, 7:96

Debtor in possession, § 5:111, 5:112

Employment Contracts (this index)

Examiners. Trustees and examiners, below

Executory Contracts and Unexpired Leases (this index)

Forum selection clauses, § 7:189

Forward Contract Merchants (this index)

Forward Contracts (this index)

Impairment of Contracts (this index)

Insurance and insurance companies, § 12:32

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

Interest on money. Contract Interest Rate (this index)

CONTRACTS AND

AGREEMENTS—Cont'd

Ipsa Facto or Bankruptcy Clauses
(this index)

Jurisdiction

generally, § 7:77

core proceedings, § 7:77, 7:85,
7:96

Liquidation (this index)

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

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

Priorities, § 34:72

Reaffirmation of Debts (this
index)

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

Reorganization Plans (this index)

Repurchase or Repo Agreements
(this index)

Rescission or Cancellation (this
index)

Sale and leaseback agreements,
§ 20:9

Security Agreement (this index)

Size and Nature of Claim (this
index)

Stockbroker Liquidation (this
index)

Subordination, § 34:92, 34:93

Trustees and examiners

capacity to sue, § 5:48

compensation of, § 5:87

Leases (this index)

reorganization, § 5:73

United States trustees, § 4:74

United States Trustees, § 4:74

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

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

CONTRACTS CLAUSE

Exemptions, avoidance of liens,
§ 13:132

CONTRIBUTION

Allowance of claims or interest,
§ 24:105

Indemnification (this index)

Size and nature of claim, § 23:23

CONTRIBUTIONS

Distribution, employee benefit
plans, § 34:59

Gifts (this index)

Proof of claim, § 22:18

**CONTROLLED
CORPORATIONS**

Insiders (this index)

Taxation, § 3:85

CONTROL OF ESTATE

Property of estate, § 12:5

**CONVENIENCE OF PARTIES
AND WITNESSES**

Change of venue, § 7:191

Forum Non Conveniens (this
index)

CONVERSION OF PROPERTY

Exemptions (this index)

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

Trustee appointment, § 5:30

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

CONVERSION OR DISMISSAL

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

Ability to pay, dismissal for,
§ 11:40

Abstention, § 1:97

Abuse

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

Accounting, § 11:89

After-acquired property, § 12:61

INDEX

CONVERSION OR DISMISSAL

—Cont'd

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

CONVERSION OR DISMISSAL

—Cont'd

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

CONVERSION OR DISMISSAL**—Cont'd**

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

CONVERSION OR DISMISSAL**—Cont'd**

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

INDEX

CONVERSION OR DISMISSAL

—Cont'd

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

CONVERSION OR DISMISSAL

—Cont'd

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

COPIES—Cont'd

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

COPYRIGHTS AND TRADEMARKS

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

CORE PROCEEDINGS

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

CORE PROCEEDINGS—Cont'd

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

INDEX

CORE PROCEEDINGS—Cont'd

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

CORE PROCEEDINGS—Cont'd

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

CORE PROCEEDINGS—Cont'd

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

CORN

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

CORPORATE OFFICERS AND DIRECTORS

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

CORPORATE VEIL

- Alter Ego (this index)

CORPORATIONS

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

CORPORATIONS—Cont'd

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

INDEX

CORPORATIONS—Cont'd

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

CORPORATIONS—Cont'd

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

CORPORATIONS—Cont'd

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

CORRUPT ORGANIZATIONS

- Racketeering as crimes, § 12:150

COST OF ACTION

- Costs and Expenses (this index)

COST OF REPLACEMENT APPROACH

- Family farmer debt adjustment plans, § 33:39

COSTS AND EXPENSES

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

COSTS AND EXPENSES

—Cont'd

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

INDEX

COSTS AND EXPENSES

—Cont'd

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

COTENANCY

- Joint or Co-ownership Interests (this index)

CO-TRUSTEES

- Trustees (this index)

COUNCILS

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

COUNSEL

- Attorneys (this index)

COUNTERCLAIMS

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

COUNTERCLAIMS—Cont'd

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

COUNTIES

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

COUNTRYMAN DEFINITION

- Executory contracts and unexpired leases, § 20:2

COUNTY HOSPITAL

- Municipal debt adjustment, § 1:45

COUNTY UTILITY DISTRICT

- Municipal debt adjustment, § 1:45

COUNTY YIELD AVERAGES

- Family farmer debt adjustment plans, § 33:44

COURT OF APPEALS

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

COURT OF APPEALS—Cont'd

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

COURT SESSIONS

- Judges, § **4:9 to 4:11**

CRAM DOWN PROVISIONS

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

CREDIBILITY OF WITNESSES

- Jurisdiction, constitutional questions, § **7:147**

CREDIT

- Generally. Loans or Credit (this index)

CREDIT AGENCIES

- Collection and Credit Agencies (this index)

CREDIT BIDDING

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

CREDIT BRIEFING

- Credit Counseling and Financial Management Instruction (this index)

CREDIT CARDS

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

INDEX

CREDIT COUNSELING AND FINANCIAL MANAGEMENT INSTRUCTION

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

CREDITORS' AND EQUITY SECURITY HOLDERS' COMMITTEES

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

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

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

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

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

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

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

CREDITOR'S BARGAIN

Adequate protection, § 21:16

**CREDITOR'S EXPECTATION
TEST**

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

CREDITORS' MEETINGS

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

INDEX

CREDITORS' MEETINGS

—Cont'd

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

CREDITORS' MEETINGS

—Cont'd

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

CREDIT REDUCTION

- Allowance of claims or interest, § 24:64

CREDITS AGAINST TAXES

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

CREDIT UNIONS

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

CRIMES AND OFFENSES

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

CRIMES AND OFFENSES

—Cont'd

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

INDEX

CRIMES AND OFFENSES

—Cont'd

- Notice
 - fraudulent transfers and concealment of property, § 12:142 to 12:150
 - misappropriation of property of estate, § 12:147
- Officer of court, § 12:146, 12:147, 12:150
- Penalties, discharge exception for
 - generally, § 35:179 et seq.
 - election law violations, § 35:203
- Perjury (this index)
- Petition preparers, § 2:53
- Prisons and Prisoners (this index)
- Purchase of property of estate by trustee or officer of court, prohibition, § 12:146
- Racketeering, § 12:150
- Receiver of property, willful mismanagement of property in charge, § 12:149
- Remuneration, knowing and fraudulent attempt to obtain, § 12:144
- Reparation awards, exemption of, § 13:110
- Spending, property of estate, § 12:147
- Statute of limitations, concealment of assets as continuous offense, § 12:142
- Transfer of property of estate, custodian or officer of court, § 12:147
- Trustees, § 5:61, 12:142, 12:145
- Turnover of property, § 14:90
- Voluntary bankruptcy, § 8:50, 8:75
- Willful mismanagement of property, § 12:149

CRIME VICTIMS'

REPARATION LAW

- Exemption of award under, § 13:110

CRIMINAL CONTEMPT

- Jurisdiction, § 7:151, 7:155

CRONYISM

- Professional persons, employment of, § 2:25

CROPS

- Adequate protection, § 21:56
- Allowance of claims or interest, § 24:73
- Exemptions, avoidance of liens, § 13:129
- Grain and Grain Storage (this index)
- Nonpossessory, nonpurchase-money security interest, avoidance of, § 13:154
- Size and nature of claim, § 23:33
- Unperfected lien or security interest, avoidance of, § 17:25

CROSS-BORDER

BANKRUPTCY

- Ancillary and Other Cross-Border Cases Under BAPCPA (this index)
- Foreign Countries or Proceedings (this index)

CROSS-CLAIMS

- Attorneys' fees, § 2:119

CROSS-COLLATERALIZATION

- Adequate protection, § 21:55
- Loans or credit, § 15:72

CROSS-REFERENCING

- Federal Rules of Civil Procedure, § 1:24

CROSS-STREAM GUARANTIES

- Fraudulent transfers and concealment of assets, tripartite

**CROSS-STREAM GUARANTIES
—Cont'd**

transactions, § 19:52

**CUMULATIVE CONVERTIBLE
PREFERRED STOCK**

Equity security holders' committees, § 6:69

CURING DEFAULT

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

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

Individual Debt Adjustment Plans (this index)

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

Municipal debt adjustment plans, § 32:3

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

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

CURRENCY EXCHANGE

Generally, § 1:43

**CURRENT INCOME AND
EXPENDITURES**

Generally, § 8:62

CURTESY

Sale of property, § 15:55

CUSTODIANS

Generally, § 6:75 to 6:77

Administration expenses, § 6:77

Allowance of claims or interest, § 24:75

Costs and expenses, § 6:76

Crimes and offenses, § 12:146

Defined, § 9:78

Duties and rights, § 6:76

Embezzlement of estate property as crime, § 2:53

CUSTODIANS—Cont'd

Escrow (this index)

Executory contracts and unexpired leases, § 20:23

Expenses, § 6:76

Involuntary case, § 9:77, 9:78

Notice and hearing, § 6:76

Professional persons, § 2:83

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

Turnover of Property (this index)

United States trustee, report, § 4:107

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

CUSTOM AND USAGE

Ordinary Course of Business or Financial Affairs (this index)

CUSTOMER NAME SECURITY

Stockbroker Liquidation (this index)

CUSTOMERS

Commodity Broker Liquidation (this index)

Stockbroker Liquidation (this index)

CUSTOMS DUTIES

Generally, § 35:86

Discharge of debts

generally, § 35:74 et seq.

codebtors' subrogation rights, § 35:77

fees distinguished, § 35:76

policy considerations, § 35:75

priority claims, § 35:78 et seq.

subrogation rights, § 35:77

surety's subrogation rights, § 35:77

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

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

INDEX

CUSTOMS DUTIES—Cont'd

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

DAMAGES

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

DAMAGES—Cont'd

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

DATA PROCESSING

- Computers (this index)

DATE

- Time or Date (this index)

DE-ACCELERATION

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

DEAF PERSONS

- Guide dogs, exemptions for, § **13:114**

DEALERS

- Brokers and Dealers (this index)

DEATH

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

DEATH—Cont'd

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

DEATH BENEFITS

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

DEBENTURES

Creditors' committees, § 6:58

DEBT

Distinction between discharge of
debtor and of debt, § 35:1

DEBT CEILING

Family farmer debt adjustment
plans, § 33:1

DEBTOR IN POSSESSION

Generally, § 5:106 to 5:115
Abandoned property, § 5:112
Adequate Protection (this index)
Adverse interest, employment of
professional persons, § 5:112
Appointment of trustees
generally, § 5:28
burden of proof and presump-
tions, § 5:27
debtor as debtor in possession,
§ 5:109
Avoidance
family farmer debt adjustment,
§ 17:10
hypothetical creditor or
purchaser, § 17:20, 17:26
postpetition transfer in ordinary
course of business,
§ 17:42, 17:43
powers, generally, § 5:112
reorganization, § 17:8
Capacity to sue and be sued,
§ 5:106
Causes of action, § 12:26, 12:29,
12:30

DEBTOR IN POSSESSION

—Cont'd

Closing and reopening cases,
§ 36:4
Core proceedings, § 7:69
Creditors' and equity security
holders' committees, § 6:49,
6:64
Employment of professional
persons. Professional
persons, employment of,
below
Executory contracts and unexpired
leases, § 5:112
Exemptions, § 13:13
Family farmer debt adjustment
generally, § 5:76
removal of debtor as debtor in
possession, § 5:115
rights and powers, § 5:114
Fiduciary position, § 5:111
Fraud and deceit
generally, § 5:112, 5:113
reorganization, § 5:112, 5:113
Fraudulent transfers and conceal-
ment of assets, § 19:116,
19:125
Injunctions, § 7:162
Judicial Code (28 USCA), § 1:17
Leases, § 5:112
Loans or Credit (this index)
Operation of Business (this index)
Professional persons, employment
of
generally, § 2:5, 2:10, 2:15,
5:112
application for order of employ-
ment, § 2:23
debtor, § 2:39
judge's relative or friends,
§ 2:43, 2:44
prior or current representation
precluding employment,
§ 2:36

INDEX

DEBTOR IN POSSESSION

—Cont'd

- Professional persons, employment of—Cont'd
 - U.S. trustee's relative or friends, § 2:43, 2:44
- Redemption, § 12:98
- Reference of cases, § 7:51
- Removal or reinstatement of debtor as debtor in possession, § 5:115
- Reorganization, generally, § 5:109 to 5:113, 15:12, 15:13
- Reorganization plans, § 26:16, 26:32, 26:53 to 26:56
- Replacement of debtor in possession by trustee, § 5:113
- Restoration of debtor to possession, § 5:113
- Rights, powers, and duties, generally, § 5:110 to 5:112
- Rules of Bankruptcy Procedure (this index)
- Setoff, mutuality requirement, § 25:9
- Sovereign immunity abrogated, § 6:78
- Taxation, § 3:64, 3:70
- Trustees
 - generally, § 5:106
 - appointment, above reorganization, § 5:1
 - replacement of debtor in possession by trustee, § 5:113
- Use, Sale, or Lease of Property (this index)

DEBTOR'S DUTIES AND BENEFITS

- Generally, § 6:4 to 6:14

DEBT RELIEF AGENCIES

- Defined, § 2:54
- Restrictions on, § 1:174 to 1:177
- Restrictions on consumer debtors' attorneys, § 2:54 to 2:57

DECEDENTS' ESTATES

- After-acquired property, § 12:51, 12:52
- Clerks, § 4:48
- Eligibility to file bankruptcy, § 1:38
- Fraudulent transfer, disclaimer of inheritance as, § 19:71
- United States trustees, § 4:58

DECEIT

- Fraud and Deceit (this index)

DECLARATION

- Complaints (this index)
- Petition preparer's declaration concerning fees received, § 2:61

DECLARATORY JUDGMENTS

- Generally, § 1:102
- Automatic stay, § 16:27
- Clerks, § 4:45
- Judges, § 4:24
- Judicial Code (28 USCA), § 1:17
- Jurisdiction, § 7:179
- Sovereign immunity, § 6:78
- Taxation, jurisdiction, § 7:179

DECREES

- Judgments and Decrees (this index)

DEDUCTIONS FROM TAXES

- Business and administrative expenses, § 3:37
- Dismissal of case, § 3:29
- Distributable net income, § 3:38
- Income as not realized to extent of last deduction, § 3:11
- Individual debt adjustment plans, § 31:48
- Net operating loss carryover or carryback, § 3:39, 3:42
- Separate taxable bankruptcy estate generally, § 3:31, 3:41

DEDUCTIONS FROM TAXES

—Cont'd

Separate taxable bankruptcy estate

—Cont'd

business and administrative expenses, § 3:37

dismissal of case, § 3:29

distributable net income, § 3:38

transfer of assets, § 3:36

State and local taxes, § 3:10

Transfer of assets, § 3:36

DEDUCTIONS FROM WAGES

Attachment and Garnishment (this index)

Payroll Deduction (this index)

DEDUCTIONS IN

DETERMINING VALUE

Size and Nature of Claim (this index)

DEEDS OF TRUST

Mortgages and Deeds of Trust (this index)

DEEMED ABANDONMENT

Property of estate, § 12:116, 12:121 to 12:123, 12:129

DE FACTO TRUSTEE

Eligibility and qualification, § 5:7

DEFALCATION

Discharge (this index)

DEFAMATION

Protective orders, generally, § 1:96, 6:2

DEFAULT

Automatic stay, § 16:9, 16:154

Claims

discharged in prior bankruptcy proceeding, § 29:28

mature by their own terms prepetition, § 29:29

postpetition defaults, § 29:30

DEFAULT—Cont'd

Cure of long-term obligations, § 29:22

Curing Default (this index)

Default Judgments (this index)

Effect of prepetition acceleration of debt on eligibility for cure, § 29:23

Individual Debt Adjustment Plans (this index)

Late Charges (this index)

Payment of interest and costs, § 29:31

Reasonable time for cure, § 29:24 factors affecting determination of reasonableness, § 29:25

Right to cure or waive default, § 29:21, 29:26

Size and nature of claim, § 23:18

Turnover of property, § 14:12

Voluntary bankruptcy, § 8:84, 8:89

DEFAULT JUDGMENTS

Automatic stay, § 16:165, 16:166, 16:171

DEFAULT-UPON-FILING CLAUSES

Ipso Facto or Bankruptcy Clauses (this index)

DEFECTS AND IRREGULARITIES

Automatic stay, § 16:16

Avoidance by trustee of defectively executed interest, § 17:30

DEFENSES

Insurance and insurance companies, § 12:31

Involuntary bankruptcy, § 9:50

Property of estate, § 6:9, 12:154

Statute of limitations, § 6:9, 12:154

Turnover of property, § 14:2

INDEX

DEFENSES—Cont'd

Waiver and Estoppel (this index)

DEFERRAL

Distribution, § **34:115**

Payments. Deferred Payments
(this index)

DEFERRED PAYMENTS

Family farmer debt adjustment
plans, § **33:8, 33:36**

Individual debt adjustment plans,
confirmation of, § **31:19,**
31:21

DEFICIENCIES

Loss or Deficiency (this index)

DEFINITIONS

Words and Phrases (this index)

DEGREES

Intangible personal property,
§ **12:47**

DELAY OR LACHES

Allowance of claims or interests,
§ **24:18**

Avoiding transfers designed to
delay creditors, § **17:55**

Closing and reopening cases,
§ **36:30**

Creditors' committees, § **6:58**

Executory contracts and unexpired
leases, collective bargaining
agreements, § **20:116**

Fraudulent transfers and conceal-
ment of assets, § **19:24**

Intervention, delay as factor in
whether to permit, § **6:88**

Involuntary bankruptcy, § **9:54**

Payroll withholding taxes, § **3:62**

Postponement (this index)

Preferences and Preferential
Transfers (this index)

Professional persons, § **2:28, 2:88**

Reimbursement for interest on
time lost, § **2:88**

DELAY OR LACHES—Cont'd

Reorganization plans, exclusivity
period, § **26:54, 26:60 to**
26:62

Size and nature of claim, § **23:3**

Trustees and examiners, § **5:80,**
5:81

Turnover of property, § **14:31**

Voluntary petition, § **8:31, 8:101**

DELEGATION OF POWERS OR DUTIES

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

DELINQUENT AND OVERDUE PAYMENTS

Default (this index)

DELIVERY

Clerks, § **4:46**

Commodity broker liquidation,
§ **15:9**

Distribution, stockbroker liquida-
tion, § **34:148**

Mistake, § **1:73**

Preferences and Preferential
Transfers (this index)

Property of estate, § **12:152**

Reorganization plans, § **26:37,**
26:52

Trustees, § **12:75**

Turnover of property, § **14:26,**
14:30 to 44, 14:63, 14:70

DELIVERY SERVICES

Reimbursement, § **2:84**

DEMAND OR REQUEST

Automatic stay, § **16:8**

Complaints (this index)

Motion, Application, or Request
(this index)

Payroll withholding taxes, § **3:62**

Preferential transfer, accrual of
prejudgment interest,
§ **18:111**

Proof of claim, § **22:27**

DEMAND OR REQUEST

—Cont'd

Reclamation, § 17:74, 17:78 to 17:80

DE NOVO REVIEW

Constitutional law, § 7:147

Contempt, § 7:151

Core proceedings, § 1:100

Disclosure statements, § 27:19

Jury trial, § 7:177

New Trial (this index)

Reference of cases, § 7:40, 7:48 to 7:50

Remand, § 7:125

Standard of review, § 37:21

DENTAL INSURANCE

Automatic stay, § 16:63

DENTAL OFFICERS OF ARMED FORCES

Discharge, effect on special pay, § 1:18

DEPARTMENTS OF GOVERNMENT

See more specific topics

DEPENDENCIES OF UNITED STATES

Territories (this index)

DEPENDENTS

Aid to Families with Dependent Children (this index)

Children (this index)

Domestic Support Obligations (this index)

Exemptions

assertion of claim for exempt property, generally, § 13:27

burial plots, § 13:113

filing list of property claimed as exempt, § 13:31

health aids, § 13:114

homestead exemption, § 13:57

DEPENDENTS—Cont'd

Exemptions—Cont'd

jewelry, § 13:74

objections, § 13:44

support of persons, § 13:87, 13:88, 13:95, 13:109

tools of the trade, § 13:80

wrongful death, § 13:111

Homestead exemption, § 13:57

Individual debt adjustment plans, confirmation, § 31:50, 31:53

Support obligations. Discharge (this index)

Voluntary bankruptcy, § 8:62

DEPOSITIONS

Discovery and Depositions (this index)

DEPOSITS AND DEPOSITORIES

Correlative topics

Banks (this index)

Savings and Loan Associations (this index)

Adequate protection, § 21:7, 21:45, 21:55, 21:64

Capital maintenance commitments, discharge exceptions, § 20:14, 34:88

Cash collateral, § 1:141

Certificates of deposit, payments in ordinary course of business as exception to preference avoidability, § 18:68

Equity security holders' committees, § 6:65

Executory contracts and unexpired leases, § 20:55, 20:88

Exemptions, § 13:24, 13:159

Indenture trustees, § 6:72

Operation of business, § 15:4

Priority, § 34:87

Reorganization plans, deposit with trustee or debtor in possession, § 28:51

INDEX

DEPOSITS AND

DEPOSITORIES—Cont'd

- Security Deposit (this index)
- Service on insured depository institutions, § 9:47
- Trustee's powers, § 5:54
- Turnover of property, § 14:21, 14:87
- Utilities (this index)

DEPRECIATION AND

DEPRECIABLE PROPERTY

- Adequate Protection (this index)
- Carryover or carryback, § 3:50
- Discharge, tax treatment of, § 3:20, 3:22 to 3:26
- Fraudulent transfers and concealment of assets, § 19:98
- Gross income, § 3:3
- Individual debt adjustment plans, confirmation, § 31:38
- Recapture (this index)

DEPUTY ATTORNEY GENERAL

- Immunity from criminal prosecution, § 6:3

DEPUTY CLERK OF COURTS

- Clerk of Court (this index)

DERIVATIVE USE IMMUNITY

- Immunity from criminal prosecution, § 6:3

DESCENT

- Inheritance, disclaimer as fraudulent transfer, § 19:71

DESCRIPTION

- Identification and Description (this index)

DESTRUCTION OF DOCUMENTS

- Crimes and offenses, § 12:145, 12:150
- Proof of claim, § 22:28

DESTRUCTION OF PROPERTY

- Discharge of debtor denied on grounds of, § 35:8 et seq.
- Documents and records. Destruction of Documents (this index)
- Exempt property, insurance proceeds as, § 13:90

DETERIORATION

- Depreciation and Depreciable Property (this index)

DEVALUATION

- Turnover of property, § 14:4, 14:38, 14:56

DEVISE

- Decedents' Estates (this index)

DIAGRAMS

- Charts (this index)

DILIGENCE

- Appeals, § 37:49
- Voluntary bankruptcy, § 8:74

D.I.P.

- Debtor in Possession (this index)

DIRECT/INDIRECT TRANSFER DOCTRINE

- Preferential transfers relating to letters of credit, § 18:116 to 18:119

DIRECTOR OF ADMINISTRATIVE OFFICE

- Clerk of court, § 4:53
- Judges, § 4:5

DIRECTORS

- Corporate Officers and Directors (this index)

DIRECT PAYMENT

- Family farmer debt adjustment plans, § 33:30, 33:38, 33:56, 33:58

DIRECT PAYMENT—Cont'd

- Individual Debt Adjustment Plans (this index)
- Trustee's compensation, generally, § 5:98, 5:99

DISABILITY AND DISABILITY INSURANCE

- Executory contracts and unexpired leases, § 20:131
- Exemptions, generally, § 13:106, 13:116
- Incompetent and Insane Persons (this index)
- Individual debt adjustment, § 1:63
- Judges, § 1:17, 4:28, 4:29
- Property of estate, § 12:37
- Workers' Compensation (this index)

DISALLOWANCE OF CLAIM

- Allowance of Claims or Interests (this index)

DISAPPROVAL

- Consent or Approval (this index)

DISBURSEMENTS

- Individual Debt Adjustment Plans (this index)
- Turnover of property, § 14:1, 14:11, 14:63, 14:68, 14:69

DISBURSING AGENTS

- Individual debt adjustment plans, confirmation of, § 31:70 to 31:72

DISCHARGE

- Generally, § 35:1 et seq.
- Actual notice or knowledge, § 35:222 et seq.
- Alimony. Domestic support obligations, below
- Amendment of complaint objecting to discharge, § 35:43
- Amendments, voluntary bankruptcy, § 8:105

DISCHARGE—Cont'd

- Asbestos cases, discharge injunctions, § 35:57
- Asset deficiency, failure to explain, § 35:24 et seq.
- Assignments, AFDC, domestic support obligations, § 35:166
- Attorneys' fees, domestic support obligations, § 35:165
- Automatic discharge, § 35:214
- Automatic stay, § 16:10, 16:15
- Best efforts test, eight-year discharge denial rule, § 35:33
- Burden of proof on objections to discharge, § 35:50, 35:215
- Capacity to be sued, § 5:49
- Capital maintenance obligation debts, § 35:200
- Chapter 7. Liquidation, below
- Chapter 9 debt, discharge of, § 35:67
- Chapter 11. Reorganization, below
- Chapter 12. Family farmer or fisher debt adjustment, below
- Chapter 13. Individual debt adjustment, below
- Child support. Domestic support obligations, below
- Closing and Reopening Cases (this index)
- Codebtors
 - generally, § 35:58
 - education loans, § 35:185
 - subrogation rights, tax and custom duties debts, § 35:77
- Collateral estoppel, § 35:233 et seq.
- College loans. Education loans, below
- Complaints objecting to discharge
 - amendment of, § 35:43
 - dismissal of, § 35:52
 - service, § 35:225 et seq.
 - who may file, § 35:211 et seq.

INDEX

DISCHARGE—Cont'd

- Concealment of property
 - generally, § 35:8 et seq.
 - intent of debtor, above
- Condominium membership fees, § 35:205
- Construction, exceptions from discharge, § 35:73
- Consumer debtors
 - costs awards, § 35:230
 - education programs, § 35:35
- Conversion of case, § 35:227
- Converted cases, time for objection to discharge, § 35:46
- Corporations discharge of, § 35:5
- Costs awards, § 35:230 et seq.
- Credit card debt
 - generally, § 35:118 et seq.
 - advertising, § 35:120
 - assumption of risk theory
 - generally, § 35:119 et seq.
 - advertising, § 35:120
 - mass solicitations, § 35:120
 - modified, § 35:121
 - cash advances, § 35:124 et seq.
 - intent, fraudulent, § 35:123
 - luxury goods purchases, § 35:124 et seq.
 - mass solicitations, § 35:120
 - modified assumption of risk theory, § 35:121
 - open-end credit plans, § 35:126
 - small charges under call-in limit, § 35:122
 - Truth in Lending Act, § 35:126
- Criminal conduct of debtor, § 35:36
- Custom duties debts
 - generally, § 35:74 et seq.
 - codebtors' subrogation rights, § 35:77
 - fees distinguished, § 35:76
 - policy considerations, § 35:75
 - priority claims, § 35:78 et seq.

DISCHARGE—Cont'd

- Custom duties debts—Cont'd
 - subrogation rights, § 35:77
 - surety's subrogation rights, § 35:77
- Debtor, discharge of
 - generally, § 35:37 et seq.
 - asbestos cases, injunctions, § 35:57
 - asset deficiency, failure to explain, § 35:24 et seq.
 - badges of fraud, § 35:11
 - bankruptcy planning, § 35:12
 - burden of proof on objections to, § 35:50
- Chapter 7, § 35:6
- Chapter 11
 - generally, § 35:7, 35:38
 - individual debtors, § 35:39
- Chapter 12
 - generally, § 35:40
 - hardship, § 35:41
- Chapter 13
 - generally, § 35:40
 - hardship, § 35:41
- codebtors, discharge of, § 35:58
- conversion of property from nonexempt to exempt, § 35:12
- corporations, § 35:5
- court order, refusal to obey, § 35:27 et seq.
- credit card debt, above
- criminal conduct of debtor, § 35:36
- debt, discharge of, above
- deficiency of assets, unexplained, § 35:24 et seq.
- denial of liquidation, grounds for, § 35:8 et seq.
- discretion of court, § 35:28
- distinction between discharge of debtor and of debt, § 35:1

DISCHARGE—Cont'd

Debtor, discharge of—Cont'd
 domestic support obligations,
 below
 education program, failure to
 complete, § 35:35
 eight-year rule
 generally, § 35:31 et seq.
 best efforts test, § 35:33
 failure to enter prior dis-
 charge, § 35:32
 revocation of prior discharge,
 § 35:32
 enforcement of liability, effect
 on, § 35:53 et seq.
 enforcement of liens, § 35:60
 exemption conversion viola-
 tions, § 35:12
 failure to explain loss or defi-
 ciency of assets, § 35:24 et
 seq.
 false oath or account, § 35:20 et
 seq.
 financial statement fraud, below
 fraud
 generally, § 35:9, 35:19
 badges of fraud, § 35:11
 establishing intent, § 35:10
 fraudulent activities, § 35:18
 guarantors, discharge of,
 § 35:58
 hardship discharges, § 35:41
 hearings, below
 how obtained, § 35:6 et seq.
 injunctions
 generally, § 35:55
 asbestos cases, § 35:57
 personal liability, § 35:55
 property, § 35:56
 insider debtors, § 35:30
 insurers to cover all potential
 recoveries, § 35:59
 intent of debtor, below
 judgments, voiding of, § 35:54

DISCHARGE—Cont'd

Debtor, discharge of—Cont'd
 later amendment of false oath or
 account, § 35:22
 liability, effect on, § 35:53 et
 seq.
 liberal construction rule, § 35:3
 lien enforcement, § 35:60
 liquidation cases, below
 loss of assets, unexplained,
 § 35:24 et seq.
 materiality of false oath or
 account, § 35:21
 nature of, § 35:2
 objections to discharge, below
 omissions, fraudulent, § 35:23
 partnerships, § 35:5
 prepetition relationship test,
 § 35:1
 prior discharges, § 35:31 et seq.
 privilege invocations, § 35:26
 property, injunctive projection,
 § 35:56
 reaffirmation of debts, § 35:236
 et seq.
 records, failure to keep, § 35:13
 et seq.
 refusal of court order, § 35:27
 et seq.
 rehabilitative cases, below
 revocation of discharge, below
 self-incrimination privilege,
 § 35:29
 standard of proof on objections
 to, § 35:51
 subsequent disclosure of false
 oath or account, § 35:22
 sufficiency of records, § 35:14,
 35:15
 unlisted and unsecured debt,
 below
 voiding of judgments, § 35:54
 voluntary repayment of debt,
 § 35:61
 waiver of discharge, § 35:34

INDEX

DISCHARGE—Cont'd

Debtor, discharge of—Cont'd
when obtained, § 35:6 et seq.
who may object, § 35:44
who may obtain, § 35:4

Debts, discharge of
generally, § 35:65 et seq.
ancient debts, unscheduled,
§ 35:134, 35:198
assessments, condominiums,
§ 35:205
capital maintenance obligation
debts, § 35:200
Chapter 7 cases, § 35:66
Chapter 9 cases, § 35:67
Chapter 11 cases
generally, § 35:68
individual and corporate
debtors, § 35:69
Chapter 12 cases, § 35:70
Chapter 13 cases
generally, § 35:71
superdischarge, § 35:72
checks drawn on insufficient
funds, § 35:95
codebtors on student loans,
§ 35:185
codebtors' subrogation rights,
§ 35:77
condominium membership fees,
§ 35:205
conversion, § 35:173 et seq.
costs, debts incurred for,
§ 35:206
credit card debt, above
custom duties debts, above
debtor, discharge of, below
definitions, § 35:169
distinction between discharge of
debtor and of debt, § 35:1
domestic support obligations,
below
drunk driving injuries, § 35:176
et seq., 35:195 et seq.
education loans, below

DISCHARGE—Cont'd

Debts, discharge of—Cont'd
election law penalties, § 35:203
exceptions from discharge,
below
expenses. debts incurred for,
§ 35:206
falsity and fraud, debts incurred
through, below
fiduciary fraud debt, below
filing fees, debts incurred for,
§ 35:206
financial statement fraud, below
fines
generally, § 35:179 et seq.
election law violations,
§ 35:203
forfeitures, § 35:179 et seq.
guarantors of student loans,
§ 35:185
HEAL loans, § 35:184
implied malice injuries,
§ 35:170
insufficient funds checks,
§ 35:95
intent, fraudulent
generally, § 35:98
credit card fraud, § 35:123
fiduciary defalcation,
§ 35:143
financial statements, § 35:117
inferred intent, § 35:99
malice injuries, § 35:170
materiality of fraudulent repre-
sentation
Generally, § 35:96
financial statement fraud,
§ 35:109
membership fee debts, § 35:205
military personnel
generally, § 35:153
bonuses and special pay,
§ 35:209
old debts, unscheduled,
§ 35:134, 35:198

DISCHARGE—Cont'd

Debts, discharge of—Cont'd
 opt-in discharge, § 35:214
 penalties
 generally, § 35:179 et seq.
 election law violations,
 § 35:203
 pension loan debts, § 35:208
 prior case, unscheduled debts
 predating, § 35:134,
 35:198
 priority claims, below
 PSAP loans, § 35:184
 reaffirmation of debts, § 35:236
 et seq.
 restitution obligations
 civil cases, § 35:181, 35:201
 criminal cases, § 35:180
 secured property, conversion of,
 § 35:175
 specific malice injuries,
 § 35:170
 superdischarge, § 35:72, 35:73
 surety's subrogation rights,
 § 35:77
 survival of debt, below
 tax debts, below
 unlisted and unscheduled debt,
 below
 willful and malicious injuries,
 below
 Declaratory judgments, § 7:179
 Deficiency of assets, unexplained,
 § 35:24 et seq.
 Denial. Grounds for denial, below
 Denial of discharge of debtor
 generally, § 35:8 et seq.
 asset deficiency, failure to
 explain, § 35:24 et seq.
 bankruptcy planning, § 35:12
 conversion of property from
 nonexempt to exempt,
 § 35:12
 court order, refusal to obey,
 § 35:27 et seq.

DISCHARGE—Cont'd

Denial of discharge of debtor
 —Cont'd
 criminal conduct of debtor,
 § 35:36
 deficiency of assets,
 unexplained, § 35:24 et
 seq.
 discretion of court, § 35:28
 education program, failure to
 complete, § 35:35
 eight-year rule
 generally, § 35:31 et seq.
 best efforts test, § 35:33
 failure to enter prior dis-
 charge, § 35:32
 revocation of prior discharge,
 § 35:32
 exemption conversion viola-
 tions, § 35:12
 failure to explain loss or defi-
 ciency of assets, § 35:24 et
 seq.
 false oath or account, § 35:20 et
 seq.
 fraudulent activities, § 35:18
 insider debtors, § 35:30
 intent of debtor, below
 later amendment of false oath or
 account, § 35:22
 loss of assets, unexplained,
 § 35:24 et seq.
 materiality of false oath or
 account, § 35:21
 omissions, fraudulent, § 35:23
 prior discharges, § 35:31 et seq.
 privilege invocations, § 35:26
 records, failure to keep, § 35:13
 et seq.
 refusal of court order, § 35:27
 et seq.
 self-incrimination privilege,
 § 35:29
 subsequent disclosure of false
 oath or account, § 35:22

INDEX

DISCHARGE—Cont'd

- Denial of discharge of debtor
 - Cont'd
 - sufficiency of records, § 35:14, 35:15
 - waiver of discharge, § 35:34
- Dependency obligations, consideration of, education loans, § 35:191
- Destruction of property
 - generally, § 35:8 et seq.
 - intent of debtor, below
- Determination of dischargeability
 - generally, § 35:210 et seq.
 - actual notice or knowledge, § 35:222 et seq.
 - automatic discharge, § 35:214
 - burden of proof, § 35:215
 - collateral estoppel, § 35:233 et seq.
 - complaints, above
 - conversion of case, § 35:227
 - costs, § 35:230 et seq.
 - extensions of time, § 35:228, 35:229
 - filing fees, § 35:220
 - notice of court, § 35:221
 - opt-in discharge, § 35:214
 - res judicata, § 35:233 et seq.
 - service of complaint, § 35:225 et seq.
 - standard of proof, § 35:216
 - standing to contest discharge, below
 - time limits, § 35:217 et seq.
- Discretion of court
 - debtor discharge denials, § 35:28
 - education loans, § 35:187
- Dismissal of complaint objecting to discharge, § 35:52
- Domestic support obligations
 - generally, § 35:146 et seq., 35:204

DISCHARGE—Cont'd

- Domestic support obligations
 - Cont'd
 - administrative proceedings, § 35:149
 - adult children and liability factors, § 35:161
 - assignments, AFDC, § 35:166
 - attorneys' fees, § 35:165
 - changed circumstances, effect of, § 35:157
 - children and liability factors, § 35:160 et seq.
 - cohabitants and liability factors, § 35:163
 - domestic partners and liability factors, § 35:163
 - duty of support, § 35:153
 - fact questions, § 35:147
 - family situation and liability factors, § 35:159 et seq.
 - illegitimate children and liability factors, § 35:162
 - intent of state court or parties, § 35:158
 - labels and liability factors, § 35:151, 35:155
 - liability factors, § 35:154 et seq.
 - marital situation and liability factors, § 35:159
 - military personnel, § 35:153
 - modifications of awards, § 35:152
 - nature of liability, § 35:146
 - need, § 35:156, 35:157
 - property settlements, § 35:148
 - Social Security anti-assignment rule, § 35:167
 - Social Security enforceable debt rule, § 35:207
 - specific expenditures, § 35:164 et seq.
 - state law, § 35:150 et seq.
 - third party payments, § 35:164

DISCHARGE—Cont'd

Domestic support obligations
—Cont'd
unmarried cohabitants and
liability factors, § **35:163**

Drunk driving injury debts,
§ **35:176 et seq.**, § **35:195 et
seq.**

Education loans
generally, § **35:182 et seq.**
codebtors, § **35:185**
contingent obligation loans,
§ **35:184**
dependency obligations,
consideration of, § **35:191**
discretion of court, § **35:187**
factors considered, § **35:189 et
seq.**
future prospects of debtor,
consideration of, § **35:193**
good faith repayment efforts,
§ **35:194**
guarantors, § **35:185**
HEAL loans, § **35:184**
health factors, consideration of,
§ **35:190**
living expenses, consideration
of, § **35:192**
nature of lender and loan,
§ **35:183**
PSAP loans, § **35:184**
repayment, good faith efforts,
§ **35:194**
tests, § **35:188**

Education programs, § **35:35**

Eight-year discharge denial rule
generally, § **35:31 et seq.**
best efforts test, § **35:33**
failure to enter prior discharge,
§ **35:32**
revocation of prior discharge,
§ **35:32**

Embezzlement. Fiduciary fraud
debt, below

DISCHARGE—Cont'd

Enforcement of liability, effect on
discharge of debtor, § **35:53
et seq.**

Enforcement of liens, discharge of
debtor, § **35:60**

Exceptions to discharge
generally, § **1:167**
ancient debts, unscheduled,
§ **35:134**, § **35:198**
assessments, condominiums,
§ **35:205**
capital maintenance obligation
debts, § **35:200**
codebtors on student loans,
§ **35:185**
condominium membership fees,
§ **35:205**
construction, § **35:73**
conversion, § **35:173 et seq.**
costs, debts incurred for,
§ **35:206**
credit card debt, above
definitions, § **35:169**
domestic support obligations,
above
drunk driving injuries, § **35:176
et seq.**, § **35:195 et seq.**
education loans, above
election law penalties, § **35:203**
expenses. debts incurred for,
§ **35:206**
extension of time to commence
actions, § **6:40**
falsity and fraud, debts incurred
through, below
fiduciary fraud debt, below
filing fees, debts incurred for,
§ **35:206**
financial statement fraud, below
fines
generally, § **35:179 et seq.**
election law violations,
§ **35:203**
forfeitures, § **35:179 et seq.**

INDEX

DISCHARGE—Cont'd

Exceptions to discharge—Cont'd
guarantors of student loans,
§ 35:185
HEAL loans, § 35:184
implied malice injuries,
§ 35:170
malice injuries, § 35:170
membership fee debts, § 35:205
military personnel
generally, § 35:153
bonuses and special pay,
§ 35:209
old debts, unscheduled,
§ 35:134, 35:198
penalties
generally, § 35:179 et seq.
election law violations,
§ 35:203
pension loan debts, § 35:208
prior case, unscheduled debts
predating, § 35:134,
35:198
PSAP loans, § 35:184
reaffirmation of debts, § 35:236
et seq.
restitution obligations
civil cases, § 35:181, 35:201
criminal cases, § 35:180
secured property, conversion of,
§ 35:175
sovereign immunity abrogated,
§ 6:78
specific malice injuries,
§ 35:170
unlisted and unscheduled debt,
below
willful and malicious injuries,
below
Exemptions
avoidance of liens, § 13:169
conversion violations, § 35:12
fraud of debtor, § 13:19
Expenses. Costs and expenses,
above

DISCHARGE—Cont'd

Extensions of time for objection
to, § 35:47, 35:228, 35:229
Failure to enter prior discharge,
§ 35:32
Failure to explain loss or defi-
ciency of assets, § 35:24 et
seq.
False oath or account
generally, § 35:20 et seq.
later amendment, § 35:22
materiality, § 35:21
omissions, § 35:23
subsequent disclosure, § 35:22
False pretenses. Falsity and fraud,
debts incurred through, below
Falsity and fraud, debts incurred
through
generally, § 35:90 et seq.
actual fraud and false pretenses
or false representation,
§ 35:91, 35:92
cash advances on credit cards,
§ 35:124 et seq.
characteristics of actual fraud,
§ 35:93
checks drawn on insufficient
funds, § 35:95
debtor's financial condition,
written statements re,
§ 35:108
falsity of representation,
§ 35:97
fiduciary fraud debt, below
financial statement fraud, below
forbearance, § 35:103
insider's financial condition,
written statements re,
§ 35:108
insufficient funds checks,
§ 35:95
intent
generally, § 35:98
credit card fraud, § 35:123

DISCHARGE—Cont'd

Falsity and fraud, debts incurred through—Cont'd
 intent—Cont'd
 fiduciary defalcation, § 35:143
 financial statements, § 35:117
 inferred intent, § 35:99
 luxury goods purchases, § 35:124 et seq.
 materiality of representation generally, § 35:96
 financial statement fraud, § 35:109
 obtaining money, property, or services, § 35:102 et seq.
 opinions, § 35:94
 promises, § 35:94
 refinancing statements, § 35:107
 reliance by creditor generally, § 35:100
 justifiable, § 35:101
 Family farmer or fisher debt adjustment
 debt, discharge of, § 35:70
 debtor, discharge of generally, § 35:40
 hardship, § 35:41
 hardship discharges, § 35:41
 rehabilitative cases generally, § 35:40
 hardship, § 35:41
 revocation of discharge, § 35:63
 Family law. Domestic support obligations, above
 Federal taxes. Taxation (this index)
 Fiduciary fraud debt generally, § 1:167, 35:135 et seq., 35:199
 capacity, fiduciary, § 35:136 et seq.
 defalcation, § 35:142, 35:143
 definitions, § 35:136 et seq.

DISCHARGE—Cont'd

Fiduciary fraud debt—Cont'd
 embezzlement, § 35:145
 ex mal cio trusts, § 35:141
 express trusts, § 35:139
 how relationship created, § 35:138 et seq.
 intent, defalcation, § 35:143
 larceny, § 35:145
 scope of status, § 35:136 et seq.
 state trust law, § 35:140
 technical trusts, § 35:139
 type of trust creating relationship, § 35:137
 who is fiduciary, § 35:136 et seq.
 Fiduciary fraud debt, below
 Filing fees, § 35:220
 Financial statement fraud generally, § 35:105 et seq.
 credit card debt, above
 debtor's financial condition, written statements re, § 35:108
 insider's financial condition, written statements re, § 35:108
 intent, § 35:117
 materiality of falseness, § 35:109
 money or property obtained for debtor, § 35:106, 35:107
 new value rule, § 35:107
 partial reliance, § 35:115, 35:116
 refinancing statements, § 35:107
 reliance generally, § 35:110 et seq.
 business acumen of creditor, § 35:113
 business practices and reasonableness of reliance, § 35:114
 duty to investigate, § 35:112

INDEX

DISCHARGE—Cont'd

Financial statement fraud—Cont'd
reliance—Cont'd
fact questions, § 35:111
history of dealings with
debtor, § 35:116
industry standards as to,
§ 35:114
investigation duty of creditor,
§ 35:112
partial reliance, § 35:115,
35:116
sophisticated creditors,
§ 35:113

Fraud

generally, § 1:167
falsity and fraud, debts incurred
through, above
fraudulent transfers and obliga-
tions, § 19:36, 19:94,
19:109, 19:123

Liquidation (this index)

Future prospects of debtor,
consideration of education
loans, § 35:193

Good faith repayment efforts,
education loans, § 35:194

Governmental creditors, standing
to contest discharge,
§ 35:212

Grounds for denial

generally, § 35:8 et seq.
asset deficiency, failure to
explain, § 35:24 et seq.
bankruptcy planning, § 35:12
conversion of property from
nonexempt to exempt,
§ 35:12
court order, refusal to obey,
§ 35:27 et seq.
criminal conduct of debtor,
§ 35:36
deficiency of assets,
unexplained, § 35:24 et
seq.
discretion of court, § 35:28

DISCHARGE—Cont'd

Grounds for denial—Cont'd

education program, failure to
complete, § 35:35
eight-year rule
generally, § 35:31 et seq.
best efforts test, § 35:33
failure to enter prior dis-
charge, § 35:32
revocation of prior discharge,
§ 35:32
exemption conversion viola-
tions, § 35:12
failure to explain loss or defi-
ciency of assets, § 35:24 et
seq.
false oath or account, § 35:20 et
seq.
fraudulent activities, § 35:18
insider debtors, § 35:30
intent of debtor, below
later amendment of false oath or
account, § 35:22
loss of assets, unexplained,
§ 35:24 et seq.
materiality of false oath or
account, § 35:21
omissions, fraudulent, § 35:23
prior discharges, § 35:31 et seq.
privilege invocations, § 35:26
records, failure to keep, § 35:13
et seq.
refusal of court order, § 35:27
et seq.
self-incrimination privilege,
§ 35:29
subsequent disclosure of false
oath or account, § 35:22
sufficiency of records, § 35:14,
35:15
waiver of discharge, § 35:34
Guarantors, discharge of
generally, § 35:58
student loans, § 35:185

DISCHARGE—Cont'd

- Health factors, consideration of, student loans, § 35:190
- Hearings
 - attendance, § 35:49
 - burden of proof, § 35:50
 - discharge objections, § 35:48 et seq.
 - standard of proof, § 35:51
 - testimony, § 35:49
- Husband and wife. Domestic support obligations, above
- Individual debt adjustment debt, discharge of
 - generally, § 35:71
 - superdischarge, § 35:72
- debtor, discharge of
 - generally, § 35:40
 - hardship, § 35:41
 - hardship discharges, § 35:41
 - rehabilitative cases
 - generally, § 35:40
 - hardship, § 35:41
 - revocation of discharge, § 35:63
 - superdischarge, § 35:72
- Injunctions
 - generally, § 35:55 et seq.
 - discharge operating as, § 23:26
 - personal liability, § 35:55
 - property of debtor, protection of, § 35:56
 - setoff, effect of, § 25:7
- Insider debtors, § 35:30
- Insufficient funds checks, § 35:95
- Insurers to cover all potential recoveries, § 35:59
- Intent, fraudulent
 - generally, § 35:9, 35:19, 35:98
 - badges of fraud, § 35:11
 - credit card fraud, § 35:123
 - establishing intent, § 35:10
 - fiduciary defalcation, § 35:143
 - financial statements, § 35:117
 - inferred intent, § 35:99

DISCHARGE—Cont'd

- Investigation of debtor, § 5:66
- Judgments, voiding of, § 35:54
- Jurisdiction, § 7:101, 7:102, 7:179
- Larceny. Fiduciary fraud debt, above
- Later amendment of false oath or account, § 35:22
- Liability, effect on of debtor discharge, § 35:53 et seq.
- Liberal construction rule, § 35:3
- Lien enforcement on discharge of debtor, § 35:60
- Liquidation cases
 - generally, § 35:6 et seq.
 - asset deficiency, failure to explain, § 35:24 et seq.
 - bankruptcy planning, § 35:12
 - Chapter 7, § 35:6
 - Chapter 11, § 35:7
 - consumer education program, failure to complete, § 35:35
 - conversion of property from nonexempt to exempt, § 35:12
 - court order, refusal to obey, § 35:27 et seq.
 - criminal conduct of debtor, § 35:36
 - debt, discharge of, § 35:66
 - debtor, discharge of, § 35:6
 - deficiency of assets, unexplained, § 35:24 et seq.
 - denial, grounds for, § 35:8 et seq.
 - discretion of court, § 35:28
 - education program, failure to complete, § 35:35
 - eight-year rule
 - generally, § 35:31 et seq.
 - best efforts test, § 35:33
 - failure to enter prior discharge, § 35:32

INDEX

DISCHARGE—Cont'd

Liquidation cases—Cont'd
eight-year rule—Cont'd
revocation of prior discharge,
§ 35:32
exemption conversion viola-
tions, § 35:12
failure to explain loss or defi-
ciency of assets, § 35:24 et
seq.
false oath or account, § 35:20 et
seq.
fraudulent activities, § 35:18
insider debtors, § 35:30
intent of debtor, above
later amendment of false oath or
account, § 35:22
loss of assets, unexplained,
§ 35:24 et seq.
materiality of false oath or
account, § 35:21
omissions, fraudulent, § 35:23
prior discharges, § 35:31 et seq.
privilege invocations, § 35:26
records, failure to keep, § 35:13
et seq.
refusal of court order, § 35:27
et seq.
revocation of discharge, § 35:62
self-incrimination privilege,
§ 35:29
subsequent disclosure of false
oath or account, § 35:22
sufficiency of records, § 35:14,
35:15
unlisted and unscheduled debt
discharge exceptions,
§ 35:132
waiver of discharge, § 35:34
Lists (this index)
Living expenses, education loan
discharges, § 35:192
Loans or Credit (this index)
Loss of assets, unexplained,
§ 35:24 et seq.

DISCHARGE—Cont'd

Materiality, false oath or account,
§ 35:21
Military personnel
bonuses and special pay,
§ 35:209
domestic support obligations,
§ 35:153
Municipal debt adjustment,
§ 32:32, 35:67
Mutilation of property
generally, § 35:8 et seq.
intent of debtor, above
Nature of discharge of debtor,
§ 35:2
Nondischargeable debt, generally,
§ 1:167
Objections to discharge
generally, § 1:167, 35:42 et seq.
amendment of complaint,
§ 35:43
attendance at hearings, § 35:49
burden of proof, § 35:50
complaint
amendment of, § 35:43
dismissal of, § 35:52
converted cases, time for objec-
tion, § 35:46
extension of time for objection,
§ 35:47
hearings, above
standard of proof, § 35:51
testimony at hearings, § 35:49
time for objection
generally, § 35:45 et seq.
converted cases, § 35:46
extension of time, § 35:47
who may object, § 35:44
Omissions, fraudulent, § 35:23
Opt-in discharge, § 35:214
Partnerships discharge of, § 35:5
Pension loan debts, § 35:208
Prior Case (this index)
Prior discharges. Eight-year dis-
charge denial rule, above

DISCHARGE—Cont'd

Priority claims, tax and custom duties debts, § 35:78 et seq.

Privilege invocations, denial of discharge of debtor, § 35:26

Procedure

- generally, § 35:210 et seq.
- actual notice or knowledge, § 35:222 et seq.
- amendment of complaint, § 35:43
- automatic discharge, § 35:214
- burden of proof, § 35:215
- complaint
 - amendment of, § 35:43
 - dismissal of, § 35:52
- complaints, above
- conversion of case, § 35:227
- converted cases, time for objection, § 35:46
- costs, § 35:230 et seq.
- extension of time for objection to, § 35:47
- extensions of time, § 35:228, 35:229
- filing fees, § 35:220
- hearings, above
- notice of court, § 35:221
- objections to discharge, above
- opt-in discharge, § 35:214
- revocation of discharge, § 35:64
- service of complaint, § 35:225 et seq.
- standard of proof, § 35:216
- standing to contest discharge, below
- time for objection to discharge
 - generally, § 35:45 et seq.
 - converted cases, § 35:46
 - extension of time, § 35:47
 - time limits, § 35:217 et seq.
 - who may object to debtor discharge, § 35:44

Professional persons, § 2:100, 2:115

DISCHARGE—Cont'd

Proof of claim

- necessity of filing by creditor with nondischargeable claim, § 22:7
- objection or complaint as informal proof of claim, § 22:32

Property settlements. Domestic support obligations, above

Reaffirmation of Debts (this index)

Records, failure to keep

- generally, § 35:13 et seq.
- justification for failure to keep or preserve, § 35:16, 35:17
- sufficiency of records, § 35:14
- third party records, sufficiency of, § 35:15

Redemption, § 12:101, 12:111

Refusal of court order

- generally, § 35:27 et seq.
- discretion of court, § 35:28
- self-incrimination assertions, § 35:29

Rehabilitative cases

- generally, § 35:37 et seq.

Chapter 11

- generally, § 35:38
- individual debtors, § 35:39

Chapter 12

- generally, § 35:40
- hardship, § 35:41

Chapter 13

- generally, § 35:40
- hardship, § 35:41

debtor discharges, § 35:37 et seq.

hardship discharges, § 35:41

Removal of property

- generally, § 35:8 et seq.
- intent of debtor, above

Reorganization

- debt, discharge of
- generally, § 35:68

INDEX

DISCHARGE—Cont'd

Reorganization—Cont'd
debt, discharge of—Cont'd
individual and corporate
debtors, § 35:69
debtor, discharge of, § 35:7
generally, § 35:38
individual debtors, § 35:39
individual debtor discharges,
§ 35:39
revocation of discharge, § 35:62
Res judicata, § 35:233 et seq.
Restitution obligations
civil cases, § 35:181, 35:201
criminal cases, § 35:180
Revival of dischargeable or
discharged debt. Reaffirma-
tion of Debts (this index)
Revocation of discharge
generally, § 1:166
Chapter 7, § 35:62
Chapter 11, § 35:62
Chapter 12, § 35:63
Chapter 13, § 35:63
debtor, discharge of, § 35:62 et
seq.
eight-year discharge denial rule,
§ 35:32
procedure, § 35:64
School loans. Education loans,
above
Self-incrimination privilege,
§ 35:29
Service of complaint, § 35:225 et
seq.
Setoff, effect of discharge injunc-
tion on, § 25:7
Social Security law
anti-assignment rule, § 35:167
enforceable debt rule, § 35:207
Sovereign immunity abrogated,
§ 6:78
Spousal support. Domestic support
obligations, above
Standard of proof, § 35:216

DISCHARGE—Cont'd

Standard of proof on objections to
discharge, § 35:51
Standing to contest discharge
generally, § 35:211 et seq.
governmental creditors,
§ 35:212
trustees, § 35:213
Student loans. Education loans,
above, § 35:182
Subrogation rights, tax and custom
duties debts, § 35:77
Subsequent disclosure of false
oath or account, § 35:22
Sufficiency of records, § 35:14,
35:15
Superdischarge, § 31:13, 35:72
Supplementary relief, § 8:1
Support. Domestic support obliga-
tions, above
Surety's subrogation rights, tax
and custom duties debts,
§ 35:77
Survival of debts
ancient debts, unscheduled,
§ 35:134, 35:198
assessments, condominiums,
§ 35:205
capital maintenance obligation
debts, § 35:200
codebtors on student loans,
§ 35:185
condominium membership fees,
§ 35:205
conversion, § 35:173 et seq.
costs, debts incurred for,
§ 35:206
credit card debt, above
custom duties debts, above
definitions, § 35:169
domestic support obligations,
above
drunk driving injuries, § 35:176
et seq., 35:195 et seq.

DISCHARGE—Cont'd

Survival of debts—Cont'd
 education loans, above,
 § 35:182
 election law penalties, § 35:203
 expenses. debts incurred for,
 § 35:206
 falsity and fraud, debts incurred
 through, above
 fiduciary fraud debt, above
 filing fees, debts incurred for,
 § 35:206
 financial statement fraud, above
 fines
 generally, § 35:179 et seq.
 election law violations,
 § 35:203
 forfeitures, § 35:179 et seq.
 guarantors of student loans,
 § 35:185
 HEAL loans, § 35:184
 implied malice injuries,
 § 35:170
 malice injuries, § 35:170
 membership fee debts, § 35:205
 military personnel
 generally, § 35:153
 bonuses and special pay,
 § 35:209
 old debts, unsecured,
 § 35:134, 35:198
 penalties
 generally, § 35:179 et seq.
 election law violations,
 § 35:203
 pension loan debts, § 35:208
 prior case, unsecured debts
 predating, § 35:134,
 35:198
 PSAP loans, § 35:184
 reaffirmation of debts, § 35:236
 et seq.
 restitution obligations
 civil cases, § 35:181, 35:201
 criminal cases, § 35:180

DISCHARGE—Cont'd

Survival of debts—Cont'd
 secured property, conversion of,
 § 35:175
 specific malice injuries,
 § 35:170
 tax debts, below
 unlisted and unsecured debt,
 below
 willful and malicious injuries,
 below
 Tax debts
 generally, § 35:74 et seq.,
 35:89, 35:202
 codebtors' subrogation rights,
 § 35:77
 employment tax priorities,
 § 35:85
 excise tax priorities, § 35:83,
 35:84
 fees distinguished, § 35:76
 gross receipts tax priorities,
 § 35:80
 income tax priorities, § 35:80
 penalties, priorities, § 35:87
 policy considerations, § 35:75
 priority claims, § 35:78 et seq.
 property tax priorities, § 35:81
 subrogation rights, § 35:77
 surety's subrogation rights,
 § 35:77
 trust fund tax priorities,
 § 35:82, 35:84
 Tax Treatment of Discharge (this
 index)
 Testimony on objections to dis-
 charge, § 35:49
 Third parties, professional
 persons, § 2:115
 Third party payments, domestic
 support obligations, § 35:164
 Time, extensions of time,
 § 35:228, 35:229
 Time for objection
 generally, § 35:45 et seq.

INDEX

DISCHARGE—Cont'd

- Time for objection—Cont'd
 - converted cases, § 35:46
 - extension of time, § 35:47
- Time limits for commencing proceedings, § 35:217 et seq.
- Transfer of property
 - generally, § 35:8 et seq.
 - intent of debtor, above
- Trustees
 - capacity to be sued, § 5:49
 - investigation of debtor by trustee, § 5:66
 - liquidation, trustee's powers and duties, § 5:62
 - standing to contest discharge, § 35:213
- Turnover of property, § 14:89, 14:90
- United States trustees, § 4:88, 4:101, 4:105
- Unlisted and unsecured debt discharge exceptions
 - generally, § 35:127 et seq.
 - actual knowledge, § 35:130
 - amendments, § 35:133
 - ancient debts, § 35:134, 35:198
 - creditor identification, § 35:129
 - name and address errors, § 35:129
 - no asset Chapter 7 cases, § 35:132
 - notice, § 35:130
 - old debts, § 35:134, 35:198
 - omissions, rectifying, § 35:133
 - partial listing, § 35:131
 - prior case, debts predating, § 35:134, 35:198
 - reopening to add omitted creditor, § 35:133
 - 2, 4, 6 claims, § 35:128
- Voiding of judgments
 - debtor, discharge of, § 35:54
- Voluntary bankruptcy, § 8:83, 8:105

DISCHARGE—Cont'd

- Voluntary repayment of debt after, § 35:61
- Waiver of debtor discharge, § 35:34
- Who may contest. Standing to contest discharge, above
- Who may object to debtor discharge, § 35:44
- Wife and husband. Domestic support obligations, above
- Willful and malicious injuries
 - generally, § 35:168 et seq., 35:173 et seq., 35:176 et seq., 35:195 et seq.
 - fin
 - generally, § 35:179 et seq.
 - election law violations, § 35:203
 - forfeitures, § 35:179 et seq.
 - penalties
 - generally, § 35:179 et seq.
 - election law violations, § 35:203
 - restitution obligations
 - civil cases, § 35:181, 35:201
 - criminal cases, § 35:180
- Witnesses, debtor's duty to attend and testify, § 6:26

DISCHARGEABILITY OF DEBTS

Generally. See Discharge (this index)

DISCHARGE OR RELEASE

- Indebtedness. Discharge (this index)
- Jurisdiction, release of personalty in creditor's possession, § 7:10
- Preferences and preferential transfers, § 18:48, 18:83
- Professional person discharged from employment, § 2:7

DISCHARGE OR RELEASE

—Cont'd

Reorganization plan releasing nondebtor, § **27:25**

DISCLOSURE

Advertisement of bankruptcy services, § **2:57**

Attorneys' fees, § **2:62, 2:63, 2:66, 2:97**

Automatic stay, § **16:38, 16:92, 16:94**

Compensation of professional persons, § **2:62, 2:63, 2:91, 2:92, 2:97**

Concealment (this index)

Creditors' committees, § **6:45**

Debtor's attorney as "debt relief agency," disclosures of consumer, § **2:56**

Discovery and Depositions (this index)

Equity security holders, § **6:61**

Municipal Debt Adjustment Plans (this index)

Newly discovered assets, closing and reopening cases, § **36:13**

Newly Discovered Evidence (this index)

Professional persons, § **2:23, 2:62, 2:63, 2:91, 2:92, 2:97**

Protective Orders (this index)

Reference of cases, § **7:37**

Reimbursement, disclosure of conflict of interest, § **2:92**

Reorganization Plans (this index)

Reorganization (this index)

Rules of Bankruptcy Procedure (this index)

Securities and Exchange Commission, § **6:86**

Statements. Reorganization Plans (this index)

Taxation, § **3:6, 3:72**

Trustees (this index)

DISCLOSURE—Cont'd

United States trustees, § **4:94, 4:101, 4:104**

Voluntary bankruptcy, § **8:76**

DISCONTINUANCE

Continuance of Action or Proceeding (this index)

Reorganization, discontinuance of debtor's business, § **15:15**

Utilities (this index)

DISCOUNT RATE

Family farmer debt adjustment plans, § **33:36, 33:37**

Size and nature of claim, § **23:17**

DISCOUNTS

Allowance of claims or interest, § **24:36**

Fraudulent transfers and concealment of assets, § **19:64**

Individual debt adjustment plans, § **31:19, 31:20, 31:30, 31:31**

Taxation, § **3:12, 3:13**

DISCOVERY AND DEPOSITIONS

Federal Debt Collections Procedures Act, § **1:34**

Involuntary bankruptcy, § **9:55**

Newly discovered assets, § **36:13**

Newly Discovered Evidence (this index)

Reorganization plans, § **26:4**

Rules of Bankruptcy Procedure (this index)

DISCRETIONARY ABSTENTION

Abstention (this index)

DISCRETIONARY PLAN PROVISIONS

Claims secured only by debtor's principal residence not

INDEX

DISCRETIONARY PLAN

PROVISIONS—Cont'd subject to modification, § 29:15

bifurcation of undersecured
claims as impermissible
modification, § 29:20

distinction between modifica-
tion and cure, § 29:19

effect of cancellation or waiver
of liens on ability to
modify, § 29:18

security interest, § 29:16, 29:17

Exception for cosigned consumer
debts, § 29:9

Family farmer debt adjustment
plans, § 33:10 to 33:22

Payments outside the plan as
unfair discrimination, § 29:13

Unfair discrimination
determination, § 29:10

factors, § 29:12

standards, § 29:11

Unfair discrimination prohibited,
§ 29:8

DISCRETIONARY WITHDRAWAL

Jurisdiction, § 7:41

DISCRETION OF COURT

Appeals, abuse of discretion stan-
dard of review, § 37:24

Automatic stay, § 16:154, 16:155

Closing and reopening cases,
§ 36:9 to 36:11, 36:33

Creditors' meetings, public access,
§ 10:45

Debt discharges, education loan,
§ 35:187

Debtor discharges, § 35:28

Discharge (this index)

Family Farmer or Fisher Debt
Adjustment Plans (this index)

Proof of claim, § 22:38, 22:43,
22:44

DISCRIMINATION

Adequate protection, § 21:54

Alcoholic beverages, § 6:29, 6:32

Automatic stay, § 16:92

Driver's licenses, § 6:29, 6:30,
6:32

Employment (this index)

Equal opportunity. Employment
(this index)

Family farmer debt adjustment,
discrimination against
classes, § 33:9

Individual Debt Adjustment Plans
(this index)

Licenses and permits, § 6:28,
6:30, 6:32

Military, § 6:29, 6:32

Reaffirmation of debts, § 6:28

Reference of cases, civil rights
disputes, § 7:42

Renewal or refinancing, § 6:28,
6:32

Reorganization Plans (this index)

Sovereign immunity abrogated,
§ 6:78

Student loan or grant, § 6:31

Suspension, § 6:28, 6:32

Trustees

appointment, § 5:10 to 5:12

plan payments, § 5:10 to 5:12,
5:98

Utilities, § 6:32, 6:34

Utility service, § 16:233 to 16:236

DISEASE

Family farmer debt adjustment,
risk test, § 1:53

DISENFRANCHISED CORPORATION

Involuntary bankruptcy, § 9:2

DISHONESTY

Fraud and Deceit (this index)

DISHONOR

Preferences and preferential transfers, exceptions to avoidability, § 18:42, 18:67

DISINTERESTED PERSONS

Interested Persons or Parties (this index)

DISMISSAL

Conversion or Dismissal (this index)

DISPOSABLE EARNINGS OR INCOME

Family farmer debt adjustment plans, § 33:47
Individual debt adjustment plans, § 31:45 to 31:54
Reorganization plans, § 28:18

DISPOSAL OF PROPERTY

Reclamation, grant of administrative expense claim or lien as alternative, § 17:84
United States trustee, notice, § 4:107

DISPOSING OF COLLATERAL

Allowance of Claims or Interests (this index)

DISPUTED CLAIMS OR DEBTS

Jurisdiction, § 7:92

DISPUTE OF ELECTION

Trustees, § 5:19, 5:36

DISQUALIFICATION

Qualification or Eligibility (this index)

DISSENTING OPINION

Northern Pipeline ruling, § 7:136

DISSOLUTION

Generally, § 1:33
Automatic Stay (this index)
Involuntary bankruptcy, § 9:2
Marital. Divorce (this index)

DISSOLUTION—Cont'd

Voluntary bankruptcy, § 8:7

DISTRAINT AND SEIZURE

Automatic stay, § 16:103

DISTRESSED PROPERTY

Voluntary bankruptcy, § 8:28, 8:30

DISTRESS FOR RENT

Avoidance of lien of distress for rent, § 17:34, 17:38

DISTRIBUTABLE NET INCOME

Taxation, § 3:38

DISTRIBUTION

Generally, § 1:6, 34:1 to 34:198
Abstention, § 7:29
Accounts and accounting, § 34:32, 34:160
Administrative Expenses (this index)
Allowance of claims, priorities, § 34:5
Attorney-client privilege, § 34:109
Attorneys' fees, § 34:32
Avoiding power of trustee, assignability, § 17:3
Bankruptcy, § 1:6
Burial expenses, § 34:15
Closing and reopening of cases, § 36:6, 36:25, 36:27
Commodity Broker Liquidation (this index)
Compensation (this index)
Confirmation of rehabilitation plan, effect on persons and property, § 34:20, 34:180
Consumer deposits on orders, priorities, § 34:87
Contracts and agreements
commodity broker liquidation, § 34:161 to 34:163
priorities, § 34:72
subordination agreements, § 34:92, 34:93

INDEX

DISTRIBUTION—Cont'd

- Conversion, postconversion administrative expenses, § 34:15
- Core proceedings, generally, § 7:76
- Corporations
 - consumer deposits, partnerships and corporations as exempt from priority accorded, § 34:87
 - officers and directors of debtor, equitable subordination, § 34:104
 - undercapitalized corporate debtors, loans to, § 34:104
- Crimes and Offenses (this index)
- Customs duties, § 34:64 to 34:82
- Deferral rules, subordination, § 34:115
- Directors of debtor, equitable subordination, § 34:104
- Dividends
 - family farmer debt adjustment proceedings, § 34:193
 - individual debt adjustment, § 34:197
 - liquidation, § 34:138 to 34:140
- Employee Retirement Income Security Act, § 34:63
- Equity
 - stockbroker liquidation, § 34:153
 - subordination, generally, § 34:98 to 34:114
- Excess property, § 34:157, 34:176, 34:177
- Excise taxes, priorities, § 34:79
- Exclusions, § 34:152, 34:166
- Exempt property, payment of expenses, § 34:23
- Expedited distribution procedures, § 34:85
- Extension of postpetition business credit, § 34:13, 34:14

DISTRIBUTION—Cont'd

- Family farmer debt adjustment, § 34:191 to 34:194
- Family farmer debt adjustment plans, distribution upon confirmation of plans, § 33:55 to 33:58
- Fees and charges, priorities, § 34:39
- Filing
 - liquidation, § 34:128 to 34:131
 - priorities, taxation, § 34:68, 34:69
- Final distribution, § 34:126 to 34:134
- Fish assets claims, § 34:86
- Grain assets claims, § 34:84, 34:85
- Import duties, § 34:64 to 34:82
- Individual Debt Adjustment (this index)
- Insiders, § 34:102
- Interested parties, § 34:32
- Involuntary gap, § 34:83
- Joint or co-ownership interests, § 12:14
- Limitations and restrictions
 - stockbroker liquidation, § 34:149
 - subordination agreements, § 34:93, 34:96
- Liquidating trustee's disposal of property, § 1:161
- Liquidation (this index)
- Loans or credit
 - priorities, postpetition business credit, § 34:13, 34:14
 - subordination, loans to undercapitalized corporate debtors, § 34:104
- Municipal Debt Adjustment (this index)
- Municipal Debt Adjustment Plans (this index)

DISTRIBUTION—Cont'd

Net equity
 commodity broker liquidation,
 § 34:167 to 34:175
 stockbroker liquidation,
 § 34:154 to 34:156
 Noninsiders, § 34:105, 34:106
 Officers and directors of debtor,
 equitable subordination,
 § 34:104
 Operation of business, administra-
 tive expenses, § 34:26, 34:27
 Orders, administrative expenses,
 § 34:21
 Postconversion administrative
 expenses, § 34:15
 Postpetition acts and matters
 liquidation, § 34:133, 34:155
 priorities, § 34:13, 34:14, 34:31
 stockbroker liquidation,
 § 34:155
 Preference rules designed to
 preserve equal distribution,
 § 18:3
 Preserving estate, administrative
 expenses, § 34:25 to 34:27
 Presumptions and burden of proof
 equitable subordination,
 § 34:108
 priority rules, asserting and
 applying, § 34:5
 tax deficiencies, presumption of
 punitive penalties, § 34:82
 Priorities (this index)
 Professional persons and
 administrative expenses,
 compensation, § 34:32 to
 34:34
 Proof of Claim (this index)
 Property of estate, preservation as
 administrative expense,
 § 34:25 to 34:27
 Pro rata distribution on allowance
 of claim or interest, § 24:43,
 24:54

DISTRIBUTION—Cont'd

Quickie refund, priority accorded
 tax liabilities, § 34:29
 Railroad reorganization, § 34:188
 to 34:190
 Reaffirmation of Debts (this
 index)
 Records and reports, commodity
 broker liquidation, § 34:169
 Reopening of cases. Closing and
 reopening of cases, above
 Reorganization (this index)
 Reorganization Plans (this index)
 Rules of Bankruptcy Procedure
 (this index)
 Secured and unsecured claims
 liquidation, § 34:121, 34:122
 priorities, § 34:12
 Setoff, priorities, § 34:9
 Small dividends, § 33:55, 34:193,
 34:197
 Sovereign immunity abrogated,
 § 6:78
 Stock and stockholders
 commodity broker liquidation,
 § 1:163
 securities rescission claims,
 § 34:94 to 34:96
 Stockbroker Liquidation (this
 index)
 subordination, § 34:94 to 34:96,
 34:103
 Stockbroker Liquidation (this
 index)
 Subordination (this index)
 Subrogation's effect on priorities,
 § 34:8
 Substantial contribution,
 administrative expenses,
 § 34:37
 Superpriorities (this index)
 Surplus to debtor after payment of
 priority claims, § 34:134,
 34:143

INDEX

DISTRIBUTION—Cont'd

- Tardy claims filed before commencement of distribution, § **24:48**
- Taxation (this index)
- Time and date
 - liquidation, § **34:128 to 34:131**
 - stockbroker liquidation, § **34:155**
 - subordination, § **34:108**
- Trustee in bankruptcy
 - generally, § **34:3**
 - equitable subordination, standing to raise, § **34:111**
- Trusts, § **12:19**
- Unclaimed property, § **34:183, 34:186, 34:194, 34:198**
- Undercapitalized corporate debtors, loans to, § **34:104**
- Withholding Taxes (this index)

DISTRIBUTORSHIP AGREEMENTS

- Executory contracts and unexpired leases, § **20:54**

DISTRICT COURTS

- Generally, § **4:3, 4:17, 4:44, 37:31, 37:32**
- Amicus curiae briefs, § **37:68**
- Amount in controversy, § **7:8**
- Appeal forms, election to have district court hear appeal, § **37:26**
- Appeals
 - generally, § **7:28, 37:31, 37:32**
 - amicus curiae briefs, § **37:68**
 - attorneys' fees, § **37:75**
 - briefs, § **37:63 to 37:68**
 - costs, § **37:75**
 - credit or loans, § **37:57**
 - De Novo Review (this index)
 - diligent prosecution of appeals, § **37:49**
 - disposition of appeal, § **37:73**

DISTRICT COURTS—Cont'd

- Appeals—Cont'd
 - docketing appeal, § **37:38, 37:61, 37:62**
 - election to have appeal heard by district court rather than Bankruptcy Appellate Panel, § **37:26**
 - emergency motions, § **37:71**
 - excusable neglect, extension of time for appeal, § **37:42**
 - extension of time for appeal, § **37:41 to 37:43, 37:63, 37:64**
 - failure to obtain stay, § **37:56**
 - Federal Rules of Civil Procedure 62, stay under, § **37:53**
 - filing, § **37:37 to 37:40, 37:58, 37:59, 37:69**
 - filing of papers, generally, § **37:63, 37:64**
 - final judgments and orders, generally, § **37:4 to 37:8**
 - form and contents, notice of appeal, § **37:44**
 - form requirements, § **37:65**
 - in forma pauperis, § **37:3**
 - interlocutory orders, leave to appeal from, § **37:47, 37:48**
 - involuntary dismissal of appeal, § **37:49**
 - jurisdiction, below
 - lease of property, voluntary dismissal of appeal, § **37:57**
 - leave to appeal, motion for, § **37:47, 37:48**
 - length requirements, § **37:66, 37:67**
 - mediation procedures, § **37:77**
 - motion for stay, § **37:52**
 - motion practice, generally, § **37:40, 37:47, 37:48, 37:70, 37:71**

DISTRICT COURTS—Cont'd

Appeals—Cont'd
 notice and hearing, § 37:36 to 37:46
 notice of appeal, filing, § 37:49
 oral argument, § 37:72
 persons who may appeal, § 37:34, 37:35
 premature filing, notice of appeal, § 37:39
 procedure, generally, § 37:33 to 37:76
 record on appeal, § 37:58 to 37:60
 reference to United States magistrate not authorized, § 37:32
 referral of cases, § 7:36, 7:45
 rehearing, § 37:74
 sale or lease of property, voluntary dismissal of appeal, § 37:57
 service of papers, generally, § 37:45, 37:58, 37:59, 37:63, 37:64, 37:69
 statement of issues, § 37:58, 37:59
 stay, § 37:51 to 37:56, 37:76
 supersedeas bond, § 37:51 to 37:56
 taxation of costs and fees, § 37:75
 time and date, § 37:37 to 37:40, 37:63, 37:64
 transmission of record, § 37:61, 37:62
 unique circumstances doctrine, extension of time for appeal, § 37:43
 voluntary dismissal of appeal, § 37:50, 37:57
 Appointment of bankruptcy judges, § 7:45
 Arising in Title 11, jurisdiction, § 7:11

DISTRICT COURTS—Cont'd

Arising under Title 11, jurisdiction, § 7:10
 Attorneys' fees, § 37:75
 Briefs, appeals, § 37:63 to 37:68
 Briefs (this index)
 Change of venue, § 7:191
 Consent, appeals, § 37:47, 37:48, 37:51 to 37:56
 Core proceedings, § 7:13, 7:68
 Costs, § 37:75
 Death claims, § 7:53
 Diligent prosecution of appeals, § 37:49
 Dismissal of appeal, § 37:49, 37:50
 Docketing appeal, § 37:38, 37:61, 37:62
 Emergency motions, § 37:71
 Exclusive jurisdiction, § 7:6, 7:9, 7:17, 7:18
 Excusable neglect, § 37:42
 Exemptions, § 13:10
 Extension of time for appeal, § 37:41 to 37:43, 37:63, 37:64
 Filing, appeals, § 37:37 to 37:40, 37:58, 37:59, 37:63, 37:64, 37:69
 Final judgments and orders, appeals, § 37:4 to 37:8
 Form requirements, appeals, § 37:65
 Guam district court, jurisdiction of, § 1:18
 In forma pauperis, § 37:3
 Interlocutory orders, leave to appeal from, § 37:47, 37:48
 Involuntary dismissal of appeal, § 37:49
 Jurisdiction
 generally, § 7:2, 7:6 to 7:17
 Abstention (this index)
 appeals, generally, § 7:28, 37:5, 37:31, 37:46

INDEX

DISTRICT COURTS—Cont'd

Jurisdiction—Cont'd
arising in Title 11, § **7:11**
arising under Title 11, § **7:10**
core and noncore proceedings,
§ **7:13, 7:68**
De Novo Review (this index)
inherently noncore proceedings,
§ **7:13**
minimum state contacts and
amount in controversy pro-
visions, § **7:8**
original and exclusive jurisdic-
tion, § **7:6, 7:9, 7:17**
personal injury and wrongful
death claims, § **7:53**
related to Title 11, § **7:12**
test of relatedness, § **7:15**
ultimate jurisdiction of district
court, § **7:34**
Jury trial, § **7:53**
Lease of property, voluntary dis-
missal of appeal, § **37:57**
Leave to appeal, motion for,
§ **37:47, 37:48**
Length requirements, appeals,
§ **37:66, 37:67**
Loans or credit, § **37:57**
Mediation procedures, § **37:77**
Minimum state contacts, § **7:8**
Motion practice, § **37:40, 37:47,**
37:48, 37:52, 37:70, 37:71
Notice and hearing, appeals,
§ **37:36 to 37:46**
Notice of appeal, filing, § **37:49**
Oral arguments, appeal, § **37:72**
Original jurisdiction, § **7:6, 7:9,**
7:17
Parties, appeals, § **37:34, 37:35**
Personal injury claims, § **7:53**
Petition preparers, Bankruptcy
Court's certification of viola-
tions to district court, § **2:48**
Precedential effect of district
courts' decision, § **37:31**

DISTRICT COURTS—Cont'd

Premature filing, notice of appeal,
§ **37:39**
Professional's employment,
exclusive jurisdiction over,
§ **7:18**
Proof of claim filed with district
judge or clerk, § **22:35**
Property of estate, § **12:151**
Record on appeal, § **37:58 to**
37:60
Rehearing after disposition,
§ **37:74**
Related to Title 11, jurisdiction,
§ **7:12**
Sale and transfer, voluntary dis-
missal of appeal, § **37:57**
Service of papers, generally,
§ **37:45, 37:58, 37:59, 37:63,**
37:64, 37:69
Statement of issues, appeal,
§ **37:58, 37:59**
Stay, § **37:51 to 37:56, 37:76**
bond requirement, § **37:54**
motion for stay, § **37:52**
proceedings to enforce judg-
ment, § **37:51, 37:53**
standards for granting stay,
§ **37:55**
Supersedeas bond, § **37:51 to**
37:56
Taxation of costs and fees, § **37:75**
Test of relatedness between case
and proceeding, § **7:15**
Time and date, § **37:37 to 37:40,**
37:63, 37:64
Transmission of record on appeal,
§ **37:61, 37:62**
Unique circumstances doctrine,
extension of time for appeal,
§ **37:43**
Venue, § **7:182, 7:191**
Voluntary dismissal, § **37:50**
Wrongful death claims, § **7:53**

DISTRICT OF COLUMBIA

Operation of business, § 15:2
 Opt-out provision, § 13:7

DITCH LIENS

Family farmer debt adjustment plans, § 33:9

DIVERSITY OF CITIZENSHIP

Allowance of claims or interest, § 24:34

DIVIDENDS

Allowance of claims or interest, § 24:8, 24:15
 Closing and reopening cases, § 36:1
 Exemptions, § 13:85
 Family farmer debt adjustment proceedings, § 34:193
 Liquidation, distribution, § 34:138 to 34:140
 Proof of claim, § 22:8
 Small dividends of less than \$5, § 34:193, 34:197
 Taxation, § 3:49, 3:83

DIVORCE

After-acquired property, § 12:54
 Allowance of alimony or support claims, § 24:39
 Automatic stay, § 16:27, 16:169
 Avoidance, divorce judgment lien, § 13:140
 Community property, § 12:14, 12:15
 Discharge (this index)
 Domestic Support Obligations (this index)
 Exemptions
 avoidance of liens, § 13:140, 13:144
 Domestic Support Obligations (this index)
 Fraudulent transfers and concealment of assets, § 19:36, 19:70

DIVORCE—Cont'd

Joint or co-ownership interests, § 12:15
 Reorganization plans, impairment of claims, § 26:23
 Trustee, vacancy in office of, § 5:46
 Voluntary bankruptcy, § 8:47

DOCKETS

Abstention, federal court's examination of state court calendar, § 7:26
 Bankruptcy Appellate Panels and district courts, § 37:38, 37:61, 37:62
 Captions, docket number, § 1:76
 Clerks, § 4:52
 Voluntary bankruptcy, § 8:21

DOCTORS

Physicians and Surgeons (this index)

DOCUMENTARY EVIDENCE

Examination under Rule 2004 debtor examinations, § 10:34
 third person examinations, § 10:42

DOCUMENTATION

Compensation and employment of professional persons, § 2:96, 2:107
 Crimes, § 2:53
 Destruction of Documents (this index)
 Involuntary bankruptcy, § 9:27
 Title. Documents of Title (this index)

DOCUMENTS OF TITLE

Adequate protection, § 21:7, 21:45, 21:55, 21:64
 Cash collateral, § 1:141
 Warehouse receipts, proof of claim, § 22:11

INDEX

DOMESTIC SUPPORT OBLIGATIONS

- Administrative expenses, § 34:16, 34:17
- AFDC, § 1:63
- Allowance of claims or interests, § 24:39
- Appearance by child support creditors or their representatives, § 6:37
- Automatic stay exception expanded, § 16:84
- Avoidance of liens impairing exemptions, § 13:140
- Claims, § 24:39
- Discharge exceptions, generally, § 1:16
- Discharge of obligations. Discharge (this index)
- Estate property. Exemptions, below
- Exemptions
 - annuities or pensions, § 13:95, 13:109
 - avoidance of liens, § 13:102, 13:109
 - insurance, § 13:87, 13:88
- Family farmer or fisher debt adjustment plans, § 33:48
- Fraudulent transfers and concealment of assets, § 19:36, 19:37
- Individual Debt Adjustment Plans (this index)
- Preferences and preferential transfers, § 18:49
 - generally, § 18:18, 18:49, 18:91
 - avoidability exceptions, § 18:91
- Priorities, § 34:16, 34:17
- Reorganization plan confirmation standards, § 28:17
- Size and nature of claim, § 23:23

DOMICILE AND RESIDENCE

- Adequate protection, § 21:40
- Appraisers and auctioneers, § 2:19

DOMICILE AND RESIDENCE

—Cont'd

- Attorneys, § 2:45
- Change of address, debtor's duty to file statement of, § 6:26
- Dwellings (this index)
- Eligibility to file bankruptcy, § 1:37
- Examiner eligibility and qualification, § 5:3, 5:4
- Exemptions. Homestead Exemption (this index)
- Family farmer debt adjustment, § 1:50, 1:54
- Homestead Exemption (this index)
- Individual debt adjustment plans, confirmation, § 31:38
- Professional persons, § 2:19, 2:45
- Proof of claim, § 22:29
- Property of estate. Homestead Exemption (this index)
- Reorganization, automatic stay, § 16:1
- Size and nature of claim, § 23:30
- Trustee or examiner eligibility and qualification, § 5:3, 5:4
- Venue, § 7:182

DOUBLE BENEFITS

- Taxation, § 3:10

DOUBLE COMPENSATION

- Generally, § 2:95, 5:101, 5:102
- Trustees and examiners, § 5:102

DOWER AND CURTESY

- Sale of property, § 15:55

DOWNSTREAM GUARANTIES

- Fraudulent transfers and concealment of assets, tripartite transactions, § 19:52

DRAINS

- Sewers and Drains (this index)

DRIVER'S LICENSES

Discriminatory treatment of debtor, § 6:29, 6:30, 6:32

DRIVING WHILE INTOXICATED

Discharge (this index)

DRUGS

Dismissal in best interest of crime victim, § 11:35

DUAL REPRESENTATION

Professional persons, § 2:14, 2:37

DUE PROCESS

Closing and reopening cases, § 36:1

Creditor's rights, generally, § 6:37, 6:38

Debtor's rights, generally, § 6:11

Disclosure statements, § 27:11, 27:12, 27:14

Equity security holders, § 6:61

Exemptions, § 13:18, 13:35

Lien avoidance provisions on exempt property, § 13:35

Proof of claim, § 22:53, 22:54

Reorganization plans, § 26:38, 26:47

Size and nature of claim, § 23:32

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

Voluntary bankruptcy, § 8:42, 8:43

DUMPS AND DUMPING

Automatic stay, § 16:62, 16:88, 16:93

DUNNING

Automatic stay, § 16:32

DUPLICATES

Copies (this index)

DUPLICATION OF EFFORT OR SERVICES

Compensation and reimbursement, generally, § 2:95

DURATION

Time or Date (this index)

DURRETT RULE

Fraudulent transfers, § 19:10, 19:11, 19:48

DUTY STATIONS

Judges, § 4:5, 4:9

United States trustees, § 4:71

DWELLINGS

Automatic stay of foreclosure, § 16:102, 16:168

Homestead Exemption (this index)

Household Furnishings or Goods (this index)

Mobile Homes (this index)

EARLY TERMINATION OF CASE

Abstention (this index)

Conversion or Dismissal (this index)

EARMARKING DOCTRINE

Preferences and preferential transfers, § 18:9 to 18:12

EARNED TAX CREDIT

Trustee's duties, § 3:73

EARNING POWER

Future Earnings or Income (this index)

EARNINGS OR INCOME

Generally. Compensation (this index)

Abandonment of Property of Estate (this index)

After-acquired property, § 12:49, 12:56 to 12:68

Avoidance, postpetition transfers, § 17:41

Current income and expenditures, generally, § 8:62

Debtor's earnings, bonus payments, § 12:64

INDEX

EARNINGS OR INCOME

—Cont'd

- Disposable Earnings or Income (this index)
- Dividends (this index)
- Employer payments and income statements, debtor's filing of evidence of, § 6:17, 6:27
- Family Farmer or Fisher Debt Adjustment (this index)
- Future Earnings or Income (this index)
- Gross Income (this index)
- Income and expenditure statements, debtor's filing of, § 6:17
- Individual Debt Adjustment Plans (this index)
- Individual Debt Adjustment (this index)
- Rents and Profits (this index)
- Royalties (this index)
- Schedules (this index)
- Taxation (this index)

ECONOMIC INTEREST

- Disqualification of judge, § 4:36

EDUCATION

- Automatic stay, § 16:39, 16:54, 16:107
- Colleges and Universities (this index)
- Individual debt adjustment plans, confirmation, § 31:15, 31:50
- Student Loans (this index)
- Transcripts, § 6:11, 16:39
- Trustee or examiner eligibility and qualification, § 5:10

EDUCATION LOANS

- Discharge (this index)

EFFECTIVE DATES

- Family farmer debt adjustment plans, § 33:36, 33:37
- Tax treatment of discharge, § 3:24

EIGHTY PERCENT TEST

- Involuntary bankruptcy, exemptions, § 9:7

ELDERLY PERSONS

- Pension or Retirement (this index)
- Social Security (this index)

ELECTION LAW

- Fines for violations, discharge exception for, § 35:203

ELECTION OR OPTION

- Allowance of claims or interest, § 24:51
- Appeal, election to have appeal heard by district court rather than Bankruptcy Appellate Panel, § 1:170, 37:26
- Commodity options dealers, § 6:74
- Executory contracts and unexpired leases, § 20:15
- Exemptions
 - choice of exemption system, § 13:3 to 13:10
 - Opt-Out Provisions (this index)
- Fraudulent transfers, option to proceed under state law, § 19:90 to 19:92
- Loss carryovers, § 3:57
- Municipal debt adjustment plans, election prior to conclusion of hearing, § 32:8
- Proxies (this index)
- Regulations, see more specific lines throughout this topic
- Reorganization, fully secured status, § 27:28
- Reorganization plans and section 1111(b) election, § 1:159, 23:2, 23:29, 27:28, 28:23, 28:36
- Section 1111(b) election, § 1:159, 23:2, 23:29, 27:28, 28:23, 28:36
- Size and nature of claim, § 23:2

ELECTION OR OPTION

—Cont'd

Small business reorganization,
§ 26:56

Stock Options (this index)

Taxation (this index)

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

ELECTION OR VOTE

Allowance of Claims or Interests
(this index)

Creditors' committee, § 6:56,
10:23

Jointly administered estates,
§ 5:45

Liquidation (this index)

Proof of claim, § 22:13

Proxies (this index)

Reorganization Plans (this index)

Reorganization (this index)

Trustees

generally, § 5:14 to 5:19

Chapter 11 cases

disputed election, resolution
of, § 5:36

manner of election, § 5:34

notice, § 5:34

report of undisputed election,
§ 5:35

request for election, § 5:33

jointly administered estates,
§ 5:45

Liquidation (this index)

United States trustees, § 4:80

ELECTIONS

Creditors' meetings, § 10:23

ELECTRIC COMPANY

Utilities (this index)

**ELECTRONIC DATA
PROCESSING OR
TRANSMISSION**

Computers (this index)

ELECTRONIC SOUND

RECORDING

Sound Recordings (this index)

**ELEEMOSYNARY
INSTITUTIONS**

Charitable Institutions (this index)

ELEVATORS

Grain and Grain Storage (this
index)

ELEVENTH AMENDMENT

Sovereign Immunity (this index)

ELIGIBILITY

Qualification or Eligibility (this
index)

EMBEZZLEMENT

Generally, § 35:145

Bankruptcy crimes, § 2:53

Discharge of debtor, § 1:167

Fiduciary fraud debt discharge
exception, § 35:135, 35:199

Fines and penalties, § 12:147

Officers, embezzlement by,
§ 12:147

Professional persons, employment
of, § 2:53

Trustee, embezzlement by,
§ 12:147

EMERGENCIES

Allowance of claims or interest,
§ 24:27

Appeal, emergency motion regard-
ing, § 37:71

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

Reimbursement, § 2:86

EMERGENCY RULE

Jurisdiction and powers of court,
§ 7:139 to 7:141

EMINENT DOMAIN

Automatic stay, § 16:101

INDEX

EMPLOYEE BENEFITS

Debtor's duty to perform plan administrator's obligations, § **6:24**

EMPLOYEE RETIREMENT INCOME SECURITY ACT

ERISA (this index)

EMPLOYEES

Employment (this index)

EMPLOYEE'S ASSOCIATION

Labor Unions or Employees' Associations (this index)

EMPLOYEE STOCK OWNERSHIP PLAN

Turnover of property, § **14:42**

EMPLOYER TAX

IDENTIFICATION NUMBER

Voluntary bankruptcy, § **8:46**

EMPLOYMENT

Accountants (this index)

Adequate protection, § **21:54**

Age Discrimination in Employment Act, § **5:12**

Assistants (this index)

Attorneys (this index)

Automatic stay, § **16:13, 16:92, 16:158**

Benefits. Employment Benefits (this index)

Civil Service, generally, § **1:16, 1:17**

Collective Bargaining Agreements (this index)

Compensation (this index)

Contracts. Employment Contracts (this index)

Disability and Disability Insurance (this index)

Disclosure statements, employment history and prospects of wage-earner debtor, § **27:8**

EMPLOYMENT—Cont'd

Discrimination

generally, § **6:28, 6:29, 6:33, 6:90**

adequate protection, § **21:54**

Age Discrimination in Employment Act, § **5:12**

Employment Benefits (this index)

Employment Taxes (this index)

Equal opportunity. Discrimination, above

ERISA (this index)

Exemptions

future earnings and income, § **13:112**

Pension or Retirement (this index)

Tools (this index)

Family farmer debt adjustment plans, § **33:28**

Indebtedness discharge. Distribution, above

Individual debt adjustment plans, § **30:18, 31:37**

Individual Debt Adjustment (this index)

Injunctions, § **7:167, 16:225**

Involuntary petitions, § **9:10, 9:31**

Judges (this index)

Jurisdiction, generally, § **7:42, 7:167**

Labor Unions or Employees' Associations (this index)

National Labor Relations Board (this index)

Operation of business, employment of professional persons for, § **15:3**

Paralegals and Other Paraprofessionals (this index)

Payment advices and income statements, debtor's filing of evidence of, § **6:17, 6:27**

Pension or Retirement (this index)

EMPLOYMENT—Cont'd

- Previous employment, creditors' committees, § 6:55
- Professional Persons (this index)
- Protective orders regarding confidential or defamatory matter, § 6:2
- Railroad reorganization, § 12:138
- Railway Labor Act, § 20:97
- Reference of cases, § 7:42
- Reorganization Plans (this index)
- Reorganization (this index)
- Resignation (this index)
- Rules of Bankruptcy Procedure (this index)
- Self-Employed Individuals (this index)
- Services (this index)
- Taxes. Employment Taxes (this index)
- Unemployment Compensation (this index)
- Unfair Labor Practices (this index)
- Unions. Labor Unions or Employees' Associations (this index)
- United States Trustees (this index)
- Venue, employment place, § 7:183
- Wages. Compensation (this index)
- Withholding Taxes (this index)
- Workers' Compensation (this index)

EMPLOYMENT BENEFITS

- Amount of priority claim, § 34:60
- Compensation (this index)
- Contributions to employee benefit plans, § 34:59
- Distribution
 - generally, § 34:57 to 34:63
 - amount of priority claim, § 34:60
 - contributions to employee benefit plans, § 34:59
- Employee Retirement Income Security Act, § 34:63

EMPLOYMENT BENEFITS

—Cont'd

- Distribution—Cont'd
 - pension and retirement plans, § 34:63
 - persons entitled to priority, § 34:62
 - priorities, generally, § 34:57 to 34:63
 - time of rendering services, § 34:61
- Pension or Retirement (this index)
- Priorities, generally, § 34:57 to 34:63
- Time for rendering services, § 34:61
- Vacation Pay (this index)

EMPLOYMENT CONTRACTS

- Allowance of Claims or Interests (this index)
- Assumption or rejection of executory contracts, § 20:34

EMPLOYMENT DISCRIMINATION

- Employment (this index)

EMPLOYMENT TAXES

- Distribution priorities, § 34:78
- Priorities, § 34:78
- Withholding Taxes (this index)

ENCUMBRANCES

- Liens and Encumbrances (this index)

ENDORSEMENTS

- Avoidable preference, perfection of real property transfer, § 18:105
- Proof of claim, § 22:17

ENERGY

- Utilities (this index)

ENERGY DEPARTMENT

- Automatic stay, § 16:101

INDEX

ENERGY DEPARTMENT

—Cont'd

Reorganization plans, claims classification, § **26:39**

ENERGY POLICY ACT

Farmout agreements, exclusion of certain hydrocarbon interests from estate, § **12:94**

ENFORCEMENT OF JUDGMENTS

Automatic Stay (this index)
Discharge of debtor, effect of, § **35:54**
Executions (this index)

ENLARGEMENT OF TIME

Extension of Time (this index)

ENTIRETY, ESTATE BY

Tenancy by Entirety (this index)

ENVIRONMENTAL PROTECTION

Allowance of claims or interest, § **24:61**
Automatic stay, § **16:88, 16:93**
Core proceedings, § **7:79**
Exception to automatic stay of proceeding by governmental unit to enforce police or regulatory power, § **16:93**
Family farmer debt adjustment plans, § **33:36**
Hazardous Wastes (this index)
Operation of business, § **15:2**
Reference of cases, § **7:43**

EQUAL ACCESS TO JUSTICE ACT

Removal of trustee or examiner for cause, § **5:79**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Automatic stay, § **16:92**

EQUAL OPPORTUNITY

Employment (this index)

EQUAL PROTECTION

Exemptions, § **13:18**
Voluntary bankruptcy, § **8:90**

EQUIPMENT

Adequate protection, § **21:27, 21:63**
Aircraft Equipment (this index)
Family farmer debt adjustment plans, § **33:60**
Leases, generally, § **12:11**
Office Equipment and Supplies (this index)
Railroad Reorganization (this index)
Tools (this index)
United States trustees, fees, § **4:64**
Use of equipment subject to finance agreements, § **15:25, 15:26**

EQUITABLE SUBORDINATION

Subordination (this index)

EQUITY

Automatic stay, § **16:174 to 16:188**
Commodity broker liquidation, net equity, § **34:167 to 34:175**
Cushion. Adequate Protection (this index)
Equity Security Holders (this index)
Exempt property, requirements for, § **13:30, 13:123, 13:124**
Family farmer debt adjustment plans, § **33:35**
Fraudulent transfers and concealment of assets, § **19:17**
Individual debt adjustment plans, confirmation, § **31:65**
Injunctions (this index)
Leases, § **12:13**
Net Equity (this index)

EQUITY—Cont'd

- Proof of claim, § 22:48
- Property of estate, generally, § 12:7, 12:118, 12:119, 12:128
- Receivers (this index)
- Redemption, § 12:103
- Security holders. Equity Security Holders (this index)
- Stockbroker liquidation, distribution of customer property, § 34:154 to 34:156
- Subordination (this index)
- Trusts, § 12:18, 12:20, 12:21, 12:23

EQUITY CUSHION

- Adequate Protection (this index)

EQUITY INSOLVENCY TEST

- Involuntary Bankruptcy (this index)

EQUITY SECURITIES

- Securities (this index)

EQUITY SECURITY HOLDERS

- Generally, § 6:60 to 6:34
- Administrative expenses, § 6:62
- Clerk of court, § 6:61
- Committees. Creditors' and Equity Security Holders' Committees (this index)
- Custodians, § 6:76
- Indenture trustees, § 6:72
- Interested parties, generally, § 6:88
- Involuntary bankruptcy, § 9:79
- Meetings, § 10:1 et seq.
- Notice to security holders, § 1:83, 1:86, 6:60, 6:61
- Plans, § 6:60
- Professional persons generally, § 2:13, 2:14, 2:33, 2:36, 2:37
- attorneys, § 2:45

EQUITY SECURITY HOLDERS

—Cont'd

- Professional persons—Cont'd
- Creditors' and Equity Security Holders' Committees (this index)
 - notice and hearing for reimbursement, § 2:83
- Proof of claim
 - filing of proof of interest, § 22:6, 22:16
 - notice of bar date, § 22:54
- Reorganization Plans (this index)
- Reorganization (this index)
- Securities (this index)
- Size and nature of claim, § 23:13
- Taxation, § 3:10
- Trustees, § 5:4, 5:15, 5:78
- Turnover of property, § 14:76, 14:77
- United States trustees, § 4:80
- Voluntary cases, § 8:36, 8:40

EQUITY STRUCTURE SHIFT

- Taxation, § 3:52

ERIE V. TOMPKINS, RULE OF

- Allowance of claims or interest, generally, § 24:34
- Burden of proof, § 24:87
- Preponderance of evidence, § 24:20
- Presumptions, § 24:87
- Prima facie evidence, § 24:20

ERISA

- Exemptions, § 13:96 to 13:100
- Priorities, § 34:63
- Property of estate, § 12:10, 12:88
- Reference of cases, § 7:43

ERRORS

- Appeals (this index)
- Clearly Erroneous Rule (this index)
- Clerical Errors (this index)
- Mistake (this index)

INDEX

ESCROW

- Adequate protection, § **21:52**
- Compensation of trustee or examiner, § **5:89**
- Executory contracts and unexpired leases, § **20:8, 20:42**
- Family farmer debt adjustment plans, § **33:38**
- Impairment of claim by reorganization plan not using contracted-for escrow account, § **26:42**
- Preferences and preferential transfers, § **18:133**

ESTATE

- Property of Estate (this index)
- Separate taxable bankruptcy estate. Taxation (this index)

ESTATE ADMINISTRATORS

- Generally, § **4:58**
- Creditors' meetings, § **4:80**
- Equity security holders' meetings, § **4:80**
- Filing of reorganization plans, § **26:59**

ESTATE BY THE ENTIRETIES

- Tenancy by Entirety (this index)

ESTIMATES

- Claims or interests, jurisdiction, § **7:82 to 7:85**
- Jurisdiction, estimation of claims and interests, § **7:82 to 7:85**

ESTOPPEL

- Waiver and Estoppel (this index)

EVALUATION OF DEBTOR'S CASE

- Generally, § **1:33 to 1:72**

EVASION OF TAX

- Extension of payment time, § **3:84**
- Payroll withholding taxes, § **3:59**

EVICTION

- Automatic stay, § **16:22, 16:29, 16:112**
- Executory contracts and unexpired leases, § **20:85**
- Leases, § **12:13**

EVIDENCE

- Adequate Protection (this index)
- After-acquired property, § **12:59**
- Allowance of Claims or Interests (this index)
- Automatic Stay (this index)
- Badges of fraud as to exemption, § **13:22**
- Burden of Going Forward (this index)
- Burden of proof. Presumptions and Burden of Proof (this index)
- Change of venue, § **7:194, 7:196**
- Clerks, § **4:46, 4:55**
- Closing and reopening cases, § **36:13, 36:26**
- Compensation or reimbursement, § **2:109, 2:110**
- Discharge (this index)
- Discovery and Depositions (this index)
- Examination under Rule 2004 (this index)
- Exemptions (this index)
- Expert Testimony (this index)
- Family Farmer or Fisher Debt Adjustment Plans (this index)
- Federal Rules of Evidence (this index)
- Findings of Fact (this index)
- Fraudulent Transfers and Concealment of Assets (this index)
- Individual Debt Adjustment Plans (this index)
- Judges, § **4:30**
- Judicial notice, preferential transfer, greater amount test, § **18:32**

EVIDENCE—Cont'd

- Jurisdiction, subpoena power, § **7:169 to 7:171**
- Motion, application, or request, compensation or reimbursement, § **2:109, 2:110**
- Municipal debt adjustment plans, § **32:6**
- Newly Discovered Evidence (this index)
- Preferences and preferential transfers, evidence of solvency, § **18:22, 18:24, 18:25, 18:29**
- Preponderance of Evidence (this index)
- Presumptions and Burden of Proof (this index)
- Prima Facie Case (this index)
- Proof of Claim (this index)
- Questions of Law and Fact (this index)
- Reorganization Plans (this index)
- Reorganization (this index)
- Rules of Bankruptcy Procedure (this index)
- Setoff or Offset (this index)
- Size and Nature of Claim (this index)
- Subpoenas (this index)
- Taxation, § **3:69**
- Trusts, § **12:20, 12:21**
- Turnover of property, § **14:14, 14:83**
- Voluntary bankruptcy, § **8:102**
- Witnesses (this index)

EXAMINATION OR INVESTIGATION

- Adequate protection, § **21:25**
- Attorneys' fees, § **2:67**
- Creditors' Meetings (this index)
- Crimes, § **2:53**
- Examiners (this index)
- Individual Debt Adjustment (this index)

EXAMINATION OR

INVESTIGATION—Cont'd

- Involuntary bankruptcy, § **9:36**
- Jurisdiction, subpoena power, § **7:171**
- Liquidation (this index)
- Prepetition notice to debtor, § **6:5**
- Professional persons, § **1:108, 2:53, 2:67**
- Property of estate, § **12:141**
- Railroad Reorganization (this index)
- Records and Reports (this index)
- Reorganization Plans (this index)
- Report of investigation of debtor's financial affairs, inspection of, § **24:11**
- Rules
 - generally. Rules of Bankruptcy Procedure (this index)
 - Rule 2004 examination. Examination under Rule 2004 (this index)
- Size and nature of claim, § **23:22**
- Small business debtors to permit inspections by U.S. trustee, § **6:25**
- Statement of intention, examining debtor regarding, § **8:80**
- Taxation, § **3:72**
- Tax returns, inspection and copying of debtor's federal, § **6:21**
- Trustees, § **5:66**
- Turnover of property, § **14:79**
- United States Attorneys (this index)
- Voluntary bankruptcy, § **8:77**

EXAMINATION UNDER RULE 2004

- Generally, § **1:117, 1:118, 10:25 et seq.**
- Avoidance, debtor, § **10:30**
- Chapter 7 debtors, creditors' meeting examinations, § **10:24**
- Chapter 11 plans, § **26:3**

INDEX

EXAMINATION UNDER RULE

2004—Cont'd

- Corporations
 - generally, § 10:31
 - third person examinations, § 10:37
- Creditors' meeting examinations
 - generally, § 10:19 et seq.
 - Chapter 7 debtors, § 10:24
 - debtor's right to examine, § 10:20
 - privileges, § 10:22
 - scope of inquiry, § 10:21
 - trustee's role, § 10:24
 - who may conduct examination, § 10:20
- Debtor examinations
 - generally, § 10:29 et seq., 10:32
 - avoidance, § 10:30
 - corporations, § 10:31
 - documentary evidence, § 10:34
 - exclusions, § 10:33
 - partnerships, § 10:31
 - scope of inquiry
 - generally, § 10:32
 - exclusions, § 10:33
 - submission to examination, § 10:30, 10:31
- Debtor's right to examine at creditors' meetings, § 10:20
- Documentary evidence
 - debtor examinations, § 10:34
 - third person examinations, § 10:42
- Effect of pending litigation, § 10:27
- Exclusions
 - debtor examinations, § 10:33
 - third person examinations, § 10:40
- Jurisdiction, generally, § 7:170, 7:171
- Partnership debtors, § 10:31
- Pending litigation, effect of, § 10:27

EXAMINATION UNDER RULE

2004—Cont'd

- Postconfirmation, § 10:28
- Privileges, creditors' meeting examinations, § 10:22
- Reorganization plans, § 26:3
- Scope of inquiry
 - generally, § 10:32, 10:39 et seq.
 - balancing tests, § 10:41
 - creditors' meeting examinations, § 10:21
 - debtor examinations, § 10:32
 - exclusions
 - generally, § 10:33
 - third person examinations, § 10:40
 - third person examinations
 - Generally, § 10:39 et seq.
 - balancing tests, § 10:41
 - exclusions, § 10:40
- Securing attendance, third person examinations, § 10:38
- Submission to examination, debtor, § 10:30, 10:31
- Subpoenas, § 7:170, 7:171
- Third person examinations
 - generally, § 10:35
 - corporations, § 10:37
 - documentary evidence, § 10:42
 - exclusions, § 10:40
 - scope of inquiry
 - generally, § 10:39 et seq.
 - balancing tests, § 10:41
 - exclusions, § 10:40
 - securing attendance, § 10:38
 - who must submit, § 10:36
- Third person examinations generally, § 1:118
- Trustee's role, creditors' meeting examinations, § 10:24
- Who may examine, § 10:20, 10:26
- Who must submit to third person examinations, § 10:36

EXAMINERS

- Generally, § **5:1, 5:2**
- Allowance of Claims or Interests (this index)
- Ancillary and other cross-border cases under BAPCPA, § **33A:6**
- Appointment. Reorganization (this index)
- Capacity to be sued, § **5:49, 5:50**
- Capacity to sue, § **5:48**
- Clerks, § **4:54**
- Compensation (this index)
- Contracts and Agreements (this index)
- Conversion or Dismissal (this index)
- Dismissal. Conversion or Dismissal (this index)
- Eligibility to serve as examiner, § **5:3 to 5:5**
- Family Farmer Debt Adjustment, § **5:75, 5:76**
- Fraud and Deceit (this index)
- Indenture trustees, § **6:71**
- Interim compensation, § **5:89**
- Judges, § **4:27**
- Leases (this index)
- Mismanagement, § **5:37, 5:74**
- Professional persons' employment, generally, § **2:42**
- Reimbursement, § **5:88**
- Removal, § **5:79 to 5:82**
- Reorganization (this index)
- Rules of Bankruptcy Procedure (this index)
- Securities and Exchange Commission, § **6:86**
- Termination, conversion, § **11:83**
- Title 18, § **5:62**
- Title 28, § **5:61**
- United States Trustees (this index)

EXCAVATIONS

- Executory contracts and unexpired leases, § **20:9**

EXCEPTIONS

- Objections and Exceptions (this index)

EXCESS AMOUNTS

- United States trustees, § **4:68, 4:69**

EXCESS COSTS

- Attorneys' Fees (this index)

EXCESSIVE COMPENSATION

- Compensation (this index)

EXCESS PROPERTY

- Commodity broker liquidation, distribution, § **34:176, 34:177**
- Distribution, § **34:157, 34:176, 34:177**
- Stockbroker liquidation, distribution, § **34:157**

EXCHANGE OF PROPERTY

- Municipal debt adjustment plans, § **32:15**

EXCISE TAXES

- Priorities, § **34:79**

EXCLUSIONS

- Abstention, excluded claims, § **7:29**
- After-acquired property, § **12:56 to 12:61**
- Commodity broker liquidation, § **34:166**
- Creditors' committees, § **6:55**
- Distribution, § **34:152, 34:166**
- Fraudulent transfers, trust property, § **19:16**
- Individual Debt Adjustment Plans (this index)
- Involuntary bankruptcy, § **9:32, 9:67**
- Personnel of court, § **4:38**
- Spendthrift trusts, § **12:18, 12:24**
- Stockbroker liquidation, § **34:152**

INDEX

EXCLUSIONS—Cont'd

- Tax Treatment of Discharge (this index)
- Trusts, § 12:21
- Waiver of sovereign immunity, § 6:83

EXCLUSIVE JURISDICTION

- Jurisdiction (this index)

EXCUSABLE NEGLECT

- Appeals, § 37:42
- Proof of claim or interest, § 22:45

EXECUTIONS

- Attachment and Garnishment (this index)
- Automatic stay, § 16:29
- Interested party, generally, § 6:1

EXECUTORS

- Fiduciaries (this index)

EXECUTORY CONTRACTS AND UNEXPIRED LEASES

- Generally, § 1:148 to 1:150, 20:1 to 20:146
- Acceptance of benefits, assumption by, § 20:34
- Adequate assurance
 - assignment of agreement, § 20:52, 20:53
 - assumption when default exists, § 20:43, 20:44, 20:46, 20:47
- Adequate protection
 - generally, § 21:19
 - interest in unexpired lease of personal property, § 15:23
- Administrative expenses
 - assumption or rejection, § 20:42, 20:61
 - intellectual property licenses, § 20:75
 - nonresidential real property, § 20:61, 20:94
 - nonresidential real property lease obligations, § 34:40

EXECUTORY CONTRACTS AND UNEXPIRED LEASES—Cont'd

- Administrative expenses—Cont'd
 - postpetition obligation to perform under lease, § 20:90
 - retiree benefits, § 20:135
- Airport leases, § 20:27, 20:51
- Allowance of claims or interests, § 24:21, 24:29, 24:35, 24:46
- Appeals, collective bargaining agreements, § 20:116
- Approval of court. Order or approval of court, below
- Assignments
 - generally, § 20:51 to 20:55
 - adequate assurance, § 20:52, 20:53
 - airport leases, § 20:27, 20:51
 - exceptions, § 20:23
 - limitations, § 20:24, 20:51
 - postassignment obligations, § 20:55
 - retention of assignment rights by lessee after rejection by debtor-lessor, § 20:63
 - shopping center leases, § 20:49, 20:53
 - termination or modification, § 20:54
- Assumable interest, relief from forfeiture as, § 20:11
- Assumption or rejection by trustee or DIP
 - generally, § 1:148 to 1:150, 16:150, 20:15 to 20:39
 - adequate assurance, § 20:43, 20:44, 20:46, 20:47
 - administrative expenses, § 20:42, 20:61
 - application for court approval, § 20:29, 20:122
 - breach, § 20:56, 20:57, 20:59

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

Assumption or rejection by trustee or DIP—Cont'd
 business judgment rule, § **20:31 to 20:34**
 collective bargaining agreements, below
 commodity broker cases, § **20:17**
 compensation for losses, § **20:45**
 conduct, assumption by, § **20:34**
 consequences of rejection, generally, § **20:56 to 20:76**
 continued performance prior to assumption or rejection, § **20:76**
 continued possession, § **20:62 to 20:65**
 cure of default, § **20:42, 20:44**
 damages
 generally, § **20:20**
 breach of contract, § **20:56**
 continued possession, § **20:64**
 intellectual property, § **20:75**
 liens, § **20:68**
 sale of real estate contracts or timeshare interests, § **20:67**
 specific performance, § **20:58**
 default, generally, § **20:40 to 20:47**
 entire agreement, § **20:20, 20:21**
 exceptions, § **20:23**
 excuse of performance by law, § **20:24, 20:25**
 family farmer debt adjustment, § **20:29, 20:57**
 individual debt adjustment, § **20:19, 20:29, 20:56, 20:57**

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

Assumption or rejection by trustee or DIP—Cont'd
 intellectual property licenses, § **20:70 to 20:76**
 ipso facto or bankruptcy termination clauses, § **20:22, 20:23**
 liens, § **20:68**
 limitations, § **20:24, 20:64, 20:67, 20:68, 20:75**
 Liquidation (this index)
 loans or other financial accommodations contracts, § **20:26**
 multiple contracts existing in one agreement, § **20:21**
 Municipal Debt Adjustment (this index)
 nonassignable and nonassumable contracts and leases, § **20:24 to 20:27**
 nonresidential real property, below
 order or approval of court, below
 parties able to assume or reject, § **20:18, 20:19**
 personal service contracts, § **20:25**
 postpetition matters, below
 postrejection obligations, § **20:65**
 prior assumption of agreement, § **20:57**
 railway lines, § **20:69**
 real property, generally, § **20:62 to 20:69**
 reorganization, § **20:15, 20:29, 20:56, 20:57**
 reorganization plans, § **26:24, 26:25**
 royalties, § **20:74**

INDEX

**EXECUTORY CONTRACTS
AND UNEXPIRED LEASES**

—Cont'd

- Assumption or rejection by trustee or DIP—Cont'd
 - shopping center leases, § **20:48 to 20:50**
 - specific performance, § **20:58**
 - time limits on assumption or rejection
 - generally, § **20:30, 20:35 to 20:38**
 - collective bargaining agreements, § **20:120**
 - cure of default, § **20:44**
 - individual debt adjustment cases, § **20:19**
 - liquidation, § **20:36 to 20:38**
 - nonresidential property, § **20:77 to 20:85**
 - time share interests, § **20:62 to 20:69**
 - voluntary bankruptcy, § **20:27, 20:36**
- Automatic stay
 - generally, § **16:54, 16:67, 16:150, 16:172**
 - nonresidential real property, § **20:85**
 - prepetition termination, § **20:10**
- Bankruptcy clauses, § **20:22, 20:23**
- Bildisco case, § **20:102**
- Breach of contract or lease, § **20:56, 20:57, 20:59**
- Business judgment rule, § **20:31 to 20:34**
- Change. Modification, below
- Classification of claims, § **26:39**
- Closing and reopening cases, § **36:4**
- Collective bargaining agreements
 - generally, § **5:112, 20:96 to 20:105**

**EXECUTORY CONTRACTS
AND UNEXPIRED LEASES**

—Cont'd

- Collective bargaining agreements—Cont'd
 - allowance of claims for breach, § **24:22, 24:29, 24:46**
 - application for court approval of rejection, § **20:122**
 - assumption or rejection by trustee, generally, § **20:96 to 20:105**
 - Bildisco case, § **20:102**
 - burden and degree of proof, § **20:103**
 - claims classification, § **26:39**
 - creditors' committees, § **6:49, 6:55**
 - debtor in possession, § **5:112**
 - filing of bankruptcy petitions, § **20:105**
 - good faith, § **20:101, 20:105, 20:121**
 - interim relief, § **20:126 to 20:128**
 - judgment, entry of, § **20:124**
 - modification, generally, § **20:106 to 20:115**
 - nine element test, approval of court of rejection, § **20:100**
 - notice and hearing, § **20:123**
 - order or approval of court, § **20:96 to 20:105, 20:122, 20:125**
 - prerequisites to approval of request for rejection, generally, § **20:106 to 20:121**
 - presumptions and burden of proof, § **20:103**
 - procedure, § **20:122 to 20:125**
 - protective orders, § **6:2, 20:99, 20:125**
 - Railway Labor Act, § **20:97**
 - Reorganization (this index)
 - retiree benefits, below

**EXECUTORY CONTRACTS
AND UNEXPIRED LEASES**

—Cont'd

- Collective bargaining agreements
 - Cont'd
 - snap-back provisions, § **20:104**
 - status of agreement pending rejection, § **20:98**
 - time of meeting for modification, § **20:120**
 - trustees or examiners, § **5:73**
- Committee of retirees, § **20:133**
- Commodity broker liquidation, § **20:17, 20:23**
- Compensation
 - generally, § **20:45, 20:104**
 - collective bargaining agreements, above
- Concurrent payment of secured and unsecured claims, § **29:33**
- Conduct, assumption by, § **20:34**
- Consent or approval. Order or approval of courts, below
- Continued performance prior to assumption or rejection, § **20:76**
- Continued possession of real property, § **20:62 to 20:65**
- Conversion or dismissal, § **11:81**
- Core proceedings, § **7:77, 7:78, 7:85, 7:96, 7:108**
- Cure of default, § **20:11, 20:27, 20:42**
- Damages. Assumption or rejection by trustee or DIP, above
- Debtor in possession, § **5:112**
- Definitions, § **20:1 to 20:6**
- Deposits and depositories, § **20:14, 20:55, 20:88**
- Emergency modifications of retiree benefits, § **20:146**
- Employees' associations
 - collective bargaining agreements, above

**EXECUTORY CONTRACTS
AND UNEXPIRED LEASES**

—Cont'd

- Employees' associations—Cont'd
 - retiree benefits, § **20:132**
- Escrow, § **20:8, 20:42**
- Exceptions, assumption or rejection by trustee, § **20:23**
- Exclusion of certain claims from plan, § **29:35**
 - claims secured only by security interest in debtor's principal residence, § **29:36**
- Excuse of performance by law, § **20:24, 20:25**
- Extension of time
 - assumption or rejection of executory contract or unexpired lease, generally, § **20:23**
 - failure to perform lease obligations, § **20:92**
 - nonresidential real property, § **20:79 to 20:80, 20:84, 20:92**
- Family farmer debt adjustment plans, § **33:12, 33:18, 33:24**
- Family Farmer or Fisher Debt Adjustment (this index)
- First refusal right, § **20:51**
- Forfeitures, § **20:11, 20:80, 20:85, 20:86, 20:93**
- Forum selection clauses, § **7:189**
- Franchises, § **20:50**
- Fraudulent transfers, termination of executory contract, § **19:9, 20:10 to 20:11**
- Good faith, § **20:101, 20:105, 20:119, 20:121, 20:126, 20:141**
- Income level of retiree affecting protection, § **20:131**
- Individual Debt Adjustment (this index)
- Installment sales contract, § **20:7 to 20:9**

INDEX

**EXECUTORY CONTRACTS
AND UNEXPIRED LEASES**

—Cont'd

- Insurance and insurance companies, § 20:3, 20:130, 20:131
- Intellectual property, § 20:70 to 20:76
- Intent, § 20:83, 20:87
- Interim relief, collective bargaining agreements, § 20:126 to 20:128
- IpsO facto and bankruptcy clauses, § 20:22, 20:23
- Judgments and decrees, § 20:10, 20:84, 20:124
- Jurisdiction, § 7:77, 7:78, 7:85, 7:96, 7:108
- Labor unions or employees' associations
 - collective bargaining agreements, above
 - retiree benefits, § 20:132
- Liens, § 20:68
- Limitations
 - assignments, § 20:24, 20:51
 - assumption or rejection by trustee, § 20:24, 20:64, 20:67, 20:68, 20:75
 - nonresidential real property, § 20:79 to 20:80
 - retiree benefits, § 20:131
- Liquidation (this index)
- Loan commitment, § 20:23, 20:26
- Mineral leases, § 20:9, 20:68
- Modification
 - assignments, § 20:54
 - collective bargaining agreements, § 20:106 to 20:115
 - retiree benefits, below
- Motion, application, or request
 - assumption or rejection by trustee, § 20:29, 20:122
 - retiree benefits, § 20:142, 20:144

**EXECUTORY CONTRACTS
AND UNEXPIRED LEASES**

—Cont'd

- Multiple contracts existing in one agreement, § 20:21
- Municipal Debt Adjustment (this index)
- Nine element test, approval of court of rejection of collective bargaining agreements, § 20:100
- Nonassignable and nonassumable contracts and leases, § 20:24 to 20:27
- Nonresidential real property
 - generally, § 20:77 to 20:89
 - administrative expenses, § 20:61, 20:94
 - approval of court, § 20:84
 - assumption or rejection by trustee or DIP
 - generally, § 20:27, 20:77 to 20:89
 - loan contracts or other financial accommodations, § 20:26
 - parties able to assume or reject, § 20:19
 - postpetition use of property, § 20:61
 - equitable relief from automatic rejection, § 20:86 to 20:89
 - extension of time, § 20:81, 20:82, 20:84, 20:92
 - failure to perform lease obligations, § 20:93 to 20:95
 - individual debt adjustment, § 20:19
 - intent to assume or reject, § 20:83
 - limitations, § 20:79 to 20:80
 - operation of law, rejection by, § 20:80
 - priority of claim, § 20:95
 - rent, § 20:91
 - surrender of premises, § 20:85

**EXECUTORY CONTRACTS
AND UNEXPIRED LEASES**

—Cont'd

- Nonresidential real property
 - Cont'd
 - time, § **20:79 to 20:80, 20:84, 20:92**
- Notice and hearing
 - generally, § **20:27, 20:29, 20:30**
 - collective bargaining agreements, § **20:123**
 - reorganization, § **20:122, 20:123, 20:128, 20:137, 20:146**
 - retiree benefits, § **20:132, 20:133, 20:137, 20:142, 20:146**
- Operation of business, § **15:6**
- Order or approval of court
 - assumption or rejection by trustee, generally, § **20:28 to 20:39**
 - collective bargaining agreements, § **20:96 to 20:105, 20:122, 20:125**
 - nonresidential real property, § **20:84**
 - protective orders, § **20:99, 20:125**
 - railway line lease, § **20:69**
 - retiree benefits, § **20:137, 20:138**
- Partial rejection, § **20:20**
- Patents, § **20:24, 20:72**
- Payment of claims using estate property, § **29:37**
- Payment of postpetition claims, § **29:34**
- Pension or retirement. Retiree benefits, below
- Personal property
 - adequate protection of interest in unexpired lease of, § **15:23**
 - debtor's obligation to perform under lease of personalty, § **20:13**

**EXECUTORY CONTRACTS
AND UNEXPIRED LEASES**

—Cont'd

- Personal property—Cont'd
 - lease, debtor's obligation to perform under, § **20:13**
- Personal service contracts, § **20:25**
- Petitions, generally, § **20:10, 20:105**
- Plan provisions that are not inconsistent with the Bankruptcy Code, § **29:40**
 - expansion of codebtor stay, § **29:41**
- Possession defined, § **20:63**
- Postassignment obligations, § **20:55**
- Postpetition matters
 - debtor's obligation to perform under lease of personalty, § **20:13**
 - default, § **20:41, 20:45**
 - expiration of agreement, § **20:12**
 - intellectual property, § **20:72**
 - nonresidential real property, § **20:90 to 20:95**
 - time or date, § **20:90 to 20:95**
 - use of property, § **20:60, 20:61**
- Postrejection obligations, continued possession, § **20:65**
- Preliminary proposal for modification of retiree benefits, § **20:139**
- Prepetition matters, § **20:10, 20:11, 20:41, 20:56**
- Presumptions and burden of proof, § **20:60, 20:61, 20:103**
- Prior assumption of agreement, § **20:57**
- Priority of claim, nonresidential real property, § **20:95**
- Proof of claim, § **22:46**
- Property of estate, generally, § **12:5, 12:12**

INDEX

**EXECUTORY CONTRACTS
AND UNEXPIRED LEASES**

—Cont'd

- Protective orders, § **20:99, 20:125**
- Provision for assumption, rejection, or assignment of any executory contract or unexpired lease, § **29:32**
- Railroad reorganization, § **20:97**
- Railway lines, § **20:69, 20:97**
- Real property, generally, § **20:62 to 20:69**
- Rejection. Assumption or rejection by trustee or DIP, above
- Rents and profits
 - cure of default, § **20:42, 20:43, 20:45**
 - lessee's retention of rights after rejection by debtor-lessor, § **20:63, 20:64**
 - postpetition obligation to perform under lease, § **20:91**
 - shopping center leases, § **20:48 to 20:50**
- Reorganization, see lines throughout this topic
- Reorganization plans, discretionary plan provisions, § **26:24, 26:25**
- Result-oriented approach, § **20:6**
- Retention of rights
 - by lessee after rejection by debtor-lessor, § **20:63**
 - by licensee in intellectual property licenses after rejection, § **20:72**
- Retiree benefits
 - generally, § **20:129 to 20:146**
 - authorized representatives, generally, § **20:132, 20:133**
 - claims, generally, § **20:135**
 - committee of retirees, § **20:133**
 - consent or order of court, § **20:137, 20:138**

**EXECUTORY CONTRACTS
AND UNEXPIRED LEASES**

—Cont'd

- Retiree benefits—Cont'd
 - continue payment, obligations to, § **20:134**
 - emergency modifications, § **20:146**
 - entry of judgment, § **20:143**
 - frequency of opportunity for modification, § **20:145**
 - income level of retiree, § **20:131**
 - increase of benefits requests, § **20:144**
 - labor organizations, § **20:132**
 - modification of benefits, generally, § **20:137 to 20:146**
 - motion, application, or request, § **20:142, 20:144**
 - notice and hearing, § **20:132, 20:133, 20:137, 20:142, 20:146**
 - preliminary proposal for modification, § **20:138**
 - prepetition modification, § **20:136**
 - time or date, § **20:131, 20:142, 20:143**
 - type of benefits covered, generally, § **20:130**
- Royalty payments, intellectual property license, § **20:74**
- Rules of Bankruptcy Procedure (this index)
- Schedule, § **8:62, 8:80, 8:96**
- Securities, contracts to issue, § **15:6**
- Security deposit, § **20:55**
- Setoff or offset, § **12:41**
- Setoffs and rejection power exercises by lessees, § **25:24**
- Shopping centers, special provisions for, § **20:48 to 20:50, 20:53, 20:63**

**EXECUTORY CONTRACTS
AND UNEXPIRED LEASES**

—Cont'd

- Snap-back provisions, collective bargaining agreements, § **20:104**
- Sovereign immunity abrogated, § **6:78**
- Specific performance, § **20:7, 20:58**
- State law, § **20:1, 20:7, 20:9, 20:10, 20:41**
- Status conference, setting date for assumption or rejection, § **7:148**
- Stay. Automatic stay, above
- Stockbroker Liquidation (this index)
- Substantial performances remaining, § **20:1 to 20:6**
- Superpriority, § **20:95**
- Surrender of nonresidential real property, § **20:85**
- Swap agreements, § **20:23**
- Termination, § **19:9, 20:10 to 20:12**
- Time or date
 - assumption or rejection by trustee or DIP, above
 - collective bargaining agreements, § **20:116**
 - extension of time, above
 - nonresidential real property, § **20:77 to 20:85, 20:92**
 - postpetition obligation to perform under lease, § **20:90 to 20:95**
 - retiree benefits, § **20:131, 20:142, 20:143**
- Time share interests, § **20:62 to 20:69**
- Title placed in escrow, installment sales contract, § **20:8**
- Trustees. Assumption or rejection by trustee or DIP, above
- Turnover of property, § **14:85**

**EXECUTORY CONTRACTS
AND UNEXPIRED LEASES**

—Cont'd

- United States trustees, § **4:107**
 - Use, sale, or lease of property, generally, § **15:25**
 - Venue, forum selection clauses, § **7:189**
 - Vesting of estate property, § **29:38**
 - Voluntary bankruptcy amendments, § **8:96**
 - assumption or rejection by trustee, § **20:27, 20:36**
 - liquidation, § **8:65**
 - partnerships, § **8:70**
 - reorganization, § **8:67**
 - schedule, form of, § **8:80**
 - verification, § **8:73**
 - Waiver and estoppel, § **20:54, 20:75, 20:86 to 20:89**
- EXEMPLARY DAMAGES**
- Punitive Damages (this index)
- EXEMPLIFICATION**
- Voluntary bankruptcy, § **8:88**
- EXEMPTIONS**
- Generally, § **1:135, 1:136, 13:1 to 13:168**
 - Abstention, § **7:29**
 - Administrative expenses, liability of exempt property for, § **13:25**
 - Alternative nonbankruptcy exemptions, generally, § **13:116**
 - Amendments
 - claims, § **13:40 to 13:43**
 - fraud of debtor, § **13:19**
 - interests acquired or arising after filing of bankruptcy petition, § **13:39**
 - objections, § **13:50**
 - pensions, § **13:99**
 - statement of intention, § **13:34**
 - Animals (this index)

INDEX

EXEMPTIONS—Cont'd

Annuities (this index)
Appeals, § 37:7
Appliances (this index)
Attachment and garnishment,
§ 13:57, 13:146
Automatic stay, § 16:73
Avoidance
 liens impairing exemptions.
 Liens and Encumbrances
 (this index)
 other effects of exemptions on
 avoidance. Avoidance (this
 index)
Bankruptcy, § 1:7
Bankruptcy Act of 1898, gener-
ally, § 13:2
Burden of proof. Presumptions
and burden of proof, below
Cash surrender value of life insur-
ance, § 13:85, 13:86
Causes of action, § 12:27
Change. Amendments, above
Clerk of courts, § 13:31, 13:34,
13:40
Closing and Reopening Cases (this
index)
Commodity broker liquidation,
§ 15:9
Compensation (this index)
Concealment of assets, § 13:19,
13:20, 13:117
Conflict of laws, § 13:128 to
13:131
Constitutional Law (this index)
Construction and interpretation,
§ 13:9, 13:12, 13:13, 13:136,
13:155
Contracts and Agreements (this
index)
Conversion of case, § 13:34,
13:35, 13:37
Conversion of nonexempt prop-
erty to exempt property
objections, § 13:47

EXEMPTIONS—Cont'd

Conversion of nonexempt prop-
erty to exempt property
—Cont'd
 prepetition conversion, § 13:21,
 13:22
Conversion of property from non-
exempt to exempt, § 35:12
Core proceeding, allowance or
disallowance of exemptions
as, § 13:52
Crime victims' reparation awards,
§ 13:110
Date. Time or date, below
Death claims or benefits, § 13:62,
13:89, 13:116
Denial of discharge of debtor,
conversion of property from
nonexempt to exempt,
§ 35:12
Dependents (this index)
Depository institution insiders,
§ 13:24
Determination of issues raised by
objection, § 13:49 to 13:52
Disability and Disability Insurance
(this index)
Discharge (this index)
Distribution, payment of expenses,
§ 34:23
Divorce (this index)
Domestic Support Obligations
(this index)
Domicile and residence.
 Homestead Exemption (this
 index)
Effect of exemption on property,
generally, § 13:23 to 13:25
Elections and options
 exemption system, choice of,
 § 13:3 to 13:10
 Opt-Out Provisions (this index)
Eleventh Amendment, avoidance
provisions, § 13:133
Eligibility, § 13:37
Employment (this index)

EXEMPTIONS—Cont'd

Entitlement to exemptions, establishment of, § **13:31 to 13:56**

Equity in property claimed as exempt, need for, § **13:30, 13:123, 13:124**

ERISA, § **13:96 to 13:100**

Evidence

- filing list of property claimed as exempt, § **13:31**
- fraud of debtor, § **13:20, 13:22**
- presumptions and burden of proof, below
- questions of law and fact, § **13:8, 13:79, 13:95, 13:161**
- specificity requirements, § **13:32**

Exceptions. Objections, below

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

Extension of time

- claiming of exemptions, § **13:38**
- objections, § **13:45, 13:47**
- statement of intention, § **13:34**

Family Farmer or Fisher Debt Adjustment (this index)

Family or Relatives (this index)

Farmers and Farm Products (this index)

Federal Debt Collections Procedures Act, § **1:34**

Federal Trade Commission, § **13:156**

Fifth Amendment, § **13:134**

Filing, generally, § **13:31**

Firearms, § **13:77**

Fire insurance, § **13:90**

Fraud

- generally, § **13:19 to 13:22**
- amendment of lists or schedules, § **13:43**
- avoidance of liens, § **13:145**

EXEMPTIONS—Cont'd

Fraud—Cont'd

- concealment, § **13:19, 13:20, 13:117**
- evidence, § **13:20, 13:22**
- liens and encumbrances, § **13:19, 13:145**

Fraudulent transfers and concealment of assets, § **19:15, 19:24, 19:69, 19:86**

Gap period liens, § **13:132, 13:135**

Garnishment, § **13:57, 13:146**

Good faith, § **13:19, 13:43, 13:45**

Governing law, § **13:128 to 13:131**

Group insurance, § **13:83, 13:85**

Guns, § **13:77**

Health aids, § **13:106, 13:114**

Homestead Exemption (this index)

Household Furnishings or Goods (this index)

Husband and Wife (this index)

Implements. Tools (this index)

Individual Debt Adjustment Plans (this index)

Individual Debt Adjustment (this index)

Insurance and Insurance Companies (this index)

Intention, statement of, § **13:34**

Involuntary bankruptcy, § **9:4 to 9:9**

IRA plans, § **13:101**

Jewelry (this index)

Joint cases and joint plans, § **13:28, 13:29**

Judgments, § **13:66, 13:143, 13:149**

Judicial liens, § **13:136, 13:142 to 13:146**

Jurisdiction, § **7:16, 7:17, 7:29**

Liens and Encumbrances (this index)

Life Insurance (this index)

INDEX

EXEMPTIONS—Cont'd

- Limitations and restrictions,
§ 13:22, 13:30, 13:153
- Liquidation (this index)
- Lists, § 13:31, 13:40 to 13:43,
13:153
- Livestock, § 13:82, 13:158
- Loans or Credit (this index)
- Military benefits, § 13:116
- Misrepresentation. Fraud, above
- Mobile homes, § 13:64, 13:157
- Money or cash, avoidance of liens,
§ 13:159
- Motor Vehicles (this index)
- Municipal debt adjustment plans,
§ 32:32
- Musical Instruments, § 13:154
- No fault automobile insurance,
§ 13:91
- Nonbankruptcy alternatives,
§ 1:33, 13:97, 13:98, 13:116
- Nonpossessory, nonpurchase-
money security interests
avoidance of liens impairing
exemptions, § 13:129,
13:147, 13:158
trustee's receipt of property,
§ 13:54
- Notice, § 13:34, 13:38, 13:40,
13:49
- Objections
generally, § 1:136, 13:44 to
13:52
burden of proof, § 13:51, 13:52
conversion's effect on time
allowed for objection,
§ 13:47
core proceeding, allowance or
disallowance of exemp-
tions as, § 13:52
determination of issues raised
by objection, § 13:49 to
13:52
extension of time, § 13:45,
13:47

EXEMPTIONS—Cont'd

- Objections—Cont'd
good faith, § 13:43, 13:45
informal or de facto objections,
§ 13:45
kind of property, § 13:46
lien avoidance, raising objection
on motion for, § 13:48
state law, § 13:50
timely objections, § 13:44 to
13:47
trustee, § 13:44, 13:51
value of property, § 13:46
- Options. Elections and options,
above
- Opt-Out Provisions (this index)
- Pension or Retirement (this index)
- Personal injury claim, § 13:111
- Personal items, § 13:75 to 13:77
- Possession
generally, § 13:13
Nonpossessory, Nonpurchase-
Money Security Interests
(this index)
- Postpetition Matters (this index)
- Preemption, § 13:16, 13:17,
13:100
- Preferences and Preferential
Transfers (this index)
- Prepetition matters, § 13:21,
13:22, 13:24, 13:90
- Presumptions and burden of proof
avoidance of liens, § 13:164
objections, § 13:51, 13:52
specificity requirement, § 13:32
voluntary transfers of property,
§ 13:55
- Proceeds, § 13:63, 13:84
- Professional books, § 13:78 to
13:82, 13:148, 13:153
- Profit-sharing plans, § 13:102
- Property of estate, generally,
§ 12:79, 12:118, 13:57 to
13:116

EXEMPTIONS—Cont'd

Prospective application. Retroactive application, below

Questions of law and fact, § **13:8, 13:79, 13:95, 13:161**

Redemption, § **1:137, 12:102, 12:103**

Relationship of exemptions to property of estate, § **13:1, 13:2**

Removing property from bankruptcy estate, exemption as, § **13:1**

Reorganization, § **13:23, 13:39**

Reorganization Plans (this index)

Residence. Homestead Exemption (this index)

Retirement benefits. Pension or Retirement (this index)

Retroactive application

 avoidance of liens, § **13:136**

 impairment of obligation of contracts, § **13:18**

 state law, § **13:17**

Rules of Bankruptcy Procedure (this index)

Sale or transfer

 homestead exemption, § **13:63**

 Liens and Encumbrances (this index)

 trustee, property recovered by, § **13:54, 13:55**

Schedules (this index)

Security Interest (this index)

Setoff or offset, § **13:24, 13:117 to 13:119**

Size and nature of claim, § **23:26, 23:28**

Social Security (this index)

Sovereign immunity abrogated, § **6:78**

Specificity requirement, § **13:32**

Spillover exemption, § **13:115, 13:153**

EXEMPTIONS—Cont'd

Stacking of exemptions, § **13:28, 13:29, 13:71**

State law

 generally, § **13:3 to 13:10**

 amendment of exemption claims, § **13:41**

 avoidance of liens, § **13:128 to 13:131, 13:146**

 burial plots, § **13:113**

 compliance with state or local requirements, § **13:33**

 election between federal and state exemptions, § **13:3 to 13:10**

 homestead exemption, § **13:58, 13:59, 13:66, 13:69**

 impairment of obligation of contracts, § **13:18**

 insurance contracts, § **13:86, 13:88**

 life insurance, § **13:86, 13:88**

 motor vehicles, § **13:71**

 objections, § **13:50**

 opt-out provisions, § **13:4 to 13:7, 13:15, 13:29**

 pension or retirement, § **13:100**

 retroactive state exemption statutes, § **13:17**

 stacking of exemptions, § **13:28, 13:29**

 time debtor must live in state before being able to claim its exemptions, § **13:10**

Statement of intention, § **13:34**

Statutory liens, § **13:143, 13:159**

Taxation (this index)

Television sets, § **13:159**

Tenancy by entirety, homestead exemption, § **13:67, 13:68**

Time or date

 claiming of exemption, § **13:36 to 13:39**

 conversion of case, § **13:35, 13:37**

INDEX

EXEMPTIONS—Cont'd

Time or date—Cont'd
extension of time, above
individual debt adjustment,
§ 13:37, 13:39
interests acquired or arising
after filing of bankruptcy
petition, § 13:39
life insurance proceeds received
by debtor within 180 days
of filing bankruptcy,
§ 13:84
objections, § 13:44 to 13:47
prepetition matters, § 13:21,
13:22, 13:24, 13:90
statement of intention, filing of,
§ 13:34
venue requirements, § 13:10
Tools, § 13:70 to 13:76, 13:78 to
13:82, 13:148, 13:160 to
13:163
Transfer. Sale or transfer, above
Trustee
avoidance of liens, § 13:53,
13:54, 13:56
filing list of property claimed as
exempt, § 13:31
objections, § 13:44, 13:51
preservation of avoided
transfers, § 12:73
property recovered by trustee,
§ 13:53 to 13:56
statement of intention, § 13:34
transfers of property, § 13:54,
13:55
Turnover of property, § 14:3,
14:4, 14:29, 14:32, 14:75 to
14:78
Unemployment benefits, § 13:102,
13:107
Use, Sale, or Lease of Property
(this index)
Valuation of exempt property,
§ 13:74, 13:79, 13:115,
13:124, 13:153, 13:162
Venue, § 13:10

EXEMPTIONS—Cont'd

Veterans' benefits, § 13:105,
13:116
Victim of crime awards, § 13:110
Voluntary Bankruptcy (this index)
Voluntary transfers of property,
§ 13:55
Waiver of exemptions
avoidance of liens, § 13:35,
13:120, 13:142, 13:147,
13:167
trustee's receipt of property,
§ 13:54
Weapons, § 13:77
Wearing Apparel (this index)
Welfare recipients, § 13:102,
13:104
Wild card exemptions, § 13:115,
13:153
Workers' compensation benefits,
§ 13:108
Wrongful death payments,
§ 13:111

EXHAUSTION OF ADMINISTRATIVE REMEDIES

Creditors' committees, § 6:58
Jurisdiction, § 7:8

EX PARTE MATTERS

Automatic stay, § 16:143
Debtor in possession, § 5:114
Judges, § 2:52, 4:10, 4:26, 4:33
Municipal debt adjustment plans,
§ 32:7
Rules of Bankruptcy Procedure,
§ 4:26, 4:33, 4:74
United States trustees, § 4:26,
4:74
Use, sale, or lease of property,
§ 15:23, 15:47

EXPEDITED DETERMINATION OF INTERESTS

Automatic stay, § 16:197
Grain assets, § 15:27

EXPEDITED PROCEDURES

Automatic stay, § 16:197
Distribution, § 34:85

EXPENSES

Costs and Expenses (this index)
Presumption of abuse, monthly expenses, § 11:17 to 11:27

EXPERT TESTIMONY

Adequate protection, § 21:25
Employment of professional persons, § 2:21
Fraudulent transfers and concealment of assets, § 19:37

EXPIRATION

Termination (this index)

EXPRESS MAIL SERVICE

Reimbursement, § 2:84

EXTENSION OF AUTOMATIC STAY

Injunctions, § 16:219

EXTENSION OF CONTRACTS

Executory contracts and unexpired leases, § 20:12

EXTENSION OF LEASE

Automatic stay, § 16:9

EXTENSION OF LIEN

Automatic stay, § 16:69

EXTENSION OF TIME

Generally, § 1:91
Adequate protection, § 21:27
Appeals (this index)
Automatic Stay (this index)
Avoidance action, commencement of, § 17:55
Commencement of action against debtor after termination of stay, § 6:40
Document filings, dismissal for Chapter 7 or 13 debtor's failure to make, § 6:27

EXTENSION OF TIME—Cont'd

Executory Contracts and Unexpired Leases (this index)
Exemptions (this index)
Family Farmer or Fisher Debt Adjustment Plans (this index)
Family Farmer or Fisher Debt Adjustment (this index)
Individual Debt Adjustment Plans (this index)
Involuntary cases, § 9:82
Motion to extend time to file reorganization plan, § 26:60
Municipal debt adjustment plans, § 32:3
Order or Approval of Court (this index)
Proof of claim, § 22:44 to 22:48
Reorganization Plans (this index)
Small business reorganization, time for filing plan, § 26:56
Sovereign immunity abrogated, § 6:78
Taxation, § 3:74, 3:84
United States trustees, § 4:106, 8:79, 8:81, 8:93
Voluntary bankruptcy, § 8:79, 8:81, 8:93
Workouts, § 1:35

FACE VALUE OF STOCK

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

FACSIMILES

Copies (this index)

FACT QUESTIONS

Questions of Law and Fact (this index)

FAIR LABOR STANDARDS ACT

Automatic stay, § 16:92

FAIR MARKET VALUE

Adequate protection, § 21:23 to 21:25

INDEX

FAIR MARKET VALUE—Cont'd

- Family farmer debt adjustment plans, § 33:39, 33:53
- Fraudulent transfers and concealment of assets, § 19:45, 19:48, 19:63, 19:98
- Liens and encumbrances, § 12:39
- Property of estate, § 12:118
- Redemption, § 12:97, 12:104, 12:106, 12:107
- Size and nature of claim, § 23:9

FALSE CLAIMS, STATEMENTS, OR REPRESENTATIONS

- Fraud and Deceit (this index)

FALSE OATHS

- Perjury (this index)

FALSE PRETENSES

- Actual fraud and false pretenses or false representation, § 35:91, 35:92
- Business practices and reasonableness of reliance, § 35:114
- Characteristics of actual fraud, § 35:93
- Checks drawn on insufficient funds, § 35:95
- Credit card debt, § 35:118 et seq.
- Debtor's financial condition, written statements re, § 35:108
- Debts incurred through, dischargability
 - generally, § 35:90 et seq.
 - actual fraud and false pretenses or false representation, § 35:91, 35:92
 - cash advances on credit cards, § 35:124 et seq.
 - characteristics of actual fraud, § 35:93
 - checks drawn on insufficient funds, § 35:95
 - credit card debt, § 35:118 et seq.

FALSE PRETENSES—Cont'd

- Debts incurred through, dischargability—Cont'd
 - debtor's financial condition, written statements re, § 35:108
 - falsity of representation, § 35:97
 - forbearance, § 35:103
 - insider's financial condition, written statements re, § 35:108
 - insufficient funds checks, § 35:95
- intent
 - Generally, § 35:98
 - credit card fraud, § 35:123
 - fiduciary defalcation, § 35:143
 - financial statements, § 35:117
 - inferred intent, § 35:99
 - luxury goods purchases, § 35:124 et seq.
 - materiality of representation, § 35:96
 - obtaining money, property, or services, § 35:102 et seq.
 - opinions, § 35:94
 - promises, § 35:94
 - refinancing statements, § 35:107
 - reliance by creditor
 - generally, § 35:100
 - justifiable, § 35:101
- Debts incurred through, dischargability. Financial Statements (this index)
- False representation, § 35:91, 35:92
- Falsity of representation, § 35:97
- Financial Statements (this index)
- Forbearance, § 35:103
- Industry standards as to reliance, § 35:114

FALSE PRETENSES—Cont'd

Insider's financial condition, written statements re, § 35:108

Insufficient funds checks, § 35:95

Intent

generally, § 35:98

credit card fraud, § 35:123

fiduciary defalcation, § 35:143

financial statements, § 35:117

inferred intent, § 35:99

Materiality of representation

generally, § 35:96

financial statement fraud, § 35:109

Opinions, § 35:94

Partial reliance, § 35:115, 35:116

Promises, § 35:94

Reliance

generally, § 35:100, 35:110 et seq.

business acumen of creditor, § 35:113

business practices and reasonableness of reliance, § 35:114

duty to investigate, § 35:112

fact questions, § 35:111

history of dealings with debtor, § 35:116

industry standards as to, § 35:114

investigation duty of creditor, § 35:112

justifiable, § 35:101

partial reliance, § 35:115, 35:116

sophisticated creditors, § 35:113

Sophisticated creditors, § 35:113

FAMILY

Family or Relatives (this index)

FAMILY FARMER OR FISHER DEBT ADJUSTMENT

Generally, § 1:21, 1:71

FAMILY FARMER OR FISHER DEBT ADJUSTMENT

—Cont'd

Acceptance or rejection

confirmation, below

executory contracts or unexpired leases, § 33:12, 33:18, 33:24

objections, below

Adequate protection, generally, § 21:29 to 21:31

After-acquired property, § 12:60, 12:61

Allowance of claims or interest objection to claim, § 24:10 to 24:12

rejection of executory contract or unexpired lease, claim arising out of, § 24:29

significance of allowance or disallowance of claim, § 24:1, 24:3

superiority of administrative expenses, § 24:55

Appointment of trustee, § 4:92, 5:1, 5:41, 5:42

Assessment, § 3:78

Assumption of executory contract or unexpired lease, § 20:29, 20:56, 20:57

Attorney General, § 6:36

Attorneys. Professional persons, below

Automatic stay

generally, § 1:145, 16:7

Codebtor Stay (this index)

relief from automatic stay, § 16:121, 16:123

termination of stay, § 16:121, 16:123

Avoidance, trustee's powers, § 17:10

Capital gains from postpetition sale of farmland not tax liability incurred by estate, § 33:8

INDEX

**FAMILY FARMER OR FISHER
DEBT ADJUSTMENT**

—Cont'd

- Carryover or carryback, § **3:58**
- Case trustee. Trustees, below
- Cause, dismissal for, § **11:63 to 11:66**
- Chapter 7. Conversion or dismissal, below
- Chapter 11. Conversion or dismissal below
- Chapter 13. Conversion or dismissal below
- Charges, § **4:90, 4:92**
- Charts for conversion, § **11:8**
- Claims
 - allowance of claims or interest, above
 - exemptions, time for claiming, § **13:39**
 - proof of claim, below
 - unclaimed property, § **34:194**
- Closing and reopening cases, § **36:1, 36:4**
- Codebtor Stay (this index)
- Compensation
 - generally, § **5:87, 5:90, 5:96 to 5:100**
 - United States trustees, § **4:90, 4:92**
- Confirmation of plan. Family Farmer or Fisher Debt Adjustment Plans (this index)
- Contracts and unexpired leases, § **20:29, 20:56, 20:57**
- Conversion or dismissal
 - property of estate after conversion from Chapter 12, § **11:90**
- Conversion or dismissal
 - generally, § **1:122 to 1:125, 1:131, 4:93, 11:60 to 11:66**
 - cause, dismissal for, § **11:64 to 11:66**

**FAMILY FARMER OR FISHER
DEBT ADJUSTMENT**

—Cont'd

- Conversion or dismissal—Cont'd
 - Chapter 7 case, § **11:60**
 - Chapter 11 case, conversion, § **11:58, 11:61**
 - Chapter 13, § **11:59, 11:76**
 - chart for conversion, § **11:8**
 - death or incompetency of debtor, § **6:10**
 - individual debt adjustment, § **11:59, 11:62**
 - liquidation, § **11:60**
 - notice and knowledge, § **11:65**
 - operation of business, § **15:19**
 - prejudice, dismissal with, § **11:66**
 - reorganization, § **11:58, 11:61**
 - request of debtor, § **11:63**
- Costs and expenses, § **4:90, 4:92**
- Death or incompetency of debtor, § **6:10**
- Debtor in possession
 - generally, § **5:76**
 - removal of debtor as debtor in possession, § **5:115**
 - rights and powers, § **5:114**
- Debtors engaged in business, additional requirements, § **12:160**
- Debtors' rights, generally, § **6:13**
- Deceit, § **15:19**
- Definitions. Words and phrases, below
- Discharge
 - generally, § **1:164 to 1:167, 35:70**
 - revocation of discharge, § **35:63**
- Discrimination against classes prohibited, § **33:9**
- Dismissal. Conversion or dismissal, above
- Distribution, § **34:191 to 34:194**
- Dividends, § **34:193**

**FAMILY FARMER OR FISHER
DEBT ADJUSTMENT**

—Cont'd

- Earnings or income
 - compensation, above
 - tax return as measure of gross income, § **1:51**
- Eligibility for Chapter 12, § **1:50 to 1:54**
- Executory contracts and unexpired leases, assumption, rejection, or assignment of, § **20:29, 20:56, 20:57**
- Exemptions
 - generally, § **13:13**
 - avoidance of liens, § **13:139**
 - statement of intention, § **13:34**
 - time for claiming exemptions, § **13:39**
- Expenses, § **4:90, 4:92**
- Fees and charges, § **4:90, 4:92**
- Filing
 - inventory statement of property of debtor, § **12:158**
 - statement of financial affairs, § **12:157**
- Financial affairs, statement of, § **12:157**
- Fraud and deceit, operation of business, § **15:19**
- Fund for U.S. Trustee System, § **4:63, 4:65**
- Gross income, income tax return as measure, § **1:51**
- Gross mismanagement in operation of business, § **15:19**
- Hearing. Notice and hearing, below
- Income. Earnings or income, above
- Individual debt adjustment.
 - Conversion or dismissal above.
- Indubitable equivalence requirement, adequate protection, § **21:30**

**FAMILY FARMER OR FISHER
DEBT ADJUSTMENT**

—Cont'd

- Inventory, § **12:158**
- Leases
 - executory contracts and unexpired leases, § **20:29, 20:56, 20:57**
 - totality of circumstances test, § **1:54**
- Liquidation. Conversion or dismissal above.
- Lists, property owned at time of filing bankruptcy petition, § **12:158**
- Loans or credit, § **15:52**
- Mismanagement, § **15:19**
- Monitoring plans, § **4:91**
- Notice and hearing
 - commencement of case, § **12:160**
 - operation of business, § **15:19**
 - sales free of interests, § **15:52**
- Operation of business, § **15:19**
- Order or approval of court. Revocation, below
- Payment of fees and charges, § **4:90, 4:92**
- Plans. Family Farmer or Fisher Debt Adjustment Plans (this index)
- Possession. Debtor in possession, above
- Preference rules, applicability of, § **18:96**
- Prejudice, dismissal with, § **11:66**
- Prior dismissal, § **1:39**
- Priorities, distribution, § **34:192**
- Professional persons
 - application for order of employment, § **2:23**
 - benefit and necessity of services to debtor, § **2:89**
 - debtor in possession, § **2:10**

INDEX

**FAMILY FARMER OR FISHER
DEBT ADJUSTMENT**

—Cont'd

- Professional persons—Cont'd
 - notice and hearing for reimbursement, § 2:83
 - prior or current representation precluding employment, § 2:36
 - salaried employees, § 2:5
- Proof of claim
 - time for filing, § 22:42, 22:46 to 22:48
- Property of estate. Sale of property of estate, below
- Recordation. Filing, above
- Rehabilitation debtor discharges, § 35:40
- Rehabilitation hardship discharges, § 35:41
- Reinstatement of debtor as debtor in possession
 - generally, § 5:115
 - operation of business, § 15:19
- Removal of debtor as debtor in possession, § 5:115
- Rent
 - adequate protection, § 21:31
 - leases, above
- Reorganization, conversion to Chapter 12, § 11:58
- Repeal of Chapter 12, § 1:21, 1:50
- Revocation
 - confirmation order, § 33:62
 - discharge, § 35:63
- Risk test, § 1:53
- Rules of Bankruptcy Procedure, discrimination against classes, § 33:9
- Sale of property of estate
 - free and clear sales, § 15:52
 - ordinary course of business transactions, § 15:52
- Small dividends, § 34:193

**FAMILY FARMER OR FISHER
DEBT ADJUSTMENT**

—Cont'd

- Sovereign immunity abrogated, § 6:78
- Standing trustees, § 4:89, 4:90, 5:1, 5:41, 5:97 to 5:100
- Statement of financial affairs, § 12:157
- Subordination, § 1:160
- Taxation
 - generally, § 5:76
 - assessment, § 3:78
 - carryover or carryback, § 3:58
 - operation of business, § 15:19
 - trustee's duties, § 3:68, 3:71
- Termination of trustee's services, § 5:86
- Time for claiming exemptions, § 13:39
- Totality of circumstances test, § 1:54
- Trustees
 - generally, § 5:75, 5:76
 - appointment, § 4:92, 5:1, 5:41, 5:42
 - avoiding powers, § 17:10
 - compensation, § 5:87, 5:90, 5:96 to 5:100
 - duties, § 3:68, 3:71, 5:75, 5:76
 - eligibility and qualification
 - generally, § 5:3, 5:11
 - bond requirements, § 5:7
 - disinterested requirement, § 5:4
 - powers, § 3:68, 3:71, 5:75, 5:76, 17:10
 - standing trustees, above
 - termination of trustee's services, § 5:86
 - United States trustees, below
- Trusts, § 12:22
- Turnover of property, § 14:12, 14:19, 14:20, 14:22, 14:23
- Unclaimed property, § 34:194

**FAMILY FARMER OR FISHER
DEBT ADJUSTMENT**

—Cont'd

- Unexpired lease, § 20:29, 20:56, 20:57
- United States trustees
 - generally, § 5:76
 - appointment of, § 4:92
 - compensation, § 4:90, 4:92
 - conversion or dismissal, § 4:93
 - fees and costs, § 4:90, 4:92
 - fund for United States Trustee System, § 4:63, 4:65
 - monitoring plans, § 4:91
 - operation of business, § 15:19
 - standing trustees, § 4:89, 4:90
- Use, sale, or lease of property.
 - Sale of property of estate, above
- Voluntary bankruptcy
 - lists, schedules, and statements, § 8:61, 8:68, 8:81, 8:82, 8:87
 - notice of order, § 8:36

**FAMILY FARMER OR FISHER
DEBT ADJUSTMENT
PLANS**

- Generally, § 33:1 to 33:62
- Acceleration of debt, § 33:14
- Accuracy of debt statement, § 33:28
- Adequate income for execution of plan, mandatory provisions, § 33:7
- Adequate protection, § 33:13, 33:36
- AFDC benefits, payment to trustee, § 33:54
- Agent, § 33:38
- Agricultural conservation plan, § 33:34
- Agronomic feasibility, § 33:44, 33:45
- Allowed secured claims provision, compliance of plan with,

**FAMILY FARMER OR FISHER
DEBT ADJUSTMENT
PLANS—Cont'd**

§ 33:33 to 33:42

- Annual net income projection, § 33:47
- Approaches to present market value determination, § 33:39
- Approval or consent, § 33:38, 33:47
- Assignment of executory contract or unexpired lease, § 33:18
- Assumption of executory contract or unexpired lease, § 33:18
- Automatic extension, § 33:3, 33:13, 33:36
- Balloon payment, § 33:15, 33:33, 33:35
- Best interest of creditors test, § 33:31, 33:32, 33:49
- Book value of stock, § 33:19, 33:20
- Burden of proof, § 33:44, 33:49, 33:61
- Cash cushion, § 33:47
- Cash flow projections, § 33:3, 33:36, 33:44, 33:47
- Change. Modification, below
- Charges, payment of, § 33:27
- Classification of claims and interests, § 33:9, 33:11, 33:28
- Collateral
 - interest rate, present value determination, § 33:40
 - limitation on setoffs, § 33:34
 - property value less than allowed amount of claim, § 33:36
 - retention of lien securing claim, § 33:35
 - risk factor, § 33:41
 - time of valuation, § 33:37
- Comparable sale approach, present market value determination, § 33:39

INDEX

**FAMILY FARMER OR FISHER
DEBT ADJUSTMENT
PLANS—Cont'd**

Compliance with Chapter 12 and Title 11, § **33:26**
Concurrent payments, § **33:16**
Confirmation
 generally, § **33:26 to 33:53**
 allowed secured claims provision, compliance with, § **33:33 to 33:42**
 approval of plan over objection by trustee or unsecured creditor, § **33:47**
 best interest of creditors test, § **33:31, 33:32**
 commencement of payments, § **33:1**
 compliance with code, § **33:26, 33:27**
 decision, § **33:53**
 direct payments to creditors, § **33:38**
 discount rates, § **33:40 to 33:49**
 effect of confirmation, generally, § **33:60**
 evidence, weight and sufficiency of, § **33:45**
 feasibility requirement, compliance with, § **33:43 to 33:46**
 fees, costs, and charges, § **33:26, 33:27**
 good faith, § **33:28 to 33:30**
 hearing, § **33:25, 33:49 to 33:53, 33:60**
 interest, payment of, § **33:32**
 interest rate, § **33:40 to 33:49**
 lien securing claim, retention of, § **33:35**
 limitation on setoffs, § **33:34**
 long term payment, § **33:46**
 modification prior to confirmation, § **33:24, 33:25**
 notice, § **4:101, 4:104, 33:50**

**FAMILY FARMER OR FISHER
DEBT ADJUSTMENT
PLANS—Cont'd**

Confirmation—Cont'd
 objections, § **33:49**
 order of confirmation, revocation of, § **33:62**
 payment of fees charges and other amounts, § **33:27**
 postconfirmation matters, below present value, determination of, § **33:39**
 requisites for confirmation, § **33:26 to 33:47**
 retention of lien securing claim, § **33:35**
 revocation of order of confirmation, § **33:62**
 risk factors, § **33:41**
 securing claim to holder, § **33:42**
 setoffs, limitation on, § **33:34**
 standard of proof, § **33:44**
 sufficiency of evidence of good faith, § **33:29**
 surrender of property securing claim, § **33:42**
 time for concluding hearing, § **33:52**
 time of valuation, § **33:37**
 weight and sufficiency of evidence, § **33:45**
Congressional intent, § **33:8**
Consent or approval, § **33:38, 33:47**
Conservation, § **33:34**
Consumer debts, discretionary provisions, § **33:11**
Contents, generally, § **33:7 to 33:23**
Contract rate, § **33:40**
Control of corporation to which assets transferred, retention of, § **33:29**

**FAMILY FARMER OR FISHER
DEBT ADJUSTMENT
PLANS—Cont'd**

Conversion or dismissal
generally, § 33:24
defraud of creditors, § 33:28
filing, § 33:3, 33:4
limited resource loan terms,
§ 33:25
Copy of reorganization plan,
§ 4:101
Cost of replacement approach,
present market value, § 33:39
Counterclaim, setoff and recoup-
ment, § 33:34
County yield averages, proof of
feasibility, § 33:44
Curing default, discretionary pro-
visions, § 33:14
Damages, § 33:14
Debt ceiling, § 33:1
Decision, § 33:53
Deductions from payments upon
denial of confirmation,
§ 33:59
Default, curing of, § 33:14
Deferred payment program,
§ 33:8, 33:36
Denial of confirmation, § 33:59
Denial of extension of time,
§ 33:4
Determining present value,
§ 33:39
Direct payment to creditors
generally, § 33:30, 33:38, 33:56
consent of creditor, § 33:38
distribution upon confirmation
of plan, § 33:58
filing duties, compliance,
§ 33:38
history of debtor, § 33:38
modification of plan, § 33:56
Discharge of indebtedness
generally, § 33:28
hardship, § 33:61

**FAMILY FARMER OR FISHER
DEBT ADJUSTMENT
PLANS—Cont'd**

Discount rate. Interest rate, below
Discretionary provisions, gener-
ally, § 33:10 to 33:22
Dismissal or conversion. Conver-
sion or dismissal, above
Disposable income, application to
plan payments, § 33:47
Distribution, § 33:55 to 33:58
Ditch liens, § 33:9
Domestic support obligations,
§ 33:48
Duration of reorganization plan,
§ 33:6, 33:28
Earning potential of industry,
proof of feasibility, § 33:44
Effective date of plan, § 33:36,
33:37
Effect of confirmation, § 33:60
Employment history of debtor,
§ 33:28
Equal treatment for claims or
interest within same class,
§ 33:9
Equipment, allowance for replace-
ment of, § 33:60
Equity cushion, § 33:35
Erroneous delivery of applications
and other papers, § 33:5
Escrow agent, trustee as, § 33:38
Estoppel and waiver. waiver and
estoppel, below
Evidence
feasibility requirement, standard
of proof, § 33:44
good faith, sufficiency of evi-
dence, § 33:29
weight and sufficiency of evi-
dence, § 33:29, 33:45
Executory contracts and unexpired
leases, § 33:12, 33:18, 33:24
Extension of time
confirmation hearing, § 33:52

INDEX

FAMILY FARMER OR FISHER

**DEBT ADJUSTMENT
PLANS—Cont'd**

- Extension of time—Cont'd
 - denial of, § 33:4
 - filing of plan, § 33:2 to 33:5
 - performance for unforeseen difficulties, § 33:61
- Face value of stock, § 33:19, 33:20
- Fair market value, § 33:39, 33:53
- Family illness, modification of plan after confirmation, § 33:61
- Farmers Home Administration, objections by, § 33:25
- Farm land bank stock, § 33:19
- Feasibility requirement, compliance with, § 33:43 to 33:46
- Federal Land Bank, § 33:20, 33:39, 33:61
- Feed grain contracts, § 33:18
- Fees
 - confirmation of plan, § 33:26, 33:27
 - payment of, § 33:27
 - priority payments of trustees fees, § 33:54, 33:57, 33:58
 - standing trustee fees, § 33:59
 - trustee costs, § 33:9, 33:28, 33:30, 33:31, 33:58
- Filing
 - generally, § 33:1 to 33:6
 - compliance with requirements, § 33:38
 - dismissal for failure to file, § 33:3, 33:4
 - extension of time, § 33:2 to 33:5
 - history of payment by debtor, records, § 33:14
 - instrument of conveyance, records as, § 33:29
 - location, § 33:5
 - objections, § 33:50

FAMILY FARMER OR FISHER

**DEBT ADJUSTMENT
PLANS—Cont'd**

- Filing—Cont'd
 - proof of feasibility, records as, § 33:44
 - removal of foreclosure from police records, § 33:35
- Foreclosure, removal from records, § 33:35
- Foreign production, risk of default factor, § 33:41
- Forfeiture of debtor's interest in property, § 33:18
- Fraud and deceit
 - fraudulent conveyance, § 33:28
 - priority payments of unpaid claims and trustees fees, § 33:54
 - sufficiency of evidence, § 33:29
- Frequency of relief sought under code, § 33:28
- Full deferred payment of priority claim, § 33:8
- Future earnings to fund plan, § 33:28, 33:44
- Gift, transfer of property by, § 33:29
- Good faith
 - accuracy of debt statement, § 33:28
 - history of debtor, § 33:38
 - particular determinations, § 33:30
 - sufficiency of evidence, § 33:29
- Government policy, risk of default factor, § 33:41
- Hardship discharge, § 33:61
- Hearings, § 33:49 to 33:53
- History of payment by debtor, § 33:14, 33:28, 33:38, 33:41
- Husband and wife, § 33:29
- Illness, modification of plan after confirmation due to, § 33:61

**FAMILY FARMER OR FISHER
DEBT ADJUSTMENT
PLANS—Cont'd**

Income approach, present market value determination, § 33:39

Intent, § 33:8, 33:29

Interest on money
best interest of creditors test, § 33:32

rate. Interest rate, below

Interest rate
generally, § 33:40 to 33:49
formula, § 33:36, 33:37
market rate, § 33:32, 33:40
present value determination, § 33:36, 33:40 to 33:49
risk factors, § 33:41

Lease of property, discretionary provisions, § 33:17

Length of repayment period, § 33:14, 33:41

Liens and encumbrances, § 33:9, 33:35, 33:36

Limitations and restrictions, § 33:34

Limited resource program, § 33:25

Liquidating value, present value determination, § 33:39

Lists, § 33:24, 33:55

Location of filing, § 33:5

Long-term debt, generally, § 33:15, 33:46

Mandatory plan provisions, generally, § 33:7 to 33:9

Market data approach, present market value, § 33:39

Market rate, § 33:32, 33:40

Marriage, property transfer to spouse as defraud of creditor, § 33:29

Minor business on the side, inclusion in debtor's business, § 33:47

**FAMILY FARMER OR FISHER
DEBT ADJUSTMENT
PLANS—Cont'd**

Modification of plan
generally, § 33:24, 33:25
after confirmation, § 33:61
claim holders right, discretionary provisions, § 33:12
direct payment, § 33:56
executory contracts and unexpired leases, § 33:18
postconfirmation, generally, § 33:54 to 33:62
prior to confirmation, § 33:24, 33:25
redemption, statutory right, § 33:13
trustee payment of modified claims, § 33:54

Monitoring plans, § 33:38

Mortgages
redemption, right of, § 33:13
reinstatement to cure default, § 33:14

Natural disaster, modification of plan after confirmation, § 33:61

Nominal repayment to unsecured creditor, § 33:28

Nonpurchase-money security interest, § 33:35

Notice and hearings, § 4:101, 4:104, 33:49 to 33:53, 33:61

Objections
generally, § 33:49
confirmation hearing, § 33:25, 33:49

Farmers Home Administration, § 33:25
filing, § 33:50
postconfirmation modification, § 33:61

Order of confirmation, revocation of, § 33:62

INDEX

**FAMILY FARMER OR FISHER
DEBT ADJUSTMENT
PLANS—Cont'd**

- Outside the plan payment, § 5:98, 5:99, 33:30, 33:38, 33:56, 33:58
- Ownership and title, adequate protection of land, § 33:13
- Partnership debtor, § 33:26
- Payment
 - debtor's income to trustee, § 33:54
 - fees, charges, and other amounts, § 33:27
 - long term debt, discretionary provisions, § 33:15
 - property of estate of debtor, payment from, § 33:19
- Pecuniary damages, § 33:14
- Pension administrators, § 33:54
- Performance of unforeseen difficulties, § 33:61
- Place of filing, § 33:5
- Plan feasibility as confirmation standard, § 33:43 to 33:46
- Police records, removal of foreclosure from, § 33:35
- Postconfirmation matters
 - generally, § 33:54 to 33:62
 - deductions from payments upon denial of confirmation, § 33:59
 - denial of confirmation, return of payments, § 33:59
 - direct payment, § 33:56
 - distribution upon confirmation of plan, § 33:55 to 33:58
 - effect of confirmation, § 33:60
 - modification of plan, above order of confirmation, revocation of, § 33:62
 - payment of debtor's income to trustee, § 33:54
 - priority payments of unpaid claims and trustee fees,

**FAMILY FARMER OR FISHER
DEBT ADJUSTMENT
PLANS—Cont'd**

- Postconfirmation matters—Cont'd
 - § 33:57, 33:58
 - return of payments upon denial of confirmation, § 33:59
 - revocation of order of confirmation, § 33:62
- Preferential treatment between classes of creditors, § 33:28
- Present market value, generally, § 33:39 to 33:49
- Presumptions and burden of proof, § 33:44, 33:49, 33:61
- Prime interest rate, § 33:40
- Priorities, generally, § 33:8, 33:54, 33:57
- Property of estate
 - return of property purchased from creditor, § 33:9
 - sale of property of estate, below surrender of property, § 33:42
 - transfer to spouse, defraud of creditor, § 33:29
 - vesting, § 33:21
- Proposed payment, amount of, § 33:28, 33:36
- Real estate taxes, § 33:9
- Recordation. Filing, above
- Recoupment or setoff, § 33:34
- Redemption, § 33:13, 33:20, 33:36
- Reinstatement of note and mortgage to cure default, § 33:14
- Rejection. Acceptance or rejection, above
- Relatives, transfer of property to as defraud of creditors, § 33:29
- Removal of foreclosure from police records, § 33:35
- Rental value approach, present value determination, § 33:39

**FAMILY FARMER OR FISHER
DEBT ADJUSTMENT
PLANS—Cont'd**

Repayment, time period for, § 33:23

Replacement funds, actual cost, § 33:40

Replacement of equipment, allowance for, § 33:46

Res judicata doctrine, § 33:60

Retention of control of corporation to which assets transferred, § 33:29

Retention of lien securing claim, § 33:35, 33:36

Return of payments upon denial of confirmation, § 33:59

Return of property purchased from creditor, § 33:9

Revocation of order of confirmation, § 33:62

Risk of default, generally, § 33:40, 33:41

Rules of Bankruptcy Procedure (this index)

Sale, use or lease of property, § 33:17, 33:20

Schedule of payment, § 33:6, 33:24, 33:36

Self-monitor and remedy device, § 33:38

Service of process and papers, § 33:5

Setoff, § 33:34

Social security benefits, § 33:54

Sovereign immunity abrogated, § 6:78

Special circumstances, § 33:28, 33:38

Spouse, § 33:29

Standard of proof, § 33:44

Standing trustees, percentage fee, § 33:59

Stock value, § 33:19, 33:20

**FAMILY FARMER OR FISHER
DEBT ADJUSTMENT
PLANS—Cont'd**

Submission of future income to supervision and control of trustee, § 33:7

Surrender of property securing claim to holders, § 33:42

Taxation, § 33:9

Tests and testing, § 33:31, 33:32, 33:49

Time

automatic extension, § 33:3, 33:13, 33:36

commencement of payments after plan confirmation, § 33:1

confirmation hearing, § 33:52

deferred payment program, § 33:8, 33:36

effective date of plan, § 33:36, 33:37

extension of time, above filing of plan, § 33:3, 33:5

hearing, time for concluding, § 33:52

long-term debt, § 33:15

long-term payments, § 33:46

notice of confirmation hearing, § 33:50

objections, filing of, § 33:50

principal secured creditor, payout period, § 33:29

repayment period, contents of plan, § 33:6, 33:14, 33:23, 33:28, 33:41

revocation of order of confirmation, § 33:62

schedule of payments, § 33:6, 33:36

valuation of property, § 33:36, 33:37

Timeshare interest, § 33:18

Title and ownership, adequate protection of land, § 33:13

INDEX

FAMILY FARMER OR FISHER

DEBT ADJUSTMENT

PLANS—Cont'd

- Transfer of assets to family member, § 33:29
- Trustees
 - direct payments to creditors, § 33:38
 - fees and expenses, § 33:9, 33:28, 33:30, 33:31, 33:54, 33:57, 33:58
 - monitor of direct payments, § 33:38
 - payment of modified claims, § 33:54
 - payout period to principal secured creditor, § 33:29
 - priority payments, § 33:8, 33:57
 - schedule of principals, § 33:6
 - standing trustee, percentage fee, § 33:59
- Unexpired leases, treatment of, § 33:18
- United States trustee, notice and copies to, § 4:101, 4:104
- Unsecured claims, § 33:28, 33:54
- Use, sale, or lease of property, § 33:17, 33:20
- Value and valuation, generally, § 33:19, 33:20, 33:53
- Vesting of property of estate, § 33:21
- Voluntary petition, generally, § 33:24
- Waiver and estoppel
 - default, generally, § 33:14
- Weather conditions, § 33:41, 33:44
- Weight and sufficiency of evidence, proof of feasibility, § 33:45
- Zero repayment to unsecured creditors, § 33:28

FAMILY OR RELATIVES

- Aid to Families with Dependent Children (this index)

FAMILY OR RELATIVES

—Cont'd

- Children (this index)
- Discharge (this index)
- Domestic Support Obligations (this index)
- Exemptions
 - Dependents (this index)
 - Divorce (this index)
 - Domestic Support Obligations (this index)
 - Husband and Wife (this index)
 - use of goods by family, § 13:75 to 13:77
- Family Farmer or Fisher Debt Adjustment Plans (this index)
- Family Farmer or Fisher Debt Adjustment (this index)
- Fraudulent Transfers and Concealment of Assets (this index)
- Husband and Wife (this index)
- Involuntary bankruptcy, § 9:42
- Judges, § 2:43, 2:44, 4:27, 4:34, 4:36
- Petitions (this index)
- Redemption of property, § 1:137
- Reorganization Plans (this index)
- Reorganization (this index)
- Rules of Bankruptcy Procedure (this index)
- Taxation
 - discharge, tax treatment of, § 3:13
 - Family Farmer or Fisher Debt Adjustment (this index)
- Trustees (this index)
- United States trustees, § 4:90
- U.S. trustees, § 2:43, 2:44

FAMILY TRUSTS

- Eligibility to file bankruptcy, § 1:38

FANS

- Allowance of claims or interest, § 24:26

FARMERS AND FARM PRODUCTS

- Adequate protection, § **21:55, 21:56**
- Allowance of claims
 - crops, § **24:73**
 - Family Farmer or Fisher Debt Adjustment (this index)
- Avoidance of liens impairing exempt crops and farm animals, § **13:129, 13:158**
- Conversion or dismissal
 - Family Farmer or Fisher Debt Adjustment (this index)
 - individual debt adjustment, § **11:77**
- Crops (this index)
- Discriminatory treatment of bankrupt prohibited, § **6:32**
- Dismissal. Conversion or dismissal, above
- Earnings or income. Family Farmer Debt Adjustment (this index)
- Exemptions
 - avoidance of liens impairing exempt crops and farm animals, § **13:129, 13:158**
 - Family Farmer or Fisher Debt Adjustment (this index)
 - trade, farming as, § **13:82**
- Family Farmer or Fisher Debt Adjustment Plans (this index)
- Family Farmer or Fisher Debt Adjustment (this index)
- Farmers Home Administration (this index)
- Grain and Grain Storage (this index)
- Individual debt adjustment, conversion or dismissal, § **11:77**
- Individual debt adjustment plans, § **30:3**
- Involuntary Bankruptcy (this index)

FARMERS AND FARM PRODUCTS—Cont'd

- Liquidation plans under Chapter 11, § **26:14, 26:30**
 - Loans, generally, § **15:52**
 - Perishable Agricultural Commodity Act (this index)
 - Size and nature of claim
 - crops, § **23:33**
 - grain and grain storage, § **23:6**
 - Use, sale, or lease of property, § **15:52**
- FARMERS HOME ADMINISTRATION**
- Administrative regulations, § **1:32**
 - Family farmer debt adjustment plans, § **33:25**
- FARM LAND BANK STOCK**
- Family farmer debt adjustment plans, § **33:19**
- FARMOUT AGREEMENTS**
- Exclusion of certain hydrocarbon interests from estate, § **12:94**
- FEASIBILITY REQUIREMENT**
- Family farmer debt adjustment plans, § **33:43 to 33:46**
 - Individual debt adjustment plans, confirmation of, feasibility of debtor's compliance with plan, § **31:39 to 31:41**
- FEDERAL ANTI-INJUNCTION STATUTE**
- Generally, § **16:218**
- FEDERAL AVIATION ADMINISTRATION**
- Automatic stay, § **16:93**
 - Intangible personal property, § **12:46**
 - Use, sale, or lease of property, § **15:25**
- FEDERAL EXEMPTIONS**
- Exemptions (this index)

INDEX

FEDERAL GOVERNMENT

Particular agencies, commissions,
or departments, see specific
topics

Attorney General (this index)

Court of Appeals (this index)

District Courts (this index)

Federal Debt Collections
Procedures Act, § 1:34

Municipal debt adjustment plans,
§ 32:12

Preemption (this index)

Proof of claim, § 22:47, 24:48

FEDERAL HOUSING ADMINISTRATION

Adequate protection, § 21:61

FEDERAL INCOME TAX

Taxation (this index)

FEDERAL INSTITUTIONS SUPERVISORY ACT

Jurisdiction, § 7:8

FEDERAL JUDICIAL CENTER

Generally, § 1:17

FEDERAL JUDICIAL DISTRICTS

United States trustees, § 4:70

FEDERAL LAND BANK

Family farmer debt adjustment
plans, § 33:20, 33:39, 33:61

FEDERALLY-INSURED LOAN

Adequate protection, § 21:61

Student Loans (this index)

FEDERAL MAGISTRATES ACT

Jury trial, § 7:174

FEDERAL MARSHALS

Crimes and offenses, § 12:146

FEDERAL QUESTION

Jurisdiction (this index)

FEDERAL RULES OF APPELLATE PROCEDURE

Rules of Appellate Procedure (this
index)

FEDERAL RULES OF BANKRUPTCY PROCEDURE

Rules of Bankruptcy Procedure
(this index)

FEDERAL RULES OF CIVIL PROCEDURE

Allowance of claims or interest,
§ 24:102

Cross-referencing, § 1:24

Governing law, § 1:24, 1:25

Rules of Bankruptcy Procedure
(this index)

FEDERAL RULES OF EVIDENCE

Governing law, § 1:26

FEDERAL TAXATION

Taxation (this index)

FEDERAL TRADE COMMISSION

Administrative regulations, § 1:32

Exemptions, § 13:156

FEDERAL UNEMPLOYMENT TAX CREDITS

Generally, § 3:82

FEDERAL WITHHOLDING TAXES

Withholding Taxes (this index)

FEE APPLICATION

Generally, § 2:106 to 2:112, 2:122

Costs of preparing, § 2:81

Review by United States trustee,
§ 4:79

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

FEED GRAIN CONTRACTS

Family farmer debt adjustment plans, § **33:18**

FEEES AND CHARGES

Adequate protection, § **21:17, 21:32**

Allowance of Claims or Interests (this index)

Appeals (this index)

Application. Fee Application (this index)

Attorneys' Fees (this index)

Breakup fees, § **15:32, 15:41, 15:42**

Capital Expenditures (this index)

Clerk of court, § **4:47, 4:50, 4:54**

Compensation (this index)

Conversion or Dismissal (this index)

Distribution priorities, § **34:39**

Executory contracts and unexpired leases, § **20:51**

Family Farmer or Fisher Debt Adjustment Plans (this index)

Family Farmer or Fisher Debt Adjustment (this index)

Fee Splitting (this index)

Filing fees, generally, § **8:85 to 8:95**

Fines and Penalties (this index)

Individual debt adjustment, § **4:90, 4:92**

Individual Debt Adjustment Plans (this index)

Judges, § **4:22**

Judicial Code (28 USCA), § **1:17**

Liquidation (this index)

Notice of appearance fees, § **5:90**

Percentage Fee (this index)

Petition preparers, § **2:61, 8:16**

Petitions, generally, § **8:45, 8:85 to 8:95**

Property of estate, § **12:85**

Redemption, § **12:105**

FEEES AND CHARGES—Cont'd

Reorganization (this index)

Retainers (this index)

Rules of Bankruptcy Procedure (this index)

Sanctions. Fines and Penalties (this index)

Size and nature of claim, § **23:14, 23:19 to 23:22**

Taxation (this index)

Trustees (this index)

United States Trustees (this index)

Voluntary Bankruptcy (this index)

Waiver of filing fees, § **1:111**

FEE-SPLITTING

Attorneys, generally, § **2:59, 2:60**

Professional persons, generally, § **2:59, 2:60**

Trustees and examiners, § **5:103**

FHA INSURANCE

Adequate protection, § **21:61**

FIDUCIARIES

Capacity, fiduciary, § **35:136 et seq.**

Causes of action, § **12:29**

Debtors in possession as, § **5:111**

Defalcation, § **35:142, 35:143**

Definitions, § **35:136 et seq.**

Discharge debt exceptions generally, § **1:167, 35:135 et seq., 35:199**

capacity, fiduciary, § **35:136 et seq.**

defalcation, § **35:142, 35:143**

embezzlement, § **35:145**

ex mal cio trusts, § **35:141**

express trusts, § **35:139**

intent, defalcation, § **35:143**

larceny, § **35:145**

state trust law, § **35:140**

technical trusts, § **35:139**

who is fiduciary, § **35:136 et seq.**

INDEX

FIDUCIARIES—Cont'd

- Eligibility to file bankruptcy, § **1:38**
- Embezzlement, § **35:145**
- Exemption for life insurance proceeds payable to executors of debtor, § **13:89**
- Ex malicio trusts, § **35:141**
- Express trusts, § **35:139**
- Foreign Representatives (this index)
- Guardians (this index)
- How relationship created, § **35:138 et seq.**
- Insiders (this index)
- Larceny, § **35:145**
- Property of estate, § **12:5**
- Receivers (this index)
- Reorganization, § **15:13**
- Scope of status, § **35:136 et seq.**
- State trust law, § **35:140**
- Tax returns, trustee's duties, § **3:71**
- Technical trusts, § **35:139**
- Trustees (this index)
- Trusts, § **12:18**
- Type of trust creating relationship, § **35:137**
- United States Trustees (this index)
- Who is fiduciary, § **35:136 et seq.**

FIFO

- Taxation, basis adjustment, § **3:22**

FIFTH AMENDMENT

- Adequate protection, § **21:2**
- Due Process (this index)
- Exemptions, avoidance of liens, § **13:134**
- Self-Incrimination (this index)
- Size and nature of claim, § **23:32**
- Turnover of property, § **14:14**

FIFTH PRIORITY CLAIMS

- Allowance of claims or interest, § **24:36**

FILE ORGANIZATION SERVICES

- Compensation, § **2:93**

FILING

- Abandonment of Property of Estate (this index)
- Adequate protection, place for filing motions and other papers, § **21:71**
- After-acquired property, § **12:55**
- Allowance of Claims or Interests (this index)
- Alternative nonbankruptcy exemptions, § **13:116**
- Appeals (this index)
- Attorneys' fees, disclosure statement, § **2:63**
- Automatic Stay (this index)
- Briefs, extension of time for filing and service, § **37:63, 37:64**
- Change of venue, filing petitions involving same or related debtors in different courts, § **7:193**
- Clerk of Court (this index)
- Closing and reopening cases, § **36:1**
- Conversion or Dismissal (this index)
- Debtor in possession, § **5:104, 5:106, 5:110**
- Educational IRA or tuition program, debtor's filing of record of interest in, § **6:20**
- Employer payments and income statements, debtor's filing of evidence of, § **6:17, 6:27**
- Equity security holders, § **6:60, 6:65, 6:66**
- Exemptions (this index)
- Family Farmer or Fisher Debt Adjustment Plans (this index)
- Family Farmer or Fisher Debt Adjustment (this index)

FILING—Cont'd

Fees for filing. Fees and Charges (this index)
 Fraudulent transfers and concealment of assets, pleadings, § 19:120
 Income and expenditure statements, debtor's filing of, § 6:17
 Individual Debt Adjustment Plans (this index)
 Individual Debt Adjustment (this index)
 Involuntary Bankruptcy (this index)
 Liquidation (this index)
 Lists (this index)
 Multiple Filings (this index)
 Municipal Debt Adjustment Plans (this index)
 Petitions (this index)
 Privacy considerations, § 1:78
 Proof of Claim (this index)
 Property of Estate (this index)
 Redemption, § 12:112
 Reorganization Plans (this index)
 Reorganization (this index)
 Rules of Bankruptcy Procedure (this index)
 Schedules (this index)
 Size and Nature of Claim (this index)
 Small business debtors, duties and reporting requirements of, § 6:25
 Statements (this index)
 Taxation (this index)
 Tax returns, debtor's filing of federal, § 6:21
 Trustees, § 5:7, 5:15, 5:47, 22:19, 22:51
 Trusts, § 12:22
 Turnover of Property (this index)
 United States trustees, § 4:65
 Utilities, § 16:246

FILING—Cont'd

Voluntary Bankruptcy (this index)

FILING FEES

Fees and Charges (this index)

FINAL ACCOUNTING

Closing and reopening cases, § 36:4
 United States trustees, § 4:100, 4:101, 4:106

FINAL HEARINGS

Automatic stay, § 16:196

FINAL JUDGMENTS, ORDERS, AND DECREES

Appeals (this index)
 Clerks, § 4:52
 Closing and reopening cases, § 36:6
 Collateral Estoppel (this index)
 Disclosure statement approval by court, § 27:15
 Notice of appeal, § 1:170
 Reference of cases, final determination by bankruptcy judge, § 7:50 to 7:52
 Res Judicata (this index)

FINAL MEETINGS

Creditors', § 10:5

FINAL REPORT

Closing and reopening cases, § 36:1, 36:4
 Conversion or dismissal, § 11:89
 Reorganization plans, § 28:57
 Trustee, § 36:1

FINANCIAL DISCLOSURE

Financial Statements (this index)

FINANCIAL EXPERTS

Professional persons, § 2:21

FINANCIAL INSTITUTIONS

Banks (this index)
 Credit Unions (this index)

INDEX

FINANCIAL INSTITUTIONS

—Cont'd

Fraudulent transfers and concealment of assets, § 19:14, 19:16, 19:107

FINANCIAL INTEREST

Disqualification of judge, § 4:36

FINANCIAL MANAGEMENT

Credit Counseling and Financial Management Instruction (this index)

FINANCIAL PARTICIPANTS

Automatic stay, setoff rights, § 25:16

FINANCIAL REPORTING

Financial Statements (this index)

FINANCIAL RESPONSIBILITY

Discriminatory treatment of debtor, § 6:30

FINANCIAL STATEMENTS

Avoidance of unperfected lien or security interest, § 17:25

Balance Sheet (this index)

Discharge fraud

generally, § 35:105 et seq.
debtor's financial condition, written statements re, § 35:108

insider's financial condition, written statements re, § 35:108

intent, § 35:117

materiality of falseness, § 35:109

money or property obtained for debtor, § 35:106, 35:107

new value rule, § 35:107

partial reliance, § 35:115, 35:116

refinancing statements, § 35:107

FINANCIAL STATEMENTS

—Cont'd

Discharge fraud—Cont'd
reliance

generally, § 35:110 et seq.
business acumen of creditor, § 35:113

business practices and reasonableness of reliance, § 35:114

duty to investigate, § 35:112

fact questions, § 35:111

history of dealings with debtor, § 35:116

industry standards as to, § 35:114

investigation duty of creditor, § 35:112

partial reliance, § 35:115, 35:116

sophisticated creditors, § 35:113

sophisticated creditors, § 35:113

Fraudulent transfers, evidence of insolvency, § 19:61

New value rule, § 35:107

Preferences and preferential transfers, perfection of real property transfer, § 18:105

Refinancing statements, § 35:107

Sophisticated creditors, § 35:113

FINANCING

Allowance of claims or interest, § 24:41

Funds (this index)

FINDINGS OF FACT

Abstention, § 7:28

Allowance of claims or interest, § 24:17

Core proceedings, § 7:5

Reference of cases, § 7:48 to 7:50

FINES AND PENALTIES

Administrative expenses, § 34:30

FINES AND PENALTIES

—Cont'd

- Allowance of claims or interest, § 24:65
- Appeal, jurisdiction, § 7:160
- Attorney as “debt relief agency,” violation of restrictions on, § 2:55
- Automatic stay, § 7:96 to 7:98, 16:80
- Avoidance, § 17:52
- Capacity to be sued, § 5:49
- Contempt, § 7:155
- Discharge exceptions
 - generally, § 35:179 et seq.
 - election law violations, § 35:203
- Distribution
 - liquidation, § 34:132
 - priorities, § 34:30, 34:82
 - taxation, § 34:82
- Embezzlement by trustee or officer, § 12:147
- Executory contracts and unexpired leases, § 20:93
- Fraudulent transfers and concealment of property, § 12:142 to 12:150
- Inherent power of court, § 7:159
- Injunctions, § 3:80
- Involuntary bankruptcy, § 9:16
- Jurisdiction
 - generally, § 7:157 to 7:161
 - appeal, § 7:160
 - inherent power of court, § 7:159
 - multiplication of proceedings, § 7:157
 - own motion of court, § 7:158
 - signing and verification requirements, § 7:158
- Liens and encumbrances, § 17:2
- Liquidation, distribution, § 34:132
- Misappropriation of property by trustee or officer of court, § 12:146

FINES AND PENALTIES

—Cont'd

- Mismanagement of property by receiver or trustee, § 12:149
- Multiplication of proceedings, § 7:157
- Own motion of court, § 7:158
- Pecuniary loss penalties, § 34:82
- Petition preparers, § 2:53, 2:61, 8:11, 8:17
- Prepetition notice to debtor, § 6:5
- Priorities, § 34:30, 34:82
- Prisons and Prisoners (this index)
- Proof of claim, § 22:39
- Purchase of property of estate by trustee or officer of court, § 12:145
- Signing requirements, § 7:158
- Taxation
 - distribution, § 34:82
 - injunctions, § 3:80
 - 100 percent penalty, § 3:59 to 3:63
 - withholding taxes, § 3:59 to 3:63
- Transfer of property of estate by trustee or officer of court, § 12:145
- Trustees, generally, § 2:60, 5:49, 12:145
- Trust fund taxes, § 3:59 to 3:63
- Turnover of property, § 14:90
- Verification requirements, § 7:158
- Withholding taxes, § 3:59 to 3:63

FIREARMS

- Exemptions, § 13:77

FIRE INSURANCE

- Automatic stay, § 16:48, 16:65, 16:167
- Exemption of proceeds, § 13:90
- Insurance and insurance companies, § 12:32

INDEX

FIRST AMENDMENT

- Professional persons, employment of, § 2:46
- Reorganization plans, in solicitation of plan acceptance or rejection, § 27:21

FIRST PRINCIPLES

- Bankruptcy, § 1:4

FIRST PRIORITY CLAIMS

- Administrative expenses, § 24:31, 24:53, 24:54, 24:76

FIRST REFUSAL RIGHTS

- Co-owner or spouse, right on sale of property, § 15:56
- Executory contracts and unexpired leases, § 20:51
- Redemption, § 12:96

FISCAL YEAR

- Taxable year, § 3:32, 3:34

FISH AND FISHERMEN

- Family Farmer or Fisher Debt Adjustment Plans (this index)
- Family Farmer or Fisher Debt Adjustment (this index)
- Priorities, generally, § 34:86
- Reclamation, § 17:85
- Wages, alternative nonbankruptcy exemptions, § 13:116

FIXTURES

- Adequate protection, additional or replacement lien as providing, § 21:55
- Leases, § 12:11

FLAX SEED

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

FLOATING LIEN

- Preferences, security interest in inventory or receivables, § 18:85

FLOATING LIEN—Cont'd

- Size and nature of claim, § 23:39
- Use, sale, or lease of property, § 15:24

FLORIDA

- Opt-out provision, § 13:6

FOOD

- Exemptions, avoidance of liens, feed for livestock, § 13:158
- Proof of claim, § 22:21

FORBEARANCE

- Fraudulent transfers and concealment of assets, § 19:39, 19:53
- Preferences and preferential transfers, § 18:49, 18:83

FORECLOSURE

- Generally, § 1:33
- Adequate protection of use, sale, or lease of property, § 21:23, 21:32
- Appeals, § 37:7
- Automatic stay, § 16:35, 16:64, 16:102, 16:114, 16:115
- Avoidance, § 13:126, 17:45, 17:50
- Executory contracts and unexpired leases, § 20:7
- Family farmer debt adjustment plans, § 33:35
- Fraudulent Transfers and Concealment of Assets (this index)
- Homestead exemption, § 13:66
- HUD-insured mortgages, foreclosure insulated from automatic stay provisions, § 16:102
- Property of estate, § 12:125
- Reorganization, automatic stay, § 16:124, 16:125
- Reorganization plans, § 26:16
- Size and nature of claim automatic stay, § 23:3

FORECLOSURE—Cont'd

Use, sale, or lease of property,
 § **15:25, 15:30**
 Voluntary bankruptcy, § **8:27,**
 8:29

FOREIGN BANKS

Generally, § **1:43**
 Involuntary case, § **9:11**

FOREIGN CLAIMS

Turnover of property, § **14:11**

FOREIGN CORPORATIONS

Banks. Foreign Banks (this index)
 Eligibility to file bankruptcy,
 § **1:38**
 Insurance companies, § **1:42**
 Liquidation eligibility, § **1:42**
 Taxation, § **3:81**

**FOREIGN COUNTRIES OR
 PROCEEDINGS**

Abstention, § **1:97, 11:4**
 Allowance of claims or interest,
 § **24:6**
 Ancillary and other cross-border
 cases after BAPCPA,
 § **16:223**
 Ancillary and Other Cross-Border
 Cases Under BAPCPA (this
 index)
 Ancillary cases to foreign
 proceedings under pre-
 BAPCPA law
 change of venue, § **7:196**
 clerk of court, § **4:49**
 immunity from criminal prose-
 cution, § **6:3**
 injunctions, § **16:222**
 insurance companies, § **1:44**
 venue, § **7:190, 7:196**
 Attorneys, § **2:45**
 Automatic stay, § **16:222, 16:223**
 Change of venue, § **7:196**
 Clerks, § **4:49**
 Comity (this index)

**FOREIGN COUNTRIES OR
 PROCEEDINGS—Cont'd**

Court of International Trade (this
 index)
 Currency hedges, § **16:108, 17:62**
 Foreign Corporations (this index)
 Foreign Representatives (this
 index)
 Injunctions and stays in ancillary
 and other cross-border cases
 after BAPCPA, § **16:223**
 Interested party, generally, § **6:1**
 Proof of claim, § **22:56**
 Property of estate, § **12:1**
 Taxes. Foreign Taxes (this index)
 Venue, § **7:190, 7:196**

**FOREIGN EXCHANGE
 MARKET**

Spot foreign exchange agreements
 as swap agreements, § **20:23**

FOREIGN PRODUCTION

Family farmer debt adjustment
 plans, § **33:41**

FOREIGN REPRESENTATIVES

Abstention, § **11:5**
 Appearance, § **7:55**
 Involuntary bankruptcy, § **9:11**
 Reference of cases, § **7:55**

**FOREIGN SERVICE
 RETIREMENT AND
 DISABILITY PAYMENTS**

Federal nonbankruptcy exemp-
 tions, § **13:116**

FOREIGN TAXES

Basis adjustment, § **3:20**
 Carryover or carryback, § **3:52**

FORFEITURES

Crimes and offenses, § **12:146**
 Discharge exception, § **35:179 et**
 seq.

INDEX

FORFEITURES—Cont'd

- Executory contracts and unexpired leases, § **20:11, 20:80, 20:85, 20:86, 20:93**
- Family farmer debt adjustment plans, § **33:18**
- Use, sale, or lease of property, § **15:31**

FORGAY-CONRAD RULE

- Appeals, interlocutory orders, § **37:10 to 37:12**

FORMER LAW

- Bankruptcy Act of 1898 (this index)

FORMER LAW ASSOCIATE

- Disqualification of judge, § **4:35**

FORMER NAMES

- Voluntary bankruptcy, § **8:21**

FORM OF ACTION

- Turnover of property, § **14:79**

FORMS

- Appeal and review forms, election to have district court hear appeal, § **37:26**
- Local rules, official forms, § **1:28, 1:31**
- Machine readable forms, turnover of property, § **14:13**

FORUM NON CONVENIENS

- Abstention, § **7:31**
- Remand, § **7:126**

FORUM SELECTION CLAUSES

- Generally, § **7:189**

FORWARD CONTRACT MERCHANTS

- Avoidance, postpetition perfection of liens, § **17:60**
- Fraudulent transfers, § **19:107**

FORWARD CONTRACTS

- Avoiding powers, § **17:60**

FORWARD CONTRACTS

—Cont'd

- Executory contracts and unexpired leases, § **20:23**
- Fraudulent transfers, § **19:107**
- Merchants. Forward Contract Merchants (this index)

FOURTEENTH AMENDMENT

- Attorney's solicitation of clients, § **2:46**

FOURTH OF JULY

- Independence Day (this index)

FRANCHISES

- Automatic stay, § **16:46**
- Executory contracts and unexpired leases, § **20:50**

FRAUD AND DECEIT

- Actual fraud and false pretenses or false representation, § **35:91, 35:92**
- Adverse interest, § **5:2**
- Allowance of claims or interest, § **24:70, 24:71**
- Attorney's solicitation of clients, § **2:46**
- Automatic Stay (this index)
- Avoidance, actual unsecured creditor, § **17:31, 17:32**
- Badges of fraud, § **35:11**
- Bankruptcy fraud, generally, § **12:148**
- Business practices and reasonableness of reliance, § **35:114**
- Characteristics of actual fraud, § **35:93**
- Checks drawn on insufficient funds, § **35:95**
- Closing and reopening cases, § **36:16, 36:19**
- Collection and reduction of estate property to money, § **5:65**
- Collusion (this index)
- Commingling (this index)

FRAUD AND DECEIT—Cont'd

Compensation of trustee or examiner, § **5:92, 5:105**
 Concealment (this index)
 Contractual forum selection clauses, § **7:189**
 Conversion or dismissal, § **11:74**
 Core proceedings, § **7:92**
 Credit card debt, § **35:118 et seq.**
 Creditors' and equity security holders' committees, § **6:55**
 Crimes, § **2:53**
 Debtor in Possession (this index)
 Debtors' attorneys as "for relief agencies," restrictions on consumer, § **2:55**
 Debts incurred through falsity and fraud, dischargability
 generally, § **35:90 et seq.**
 actual fraud and false pretenses or false representation, § **35:91, 35:92**
 cash advances on credit cards, § **35:124 et seq.**
 characteristics of actual fraud, § **35:93**
 checks drawn on insufficient funds, § **35:95**
 credit card debt, § **35:118 et seq.**
 debtor's financial condition, written statements re, § **35:108**
 falsity of representation, § **35:97**
 fiduciary defalcation, § **35:135 et seq., 35:143, 35:199**
 Financial Statements (this index)
 forbearance, § **35:103**
 insider's financial condition, written statements re, § **35:108**
 insufficient funds checks, § **35:95**

FRAUD AND DECEIT—Cont'd

Debts incurred through falsity and fraud, dischargability
 —Cont'd
 intent
 generally, § **35:98**
 credit card fraud, § **35:123**
 financial statements, § **35:117**
 inferred intent, § **35:99**
 luxury goods purchases, § **35:124 et seq.**
 materiality of representation, § **35:96**
 obtaining money, property, or services, § **35:102 et seq.**
 opinions, § **35:94**
 promises, § **35:94**
 refinancing statements, § **35:107**
 reliance by creditor
 generally, § **35:100**
 justifiable, § **35:101**
 Denial of discharge of debtor, § **35:18**
 Discharge (this index)
 Dismissal, standing of trustee to oppose motion for, § **5:68**
 Embezzlement (this index)
 Equity security holders, § **6:62**
 Establishing intent, § **35:10, 35:11**
 Evasion of tax, § **3:59, 3:84**
 Examiners. Trustees and examiners, below
 Exemptions (this index)
 False oath or account
 generally, § **35:20 et seq.**
 later amendment, § **35:22**
 materiality, § **35:21**
 omissions, § **35:23**
 subsequent disclosure, § **35:22**
 False pretenses or false representation and actual fraud, § **35:91, 35:92**
 False Pretenses (this index)
 Falsity of representation, § **35:97**

INDEX

FRAUD AND DECEIT—Cont'd

Family Farmer or Fisher Debt Adjustment Plans (this index)
Family Farmer or Fisher Debt Adjustment (this index)
Financial Statements (this index)
Forbearance, § 35:103
Forum selection clauses, § 7:189
Fraudulent Transfers and Concealment of Assets (this index)
Indenture trustees, § 6:73
Individual Debt Adjustment Plans (this index)
Individual Debt Adjustment (this index)
Industry standards as to reliance, § 35:114
Inferred intent, § 35:99
Insufficient funds checks, § 35:95
Intent
 generally, § 35:9, 35:19, 35:98
 badges of fraud, § 35:11
 credit card fraud, § 35:123
 establishing intent, § 35:10
 fiduciary defalcation, § 35:143
 financial statements, § 35:117
 inferred intent, § 35:99
Investigation of debtor by trustee, § 5:66
Involuntary bankruptcy, § 9:39, 9:49, 9:59
Later amendment of false oath or account, § 35:22
Liquidation (this index)
Materiality of representation
 generally, § 35:96
 false oath or account, § 35:21
 financial statement fraud, § 35:109
Omissions, fraudulent, § 35:23
Operation of business, § 15:19
Opinions, § 35:94
Partial reliance, § 35:115, 35:116
Perjury (this index)
Personal liability of trustee, § 5:51

FRAUD AND DECEIT—Cont'd

Petition preparers, § 2:48, 2:53
Promises, § 35:94
Racketeering, § 12:150
Reliance
 generally, § 35:100, 35:110 et seq.
 business acumen of creditor, § 35:113
 business practices and reasonableness of reliance, § 35:114
 duty to investigate, § 35:112
 fact questions, § 35:111
 history of dealings with debtor, § 35:116
 industry standards as to, § 35:114
 investigation duty of creditor, § 35:112
 justifiable, § 35:101
 partial reliance, § 35:115, 35:116
 sophisticated creditors, § 35:113
Removal of trustee or examiner, § 5:80
Reorganization Plans (this index)
Sophisticated creditors, § 35:113
Subsequent disclosure of false oath or account, § 35:22
Taxation
 evasion of tax, § 3:59, 3:84
 trustee's request for prompt tax determination by IRS, § 3:66
 withholding taxes, § 3:61
Trustees and examiners
 adverse interest, § 5:2
 appointment of examiner, § 1:93, 5:37, 5:74
 appointment of trustee, § 1:93, 5:23, 5:29, 5:30
 collection and reduction of estate property to money, § 5:65

FRAUD AND DECEIT—Cont'd

- Trustees and examiners—Cont'd
 - compensation of trustee or examiner, § 5:88, 5:105
 - dismissal, standing of trustee to oppose motion for, § 5:68
 - individual debt adjustment, § 5:77, 5:78
 - investigation of debtor by trustee, § 5:66
 - liquidation, trustee's powers and duties, § 5:62
 - personal liability of trustee, § 5:51
 - removal, § 5:80
 - request for prompt tax determination by IRS, § 3:66
- Use, sale, or lease of property, § 15:48
- Voluntary bankruptcy, § 8:11, 8:35, 8:102
- Withholding taxes, § 3:61

FRAUDULENT TRANSFERS AND CONCEALMENT OF ASSETS

- Generally, § 1:33, 19:1 to 19:126
- Actual fraudulent intent, generally, § 19:22 to 19:29
- Administrative expenses of creditors, § 6:42
- Administrative regulations, § 1:32
- Appeal and review, § 19:115
- Attorneys' fees, § 19:101
- Avoidance, generally, § 12:73, 19:2, 19:93 to 19:111
- Back-due salary, reimbursement of, § 19:73
- Banks, § 19:14, 19:16
- Burden of proof. Presumptions and burden of proof, below
- Buyouts, leveraged, § 19:76 to 19:78
- Capital position, § 19:57 to 19:59
- Capital stock, § 19:16
- Cash flow, § 19:59

FRAUDULENT TRANSFERS AND CONCEALMENT OF ASSETS—Cont'd

- Charitable contributions, § 19:87
- Children, § 19:36, 19:37
- Collusion, § 19:25, 19:67
- Commingling, § 19:13, 19:97
- Comparison of values, § 19:46
- Compensation, reimbursement of back-due salary and expenses, § 19:73
- Constructive fraud
 - generally, § 19:30 to 19:66
 - capital position of debtor, § 19:57 to 19:59
 - comparison of values, § 19:46
 - conversion of nonexempt assets, § 19:86
 - discharge of indebtedness denied, § 19:111
 - evidence of insolvency of debtor, § 19:61
 - fair market value, § 19:45
 - financial condition of debtor, generally, § 19:56 to 19:66
 - forbearance from suit, § 19:39
 - foreclosure sales, below
 - future consideration, § 19:37
 - gift, § 19:87
 - good-faith transferee, § 19:47
 - good will, § 19:41
 - insolvency of debtor, generally, § 19:60 to 19:66
 - intangibles, § 19:35 to 19:41
 - leveraged buyouts, § 19:78
 - love and affection, § 19:38
 - marital and familial duties, performance of, § 19:36
 - municipal debtors, § 19:65
 - partnership debtor, § 19:65
 - reasonably equivalent value, generally, § 19:31 to 19:55
 - satisfaction of indebtedness, § 19:33, 19:43, 19:55

INDEX

**FRAUDULENT TRANSFERS
AND CONCEALMENT OF
ASSETS—Cont'd**

- Constructive fraud—Cont'd
 - securing of indebtedness,
§ 19:34
 - third party, effect of benefit to,
§ 19:42, 19:43
 - tripartite transactions, below
value, § 19:31 et seq.
- Contingent assets and liabilities,
§ 19:64
- Conversion or dismissal, § 19:20,
19:86, 19:116
- Corporate officers and directors,
§ 19:27, 19:72
- Corporations
 - capital stock, § 19:16
 - conduits, transfers to corporate
conduit, § 19:83
 - insiders, § 19:72 to 19:74,
19:77, 19:98, 19:99
 - intent, generally, § 19:27
 - leveraged buyouts, § 19:76 to
19:78
 - officers and directors, § 19:27,
19:72
 - stock, below
 - subordination of claim,
§ 19:110
 - successor corporations,
transfers of assets to,
§ 19:84
 - tripartite transactions, below
value requirement, § 19:106
- Creditors' and equity security
holders' committees,
§ 19:116, 19:122
- Crimes and offenses, § 12:142 to
12:150
- Debtor in possession, § 19:116,
19:125
- Debtor-transferor's intent, gener-
ally, § 19:27
- Delay, generally, § 19:24

**FRAUDULENT TRANSFERS
AND CONCEALMENT OF
ASSETS—Cont'd**

- Denial of discharge, § 19:111,
19:123
- Discharge of indebtedness,
§ 19:36, 19:94, 19:111,
19:123
- Disclaimers of inheritances,
§ 19:71
- Divorce, § 19:36, 19:70
- Durrett rule, § 19:10, 19:11, 19:48
- Equity in property, § 19:17
- Evidence
 - generally, § 19:18, 19:114
 - discharge of indebtedness
denied, § 19:111
 - good faith, § 19:102
 - insolvency of debtor, § 19:61
 - intent, § 19:28
 - interest of debtor in property,
§ 19:18
 - presumptions and burden of
proof, below
- Executory contracts, § 19:9
- Exemptions, § 19:15, 19:24,
19:69, 19:84
- Expenses, reimbursement of,
§ 19:73
- Fair market value, § 19:45, 19:48,
19:63, 19:98
- Family
 - children, § 19:36, 19:37
 - duties, generally, § 19:36
 - husband and wife, below
 - intrafamily transfers, § 19:67 to
19:71
- Federal Debt Collections
Procedures Act, § 1:34
- Filing of pleadings, § 19:120
- Financial condition of debtor, gen-
erally, § 19:56 to 19:66
- Financial institutions, § 19:14,
19:16, 19:107

**FRAUDULENT TRANSFERS
AND CONCEALMENT OF
ASSETS—Cont'd**

Fines and penalties, § 12:142 to 12:150

Forbearance from suit, § 19:39, 19:53

Foreclosure sales

 Durrett rule, § 19:10, 19:11, 19:48

 Madrid rule, § 19:48

 postpetition transfers, § 19:20

 price, § 19:48

 time and date, § 19:11, 19:21, 19:62

Future consideration, § 19:37

Gambling losses, § 19:40

Gifts, § 19:87

Good faith, § 19:47, 19:96, 19:102 to 19:106

Good will, § 19:41

Hinder, intent to, generally, § 19:24

Homestead exemptions, § 19:24, 19:69

Husband and wife

 divorce, § 19:36, 19:70

 homestead exemptions, § 19:24, 19:69

 marital duties, generally, § 19:36

 postpetition transfers, § 19:20

 support of persons, § 19:36, 19:37

 tenancy by entirety, § 19:69

 transfers between spouses, § 19:68 to 19:70

Improvement liens, § 19:108

Incurring of debts beyond ability to pay, § 19:26

Individual creditors as parties, § 19:123, 19:124

Individual debt adjustment, § 19:119, 19:126

**FRAUDULENT TRANSFERS
AND CONCEALMENT OF
ASSETS—Cont'd**

Inheritances, disclaimers of, § 19:71

Initial requirements, generally, § 19:5 to 19:21

Initial transferees, protection against liability, § 19:102

Insiders, corporate debtors, § 19:72 to 19:74, 19:77, 19:99, 19:101

Insolvency of debtor, generally, § 19:60 to 19:66

Intangibles, § 19:35 to 19:41

Intent

 generally, § 19:22 to 19:29

 collusion with third party, § 19:80

 insiders in corporate debtor, transfer to, § 19:72

 partnership property transfers, § 19:85

 preferential transfers, § 19:80

Interest of debtor in property, § 19:11 to 19:18

Interest on money, § 19:99

Intrafamily transfers, § 19:67 to 19:71

Involuntary transfers, § 19:3, 19:8 to 19:11, 19:29

Joint and several liability, § 19:97

Jurisdiction, § 7:41, 7:43, 7:99, 7:100, 7:176, 19:112

Jury trial, § 7:99, 7:176, 19:113

Leaseholds, § 19:14

Letter of credit payments, § 19:16

Leveraged buyouts, § 19:76 to 19:78

Liquidation (this index)

Love and affection, § 19:38

Madrid rule, § 19:21, 19:48

Margin and settlement payments, § 19:107

INDEX

FRAUDULENT TRANSFERS AND CONCEALMENT OF ASSETS—Cont'd

- Marriage. Husband and wife,
above
- Motions, § 19:118, 19:120,
19:122
- Municipality as debtor, § 19:66
- Nature of proceedings, § 19:112
- Notice and knowledge, § 19:77,
19:103
- Novation, tripartite transactions,
§ 19:55
- Operation of business, § 15:10
- Option to proceed under state law,
§ 19:90 to 19:92
- Partial payments, § 19:33
- Parties
 - generally, § 19:7
 - avoidance, generally, § 19:93 to
19:97
 - bringing of action, generally,
§ 19:121 to 19:126
 - creditors' committees, § 19:116,
19:124
 - debtor in possession, § 19:125
 - individual creditors, § 19:123,
19:124
 - individual debt adjustment,
§ 19:126
 - liquidation individual debtors,
§ 19:126
 - reorganization cases, § 19:124,
19:125
 - third persons or parties, below
trustees, generally, § 19:121
- Partnership property, § 19:65,
19:85
- Payments
 - intent to incur debts beyond
debtor's ability to pay,
§ 19:26
 - letter of credit, § 19:16
 - leveraged buyouts, § 19:77

FRAUDULENT TRANSFERS AND CONCEALMENT OF ASSETS—Cont'd

- Payments—Cont'd
 - margin and settlement pay-
ments, § 19:107
 - partial payments, § 19:33
- Pension benefits, enhancement of,
§ 19:75
- Pleadings, § 19:18, 19:118 to
19:120
- Ponzi scheme, § 19:13, 19:81
- Possessory interests of debtor,
§ 19:14
- Postpetition transfers, § 19:20
- Practice and procedure, generally,
§ 19:112 to 19:126
- Preferential transfers, generally,
§ 18:2, 19:4, 19:25, 19:79
- Prepetition matters, generally,
§ 19:1 to 19:126
- Presumptions and burden of proof
 - generally, § 19:18, 19:114
 - good faith, § 19:102
 - homestead interest, § 19:69
 - insiders in corporate debtor,
§ 19:72
 - insolvency of debtor, § 19:61
 - intent, § 19:28
 - intrafamily transfers, § 19:67,
19:68
 - successor corporation, transfer
of corporate assets to,
§ 19:84
 - unreasonably small capital,
§ 19:57
- Private right, action to recover
fraudulent conveyance as,
§ 7:146
- Promissory notes, § 19:53, 19:74
- Proof of claim, § 22:46
- Protection against liability, gener-
ally, § 19:102 to 19:108
- Punitive damages, § 19:100

**FRAUDULENT TRANSFERS
AND CONCEALMENT OF
ASSETS—Cont'd**

Reasonably equivalent value,
§ **19:31 to 19:55, 19:85**

Recovery actions, generally,
§ **12:71**

Redemption, § **19:11, 19:74**

Reference of cases, § **7:41, 7:43**

Reimbursement of back-due salary
and expenses, § **19:73**

Relatives. Family, above

Relevancy of intent, § **19:27**

Religious contributions, § **19:88**

Reorganization, § **19:124, 19:125**

Retention of claim, § **19:109**

Retirement benefits, enhancement
of, § **19:75**

Satisfaction of indebtedness,
§ **19:33, 19:43, 19:55**

Securing of indebtedness,
constructive fraud, § **19:34**

Securities. Stock, below

Size and nature of claim, § **23:35**

Sovereign immunity abrogated,
§ **6:78**

Spouse. Husband and wife, above

State law, option to proceed under,
§ **19:90 to 19:92**

Statute of limitations, § **19:90,
19:116**

Stock

interest of debtor in property,
§ **19:16**

redemption of stock, § **19:74**

securities clearing agencies,
§ **19:107**

tripartite transactions, § **19:53,
19:54**

Subordination of claim, § **19:110**

Subsequent transferees, § **19:103,
19:107**

Successor corporations, § **19:84**

Sufficiency of pleadings, § **19:119**

Support of persons, § **19:36, 19:37**

**FRAUDULENT TRANSFERS
AND CONCEALMENT OF
ASSETS—Cont'd**

Swap agreements, § **19:107**

Termination

executory contract, § **19:9**

leaseholds, § **19:14**

Third persons or parties

generally, § **19:42, 19:43**

sufficiency of pleadings,
§ **19:119**

tripartite transactions, below

Time and date

generally, § **19:3**

action, time to bring, generally,
§ **17:55, 17:56, 19:116,
19:117**

foreclosure sales, § **19:11,
19:21, 19:62**

interest, § **19:99**

statute of limitations, § **19:90,
19:116**

transfer date, generally, § **19:19
to 19:21**

valuation date, § **19:62**

Transferee's intent, generally,
§ **19:27**

Tripartite transactions

generally, § **19:50 to 19:55**

intercorporate guaranties,
§ **19:52**

novation, § **19:55**

related corporate entity, benefit
to, § **19:51, 19:52**

shareholder in corporate debtor,
benefit to, § **19:54**

stock, benefit to corporation in
which debtor holds,
§ **19:53**

Trustees, generally, § **19:2, 19:121**

Trusts

interest of debtor in property,
§ **19:16**

transfers to trusts, § **19:82**

Turnover of property, § **14:3**

INDEX

FRAUDULENT TRANSFERS AND CONCEALMENT OF ASSETS—Cont'd

- Uniform Fraudulent Conveyance Act, § **19:91**
- Uniform Fraudulent Transfer Act, § **19:92**
- Unreasonably small capital, § **19:57 to 19:59**
- Vacating and setting aside, § **19:18, 19:70**
- Value and valuation
 - generally, § **19:63, 19:79, 19:106**
 - comparison, § **19:46**
 - date of valuation, § **19:62**
 - fair market value, § **19:45, 19:48, 19:63, 19:98**
 - forbearance from suit, § **19:39**
 - foreclosure sales, above future consideration, § **19:37**
 - good will, § **19:41**
 - joint and several liability, § **19:97**
 - reasonably equivalent value, constructive fraud, § **19:31 to 19:55, 19:85**
 - retention of claim, § **19:107**
 - what may be recovered, generally, § **19:98**
- Wagering losses, § **19:40**
- Wife. Husband and wife, above

FREEDOM OF SPEECH AND PRESS

- Attorney's solicitation of clients, § **2:46**
- Creditors' meetings, press and public attendance at, § **10:16**
- Reorganization plans, in solicitation of plan acceptance or rejection, § **27:21**

FREEZES, ADMINISTRATIVE

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

FRESH START DOCTRINE

- After-acquired property, § **12:56, 12:59**
- Automatic stay, § **16:1, 16:88**
- Bankruptcy, § **1:7**
- Individual debt adjustment plan modification, § **30:17**
- Property of estate, § **12:2, 12:79**
- Redemption, § **12:96**
- Turnover of property, § **14:11**

FRIEND OF COURT

- Amicus Curiae Appearances or Brief (this index)

FRIENDS

- Judges or U.S. trustee's employment of friends, § **2:43, 2:44**

FRINGE BENEFITS

- Employment Benefits (this index)

FULL FAITH AND CREDIT

- Size and nature of claim, § **23:2**
- Turnover of property, § **14:87**

FUNDS

- Individual Debt Adjustment Plans (this index)
- Registry fund, § **4:47**
- United States Trustees (this index)

FURNITURE

- Household Furnishings or Goods (this index)

FUTURE CONSIDERATION

- Fraudulent transfers and concealment of assets, § **19:37**

FUTURE CROPS

- Adequate protection, § **21:56**

FUTURE EARNINGS OR INCOME

- Exemptions, § **13:112**
- Family farmer debt adjustment plans, § **33:28, 33:44**

**FUTURE EARNINGS OR
INCOME—Cont'd**

- Individual Debt Adjustment Plans
(this index)
- Individual Debt Adjustment (this
index)

FUTURE EVENTS

- Automatic stay, § 16:142

FUTURE EXPENSES

- Exemptions, § 13:95

FUTURE LOANS

- Discriminatory treatment of debtor
prohibited, § 6:32

FUTURES

- Commodity Futures (this index)

**FUTURES COMMISSION
MERCHANTS**

- Commodity Broker Liquidation
(this index)

GAINS OR LOSSES

- Loss or Deficiency (this index)
- Recapture of gain of subsequent
stock sale, § 3:26
- Taxation
 - recapture of gain of subsequent
stock sale, § 3:26
 - tax-free transactions, § 3:85
 - transfer of estate assets, § 3:31
 - Transfer of estate assets, § 3:31

GAMBLING LOSSES

- Fraudulent transfers and conceal-
ment of assets, § 19:40

GAP PERIOD

- Involuntary Gap (this index)
- Lien avoidance provision,
§ 13:132, 13:135

GARNISHMENT

- Attachment and Garnishment (this
index)

GAS

- Oil, Gas, or Minerals (this index)

GASOLINE

- Reclamation, timeliness of
demand, § 17:79

GAS SUPPLIER

- Utilities (this index)

GENERAL CREDITORS

- Allowance of claims or interest,
§ 24:13

GENERAL

**DIVIDEND-EQUIVALENCE
TEST**

- Tax-free corporate reorganiza-
tions, § 3:49

GEOGRAPHIC UNIFORMITY

- Exemptions, § 13:14

GEORGIA

- Opt-out provision, § 13:6

GIFTS

- Family farmer debt adjustment
plans, § 33:29
- Fraudulent transfers and conceal-
ment of assets, § 19:87
- Individual debt adjustment plans,
confirmation of, § 31:47,
31:54
- Taxes, extension of time to pay
gift, § 3:84

GIFT TAXES

- Extension of payment time, § 3:84

GOALS

- Bankruptcy, § 1:5

GOING CONCERN VALUATION

- Allowance of claims or interest,
§ 24:86, 24:93
- Size and nature of claim, § 23:9

INDEX

GOING FORWARD WITH BURDEN OF PROOF

Allowance of claims or interest,
§ 24:20

GOOD OR BAD FAITH

Attorneys' fees, § 2:62

Automatic stay, § 16:161 to
16:164, 16:210

Avoidance, § 17:48 to 17:50,
17:67 to 17:69, 17:72

Bona Fide Purchasers (this index)

Compensation, § 2:91, 5:98

Conversion or dismissal

actions constituting cause,
§ 11:38

dismissal for, § 11:39

factors affecting choice of
conversion or dismissal,
§ 11:53

individual debt adjustment
cases, conversion or dis-
missal of, § 11:74

Executory contracts and unexpired
leases, § 20:101, 20:105,
20:121, 20:126, 20:141

Exemptions, § 13:19, 13:43,
13:45

Family Farmer or Fisher Debt
Adjustment Plans (this index)

Filing of bankruptcy. Petitions
(this index)

Fraudulent transfers and conceal-
ment of assets, § 19:47,
19:96, 19:102 to 19:107

Individual Debt Adjustment Plans
(this index)

Injunctions, § 7:166

Involuntary Bankruptcy (this
index)

Loans or credit, § 15:61

Malice (this index)

Municipal debt adjustment plans,
§ 32:21, 32:29

Petitions (this index)

GOOD OR BAD FAITH—Cont'd

Reclamation, superior rights of
good faith purchaser,
§ 17:82, 17:83

Reorganization Plans (this index)

Reorganization (this index)

Turnover of property, § 14:1,
14:19, 14:29, 14:50, 14:58 to
14:62

Use, sale, or lease of property,
§ 15:42

Voluntary Bankruptcy (this index)

Workouts, § 1:35

GOODS AND MERCHANDISE

Administrative expense treatment
of goods received within 20
days of bankruptcy, § 34:42

Reclamation (this index)

GOOD WILL

Fraudulent transfers and conceal-
ment of assets, § 19:41

Operation of business, § 15:4

GOVERNING LAW

Generally, § 1:8 to 1:32

Abstention, § 7:31

Administrative regulations, § 1:32

Allowance of claims or interest,
§ 24:34, 24:61

Avoidance, § 13:128 to 13:131,
17:15, 17:18

Bankruptcy Act of 1898, § 1:16

Bankruptcy Code, § 1:12 to 1:15

Bankruptcy Code,
major amendments, § 1:15
relationship between chapters,
§ 1:14

Bankruptcy Rules, § 1:19 to 1:23

Constitutional considerations, gen-
erally, § 1:8 to 1:11

Courts of Appeals Rules, § 1:30

Disclosure statements, § 27:4

Federal administrative regulations,
§ 1:32

GOVERNING LAW—Cont'd

- Federal Debt Collection Procedures Act, § **1:34**
- Federal Rules of Appellate Procedure, § **1:27**
- Federal Rules of Civil Procedure, § **1:24, 1:25**
- Federal Rules of Evidence, § **1:26**
- Local Rules (this index)
- Nonbankruptcy provisions, § **1:33**
- Official forms, § **1:31**
- Preemption (this index)
- Proof of claim, § **22:12**
- Property of estate, generally, § **12:153**
- Reclamation rights, § **17:74**
- Relationship to other
 - Constitutional provisions, § **1:11**
- Reorganization plans, § **27:4, 27:26**
- Rules of Bankruptcy Procedure, § **1:19 to 1:23**
- Rules of practice, generally, § **1:19 to 1:30**
- Size and nature of claim, § **23:21, 23:39**
- Title 11 and its construction, § **1:12**
- Title 28, § **1:17**
- Voluntary bankruptcy, § **8:6**

GOVERNMENTAL AGENCIES

- Administrative Agencies (this index)

GOVERNMENTAL UNITS

- Administrative Agencies (this index)
- Allowance of claims or interest, § **24:5, 24:24, 24:25**
- Automatic Stay (this index)
- Avoidance of liens, exemptions, § **13:137**
- Counterclaims, § **6:80**
- County (this index)

GOVERNMENTAL UNITS

—Cont'd

- Discharge (this index)
- Discriminatory treatment of debtor, prohibition against, § **6:28 to 6:32**
- Injunctions, § **16:230**
- Municipal Debt Adjustment (this index)
- Municipalities (this index)
- Particular governmental units, see more specific topics
- Parties, generally, § **6:78 to 6:86**
- Petitions. Municipal Debt Adjustment (this index)
- Police Power (this index)
- Prohibition of discriminatory treatment of debtor, § **6:28 to 6:32**
- Proof of claim, timeliness of, § **24:48**
- Protective orders regarding confidential or defamatory matter, § **6:2**
- Reorganization, interested parties, § **6:84**
- Setoff
 - generally, § **6:82, 25:30**
 - inter-unit claims, § **25:31**
- Sovereign Immunity (this index)
- Turnover of property, § **14:32, 14:52**

GOVERNMENT BENEFITS

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

GOVERNMENT CONTRACTS

- Discriminatory treatment of debtor, § **6:32**

GOVERNMENT LOAN

INSURANCE

- Adequate protection, § **21:61**

INDEX

GOVERNMENT OBLIGATIONS

Turnover of property, § 14:87

GRACE PERIOD

Automatic stay, § 16:9
Insurance and insurance
companies, § 12:31

GRAIN AND GRAIN STORAGE

Allowance of claims or interest,
§ 24:72
Automatic stay, § 16:197
Expedited determination of
interests in and abandonment
or disposition of grain assets,
§ 15:27
Preferences and preferential
transfers, exceptions to
avoidability, § 18:52, 18:64
Priorities, § 34:84, 34:87
Property of estate, § 12:90, 12:133
Reclamation of grain, § 17:85
Size and nature of claim, § 23:6
Turnover of property, § 14:85

GRAVEL

Executory contracts and unexpired
leases, § 20:9

GROSS INCOME

Family farmer debt adjustment,
income tax return as measure,
§ 1:51
Taxation (this index)
Tax Treatment of Discharge (this
index)

GROSS MISMANAGEMENT

Mismanagement (this index)

GROSS RECEIPTS TAX

Distribution, priorities, § 34:67 to
34:73

GROSS VALUE

Sale of property, § 1:143

**GROUP HEALTH AND DENTAL
INSURANCE POLICY**

Automatic stay, § 16:63

**GROUP INSURANCE
CERTIFICATE**

Exemptions, § 13:83, 13:85

GUAM, DISTRICT COURT OF

Jurisdiction, § 1:18

GUARANTORS

Guaranty (this index)

GUARANTY

Adequate protection, § 21:20,
21:59 to 21:61
Allowance of claims or interests,
§ 24:43, 24:50 to 24:52
Discharge of guarantor
generally, § 35:58
student loans, § 35:185
Fraudulent transfers and conceal-
ment of assets, tripartite
transactions, § 19:52
Injunction, § 16:227
Involuntary bankruptcy, § 9:20
Proof of claim, § 22:17, 22:18,
22:20
Reorganization, adequate protec-
tion, § 21:60
Reorganization Plans (this index)
United States Trustees, § 4:69,
4:81 to 4:83

GUARDIAN AD LITEM

Labor unions and employees'
associations, § 6:90

GUARDIANS

Voluntary bankruptcy, § 8:3

GUIDE DOGS

Exemptions, § 13:114

GUNS

Exemptions, § 13:77

HABEAS CORPUS

Jurisdiction, § 7:172

HABIT

Custom and Usage (this index)

HANDICAPPED OR DISABLED PERSONS

Disability and Disability Insurance (this index)

HARASSMENT

Automatic stay, § 16:18, 16:30

Injunctions, § 7:166

Trustee, removal for cause, § 5:81

HARDSHIP

Discharge (this index)

Family farmer debt adjustment plans, § 33:61

Individual Debt Adjustment Plans (this index)

Use, sale, or lease of property, § 15:50

HARMLESS ERROR

Appeals (this index)

HAWAII

Opt-out provision, § 13:7

HAZARD INSURANCE

Allowance of claims or interest, § 24:57

HAZARDOUS WASTES

Abandonment, generally, § 12:139 to 12:141

Allowance of claims or interest, § 24:61

Automatic stay, § 16:88, 16:93

Claims, § 22:2

Operation of business, § 15:2

HEAL LOANS

Health Education Assistance Loans, discharge, § 1:18

HEALTH

Allowance of claims or interest, § 24:62

Compensation of trustee or examiner, § 5:98

Disability and Disability Insurance (this index)

Exempt property, § 13:106, 13:114

Family farmer debt adjustment plans, § 33:61

Individual debt adjustment plans, § 30:16, 30:18, 30:20

Judge's health, § 4:28

Medical Expenses (this index)

Physicians and Surgeons (this index)

HEALTH AND ACCIDENT CLAIMS

Automatic stay, § 16:26, 16:33, 16:34

HEALTH CARE BUSINESSES

Administrative expense treatment of costs of closing, § 34:41

HEALTH CARE PROVIDERS

Generally, § 1:44

Patient care ombudsman, § 6:93, 6:94

HEALTH EDUCATION

ASSISTANCE LOANS

Discharge in bankruptcy, § 1:18

HEALTH INSURANCE

Generally, § 12:38

Debtor in possession, § 5:112

Executory contracts and unexpired leases, § 20:130

HEALTH MAINTENANCE

ORGANIZATIONS

Health Care Providers (this index)

HEARING-IMPAIRED

PERSONS

Guide dogs, exemptions for, § 13:114

INDEX

HEARINGS

- Chapter 7 cases, conversion,
§ 11:12
- Notice and Hearing (this index)

HEDGING

- Interest rate and foreign currency,
§ 17:62

HEIRS

- Inheritance (this index)

HIGHWAY SAFETY LAW

- Automatic stay, § 16:99

HINDRANCE

- Fraudulent Transfers and Concealment of Assets (this index)

HISTORY OF DEBTOR

- Compensation of trustee or examiner, § 5:98

HISTORY OF PAYMENT

- Adequate protection, § 21:33
- Compensation of trustee or examiner, § 5:98
- Family farmer debt adjustment plans, § 33:14, 33:28, 33:38, 33:41

HOLDBACK

- Interim compensation or reimbursement, holdback of portion, § 2:103

HOLDING COMPANIES

- Personal holding companies, taxation, § 3:81

HOLDS, ADMINISTRATIVE

- Automatic stay, setoff rights,
§ 25:18

HOLIDAYS

- Sundays and Holidays (this index)

HOME COURT

- Change of venue, § 7:197

HOMES

- Dwellings (this index)

HOMESTEAD ASSOCIATION

- Liquidation, § 1:42

HOMESTEAD DEEDS

- Individual debt adjustment plans, confirmation, § 31:23

HOMESTEAD EXEMPTION

- Generally, § 13:57 to 13:69
- Abandonment of property of estate, § 13:62
- Avoidance of liens, § 13:140, 13:157
- Bankruptcy Code, generally, § 13:57
- Foreclosure action or judgment, § 13:66
- Fraud of debtor, § 13:19
- Fraudulent transfers and concealment of assets, § 19:24, 19:69
- Interest in property required, § 13:60
- Joint liability of nonfiling spouse, § 13:68
- Leased premises, § 13:62, 13:65
- Limitation on spillover exemption, § 13:115
- Mobile homes, § 13:64, 13:157
- Objections, § 13:50
- Sale proceeds, § 13:63
- Semi-truck cab, § 13:64
- State law, § 13:58, 13:59, 13:66, 13:69
- Tenancy by entireties property, § 13:67, 13:68
- Urban and rural homesteads, § 13:69
- Use or occupancy requirement, § 13:61
- Venue, § 13:10

HONESTY

- Fraud and Deceit (this index)

HONORING OF CHECKS

Preferential transfers, timing of transfers by check, § **18:121, 18:126, 18:129**

HORIZONTAL DIMENSION TEST

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

HOSPITALS

Medical Expenses (this index)
Municipal debt adjustment, § **1:45**

HOTELS AND MOTELS

Cash collateral defined to include hotel, motel, and lodging charges, § **1:141, 15:24, 15:44**
Postpetition charges, security interests in, § **15:24, 15:44**
Reimbursement for lodging, § **2:85**

HOURLY RATES

Compensation (this index)

HOURS

Clerk of court, § **4:43**

HOUSEHOLD FURNISHINGS OR GOODS

Adequate protection, § **21:55**
Allowance of claims or interest, § **24:26**
Appliances (this index)
Avoidance of liens or security interests impairing exemptions, § **13:147, 13:154 to 13:159**
Closing and reopening cases, § **36:20**
Defined, § **13:142**
Exemptions of debtor generally, § **13:75, 13:77**
avoidance provisions, § **13:148, 13:154 to 13:159**
firearms, § **13:77**

HOUSEHOLD FURNISHINGS OR GOODS—Cont'd

Exemptions of debtor—Cont'd
jewelry, § **13:76**
musical instruments, § **13:154**
tools, § **13:78 to 13:82, 13:148, 13:158 to 13:163**
Wearing Apparel (this index)
Lien impairing exemption, avoidance of, § **13:148, 13:154 to 13:163**
Redemption, household use of property, § **1:137**
Size and nature of claim, § **23:9**
Tools, § **13:78 to 13:82, 13:148, 13:158 to 13:163**
United States trustees, furniture fees, § **4:64**
Wearing Apparel (this index)

HOUSE TRAILERS

Trailers (this index)

HUD FORECLOSURE ACTIONS

Automatic stay, § **16:102**

HUSBAND AND WIFE

Automatic stay, § **16:27, 16:84, 16:169**
Claim, equitable interest in marital as, § **22:2**
Closing and reopening cases, § **36:21, 36:28**
Community Property (this index)
Consolidation and joint administration, § **1:115**
Disposable income for Chapter 13 plan, § **31:47**
Divorce (this index)
Domestic Support Obligations (this index)
Dower and Curtesy (this index)
Entirety, estate by. Tenancy by Entirety (this index)
Exemptions generally, § **13:26 to 13:29**

INDEX

HUSBAND AND WIFE—Cont'd

Exemptions—Cont'd

avoidance of liens, § **13:102**,
13:109, **13:140**, **13:144**

Divorce (this index)

Domestic Support Obligations
(this index)

Homestead Exemption (this
index)

Family farmer debt adjustment
plans, § **33:29**

Fraudulent Transfers and Conceal-
ment of Assets (this index)

Homestead Exemption (this index)

Involuntary bankruptcy, § **9:3**

Joint or co-ownership interests,
§ **12:14**, **12:15**, **12:17**

Joint Tax Returns (this index)

Judges, § **4:34**, **4:36**

Married name, captions, § **1:76**

Petitions (this index)

Power of attorney, petition signed
by, § **8:3**

Property of estate, generally,
§ **12:83**

Reorganization Plans (this index)

Separate taxable bankruptcy
estates, § **3:32**, **3:35**, **3:36**,
3:40, **3:41**

Separate tax returns, § **3:35**, **3:40**

Taxation

Joint Tax Returns (this index)
separate returns, § **3:35**, **3:40**

separate taxable bankruptcy
estate, § **3:32**, **3:35**, **3:36**,
3:40, **3:41**

Tenancy by Entirety (this index)

Trustees

disinterested requirement, § **5:4**
vacancy in office, § **5:46**

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

Voluntary petitions, § **8:21**, **8:45**
to **8:49**, **8:80**

HYPOTHECATION

Pledges (this index)

HYPOTHETICAL LIEN

CREDITORS

Avoidance, § **17:13** to **17:30**

HYPOTHETICAL

LIQUIDATION

Avoidable preference, § **18:30**

IDAHO

Opt-out provision, § **13:6**

IDENTIFICATION AND

DESCRIPTION

Debtor identification, § **6:22**

Preferences and preferential
transfers, § **18:1**

Privacy considerations, § **1:78**

Tax returns, § **3:6**

Trusts, § **12:20**

ILLEGALITY

Crimes and Offenses (this index)

ILLEGITIMATE CHILDREN

Paternity, automatic stay exception
for establishment of, § **16:84**

ILLINOIS

Opt-out provision, § **13:6**

ILLNESS OR SICKNESS

Health (this index)

IMMIGRATION AND

NATURALIZATION

Automatic stay, § **16:101**

IMMUNITY

Privileges and Immunities (this
index)

IMPAIRMENT OF CLAIMS

Interest, impaired creditor's rights
to, § **26:46**, **26:49**, **32:2**

Municipal debt adjustment plans,
§ **32:2**, **32:22** to **32:24**

Reorganization Plans (this index)

IMPAIRMENT OF CLAIMS

—Cont'd

Trustee's compensation, § 5:99

IMPAIRMENT OF CONTRACTS

Exemptions, § 13:18

Size and nature of claim, § 23:40

IMPARTIALITY

Bias or Prejudice (this index)

IMPLEMENTS

Avoidance of liens impairing exemptions, § 13:129

Exemptions, § 13:78 to 13:82, 13:129, 13:147, 13:160 to 13:163

IMPORTS

Customs Duties (this index)

IMPOUNDMENT

Voluntary bankruptcy, § 8:77

IMPRISONMENT

Crimes and offenses, § 12:142 to 12:150

Habeas Corpus (this index)

Prisons and Prisoners (this index)

Turnover of property, § 14:90

IMPROVEMENTS

Adequate protection, § 21:63

Avoidance, limitations on trustee's right of recovery, § 17:72

Fraudulent transfers and concealment of assets, § 19:108

IMPUTED KNOWLEDGE

Avoidance, knowledge of or notice to debtor, § 17:20

INACTIVE MONEYED, BUSINESS, OR COMMERCIAL CORPORATIONS

Involuntary bankruptcy, § 9:2

IN CAMERA PROCEEDINGS

Chambers (this index)

INCARCERATION

Imprisonment (this index)

IN CHAMBERS PROCEEDINGS

Chambers (this index)

INCOME

Earnings or Income (this index)

INCOME TAX

Taxation (this index)

INCOME TAX RETURNS

Automatic stay setoff rights, § 25:19

INCOMPETENT AND INSANE PERSONS

Debtor's incompetence, generally, § 6:10

Eligibility to be a debtor, § 1:38

Examiner in Chapter 11, appointment of, § 1:93

Judge, § 4:29, 7:44, 7:130

Operation of business, § 15:19

Use, sale, or lease of property, § 15:48

INCORPORATION BY REFERENCE

Federal Rules of Civil Procedure, § 1:24, 1:25

INCREASE

Appreciation (this index)

INCUMBRANCES

Liens and Encumbrances (this index)

INDEMNIFICATION

Automatic stay, § 16:16, 16:17

Bonds and Undertakings (this index)

Turnover of property, § 14:10

INDENTURE

Trustee. Indenture Trustees (this index)

INDEX

INDENTURE TRUSTEES

- Generally, § 6:71
- Administrative expenses, § 6:73
- Allowance of claims or interest, § 24:71, 24:72
- Attorneys, § 2:45, 2:83
- Creditors' committees, § 6:55
- Government agencies, § 6:85
- Individual debt adjustment plans, § 30:5, 31:58
- Interested parties, generally, § 6:88
- Involuntary case, § 9:10
- Notice and hearing for reimbursement, § 2:83
- Professional persons, § 2:45, 2:83
- Proof of claim, filing, § 6:71, 22:6, 22:15, 22:20, 22:54
- Property of estate, § 12:129
- Reorganization Plans (this index)
- Reorganization (this index)
- Verified statement, obligation to file, § 6:72
- Voluntary bankruptcy, § 8:37, 8:77

INDEPENDENCE DAY

- Clerks, § 4:43

INDEPENDENCE PRINCIPLE

- Preferential transfer relating to letters of credit, § 18:113

INDEPENDENT CONTRACTORS

- Contractors (this index)

INDEXES AND INDICES

- Clerk of court, § 4:51, 4:52

INDIANA

- Opt-out provision, § 13:6

INDIGENTS

- Appeals in forma pauperis, § 37:3
- Entitlement to in forma pauperis relief, § 4:47

INDIGENTS—Cont'd

- Filing fees, proceeding in forma pauperis, § 8:94
- Pilot program for in forma pauperis, § 8:94
- Voluntary bankruptcy, § 8:89, 8:93, 8:94
- Welfare Recipients (this index)

INDIVIDUAL

- Defined, § 1:39
- Eligibility for Chapter 11 reorganization, § 1:49

INDIVIDUAL DEBT ADJUSTMENT

- Generally, § 1:55 to 1:65, 1:72
- Accommodation codebtors.
 - Codebtor Stay (this index)
- Adequate protection, § 1:151, 21:26, 21:50, 21:51, 21:68
- After-acquired property, § 12:60, 12:61
- Allowance of claims or interests codebtor as party entitled to seek reconsideration, § 24:105
- objections to claim, § 24:11 to 24:13, 24:21
- postpetition claims, § 24:24 to 24:27, 24:29, 24:55, 24:57
- significance of allowance or disallowance of claim, § 24:1, 24:3
- unenforceable claim against debtor and property of debtor, § 24:35
- Appointment of trustee
 - generally, § 4:9, 5:1, 5:3, 5:44
 - bond requirements, § 5:7
 - disinterested requirement, § 5:4
 - standing trustees, § 5:11, 5:43
- Approval. Order or approval of court, below
- Assessment of tax, § 3:78

INDIVIDUAL DEBT

ADJUSTMENT—Cont'd

- Assumption or rejection of executory contracts and unexpired leases, § **20:19, 20:29, 20:56, 20:57**
- Attorney General, § **6:36**
- Automatic stay
 - generally, § **1:145, 16:7**
 - Codebtor Stay (this index)
 - relief from stay, § **16:121, 16:123**
- Avoidance powers of trustee, § **17:11, 17:12**
- Bad faith. Individual Debt Adjustment Plans (this index)
- Benefit and necessity of attorney's services to debtor, § **2:89**
- Business
 - inventory, § **4:100, 12:158**
 - operation of business, below
- Change or modification. Individual Debt Adjustment Plans (this index)
- Chapter 11, conversion, § **11:59, 11:76**
- Chapter 12, conversion, § **11:62, 11:76**
- Chart for conversion, § **11:8**
- Claims
 - allowance of claims or interests, above
 - proof of claim, below
- Closing and reopening cases, § **36:1, 36:4**
- Codebtor Stay (this index)
- Commodity broker liquidation, operation of business, § **15:9**
- Compensation
 - generally, § **1:58 to 1:64, 5:77, 5:87**
 - fees, generally, § **4:90, 4:92**
 - future earnings or income, below

INDIVIDUAL DEBT

ADJUSTMENT—Cont'd

- Compensation—Cont'd
 - minimum compensation of trustees, § **5:90**
 - pensions, below
 - social security, below
 - trustees
 - generally, § **5:96 to 5:100**
 - denial of compensation, § **5:104, 5:105**
 - minimum compensation, § **5:90**
 - several trustees, § **5:101**
 - U.S. trustees, § **4:90, 4:92**
- Confirmation of plan. Individual Debt Adjustment Plans (this index)
- Consent or approval of court.
 - Order or approval of court, below
- Contingent claims, § **1:56**
- Conversion or dismissal
 - generally, § **1:122 to 1:125, 1:130, 11:67 to 11:77**
 - automatic dismissal for Chapter 7 or 13 debtor's failure to file certain documents, § **6:27**
 - bad faith, § **11:74**
 - Chapter 11, § **11:59, 11:76**
 - Chapter 12, § **11:62, 11:76**
 - chart for conversion, § **11:8**
 - death or incompetency of debtor, § **6:10**
 - failure to file plan, § **11:73**
 - family farmer or fisher debt adjustment, § **11:62**
 - farmers, § **11:77**
 - filings, generally, § **6:27**
 - fraudulent conduct, § **11:74**
 - lengthy duration of case, § **11:75**
 - liquidation, below
 - material default, § **11:70**

INDEX

INDIVIDUAL DEBT

ADJUSTMENT—Cont'd

- Conversion or dismissal—Cont'd
 - matter of right, conversion to Chapter 7 or dismissal, § **11:67, 11:68**
 - multiple filings, § **11:72**
 - notice and hearing, § **6:27**
 - plan payments, failure to timely commence, § **11:70, 11:71**
 - property of estate after conversion from Chapter 13, § **11:90**
 - trustees, § **11:71**
 - U.S. trustee, § **4:93**
- Cosigners. Codebtor Stay (this index)
- Credit. Loans or credit, below
- Death or incompetency of debtor, § **6:10**
- Debtors' rights, generally, § **6:14**
- Debtor status. Eligibility, below
- Default. Individual Debt Adjustment Plans (this index)
- Discharge of debt
 - generally, § **1:164 to 1:167, 35:71**
 - distribution, below
 - revocation of discharge, § **35:63**
 - superdischarge, § **35:72**
- Dismissal. Conversion or dismissal, above
- Distribution
 - generally, § **34:195 to 34:198**
 - priority claims, § **34:196**
 - small dividends, § **34:197**
 - unclaimed property, § **34:198**
- Earnings and income. Compensation, above
- Eligibility, § **1:55 to 1:65**
- Employment
 - self-employed persons, § **1:61, 1:62**
 - unemployment, below

INDIVIDUAL DEBT

ADJUSTMENT—Cont'd

- Examination or investigation, witnesses, § **1:118**
- Executory contracts and unexpired leases
 - generally, § **1:148**
 - assumption or rejection by trustee, § **20:19, 20:29, 20:56, 20:57**
- Exemptions
 - generally, § **13:13, 13:26**
 - liens on exempt property, debtor's power to avoid, § **13:138**
 - statement of intention, § **13:34**
 - time for claiming exemption, § **13:37, 13:39**
 - trustee's avoiding powers, § **17:12**
- Failure to file plan, § **11:73**
- Family farmer or fisher debt adjustment, § **11:62**
- Farmers, § **11:77**
- Fees
 - generally, § **4:90, 4:92**
 - filing fees, § **2:120, 4:90, 4:92**
- Filing
 - fees, § **2:120, 4:90, 4:92**
 - installment payments, § **1:110**
 - inventory statement of debtor's property, § **12:158**
 - petition, eligibility to file, § **1:55 to 1:65**
 - plan. Individual Debt Adjustment Plans (this index)
 - statement of financial affairs, § **12:157**
- Filing fees, § **2:120, 4:90, 4:92**
- Financial affairs, statement of, § **12:157**
- Fraud and deceit
 - generally, § **5:77, 5:78**
 - Individual Debt Adjustment Plans (this index)

INDIVIDUAL DEBT

ADJUSTMENT—Cont'd

- Fraudulent conduct, § **11:74**
- Fraudulent transfers and concealment of assets, § **19:126**
- Fund for U.S. Trustee System, § **4:63, 4:65**
- Future earnings or income generally, § **1:59**
- Individual Debt Adjustment Plans (this index)
- Good faith. Individual Debt Adjustment Plans (this index)
- Government benefits, qualification of recipients of, § **1:63**
- Hearings, use, sale, or lease of property, § **15:32**
- Income. Compensation, above
- Increase in debt ceiling by 1994 legislation, § **1:55**
- Installment payments of filing fees, § **1:110**
- Inventories and reports, § **4:100, 12:158**
- Inventory, § **12:158**
- Investigation. Examination or investigation, above
- Layoff. Unemployment, below
- Liens, avoidance power of debtor, § **13:138**
- Liquidation
 - contingent and unliquidated claims, § **1:56**
 - plan. Individual Debt Adjustment Plans (this index)
- Lists, property owned at time of filing, § **12:158**
- Loans or credit generally, § **15:61**
- other than in ordinary course of business, borrowing in, § **15:69**
- superpriority lien credit, § **15:71**
- Local rules, § **1:28**

INDIVIDUAL DEBT

ADJUSTMENT—Cont'd

- Material default, § **11:70**
- Matter of right, conversion to Chapter 7 or dismissal, § **11:67, 11:68**
- Modification. Individual Debt Adjustment Plans (this index)
- Monitoring plan, § **4:91**
- Mortgages. Individual Debt Adjustment Plans (this index)
- Multiple filings, § **11:72**
- Notice
 - commencement of case, § **12:160**
 - hearings, use, sale, or lease of property, § **15:32**
 - plans. Individual Debt Adjustment Plans (this index)
- Objections, claims, § **24:11 to 24:13, 24:21**
- Operation of business generally, § **15:20**
- commodity broker liquidation, § **15:9**
- continued operation by trustee, § **5:1**
- Partnership, § **1:65**
- Payments or repayments. Individual Debt Adjustment Plans (this index)
- Pensions, government benefits, § **1:63**
- Petitions, eligibility to file, § **1:55 to 1:65**
- Plan. Individual Debt Adjustment Plans (this index)
- Plan payments, failure to timely commence, § **11:70, 11:71**
- Preference rules, applicability of, § **18:96**
- Prior dismissal, § **1:39**
- Priority claims, § **34:196**
- Prohibited plan provisions, § **29:42**

INDEX

INDIVIDUAL DEBT

ADJUSTMENT—Cont'd

- Proof of claim
 - establishing right to participate, § 22:1, 22:6, 22:9
 - informal proofs, § 22:32
 - notice of bar date, § 22:52, 22:53
 - persons who may file, § 22:21
 - time for filing, § 22:42, 22:46 to 22:48
- Property of estate
 - definition of estate, applicability, § 12:4
 - use, sale, or lease of property, below
- Qualification to file, § 1:55 to 1:65
- Rehabilitation debtor discharges, § 35:40
- Rehabilitation hardship discharges, § 35:41
- Reorganization, § 5:74, 5:78
- Reorganization (this index)
- Repayment. Payments or repayments, above
- Revocation of discharge, § 35:63
- Rules of Bankruptcy (this index)
- Sale or transfer, § 5:77, 5:78
- Security Interests (this index)
- Self-employed persons, § 1:61, 1:62
- Separate taxable bankruptcy estate, § 3:27, 3:28
- Size and nature of claim, § 23:11, 23:27, 23:38
- Small dividends, § 34:197
- Social security benefits as income, § 1:64
- Sole proprietors, § 1:55, 1:65
- Sovereign immunity, § 6:78
- Speculative income, § 1:60
- Standing trustees, § 4:89, 4:90, 5:1, 5:43, 5:97 to 5:100
- Subordination, § 1:160

INDIVIDUAL DEBT

ADJUSTMENT—Cont'd

- Superdischarge, § 35:72
- Taxes
 - assessment, § 3:78
 - filing of returns, § 3:5
 - returns, debtor's filing of federal, § 6:6
 - separate taxable bankruptcy estate, § 3:27, 3:28
- Time share contracts, § 1:148
- Trustees
 - appointment of trustee, above
 - avoidance powers, § 17:11, 17:12
 - business, continued operation by trustee, § 5:1
 - compensation, above
 - powers and duties, generally, § 5:77, 5:78, 17:11, 17:12
 - standing trustees, above
 - United States trustees, below
- Trusts, filing reports and summaries, § 12:22
- Turnover, third parties, § 14:30, 14:37
- Unclaimed property, § 34:198
- Undersecured debts, § 1:57
- Unemployment benefits as income, § 1:63
- United States trustees
 - generally, § 5:77
 - appointment of, or service as, trustee, § 4:92
 - compensation, § 4:90, 4:92
 - dismissal and conversion, § 4:93
 - fees and costs, § 4:90, 4:92
 - fund for United States Trustee System, § 4:63, 4:65
 - inventories and reports, § 4:100
 - monitoring plans, § 4:91
 - standing trustees, § 4:89, 4:90
- Use, sale, or lease of property
 - generally, § 1:139

INDIVIDUAL DEBT

ADJUSTMENT—Cont'd

- Use, sale, or lease of property
 - Cont'd
 - cash collateral, § **15:43**
 - expedited determination of disposition of grain assets, § **15:27**
 - free and clear of liens and other interests, § **1:142, 15:50**
 - ordinary course of business, transactions other than in, § **15:32, 15:39**
 - prepetition security interests in after-acquired property, § **15:24**
- Voluntary bankruptcy
 - filing of petition, § **8:3**
 - good faith, § **8:32**
 - lists, schedules, and statements, § **8:61, 8:69, 8:78, 8:80, 8:81, 8:86, 8:87**
 - notice of order, § **8:36**
- Wage earners, eligibility for Chapter 13, § **1:61**
- Welfare benefits as income, § **1:63**

INDIVIDUAL DEBT

ADJUSTMENT PLANS

- Abandonment of property of estate, § **31:28**
- Ability-to-pay test, confirmation, § **31:35, 31:45, 31:50**
- Acceleration of debt, de-acceleration. Mortgages, below
- Acceptance or rejection
 - confirmation, below
 - objections, below
 - pre-modification, effect of, § **30:7**
- Adverse changes, proposed modification of plan, § **30:6, 30:7**
- Alimony, support, and separate maintenance. Child support, below

INDIVIDUAL DEBT

ADJUSTMENT PLANS

—Cont'd

- Allowed unsecured claimholder, proof of postconfirmation change in circumstances, § **30:13, 30:14**
- Amount of payments on claims of particular class, postconfirmation modification, § **30:8, 30:17**
- Anticipation of changed circumstances, § **30:14**
- Appearance
 - confirmation hearing, § **31:62**
 - trustee at postconfirmation modification hearing, § **30:8**
- Applications, filing, § **30:2**
- Appreciation of property value, anticipated altered financial circumstances, § **30:14**
- Approval. Court approval, below
- Attorneys, confirmation of plan, § **31:3, 31:22**
- Automatic stay, § **16:166, 16:188**
- Bad faith. Good faith, below
- Bankruptcy Code
 - relationship of Chapter 13 to other Code provisions, § **30:10**
- Best interest of creditors test
 - confirmation of plan, § **31:18 to 31:25**
 - postconfirmation modification of plan, § **30:10**
- Binding effect of confirmed plan, § **30:8, 31:65, 31:66**
- Burden of proof. Presumptions and burden of proof, below
- Cause for extension of time for payment, § **30:16**
- Change. Modification, below
- Charges. Fees and charges, below
- Charitable donations, plan approval, § **31:54**

INDEX

INDIVIDUAL DEBT

ADJUSTMENT PLANS

—Cont'd

- Child support
 - generally, § **1:63**
 - confirmation of plan, § **31:40, 31:50, 31:53**
- Claims
 - classes of claims or interests, below
 - confirmation of plan, generally, § **31:44, 31:74, 31:75**
 - filing, proof of claims, § **30:2, 30:12**
 - payments or repayments, below
 - priority claims, below
 - secured creditors, below
 - unsecured claims or creditors, below
- Classes of claims or interests
 - unsecured claims, generally, § **30:10, 30:13, 30:14**
- Classes of claims or interests. Discrimination in claims classification, below
- Clerk of court, confirmation of plan, § **31:55, 31:58**
- Collateral
 - surrender of collateral, § **30:21**
- Collection of future income by trustee, § **31:73**
- Commencement of payments, § **30:3, 30:15, 31:2, 31:3**
- Commitment of debtor's disposable income to plan payments, approval of plan after objection to confirmation by trustee or holder of allowed unsecured claim, § **31:45 to 31:54**
- Compensation. Income of debtor, below
- Complaint, filing, § **30:2**
- Completion of payments, postconfirmation modifica-

INDIVIDUAL DEBT

ADJUSTMENT PLANS

—Cont'd

- tion relative to, § **30:11, 30:18, 30:19**
- Conclusiveness of judgments or decrees
 - confirmation of plan, § **31:65**
 - postconfirmation modification of plan, exception, § **30:8**
 - reclassification of claim, denial, § **30:21**
- Confirmation
 - generally, § **31:1 et seq.**
 - ability-to-pay test, § **31:35, 31:45, 31:50**
 - anticipation of altered financial circumstances, time or date, § **30:14**
 - appearance at hearing, § **31:62**
 - approval of plan after objection to confirmation by trustee or holder of allowed unsecured claim, § **31:42 to 31:54**
 - attorneys, § **31:3, 31:22**
 - Bankruptcy Code, compliance with, § **31:4**
 - best interest of creditors test, § **30:10, 31:18 to 31:25**
 - binding effect of confirmed plan, § **31:65, 31:66**
 - charitable donations, approval of plan after objection to confirmation by trustee or holder of allowed unsecured claim, § **31:54**
 - child support, § **31:40, 31:50, 31:53**
 - claims, generally, § **31:44, 31:74, 31:75**
 - clerk of court, § **31:55, 31:58**
 - collection of future income by trustee, § **31:73**
 - commencement of payment after plan is filed, duty as

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

Confirmation—Cont'd
to, § **31:2, 31:3**
commitment of debtor's disposable income to plan payments, approval of plan after objection to confirmation by trustee or holder of allowed unsecured claim, § **31:45 to 31:54**
compliance with plan, § **31:33 to 31:38, 31:60**
conclusiveness of judgments or decrees, § **31:65**
contingency reserve or cushion, § **31:35, 31:36, 31:53**
contingent or speculative source of funding for plan, § **31:38**
conversion or dismissal, denial or revocation of confirmation, § **31:2, 31:66**
costs and expenses
dependents, § **31:50, 31:53**
fees, below this group
cram down, § **31:26, 31:29, 31:38**
crimes and offenses, § **31:12, 31:16**
cure and waiver of defaults, § **31:4**
debtor, generally, § **31:71, 31:72**
deferred payments, § **31:19, 31:21**
dependents, § **31:50, 31:53**
determination of debtor's disposable income, § **31:47, 31:49**
disbursing agents, § **31:70 to 31:72**
dischargeability of claims, § **31:14 to 31:17, 31:24, 31:25**

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

Confirmation—Cont'd
discount rates, § **31:19, 31:20, 31:30, 31:31**
disposable income, approval of plan after objection to confirmation by trustee or holder of allowed unsecured claim, § **31:45 to 31:54**
disposition of case after revocation, § **31:80**
domestic support obligations, § **31:40, 31:50, 31:53**
duration of plan, § **31:46**
earnings. Future earnings or income, below this group
education, § **31:15, 31:50**
emergencies, § **31:35, 31:36, 31:53**
employment of debtor, § **31:37**
entry of revocation of confirmation order, § **31:78**
evidence, § **31:22, 31:45, 31:61 to 31:64**
exceptions. Objections and exceptions, below this group
exemptions, § **31:23**
extinguishment of debt, § **31:28**
failure to object, § **31:57**
feasibility of debtor's compliance with plan, § **31:33 to 31:38**
fees
liquidation of bankruptcy estate, § **31:22**
payment of fees, generally, § **31:5**
trustee's fee, § **31:72**
unpaid priority claims and fees, § **31:74, 31:75**
filing
commencement of payment

INDEX

INDIVIDUAL DEBT
ADJUSTMENT PLANS
—Cont'd
Confirmation—Cont'd
filing—Cont'd
after plan is filed,
§ 31:2, 31:3
fees and charges, § 31:5
good faith, § 31:9, 31:11
notice of time for filing,
§ 30:5
objections to confirmation,
§ 31:55
fraud and deceit
good faith, § 31:7, 31:10,
31:12, 31:17
revocation of confirmation
order, § 31:79, 31:80
full payment of claims,
approval of plan after
objection to confirmation
by trustee or holder of
allowed unsecured claim,
§ 31:44
funds
payment prior to plan
confirmation, § 31:3
speculative source of funding
for plan, § 31:38
future earnings or income
approval of plan after objec-
tion to confirmation by
trustee or holder of
allowed unsecured
claim, § 31:51
collection by trustee, § 31:73
gifts, § 31:47, 31:54
good faith, below
grounds for revocation of
confirmation order,
§ 31:79
hearing, § 30:5, 30:7, 30:10,
31:21, 31:58 to 31:64
illegal conduct, dischargeability
of claims arising from,
§ 31:16

INDIVIDUAL DEBT
ADJUSTMENT PLANS
—Cont'd
Confirmation—Cont'd
inaccuracies and omissions in
bankruptcy documents,
§ 31:17
income. Future earnings or
income, above this group
interest on money, § 31:19,
31:38
liens
cram-down provision, reten-
tion of lien under,
§ 31:29
validity of lien after plan is
confirmed, § 31:69
liquidation, § 31:19, 31:21 to
31:25
loans
dischargeability of
educational loans,
§ 31:15
interest on money, § 31:19,
31:38
mortgages and deeds of trust,
§ 31:4, 31:29
luxury items, approval of plan
after objection to
confirmation by trustee or
holder of allowed
unsecured claim, § 31:52
meaningful repayment of debt,
§ 31:10
misrepresentation, fraud and
deceit, above this group
modification, below
mortgages and deeds of trust,
§ 31:4, 31:29
multiple filings, § 31:9, 31:11
notice and hearing
generally, § 31:58 to 31:64
hearing on confirmation,
§ 30:5
modified plan, hearing on,
§ 30:7

INDIVIDUAL DEBT
ADJUSTMENT PLANS
—Cont'd
Confirmation—Cont'd
notice and hearing—Cont'd
valuation date, § **31:21**
objections and exceptions
generally, § **31:55 to 31:57**
approval of plan after objection to confirmation by trustee or holder of allowed unsecured claim, § **31:42 to 31:54**
hearing, § **31:59**
omissions in bankruptcy documents, § **31:17**
order or approval of court, revocation of order of confirmation, § **31:57, 31:64, 31:76 to 31:80**
own motion of court, § **31:6, 31:10**
parent as dependent, § **31:50**
parties
approval of plan after objection to confirmation by trustee or holder of allowed unsecured claim, § **31:43**
binding effect of provisions of confirmed plan, § **31:66**
revocation of confirmation order, § **31:79**
standing, § **31:43**
payments or repayments
approval of plan after objection to confirmation by trustee or holder of allowed unsecured claim, § **31:44**
commencing of, § **31:2, 31:3**
deferred payments, § **31:19, 31:21**
disbursing agents, § **31:70 to 31:72**

INDIVIDUAL DEBT
ADJUSTMENT PLANS
—Cont'd
Confirmation—Cont'd
payments or repayments
—Cont'd
fees, above this group
good faith, below
lump sum payments, § **31:38**
unpaid priority claims and fees, § **31:74, 31:75**
zero payment plans, § **31:9, 31:10**
postconfirmation modification of plan, below
preconfirmation matters
modification of plan, below
payments, § **31:3**
prepetition conduct of debtor, § **31:12**
present value of claim
best interest of creditors test, § **31:19, 31:20**
discount rate to determine, § **31:30, 31:31**
replacement value, § **31:30**
presumptions and burden of proof, § **31:22, 31:45, 31:63**
prior case, § **31:11, 31:25**
priorities, payment of unpaid priority claims and fees, § **31:74, 31:75**
religious or charitable donations, § **31:54**
repayments. Payments or repayments, above this group
requirements, generally, § **31:4 to 31:41**
review by court of determination as to approval of plan after objection to confirmation by trustee or holder of allowed unsecured claim, § **31:49**

INDEX

INDIVIDUAL DEBT

ADJUSTMENT PLANS

—Cont'd

- Confirmation—Cont'd
 - revocation of confirmation order, generally, § **31:57, 31:76 to 31:80**
 - secured creditors, § **31:26 to 31:32, 31:43, 31:58**
 - speculative source of funding for plan, § **31:38**
 - surrender of property, § **31:28, 31:29**
 - taxation, § **31:41**
 - time or date
 - generally, § **30:10, 30:14**
 - approval of plan after objection to confirmation by trustee or holder of allowed unsecured claim, § **31:46**
 - good faith proposal of plan, date of bankruptcy filing, § **31:13**
 - payment, § **31:2, 31:3**
 - postconfirmation modification of plan, below valuation, § **31:21**
 - totality of circumstances, good faith assessed under, § **31:8, 31:9**
 - trustee
 - appearance at hearing, § **31:62**
 - approval of plan after objection to confirmation by trustee or holder of allowed unsecured claim, § **31:42 to 31:54**
 - collection of future income, § **31:73**
 - disbursement agent under plan, § **31:70**
 - fees, § **31:72**
 - notice of hearing, § **31:58**
 - objections, § **31:56**

INDIVIDUAL DEBT

ADJUSTMENT PLANS

—Cont'd

- Confirmation—Cont'd
 - unsecured claims or creditors
 - approval of plan after objection to confirmation by trustee or holder of allowed unsecured claim, § **31:42 to 31:54**
 - best interest of creditors test, § **31:19, 31:23**
 - good faith, § **31:9**
 - luxury items, § **31:52**
 - objections, § **31:56**
 - value of property
 - best interest of creditors test, § **31:18, 31:21**
 - present value of claim, above this group
 - replacement value, § **31:30**
 - vesting of estate property, § **31:67 to 31:69**
 - zero payment plans, § **31:9, 31:10**
 - Conflict of laws. State law, below Consent. Court approval, below Construction and interpretation, § **30:8, 30:11, 30:15**
 - Contingency reserve or cushion, § **31:35, 31:36, 31:53**
 - Contingent or speculative source of funding for plan, § **31:38**
 - Conversion or dismissal, § **31:2, 31:66**
 - generally, § **30:3, 30:4**
 - Copies of plan
 - court clerk, § **30:2, 30:5, 30:6**
 - United States trustee, § **4:101**
 - Court approval
 - cause for extension of payment period, § **30:16**
 - confirmation, above
 - objection to confirmation by trustee or holder of

INDIVIDUAL DEBT
ADJUSTMENT PLANS
—Cont'd
 Court approval—Cont'd
 allowed unsecured claim,
 approval after, § **31:42 to**
 31:54
 Court clerk, filing, § **30:2, 30:5**
 Cram down provisions, § **31:26,**
 31:29, 31:38
 Creditor plans unauthorized,
 § **30:1**
 Crimes and offenses, § **31:12,**
 31:16
 Cure and waiver of defaults,
 confirmation of plan, § **31:4**
 Damage of property securing
 claim, postconfirmation
 modification of plan, § **30:19**
 Date. Time or date, below
 De-acceleration. Mortgages,
 below
 Deductions, specific types,
 § **31:48**
 Default. Cure and waiver of
 defaults, above
 Deferred payments, § **31:19,**
 31:21
 Dependents, § **31:50, 31:53**
 Direct payment. Outside plan,
 below
 Disability, § **1:63**
 Disbursements. Payments or
 repayments, below
 Discharge, confirmation, § **31:14**
 to 31:17, 31:24, 31:25
 Discount rates, § **31:19, 31:20,**
 31:30, 31:31
 Disposable income, § **31:45 to**
 31:54
 Domestic support obligations,
 § **31:40, 31:50, 31:53**
 Domestic support obligations.
 Child support, below
 Duration of modified plan,
 postconfirmation modifica-
 tion, § **30:15**

INDIVIDUAL DEBT
ADJUSTMENT PLANS
—Cont'd
 Duration of plan, § **29:43, 29:44**
 Earnings. Income of debtor, below
 Education, § **31:15, 31:50**
 Electronic filing, § **30:2**
 Emergencies, § **31:35, 31:36,**
 31:53
 Encumbrances. Liens and
 encumbrances, below
 Erroneous filing of plan, § **30:2,**
 30:3
 Estoppel. Waiver and estoppel,
 below
 Evidence
 confirmation of plan, § **31:22,**
 31:45, 31:61 to 31:64
 postconfirmation change in cir-
 cumstances, § **30:12**
 presumptions and burden of
 proof, below
 proof of claims or interests,
 filing, § **30:2, 30:12**
 Exceptions, exclusions, and
 exemptions
 confirmation, above
 objections, below
 Excusable neglect, extension of
 time for filing plan based on,
 § **30:4**
 Exemptions. Exceptions, exclu-
 sions, and exemptions, above
 Expenses. Fees and charges,
 below
 Expiration of time. Time or date,
 below
 Extension of time
 filing, § **30:3, 30:4**
 payment period, § **30:16, 30:18**
 Farmer debtor, conversion or dis-
 missal, § **30:3**
 Fees and charges
 confirmation, above

INDEX

INDIVIDUAL DEBT

ADJUSTMENT PLANS

—Cont'd

- Fees and charges—Cont'd
 - postconfirmation change in expenses to warrant modification, § **30:13**
- Filing of plan
 - generally, § **30:1 to 30:5**
 - applications, § **30:2**
 - confirmation, above
 - court clerk, § **30:2, 30:5**
 - erroneous filing, § **30:2, 30:3**
 - extension of time, § **30:4**
 - notice of time for filing objections and confirmation hearing, § **30:5**
 - objections, notice of time for filing, § **30:5**
 - petition, § **30:3**
 - place or location, § **30:2**
 - proof of claims or interests, § **30:2, 30:12**
 - time or date, § **30:2 to 30:5, 30:14, 30:15**
- Foreclosure
 - confirmation, § **31:28**
 - mortgage de-acceleration. Mortgages, below
- Fraud and deceit. Confirmation, above
- Fresh start, modification consistent with goal of, § **30:17**
- Funds. Confirmation, above
- Future earnings or income
 - confirmation, above
 - value of property, § **30:14**
- Gifts, § **31:47, 31:54**
- Good faith
 - applicability to postconfirmation modification, § **30:12, 30:21**
 - confirmation of plan, generally, § **31:6 to 31:17, 31:61**
 - filing of plan, § **30:10**

INDIVIDUAL DEBT

ADJUSTMENT PLANS

—Cont'd

- Good faith—Cont'd
 - fraud and deceit, § **31:7, 31:10, 31:12, 31:17**
 - payments or repayments, generally, § **31:6 to 31:17**
- Governing law. State law, below
- Hearing. Notice and hearing, below
- Illegal conduct, dischargeability of claims arising from, § **31:16**
- Illness, postconfirmation modification of plan, § **30:16, 30:18**
- Inaccuracies and omissions in bankruptcy documents, § **31:17**
- Income of debtor
 - confirmation, above
 - future earnings or income, above
- Indenture trustee, notice, § **30:5**
- Infants. Child support, above
- Inheritance receipt, proof of postconfirmation change to warrant postconfirmation modification, § **30:13**
- Interested persons or parties, § **31:43**
- Interest on money
 - confirmation, § **31:19, 31:38**
 - mortgage arrearages. Interest on mortgage arrearages, below
- Interest on mortgage arrearages generally, § **26:5, 26:16**
- Justification, reclassification claim, § **30:21**
- Late filing of plan, exception, § **30:4**
- Length of plan repayment period, § **30:15**
- Liens and encumbrances
 - confirmation, above

INDIVIDUAL DEBT

ADJUSTMENT PLANS

—Cont'd

- Liens and encumbrances—Cont'd
 - mortgages, below
 - secured creditors, below
- Limitations
 - postconfirmation modification of plan, § 30:8, 30:15
- Liquidation of bankruptcy estate
 - comparison to payments possible under postconfirmation modification of plan, § 30:10
 - confirmation, § 31:19, 31:21 to 31:25
 - conversion or dismissal, failure to timely file plan, § 30:3
- Liquidation (this index)
- Loans
 - confirmation, above
 - mortgages, below
- Long-term debt. Mortgages, below
- Long-term layoff, postconfirmation modification of plan, § 30:18
- Lottery win as change warranting postconfirmation modification, § 30:13
- Luxury items, approval of plan after objection to confirmation by trustee or holder of allowed unsecured claim, § 31:52
- Mail, notice for filing objections and hold confirmation hearing, § 30:5
- Mandatory or voluntary matters
 - expenses of debtor, offset of increase in debtor's income, § 30:13
- Maximum period
 - plan repayment period, length of, § 30:15
- Medical services
 - postconfirmation modification of plan, § 30:18

INDIVIDUAL DEBT

ADJUSTMENT PLANS

—Cont'd

- Minors. Child support, above
- Misrepresentations. Confirmation, above
- Modification
 - change in circumstances, postconfirmation modification, § 30:12, 30:13
 - confirmation of plan, generally, § 31:38, 31:65
 - court approval, § 30:8, 30:16
 - creditor's rights to modification, § 30:6, 30:7
 - outside payments, modification of plan to reflect, § 30:8
 - postconfirmation modification of plan, below
 - preconfirmation modification of plan, below
 - termination of right to postconfirmation modification, § 30:11
- Monthly payments, increase or reduction, type of modification permitted, § 30:17
- Mortgages
 - confirmation of plan, § 31:4, 31:29
 - de-acceleration
 - interest on mortgage arrearages, above
 - foreclosure, above
 - interest on money, above
 - interest on mortgage arrearages, above
 - long-term debt, above
 - modification of plan to include postpetition arrears, § 30:18
- Motions, § 30:2, 30:4
- Multiple filings, confirmation, § 31:9, 31:11
- Nominal payment plans, confirmation, § 31:9

INDEX

INDIVIDUAL DEBT

ADJUSTMENT PLANS

—Cont'd

- Notice and hearing
 - confirmation of plan, above modification of plan, § **30:7, 30:8, 30:10**
 - objections, filing, § **30:5**
 - postconfirmation modification, § **30:8, 30:10**
 - time for filing objections and hold confirmation hearing, § **30:5**
 - United States trustee, § **4:101, 4:104**
- Objections
 - allowed unsecured claimholders, § **30:10**
 - confirmation, above filing, § **30:2, 30:5**
 - notice of time for filing, § **30:5**
 - postconfirmation modification, § **30:8**
- Obligations, § **30:8, 30:13**
- Omissions in bankruptcy documents, § **31:17**
- Omitted creditor, modification of plan to provide for, § **30:8**
- Order of court
 - court approval, above revocation of order of confirmation, § **31:57, 31:64, 31:76 to 31:80**
- Outside plan, payments made
 - modification of plan reflecting outside payment, § **30:8**
 - trustee's percentage fee, § **5:98, 5:99**
- Own motion of court, confirmation, § **31:6, 31:10**
- Parent as dependent, § **31:50**
- Parties
 - confirmation, above postconfirmation modification, parties entitled to request, § **30:9**

INDIVIDUAL DEBT

ADJUSTMENT PLANS

—Cont'd

- Payments or repayments
 - claims of particular class, postconfirmation modification, § **30:8, 30:17**
 - confirmation, above extension of payment period, § **30:16, 30:18**
 - good faith, above maximum payment period, § **30:15**
 - nominal payment plans, § **31:9**
 - outside claims, alteration of distribution to creditor's account for, postconfirmation modification, § **30:19**
 - outside plan, above priority claims, below time for, § **30:3**
 - zero payment plans, § **31:9, 31:10**
- Percentage of repayment
 - postconfirmation modification of plan, § **30:10**
- Petition, time of filing of plan relative to filing of, § **30:3**
- Place or location, filing of plan, § **30:2**
- Postconfirmation modification of plan
 - generally, § **30:8 to 30:21**
 - allowed unsecured claimholder, proof of postconfirmation change circumstances, § **30:13, 30:14**
 - alteration, creditor's distribution to account for payment of outsider claims, § **30:19**
 - amount of payment to a particular class, § **30:17**
 - anticipation of change, determination of possibility of, § **30:14**

INDIVIDUAL DEBT
ADJUSTMENT PLANS
—Cont'd
 Postconfirmation modification of plan—Cont'd
 Bankruptcy Code provisions, relationship to other, **§ 30:10**
 changed circumstances, **§ 30:12, 30:13**
 classes of claims, **§ 30:8, 30:17**
 completion of payments under plan as terminating right to modification, **§ 30:11**
 damage of property securing claim, **§ 30:19**
 employment layoff, **§ 30:18**
 evidence of change in circumstances, **§ 30:12**
 extension of payment period, cause for, **§ 30:16**
 good faith, **§ 30:10, 30:12**
 health care, reduction of payments to permit purchase of, **§ 30:20**
 illness, **§ 30:16, 30:18**
 increase or reduction in amount of payments on claims of particular classifications, **§ 30:17**
 limitations and restrictions, **§ 30:8, 30:15**
 liquidation as compared to, **§ 30:3, 30:10**
 notice and hearing, **§ 30:10**
 omitted creditor, modification to provide for, **§ 30:8**
 parties entitled to request modification, **§ 30:9**
 payment of particular claims reduction, **§ 30:17, 30:19**
 reclassification of claims, **§ 30:21**
 relationship to other Bankruptcy Code provisions, **§ 30:10**

INDIVIDUAL DEBT
ADJUSTMENT PLANS
—Cont'd
 Postconfirmation modification of plan—Cont'd
 termination of right to modification by completion of payments under plan, **§ 30:11**
 time, **§ 30:15, 30:16**
 trustee, proof of postconfirmation changed circumstances, **§ 30:13**
 type of modifications permitted, **§ 30:17 to 30:21**
 Preconfirmation modification of plan
 generally, **§ 30:6, 30:7**
 acceptance or rejection of plan prior to modification, effect, **§ 30:7**
 Preconfirmation payments, **§ 31:3**
 Premodification acceptance or rejection of plan, effect, **§ 30:7**
 Prepetition matters, generally, **§ 31:12**
 Present value. Confirmation, above
 Presumptions and burden of proof, confirmation, **§ 31:22, 31:45, 31:63**
 Principal residence, claims secured by interest in debtor's. Mortgages, above
 Prior case, **§ 31:11, 31:25**
 Priority claims, payment of unpaid priority claims and fees, confirmation of plan, **§ 31:74, 31:75**
 Proof. Evidence, above
 Proof of claim, plan as informal, **§ 22:32**
 Reclassification of claims, postconfirmation modification, **§ 30:21**

INDEX

INDIVIDUAL DEBT

ADJUSTMENT PLANS

—Cont'd

- Reduction, rate of distribution to unsecured creditors, type of modification permitted, § 30:17
- Rejection. Acceptance or rejection, above
- Relationship to other Bankruptcy Code provisions, postconfirmation modification, § 30:10
- Release. Discharge, above
- Religious or charitable donations, § 31:54
- Repayments. Payments or repayments, above
- Repetitive cases, § 31:9, 31:11
- Residence. Principal residence, above
- Res judicata. Conclusiveness of judgments or decrees, above
- Restriction of modification of confirmed plan, prohibition, § 30:9
- Review by court of determination as to approval of plan after objection to confirmation by trustee or holder of allowed unsecured claim, § 31:49
- Revocation. Confirmation, above
- Salary. Income of debtor, above
- Secured claims or creditors
 - confirmation, § 31:26 to 31:32, 31:43, 31:58
 - ineligibility to request modification of confirmed plan, § 30:9
 - modification of claims or rights, § 30:10
 - mortgages, above
 - unsecured claims or creditors, below
- Sovereign immunity, § 6:78

INDIVIDUAL DEBT

ADJUSTMENT PLANS

—Cont'd

- Speculative source of funding for plan, § 31:38
- Standing, creditor objection of postconfirmation modification of plan, § 30:9
- Standing to object, § 31:43
- Substantial change in debtor's income, postconfirmation change of circumstance, § 30:12
- Successive cases, § 31:9, 31:11
- Summary of plan, delivery and notice by court clerk, § 30:5
- Support and maintenance. Child support, above
- Surrender of collateral by modification of plan, § 30:21
- Surrender of property, confirmation, § 31:28, 31:29
- Taxation, confirmation, § 31:41
- Temporary moratorium on payments, postconfirmation modification of plan, § 30:18
- Termination, postconfirmation right to modify, § 30:11
- Threshold showing of cause for postconfirmation modification, § 30:12
- Time or date
 - commencement of plan payments, § 30:15
 - confirmation, above
 - duration of modified plan, postconfirmation modification, § 30:15, 30:16
 - erroneously delivered plan, filing date, § 30:2, 30:3
 - expiration of time, § 30:4, 30:14, 30:15
 - extension of time, above
 - filing, § 30:2 to 30:5, 30:14, 30:15

INDIVIDUAL DEBT
ADJUSTMENT PLANS
—Cont’d
 Time or date—Cont’d
 limitations, payments, § **30:8, 30:15**
 long-term debt, above
 modification of plan, § **30:6**
 notice and hearing, § **30:5**
 objections, filing, § **30:5**
 payment period, extension or reduction, § **30:16, 30:18**
 payments or repayments, § **30:3**
 Transmission, erroneously filed plan, § **30:2**
 Trustee
 confirmation, above
 distribution of plan payments
 “as soon as practicable,” § **31:3**
 entitlement to request modification of confirmed plan, § **30:9**
 filing of plan by trustee unauthorized, § **30:1**
 indenture trustee, notice, § **30:5**
 notice of time for filing objections and hold confirmation hearing, § **30:5**
 proof of postconfirmation change to warrant postconfirmation modification, § **30:13**
 Turnover of property, § **31:28, 31:29**
 Type of modifications permitted, postconfirmation modification, § **30:17 to 30:21**
 Unforeseen change in financial condition, modification of plans, § **30:16**
 United States trustees
 delivery of plan, § **30:2 et seq.**
 monitoring of plans, § **30:1**
 monitoring plans, § **4:91**

INDIVIDUAL DEBT
ADJUSTMENT PLANS
—Cont’d
 United States trustees—Cont’d
 notice and copies, § **4:101, 4:104**
 Unsecured claims or creditors
 classes of claims or interests, above
 confirmation, above
 entitlement to request modification of confirmed plan, § **30:9**
 proof of postconfirmation change to warrant postconfirmation modification, § **30:13**
 Value of property
 confirmation, above
 future income, § **30:14**
 Vesting of estate property, generally, § **29:38, 31:67 to 31:69**
 Voluntary acts or matters. Mandatory or voluntary matters, above
 Wages or salary. Income of debtor, above
 Waiver and estoppel
 confirmation, § **31:66**
 cure and waiver of defaults, above
 Zero payment plans, confirmation requirements for, § **31:9, 31:10**

INDIVIDUAL RETIREMENT ACCOUNTS
 Disposable income for Chapter 13 plan, § **31:47**
 Exemptions, § **13:101**
 Property of estate, § **12:89**

INDIVIDUAL WITH REGULAR INCOME
 Individual Debt Adjustment (this index)

INDEX

INDORSEMENTS

Endorsements (this index)

INDUBITABLE EQUIVALENT

Adequate protection, generally,
§ 21:1, 21:12, 21:30

Defined, § 21:12

Municipal debt adjustment cases,
§ 21:30

Reorganization cases, § 28:40 to
28:42

Turnover of property, § 14:38,
14:56, 14:62

INDUSTRY-WIDE TEST

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

INFANTS

Children (this index)

INFORMAL PROOFS OF CLAIM

Generally, § 22:31, 22:32, 22:41

IN FORMA PAUPERIS

Indigents (this index)

Waiver of filing fees, § 1:111

INFORMATION

Confidentiality (this index)

Creditors' Meetings (this index)

Crimes and offenses, § 12:145,
12:150

Disclosure (this index)

Disclosure statements. Reorgani-
zation Plans (this index)

Examination or Investigation (this
index)

Notice and Hearing (this index)

Records and Reports (this index)

Reorganization Plans (this index)

Reorganization (this index)

United States trustee, information
furnished to, generally,
§ 4:98 to 4:107

INHERITANCE

Fraudulent transfer, disclaimer of
inheritance as, § 19:71

INJUNCTIONS

Generally, § 1:103, 7:162 to
7:168, 16:217 to 16:232

Abstention (this index)

Allowance of claims or interest,
§ 24:61

Alternative dispute resolution pro-
cess, § 16:221

Ancillary and other cross-border
cases, § 16:222, 16:223

Anti-Injunction Statute (this
index)

Appeals (this index)

Arbitration agreements, effect of,
§ 16:221

Attorney as “debt relief agency,”
violation of restrictions on,
§ 2:55

Automatic Stay (this index)

Clerks, § 4:45

Codefendants in tort actions,
§ 16:228

Conditions, railroad reorganiza-
tion, § 7:168

Continuance, § 7:165

Core proceedings, § 7:74

Corporate officers and directors,
§ 16:225

Crimes and offenses, § 7:166,
16:231

Discharge

generally, § 35:55 et seq.

personal liability of debtor,
§ 35:55

property of debtor, protection
of, § 35:56

setoff, effect of, § 25:7

Employees, § 16:225

Extension of automatic stay,
§ 16:219

Federal anti-injunction statutes,
§ 16:218

INJUNCTIONS—Cont'd

- Foreign proceedings, injunctions in cases ancillary to, § **16:222, 16:223**
- Governmental units, § **16:230**
- Guarantors, § **16:227**
- Insurers, § **16:229**
- Judges, § **4:24**
- Jurisdiction
 - generally, § **7:162 to 7:168**
 - abstaining and remanding, § **7:74**
 - automatic stay, § **7:96 to 7:98, 7:163**
 - continuance, § **7:165**
 - criminal proceedings, § **7:166**
 - railroad reorganization, § **7:168**
- Labor and labor relations, § **7:167**
- Nondebtors, § **16:224 to 16:229**
- Norris-LaGuardia Act, § **16:13**
- Officers and directors, § **16:225**
- Partners, § **16:226**
- Petition preparers, § **2:48, 8:11, 8:17**
- Postpetition claim proceedings, § **16:232**
- Preconditions, railroad reorganization, § **7:168**
- Preferential transfer relating to letters of credit, § **18:114**
- Preliminary injunction, generally, § **1:103**
- Prior injunctions, orders, and other proceedings in removed actions, effect of, § **16:220**
- Railroad reorganization, § **7:168**
- Reimposition of automatic stay, § **16:219**
- Remand, § **7:74**
- Reorganization, § **7:162**
- Repeat filings, § **6:11**
- Rolling stock, railroad reorganization, § **7:168**
- Rules of Bankruptcy Procedure (this index)

INJUNCTIONS—Cont'd

- Secured or unsecured claims, § **7:168**
- Shareholders, § **16:225**
- Size and nature of claim, § **23:26**
- Sovereign immunity, § **6:40**
- Taxation, § **3:62, 3:79**
- Temporary restraining orders, generally, § **1:103**
- Trustee's personal liability, § **5:51**
- Unauthorized practice of law, § **2:47**
- Use, sale, or lease of property, § **15:48**
- Venue, § **7:182**
- Voluntary bankruptcy, § **8:9, 8:90**

IN REM PROCEEDINGS

- Automatic stay, § **16:103**
- Size and nature of claim, § **23:26**

INSANE PERSONS

- Incompetent and Insane Persons (this index)

INSIDERS

- Administrative expenses, § **34:43**
- Allowance of claims or interests, § **24:38**
- Creditors' and equity security holders' committees, § **6:55, 6:59**
- Discharges of insider debtors, § **35:30**
- Disinterested persons as including, § **2:30**
- Distribution, § **34:102**
- Fraudulent transfers and concealment of assets, § **19:72 to 19:74, 19:77, 19:99, 19:101**
- Hypothetical reasonable investor, § **27:7**
- Involuntary cases, § **9:31**
- Liquidation, § **5:17**
- Preferences and Preferential Transfers (this index)
- Professional persons, § **2:30, 2:34**

INDEX

INSIDERS—Cont'd

- Subordination, § 34:102
- Trustees (this index)
- Voluntary bankruptcy, § 8:64

INSOLVENCY

- Ancillary and other cross-border cases under BAPCPA, § 33A:25
- Setoff implications, § 25:26

INSPECTION

- Examination or Investigation (this index)

INSTALLMENT OBLIGATIONS AND PAYMENTS

- Executory contracts and unexpired leases, § 20:7 to 20:9
- Forms, filing fees, § 1:110, 8:92, 8:93
- Mortgages and Deeds of Trust (this index)
- Preferences and preferential transfers, transfer giving creditor an advantage, § 18:36
- Redemption, § 12:97, 12:109
- Voluntary bankruptcy, generally, § 8:85, 8:92, 8:93

INSTRUCTIONS

- Commodity broker liquidation, § 15:9

INSULAR POSSESSIONS

- Territories (this index)

INSULATION FROM AUTOMATIC STAY

- Automatic Stay (this index)

INSURANCE AND INSURANCE COMPANIES

- Generally, § 12:31 to 12:38
- Adequate protection, § 21:54, 21:59 to 21:61
- After-acquired property, § 12:53, 12:65

INSURANCE AND INSURANCE COMPANIES—Cont'd

- Allowance of claims or interests
 - administrative expenses, § 24:57
 - grain assets, § 24:72
 - retirees, § 24:62
 - sickness and accident benefits, § 24:62
- Automatic Stay (this index)
- Automobile Insurance (this index)
- Beneficiary, trustee change on life insurance policy, § 12:35
- Capacity to sue, § 5:48
- Cash value, exemptions, § 13:85, 13:86
- Casualty insurance, inclusion in bankruptcy estate, § 12:32, 12:33
- Contract between insured and underwriter, proceeds from, § 12:32
- Creditors' committees, § 6:49
- Debtor discharges, insurers to cover all potential recoveries, § 35:59
- Debtor in possession, § 5:112
- Defeasance, debtor's right to insurance payment subject to, § 12:31
- Defenses, debtor's right to insurance payments subject to, § 12:31
- Designation of estate as beneficiary of life insurance policy, § 12:35
- Disability insurance, § 12:37
- Discriminatory treatment of debtor, § 6:32
- Estate
 - designation as beneficiary of estate, § 12:35
 - property of estate, below
- Excess value of property disclosed and exempted, inclusion of

INSURANCE AND INSURANCE COMPANIES—Cont'd

- proceeds in bankruptcy estate, § **12:32**
- Executory contracts and unexpired leases, § **20:3, 20:130, 20:131**
- Exemptions
 - generally, § **12:33, 13:83 to 13:91, 13:116**
 - alimony, support, and separate maintenance, § **13:87, 13:88**
 - cash value, § **13:85, 13:86**
 - domestic support obligations, § **13:87, 13:88**
 - fire insurance, § **13:90**
 - group insurance, § **13:83, 13:85**
 - Life Insurance (this index)
 - no fault automobile insurance, § **13:91**
 - private insurance, § **13:83 to 13:91**
- Fire Insurance (this index)
- Grace period, inclusion in bankruptcy estate of insurance policy providing for, § **12:31**
- Group insurance, exemptions, § **13:83, 13:85**
- Health Insurance (this index)
- Individual debt adjustment plans, § **31:36**
- Injunctions, § **16:229**
- Intent, wrongdoing by debtor after commencement of case, proceeds payable to bankruptcy estate, § **12:32**
- Judges, § **4:36**
- Jurisdiction, insurance proceeds, § **7:16**
- Leases, assumption, rejection or assignment of unexpired, § **26:25**
- Liability insurance, inclusion in bankruptcy estate, § **12:34**
- Life Insurance (this index)

INSURANCE AND INSURANCE COMPANIES—Cont'd

- Liquidation, § **1:42, 1:44**
 - No fault automobile insurance, exemptions, § **13:91**
 - Personal liability of trustee, § **5:53**
 - Postpetition damage to property, exclusion from bankruptcy estate, § **12:33**
 - Power to change beneficiary of life insurance, inclusion in bankruptcy estate, § **12:36**
 - Property of estate
 - generally, § **12:31 to 12:38**
 - casualty insurance, § **12:33, 12:34**
 - disability insurance, § **12:37**
 - liability insurance, § **12:35**
 - life insurance, § **12:35, 12:36**
 - Reduction of claims against estate, liability insurance, § **12:34**
 - Retirement insurance benefits, § **1:150**
 - Size and nature of claim, § **23:22**
 - Small business debtor's duty to insure property, § **6:25**
 - Trustees
 - capacity to sue, § **5:48**
 - change of beneficiary of life insurance policy, § **12:35**
 - compensation of trustee, § **5:106**
 - Life Insurance (this index)
 - personal liability of trustee, § **5:53**
 - Turnover of property, § **14:19, 14:58, 14:62**
 - Underwriter, proceeds from contract between insured and, § **12:32**
- INTANGIBLE PERSONAL PROPERTY**
- Generally, § **12:44 to 12:47**
 - Airport landing slots, § **12:46**

INDEX

INTANGIBLE PERSONAL PROPERTY—Cont'd

- Automatic stay, violations, reallocation of airport landing slots, § **12:46**
- Constructive fraudulent transfers, § **19:35 to 19:41**
- Degrees, professional, exclusion from bankruptcy estate, § **12:47**
- Federal Aviation Administration, granting of airport landing slots, § **12:46**
- Governmental licenses or permits, § **12:45, 12:46**
- Licenses, § **12:44 to 12:47**
- Practices, professional, exclusion from bankruptcy estate, § **12:47**
- Privilege, inclusion in bankruptcy estate, § **12:44**
- Professional degrees, licenses, and practices, exclusion from bankruptcy estate, § **12:47**
- Reallocation of airport landing slots, violation of automatic stay, § **12:46**
- Revocation license, § **12:45, 12:46**
- Turnover of property, § **14:37**

INTEGRITY

- Judges, § **4:14**

INTELLECTUAL PROPERTY

- Copyrights and Trademarks (this index)
- Licenses as executory contracts, § **20:70 to 20:76**
- Patents (this index)
- Trade name, captions, § **1:76**
- Trade secrets, protective orders, generally, § **6:2**

INTENT

- Closing and reopening cases, § **36:16**

INTENT—Cont'd

- Crimes and offenses, § **12:147, 12:150**
- Debts incurred through falsity and fraud, dischargability generally, § **35:98**
 - credit card fraud, § **35:123**
 - fiduciary defalcation, § **35:143**
 - financial statements, § **35:117**
 - inferred intent, § **35:99**
- Discharge (this index)
- Executory contracts and unexpired leases, § **20:83, 20:87**
- Exemptions, fraud of debtor, § **13:22**
- Family farmer debt adjustment plans, § **33:8, 33:29**
- Fraudulent Transfers and Concealment of Assets (this index)
- Good or Bad Faith (this index)
- Inferred intent, § **35:99**
- Insurance and insurance companies, § **12:32**
- Liquidation (this index)
- Malice (this index)
- Payroll withholding taxes, § **3:61**
- Preferences and Preferential Transfers (this index)
- Property of estate, § **12:129**
- Redemption, § **12:110, 12:111, 12:114**
- Rules of Bankruptcy Procedure, § **13:34**
- Statement of intention. Intention, Statement of (this index)

INTENTION, STATEMENT OF

- Automatic stay, § **16:133**
- Exemptions, § **13:34**
- Filing by debtor, § **6:18**
- Trustee's powers and duties, § **5:62, 8:84**

INTERESTED PERSONS OR PARTIES

- Adequate protection, § **21:13 to 21:20, 21:67**

INTERESTED PERSONS OR PARTIES—Cont'd

Administrative expenses, § 34:32
 Allowance of Claims or Interests (this index)
 Application for order of employment, § 2:23
 Attorneys, generally, § 2:23, 2:29 to 2:31, 2:37, 2:38, 2:45
 Compensation and reimbursement, § 2:91, 2:92
 Consumer privacy ombudsman, § 6:92
 Creditors, generally, § 6:35 to 6:43
 Creditors as, § 6:37
 Crimes and offenses, § 6:3
 Debtor in possession, employment of professional persons, § 5:112
 Debtors, generally, § 6:4 to 6:34
 Definition of disinterested person, § 2:29 to 2:34, 5:4
 Employment of professional persons, § 2:4
 Equity security holders, § 2:33
 Executory contracts and unexpired leases, § 20:106
 Family Farmer or Fisher Debt Adjustment (this index)
 Fraudulent transfers and concealment of assets, § 19:11 to 19:18
 Holder or representative of adverse interest, § 2:35
 Individual debt adjustment plans, § 31:43
 Insiders, § 2:34
 Intervention (this index)
 Joint or Co-ownership Interests (this index)
 Lienholders, § 2:32
 Liquidation (this index)
 Municipal debt adjustment, § 2:29, 6:83

INTERESTED PERSONS OR PARTIES—Cont'd

Participation in bankruptcy process, § 4:1 et seq., 6:1 et seq.
 Perfection of Interest (this index)
 Preferences and Preferential Transfers (this index)
 Prior or current representation as precluding employment, § 2:36 to 2:41
 Professional persons, generally, § 2:29 to 2:41
 Property of estate, § 12:128
 Protective orders regarding confidential or defamatory matters, § 6:2
 Reorganization Plans (this index)
 Reorganization (this index)
 Securities, § 2:30
 Size and nature of claim, § 23:10
 Taxation, trustee's duties, § 3:65
 Tax returns, inspection and copying of debtor's federal, § 6:21
 Trustees (this index)
 Vested Rights or Interests (this index)
 Voluntary bankruptcy, § 8:77, 8:100

INTEREST-FREE LOANS

Trustee appointment, § 5:30

INTEREST ON MONEY

Adequate protection, § 21:17, 21:44, 21:48, 21:49
 Administrative expenses, § 34:31
 Allowance of Claims or Interests (this index)
 Avoidance, § 17:42, 17:71
 Carryover or carryback, § 3:55
 Distribution, generally, § 34:30
 Executory contracts and unexpired leases, § 20:45
 Family Farmer or Fisher Debt Adjustment Plans (this index)
 Fraudulent transfers, § 19:99

INDEX

INTEREST ON MONEY—Cont'd

- Impaired creditor's right to interest, § **26:46, 26:49**
- Individual Debt Adjustment Plans (this index)
- Maturity of Claim or Interest (this index)
- Payroll withholding taxes, § **3:63**
- Preferences and preferential transfers, § **18:73, 18:108 to 18:112**
- Priorities, interest on taxes, § **34:31, 34:81**
- Rate of interest. Interest Rate (this index)
- Redemption, § **12:105**
- Reorganization Plans (this index)
- Size and nature of claim, § **23:14 to 23:18**
- Taxes
 - generally, § **3:55, 3:63**
 - priorities, § **34:31, 34:81**
- Trustees, § **5:30**
- Usury (this index)

INTEREST RATE

- Family farmer debt adjustment plans, § **33:36, 33:40 to 33:49**
- Hedges, § **16:105, 17:62**
- Market Rate Interest (this index)

INTERIM COMPENSATION

- Compensation (this index)

INTERIM EMERGENCY RULE

- Jurisdiction and powers of court, § **7:139 to 7:141**

INTERIM REIMBURSEMENT

- Reimbursement (this index)

INTERIM RELIEF

- Collective bargaining agreements, rejection of, § **20:126 to 20:128**

INTERIM TRUSTEE

- Trustees (this index)

INTERLOCUTORY JUDGMENTS, ORDERS, AND DECREES

- After-acquired property, § **12:54**
- Disclosure statement approval by court, § **27:15**
- Leave to appeal, § **37:47, 37:48**

INTERNAL REVENUE CODE

- Taxation (this index)

INTERNAL REVENUE SERVICE

- Administrative regulations, § **1:32**
- Liens and encumbrances, § **12:40**
- Reorganization Plans (this index)
- Trusts, § **12:22**
- Turnover of property, § **14:32, 14:37, 14:52**

INTERNATIONAL ARBITRATION

- Automatic stay, § **16:173**

INTERNATIONAL FUEL TAX AGREEMENT (IFTA)

- Proof of claim regarding, § **22:22**

INTERNATIONAL TRADE COURT

- Court of International Trade (this index)

INTERPLEADER

- Automatic stay, § **16:24, 16:65**

INTERPRETATION

- Construction and Interpretation (this index)

INTERPRETERS

- Creditors' meetings, § **10:18**

INTERRELATED CORPORATE ENTITIES

- Voluntary bankruptcy, § **8:59**

INTERRUPTION OF SERVICE

Judges (this index)

INTERSTATE COMMERCE

Railroad Reorganization (this index)

Surface Transportation Board (this index)

INTERSTATE COMMERCE

ACT

Trustee's capacity to sue, § 5:48

INTERSTATE COMMERCE

COMMISSION

Surface Transportation Board (this index)

INTERVENTION

Generally, § 1:95

Attorney General, § 6:36

Avoidance, postpetition perfection of liens, § 17:57

Child support creditors or their representatives, § 6:37

Creditors' and equity security holders' committees, § 6:46, 6:48, 6:64

Creditor's rights, generally, § 6:37

Debtor's rights, generally, § 6:11

Equity security holders, § 6:60

Government agencies, § 6:85

Indenture trustees, § 6:71

Interested party, generally, § 6:87, 6:88

Involuntary cases, § 9:56 to 9:59

Reorganization, generally, § 1:95

Reorganization cases, § 6:84

Rules of Bankruptcy Procedure (this index)

Securities and Exchange Commission, § 6:86

Taxation, § 3:67

Waiver of sovereign immunity, § 6:82, 6:83

INTER VIVOS TRUST

After-acquired property, § 12:52

Reorganization, § 1:48

INTOXICATING BEVERAGES

Alcoholic Beverages (this index)

INTRAFAMILY TRANSFERS

Fraudulent transfers and concealment of assets, § 19:67 to 19:71

INTRAOFFICE CONFERENCES

Compensation, § 2:79, 2:95

INTRASTATE RAILROADS

Railroads (this index)

INVENTORY

Adequate protection, § 21:23, 21:55, 21:64

Debtor's duty to cooperate with trustee, § 6:26

Family farmer debt adjustment, § 12:158

Individual debt adjustment, § 12:158

Liquidation, § 12:158

Preferential transfers, exceptions to trustee's avoiding power, § 18:85 to 18:88

Size and nature of claim, § 23:35

Taxation, § 3:3, 3:23, 3:26

Trustees, generally, § 5:59

Turnover of property, § 14:16, 14:23, 14:24, 14:26

United States trustees, § 4:100, 14:24

INVESTIGATION

Examination or Investigation (this index)

INVESTMENT BANKS AND BANKERS

Disinterestedness requirement, § 2:30

Professional Persons (this index)

INDEX

INVESTMENT BANKS AND BANKERS—Cont'd

Trustees, disinterested requirement, § 5:4

INVESTMENTS

Fraudulent transfers and concealment of assets, § 19:81

Money of estate, § 5:54

Real estate investment trusts, § 3:18

Taxation, § 3:18, 3:21, 3:37, 3:39

Trustee's powers, § 5:54

INVESTMENT TAX CREDIT

Generally, § 3:21, 3:37, 3:39

INVOICES

Adequate protection, § 21:64

INVOLUNTARY BANKRUPTCY

Generally, § 9:1 to 9:82

Administrative expenses of creditors, § 6:42

Affiliates, petitions, § 9:42

Age of outstanding debt, § 9:76

Amendments, § 9:44, 9:45

Amounts involved, generally, § 9:16 to 9:28, 9:70, 9:73

Answer to petition, § 9:31, 9:51, 9:52

Appeals, § 9:22, 9:26

Appointment, § 9:77, 9:78

Attorneys, § 9:38, 9:40

Attorneys' fees, § 2:59, 2:117, 9:40

Automatic stay, § 9:41, 16:147

Bad faith. Good faith, below

Bona fide disputes, § 9:21 to 9:28

Bonds, generally, § 1:113

Breach of contract claims, § 9:20

Burden of proof. Presumptions and burden of proof, below

Challenge to sufficiency of number of petitioners, § 9:33

INVOLUNTARY BANKRUPTCY—Cont'd

Claims

bona fide disputes, § 9:21 to 9:28

contingent claims, below

partnership, § 9:14

petitions, below

postpetition claims, § 9:17

type and amount of claims that may support involuntary petition, generally, § 9:16 to 9:28

Clerk of court, § 4:49, 9:41, 9:46, 9:47

Commencement of case, generally, § 9:41

Compensatory damages, § 11:100

Contingent claims

generally, § 9:18 to 9:20

joinder of parties, § 9:56

Conversion. Dismissal or conversion, below

Copies, § 9:27, 9:41, 9:44, 9:47

Corporations

generally, § 9:1, 9:2, 9:5

affiliates, petitions, § 9:42

exemptions, § 9:4, 9:5

officers and directors, § 9:10, 9:16

Costs, expenses, and fees

fee-splitting, § 2:59

petitions, § 9:45, 9:46

Counterclaims, § 9:23, 9:51

Custodian of assets, § 9:77, 9:78

Damages, § 9:35, 9:40, 9:62, 11:99 to 11:101

Demand of payment of debt, § 9:66

Dismissal or conversion

generally, § 11:10, 11:98 to 11:101

appeals, § 37:49

good faith, § 9:35

intervening creditors, § 9:58

INVOLUNTARY BANKRUPTCY

—Cont'd

- Dismissal or conversion—Cont'd
 - joint cases against spouses, § 9:3
 - number of entities, § 9:29
 - operation of business, § 15:10
 - order for relief, § 9:62
 - responsive pleadings, § 9:50
- Dollar amount of claims required to file petition increased, § 9:28
- 80 percent test, exemptions, § 9:7
- Eligibility, § 9:10 to 9:34
- Employees, § 9:10, 9:31
- Equity insolvency test. Petitions, below
- Equity security holders, § 9:79
- Exclusions, § 9:32, 9:67
- Exemptions, § 9:4 to 9:9, 13:35
- Expenses. Costs, expenses, and fees, above
- Extension of time, § 9:82
- Farmers
 - generally, § 9:1
 - exemptions, § 9:6 to 9:9
 - fees. Costs, expenses, and fees, above
 - operation income, § 9:9
- Filing
 - lists, schedules, and statements, § 9:79 to 9:82
 - petitions, below
- Fraud and deceit, § 9:39, 9:49, 9:59
- Gap. Involuntary Gap (this index)
- Good faith
 - generally, § 9:21 to 9:28, 9:35 to 9:40
 - petitions, below
- Husband and wife, § 9:3
- Inactive moneyed, business, or commercial corporations, § 9:2
- Indenture trustees, § 9:10

INVOLUNTARY BANKRUPTCY

—Cont'd

- Insiders, § 9:31
- Intervention, § 9:56 to 9:59
- Involuntary Gap (this index)
- Joinder, petitions, § 9:12, 9:32, 9:56
- Jurisdiction, generally, § 9:17
- Jury trial, § 9:54
- Liquidation (this index)
- Lists, § 9:52, 9:79 to 9:82
- Mail, § 9:47
- Notice and hearing
 - generally, § 9:58, 15:11
 - good faith, § 9:38
- Number of creditors, petitions, § 9:29 to 9:34
- Objections, § 9:37, 9:49, 9:53
- Operation of business, § 15:10, 15:11, 24:28
- Order for relief
 - gap. Involuntary Gap (this index)
 - petitions, below
- Parties
 - generally, § 9:1 to 9:3
 - intervention, § 9:56 to 9:59
 - joinder, § 9:56
 - number of creditors, § 9:29 to 9:34
 - responsive pleadings, § 9:49
- Partnership
 - generally, § 9:13 to 9:15
 - claims, § 9:14
 - farmers, § 9:6 to 9:9
 - indemnity bond, § 1:113
 - lists, schedules, and statements, § 9:80
 - petitions, § 1:112, 9:13, 9:15, 9:42, 9:48, 9:49, 9:51
 - reorganization, § 9:13, 9:15
 - responsive pleadings, § 9:49, 9:51
- Pending cases or proceedings, § 9:22, 9:42

INDEX

INVOLUNTARY BANKRUPTCY

—Cont'd

Petitions

- generally, § 9:1
- affiliates, § 9:42
- age of outstanding debt, § 9:76
- amendments, § 9:44, 9:45
- amounts involved, § 9:73
- answer to petition, § 9:31, 9:51, 9:52
- appeals, § 9:22
- appointment of custodian, § 9:77, 9:78
- attorneys' fees award on dismissal of, § 2:117
- bad faith. Good faith, below this group
- bona fide disputes, § 9:21 to 9:28
- claims
 - generally, § 9:16 to 9:28
 - bona fide disputes, § 9:21 to 9:28
 - contingent claims, § 9:18 to 9:20
 - counterclaims, § 9:23, 9:51
 - pendency of other proceedings, § 9:22
 - postpetition claims, § 9:17
 - tort claims, § 9:19
 - transferred claims, § 9:27
- clerk of court, § 9:41, 9:46, 9:47
- commencement of case, filing as, § 9:41
- contested petition rules, generally, § 1:112, 9:55
- contingent claims, § 9:18 to 9:20
- costs or fees, § 9:45, 9:46
- counterclaims and setoffs, § 9:23, 9:51
- custodians, § 9:77, 9:78
- equity insolvency test
 - generally, § 9:65 to 9:78

INVOLUNTARY BANKRUPTCY

—Cont'd

Petitions—Cont'd

- equity insolvency test—Cont'd
 - ability of debtor to pay debts, § 9:72
 - age of outstanding debt, § 9:76
 - amount and manner of unpaid debts, § 9:73
 - appointment of custodian, § 9:77, 9:78
 - burden of proof, § 9:68
 - exclusion of debts, § 9:67
 - method of operation of debtor, § 9:75
 - time of filing, § 9:69
- estoppel. Waiver and estoppel, below this group
- exclusion of debts, § 9:32, 9:67
- extension of filing time, § 9:82
- filing
 - generally, § 9:41 to 9:48
 - clerk of court, § 9:41, 9:46, 9:47
- commencement of case, generally, § 9:41
- equity insolvency test, § 9:69
- extension of filing time, § 9:82
- fees, § 9:45, 9:46
- good faith, § 9:35
- intervention, § 9:59
- lists, schedules, and statements, § 9:81, 9:82
- pending petitions involving same or related debtors, § 9:42
- presumptions and burden of proof, § 9:1, 9:37
- time and date, generally, § 9:10, 9:69, 9:82
- foreign representatives, § 9:11
- gap. Involuntary Gap (this index)

INVOLUNTARY BANKRUPTCY**—Cont'd**

Petitions—Cont'd

- good faith
 - generally, § 9:21, 9:35 to 9:40
 - contingent claims, § 9:20
 - counterclaims, § 9:23
 - damages for bad-faith filing, § 9:35, 9:40, 9:62
 - genuine issue of material fact, § 9:24
 - pendency of other claims, § 9:22
 - responsive pleadings, § 9:53
 - service of petition, § 9:48
- intervention, § 9:59
- joinder, § 9:12, 9:32, 9:56
- jury trial, § 9:54
- liquidation, § 9:41
- lists, schedules, and statements, § 9:52, 9:79 to 9:82
- number of creditors, § 9:29 to 9:34
- order for relief
 - generally, § 9:60 to 9:78
 - amendment to petition, § 9:45
 - appointment of custodian, § 9:77, 9:78
 - discretion of court as to denial, § 9:61
 - entry of order, § 9:61
 - grounds, generally, § 9:65 to 9:78
 - joinder of parties, § 9:56
 - time for entering judgment on petition, § 9:62
 - trial required, § 9:63
 - vacation of order, § 9:64
- parties, responsive pleadings, § 9:49
- partners and partnerships, § 9:13, 9:15, 9:42, 9:48, 9:49, 9:51

INVOLUNTARY BANKRUPTCY**—Cont'd**

Petitions—Cont'd

- pending proceedings, § 9:22, 9:42
- postpetition claims, § 9:17
- prepetition investigations, § 9:36
- presumptions and burden of proof, § 9:1, 9:12, 9:37, 9:68
- punitive damages, § 9:35, 9:62
- qualification to file petition, generally, § 9:10 to 9:15
- receivers, § 9:13
- secured creditors, § 9:12, 9:28
- service of process, § 9:47, 9:48
- small recurring claims, § 9:32
- summary judgment, § 9:24
- time and date
 - equity insolvency test, § 9:69
 - extension of filing time, § 9:82
 - filing, generally, § 9:10, 9:69, 9:82
 - lists, schedules, and statements, § 9:81, 9:82
 - order for relief, § 9:62
- tort claims, petitioning creditors, § 9:19
- transfer of claims, § 9:27
- trial, § 9:63
- type and amount of claims that may support involuntary petition, generally, § 9:16 to 9:28
- vacation of order, § 9:64
- verification, § 9:43, 9:45
- waiver and estoppel
 - challenge to sufficiency of number of petitioners, § 9:33
- objections, § 9:53
- postpetition payment of claims, § 9:17

INDEX

INVOLUNTARY BANKRUPTCY

—Cont'd

- Petitions—Cont'd
 - waiver and estoppel—Cont'd
 - secured creditors, § 9:12
 - withdrawal from involuntary proceedings, § 9:34
- Pleadings
 - amendment of pleadings, § 9:45
 - counterclaims, § 9:23, 9:51
 - responsive pleadings, below
- Postpetition transactions, § 9:17
- Preferred creditors, § 9:57
- Prepetition investigation of debtor's financial condition, § 9:36
- Preponderance of evidence, § 9:37
- Presumptions and burden of proof
 - generally, § 9:1
 - equity insolvency test, § 9:68
 - good faith, § 9:37
 - petitions, § 9:1, 9:12, 9:37, 9:68
- Promissory notes, § 9:10, 9:20, 9:30
- Publication, § 9:47
- Punitive damages, § 11:101
- Punitive damages, petitions, § 9:35, 9:62
- Qualification or eligibility, § 9:10 to 9:34
- Receivers filing petitions, § 9:13
- Reorganization Plans (this index)
- Reorganization (this index)
- Responsive pleadings
 - generally, § 9:49 to 9:55
 - counterclaims, § 9:51
 - defenses, § 9:50
 - jury trial requested, § 9:54
 - lists of creditors filed with answers, § 9:52
 - parties entitled to answer petition, § 9:49
 - partnership, § 9:49, 9:51

INVOLUNTARY BANKRUPTCY

—Cont'd

- Responsive pleadings—Cont'd
 - waiver of defense, failure to timely file objections as, § 9:53
- Rules of Bankruptcy Procedure (this index)
- Schedules, § 9:79 to 9:82
- Secured creditors, petitions, § 9:12, 9:28
- Securities, § 9:10, 9:16
- Service of petition and process, § 9:47, 9:48
- Setoffs, postpetition exercises, § 25:43
- Signatures, § 9:38, 9:44
- Small recurring claims, § 9:32
- Sovereign immunity abrogated, § 6:78
- Statements, § 9:79 to 9:82
- Summary judgment, § 9:24, 9:55, 9:63
- Taxation, § 3:58, 3:72
- Time and date
 - delays or laches, § 9:54
 - extension of time, § 9:82
 - joinder of parties, § 9:56
 - petitions, above
 - responsive pleadings, § 9:50
 - vacation of order for relief, § 9:64
- Tort claims, § 9:19
- Transfer of claims, § 9:27
- Trial, § 9:63
- Type and amount of claims that may support involuntary petition, generally, § 9:16 to 9:28
- United States trustees, § 15:11
- Vacation of order, § 9:64
- Verification of petition, § 9:43, 9:45
- Waiver. Petitions, above
- Withdrawal of petition, § 9:34

INVOLUNTARY GAP

- Allowance of claims, § 24:28
- Avoidance powers of trustee, § 17:13, 17:47
- Claims
 - allowances, § 24:28
 - priority, § 34:83
- Distribution priorities, § 34:83
- Postpetition transactions, protection of involuntary gap transferees, § 17:47
- Priority, § 34:83

INVOLUNTARY PAYMENTS

- Fines and Penalties (this index)
- Withholding Taxes (this index)

INVOLUNTARY PETITIONS

- Conversion or dismissal, § 11:10
- Involuntary Bankruptcy (this index)

INVOLUNTARY TRANSFERS

- Fraudulent transfer, involuntary transfer as, § 19:3, 19:8 to 19:11, 19:29

IOWA

- Opt-out provision, § 13:6

**IPSO FACTO OR
BANKRUPTCY CLAUSES**

- Executory contracts and unexpired leases, § 20:22, 20:23
- Property of estate, § 12:9
- Reorganization plans, § 26:44, 26:47
- Use, sale, or lease of property, § 15:31

IRA

- Individual Retirement Accounts (this index)

IRON FOR CLOTHING

- Allowance of claims or interest, § 24:26

IRREGULARITIES

- Defects and Irregularities (this index)

IRREPARABLE INJURY

- Appeals, interlocutory decisions, § 37:10 to 37:12
- Automatic stay, § 16:193

IRREVOCABLE ELECTION

- Taxation, § 3:32

**ITEMIZATION OF SERVICES
RENDERED**

- Turnover of property, § 14:74

ITEMIZED DEDUCTIONS

- Taxation, § 3:36

JEWELRY

- Exemptions, § 13:76

JINGLE RULE

- Abolition, § 22:5, 24:23

JOBS

- Employment (this index)

JOHNSON 12-FACTOR TEST

- Professional compensation, § 2:74

JOINDER OF PARTIES

- Claim transfers, § 22:25
- Interested party, generally, § 6:1
- Involuntary bankruptcy, § 9:12, 9:32, 9:56
- Petitions, § 8:48
- Rules of Bankruptcy Procedure (this index)
- Securities and Exchange Commission, § 6:86

JOINT ADMINISTRATION

- Generally, § 1:115
- Trustee election or appointment, § 5:45
- Voluntary bankruptcy, § 8:50, 8:51

INDEX

JOINT AND SEVERAL LIABILITY

- Allowance of claims or interest,
§ 24:33, 24:50
- Automatic stay, § 16:75, 16:76
- Contribution (this index)
- Fraudulent transfers, § 19:97
- Homestead exemption, nonfiling
spouse's liability, § 13:68

JOINT CASES AND JOINT PLANS

- Consolidation of Cases (this
index)
- Exemptions, § 13:28, 13:29
- Petitions (this index)
- Voluntary Bankruptcy (this index)

JOINT INCOME TAX OBLIGATIONS

- Joint Tax Returns (this index)

JOINT LIABILITY

- Joint and Several Liability (this
index)

JOINT OR CO-OWNERSHIP INTERESTS

- Generally, § 12:14 to 12:17
- Adequate protection, § 21:20
- Allowable claims, inclusion of
interests liable for, § 12:14
- Codebtors (this index)
- Community Property (this index)
- Distribution of community prop-
erty, liquidation cases,
§ 12:14
- Divorce, effect on community
property, § 12:15
- Entirety tenant, § 12:17
- Husband and wife, community
property, § 12:14, 12:15,
12:17
- Joint or co-ownership interests,
§ 12:14, 12:16, 12:17
- Jurisdiction, state divorce court,
§ 12:15

JOINT OR CO-OWNERSHIP INTERESTS—Cont'd

- Marriage, community property,
§ 12:14, 12:15, 12:17
- Nondebtor spouse, exclusion of
property from bankruptcy
estate, § 12:14, 12:17
- Presumptions, property acquired
during marriage as com-
munity property, § 12:14
- Separate property of nondebtor
spouse, exclusion from bank-
ruptcy estate, § 12:14
- Severance of joint tenancy,
§ 12:16
- Spouse of debtor, § 12:14, 12:15,
12:17
- State divorce court, jurisdiction,
§ 12:15
- Survivorship in joint tenancies,
right of, § 12:16, 12:17
- Tax return. Joint Tax Returns (this
index)
- Tenancies by the entirety, § 12:17
- Undivided interest in joint
tenancy, inclusion in bank-
ruptcy estate, § 12:16
- Use, Sale, or Lease of Property
(this index)

JOINT TAX RETURNS

- Computation and payment of tax,
§ 3:35
- Deductions and credits, § 3:41
- Filing, generally, § 12:83
- Gross income, § 3:40
- Property of estate, § 12:83
- Taxable year of estate, § 3:32,
3:34

JOINT TENANCY

- Joint or Co-ownership Interests
(this index)

JOINT TORTFEASORS

- Joint and Several Liability (this
index)

JUDGES

Generally, § 4:1 to 4:37
 Allowance of Claims or Interests
 (this index)
 Appeals, § 4:3, 4:6, 4:12, 37:29
 Appointment
 generally, § 4:12 to 4:15, 4:27
 constitutional law, § 7:130
 reference of cases, § 7:45
 Assistants, § 4:38
 Attorneys, § 4:14, 4:25, 4:32,
 4:34, 4:35
 Bankruptcy Appellate Panels,
 § 4:6
 Bias, § 4:31 to 4:33
 Business division, § 4:21
 Certifications required before
 appointment of clerk, § 4:41
 Chambers (this index)
 Chief Judge (this index)
 Chief Justice of the United States
 (this index)
 Circuit court, § 4:12
 Clerk of court, § 4:41, 4:42
 Compensation, § 4:16, 4:19, 7:44
 Constitutional law, § 7:30, 7:143
 Contempt, § 7:155
 Court of appeals, § 4:12
 Court sessions, § 4:9 to 4:11
 Deputy clerks, § 4:42
 Disability, § 1:17, 4:28, 4:29
 Disqualification
 generally, § 4:30 to 4:37
 appointment, § 4:14
 attorneys, § 4:32, 4:34, 4:35
 bias, § 4:31 to 4:33
 compensation, disqualification
 from allowing, § 2:112
 contempt, § 7:155
 ex parte communications,
 § 4:33
 financial or other interest,
 § 4:36

JUDGES—Cont'd

Disqualification—Cont'd
 former law associate, involve-
 ment of, § 4:35
 personal or family involvement,
 § 4:34
 recusal, § 4:30, 4:32
 waiver, § 4:37
 Distinctions, § 4:1
 Duty stations, § 4:5, 4:9
 Employment
 assistants, § 4:34
 compensation, § 4:16, 4:19
 disqualification for personal
 involvement, § 4:34
 restrictions, § 4:25, 4:27
 Establishment of current court
 structure, § 4:2
 Exemptions, § 13:31
 Ex parte communications, § 2:52,
 4:26, 4:33
 Facilities and services, use of,
 § 4:22
 Family and relatives, § 2:43, 2:44,
 4:27, 4:34, 4:36
 Financial or other interest,
 disqualification, § 4:36
 Former law associate, judge's
 disqualification for involve-
 ment of, § 4:35
 Fraudulent transfers, § 19:120
 Husband and wife, § 4:34, 4:36
 Immunities, § 4:24
 Impartiality. Disqualification,
 above
 Incompetence, § 7:44
 Interruption of service. Termina-
 tion or interruption of ser-
 vice, below
 Judicial Code, § 1:17
 Judicial Conference of Circuits,
 membership, § 4:23
 Judicial conferences and councils,
 § 4:4, 4:5, 4:13, 4:16, 4:23,
 4:29, 4:41

INDEX

JUDGES—Cont'd

Law clerks, § 4:38
Local bankruptcy rules, § 4:8
Magistrates (this index)
Masters, § 4:39, 37:32
Misconduct, generally, § 4:29,
7:44, 7:130
Municipal cases, § 4:20
Nominees for bankruptcy judge-
ships, § 1:32
Notice and hearing, § 4:13, 4:29,
4:31 to 4:33, 4:40
Number of judges, § 4:4
Order or Approval of Court (this
index)
Other districts, service in, § 4:18
Partiality. Disqualification, above
Pensions or retirement. Retired
judges, below
Personal involvement,
disqualification for, § 4:34
Place and location, § 4:5, 4:8 to
4:10
Powers and duties, § 4:7
Privileges and immunities, § 4:24
Proof of claim filed with, § 22:35
Qualification. Disqualification,
above
Recall of certain judges and mag-
istrates, § 1:17
Recusal, § 4:30, 4:32
Relatives, employment of profes-
sional persons or agents,
§ 2:43, 2:44
Removal, § 4:29
Restrictions and limitations,
§ 4:25 to 4:27
Retired judges, § 1:17, 4:19
Rules of Bankruptcy Procedure
(this index)
Salary and expenses, § 4:16, 4:19,
7:44
Secretary, § 4:38
Service, generally, § 4:16 to 4:27
Sessions of court, § 4:9 to 4:11

JUDGES—Cont'd

Substitution of Judges (this index)
Taxation, § 3:67
Tenure, § 4:16, 7:44
Termination or interruption of
service
generally, § 4:28 to 4:37
disqualification, above
removal, § 4:29
substitution of disabled judge,
§ 4:28
Term of Office (this index)
Territories, district judges for,
§ 4:17
Trials, generally, § 4:10
Vacancies, § 4:13, 4:15
Waiver, disqualification, § 4:37
Withdrawal of case, § 4:3, 4:24

JUDGMENT LIENS

Judicial Liens (this index)

JUDGMENTS AND DECREES

Generally, § 1:101 to 1:103
Allowance of Claims or Interests
(this index)
Appeals (this index)
Automatic Stay (this index)
Avoidance of liens, § 13:143,
13:149
Clerks, § 4:52
Closing and reopening cases,
§ 36:6, 36:25
Collateral attack, waiver of
sovereign immunity, § 6:83
Collateral Estoppel (this index)
Conversion or dismissal, involun-
tary petition, § 11:98 to
11:101
Declaratory Judgments (this
index)
Default Judgments (this index)
Definition, § 1:101
Discharge of debtor, voiding by,
§ 35:54

JUDGMENTS AND DECREES

—Cont'd

- Divorce judgment lien, avoidance, § **13:150**
- Entry of judgment or order, generally, § **1:101**
- Executions (this index)
- Executory contracts and unexpired leases, § **20:10, 20:84, 20:124**
- Exemptions, § **13:66, 13:143, 13:149**
- Final Judgments, Orders, and Decrees (this index)
- Homestead exemption, § **13:66**
- Injunctions (this index)
- Interlocutory Judgments, Orders, and Decrees (this index)
- Order or Approval of Court (this index)
- Proof of claim, § **22:46**
- Reorganization Plans (this index)
- Reorganization (this index)
- Res Judicata (this index)
- Rules of Bankruptcy Procedure (this index)
- Size and Nature of Claim (this index)
- Summary Judgment (this index)
- Taxation, § **3:20, 3:74 to 3:76**
- United States trustees, notice, § **4:107**
- Vacating and Setting Aside (this index)

JUDICIAL CODE

- Generally, § **1:17**

JUDICIAL CONFERENCES AND COUNCILS

- Generally, § **1:19**
- Appeals, § **37:1, 37:2**
- Bankruptcy Appellate Panels, establishment in each circuit, § **37:26**
- Clerks, § **4:44, 4:47**

JUDICIAL CONFERENCES AND COUNCILS—Cont'd

- Filing fees, § **8:88**
- Individual debt adjustment plan, confirmation, § **31:5**
- Involuntary bankruptcy, § **9:43**
- Judges, § **4:4, 4:5, 4:13, 4:16, 4:23, 4:29, 4:41**
- Judicial Code (28 USCA), § **1:17**
- Voluntary bankruptcy, § **8:19, 8:61, 8:88**

JUDICIAL ECONOMY

- Abstention, § **7:32**
- Change of venue, § **7:196**
- Remand, § **7:126**

JUDICIAL IMMUNITY

- Privileges and Immunities (this index)

JUDICIAL LIENS

- Avoidance, § **13:126, 13:142, 17:38**
- Defined, § **13:142**
- Divorce judgment lien, avoidance, § **13:140**
- Exemptions, avoidance of liens impairing, § **13:126, 13:142**
- Preferences and preferential transfers, § **18:6, 18:86, 18:105, 18:130**

JUDICIAL NOTICE

- Preferential transfer, greater amount test, § **18:32**

JUDICIAL REVIEW

- Appeals (this index)

JUDICIAL SALES

- Avoidance, protection of certain transferees, § **17:48, 17:49**
- Homestead exemption, § **13:58**

JUNIOR CREDITORS

- Tax-free corporate reorganizations, § **3:48**

INDEX

JUNIOR LIENS

- Adequate protection, § **21:55**
- Allowance of claims or interest, § **24:92**
- Claims classification, § **26:15, 26:38**
- Distribution, liquidation, § **34:122**
- Loans or credit, § **15:70**
- Property of estate, § **12:128**
- Turnover of property, § **14:8**

JUNIOR MORTGAGES

- Junior Liens (this index)

JURISDICTION

- Abandonment of property of estate, § **7:79, 12:151, 12:153**
- Abstention (this index)
- Accounts receivable, core proceedings, § **7:59**
- Adjustment of debtor-creditor/equity security holder relationship, § **7:107**
- Administrative matters, § **7:10**
- Adversary proceedings
 - generally, § **7:2**
 - allegations in pleading, § **7:51**
- Allowance of claims or interests, § **7:29, 7:82 to 7:85**
- All Writs Act, § **7:149**
- Ancillary and other cross-border cases under BAPCPA, § **33A:11**
- Annulment of automatic stay, § **7:96 to 7:98**
- Appeals
 - Bankruptcy Appellate Panels, § **37:26, 37:46**
 - clearly erroneous standard, § **7:147**
 - core proceedings, § **7:71**
 - Courts of Appeals, § **37:6, 37:78**
 - district courts (this index)
 - remand, § **7:127**

JURISDICTION—Cont'd

- Appeals—Cont'd
 - Supreme Court, § **37:84**
- Appearance by foreign representative, reference of cases, § **7:55**
- Appointment of receiver, § **7:181**
- “Arising in” jurisdiction, § **7:11**
- “Arising under” jurisdiction, § **7:10**
- Article I and Article III judges, § **7:1 et seq.**
- Automatic Stay (this index)
- Avoiding preferences, § **7:94, 7:95**
- BAFJA, § **7:1, 7:142 to 7:146**
- Bankruptcy appellate panels, § **7:145**
- Bankruptcy Reform Act of 1978, § **7:143**
- Breach of warranty, § **7:83**
- Burford abstention, § **7:19**
- Cash collateral, use of, § **7:105**
- Catchall provisions, § **7:63**
- Chief justice’s dissent, Northern Pipeline ruling, § **7:137**
- Child support assessments by IRS, § **7:2**
- Closing and reopening cases, § **36:2**
- Collection of accounts receivable, § **7:59**
- Comity (this index)
- Compensation of professional persons, § **7:80**
- Concurring opinion, Northern Pipeline ruling, § **7:135**
- Confirmation of plans, § **7:104**
- Consent or Approval (this index)
- Constitutional law
 - generally, § **7:128 to 7:147**
 - appellate panels, § **7:145**
 - Article I judges, § **7:130**
 - Bankruptcy Amendments and Federal Judgeship Act of 1984, § **7:142 to 7:146**

JURISDICTION—Cont'd

Constitutional law—Cont'd
 Bankruptcy Reform Act of 1978, § **7:128 to 7:130, 7:143**
 clearly erroneous standard, § **7:147**
 district court jurisdiction, § **7:129**
 extension of judges' terms, § **7:144**
 jury trial, § **7:173 to 7:178**
 model rule, § **7:139 to 7:141**
 Northern Pipeline Decision (this index)
 referral of cases and proceedings, § **7:146**
 Contempt (this index)
 Continuing Jurisdiction (this index)
 Contracts and Agreements (this index)
 Core Proceedings (this index)
 Counterclaims (this index)
 Court of Appeals, § **37:6, 37:78**
 Credit, § **7:90**
 Criminal contempt, § **7:151, 7:155**
 Declaratory judgments, § **7:179**
 Disallowance of claims, § **7:82 to 7:85**
 Discharge, § **7:101, 7:102, 7:179**
 Discretionary withdrawal, § **7:41**
 Dismissal of cases, § **7:9, 7:16, 7:48, 7:55, 7:75**
 Disputed liability and unmatu-
 red claims, § **7:92**
 Dissenting opinion, Northern
 Pipeline ruling, § **7:136**
 Distinction between case and
 proceeding, § **7:9**
 District Courts (this index)
 Divided nature of Northern
 Pipeline ruling, § **7:133**
 Eligibility to file bankruptcy,
 § **1:38**

JURISDICTION—Cont'd

Employment of professional
 persons, § **7:18, 7:80**
 Equitable powers of bankruptcy
 courts, § **7:76, 7:109, 7:148**
to 7:150
 Estimation of claims and interests,
 § **7:82 to 7:85**
 Examination of debtor, subpoena
 power, § **7:171**
 Exclusive jurisdiction. See lines
 throughout this topic
 Exempt property, § **7:16, 7:17,**
7:29
 Exhaustion of administrative rem-
 edies, § **7:8**
 Extension of judges' terms,
 § **7:144**
 Federal Institutions Supervisory
 Act, § **7:8**
 Federal question jurisdiction, gen-
 erally, § **7:10**
 Filing bankruptcy petition, § **7:2**
 Final determination by bankruptcy
 judge, consent, § **7:50 to**
7:52
 Fines and Penalties (this index)
 Foreign representative, reference
 of cases, § **7:55**
 Fraudulent conveyances, § **7:41,**
7:43, 7:99, 7:100, 7:176,
19:112
 Governmental regulations, § **7:79**
 Habeas corpus, § **7:172**
 Hearing and determination motion
 for withdrawal, § **7:36**
 Inherent powers, § **7:149**
 Injunctions (this index)
 Insurance, § **7:16**
 Involuntary Bankruptcy (this
 index)
 Joint or co-ownership interests,
 § **12:15**
 Judicial Code (28 USCA), § **1:17**
 Jury and Jury Trial (this index)

INDEX

JURISDICTION—Cont'd

Leases, § 7:78
Liens, § 7:10, 7:11, 7:103, 7:179
Liquidation of assets, § 7:107
Location of property, § 7:2
Mandatory withdrawal, § 7:42
Marathon Pipe Line case.
 Northern Pipeline Decision
 (this index)
Model rule of judicial conference,
 § 7:139 to 7:141
Modification of automatic stay,
 § 7:96 to 7:98
Motion for remand, § 7:126
Municipal debt adjustment plans,
 § 32:34
Negotiated Rates Act, § 7:7
Noncore Proceedings (this index)
Northern Pipeline Decision (this
 index)
Objections, § 7:11, 7:21, 7:52,
 7:102
Part core and part noncore
 proceedings, § 7:69
Partnership property, § 7:16, 7:17
Penalties. Fines and Penalties (this
 index)
Personal injury and wrongful
 death claims, § 7:29, 7:45,
 7:53, 7:173
Petitions (this index)
Plurality opinion, Northern
 Pipeline ruling, § 7:134
Postconfirmation powers, § 7:180
Preferences, § 7:94, 7:95
Priorities, § 7:76, 7:103, 7:109
Professional persons, employment
 and compensation, § 7:80
Property of estate, § 12:151
Public rights versus private rights,
 § 7:146
Pullman abstention, § 7:19
Reclamation of property, § 7:76,
 7:109

JURISDICTION—Cont'd

Recovering preferences, § 7:94,
 7:95
Reference of Cases (this index)
Related proceedings, generally,
 § 7:48
Release of personalty in creditor's
 possession, § 7:10
Remand (this index)
Removal or Transfer of Cases (this
 index)
Reorganization, § 7:46
Rules of Bankruptcy Procedure
 (this index)
Sale of property, § 7:106, 7:179
Sanctions
 appellate sanctions, § 7:160
 Contempt (this index)
 Fines and Penalties (this index)
 inherent power of court, § 7:159
 miscellaneous sources of
 sanctioning power, § 7:161
 multiplication of proceedings
 (28 USCA § 1927),
 § 7:157
 signing and verification of
 papers, § 7:158
Standing orders of reference,
 § 7:34
State (this index)
Stay, reference of cases and
 proceedings to bankruptcy
 court, § 7:38
Subordination, § 7:76, 7:109,
 7:179
Subpoena power, § 7:169 to 7:171
Supervisory powers, § 7:17
Supreme Court of United States,
 § 37:84
Taxation (this index)
Termination of automatic stay,
 § 7:96 to 7:98
Torts, § 7:29, 7:45, 7:53, 7:173
Transfer of cases. Removal or
 Transfer of Cases (this index)

JURISDICTION—Cont'd

- Turnovers, § 7:62, 7:72, 7:88, 7:91 to 7:93, 14:80
- Unmatured claims, § 7:92
- Use or lease of property, § 7:105
- Venue (this index)
- Voluntary bankruptcy, § 8:11
- Waiver
 - objection to final determination by bankruptcy judge, § 7:51
 - subject matter jurisdiction, generally, § 7:6
- Withdrawal. Reference of Cases (this index)
- Wrongful Death (this index)
- Younger doctrine, § 7:19, 7:166

JURY AND JURY TRIAL

- Generally, § 7:173 to 7:177
- Bankruptcy courts, right to jury trial in, § 7:178
- Debtor in possession, § 5:114
- Fraudulent transfers and concealment of assets, § 7:99, 7:176, 19:113
- Grand Juries (this index)
- Involuntary cases, § 9:54
- Judicial Code (28 USCA), § 1:17
- Jurisdiction, generally, § 7:173 to 7:178
- Preferences and preferential transfers, § 7:173
- Reference of cases and proceedings to bankruptcy court, § 7:53

**JUST COMPENSATION
CLAUSE OF
CONSTITUTION**

- Size and nature of claim, § 23:32

JUSTICE DEPARTMENT

- Attorney General (this index)
- United States trustees, § 4:61, 4:69, 4:70, 4:89

JUSTIFICATION

- Excusable Neglect (this index)

KANSAS

- Opt-out provision, § 13:6

KENTUCKY

- Opt-out provision, § 13:6

LABOR

- Employment (this index)

LABOR, SECRETARY OF,

- Automatic stay, § 16:92

LABOR CONTRACTS

- Allowance of Claims or Interests (this index)
- Collective Bargaining Agreements (this index)

LABOR DAY

- Clerks, § 4:43

**LABOR UNIONS OR
EMPLOYEES'
ASSOCIATIONS**

- Collective Bargaining Agreements (this index)
- Creditors' committees, § 6:55
- Eligibility to file bankruptcy, § 1:38
- Executory Contracts and Unexpired Leases (this index)
- Interested party, generally, § 6:90
- National Labor Relations Board (this index)
- Payroll withholding taxes, § 3:62
- Reorganization Plans (this index)
- Trustee appointment, dues, § 5:30

LACHES OR DELAY

- Delay or Laches (this index)

LANDFILL LICENSE

- Automatic stay, § 16:62

INDEX

LANDLORD AND TENANT

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

LAND SALE CONTRACT

- Automatic stay, § 16:172

LAND TRUSTS

- Eligibility to file bankruptcy, § 1:38

LARCENY AND THEFT

- Generally, § 35:145
- Automatic stay, § 16:83
- Causes of action, § 12:29
- Discharge
 - generally, § 1:167
 - conversion exception for willful and malicious injuries, § 35:173 et seq.
 - fiduciary fraud debt exception, § 35:135, 35:199
- Embezzlement (this index)
- Individual debt adjustment plans, § 31:12

LATE CHARGES

- Reorganization plans, impairment of claims, § 26:48
- Size and nature of claim, § 23:22

LATE PAYMENTS

- Default (this index)

LAW CLERKS

- Judges, § 4:38

LAW QUESTIONS

- Questions of Law and Fact (this index)

LAWYERS

- Attorneys (this index)

LAYAWAY PLANS

- Priority, consumer deposits, § 34:87

LAYOFFS

- Collective bargaining agreements, rejection of, § 20:115
- Executory contracts and unexpired leases, § 20:115
- Individual Debt Adjustment (this index)

LEASEBACK AGREEMENTS

- Sale or Leaseback Agreements (this index)

LEASES

- Generally, § 12:11 to 12:13
- Acceptance. Executory Contracts and Unexpired Leases (this index)
- Adequate protection, § 21:19
- Aircraft Equipment Settlement Leases Act, § 15:25, 16:123
- Airport Leases and Landing Slots (this index)
- Allowance of Claims or Interests (this index)
- Appeals (this index)
- Assignments (this index)
- Automatic stay
 - generally, § 16:45, 16:54, 16:67, 16:150
 - exception from automatic stay provisions, § 16:97, 16:104
 - extensions, § 16:9
 - insulation from automatic stay provisions, § 16:97, 16:104
 - possession of nonresidential real property subject to terminated lease, acts to obtain, § 16:104
 - relief from stay, § 16:150, 16:172
 - rent, § 16:70, 16:97, 16:150
 - tenancy, § 16:45
 - termination or expiration, § 16:22, 16:29, 16:61, 16:172

LEASES—Cont'd

- Automatic stay, relief from, motion for, § **21:67**
- Avoidance of unperfected lien or security interest, § **17:25**
- Bailments (this index)
- Bankruptcy estate, inclusion in, § **12:11**
- Breach of Contract or Lease (this index)
- Conversion or dismissal, § **11:81**
- Debtor in possession, § **5:112**
- Deposits by consumers, § **34:87**
- Equipment on premises, inclusion in bankruptcy estate, § **12:11**
- Equitable relief action, lease termination or eviction, § **12:13**
- Eviction, equitable relief action, § **12:13**
- Executory Contracts and Unexpired Leases (this index)
- Expiration of lease, effect, § **12:12, 12:13**
- Family Farmer or Fisher Debt Adjustment (this index)
- Fixtures on premises, inclusion in bankruptcy estate, § **12:11**
- Fraudulent transfers and concealment of assets, § **19:14**
- Homestead exemption for leased premises, § **13:62, 13:65**
- Individual debt adjustment, § **5:78**
- Individual Debt Adjustment Plans (this index)
- Jurisdiction, § **7:78, 7:105, 7:168**
- Nonresidential property, effect of expiration of lease, § **12:12, 12:13**
- Petitions (this index)
- Preferences and preferential transfers, exceptions to avoidability, § **18:64, 18:72**
- Premises, equipment and fixtures as property of estate, § **12:11**

LEASES—Cont'd

- Priorities, § **34:87**
- Railroad Reorganization (this index)
- Rejection. Executory Contracts and Unexpired Leases (this index)
- Reorganization Plans (this index)
- Reorganization (this index)
- Residential property, effect of expiration of lease, § **12:13**
- Setoffs and rejection power exercised by lessees, § **25:24**
- Shopping centers, real property in, § **20:48 to 20:50, 20:53**
- Size and nature of claim generally, § **23:35**
- rents and rental, § **23:36, 23:37**
- Subleases (this index)
- Termination
 - automatic stay, § **16:61, 16:172**
 - equitable relief action, § **12:12, 12:13**
- Time Share Interests (this index)
- Trustees
 - individual debt adjustment, § **5:78**
 - liabilities and duties, generally, § **5:47**
- Turnover of property, § **14:19, 14:41**
- Unexpired leases. Executory Contracts and Unexpired Leases (this index)
- United States trustees, § **4:64, 4:101, 4:107**
- Use, Sale, or Lease of Property (this index)

LEAVE OF COURT

- Disclosure statement amendments, § **27:18**

LEGACIES

- Decedents Estates (this index)

INDEX

LEGAL EXPENSES

Costs and Expenses (this index)

LEGAL RESEARCH

Compensation, § 2:80
Paraprofessionals' fees, § 2:82
Protective orders regarding
confidential or defamatory
matter, § 6:2
Reimbursement, § 2:87
United States trustees, § 4:64

LEGISLATIVE HISTORY

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

LETTERS

Credit. Letters of Credit (this
index)
Proof of claim
informal, § 22:32
withdrawal of proof of claim,
§ 22:37

LETTERS OF CREDIT

Automatic stay, § 16:47, 16:59
Avoidance, § 17:41
Fraudulent transfers, § 19:16
Preferences and preferential
transfers, § 18:16, 18:113 to
18:119
Property of estate, § 12:86
Turnover of property, § 14:44
Twist Cap, § 18:114

LEVERAGE

Commodity broker liquidation,
§ 6:74
Fraudulent transfers, leveraged
buyouts, § 19:76 to 19:78
Stockbroker liquidation, § 6:74

LEVY

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

LIABILITY INSURANCE

Insurance and insurance
companies, § 12:34

LIBEL OR SLANDER

Defamation (this index)

LICENSES AND PERMITS

Alcoholic beverage license,
§ 6:29, 6:32
Appraisers and auctioneers, § 2:19
Automatic Stay (this index)
Discrimination, § 6:28, 6:30, 6:32
Driver's licenses, discrimination,
§ 6:29, 6:30, 6:32
Executory contracts and unexpired
leases, intellectual property
licenses, § 20:70 to 20:76
Intangible personal property,
§ 12:44 to 12:47
Intellectual property licensing
protections, § 20:70 to 20:76
Landfill license, automatic stay,
§ 16:62
Liquor license, § 6:29, 6:32

LIENS AND ENCUMBRANCES

Generally, § 12:39 to 12:43
Abandonment, preserved liens not
of benefit to estate, § 12:42
Adequate Protection (this index)
After-acquired property, excep-
tions to general rule, § 12:69,
12:70
Allowance of claims or interests,
§ 12:42
Automatic preservation of avoided
transfer, § 12:42
Automatic Stay (this index)
Avoidance
aircraft equipment and vessels
in Chapter 11 cases,
unperfected security inter-
est, § 17:26
allowed secured claims, § 12:42
bona fide purchasers of real
property, § 17:28 to 17:30

LIENS AND ENCUMBRANCES**—Cont'd**

- Avoidance—Cont'd
 - constructive or inquiry notice, § 17:19
 - debtor's avoidance of liens impairing exemptions. Exemptions, below
 - debtor's exercise of trustee's avoiding powers, § 17:12
 - divorce judgment lien, avoidance, § 13:140
 - equity and estoppel defenses, § 17:17
 - exemptions, liens impairing. Exemptions, below
 - finances and penalties, § 17:52
 - governing law, § 17:15, 17:18
 - judicial liens, § 13:126, 13:142, 17:38
 - marshaling of assets, § 17:27
 - notice or knowledge, § 17:18 to 17:20
 - property subject to avoidance, § 17:21, 17:22
 - purpose, § 17:14
 - satisfied liens, § 13:141
 - statutory liens, § 17:33 to 17:38
 - time when trustee acquires status, § 17:16
 - trustees in bankruptcy, generally, § 17:13 to 17:30, 17:51, 17:52
 - unperfected lien or security interest, § 17:24 to 17:26
 - unsatisfied execution creditor, § 17:23 to 17:27
- Bank account or account receivable, § 12:41
- Bona fide purchaser, transfer of ownership through sale of property, § 12:40, 12:41
- Books and papers, exemptions, § 13:78 to 13:82, 13:148, 13:153, 13:154

LIENS AND ENCUMBRANCES**—Cont'd**

- Burdensome property, determination of, § 12:118
- Cash or cash equivalents, exclusion from bankruptcy estate, § 12:41
- Claims. See lines throughout this topic
- Clerks, § 4:52
- Closing and reopening cases, § 36:5, 36:20
- Compensation of trustee, § 5:92
- Definition, § 13:142
- Disallowed secured claims, liens as not void, exceptions, § 12:42
- Discharge of indebtedness, avoidance of liens, exemptions, § 13:169
- Disinterested professional person, § 2:32
- Distribution
 - administrative expenses, § 34:24
 - liquidation, § 34:117 to 34:124
 - priority claims, effect of lien upon, § 34:10, 34:14
- Divorce judgment lien, avoidance, § 13:140
- Enforcement, debtor discharge, § 35:60
- Equitable subordination principle, § 12:43
- Equity in property requirement, § 13:123, 13:124
- Executory contracts and unexpired leases, § 20:68
- Exemptions
 - generally, § 13:120 to 13:168
 - adversary procedure used in opt-out states, § 13:165
 - alimony, maintenance or support obligations, § 13:140
 - animals, § 13:129, 13:154, 13:158

INDEX

LIENS AND ENCUMBRANCES

—Cont'd

- Exemptions—Cont'd
 - avoidance provisions, generally, § 13:117 et seq.
 - books and papers, § 13:78 to 13:82, 13:148, 13:153, 13:154
 - claim of exemption, § 13:125
 - constitutionality of lien avoidance provisions, § 13:132 to 13:136
 - construction and interpretation, § 13:136, 13:155
- Contracts Clause, § 13:132
- core proceeding, avoidance of lien as, § 13:166
- dischargeability of debt which lien secures, § 13:169
- divorce proceeding, lien arising from, § 13:140, 13:144
- Eleventh Amendment, § 13:133
- equitable liens, § 13:144
- equity in property requirement, § 13:123, 13:124
- family farmer debt adjustment cases, § 13:139
- farm animals or crops, § 13:129, 13:158
- Federal Trade Commission's definition of household goods, § 13:156
- Fifth Amendment, § 13:134
- formula for determining impairment for avoidance purposes, § 13:126
- fraud, § 13:19, 13:145
- gap period liens, § 13:132, 13:135
- garnishment liens, § 13:146
- governing law, § 13:128 to 13:131
- governmental units, § 13:137
- homestead exemption, § 13:140, 13:157

LIENS AND ENCUMBRANCES

—Cont'd

- Exemptions—Cont'd
 - household furnishings or goods, § 13:148, 13:154 to 13:163
 - husband and wife, § 13:102, 13:109, 13:140, 13:144
 - impairing of exemption by lien, § 13:126
 - implements, professional books or tools of trade, § 13:129, 13:147, 13:160 to 13:163
 - individual debt adjustment cases, § 13:138
 - interest in property requirement, § 13:122
 - involuntary transfer requirement, § 13:118
 - judgments, § 13:143, 13:149
 - judicial liens, § 13:136, 13:142 to 13:146
 - liability of exempted property for debt, § 13:24
 - limitation to property on list of exemptions, § 13:153
 - mobile homes, § 13:157
 - modification of security arrangement, § 13:150
 - nonpossessory, nonpurchase-money security interests, § 13:124, 13:136, 13:147 to 13:163
 - objection on motion for lien avoidance, § 13:48
 - opt-out on lien avoidance, effect of, § 13:130, 13:131, 13:165
 - preservation of lien, § 13:23, 13:127
 - procedure for lien avoidance, § 13:164 to 13:169
 - reopening case to avoid lien, § 13:167
 - retroactive application, § 13:136

LIENS AND ENCUMBRANCES**—Cont'd**

- Exemptions—Cont'd
 - sales and transfers, generally, § **13:117 to 13:168**
 - security interest, § **13:124, 13:127, 13:136, 13:147 to 13:163**
 - setoffs, recovery of, § **13:117 to 13:119**
 - spillover or wild card exemptions, § **13:115**
 - state law, § **13:128 to 13:131, 13:146**
 - statutory liens, § **13:143, 13:159**
 - tools of the trade, § **13:148, 13:160 to 13:163**
 - transfers, generally, § **13:117 to 13:168**
 - trustee, § **13:53, 13:54, 13:56**
 - waiver, § **13:35, 13:120, 13:142, 13:147, 13:167**
 - waiver by debtor of exemption or avoiding power, § **13:168**
- Fair market value of property, § **12:39**
- Family Farmer or Fisher Debt Adjustment (this index)
- Fines and penalties, § **17:52**
- Floating Lien (this index)
- Fraud, exemptions, § **13:19, 13:145**
- Gap period liens, § **13:132, 13:135**
- Homestead exemption, § **13:140, 13:157**
- Household furnishings or goods, avoidance of lien impairing, § **13:148, 13:154 to 13:163**
- Individual debt adjustment, avoidance power of debtor, § **13:138**
- Individual Debt Adjustment Plans (this index)

LIENS AND ENCUMBRANCES**—Cont'd**

- Interested party, generally, § **6:1**
- Internal Revenue Service, seized property as part of bankruptcy estate, § **12:40**
- Judicial Liens (this index)
- Junior Liens (this index)
- Jurisdiction, § **7:10, 7:11, 7:103, 7:179**
- Levy, effect of, § **12:40, 12:41**
- Loans or credit, § **15:70**
- Mechanics' Liens (this index)
- Mortgages and Deeds of Trust (this index)
- Municipal debt adjustment plans, § **32:3**
- Ownership, transfer through sale of property to bona fide purchaser, not seizure, § **12:40**
- Postpetition property interests, applicability to, § **12:69, 12:70**
- Preferential transfers, trustee as lien creditor, § **18:99**
- Preservation of lien for benefit of the estate, inclusion in bankruptcy estate, § **12:42**
- Priorities, § **34:10, 34:14**
- Property of estate, generally, § **12:85**
- Rent, avoidance of lien for distress of, § **17:34, 17:38**
- Reorganization Plans (this index)
- Rules of Bankruptcy Procedure (this index)
- Sale and transfer
 - exemptions, above
 - free and clear of liens and other interests, § **1:142**
- Sale free and clear of liens and other interests, § **1:142**
- Security interest
 - exemptions, § **13:124, 13:127, 13:136, 13:147 to 13:163**

INDEX

LIENS AND ENCUMBRANCES

—Cont'd

- Security interest—Cont'd
 - inclusion of debtor's interest in bankruptcy estate, § 12:39
- Seizure of property by secured creditors, inclusion in bankruptcy estate, § 12:40, 12:41
- Setoff or offset, § 13:117 to 13:119
- Size and nature of claim, § 23:1 et seq., 23:23 to 23:30
- Statutory Liens (this index)
- Stripping of liens, size and nature of claim, § 23:27 to 23:29
- Subordinated claim, transfer to estate of lien securing, § 12:43
- Tax Liens (this index)
- Transfer. Sale and transfer, above
- Trustees
 - avoidance, above
 - compensation, § 5:92
 - exemptions, § 13:53, 13:54, 13:56
 - fixed liens, § 12:71, 12:73
 - liquidation, § 5:62
 - personal liability, § 5:52
- Turnover of Property (this index)
- Use, Sale, or Lease of Property (this index)
- Venue, § 7:190
- Voidable transfers. Avoidance, above
- Void liens, § 12:42
- Voluntary bankruptcy, § 8:23, 8:44
- Waiver, § 13:35, 13:120, 13:142, 13:147, 13:167

LIFE INSURANCE

- After-acquired property, § 12:53
- Beneficiary, trustee's power to change, § 12:35, 12:36
- Compensation of trustee, § 5:106
- Debtor in possession, § 5:112

LIFE INSURANCE—Cont'd

- Executory contracts and unexpired leases, § 20:131
- Exemptions
 - generally, § 13:83 to 13:89, 13:116
 - another person supporting debtor, policy on life of, § 13:87, 13:88
 - cash surrender or loan value, § 13:85, 13:86
 - executors of debtor, proceeds payable to, § 13:89
 - 180 days of filing bankruptcy, proceeds of life insurance received by debtor within, § 13:84
 - state law, § 13:86, 13:88
 - unmatured life insurance contracts, § 13:83
- Property of estate, generally, § 12:35, 12:36
- Trustees
 - capacity to sue, § 5:48
 - compensation of trustee, § 5:106
 - power to change beneficiary, § 12:35, 12:36
- Turnover of property, § 14:62

LIGHTHOUSE SERVICE

- Widows' benefits, federal non-bankruptcy exemptions, § 13:116

LIMITATION OF ACTIONS

- Statute of Limitations (this index)

LIMITATIONS OR RESTRICTIONS

- Avoidance (this index)
- Conditions (this index)
- Executory Contracts and Unexpired Leases (this index)
- Exemptions, § 13:22, 13:30, 13:153

LIMITATIONS OR RESTRICTIONS—Cont'd

- Family farmer debt adjustment plans, § 33:34
- Individual Debt Adjustment Plans (this index)
- Judges, § 4:25 to 4:27
- Municipal Debt Adjustment (this index)
- Professional persons, limitations on employment, § 2:29 to 2:44
- Property of estate, § 12:7 to 12:10, 12:118 to 12:120, 12:129, 12:140
- Reorganization plans, § 26:32
- Securities, restricted, § 14:18
- Statute of Limitations (this index)
- Stockbroker liquidation, § 34:149
- Subordination, § 34:93, 34:96
- Turnover of property, § 14:5, 14:9, 14:59, 14:68 to 14:71
- Use, sale, or lease of property, § 15:23

LIMITED PARTNERSHIP

- Automatic stay, § 16:24
- Equity security holders, § 6:60
- Interested party, limited partner as, § 6:88
- Personal liability of general partner for deficiency, § 14:10
- Proof of claim, § 22:1
- Registered limited liability partnership, liability of partner of, § 22:5
- Reorganization Plans (this index)
- Trustee elections, § 5:15
- Turnover of property, § 14:10

LIMITED RESOURCE PROGRAM

- Family farmer debt adjustment plans, § 33:25

LIQUID AND GASEOUS HYDROCARBONS

- Related interests as property of estate, § 12:94

LIQUIDATED DAMAGES

- Executory contracts and unexpired leases, § 20:20

LIQUIDATION

- Abandonment of Property (this index)
- Abstention, § 7:29
- Adequate protection, § 21:23, 21:24, 21:26
- Administration. Officers and administration, below
- Administrative expenses, payment from community and other property, § 34:136
- Adverse interest, § 5:16
- After-acquired property, § 12:61
- Allowance of claims or interests administrative expenses, § 24:55, 24:71
- objection to claim, § 24:11 to 24:13
- partnership claims, § 24:22
- significance of allowance or disallowance of claim, § 24:1, 24:2, 24:4, 24:5
- unmatured interest claim, § 24:36
- Allowances, additional, § 11:27
- Appointment of trustee generally, § 5:1, 5:2
- eligibility and qualification, § 5:3
- interim trustee, § 5:13
- successor trustee, § 5:20
- U.S. trustee, appointment by, § 5:12
- Appointment of U.S. trustee, § 4:85, 4:86
- Approval of court. Order or approval of court, below

INDEX

LIQUIDATION—Cont'd

- Asset deficiency, failure to explain, debtor discharges, § **35:24 et seq.**
- Attorney General's appearance, § **6:36**
- Attorneys. Professional persons, below
- Automatic dismissal for Chapter 7 or 13 debtor's failure to file certain documents, § **6:27**
- Automatic stay, setoff rights, § **25:15**
- Automatic Stay (this index)
- Avoidance (this index)
- Award of costs to debtor, § **11:33**
- Bankruptcy planning and debtor discharges, § **35:12**
- Banks (this index)
- Bond requirements for trustees, § **5:7**
- Books and records. Records and reports, below
- Carryover or carryback, § **3:58**
- Cause, dismissal for
 - 11 U.S.C.A. Sec. 707(a), § **11:42**
 - ability to pay, § **11:40**
 - actions constituting cause, § **11:39, 11:40**
 - bad faith, § **11:39**
 - court order, § **11:36**
 - debtor's motion to dismiss, § **11:41 to 11:43**
 - motion, notice, and hearing, § **11:37**
 - objection by trustee, § **11:43**
 - Securities Investor Protection Corporation proceedings, § **11:44**
- Change of venue, § **7:196**
- Chapter 7 debtor discharges, § **35:6**
- Chapter 11
 - generally, § **11:15 to 11:34, 11:49, 11:50**

LIQUIDATION—Cont'd

- Chapter 11—Cont'd
 - debtor discharges, § **35:7**
 - liquidating plans. Reorganization Plans (this index)
- Chapter 12, conversion from, § **11:60**
- Chapter 13
 - generally, § **11:15 to 11:34**
 - administrative expenses, § **11:22**
 - conversion to Chapter 7, § **11:67 to 11:75**
- Charges. Costs and expenses, below
- Chart for conversion, § **11:8**
- Claims
 - allowance of claims or interests, above
 - filing of proof of claim or interest, below
 - proof of claim or loss. Filing of proof of claim or interest, below
 - secured and unsecured claims, distribution of property, § **34:121, 34:122**
- Closing of estate, § **36:1, 36:7**
- Collection of estate property, § **5:65**
- Commodity Broker Liquidation (this index)
- Commodity brokers, automatic stay setoff rights, § **25:15**
- Community property, § **34:135 to 34:137**
- Compensation, generally, § **5:87 to 5:105**
- Concealment of property, § **19:126**
- Consumer debts, schedule of assets and liabilities, § **12:159**
- Consumer education program requirements, § **35:35**

LIQUIDATION—Cont'd

Contracts. Executory contracts and unexpired leases, below

Conversion, generally, § 11:7

Conversion of property from non-exempt to exempt, debtor discharges, § 35:12

Conversion or dismissal

generally, § 1:119 et seq., 4:88, 4:93, 4:97, 11:11 to 11:44

abuse

generally, § 11:15

administrative expenses, chapter 13, § 11:22

allowances, additional, § 11:27

award of costs to debtor, § 11:33

disabled veteran, prohibition of dismissal, § 11:30

education expenses, dependent child, § 11:23

family members, non-dependent, § 11:21

health insurance, § 11:18

housing and utility, § 11:24

liability of debtor attorney, § 11:32

limitations on actions, § 11:34

monthly expenses, § 11:17 to 11:27

notice to creditors of applicability of presumption, § 6:38

payment of debt, § 11:19

presumption of abuse, § 11:16 to 11:29, 11:31

priority debt payment, § 11:26

safety expenses, § 11:20

secured debt payment, § 11:25

special circumstances, rebuttal of presumption, § 11:28

LIQUIDATION—Cont'd

Conversion or dismissal—Cont'd

abuse—Cont'd

statement of income and abuse calculations, § 11:29

Copies, statement of intent, service, § 12:159

Core proceedings, § 7:79, 7:82, 7:107

Corporations

eligibility to be debtor, § 1:42 to 1:44

Costs and expenses

abandonment of property burdensome to bankruptcy estate, § 12:118

community property and other property, payment from, § 34:136

Court order, § 11:14, 11:36

Court order, refusal to obey, debtor discharges, § 35:27 et seq.

Creditors' and Equity Security Holders' Committees, § 6:43, 6:44, 6:53

Creditors' meeting examinations, § 10:24

Creditors' meetings, § 1:116

Creditors' rights, generally, § 6:38

Crime victim's, dismissal in best interest of, § 11:35

Criminal conduct of debtor, § 35:36

Date. Time or date, below

Death or incompetency of debtor, § 6:10

Debt discharges

generally, § 1:164 to 1:167, 35:66

trustee's powers and duties, § 5:62

Debtor discharges

generally, § 35:6 et seq.

INDEX

LIQUIDATION—Cont'd

Debtor discharges—Cont'd
asset deficiency, failure to explain, § 35:24 et seq.
bankruptcy planning, § 35:12
Chapter 7, § 35:6
Chapter 11, § 35:7
consumer education program, failure to complete, § 35:35
conversion of property from nonexempt to exempt, § 35:12
court order, refusal to obey, § 35:27 et seq.
criminal conduct of debtor, § 35:36
deficiency of assets, unexplained, § 35:24 et seq.
denial, grounds for, § 35:8 et seq.
discretion of court, § 35:28
education program, failure to complete, § 35:35
eight-year rule
generally, § 35:31 et seq.
best efforts test, § 35:33
failure to enter prior discharge, § 35:32
revocation of prior discharge, § 35:32
exemption conversion violations, § 35:12
failure to explain loss or deficiency of assets, § 35:24 et seq.
false oath or account, § 35:20 et seq.
fraudulent activities, § 35:18
insider debtors, § 35:30
later amendment of false oath or account, § 35:22
loss of assets, unexplained, § 35:24 et seq.

LIQUIDATION—Cont'd

Debtor discharges—Cont'd
materiality of false oath or account, § 35:21
omissions, fraudulent, § 35:23
prior discharges, § 35:31 et seq.
privilege invocations, § 35:26
records, failure to keep, § 35:13 et seq.
refusal of court order, § 35:27 et seq.
self-incrimination privilege, § 35:29
subsequent disclosure of false oath or account, § 35:22
sufficiency of records, § 35:14, 35:15
waiver of discharge, § 35:34
Debtor's right, § 11:11, 11:48
Disabled veteran, prohibition of dismissal, § 11:30
Discharge of U.S. trustee from office, § 4:86, 4:88
Discretion of court, debtor discharges, § 35:28
Disinterested requirement, trustees and examiners, § 5:4
Dismissal. Conversion or dismissal, above
Disputed elections, § 5:19
Distribution
generally, § 1:161 to 1:163, 34:116 to 34:178
administrative expenses, § 34:136
commodity broker liquidation, § 1:163
community property, § 34:135 to 34:137
dividends, § 34:138 to 34:140
estate, distribution to, § 34:123
exceptions, § 34:118
excused tardy filing, § 34:130
filing, § 34:128 to 34:131

LIQUIDATION—Cont'd

Distribution—Cont'd

- final distribution, § **34:126 to 34:134**
 - finances and penalties, § **34:132**
 - junior liens, § **34:122**
 - liens, § **34:117 to 34:124**
 - partnership liquidations, § **34:141 to 34:143**
 - postpetition acts and matters, § **34:133, 34:155**
 - priorities, § **34:121, 34:122, 34:127**
 - secured and unsecured claims, § **34:121, 34:122**
 - senior liens, § **34:121**
 - stockbroker liquidation, § **15:8**
 - surplus, § **34:134, 34:143**
 - tardily filed claims, § **24:48, 34:130, 34:131**
 - tax liens, § **34:119 to 34:124**
 - timely filed claims, § **34:128 to 34:131**
 - two or more competing distributees, § **34:124**
 - unexcused tardy filing, § **34:131**
- Dividends, distribution, § **34:138 to 34:140**
- Education expenses, dependent child, § **11:23**
- Education program, failure to complete, § **35:35**
- Eight-year rule
- generally, § **35:31 et seq.**
 - best efforts test, § **35:33**
 - failure to enter prior discharge, § **35:32**
 - revocation of prior discharge, § **35:32**
- Election of trustee. Trustees, below
- Eligibility to be debtor, § **1:42 to 1:44**
- Encumbrances. Liens, below

LIQUIDATION—Cont'd

- Estate, applicability of general definition, § **12:4**
- Estoppel. Waiver and estoppel, below
- Examination and investigation appointment of trustee, above trustee's duty, § **5:66, 5:67**
- Exceptions. Objections and exceptions, below
- Excess to debtor after payment of priority claims, § **34:134, 34:143**
- Executory contracts and unexpired leases
 - generally, § **1:148**
 - assumption or rejection by trustee
 - breach, rejection treated as, § **20:56, 20:57**
 - exceptions as to nullification of ipso facto or bankruptcy clauses, § **20:23**
 - time limits, § **20:36 to 20:38**
 - collective bargaining agreements, § **20:110**
 - commodity broker liquidation, § **20:17, 20:23**
- Exemption conversion violations, debtor discharges, § **35:12**
- Exemptions, § **13:37**
- Exemptions
 - generally, § **13:13**
 - conversion of case, § **13:37**
 - filing, § **12:157**
 - interests acquired or arising after filing of bankruptcy petition, § **13:39**
 - statement of intention, § **13:34**
- Expenses. Costs and expenses, above
- Failure to explain loss or deficiency of assets, debtor discharges, § **35:24 et seq.**

INDEX

LIQUIDATION—Cont'd

- False oath or account, debtor discharges, § **35:20 et seq.**
- Family Farmer or Fisher Debt Adjustment (this index)
- Family members, non-dependent, § **11:21**
- Fees and charges. Costs and expenses, above
- Filing of certain documents not made, § **6:27**
- Filing of proof of claim or interest generally, § **5:15**
 - distribution, § **34:128 to 34:131**
 - exemptions, § **12:157**
 - schedule of assets and liabilities, § **12:157**
 - statement of intent concerning retention or surrender of property, § **12:159**
- Final distribution, § **34:126 to 34:134**
- Fines and penalties, distribution, § **34:132**
- Fraud
 - concealment of assets and fraudulent transfer.
 - Concealment of property, above
 - discharge of indebtedness, above
 - trustee's powers and duties, § **5:62**
- Fraudulent activities, debtor discharges, § **35:18**
- Fund for U.S. Trustee System, § **4:63, 4:65**
- Health insurance, § **11:18**
- Hearing. Notice and hearing, below
- Hearings, § **6:27**
- Hiding property. Concealment of property, above
- Housing and utility, § **11:24**
- Individual Debt Adjustment Plans (this index)

LIQUIDATION—Cont'd

- Individual Debt Adjustment (this index)
- Insider debtors, discharges, § **35:30**
- Insider status, § **5:17**
- Insurance companies, § **1:42, 1:44**
- Intent, statement of, § **12:159, 13:34**
- Interested persons or parties
 - allowance of claims or interests, above
 - filing of proof of claim or interest, above
- Interim trustees
 - generally, § **4:85**
 - appointment, § **5:1, 5:3**
 - election of trustees, § **5:14**
 - operation of business, § **15:11**
 - powers and duties, generally, § **5:70**
 - termination of services, § **5:84**
- Inventory of debtor's property, trustee's duty, § **4:100, 12:158**
- Investigation. Examination and investigation, above
- Involuntary cases
 - generally, § **9:1 et seq.**
 - foreign representatives, § **9:11**
 - lists, schedules, and statements, § **9:79, 9:81**
 - operation of business, § **15:10, 15:11**
 - petitions, § **9:41**
 - provisions regulating involuntary bankruptcy, generally.
 - Involuntary Bankruptcy (this index)
 - transferred claims, § **9:27**
- Jointly administered estates, § **5:45**
- Judgments. Order or approval of court, below

LIQUIDATION—Cont'd

Jurisdiction, § **7:29, 7:79, 7:82, 7:107, 7:196**

Knowledge. Notice and hearing, below

Later amendment of false oath or account, debtor discharges, § **35:22**

Liability of debtor attorney, § **11:32**

Liens, distribution, § **34:117 to 34:124**

Limitations on actions, § **11:34**

Loans to operate or wind-up business, generally, § **15:68 to 15:77**

Loss of assets, unexplained, debtor discharges, § **35:24 et seq.**

Materiality of false oath or account, debtor discharges, § **35:21**

Means-testing, § **11:15 to 11:34**

Meetings of creditors, § **1:116**

Monthly expenses, § **11:17 to 11:27**

Motion, notice, and hearing, § **11:12**

Motions, § **5:68**

Municipal debt adjustment, operation of business, § **15:18**

Notice and hearing
appearance fees, § **5:90**

Notice and knowledge, § **6:27**

Objections and exceptions
distribution, § **34:118**

Officers and administration
expenses, payment from community and other property, § **34:136**

interim trustees, above

records and reports, below

successor trustees, below

time or date, below

trustees, below

United States trustees, below

LIQUIDATION—Cont'd

Omissions, fraudulent, debtor discharges, § **35:23**

Operation of business, § **15:4**

Operation of business
generally, § **15:4 to 15:11**

commodity broker liquidation, § **15:9**

involuntary cases, § **15:10, 15:11**

municipal debt adjustment, § **15:18**

stockbroker liquidation, § **15:9**

Panel of trustees. Trustees, below

Parties
eligibility to be debtor, § **1:42 to 1:44**

interested persons or parties, above

Partnerships, distribution, § **34:141 to 34:143**

Payment of debt, § **11:19**

Payments of expenses from community and other property, § **34:136**

Penalties, distribution, § **34:132**

Personal property schedules, filing with court, § **12:157**

Petitions (this index)

Postpetition acts and matters, distribution, § **34:133, 34:155**

Preference rules, applicability of, § **18:96**

Prior, effect of, § **11:13**

Prior discharges, § **35:31 et seq.**

Priorities
distribution, § **34:121, 34:122, 34:127**

tax claims, § **34:121, 34:122**

Priority debt payment, § **11:26**

Privilege invocations, debtor discharges, § **35:26**

Professional persons
court determination, § **2:25**

debtor not in possession, § **2:11**

INDEX

LIQUIDATION—Cont'd

- Professional persons—Cont'd
 - official committees, § 2:12
 - prior or current representation precluding employment, § 2:36
 - salaried employees, § 2:5
- Proof of claim
 - commodity broker liquidation, § 22:34, 22:42
 - deemed filing, § 22:9
 - dismissal motion, § 5:68
 - election of trustee, § 5:15
 - establishing right to participate, § 22:1, 22:5, 22:6, 22:8, 22:13
 - examination duty of trustee, § 5:67
 - filing of proof of claim or interest, above
 - notice of bar date, § 22:52, 22:53
 - time for filing proof of claim or interest, § 22:42, 22:46 to 22:48
 - voting rights, § 22:13
 - who may file claim, § 22:19
- Proofs of claims, trustee to oppose dismissal motion, § 5:68
- Property of estate. See specific lines throughout this topic
- Proxies, § 5:18
- Qualification or eligibility to be debtor, § 1:42 to 1:44
- Real property
 - schedules, § 12:157
- Records and reports
 - failure to keep, § 35:13 et seq.
 - trustee elections, § 5:19
- Redemption (this index)
- Reduction of tax attributes
 - generally, § 3:30
 - trustee's duties, § 3:65 to 3:70
- Refusal of court order, debtor discharges, § 35:27 et seq.

LIQUIDATION—Cont'd

- Removal of U.S. trustee from office, § 4:86, 4:88
- Reopening of case, § 36:12, 36:17, 36:19, 36:21, 36:26, 36:27
- Reorganization Plans (this index)
- Reorganization (this index)
- Reports. Records and reports, above
- Revocation of discharge, § 35:62
- Safety expenses, § 11:20
- Sale or Transfer (this index)
- Schedule of assets and liabilities, § 12:157, 12:159
- Secured and unsecured claims, distribution of property, § 34:121, 34:122
- Secured debt payment, § 11:25
- Security. Bonds and undertakings, above
- Self-incrimination privilege, debtor discharges, § 35:29
- Separate taxable bankruptcy estate, § 3:27 to 3:44
- Service of process and papers, § 12:159
- Setoff rights and automatic stay, § 25:15
- Size and nature of claim
 - generally, § 23:9
 - collateral, liquidation value of, § 23:9
 - stockbroker liquidation cases, § 23:5, 23:6
- Special circumstances, rebuttal of presumption, § 11:28
- State and local taxes, § 3:28
- Statement of income and abuse calculations, § 11:29
- Statement of intent, § 12:159
- Stockbroker Liquidation (this index)
- Stockbrokers, automatic stay and setoff rights, § 25:15

LIQUIDATION—Cont'd

- Subsequent disclosure of false oath or account, debtor discharges, § **35:22**
- Substantial abuse
 - United States trustees, § **4:101, 4:106**
- Successor trustee, § **4:86, 5:20, 5:70**
- Sufficiency of records, debtor discharges, § **35:14, 35:15**
- Surplus to debtor after payment of priority claims, § **34:134, 34:143**
- Surrender of property. Turnover of property, below
- Tardy filing of claims, distribution as affected by, § **34:130, 34:131**
- Taxation
 - carryover or carryback, § **3:58**
 - filing of returns, § **3:5**
 - operation of business, § **15:4**
 - reduction of tax attributes, above
 - sales or transfers, § **3:43, 3:44, 3:86**
 - separate taxable bankruptcy estate, generally, § **3:27 to 3:44**
 - trustee's powers and duties, § **5:62**
- Tax liens
 - distribution, effect on, § **34:119 to 34:124**
 - priorities, § **34:121, 34:122**
- Time or date
 - distribution, timely filing of claims, § **34:128 to 34:131**
 - filing, inventory of property by trustee, § **12:158**
 - postpetition acts and matters, above
 - service of statement of intent, § **12:159**

LIQUIDATION—Cont'd

- Transferred claims, involuntary bankruptcy, § **9:27**
- Trustees
 - generally, § **5:64 to 5:70**
 - adverse interest, § **5:16**
 - appointment of trustee, above
 - bonds and undertakings, above
 - collection of estate property, § **5:65**
- Commodity Broker Liquidation (this index)
 - compensation, § **5:87, 5:90 to 5:95, 5:101, 5:105**
 - conversion or dismissal, above
 - dismissal motion, § **5:68**
 - disposal of property, § **1:161**
 - disputed elections, § **5:19**
 - duties, generally, § **12:158**
 - elections
 - generally, § **5:1, 5:14 to 5:19**
 - adverse interest, § **5:16**
 - disputed elections, § **5:19**
 - insider status, § **5:17**
 - proof of claim, filing of, § **5:15**
 - proxies, solicitation and voting of, § **5:18**
 - successor trustee, § **5:20**
 - insider status, § **5:17**
 - interim trustees, above
 - inventory of property, filing, § **12:158**
 - investigation of debtor, § **5:66**
 - jointly administered estates, § **5:45**
 - proof of claim, above
 - proxies, solicitation and voting of, § **5:18**
- Stockbroker Liquidation (this index)
 - successor trustees, § **4:86, 5:20, 5:70**
 - taxation, § **3:65 to 3:70**
 - United States trustees, below

INDEX

LIQUIDATION—Cont'd

- Trustees—Cont'd
 - vacancies. Successor trustees, above
- Turnover of property
 - attorneys, § 14:27
 - collection of property of estate, § 14:27
 - conversion of case, turnover of property upon, § 14:11, 14:27, 14:28
 - corporate officer, fiduciary duty of turnover, § 14:27
 - discharge of case for withholding information, § 14:67, 14:89
 - interim trustee, § 14:26, 14:73
 - inventory of property, filing by trustee, § 14:16, 14:23
 - licenses, § 14:44
 - reconversion, § 14:27
 - restricted securities, § 14:18
 - right to turnover, debtor's lack of, § 14:30
 - schedule of assets and liabilities, filing, § 14:15
 - seized or repossessed property, § 14:37
 - stockbroker liquidation, § 14:18
 - trustee accountability for property received, § 14:20
 - withholding recorded information, § 14:89, 14:90
- Undertakings. Bonds and undertakings, above
- Unincorporated businesses, eligibility to be debtor, § 1:42 to 1:44
- United States trustees
 - appointment, § 4:85, 4:86, 5:12
 - conversion or dismissal, § 4:88, 4:93, 4:97
 - fund for United States Trustee System, § 4:63, 4:65

LIQUIDATION—Cont'd

- United States trustees—Cont'd
 - interim trustee appointed, § 4:85
 - inventory and reports, § 4:100
 - operation of business, § 15:4
 - panel of trustees, § 4:84
 - removal from office, § 4:86, 4:88
 - service as trustee, § 4:87
 - successor trustee, § 4:86
- Unliquidated Claims (this index)
- Unlisted and unscheduled debt discharge exceptions, § 35:132
- Use, sale, or lease of property, § 15:22, 15:35, 15:43, 15:49
- Vacancies. Successor trustees, above
- Veteran, disabled, prohibition of dismissal, § 11:30
- Voluntary bankruptcy
 - good faith, § 8:23
 - lists, schedules, and statements, § 8:61 et seq.
 - notice of order, § 8:36
 - orders, § 8:36, 8:38
 - partnership, § 8:4
- Waiver and estoppel
 - debtor discharges, § 35:34
 - sovereign immunity, § 6:78

LIQUOR

- Alcoholic Beverages (this index)

LISTS

- Assets and liabilities. Schedules (this index)
- Clerks, § 4:52
- Closing and reopening cases, § 36:16
- Exemptions, § 13:31, 13:40 to 13:43, 13:153
- Family farmer debt adjustment plans, § 33:24, 33:55
- Filing. Reorganization (this index)

LISTS—Cont'd

- Involuntary bankruptcy, § **9:52, 9:79 to 9:82**
- Municipal debt adjustment, § **8:64, 8:66, 8:77 to 8:79, 8:87**
- Municipal debt adjustment plans, § **32:11**
- Petitions (this index)
- Proof of claim, § **22:10**
- Rules of Bankruptcy Procedure (this index)
- Schedules (this index)
- Size and nature of claim, § **23:4, 23:13**

LIVESTOCK

- Exempt property, § **13:82, 13:158**

LOANS OR CREDIT

- Generally, § **1:138, 15:68 to 15:77**
- Adequate protection, § **15:61, 21:8**
- Administrative expenses, § **15:70**
- Appeals
 - reversal or modification of borrowing authorization, protection of lenders from, § **15:66**
 - voluntary dismissal of appeal, § **37:57**
- Appointment of trustee, interest-free loans, § **5:30**
- Capacity of trustee to sue, § **5:48**
- Checklists, § **15:76**
- Consolidation Loan (this index)
- Credit Agencies (this index)
- Credit Unions (this index)
- Cross-collateralization, § **15:72**
- Debtor in possession
 - generally, § **15:68 to 15:77**
 - rights, powers, and duties, generally, § **5:110 to 5:112**
- Default (this index)
- Discharge
 - Student Loans (this index)

LOANS OR CREDIT—Cont'd

- Discharge—Cont'd
 - tax treatment, § **3:19**
- Education. Student Loans (this index)
- Exceptions. Exemptions and exceptions, below
- Executory contract or unexpired lease, loan commitment, § **20:23, 20:26**
- Exemptions and exceptions
 - life insurance loan value, § **13:85, 13:86**
 - securities registration, § **15:75**
- Good faith, § **15:61**
- Individual Debt Adjustment Plans (this index)
- Individual Debt Adjustment (this index)
- Insurance, exemptions for loan values on, § **13:85, 13:86**
- Interest-free loans, trustee appointment, § **5:30**
- Interest on Money (this index)
- Investment Tax Credit (this index)
- Involuntary bankruptcy, § **9:16**
- Junior liens, § **15:70**
- Jurisdiction, § **7:90**
- Letters of Credit (this index)
- Liens and encumbrances, § **15:70**
- Long-term debt
 - family farmer debt adjustment plans, § **33:15**
 - Individual Debt Adjustment Plans (this index)
- Mortgages and Deeds of Trust (this index)
- Motion for authorization to obtain credit, § **15:73**
- Municipal debt adjustment, § **15:18**
- Nonrecourse Loans or Claims (this index)
- Notice and hearing, § **15:73**

INDEX

LOANS OR CREDIT—Cont'd

- Ordinary course of business, borrowing in, § **15:68**
- Other than in ordinary course of business, borrowing in, § **15:69**
- Postpetition matters, § **12:14**
- Preferences and Preferential Transfers (this index)
- Priority, § **15:70, 15:71**
 - administrative expenses, § **15:70**
 - borrowing with, § **15:70**
 - junior liens, § **15:70**
 - special administrative priority, § **15:70**
- Reimbursement for interest, § **2:88**
- Renewal or Refinancing (this index)
- Reorganization (this index)
- Rules of Bankruptcy Procedure, § **1:138**
- Secured or unsecured claims, § **15:68**
- Securities (this index)
- Sovereign immunity abrogated or waived, § **6:78, 6:83**
- Special administrative priority, § **15:70**
- Student Loans (this index)
- Superpriorities, borrowing with, § **15:71**
- Trustees, generally, § **15:68 to 15:77**
- Truth in Lending (this index)

LOCAL RATES

- Compensation of professional persons, § **2:71**

LOCAL RULES

- Generally, § **1:28, 1:29, 4:8**
- Core proceedings, timeliness, § **7:70**
- Official forms, § **1:28, 1:31**

LOCAL TAXES

- State and Local Taxes (this index)

LOCAL TRAVEL CHARGES

- Reimbursement, § **2:85**

LOCATION OR PLACE

- Place or Location (this index)

LODESTAR APPROACH

- Professional compensation, § **2:76**

LODGING

- Creditors' and equity security holders' committee member's expenses in Chapter 11 cases, § **24:76**
- Hotels and Motels (this index)
- Reimbursement, § **2:85**

LONG DISTANCE TELEPHONE CHARGES

- Reimbursement, § **2:84**

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT BENEFITS

- Federal nonbankruptcy exemptions, § **13:116**

LONG-TERM DEBT

- Family farmer debt adjustment plans, § **33:15**
- Individual Debt Adjustment Plans (this index)

LONG-TERM PAYMENTS

- Family farmer debt adjustment plans, § **33:46**

LOSS OR DEFICIENCY

- Compensation or reimbursement, deficient fee application, § **2:96**
- Discharge (this index)
- Exemptions of payments for loss of future earning, § **13:112**
- Gains or Losses (this index)

LOSS OR DEFICIENCY—Cont'd

- Net operating loss deduction,
§ 3:39, 3:42
- Proof of claim, § 22:28, 22:33
- Taxation (this index)

LOST OPPORTUNITY COSTS

- Adequate protection, § 21:49
- Allowance of claims or interests,
§ 24:36
- Reorganization plans
 - impairment of claims, § 26:48
 - settlement or adjustment of
claim or interest, § 26:26

LOTTERY

- Individual debt adjustment plan,
change in circumstances war-
ranting modification of,
§ 30:13

LOUISIANA

- Opt-out provision, § 13:6

LOVE AND AFFECTION

- Fraudulent transfers and conceal-
ment of assets, § 19:38

LUMP SUM PAYMENTS

- Exemptions, § 13:95
- Individual debt adjustment plans,
confirmation, § 31:38
- Redemption, § 12:97, 12:109

LUNCHEONS

- Reimbursement, § 2:85

**LUXURY GOODS OR
SERVICES**

- Individual debt adjustment plans,
confirmation of, § 31:52

MACHINE READABLE FORMS

- Turnover of property, § 14:13

MACHINERY

- Equipment (this index)

MADRID RULE

- Fraudulent transfers and conceal-
ment of assets, § 19:21,
19:48

MAGISTRATES

- Appeals, reference to magistrate
by district court, § 37:32
- Jury trial, Federal Magistrates Act,
§ 7:174

MAGNETIC TAPES

- Voluntary bankruptcy, § 8:88

MAIDEN NAME

- Captions, § 1:76

MAIL AND MAILING

- Clerks, § 4:48
- Creditors, notice to, § 6:38
- Creditors' and equity security
holders' committees, § 6:45,
6:66
- Individual debt adjustment plans,
§ 30:5
- Involuntary bankruptcy, § 8:54
- Municipal debt adjustment plans,
§ 32:5, 32:7 to 32:10, 32:26,
32:27
- Notice, generally, § 1:83 to 1:86
- Professional persons, § 2:46, 2:84
- Property of estate, § 12:3
- Reclamation demand, § 17:80
- Reorganization Plans (this index)
- Rules of Bankruptcy Procedure
(this index)
- Securities and Exchange Commis-
sion, § 6:86
- Sovereign immunity, § 6:83, 6:86
- Taxation, trustee's duties, § 3:65
- Turnover of property, § 14:13,
14:57
- U. S. trustees, transmittals to,
§ 4:101 to 4:107
- Use, sale, or lease of property,
§ 15:34, 15:46
- Voluntary bankruptcy, § 8:36

INDEX

MAINE

Opt-out provision, § 13:6

MAINTENANCE AND SUPPORT

Domestic Support Obligations
(this index)

MAINTENANCE OF PROPERTY

Repairs (this index)

MALICE

Definition, § 35:170
Discharge (this index)
Involuntary bankruptcy, § 9:39

MANAGEMENT AND MANAGERS

Custodians, § 6:76, 6:77
Employment of consultant, § 2:21
Executory contracts and unexpired leases, § 20:112
Mismanagement (this index)

MANDAMUS

Generally, § 37:17

MANDATORY ABSTENTION

Generally, § 7:23 to 7:29

MANDATORY PROVISIONS

Generally, § 29:3 to 29:7
Claims within a particular class entitled equal treatment, § 29:7
Full payment of priority claims, § 29:4 to 29:6
different treatment of a priority claim, § 29:5
entitlement to postpetition interest, § 29:6
Reorganization plans, § 26:5 to 26:21, 26:33

MANDATORY SUBORDINATION

Distribution, § 34:94 to 34:97

MARATHON PIPE LINE CASE

Northern Pipeline Decision (this index)

MARGIN CALLS

Commodity broker liquidation, § 15:9

MARGIN PAYMENT

Commodity broker liquidation, § 34:175

MARITIME CASES

Admiralty (this index)

MARKET DATA APPROACH

Present value determinations, family farmer debt adjustment plans, § 33:39

MARKET RATE INTEREST

Family farmer debt adjustment plans, § 33:32, 33:40
Size and nature of claim, § 23:17

MARKET VALUE

Fair Market Value (this index)

MARRIAGE AND MARRIED PERSONS

Husband and Wife (this index)

MARSHALING

Avoiding power of trustee, § 17:27
Taxation, § 3:28
Turnover of property, § 14:7
Voluntary bankruptcy, § 8:29

MARSHALS

Crimes and offenses, § 12:146

MARYLAND

Opt-out provision, § 13:6

MASSACHUSETTS

Opt-out provision, § 13:7

MASSACHUSETTS TRUSTS

Business Trusts (this index)

MASS TORT LIABILITY

- Asbestos (this index)
- Hazardous Wastes (this index)
- Interested party, § 6:89

MASTER AND SERVANT

- Employment (this index)

MASTERS

- Generally, § 4:39, 6:91, 37:32

MATERIALITY

- Debts incurred through falsity and fraud, dischargability, § 35:96
- Financial statement fraud, § 35:109

MATERIALMEN'S LIENS

- Mechanic's Liens (this index)

MATERIALS

- Size and nature of claim, § 23:35

MATURITY OF CLAIM OR INTEREST

- Correlative topic. Contingent Claims (this index)
- Municipal debt adjustment plans, § 32:2
- Reorganization Plans (this index)
- Vested Rights or Interests (this index)

MEAL EXPENSES

- Reimbursement, § 2:85

MECHANICS' LIENS

- Avoidance, § 17:30, 17:41, 17:58
- Reorganization plans, claims classification, § 26:37
- Use, sale, or lease of property, § 15:24

MEDIA

- Newspapers (this index)
- Television (this index)

MEDIAN VALUE

- Size and nature of claim, § 23:9

MEDICAL BENEFITS

- Allowance of claims or interest, § 24:26, 24:27, 24:62

MEDICAL CARE AND TREATMENT

- Automatic stay, § 16:26, 16:33, 16:34
- Expenses. Medical Expenses (this index)

MEDICAL DOCTORS

- Physicians and Surgeons (this index)

MEDICAL EXPENSES

- Executory contracts and unexpired leases, § 20:130
- Exemptions, § 13:95
- Individual debt adjustment plans postconfirmation modification of plan, § 30:18
- Proof of claim, § 22:21

MEDICAL OFFICERS

- Armed forces, § 1:18

MEDICAL PRACTITIONERS

- Physicians and Surgeons (this index)

MEDICARE

- Automatic stay, § 16:34, 16:118
- Discriminatory treatment of debtor, § 6:32

MEETINGS, EXAMINATIONS, AND RELATED MATTERS

- Adjournments, § 10:7
- Attorneys and paralegals, creditors' meeting attendance, § 10:17
- Compensation of professionals for attendance at meetings, § 2:79
- Continuances, § 10:7
- Creditors' Meetings (this index)
- Examination or Investigation (this index)

INDEX

MEETINGS, EXAMINATIONS, AND RELATED MATTERS

—Cont'd

- Judges' annual meetings, § 4:23
- Location, § 10:9
- Place, § 10:9
- Press and public attendance at creditors' meetings, § 10:16
- Reorganization, creditors' meeting, generally, § 1:116, 6:43
- Reschedulings, § 10:8
- Special, § 10:4

MEMORIAL DAY

- Clerks' holiday, § 4:43

MENTAL DISABILITY

- Incompetent and Insane Persons (this index)

MENTAL DISTRESS

- Causes of action, § 12:28

MENTAL HEALTH

- Incompetent and Insane Persons (this index)

MERCHANDISE

- Goods and Merchandise (this index)

MERE CONDUIT RULE

- Avoidance, limitations on trustee's right of recovery, § 17:69

MERGER

- Consolidation or Merger (this index)

MESSENGER SERVICE

- Reimbursement, § 2:84
- Trustee's compensation for services, § 5:87

MICHIGAN

- Opt-out provision, § 13:7, 13:15

MICROFICHE OR MICROFILM

- Voluntary bankruptcy, § 8:88

MIDLANTIC DECISION

- Property of estate, § 12:140

MILEAGE

- Allowance of claims or interest, § 24:77
- Compensation, § 2:78
- Reimbursement, § 2:85
- Witnesses, generally, § 1:118

MILITARY

- After-acquired property, military retirement pay, § 12:66
- Alimony and child support obligations, § 35:153
- Bonuses and special pay, § 35:209
- Dental officers, discharge, effect on special pay, § 1:18
- Discharge of domestic support obligations, § 35:153
- Discharge of indebtedness, § 1:18
- Discriminatory treatment of debtor, § 6:29, 6:32
- Group life insurance, alternative nonbankruptcy exemptions for wages, § 13:116
- Judicial Code (28 USCA), § 1:17
- Medical officers, § 1:18
- Service enlistment bonuses, § 1:18
- Soldiers' and Sailors' Civil Relief Act, § 1:33
- Taxation, § 3:84
- Turnover of property, retirement benefits, § 14:42
- Veteran's Benefits (this index)

MINERALS

- Oil, Gas, or Minerals (this index)

MINING

- Oil, Gas, or Minerals (this index)

MINISTERIAL SERVICES

- Compensation, § 2:93

MINNESOTA

- Opt-out provision, § 13:7

MINORS

Children (this index)

MISCONDUCT

Causes of action, § 12:29
 Examiner, appointment, § 1:93
 Fines and Penalties (this index)
 Judges (this index)
 Protective Orders (this index)
 Reorganization plans, § 26:2
 Sanctions (this index)
 Trustees (this index)

MISMANAGEMENT

Appointment of trustees and examiners, § 5:29, 5:30
 Causes of action, § 12:29
 Crimes and offenses, § 12:149
 Examiners, § 5:37, 5:74
 Family Farmer Debt Adjustment, § 15:19
 Fines and penalties, § 12:149
 Individual debt adjustment, § 5:78
 Operation of business, § 15:19
 Personal liability of trustee, § 5:51
 Professional persons, employment of, § 2:53
 Reorganization plans, investigation by trustee, § 26:2
 Trustees and examiners appointments, § 5:29, 5:30, 5:37, 5:74
 crime, mismanagement as, § 12:149
 individual debt adjustment, § 5:78
 personal liability of trustee, § 5:51
 Use, sale, or lease of property, § 15:48

MISREPRESENTATIONS

Fraud and Deceit (this index)

MISSISSIPPI

Opt-out provision, § 13:6

MISSOURI

Opt-out provision, § 13:6

MISTAKE

Closing and reopening cases, § 36:24, 36:26
 Defects and Irregularities (this index)
 Filing of papers, place of, § 1:74
 Harmless error. Appeals (this index)
 Inadvertence (this index)
 Reorganization Plans (this index)
 Rules of Bankruptcy Procedure (this index)
 Voluntary bankruptcy, § 8:35

MOBILE HOMES

Avoidance of unperfected lien or security interest, § 17:25
 Executory contracts and unexpired leases, § 20:78
 Homestead exemption, § 13:64, 13:157

MODEL RULE

Jurisdiction and powers of court, § 7:139 to 7:141

MODIFICATION

Change or Modification (this index)

MONEYED CORPORATIONS

Involuntary bankruptcy, § 9:2

MONEY OR CASH

Adequate Protection (this index)
 Avoiding power of trustee, stock-broker and commodity broker cases, § 17:6
 Cash Collateral (this index)
 Compensation of trustee or examiner, § 5:93
 Deferred Payments (this index)
 Exempt property, avoidance of liens, § 13:159

INDEX

MONEY OR CASH—Cont'd

- Foreign currency hedges,
§ **16:105, 17:62**
- Interest on Money (this index)
- Investment of money of estate,
§ **5:54**
- Liens and encumbrances, § **12:41**
- Reorganization Plans (this index)
- Trustees
 - compensation of trustee, § **5:93**
 - duty to collect and reduce estate
property to money, § **5:65**
- Turnover of property, § **14:21,**
14:38, 14:56

MONEY ORDERS

- Sale proceeds as property of
estate, § **12:95**

MONITORING PLANS

- Adequate protection, § **21:65**
- Family farmer debt adjustment
plans, § **33:38**
- United States trustees, § **4:91**

MONOPOLIES

- Clayton Act antitrust waiting
period, § **1:139**

MONTANA

- Opt-out provision, § **13:6**

MONTHLY COMPENSATION OR REIMBURSEMENT

- Interim compensation or
reimbursement, § **2:104**

MONTHLY PAYMENTS

- Individual debt adjustment plans,
§ **30:17**

MOOTNESS OF APPEALS

- Generally, § **37:16**
- Conversion or dismissal, § **11:88**

MORTGAGES AND DEEDS OF TRUST

- Adequate protection, insurance,
§ **21:61**

MORTGAGES AND DEEDS OF TRUST—Cont'd

- Allowance of Claims or Interests
(this index)
- Automatic Stay (this index)
- Avoidance, § **17:29, 17:30**
- Claim where debtor's personal
liability discharged, § **22:2**
- Core proceedings, § **7:103**
- Creditors and equity security hold-
ers, § **6:46, 6:65**
- Curing default, family farmer debt
adjustment plans, reinstatement
to cure default, § **33:14**
- De-acceleration problems. Indi-
vidual Debt Adjustment Plans
(this index)
- Discriminatory treatment of
debtor, § **6:32**
- Family Farmer or Fisher Debt
Adjustment Plans (this index)
- Family Farmer or Fisher Debt
Adjustment (this index)
- Foreclosure (this index)
- Indenture trustees, § **6:72**
- Individual Debt Adjustment Plans
(this index)
- Interest on arrearage. Individual
Debt Adjustment Plans (this
index)
- Modification of secured claims,
residential mortgagee's
rights, § **26:31**
- Preferential transfers, § **18:46,**
18:54
- Proof of claim, § **22:6, 22:15,**
22:20
- Property of estate, § **12:92**
- Reorganization Plans (this index)
- Second mortgages. Junior Liens
(this index)
- Size and nature of claim
generally, § **23:7, 23:23, 23:26**
- Foreclosure (this index)

MORTGAGES AND DEEDS OF TRUST—Cont'd

- Stripping down or strip down concept
 - size and nature of claim, § 23:30
- Taxation, § 3:18
- Use, sale, or lease of property, § 15:31

MOTHBALLING COSTS

- Use, sale, or lease of property, § 15:29

MOTION, APPLICATION, OR REQUEST

- Generally, § 1:79, 1:80
- Abstention, § 7:21
- Allowance of Claims or Interests (this index)
- Appeals
 - generally, § 1:172
 - appellate panel, 37:42, 37:49, 37:50, 37:72, 37:73
 - district courts, generally, § 37:40, 37:47, 37:48, 37:70, 37:71
 - emergency motions, § 37:71
 - motion for stay, § 37:52
- Attorneys. See Professional persons, employment of, below
- Automatic Stay (this index)
- Briefs (this index)
- Clerk of court, § 4:46
- Closing and reopening cases, § 36:6, 36:8, 36:11
- Compensation or reimbursement
 - generally, § 2:81, 2:106 to 2:112
 - attorneys, generally, § 2:81
 - burden of proof, § 2:110
 - deficient fee application or supporting documentation, § 2:96

MOTION, APPLICATION, OR REQUEST—Cont'd

- Compensation or reimbursement—Cont'd
 - detail and documentation required, § 2:107
 - disqualification of judge from allowing compensation, § 2:112
 - evidence, § 2:109, 2:110
 - notice and hearing, § 2:108
 - place to file applications and other papers, § 2:122
 - presumptions and burden of proof, § 2:110
 - sua sponte determination, § 2:111
- Contested matters, § 1:89
- Conversion or Dismissal (this index)
- Creditors' and equity security holders' committees, § 6:64
- Creditors' committee in small business reorganization, request that no committee be appointed, § 6:54
- Disqualification of judge from allowing compensation, § 2:112
- District courts, § 37:40, 37:47, 37:48, 37:70, 37:71
- Documentation, compensation or reimbursement, § 2:107
- Election of Chapter 11 trustees, § 5:33, 5:36
- Emergency motions, appeals, § 37:71
- Evidence, compensation or reimbursement, § 2:109, 2:110
- Examiner, appointment in Chapter 11 case, § 1:93
- Executory Contracts and Unexpired Leases (this index)

INDEX

MOTION, APPLICATION, OR REQUEST—Cont'd

- Extension of time to file reorganization plan, § **26:60**
- Fee applications, costs of preparing, § **2:81**
- Fraudulent transfers and concealment of assets, § **19:118, 19:122**
- Indenture trustees, § **6:72**
- Individual debt adjustment plans, § **30:2, 30:4**
- Intervention, § **1:95**
- Loans or credit, § **15:73**
- Municipal debt adjustment plans, § **32:1**
- Notice and hearing, compensation or reimbursement, § **2:108**
- Operation of business, § **15:4, 15:10, 15:14**
- Own Motion of Court (this index)
- Petition preparers, turnover of excessive fees, § **2:61**
- Petitions (this index)
- Professional persons, employment of
 - application for order of employment, § **1:80, 2:19, 2:23**
 - compensation or reimbursement, above
 - employment of, § **2:23**
 - examination of debtor's transactions with attorney, § **2:67**
- Proof of claim, § **22:32, 22:44, 22:47**
- Property of estate, § **12:127, 12:129, 12:135, 12:152**
- Redemption, § **12:112**
- Reimbursement. Compensation or reimbursement, above
- Remand, § **7:126**
- Reorganization Plans (this index)
- Reorganization (this index)
- Rules of Bankruptcy Procedure (this index)

MOTION, APPLICATION, OR REQUEST—Cont'd

- Sanctions, noncompliance with signing and verification requirements, § **7:158**
- Size and nature of claim, § **23:4**
- Small business reorganization change in time for filing plan, § **26:56**
 - creditors' committee in small business reorganization, request that no committee be appointed, § **6:54**
- Trustee, appointment in Chapter 11 case, § **1:93**
- Turnover of property, § **14:1, 14:34, 14:63, 14:79, 14:86**
- U. S. trustees, § **4:79, 4:101 to 4:103, 4:107**
- Use, sale, or lease of property, § **15:46**
- Utility service, § **16:243, 16:244**

MOTIVE OR INTENT

- Intent (this index)

MOTOR CARRIERS

- Carriers (this index)

MOTOR VEHICLES

- Allowance of claims or interest, repairs, § **24:26**
- Automatic stay, § **16:94, 16:99, 16:153**
- Avoidance, § **17:24, 17:25**
- Business or personal use, exemptions, § **13:72 to 13:74**
- Carriers (this index)
- Discrimination against debtors, § **6:30**
- Driver's licenses, discrimination, § **6:29, 6:30, 6:32**
- Exemptions
 - generally, § **13:70 to 13:74**
 - no fault automobile insurance, § **13:91**

MOTOR VEHICLES—Cont'd

- Individual debt adjustment plans, confirmation, § **31:52**
- Insurance. Automobile Insurance (this index)
- Odometer rollback, § **16:94**
- Parking (this index)
- Preferences and preferential transfers, exceptions to avoidability, § **18:76, 18:77**
- Priorities, claim based on, § **34:89**
- Proof of claim, repairs, § **22:21**
- Tool of trade, § **13:70 to 13:74, 13:129**

MULTIEMPLOYER PENSION PLAN

- Allowance of claims or interest, § **24:63**

MULTIFACTOR TESTS

- Compensation, § **2:74, 2:75**

MULTIPLE CONTRACTS

- Executory contracts and unexpired leases, § **20:21**

MULTIPLE DISTRICT SERVICE

- United States trustees, § **4:73**

MULTIPLE FILINGS

- Automatic stay, duration of, § **16:128 to 16:135**
- Chapter 20 cases, filing of Chapter 13 petition after receipt of Chapter 7 discharge, § **8:31**
- Individual debt adjustment plans, § **31:9, 31:11**

MULTIPLE PARTIES

- Joinder. Joinder of Parties (this index)
- Joint administration. Joint Administration (this index)
- Joint cases. Joint Cases and Joint Plans (this index)
- Professional persons' representation, § **1:109**

MULTIPLE PARTIES—Cont'd

- Removal, § **7:116**
- Tort actions, § **16:228**

MULTIPLE PLANS

- Reorganization Plans (this index)

MULTIPLE REPRESENTATION

- Employment of professional persons, § **2:14**

MULTIPLE TRANSFERS

- Preference period, multiple transfers during, § **18:80**

MULTIPLE TRUSTEES

- Trustees (this index)

MUNICIPAL COURT

TRUSTEESHIP PROGRAM

- Generally, § **1:33**

MUNICIPAL DEBT

ADJUSTMENT

- Generally, § **1:69, 24:55, 24:71 24:76**
- Adequate protection, applicability of provisions to, § **1:151, 21:28, 21:38, 21:70**
- Administrative expenses, § **24:54, 24:70 to 24:73, 24:76, 34:182**
- Administrative expenses of creditors, § **6:42**
- Allowance of claims, § **24:55, 24:71, 24:74, 24:76**
- Attorneys, § **1:105, 1:106**
- Automatic stay
 - officers or inhabitants, acts against, § **16:74**
 - pledged special revenues, § **16:126**
 - relief from automatic stay, § **1:145, 16:127**
 - taxes or assessments, § **16:74**
- Avoiding powers, § **17:7**
- Borrowing, motion for authorization to obtain credit, § **15:18**

INDEX

MUNICIPAL DEBT

ADJUSTMENT—Cont'd

- Claims
 - allowance of claims, § **24:55, 24:71, 24:74, 24:76**
 - confirmation of plan. Municipal Debt Adjustment Plans (this index)
 - proof of claim, below
- Closing of case, § **36:2**
- Codebtor stay, § **1:145, 16:127**
- Compensation, generally, § **2:58**
- Contracts. Executory contracts and unexpired leases, below
- Conversion or dismissal. Dismissal, below
- Costs and expenses
 - administrative expenses, generally, § **24:55, 24:71, 24:74, 24:76**
 - distribution, § **34:182**
 - reimbursement for expenses, § **2:83**
- Credit, motion for authorization to obtain credit, § **15:73**
- Creditors' and equity security holders' committees, § **1:94, 6:45, 6:46, 6:54 to 6:59**
- Creditors' meetings, § **6:43**
- Date or time. Municipal Debt Adjustment Plans (this index)
- Debtor as trustee, § **5:21**
- Discharge of debt, § **35:67**
- Dismissal
 - generally, § **1:128, 11:45 to 11:47**
 - nonconfirmation, effect of, § **11:46**
 - notice and hearing, § **11:46**
 - plan. Municipal Debt Adjustment Plans (this index)
- Distribution
 - generally, § **34:179 to 34:183**
 - administrative expenses, § **34:182**

MUNICIPAL DEBT

ADJUSTMENT—Cont'd

- Distribution—Cont'd
 - conditions to participation, § **34:183**
 - unclaimed property, § **34:183**
- Eligibility, § **1:45**
- Executory contracts and unexpired leases
 - generally, § **1:148**
 - assumption or rejection by trustee
 - generally, § **20:16**
 - application for approval, § **20:29**
 - breach, rejection treated as, § **20:56, 20:57**
 - parties able to assume or reject, § **20:19**
 - trustee, assumption or rejection by trustee, above this group
- Expenses. Costs and expenses, above
- Filing of plan. Municipal Debt Adjustment Plans (this index)
- Hearing, § **2:83, 11:47**
- Indenture trustees, § **6:72**
- Interested persons or parties, generally, § **2:29, 6:83**
- Intervention, § **1:95**
- Judges, § **4:20**
- Leases. Executory contracts and unexpired leases, above
- Liquidation, operation of business, § **15:18**
- Lists, schedules, and statements, § **8:64, 8:66, 8:77 to 8:79, 8:87**
- Loans, motion for authorization to obtain credit, § **15:73**
- Notice
 - generally, § **1:82**
 - dismissal, § **11:47**
 - expense reimbursement, § **2:83**

MUNICIPAL DEBT

ADJUSTMENT—Cont'd

- Notice—Cont'd
 - plan. Municipal Debt Adjustment Plans (this index)
 - voluntary petitions, § 8:39
- Obtaining credit, motion for authorization, § 15:73
- Operation of business, § 15:18
- Parties
 - interested persons or parties, generally, § 2:29, 6:83
 - intervention, § 1:95
- Petition and proceedings relating to petition
 - plan. Municipal Debt Adjustment Plans (this index)
 - voluntary petition by municipal debtor, § 8:5, 8:39
- Preferences, applicability of 11 USCA § 547, § 18:96
- Professionals
 - generally, § 1:105, 1:106, 2:12, 2:14
 - adverse interest holder, § 2:35
 - application for order of employment, § 2:23
 - compensation, § 2:58
 - disinterestedness requirement, § 2:29
 - dual representation, § 2:37
 - notice and hearing for reimbursement, § 2:83
 - services by members and associates, § 2:26
- Proof of claim
 - claims payable from special revenues, § 22:4
 - deemed filing, § 22:9
 - establishing right to participate, § 22:1, 22:10
 - notice of bar date, § 22:53
 - time for filing proof of claim, § 22:42 to 22:44
 - who may file, § 22:14, 22:16

MUNICIPAL DEBT

ADJUSTMENT—Cont'd

- Property of estate, definition, § 12:4
- Public utilities. Utility service, below
- Railroad Reorganization (this index)
- Reference of cases, § 7:54
- Salary or other compensation, § 2:58
- Securities and Exchange Commission, § 6:86
- Size and nature of claim, § 23:2, 23:13, 23:23, 23:40
- Sovereign immunity abrogated, § 6:78, 6:83
- Specific authorization required to be Chapter 9 debtor, § 1:45
- Subordination of claims, applicability of 11 USCA § 510, § 1:160
- Taxation
 - generally, § 3:78
 - automatic stay, § 16:74
- Time or date. Municipal Debt Adjustment Plans (this index)
- Transfer. Sale or transfer, above
- Trustees
 - appointment, § 5:1, 5:22, 5:79
 - avoiding powers, § 17:7
 - debtor as trustee, § 5:21
 - executory contracts and unexpired leaves, above
- Unclaimed property, § 34:183
- Use, Sale, or Lease of Property (this index)
- Utility district, § 1:45
- Voidable transfers, § 17:7
- Voluntariness
 - good faith, § 8:23
 - lists, schedules, and statements, § 8:64, 8:66, 8:77 to 8:79, 8:87
 - notice, § 8:39

INDEX

MUNICIPAL DEBT

ADJUSTMENT—Cont'd

Voluntariness—Cont'd

petition, commencement of case
by filing of, § 8:5

Wages and salaries, § 2:58

Waiver of sovereign immunity,
§ 6:78, 6:83

MUNICIPAL DEBT

ADJUSTMENT PLANS

Generally, § 1:157, 1:158, 32:1 to
32:34

Acceptance or rejection

generally, § 32:12 to 32:18

disclosure, § 32:13, 32:16

exchange of securities before
filing claim as acceptance,
§ 32:15

form and content, § 32:17

hearings, § 32:13, 32:18

modification of plan, § 32:13 to
32:16, 32:18

post-confirmation matters,
§ 32:30

postpetition solicitation, § 32:16

solicitation, § 32:13, 32:16

timing of acceptance or rejection,
§ 32:13 to 32:16

who may accept or reject,
§ 32:12

withdrawal of acceptance or
rejection, § 32:13 to 32:16

Adequate means for plan's execution,
§ 32:3

Allowance of claims or interests,
disclosure statement, § 32:8

Change. Modification of plan,
below

Classification and treatment of
claims or interests, § 32:1,
32:2

Closing of case, § 32:34

Confirmation

generally, § 32:19 to 32:34

MUNICIPAL DEBT

ADJUSTMENT PLANS

—Cont'd

Confirmation—Cont'd

accepted plan modified before
confirmation, § 32:18

best interests of creditors,
§ 32:20

Chapter 11 requirements,
§ 32:21 to 32:24

denial of confirmation, § 32:28

hearing, § 32:25, 32:27

impaired classes, confirmation
despite nonacceptance by,
§ 32:22 to 32:24

modification of plan any time
before or after confirmation,
§ 32:30

notice to U. S. trustee, § 4:101,
4:104

objection to confirmation of
plan, § 32:7 to 32:10,
32:26

order, revocation or confirmation
of, § 32:28, 32:29

post-confirmation matters,
below

prerequisites, generally, § 32:19
to 32:24

secured claims, § 32:23

unsecured claims, § 32:24

Continuing jurisdiction, § 32:34

Conversion. Dismissal, below

Costs and expenses, transmittals
required upon approval of
disclosure statement, § 32:10

Cram Down Provisions (this
index)

Cure of default, § 32:3

Date. Time or date, below

Default of debtor with respect to
term of plan, dismissal of
case, § 32:3

Denial of confirmation, § 32:28

Discharge, effect of confirmation,
§ 32:32

MUNICIPAL DEBT
ADJUSTMENT PLANS
—Cont'd

Disclosure and disclosure statements
generally, § **1:157, 32:5 et seq., 32:19**
acceptance or rejection of plan, § **32:13, 32:16**
determination by court, § **32:9**
election prior to conclusion of hearing, § **32:8**
filing, generally, § **32:5 to 32:11**
hearing, § **32:7 to 32:10**
mailing, § **32:7 to 32:10**
modifications, § **32:7 to 32:10**
notice, § **32:7 to 32:10, 32:25**
objections, § **32:7 to 32:10**
transmittals required upon approval of disclosure statement, § **32:10**
unimpaired classes, § **1:158, 32:5**

Dismissal
acceptance or rejection, § **32:13**
confirmation, effect of dismissal on, § **32:28**

Distribution
generally, § **32:4**
post-confirmation matters, § **32:33**

Exchange of securities before filing claim as acceptance, § **32:15**

Exempt property, § **32:32**

Filing of plan
generally, § **32:5 to 32:11**
disclosure and disclosure statements, above
exchange of securities before filing claim as acceptance, § **32:15**
hearings, § **32:5, 32:7 to 32:10**
list of creditors and certain real property title holders, § **32:11**

MUNICIPAL DEBT
ADJUSTMENT PLANS
—Cont'd

Hearings
generally, § **32:25, 32:27**
acceptance or rejection of plan, § **32:13, 32:18**
classification and treatment of claims or interests, § **32:1**
confirmation of plan, § **32:25, 32:27**
filing of plan, § **32:5, 32:7 to 32:10**

Impairment, § **32:2, 32:22 to 32:24**

Jurisdiction retained after confirmation of plan, dismissal of case, § **32:34**

List of creditors and certain real property title holders, § **32:11**

Mail and mailing, § **32:5, 32:7 to 32:10, 32:26, 32:27**

Mandatory plan provisions, § **32:1 to 32:3**

Modification of plan
acceptance or rejection, § **32:13 to 32:16, 32:18**
confirmation, effect of dismissal on, § **32:28**
disclosure, § **32:7 to 32:10**
liens and encumbrances, § **32:3**
post-confirmation matters, modification of accepted plan after confirmation, § **32:30**

Nonconfirmation of plan, effect of, § **11:46**

Notice
acceptance or rejection of plan, § **32:13**
classification and treatment of claims or interests, § **32:1**
confirmation of plan, § **32:25**
disclosure, § **32:7 to 32:10, 32:25**
filing of plan, § **32:5**

INDEX

MUNICIPAL DEBT

ADJUSTMENT PLANS

—Cont'd

- Notice—Cont'd
 - hearings, above
 - modification of plan before confirmation, § 32:18
 - U. S. trustee, § 4:101, 4:104
- Objections to confirmation, § 32:7 to 32:10, 32:26
- Order, § 32:27 to 32:29
- Permissive provisions, § 32:4
- Post-confirmation matters
 - generally, § 32:30 to 32:34
 - binding effect of plan, § 32:31
 - closing of case, § 32:34
 - continuing jurisdiction, § 32:34
 - discharge of debtor, § 32:32
 - implementation of plan, § 32:34
 - modification of accepted plan after confirmation, § 32:30
 - time for performing certain acts under plan for participation in distribution, § 32:33
- Postpetition solicitation of acceptance or rejection, § 32:16
- Prepetition acceptances, § 32:14, 32:15
- Procedure, § 32:25 to 32:29
- Rejection. Acceptance or rejection, above
- Reorganization, confirmation plan or hearing, § 32:21 to 32:24
- Revocation of confirmation, § 32:29
- Rules of Bankruptcy Procedure (this index)
- Secured or unsecured claims, § 32:1, 32:4, 32:23, 32:24
- Securities, § 32:3, 32:15
- Securities and Exchange Commission, § 32:5, 32:7, 32:26
- Solicitation, § 32:13, 32:16
- Surrender of property, § 32:3, 32:12, 32:33

MUNICIPAL DEBT

ADJUSTMENT PLANS

—Cont'd

- Time or date
 - acceptance or rejection, § 32:13 to 32:16
 - disclosure, § 32:7
 - filing of plan, § 32:5
 - list of creditors, § 32:11
 - modification of plan at any time before confirmation, § 32:18
 - notice and hearing, § 32:25
 - objections to confirmation, § 32:26
 - post-confirmation matters, § 32:33
 - revocation, § 32:29
 - solicitation, § 32:13
 - Unimpaired classes, disclosure statements, § 32:5
 - United States trustee, § 4:101, 4:104
 - Withdrawal of acceptance or rejection, § 32:13 to 32:16
- ### MUNICIPALITIES
- Adequate protection, § 21:58
 - Allowance of claims in Chapter 9 cases, § 24:55, 24:71, 24:74, 24:76
 - Automatic stay, § 16:27
 - Fraudulent transfers and concealment of assets, § 19:66
 - Governmental Units (this index)
 - Municipal Debt Adjustment Plans (this index)
 - Municipal Debt Adjustment (this index)
 - Operation of business, § 15:2
- ### MUSICAL INSTRUMENTS
- Avoidance of liens impairing exemption, § 13:154
 - Exemption of debtor's interest in, § 13:154

MUTILATION OF PROPERTY

Destruction of Property (this index)
 Discharge of debtor denied on grounds of, § 35:8 et seq.

MUTUAL DEBTS AND CREDITS

Automatic stay, § 16:41

MUTUAL INSURANCE COMPANY

Judges, § 4:36

NAKED POSSESSION

Automatic stay, § 16:45, 16:56

NAME

Alias (this index)
 Captions, § 1:76
 Notice to creditor to contain debtor's name, address and taxpayer identification number, § 6:6
 Signatures (this index)
 Turnover of property, § 14:15

NATIONAL HOURLY RATES

Compensation, § 2:71

NATIONAL HOUSING ACT

Reconciling Bankruptcy Code goals and policies, § 26:1

NATIONAL LABOR RELATIONS BOARD

Automatic stay, § 16:92

NATIONAL STUDENT LOAN PROGRAM

Student Loans (this index)

NATIONWIDE PILOT PROJECT

United States trustees, § 4:59

NATURAL GAS

Oil, Gas, or Minerals (this index)

NATURAL RESOURCES

Oil, Gas, or Minerals (this index)

NEBRASKA

Opt-out provision, § 13:6

NECESSITY TEST

Automatic stay, § 16:180

NEGATIVE AMORTIZATION

Reorganization plans, § 28:38

NEGLECT

Excusable Neglect (this index)
 Judge, removal of, § 4:29

NEGLIGENCE

Professional persons, employment of, § 2:27

NEGOTIABLE INSTRUMENTS

Commercial Paper (this index)

NEGOTIATED RATES ACT

Jurisdiction, § 7:7
 Use, sale, or lease of property, § 15:31

NET EQUITY

Commodity broker liquidation, distribution, § 34:167 to 34:175
 Distribution (this index)
 Stockbroker liquidation, distribution of customer property, § 34:154 to 34:156

NET OPERATING LOSS DEDUCTION

Carryover or carryback, § 3:39, 3:42

NET RESULT RULE

Preferences and preferential transfers, § 18:34, 18:81

NETTING AGREEMENTS

Automatic stay, setoff rights, § 25:20

NEVADA

Opt-out provision, § 13:6

INDEX

NEW DEBTOR SYNDROME

Voluntary petitions, § 8:26, 8:27, 8:30

NEW HAMPSHIRE

Opt-out provision, § 13:6

NEW JERSEY

Opt-out provision, § 13:7

NEWLY DISCOVERED ASSETS

Closing and reopening cases, § 36:13

NEWLY DISCOVERED EVIDENCE

Closing and reopening cases, § 36:13

Voluntary bankruptcy, § 8:35

NEW MEXICO

Opt-out provision, § 13:7

NEW TRIAL

Generally, § 1:101, 24:100, 37:40

NEW VALUE

Absolute priority rule and cram down of reorganization plans, § 28:45

Preference exception, § 18:39 to 18:45, 18:78 to 18:84

NEW YEAR'S DAY

Clerks' holiday, § 4:43

NEW YORK

Opt-out provision, § 13:6

NEXT FRIEND

Eligibility to file bankruptcy, § 1:38

NINE ELEMENT TEST

Collective bargaining agreements, § 20:100

NLRB

National Labor Relations Board (this index)

NO-ASSET CASES

Notice of commencement of case, § 22:8, 22:46, 22:54

Omission of creditor from list and schedule, § 36:16

Proof of claim, § 22:36

NO DIVIDEND NOTICE

Proof of claim, § 22:8, 22:46, 22:54

NO FAULT AUTOMOBILE INSURANCE

Exemptions, § 13:91

NOL'S

Net operating loss deduction, § 3:39, 3:42

NOMINAL ASSET CASES

Proof of claim, § 22:36

NOMINAL PAYMENT PLANS

Family farmer debt adjustment plans, § 33:28

Individual Debt Adjustment Plans (this index)

NOMINEES FOR BANKRUPTCY JUDGESHIPS

Generally, § 1:32

NONASSIGNABLE AND NONDELEGABLE CONTRACTS

Executory contracts and unexpired leases, § 20:24 to 20:27

NONATTENDANCE

Appearance (this index)

NONAUTOMATIC STAY ORDER

Injunctions, § 16:217

NONBANKRUPTCY ALTERNATIVES

Generally, § 1:33 to 1:36

**NONBANKRUPTCY
ALTERNATIVES—Cont'd**
Alternative dispute resolution process
injunctions, § **16:221**
reorganization plans, § **26:32**
Arbitration (this index)
Automatic stay, § **16:8, 16:10, 16:23**
Exemptions, § **13:97, 13:98, 13:116**
Federal Debt Collection Procedures Act, § **1:34**

**NONBANKRUPTCY
CUSTODIANSHIP**
Turnover of property, § **14:63**

NONBUSINESS DEBTORS
Eligibility for Chapter 11 reorganization, § **1:49**

NONCORE PROCEEDINGS
Appeals (this index)
District courts, § **4:3**
Judges, § **4:7**
Northern Pipeline Decision (this index)
Part core and part noncore proceedings, § **7:69**
Turnover of property, § **14:81, 14:82**

NONDEBTOR PARTIES
Automatic stay, § **16:17, 16:58 to 16:60**
Injunctions, § **16:224 to 16:229**
Turnover of Property (this index)

NONDEBTOR TAXPAYERS
Generally, § **3:75**

NONDISCHARGEABLE DEBT
Discharge (this index)

NONMONETARY JUDGMENT
Automatic stay, § **16:91**

**NONPOSSESSORY,
NONPURCHASE-MONEY
SECURITY INTERESTS**
Exemptions
avoidance of liens impairing, § **13:129, 13:147, 13:158**
trustee's receipt of property, § **13:54**

**NONPROFESSIONAL
SERVICES**
Compensation, § **2:93, 2:94**

NONPROFIT ASSOCIATIONS
Charitable Institutions (this index)
Involuntary bankruptcy, § **9:5**

NONPROFIT CORPORATIONS
Automatic stay, § **16:62**
Confirmation of reorganization plan involving transfer of property by non-business corporations, § **28:19**

**NONPURCHASE-MONEY
SECURITY INTEREST**
Family farmer debt adjustment plans, § **33:35**

**NONRECOURSE LOANS OR
CLAIMS**
Deficiency claim by unsecured creditor on nonrecourse loan, allowance of, § **24:33**
Reorganization plans, classification of nonrecourse loan deficiencies, § **26:38**

**NONRESIDENTIAL REAL
PROPERTY**
Automatic stay, § **16:61**
Executory Contracts and Unexpired Leases (this index)

**NONVOTING EQUITY
SECURITIES**
Reorganization plans, § **26:20**

INDEX

NORRIS-LAGUARDIA ACT

Automatic stay of act to collect
prepetition debt, § 16:13

NORTH CAROLINA

Bankruptcy administrators
creditors' or equity security
holders' meetings, presid-
ing at, § 4:80
Opt-out provision, § 13:6
United States Trustee system,
§ 1:20, 4:60

NORTH DAKOTA

Opt-out provision, § 13:6

NORTHERN PIPELINE

DECISION

Generally, § 7:1, 7:11, 7:131 to
7:138
Abstention, § 7:23
Chief justice's dissent, § 7:137
Concurring opinion, § 7:135
Contempt, § 7:153
Core proceedings, see lines
throughout this topic
Dissenting opinion, § 7:136, 7:137
District court jurisdiction, § 7:132
Divided nature of ruling, § 7:133
Jurisdiction, see lines throughout
this topic
Noncore proceedings, see lines
throughout this topic
Plurality opinion, § 7:134
Reference of cases, § 7:48, 7:51,
7:146
Retroactive or retrospective
application, § 7:131, 7:153
Subsequent Supreme Court com-
ment, § 7:138

NOTES

Commercial Paper (this index)

NOTICE AND HEARING

Generally, § 1:82 to 1:87

NOTICE AND HEARING

—Cont'd

Abandonment of Property of
Estate (this index)
Abstention, § 7:3, 11:6
Address (this index)
Address to be used in communica-
tions to creditor, § 6:7, 6:38
Adequate protection, § 21:22,
21:70
After notice and a hearing, § 1:87,
5:26
Allowance of Claims or Interests
(this index)
Appeals (this index)
Appearance fees, notice of, § 5:90
Automatic Stay (this index)
Avoidance (this index)
Bar date for filing proof of claim,
§ 22:52 to 22:56
Change of venue, § 7:192
Clerk of Court (this index)
Clerk's prepetition notice to
debtor, § 4:5
Closing and reopening cases,
§ 36:1, 36:18, 36:19, 36:31,
36:32
Collective bargaining agreement,
rejection of, § 20:123
Commodity Broker Liquidation
(this index)
Compensation award
generally, § 2:68, 2:95
motion, application, or request,
§ 2:108
Consumer debtors, notice of
chapters under which individ-
ual may proceed, § 1:67, 8:2
Consumer privacy ombudsman,
§ 6:92
Contempt, § 7:155
Conversion or Dismissal (this
index)
Court of Appeals (this index)
Credit, obtaining of, § 15:73

NOTICE AND HEARING

—Cont'd

- Creditors' and equity security holders' committees, § **2:83, 6:44 et seq.**
- Creditors' and Equity Security Holders' Committees (this index)
- Creditor's rights, generally, § **6:37, 6:38**
- Crimes and Offenses (this index)
- Custodians, § **6:76**
- Debtor in possession, § **5:106, 5:112, 5:114, 5:115**
- Debtor's notices to creditors, generally, § **6:6 to 6:8**
- Discharge (this index)
- Electronic transmission of notice, § **1:83, 22:55**
- Equity security holders, § **1:83, 1:86, 6:60, 6:61**
- Executory Contracts and Unexpired Leases (this index)
- Exemptions, § **13:34, 13:38, 13:40, 13:49**
- Ex Parte Matters (this index)
- Family Farmer or Fisher Debt Adjustment (this index)
- Fraudulent transfers and concealment of assets, § **19:77, 19:103**
- Government agencies, § **6:85**
- Hearing. Notice and Hearing (this index)
- Indenture trustees, § **6:71, 6:73**
- Individual Debt Adjustment Plans (this index)
- Involuntary Bankruptcy (this index)
- Judges, § **4:13, 4:29, 4:31 to 4:33, 4:40**
- Judicial notice, preferential transfer, greater amount test, § **18:32**

NOTICE AND HEARING

—Cont'd

- Labor unions and employees' associations, § **6:90**
- Liquidation (this index)
- Mail and Mailing (this index)
- Meetings of creditors. Creditors' meetings, above
- Municipal Debt Adjustment Plans (this index)
- Municipal Debt Adjustment (this index)
- Name, address, and tax identification number in debtor's notices to creditors, § **6:6**
- Notice of appearance fees, § **5:86**
- Operation of debtor's business, § **15:9, 15:11, 15:12, 15:15, 15:19**
- Petition preparers, § **8:13**
- Petition preparers 342(b) notice, certificate of attorney or petition preparer giving debtor, § **6:16, 6:27**
- Petitions (this index)
- Preferences and Preferential Transfers (this index)
- Preliminary Hearings (this index)
- Prepetition notice to debtor, § **6:5**
- Process. Service of Petitions, Process, and Papers (this index)
- Professional persons, employment of, § **2:24, 2:67, 2:68, 2:83, 2:95, 2:108**
- Proof of Claim (this index)
- Property of Estate (this index)
- Protective orders regarding confidential or defamatory matter, § **6:2**
- Publication (this index)
- Railroad reorganization, § **12:134, 12:135**
- Reclamation demand, § **17:79, 17:80**
- Redemption, § **12:113**

INDEX

NOTICE AND HEARING

—Cont'd

- Rehearing (this index)
- Reimbursement, § 2:83
- Removal or transfer of cases, § 7:112 to 7:114
- Reorganization Plans (this index)
- Reorganization (this index)
- Rules of Bankruptcy Procedure (this index)
- Section 342 (b) notice from consumer debtor's attorney, § 2:56
- Securities and Exchange Commission, § 6:86
- Size and Nature of Claim (this index)
- Small business reorganization, § 26:56
- Taxation (this index)
- Taxpayer identification number, § 6:6
- 342(b) notice, certificate of attorney or petition preparer giving debtor, § 6:16, 6:27
- Transfer of claim, objection to, § 22:24 to 22:26
- Trustees (this index)
- Turnover of Property (this index)
- United States Trustees (this index)
- Use, Sale, or Lease of Property (this index)
- Utility service, § 16:244
- Voluntary Bankruptcy (this index)
- Waiver of sovereign immunity, § 6:83

NOVATION

- Fraudulent transfers and concealment of assets, § 19:55

NSF CHECKS

- Bad Checks (this index)

NUISANCES

- Reorganization plans, classification of nuisance claim, § 26:39

NUNC PRO TUNC

- Avoiding power of trustee, limitations on, § 17:55
- Professional persons, employment and fees of, § 2:24, 2:27, 2:28, 2:108
- Property of estate, § 12:125

NURSING HOMES

- Avoidability of preferences, collection tactics of creditors, § 18:71

OATH OR AFFIRMATION

- Affidavits (this index)
- Crimes, false oaths, § 2:53
- False oath or account generally, § 35:20 et seq. crimes false oaths, § 2:53 later amendment, § 35:22 materiality, § 35:21 omissions, § 35:23 subsequent disclosure, § 35:22
- Judges, § 4:16
- Later amendment of false oath or account, § 35:22
- Omissions, fraudulent, § 35:23
- Omissions, materiality, § 35:21
- Perjury (this index)
- Reaffirmation of Debts (this index)
- Subsequent disclosure of false oath or account, § 35:22
- United States trustees, § 4:70, 4:80

OATS

- Allowance of claims or interest, § 24:73
- Size and nature of claim, § 23:6

OBJECTIONS AND EXCEPTIONS

- Abstention, § 7:11
- Adequate protection, § 1:151
- After-acquired property, § 12:70
- Automatic Stay (this index)

OBJECTIONS AND EXCEPTIONS—Cont'd
 Claims, § **1:152, 22:26, 24:7 to 24:22**
 Clerks, § **4:46**
 Creditors' and equity security holders' committees, § **6:45, 6:65**
 Discharge, objection to, § **1:167**
 Equity security holders, § **6:61**
 Exemptions (this index)
 Family Farmer or Fisher Debt Adjustment Plans (this index)
 Family Farmer or Fisher Debt Adjustment (this index)
 Fraudulent transfers and concealment of assets, § **19:118**
 Individual Debt Adjustment Plans (this index)
 Individual Debt Adjustment (this index)
 Insurance and insurance companies, § **12:32**
 Interests or claims, § **1:152, 24:7 to 24:22**
 Involuntary bankruptcy, § **9:37, 9:49, 9:53**
 Judges, § **4:3**
 Jurisdiction, § **7:11, 7:51, 7:102**
 Liquidation (this index)
 Municipal debt adjustment plans, § **32:7 to 32:10, 32:26**
 Partnership, proof of claim or interest, § **1:152**
 Preferences and Preferential Transfers (this index)
 Proof of Claim (this index)
 Property of estate, § **12:8, 12:123, 12:129, 12:131, 12:132**
 Reference of cases, § **7:51**
 Reorganization Plans (this index)
 Reorganization (this index)
 Rules of Bankruptcy Procedure (this index)
 Schedules (this index)

OBJECTIONS AND EXCEPTIONS—Cont'd
 Securities and Exchange Commission, § **6:86**
 Size and nature of claim, § **23:31 to 23:40**
 Trustees (this index)
 Turnover of property, § **14:57**
 U. S. trustees, § **4:83, 4:101 to 4:106**
 Use, sale, or lease of property, § **15:33, 15:37, 15:38, 15:45**
 Voluntary bankruptcy, § **8:63, 8:100, 8:102, 8:104**

OBTAINING CREDIT
 Loans or Credit (this index)

OCCUPATIONAL SAFETY AND HEALTH ACT
 Automatic stay, § **16:92**

ODOMETER ROLLBACK AND DISCLOSURE LAWS
 Automatic stay, § **16:94**

OFFENSES
 Crimes and Offenses (this index)

OFFER
 Adequate protection, offer to make payments, § **21:54**
 Prospectus (this index)
 Public Offering (this index)

OFFICERS
 Corporate Officers and Directors (this index)
 Liquidation (this index)
 Marshals, crimes and offenses, § **12:146**
 Officers of court, see more specific topics
 Presiding Officer (this index)
 Removal From Office (this index)
 Reorganization Plans (this index)
 Substitution of Officers (this index)

INDEX

OFFICIAL COMMITTEES

Creditors' and Equity Security Holders' Committees (this index)

OFFICIAL DUTY STATIONS

Duty Stations (this index)

OFFSET

Setoff or Offset (this index)

OFFSPRING

Children (this index)

OHIO

Opt-out provision, § 13:6

OIL, GAS, OR MINERALS

Avoidability of preferences, payments in ordinary course of business, § 18:68

Employment of consultants, § 2:21

Executory contracts and unexpired leases, § 20:9, 20:68

Farmout agreements, exclusion of certain hydrocarbon interests from estate, § 12:94

Liquid and gaseous hydrocarbon interests as property of estate, § 12:94

Reclamation, § 17:81

Reorganization plans, claims classification, § 26:39

Sale free and clear of liens and other interests, § 1:142

Utilities (this index)

OKLAHOMA

Opt-out provision, § 13:6

OMBUDSMEN

Consumer privacy ombudsman, § 6:92

Patient care ombudsman, § 6:93, 6:94

ONGOING BUSINESS REQUIREMENT

Reorganization, § 1:49

OPENING CASE

Closing and Reopening Cases (this index)

OPERATING REPORTS

Taxation, § 3:68

United States trustees, § 4:100

OPERATION OF BUSINESS

Generally, § 12:117

Adequate protection, § 1:151

Adjustment of debt cases, § 15:18 to 15:20

Administrative expense, § 1:138, 34:26, 34:27

Commodity broker liquidation, § 15:9

Conversion or dismissal, § 15:4, 15:10, 15:20

Core proceedings, § 7:106

Credit, § 1:138

Debtor in possession, generally, § 15:2, 15:3, 15:13

Executory contracts, stockbroker liquidation, § 15:6

Family farmer debt adjustment, § 15:19

Farming and Farm Products (this index)

Individual Debt Adjustment (this index)

Involuntary case, § 15:10, 15:11, 24:28

Jurisdiction, § 7:106

Liquidation (this index)

Loans to operate or wind-up business affairs. Loans or Credit (this index)

Motions, § 15:4, 15:10, 15:14

Municipal debt adjustments, § 15:18

Net operating loss deduction, § 3:39, 3:42

OPERATION OF BUSINESS

—Cont'd

- Notice and hearing, § 15:11, 15:12, 15:15, 15:19
- Presumptions and burden of proof, § 15:12, 15:14
- Professional persons, retention or replacement of, § 15:3
- Railroad reorganization, § 15:16, 15:17
- Reorganization plan, § 15:12, 15:15, 26:56
- Reorganization (this index)
- Reports, § 15:4, 15:13, 15:19
- Sale free and clear of liens and other interests, § 1:142
- Securities, § 15:6, 15:7
- State laws and regulations, § 15:2, 15:17
- Stockbroker Liquidation (this index)
- Taxation, § 15:4, 15:13, 15:20
- Time or date, stockbroker liquidation, § 15:6, 15:7
- Trustees (this index)
- U. S. trustees, § 15:4, 15:11, 15:19
- Use, Sale, or Lease of Property (this index)
- Venue, § 7:187
- Voluntary bankruptcy, § 8:28

OPINION EVIDENCE

- Expert Testimony (this index)

OPINIONS

- Fraudulent, § 35:94

OPTION

- Election or Option (this index)

OPT-OUT PROVISIONS

- Amendment of lists and schedules, § 13:41
- Avoidance powers, § 13:130, 13:131
- Constitutionality, § 13:14, 13:15

OPT-OUT PROVISIONS—Cont'd

- State opt-out provisions, § 13:4 to 13:7, 13:15, 13:29

ORAL ARGUMENT

- Appeals, § 37:72

ORDER FOR RELIEF

- Correlative topic. Petitions (this index)
- Creditors, notice to, § 6:38
- Involuntary cases, § 1:114, 9:60 to 9:78
- U. S. trustee, notice to, § 4:101
- Voluntary cases, § 1:114, 8:33 to 8:44

ORDER OR APPROVAL OF COURT

- Generally, § 1:101 to 1:103
- Abandonment of Property of Estate (this index)
- Adequate Protection (this index)
- Administrative expenses, expenses of recovering property, § 34:21
- After-acquired property, § 12:54
- Allowance of claims or interest, § 24:11
- Appeals (this index)
- Claims, allowance of claims or interest, § 24:11
- Clerk of court, § 4:42, 4:52
- Conversion or dismissal, § 11:14
- Creditors' committee in small business reorganization, order that no committee be appointed, § 6:54
- Debtor in possession, § 5:114
- Discharge denials for refusal of court order generally, § 35:27 et seq. discretion of court, § 35:28 self-incrimination assertions, § 35:29
- Discharge (this index)
- Distribution (this index)

INDEX

ORDER OR APPROVAL OF COURT—Cont'd

Employment of professional persons. Professional Persons (this index)

Entry of judgment or order, generally, § **1:101**

Executory Contracts and Unexpired Leases (this index)

Family Farmer Debt Adjustment (this index)

Individual Debt Adjustment Plans (this index)

Interlocutory Judgments, Orders, and Decrees (this index)

Involuntary Bankruptcy (this index)

Judges, generally, § **4:10, 4:11**

Liquidation (this index)

Loans or credit, § **15:77**

Municipal debt adjustment plans, § **32:27 to 32:29**

Nunc Pro Tunc (this index)

Petitions (this index)

Professional Persons (this index)

Property of Estate (this index)

Protective Orders (this index)

Redemption, § **12:98**

Reorganization Plans (this index)

Reorganization (this index)

Retroactive, § **15:77**

Revival of dischargeable or discharged debt. Reaffirmation of Debt (this index)

Rules of Bankruptcy Procedure (this index)

Small business reorganization, order that no creditors' committee be appointed in, § **6:54**

Stockbroker Liquidation (this index)

Tax treatment of discharge, § **3:20**

Trustees (this index)

Turnover of property, § **14:79**

ORDER OR APPROVAL OF COURT—Cont'd

U. S. trustees, § **4:83, 4:101 to 4:107**

Use or lease of property, § **15:22, 15:48**

Voluntary Bankruptcy (this index)

ORDINARY BUSINESS TERMS

Preferences, § **18:57**

ORDINARY COURSE OF BUSINESS OR FINANCIAL AFFAIRS

Allowance of claims or interest, § **23:9**

Avoiding power of trustee, § **17:42**

Business terms, ordinary, § **18:57**

Credit, § **1:138, 15:68**

Goods received within 20 days of bankruptcy, administrative expense treatment of, § **34:42**

Preferences and preferential transfers, § **18:56 to 18:72**

Priority of administrative expenses, § **34:27**

Reclamation rights, § **17:74**

Sale other than in ordinary course of business, § **4:107, 15:32 to 15:42, 27:2**

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

OREGON

Opt-out provision, § **13:6**

ORIGINAL JURISDICTION

Jurisdiction (this index)

OSHA

Automatic stay, § **16:92**

OTHER PERSONS

Third Persons or Parties (this index)

OUTPOST COURT

Change of venue, § **7:197**

OUTSIDE THE PLAN

- Family farmer debt adjustment plans, § 5:98, 5:99, 33:30, 33:38, 33:56, 33:58
- Individual Debt Adjustment Plans (this index)

OVERDUE PAYMENTS

- Automatic stay, § 16:9, 16:154

OVERSECURED CLAIMS

- Adequate protection, § 21:17, 21:44
- Redemption, § 12:105
- Size and nature of claim, § 23:14 to 23:16, 23:22

OVERTIME

- Disposable income for Chapter 13 plan, § 31:47
- Reimbursement, § 2:86

OWNERSHIP

- Title and Ownership (this index)

OWN MOTION OF COURT

- Allowance of claims or interest, § 24:73, 24:103
- Attorneys' fees, § 2:67
- Closing and reopening cases, § 36:6, 36:11
- Compensation or reimbursement, § 2:111
- Conversion or dismissal, § 11:54
- Core proceedings, § 7:67, 7:70
- Creditors' and equity security holders' committees, § 6:65
- Fines and penalties, § 7:158
- Indenture trustees, § 6:72
- Individual debt adjustment plan confirmation, good faith, § 31:6, 31:10
- Interested party, generally, § 6:1
- Protective orders regarding confidential or defamatory matter, § 6:2
- Reference of cases, § 7:35, 7:38, 7:50, 7:52

OWN MOTION OF COURT

—Cont'd

- Reorganization plans
 - designation of entity as to which good-faith plan acceptance or rejection is lacking, § 27:35
 - modification of, § 26:66
- Turnover of property, § 14:86
- Use, sale, or lease of property, § 15:27
- Voluntary bankruptcy, § 8:25, 8:82

PACKERS AND STOCKYARDS ACT

- Discriminatory treatment of debtor, § 6:28

PANELS

- Appeals (this index)
- Judges, § 4:6
- Trustees (this index)
- U. S. trustees, § 4:84

PAPERS

- BFBooks and Papers (this index)

PARALEGALS AND OTHER PARAPROFESSIONALS

- Allowance of claims or interest, § 24:67
- Compensation and reimbursement, § 2:82, 2:93
- Creditors' meeting attendance, § 10:17
- Petition Preparers (this index)
- Unauthorized practice of law, § 2:47

PARENT AND SUBSIDIARY

- Subsidiary (this index)

PARENTS

- Children (this index)

PARKING

- Reimbursement of expenses, § 2:85

INDEX

**PART CORE AND PART
NONCORE PROCEEDINGS**

Jurisdiction, § 7:69

PARTIALITY

Bias or Prejudice (this index)

**PARTIALLY SECURED
CREDITORS OR CLAIMS**

Section 1111(b) election, § 1:159,
23:2, 23:29, 27:28, 28:23,
28:36

PARTIAL PAYMENT

Fraudulent transfers, § 19:33

PARTIAL REJECTION

Executory contracts and unexpired
leases, § 20:20

PARTIES

Adequate Protection (this index)

Administrative Agencies (this
index)

Allowance of Claims or Interests
(this index)

Amicus Curiae Appearances or
Briefs (this index)

Appeals (this index)

Appearance (this index)

Automatic stay, § 16:145 to
16:151

Capacity to Sue and be Sued (this
index)

Chapter 7. Liquidation (this index)

Chapter 9. Municipal Debt Adjust-
ment (this index)

Chapter 11. Reorganization (this
index)

Chapter 13. Individual Debt
Adjustment Plans (this index)

Closing and reopening cases,
§ 36:26 to 36:29

Convenience of Parties and Wit-
nesses (this index)

Creditors' and Equity Security
Holders' Committees (this
index)

PARTIES—Cont'd

Creditors' Meetings (this index)

Custodians (this index)

Debtor in Possession (this index)

Default (this index)

Discharge (this index)

Domicile and Residence (this
index)

Equity Security Holders (this
index)

Examiners (this index)

Exemptions, § 13:26 to 13:30

Family Farmer Debt Adjustment
(this index)

Filing (this index)

Fraudulent Transfers and Conceal-
ment of Assets (this index)

Governmental agencies.

Administrative Agencies (this
index)

Governmental Units (this index)

Indenture Trustees (this index)

Individual Debt Adjustment Plans
(this index)

Interested Persons or Parties (this
index)

Interpleader (this index)

Intervention (this index)

Involuntary Bankruptcy (this
index)

Joinder of Parties (this index)

Jurisdiction (this index)

Liquidation (this index)

Multiple Parties (this index)

Municipal Debt Adjustment (this
index)

Nondebtor Parties (this index)

Petitions (this index)

Presumptions and Burden of Proof
(this index)

Proof of Claim (this index)

Receivers (this index)

Reference of cases, § 7:42

Reorganization (this index)

PARTIES—Cont'd

- Rules of Bankruptcy Procedure (this index)
- Signature and verification, § **1:73**
- State, interested party, § **6:78**
- Subordination, § **34:111 to 34:114**
- Substitution of Parties (this index)
- Third Persons or Parties (this index)
- Trustees (this index)

PARTIES IN INTEREST

- Interested Persons or Parties (this index)

PARTNERSHIP

- Allowance of claims or interests, § **24:10, 24:23**
- Attorneys' fees, § **2:62**
- Automatic stay, § **16:24**
- Basis adjustment, § **3:23**
- Change of venue, § **1:104, 7:193**
- Clerks, § **4:49**
- Creditors' committees, § **6:48, 6:49, 6:54**
- Discharge of, § **35:5**
- Discharge of indebtedness, tax treatment of, § **3:8**
- Dissolution proceedings, § **1:33**
- Distribution
 - deferral rules, § **34:115**
 - liquidation, special rules for partnership situations, § **34:141 to 34:143**
- Equity security holders, § **6:60**
- Estoppel, partnership by, § **1:65**
- Examination under Rule 2004, § **10:31**
- Exemptions, § **13:26**
- Family farmer debt adjustment, § **1:50**
- Family farmer debt adjustment plans, § **33:26**
- Fraudulent transfers, § **19:65, 19:85**

PARTNERSHIP—Cont'd

- Indebtedness discharge. Discharge of indebtedness, above
- Indenture trustees, § **6:71**
- Individual debt adjustment, § **1:65**
- Injunctions, § **16:226**
- Involuntary Bankruptcy (this index)
- Jurisdiction, § **7:16, 7:17**
- Limited Partnership (this index)
- Liquidation (this index)
- Objections, proof of claim or interest, § **1:152**
- Petitions, voluntary, § **8:4**
- Preferential transfer while debtor was insolvent, § **18:21**
- Professional persons, § **2:26, 2:40, 2:59, 2:62**
- Proof of claim, § **22:1, 22:5, 22:13**
- Property of estate, generally, § **12:81**
- Reorganization, involuntary bankruptcy, § **9:13, 9:15**
- Reorganization Plans (this index)
- Rules of Bankruptcy Procedure (this index)
- Separate taxable bankruptcy estate, § **3:27, 3:28**
- Stockbroker Liquidation (this index)
- Taxation
 - basis adjustment, § **3:23**
 - discharge, tax treatment of, § **3:8**
 - separate taxable bankruptcy estate, § **3:27, 3:28**
 - trustee's duties, § **3:71**
- Trustees (this index)
- Turnover of property, § **14:10**
- Voluntary cases
 - joint cases and joint plans, § **8:50, 8:55, 8:56, 8:58**
 - lists, schedules, and statements, § **8:68, 8:70**

INDEX

PATENTS

- Executory contracts and unexpired leases, § **20:24, 20:72**
- Intellectual property, generally.
- Intellectual Property (this index)

PATERNITY

- Automatic stay exception for establishment of paternity, § **16:84**

PATIENT CARE OMBUDSMAN

- Generally, § **6:93, 6:94**

PAWNED PROPERTY

- Exclusion of pawned property from estate, § **12:80**

PAY

- Compensation (this index)

PAYMENT

- Adequate Protection (this index)
- Administrative Expenses (this index)
- Advances (this index)
- Allowance of Claims or Interests (this index)
- Ancillary and other cross-border cases under BAPCPA, concurrent proceedings, § **33A:26**
- Concurrent Payments (this index)
- Default (this index)
- Deferred Payments (this index)
- Disbursements (this index)
- Discharge, voluntary repayment of debt after, § **35:61**
- Family Farmer or Fisher Debt Adjustment Plans (this index)
- Family Farmer or Fisher Debt Adjustment (this index)
- Fraudulent Transfers and Concealment of Assets (this index)
- Individual Debt Adjustment Plans (this index)

PAYMENT—Cont'd

- Installment Obligations and Payments (this index)
- Late Charges (this index)
- Late payment. Default (this index)
- Lump Sum Payments (this index)
- Margin Payment (this index)
- Outside plan
 - family farmer debt adjustment, § **33:30, 33:38, 33:56, 33:58**
- Individual Debt Adjustment (this index), § **30:8**
- Trustees (this index)
- Period commencement
 - assessing duration of period, § **29:44**
- Petitions (this index)
- Plans, Bankruptcy, § **1:7**
- Prepayment. See Advances (this index)
- Pro Rata Distribution or Payment (this index)
- Refund (this index)
- Reimbursement (this index)
- Reorganization Plans (this index)
- Repayment (this index)
- Taxation (this index)
- Turnover of Property (this index)
- Utilities (this index)
- Voluntary, after discharge, § **35:61**

PAYROLL DEDUCTION

- Automatic stay, § **16:36**
- Withholding Taxes (this index)

PAYROLL WITHHOLDING TAXES

- Withholding Taxes (this index)

PECUNIARY INTEREST PURPOSE TEST

- Automatic stay, § **16:90**

PENALTIES

- Discharge exception generally, § **35:179 et seq.**

PENALTIES—Cont'd

- Discharge exception—Cont'd
 - election law violations, § 35:203
- Fines and Penalties (this index)
- Setoff, § 25:28

PENDING CASES OR PROCEEDINGS

- Abstention, § 7:25
- Allowance of claims or interest, § 24:24 to 24:27, 24:53 to 24:78
- Automatic stay, § 16:156 to 16:158
- Bankruptcy Act proceeding, § 1:16
- Conversion or dismissal, § 11:97
- Examination under Rule 2004 during, § 10:27
- Involuntary bankruptcy, § 9:22, 9:42
- Reorganization plans, extension of exclusivity period, § 26:64
- Stay Pending Appeal (this index)
- Taxation, trustee's duties, § 3:65
- Voluntary bankruptcy, § 8:43

PENNSYLVANIA

- Opt-out provision, § 13:7

PENSION ADMINISTRATORS

- Family farmer debt adjustment plans, § 33:54

PENSION BENEFIT

GUARANTY CORPORATION

- Automatic stay, § 16:92
- Creditors' committees, service on, § 1:45

PENSION OR RETIREMENT

- Allowance of Claims or Interests (this index)
- Assumption, rejection, and assignment of contracts. Executory Contracts and Unexpired

PENSION OR RETIREMENT

—Cont'd

- Leases (this index)
- Automatic stay, § 16:92
- Civil service retirement benefits, § 1:16
- Discharge, pension loan debts, § 35:208
- ERISA (this index)
- Executory Contracts and Unexpired Leases (this index)
- Exemptions
 - generally, § 13:92 to 13:101, 13:109
 - alternative nonbankruptcy exemptions disability payments, § 13:97 to 13:100
 - ERISA-qualified plans, § 13:97 to 13:100
 - federal exemptions, generally, § 13:99
 - foreign service, § 13:116
 - impairment of obligation of contracts, § 13:18
 - individual retirement accounts, § 13:101
 - insurance contracts and annuities, § 13:116
 - nonbankruptcy law, § 13:97, 13:98, 13:116
 - preemption of state law by ERISA, § 13:100
 - profit-sharing plans, § 13:102
 - property of estate, ERISA-qualified plans as, § 13:96 to 13:100
 - question of fact as to necessity of payment for support, § 13:95
 - social security, § 13:95, 13:102, 13:103
- Foreign service retirement payments as exempt under federal nonbankruptcy law, § 13:116

INDEX

PENSION OR RETIREMENT

—Cont'd

- Fraudulent transfers, § 19:75
- Individual debt adjustment,
government benefits, § 1:63
- Individual Retirement Accounts
(this index)
- Insurance benefits, § 1:150
- Interested party, retiree as, § 6:90
- Judges, retired, § 1:17, 4:19
- Labor unions and employees'
associations, § 6:90
- Plan administrator's obligations,
debtor's duty to perform,
§ 6:24
- Preemption of state law by
ERISA, § 13:100
- Preferences and preferential
transfers, § 18:24, 18:107
- Priorities, § 34:63
- Property of estate, § 12:10, 12:88,
12:89, 13:96 to 13:100
- Protective orders regarding
confidential or defamatory
matter, § 6:2
- Rejection of contracts. Executory
Contracts and Unexpired
Leases (this index)
- Social Security (this index)
- Turnover of property, § 14:42

PERCENTAGE FEE

- United States trustees, § 4:90

PERCENTAGE REQUIREMENT TEST

- Taxation, § 3:54

PERFECTION OF INTEREST

- Adequate protection, § 21:18
- Automatic stay, § 16:68 to 16:73,
17:57
- Avoiding powers of trustee
lien creditor or unsatisfied exe-
cution creditor, § 17:23
- limitations on, § 17:57 to 17:60

PERFECTION OF INTEREST

—Cont'd

- Avoiding powers of trustee
—Cont'd
 - protection of good faith
purchaser of realty,
§ 17:49
 - unperfected lien or security
interest, § 17:24
 - unperfected statutory liens,
§ 17:36, 17:37
- Fraudulent transfers, when transfer
is made, § 19:21
- Postpetition rents and lodging pay-
ments, § 15:24
- Preferences and preferential
transfers, § 18:76, 18:77,
18:104, 18:105
- Proof of claim, § 22:33
- Size and nature of claim, § 23:36,
23:37, 23:39

PERIODIC CASH PAYMENTS

- Adequate Protection (this index)

PERISHABLE AGRICULTURAL COMMODITY ACT

- Generally, § 6:28

PERJURY

- Immunity, § 6:3
- Prepetition notice to debtor, § 6:5
- Professional persons, employment
of, § 2:53

PERMISSION

- Consent or Approval (this index)

PERMITS

- Licenses and Permits (this index)

PERSON

- Definition, eligibility to file bank-
ruptcy, § 1:37

PERSONAL EXEMPTIONS

- Taxation, § 3:34, 3:36

**PERSONAL FINANCIAL
MANAGEMENT**

Credit Counseling and Financial
Management Instruction (this
index)

PERSONAL GUARANTEES

Involuntary bankruptcy, § 9:20

**PERSONAL HOLDING
COMPANIES**

Taxation, § 3:81

PERSONAL INJURY

Causes of action, § 12:27

Change of venue, § 7:198

Discharge exception for willful
and malicious injuries

generally, § 35:168 et seq.

conversion, § 35:173 et seq.

drunk driving injuries, § 35:176
et seq., 35:195 et seq.

implied malice injuries,
§ 35:170

malice injuries, § 35:170

restitution obligations

civil cases, § 35:181, 35:201

criminal cases, § 35:180

secured property, conversion of,
§ 35:175

specific malice injuries,
§ 35:170

Drunk driving injuries, discharge
exception for willful and
malicious injuries, § 35:176
et seq., 35:195 et seq.

Exemptions, personal injury
claim, § 13:111

Jurisdiction, § 7:45, 7:53, 7:173

Jury trial, § 7:173

Malice injuries, § 35:170

Referral of cases, § 7:45, 7:53

Workers' Compensation (this
index)

Wrongful Death (this index)

PERSONAL LIABILITY

Trustees (this index)

PERSONAL PROPERTY

Property of Estate (this index)

**PERSONAL
REPRESENTATIVES**

Fiduciaries (this index)

Trustees (this index)

**PERSONAL SERVICE
CONTRACTS**

Executory contracts and unexpired
leases, § 20:25

PERSONNEL OF COURT

Generally, § 4:38 to 4:55

PETITION PREPARERS

Generally, § 2:48, 8:11

Crimes, § 2:53

Fees, § 2:61

Legal advice, giving of, § 2:49,
8:15

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

Payments to preparers, § 2:61

Privacy considerations, § 1:78

Remedies for violations, § 2:50

PETITIONS

Generally, § 1:77

Adequate protection, § 21:22

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

Appearance, foreign representa-
tive, § 7:55

Attorneys' fees, involuntary peti-
tions, § 2:117

Automatic stay, generally, § 16:1,
16:147, 16:162

Avoidance

postpetition. Postpetition Mat-
ters (this index)

voluntary petitions, § 8:32

INDEX

PETITIONS—Cont'd

- Bad faith. Good faith, below
- Burden of proof and presumptions, § 8:26, 8:27, 8:61
- Change of venue, petitions involving same or related debtors in different courts, § 7:193
- Chapter 7 cases. Liquidation, below
- Checklist, voluntary petition, § 8:18
- Claims. Involuntary Bankruptcy (this index)
- Clerk of court, § 4:46, 4:49
- Compensation
 - attorneys' fees, involuntary case, § 2:117
 - priority for payment of petition filing fee, § 2:121
- Consolidation of cases, § 8:45 to 8:48, 8:52, 8:53
- Consumer debts, § 8:2
- Copies, creditor's right to receive, § 6:39
- Copies of voluntary petition, § 8:20, 8:22, 8:44
- Corporations
 - officers and directors, § 8:7, 8:8
 - voluntary cases, § 8:6 to 8:10
- Debtor in possession, filing of petition, § 5:104
- Discharge (this index)
- Distressed property, § 8:30
- Distribution (this index)
- Eligibility to file. Qualifications or Eligibility (this index)
- Equity insolvency test. Involuntary Bankruptcy (this index)
- Executory contracts and unexpired leases, § 20:10, 20:105
- Exemptions of property in joint cases, § 8:49
- Family and relatives. Husband and wife, below

PETITIONS—Cont'd

- Family Farmer Debt Adjustment (this index)
- Farmers and Farm Products (this index)
- Fees and charges
 - attorneys' fees, involuntary petitions, § 2:117
 - filing fees for voluntary bankruptcy, § 8:45, 8:85 to 8:95
- Filing of petition
 - choice of chapter under which to file, § 1:67 to 1:72
 - conversion or dismissal, § 8:3, 8:6
 - eligibility to file. Qualification or Eligibility (this index)
 - fees for filing voluntary bankruptcy, § 8:45, 8:85 to 8:95
 - good faith, § 8:23 to 8:32
 - Involuntary Bankruptcy (this index)
 - jurisdiction, § 7:2
 - liquidation, below
 - multiple filings, § 8:31
 - notice, § 8:2
 - voluntary case, § 8:1 to 8:18, 8:45 to 8:48, 8:78 to 8:81
 - where to file, § 1:74
- Foreclosure, good faith, § 8:29
- Good faith
 - filing of petition, § 8:23 to 8:32
 - Involuntary Bankruptcy (this index)
- Governmental units. Municipal Debt Adjustment (this index)
- Hearing. Notice and hearing, below
- Husband and wife
 - generally, § 1:77
 - joint case, § 8:45 to 8:49
 - petition signed by power of attorney, § 8:3

PETITIONS—Cont'd

- Husband and wife—Cont'd
 - voluntary petitions, § **8:45 to 8:49**
- Individual debt adjustment, eligibility for, § **1:55 to 1:65**
- Individual debt adjustment plan filing date relative to petition date, § **30:3**
- Involuntary Bankruptcy (this index)
- Joinder of parties, § **8:48**
- Joint cases and joint plans
 - generally, § **1:77**
 - Consolidation of Cases (this index)
 - voluntary petitions, § **8:45 to 8:49**
- Jurisdiction
 - filing of petition, § **7:2**
 - sanctions, noncompliance with signing and verification requirements, § **7:158**
- Leases, unexpired, § **20:10, 20:105**
- Liquidation
 - involuntary cases, § **9:41**
 - voluntary petition, § **8:38**
- Lists
 - Schedules (this index)
 - voluntary bankruptcy, § **8:90**
- Married persons. Husband and wife, above
- Multiple Filings (this index)
- Municipal Debt Adjustment (this index)
- New debtor syndrome, § **8:26, 8:27, 8:30**
- Notice and hearing
 - filing of petition, § **8:2**
 - voluntary petitions, § **8:36 to 8:43, 8:100**
- Order For Relief (this index)
- Own motion of court, § **8:25**

PETITIONS—Cont'd

- Parties
 - appearance, foreign representative, § **7:55**
 - Involuntary Bankruptcy (this index)
- Partnerships, voluntary petition, § **8:4**
- Petition Preparers (this index)
- Postpetition Matters (this index)
- Preparers. Petition Preparers (this index)
- Prepetition Claims (this index)
- Prepetition Matters (this index)
- Presumptions and burden of proof, § **8:26, 8:27**
- Priority for payment of petition filing fee, § **2:121**
- Ratification of unauthorized filing, voluntary petitions on behalf of corporation, § **8:10**
- Real estate, § **8:44**
- Receivers, § **8:9**
- Relatives. Husband and wife, above
- Reorganization (this index)
- Rules of Bankruptcy Procedure (this index)
- Sanctions, noncompliance with signing and verification requirements, § **7:158**
- Service of Petitions, Process, and Papers (this index)
- Setting aside voluntary petitions, § **8:34, 8:35**
- Spouses. Husband and wife, above
- State courts, voluntary petition, § **8:32**
- Taxation, contested prepetition determination by competent tribunal, § **3:76**
- Third person or parties, § **2:117**
- Time and date
 - Involuntary Bankruptcy (this index)

INDEX

PETITIONS—Cont'd

- Time and date—Cont'd
 - voluntary petitions, § 8:41
- U. S. trustees, § 4:99, 8:93
- Vacating voluntary petitions, § 8:34, 8:35
- Voluntary petitions, generally, § 8:1 to 8:26, 8:82 to 8:102
- Waiver and estoppel. Involuntary Bankruptcy (this index)
- Where to file, § 1:74
- Withdrawal from involuntary proceedings, § 9:34

PETS

- Exempt property, § 13:158

PHOTOCOPIES

- Reimbursement for photocopying charges, § 2:84

PHYSICAL DISABILITY

- Disability and Disability Insurance (this index)

PHYSICIANS AND SURGEONS

- Allowance of claims or interest, § 24:26, 24:27, 24:62
- Taxation, § 3:19

PICKETING

- Jurisdiction over labor disputes, § 7:166, 7:167

PICTURES

- Reimbursement for photocopying charges, § 2:84

PIERCING CORPORATE VEIL

- Alter Ego (this index)

PIGS AND HOGS ANALYSIS

- Exemptions, § 13:22

PILOT PROGRAM

- United States Trustees (this index)

PLACE OR LOCATION

- Adequate protection, place for filing motions and other

PLACE OR LOCATION—Cont'd

- papers, § 21:71
- Avoidance and reclamation action filings, § 17:90
- Compensation of professional persons, place to file applications and other papers, § 2:122
- Domicile and Residence (this index)
- Family Farmer Debt Adjustment plans, place of filing, § 33:5
- Individual debt adjustment plans, § 30:2
- Judges, § 4:5, 4:8 to 4:10
- Principal Place of Business (this index)
- Proof of claim, place of filing, § 22:35, 22:36
- Trustees (this index)
- Utilities, filing of motions and other papers as to adequate assurance of payment, § 16:246
- Venue (this index)

PLANNING, BANKRUPTCY

- Discharge of debtor challenges, § 35:12

PLANS

- See more specific topics

PLANTS AND PLANTERS

- Farmers and Farm Products (this index)

PLEADINGS

- Adversary proceedings, § 19:117
- Allowance of Claims or Interests (this index)
- Amendments, § 7:40, 9:45
- Answer (this index)
- Attorneys' fees, § 2:119
- Clerk of court, § 4:46
- Complaints (this index)
- Discharge (this index)

PLEADINGS—Cont'd

- Exemptions, § 13:164
- Fraudulent transfers and concealment of assets, § 19:18, 19:118 to 19:120
- Involuntary Bankruptcy (this index)
- Paraprofessionals' fees, § 2:82
- Petitions (this index)
- Professional persons, employment of, § 2:24
- Proof of claim, informal, § 22:32
- Rules of Bankruptcy Procedure (this index)
- Size and nature of claim, § 23:4
- Summons (this index)
- U. S. trustees, § 4:101 to 4:107

PLEDGES

- Adequate protection, § 21:20
- Automatic stay, pledged special revenues in Chapter 9 cases, § 16:126

POLICE POWER

- Automatic stay exception in enforcement action, § 16:88 to 16:103

POLICE RECORDS

- Family farmer debt adjustment plans, § 33:35

POLITICAL SUBDIVISIONS

- Counties (this index)
- Governmental Units (this index)
- Municipalities (this index)

POLLUTION CONTROL

- Environmental Protection (this index)

PONZI SCHEME

- Fraudulent transfers, § 19:13, 19:81

POOR PERSONS

- Indigents (this index)

POSSESSION

- Automatic stay of act to obtain, § 16:43 to 16:70
- Debtor in Possession (this index)
- Executory contracts and unexpired leases, lessee's retention of possession rights after rejection by debtor-lessor, § 20:63
- Exemptions (this index)
- Family Farmer or Fisher Debt Adjustment (this index)
- Fraudulent transfers and concealment of assets, § 19:14
- Repossession (this index)
- Trustees (this index)
- Use, sale, or lease of property, § 15:25

POSSESSORY INTEREST

- Automatic Stay (this index)

POSTAGE

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

POSTAL SERVICE

- Mail and Mailing (this index)

POSTASSIGNMENT

OBLIGATIONS

- Executory contracts and unexpired leases, § 20:55

POSTCONFIRMATION

MATTERS

- Generally, § 31:65 to 31:75
- Family Farmer Debt Adjustment (this index)
- Family Farmer or Fisher Debt Adjustment Plans (this index)
- Individual Debt Adjustment Plans (this index)
- Jurisdiction, § 7:180
- Municipal Debt Adjustment Plans (this index)
- Reorganization Plans (this index)
- Reorganization (this index)

INDEX

POSTING OF BOND

Bonds and Undertakings (this index)

POSTJUDGMENT INTEREST

Fraudulent transfers and concealment of assets, § 19:99

POSTPETITION MATTERS

Adequate protection, interest on money, § 21:17

After-Acquired Property (this index)

Allowance of claims or interest, § 24:24 to 24:27, 24:53 to 24:78

Attorney's fees, § 2:65

Automatic stay

generally, § 16:32, 16:81

avoidance of transfer in violation, § 17:45

prepetition matters, refusal to deal with debtor postpetition, § 16:33

Avoidance

perfection of liens, § 17:57 to 17:59

preservation of avoided transfers, § 12:73

sovereign immunity, § 6:78

transfers, recovery of property as subject to avoided, § 12:71, 12:73

trustee's powers

generally, § 17:39 to 17:50

automatic stay, transfer in violation of, § 17:45

check delivered prepetition, but honored postpetition, § 17:44

good faith purchaser of realty, § 17:48 to 17:50

involuntary gap transferee, § 17:47

ordinary course of business, transfer in, § 17:42

POSTPETITION MATTERS

—Cont'd

Avoidance—Cont'd

trustee's powers—Cont'd
property subject to avoidance, § 17:41

protection of certain transferees, § 17:47 to 17:50

purpose, § 17:40

secured creditor, payment to, § 17:43

sovereign immunity
abrogated as to, § 6:78

unperfected liens, § 17:36

Core proceedings, § 7:77

Debts from superseded cases, final report, § 11:89

Disclosure statements, reorganization, § 1:157, 4:94, 4:101, 4:104

Distribution (this index)

Executory Contracts and Unexpired Leases (this index)

Exemptions

homestead exemption, § 13:60

objections, § 13:50

Final report, debts from superseded cases, § 11:89

Fraudulent transfers, § 19:20

Good faith purchaser of realty, protection from avoidance, § 17:48 to 17:50

Homestead exemption, § 13:60

Individual Debt Adjustment (this index)

Injunctions, § 16:232

Insurance and insurance companies, § 12:33

Involuntary cases, generally, § 9:17

Involuntary gap transferees, protection of, § 17:47

POSTPETITION MATTERS

—Cont'd

- Liens and encumbrances, § 2:32, 12:69, 12:70
- Liquidation (this index)
- Loans or credit, § 15:24
- Ordinary course of business, transfer in as avoidable, § 17:42
- Priorities, § 34:13, 34:14, 34:31
- Professional persons, employment of, § 2:32, 2:65
- Proof of claim, § 22:50
- Property of estate, § 12:125
- Reorganization Plans (this index)
- Secured creditor, payment to as avoidable, § 17:43
- Security interest, § 23:31 to 23:40
- Setoff or Offset (this index)
- Size and nature of claim, § 23:14 to 23:22, 23:31 to 23:40
- Stockbroker liquidation, § 34:155
- Taxes, § 34:31
- Trustees. Avoidance, above
- Turnover of Property (this index)
- Use, sale, or lease of property, § 15:24, 15:29
- Venue, postpetition claim arising from operation of debtor's business, § 7:187
- Voidable transfers. Avoidance, above
- Voluntary bankruptcy, § 8:44

POSTPONEMENT

- Adjournment (this index)
- Extension of Time (this index)
- Voluntary bankruptcy, § 8:36

**POST-REJECTION
OBLIGATIONS**

- Executory contracts and unexpired leases, § 20:65

POWER OF ATTORNEY

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

POWER OF ATTORNEY

—Cont'd

- Creditor's rights, generally, § 6:37
- Equity security holders, § 6:60
- Indenture trustees, § 6:72
- Interested party, generally, § 6:87
- Voluntary bankruptcy, § 8:3, 8:47

PRACTICABILITY

- Individual Debt Adjustment Plans (this index)

PRECEDENT

- Appellate panel decisions, § 37:30, 37:32
- District court decisions, § 37:31

**PRECONFIRMATION
MODIFICATION OF PLAN**

- Family Farmer or Fisher Debt Adjustment (this index)
- Individual Debt Adjustment Plans (this index)
- Reorganization plans, § 26:66 to 26:69

PRECONVERSION CLAIMS

- Conversion or dismissal, § 11:82

PREEMPTION

- Assignments for benefit of creditors, § 1:36
- Exemptions, § 13:16, 13:17, 13:100
- Federal Debt Collection Procedures Act, § 1:34
- Nonbankruptcy alternatives, § 1:33
- Operation of business, § 15:2
- Reclamation right under Uniform Commercial Code, § 17:76
- Size and nature of claim, § 23:21
- Supremacy Clause (this index)

PREEXISTING INTERESTS

- Exemptions, § 13:140

INDEX

**PREFERENCES AND
PREFERENTIAL
TRANSFERS**

Accrual of interest, § **18:111**
Adequate protection, § **21:18**
Advance of new value, transfers followed by, § **18:78 to 18:84**
Advantage to creditor, transfer giving
 comparison of percentages, § **18:33**
 filing date determinative, § **18:31**
 hypothetical liquidation, § **18:30**
 installment payments to undersecured creditors, § **18:36**
 net result rule not applicable, § **18:34**
 other Code provisions, effect of, § **18:35**
Alimony and support payments generally, § **18:18, 18:49**
 avoidability exceptions, § **18:91**
Allowance of claims or interests, § **24:30, 24:49**
Amount of payment in ordinary course of business, § **18:65**
Antecedent debt, transfer for or on account of, § **18:17 to 18:20**
Attorneys' account, transfers from, § **18:7**
Attorneys' fees, § **18:14, 18:16, 18:19, 18:55, 18:70**
Automatic preservation of avoided transfer, § **12:73**
Avoiding power of trustee, generally, § **18:97 to 18:101**
Benefit of creditor, transfer to or for, § **18:15, 18:16**
Breach of contract or lease, § **18:18, 18:72**
Cashier's checks, § **18:66, 18:70, 18:71**

**PREFERENCES AND
PREFERENTIAL
TRANSFERS—Cont'd**

Chapters, applicability of preference rules to cases under particular, § **18:96**
Checks, § **18:42, 18:120 to 18:129**
Child support, § **18:18, 18:49, 18:91**
Closing of debtor's business, § **18:70**
Collection tactics of debtor, § **18:71**
Comparison of percentages, transfer giving creditor an advantage, § **18:33**
Consumer claims and debts
 exceptions to avoidability, generally, § **18:73, 18:92, 18:93**
 not for consumer debts, exceptions to avoidability for payments not, § **18:94**
Conversion or substantive consolidation of case, § **18:27**
Credit. Loans or credit, below
Credit briefing, repayment schedule resulting from, § **18:95**
Credit cards, § **18:18, 18:50, 18:84**
Creditors' committees, § **6:49**
Date. Time or date, below
Debts. Loans or credit, below
Delay or laches
 antecedent debt, transfer on account of, § **18:20**
 payments in ordinary course of business, § **18:60, 18:64**
 perfection of interest or transfer, § **18:77, 18:104**
Delivery
 perfection of real property transfer, § **18:105**

**PREFERENCES AND
PREFERENTIAL
TRANSFERS—Cont'd**

- Delivery—Cont'd
 - timing of transfers by check, § 18:121, 18:127 to 18:129
- Diminution of estate, § 18:8
- Direct/indirect transfer doctrine, § 18:116 to 18:119
- Dishonor of checks, § 18:42, 18:67
- Divorce decree payments of alimony, maintenance, or support, § 18:91
- Domestic support obligations, § 18:91
- Earmarking doctrine, § 18:9 to 18:12
- Earning of wages, timing of transfer under garnishment order, § 18:131
- Elements of exceptions, § 18:39, 18:74, 18:78, 18:85, 18:89, 18:92
- Enabling loans, § 18:44, 18:45, 18:74 to 18:76
- Equitable basis for award of prejudgment interest, § 18:109
- Escrow, funds in, § 18:133
- Evidence, § 18:22, 18:24, 18:25, 18:29
- Exceptions to trustee's avoiding power
 - generally, § 18:37 to 18:91
 - advance of new value, transfers followed by, § 18:78 to 18:84
 - alimony, maintenance, or support payments, § 18:91
 - amount of payment in ordinary course of business, § 18:65
 - burden of proof, § 18:38
 - check, transfers by, § 18:42

**PREFERENCES AND
PREFERENTIAL
TRANSFERS—Cont'd**

- Exceptions to trustee's avoiding power—Cont'd
 - closing of debtor's business, § 18:70
 - collection tactics of creditor, § 18:71
 - commencement of 30-day exception period, § 18:76
 - consumer debts and claims generally, § 18:73, 18:92, 18:93
 - payments not primarily for consumer debts, § 18:94
 - contemporaneous exchange for new value, transfers intended as generally, § 18:39 to 18:55, 18:78 to 18:84
 - delay, § 18:60, 18:64, 18:77
 - elements of exception, § 18:39, 18:74, 18:78, 18:85, 18:89, 18:92
 - enabling loans, § 18:44, 18:45, 18:74 to 18:77
 - factors for consideration in ordinary course of business exception, § 18:58 to 18:72
 - forbearance by creditor, § 18:49
 - form of payment, § 18:66
 - garnishment, payment under, § 18:93
 - improvement-in-position test, § 18:86
 - industry practices, § 18:61, 18:62
 - insiders, payments to, § 18:69
 - intent of parties, § 18:40, 18:63
 - inventory or receivables, security interest in, § 18:85 to 18:88
 - long-term debts, payment on, § 18:73

INDEX

PREFERENCES AND PREFERENTIAL TRANSFERS—Cont'd

Exceptions to trustee's avoiding power—Cont'd

- multiple transfers during preference period, § **18:80**
- nature of debtor's business, § **18:68**
- net result rule, relationship to, § **18:81**
- new credit, § **18:50, 18:84**
- new value, transfers intended as contemporaneous exchange for, § **18:39 to 18:45, 18:79 to 18:84**
- note, transfers by, § **18:43**
- order of events, § **18:79**
- ordinary course of business, payments in, § **18:56 to 18:72**
- past practices between parties, § **18:59**
- prejudice to other creditors, requirement of, § **18:87**
- prior dishonor of checks, § **18:67**
- purchase money security agreements, § **18:74 to 18:77**
- purpose of exceptions, § **18:39, 18:56, 18:74, 18:78, 18:85, 18:89, 18:92**
- receivables or inventory, security interest in, § **18:85 to 18:88**
- release, § **18:48, 18:83**
- satisfaction of statutory lien, § **18:90**
- security interests, § **18:46, 18:47, 18:85 to 18:88**
- settlement agreement, § **18:72**
- state law, effect of, § **18:75**
- statutory lien, fixing of, § **18:89, 18:90**
- subsequent advance rule, new value under, § **18:82**

PREFERENCES AND PREFERENTIAL TRANSFERS—Cont'd

Exceptions to trustee's avoiding power—Cont'd

- substantially contemporaneous exchanges for new value, § **18:39 to 18:55**
- substitution of obligations, § **18:41**
- time, § **18:39, 18:47, 18:53 to 18:55, 18:60, 18:64, 18:76**
- value and valuation, § **18:51, 18:88**

Family farmer debt adjustment plans, § **33:28**

Forbearance, § **18:49, 18:83**

Form of payment, § **18:66**

Fraudulent Transfers and Concealment of Assets (this index)

Function of letters of credit, § **18:113**

Garnishment, § **18:93, 18:130 to 18:132**

Grain and grain storage, § **18:52, 18:64**

Greater amount test, § **18:32**

Honoring of check, transfers on, § **18:121, 18:126, 18:129**

Hypothetical liquidation, § **18:30**

Identification of preferences, criteria for, § **18:1**

Improvement-in-position test, § **18:86**

Indirect transfer, § **18:16, 18:113 to 18:119**

Industry practices, payments in ordinary course of business, § **18:61, 18:62**

Insiders

- noninsiders, payments to on loans guaranteed by insiders, § **18:134**
- payments in ordinary course of business, § **18:69**

**PREFERENCES AND
PREFERENTIAL
TRANSFERS—Cont'd**

Insiders—Cont'd
transfer during preference period, § **18:28, 18:29**

Insolvency of debtor, transfer at time of
criteria of solvency, § **18:21**
evidence, § **18:22, 18:24, 18:25**
presumption of insolvency, § **18:22, 18:25**
rebutting presumption of insolvency, § **18:25**
valuation of assets, § **18:23**

Installment payments to undersecured creditors, § **18:36**

Intent
generally, § **18:1**
earmarking doctrine, § **18:11**
payments in ordinary course of business, § **18:63**
substantially contemporaneous exchanges for new value, § **18:40**

Interest of debtor in property, transfer of
diminution of estate, § **18:8**
earmarking doctrine, § **18:9 to 18:12**
non-earmarked funds of third-parties, § **18:13, 18:14**
preferences as transfer, § **18:6**
substitution of secured for unsecured debt, § **18:9 to 18:12**

Interest on money, § **18:73, 18:108 to 18:112**

Inventory or receivables, security interests in, § **18:85 to 18:88**

Involuntary cases, § **9:57**

Judicial liens, § **18:6, 18:86, 18:105, 18:130**

Jurisdiction, § **7:94, 7:95**

**PREFERENCES AND
PREFERENTIAL
TRANSFERS—Cont'd**

Jury and jury trial, jurisdiction, § **7:173**

Laches. Delay or laches, above

Leases, § **18:64, 18:72**

Letters of credit, § **18:16, 18:113 to 18:119**

Liquidation value, § **18:88**

Loans or credit
enabling loans, exceptions to avoidability of preferences, § **18:44, 18:45, 18:74 to 18:77**
non-earmarked funds of third-parties, § **18:13**
payments to noninsiders, § **18:134**
preferences as transfers, § **18:6**

Long-term debt payments, § **18:73**

Mortgages and deeds of trust, § **18:46, 18:54**

Motor vehicles, § **18:76, 18:77**

Multiple transfers during preference period, § **18:80**

Nature of debtor's business, § **18:68**

Net result rule, § **18:34, 18:81**

New credit, § **18:50, 18:84**

New value, transfers intended as contemporaneous exchange for, § **18:39 to 18:45, 18:79 to 18:84**

Non-earmarked funds of third-parties, § **18:13, 18:14**

Noninsiders
payments to on loans guaranteed by insiders, § **18:134**
transferee of avoided preference, recovery from noninsider, § **17:70**

Note, transfers by, § **18:43**

INDEX

**PREFERENCES AND
PREFERENTIAL
TRANSFERS—Cont'd**

- Notice
 - collection tactics based on knowledge of debtor's condition, § **18:71**
 - transfers in reimbursement of surety, § **18:99**
- Objections. Exceptions to trustee's avoiding power, above
- Order of events, § **18:79**
- Ordinary business terms, § **18:57**
- Ordinary course of business, payments made in, § **18:56 to 18:72**
- Past practices between parties as factor to be considered, § **18:59**
- Pension or retirement, § **18:24, 18:107**
- Perfection of interest or transfer, § **18:76, 18:77, 18:104, 18:105**
- Period of preference, transfer during, § **18:26 to 18:29**
- Postdated check, transfer by, § **18:128**
- Prejudgment interest, § **18:108 to 18:112**
- Prejudice to other creditors, requirement of, § **18:87**
- Preservation of avoided transfer, § **12:73**
- Presumptions and burden of proof, § **18:5, 18:22, 18:25, 18:36, 18:38, 18:61, 18:128**
- Priorities (this index)
- Professional persons, simultaneous representation, § **2:40**
- Purchase money security agreements, § **18:74 to 18:77**
- Purpose
 - of exceptions, § **18:74, 18:78, 18:85, 18:89, 18:92**
 - of preference rules, § **18:3, 18:4**

**PREFERENCES AND
PREFERENTIAL
TRANSFERS—Cont'd**

- Rate of interest, § **18:112**
- Recover preferences, authority to, § **12:71, 18:97 to 18:101**
- Reimbursement of surety, transfers in, § **18:98**
- Release, § **18:48, 18:83**
- Reorganization Plans (this index)
- Reorganization (this index)
- Satisfaction of statutory lien, § **18:90**
- Secured creditors, § **18:4, 18:12**
- Separation, payments for maintenance or support, § **18:91**
- Setoff compared, § **25:3, 25:36**
- Setoff or offset, § **18:2, 18:35**
- Settlement agreement, § **18:58, 18:72**
- Sole stockholder, § **18:52, 18:69**
- Sovereign immunity abrogated, § **6:78**
- State law, effect of, § **18:75, 18:132**
- Status of particular debts, § **18:18 to 18:20**
- Statutory basis for award, § **18:110**
- Statutory liens, exceptions to avoidability, § **18:89, 18:90**
- Subsequent advance rule, new value under, § **18:82 to 18:84**
- Substitution of obligations, § **18:41**
- Sureties
 - indirect transfer, § **18:16**
 - reimbursement of surety, § **18:98**
 - release of security interest, § **18:48**
- Tax payments, § **18:135, 18:136**
- Time or date
 - accrual of interest, § **18:111**

**PREFERENCES AND
PREFERENTIAL
TRANSFERS—Cont'd**

Time or date—Cont'd
 advantage to creditor, transfer giving, § 18:31
 antecedent debts, effect of time period involved, § 18:20
 authority to avoid and recover preferences, § 18:97
 check, timing of transfers by, § 18:120 to 18:129
 commencing avoidance action, § 17:55
 delay or laches, above
 exceptions to avoidability, § 18:39, 18:47, 18:53 to 18:55, 18:60, 18:64, 18:76
 garnishment orders, timing of payments under, § 18:130 to 18:132
 incurring of debt, § 18:102
 insolvency of debtor, transfer at time of, above
 laches. Delay or laches, above
 letters of credit, when preference exists as to, § 18:117
 liability of transferee of avoided property, § 18:100
 making of transfer, § 18:103 to 18:106
 preference, § 18:26 to 18:29
 presumption of insolvency, § 18:22
 purchase money security agreements or enabling loans, § 18:74 to 18:77
 security interests in inventory or receivables, § 18:85
 substantially contemporaneous exchanges for new value, § 18:47, 18:53 to 18:55
 Transferee of avoided transfers, liability of, § 18:100, 18:101
 Trust, tax payments from funds held in, § 18:136

**PREFERENCES AND
PREFERENTIAL
TRANSFERS—Cont'd**

Trustee
 avoiding power of trustee, generally, § 18:94 to 18:98
 exceptions to trustee's avoiding power, above
 Turnover of property, § 14:3, 14:11
 Twist Cap case, § 18:114
 Validity of letters of credit, § 18:119
 Value and valuation
 avoided transfer, liability of transferee, § 17:67
 contemporaneous exchanges for new value, § 18:51
 failure to turn over value, § 18:101
 hypothetical liquidation, § 18:30
 insolvency of debtor, transfer during, § 18:23
 inventory or receivables, security interest in, § 18:88
 liquidation value, § 18:88
 release of security interest, § 18:48
 Voluntary petitions, § 8:61
 Waiver of sovereign immunity, § 6:78

PREFERRED STOCK

Equity security holders' committees, § 6:69
 Proof of claim, § 22:1

PREJUDGMENT INTEREST

Fraudulent transfers and concealment of assets, § 19:99

PREJUDICE

Bias or Prejudice (this index)

PRELIMINARY HEARINGS

Automatic stay, § 16:196

INDEX

PRELIMINARY HEARINGS

—Cont'd

Use, sale, or lease of property,
§ 15:47

PRELIMINARY INJUNCTIONS

Injunctions (this index)

PREMATURE FILING

Appeals, § 37:39

PREMIUMS

Discounts (this index)
Fee award, § 2:77
Tax treatment of discharge, § 3:12

PREPACKAGED PLANS

Reorganization plans, § 26:4

PREPAYMENT

Advances (this index)

PREPETITION AGENTS

Custodians, § 6:75

PREPETITION MATTERS

Generally, § 29:1 et seq.
Adequate protection, payments,
§ 21:33
Alternatives to Bankruptcy (this
index)
Assignments for benefit of credi-
tors, § 1:36
Attorneys' fees, § 2:31, 2:39,
2:65, 2:67, 2:72
Automatic stay, setoff rights
generally, § 25:13
recoupments, § 25:14
relief, necessity of, § 25:21
Automatic Stay (this index)
Contingent fees, § 2:72
Creditors' and equity security
holders' committees, § 6:54,
6:56
Employer payments and income
statements, debtor's filing of
evidence of, § 6:17, 6:27

PREPETITION MATTERS

—Cont'd

Executory contracts and unexpired
leases, § 20:10, 20:11, 20:41,
20:56
Exemptions, § 13:21, 13:22,
13:24, 13:90
Fraudulent Transfers and Conceal-
ment of Assets (this index)
Income and expenditure state-
ments, debtor's filing of,
§ 6:17
Individual debt adjustment plan,
confirmation, § 31:12
Involuntary bankruptcy, § 9:36
Loans or credit, § 15:24
Municipal debt adjustment plans,
§ 32:14, 32:15
Postpetition setoff against prepeti-
tion obligations, § 25:34
Professional persons, § 2:31, 2:39,
2:65, 2:67, 2:72
Reorganization, § 6:54, 6:56
Setoff or Offset (this index)
Setoff rights
generally, § 25:33
automatic stay
generally, § 25:13
recoupments, § 25:14
relief, necessity of, § 25:21
postpetition setoff against
prepetition obligations,
§ 25:34
Size and nature of claim, § 23:31
to 23:40
Turnover of property, § 14:13,
14:43
Use, sale, or lease of property,
§ 15:24, 15:29

**PREPONDERANCE OF
EVIDENCE**

Allowance of claims or interest,
§ 24:20
Collective bargaining agreements,
rejection of, § 20:103

PREPONDERANCE OF EVIDENCE—Cont'd

- Involuntary bankruptcy, § **9:37**
- Preferential transfer, exceptions to avoidability, § **18:38**
- Proof of claim, § **22:12**
- Turnover of property, § **14:89**

PRESENCE

- Absence or Presence (this index)

PRESENTMENT OF SECURITY

- Municipal debt adjustment plans, § **32:33**

PRESERVATION OF PROPERTY

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

PRESIDENT OF CORPORATION

- Voluntary bankruptcy, § **8:8**

PRESIDING OFFICER

- Creditors' meetings, attendance at generally, § **10:13**
- role of court, § **10:14**

PRESS AND SPEECH FREEDOM

- Freedom of Speech and Press (this index)

PRESUMPTION OF ABUSE

- Generally, § **11:16 to 11:29, 11:31**

PRESUMPTIONS AND BURDEN OF PROOF

- Abstention, § **7:26**
- Adequate protection, § **21:69**
- After-acquired property, § **12:59**
- Allowance of claims or interests, § **24:20, 24:87**
- Ancillary and other cross-border cases under BAPCPA, § **33A:25**
- Appeals (this index)
- Automatic Stay (this index)

PRESUMPTIONS AND BURDEN OF PROOF—Cont'd

- Avoidance, § **17:28, 17:89**
- Change of venue, § **7:194**
- Claims allowance, § **24:20, 24:87**
- Clerks, § **4:55**
- Closing and reopening cases, § **36:32**
- Collective bargaining agreements, § **20:103**
- Compensation, generally, § **2:77, 2:110**
- Creditors' committees, § **6:58**
- Discharge disputes, § **35:50, 35:215**
- Distribution (this index)
- Executory contracts and unexpired leases, § **20:60, 20:61, 20:103**
- Exemptions (this index)
- Family farmer debt adjustment plans, § **33:44, 33:49, 33:61**
- Fraudulent Transfers and Concealment of Assets (this index)
- Good faith filing of petition, § **8:26, 8:27**
- Individual Debt Adjustment Plans (this index)
- In forma pauperis relief, entitlement to, § **4:47**
- Involuntary Bankruptcy (this index)
- Joint or co-ownership interests, § **12:14**
- Judges, § **4:30**
- Municipal debt adjustment plans, § **32:12**
- Operation of business, § **15:12, 15:14**
- Parties, see more specific lines throughout this topic
- Petitions, § **8:26, 8:27**
- Preferences and preferential transfers, § **18:5, 18:22, 18:25, 18:36, 18:38, 18:61**

INDEX

PRESUMPTIONS AND BURDEN OF PROOF—Cont'd

- Priorities, § **34:5**
- Proof of claim, § **22:54**
- Property of estate, § **12:131**
- Reclamation actions, § **17:89**
- Reference of cases, § **7:41**
- Reorganization Plans (this index)
- Reorganization (this index)
- Rules of Bankruptcy Procedure (this index)
- Sovereign immunity waiver, § **6:83**
- Subordination, § **34:108**
- Taxation, § **3:69**
- Trusts, § **12:20**
- Use, sale, or lease of property, § **15:22, 15:23, 15:28, 15:38, 15:47**
- Voluntary bankruptcy, § **8:10, 8:26, 8:27, 8:57**

PRESUMPTIONS AND NOTICE

- Abuse of Chapter 7, notice to creditors of applicability of presumption of, § **6:38**

PRETRIAL CONFERENCE

- Generally, § **7:148**
- Involuntary bankruptcy, § **9:55**

PRETRIAL MATTERS

- Conference. Pretrial Conference (this index)

PREVIOUS EMPLOYMENT

- Creditors' committees, § **6:55**

PRIMA FACIE CASE

- Allowance of claims or interest, § **24:20**
- Executory contracts and unexpired leases, § **20:103**
- Exemptions, § **13:51**
- Fraudulent transfers and concealment of assets, § **19:114**
- Proof of claim, § **22:9 to 22:12**

PRIMA FACIE CASE—Cont'd

- Property of estate, § **12:119**
- Size and nature of claim, § **23:4, 23:13**

PRIME INTEREST RATE

- Family farmer debt adjustment plans, § **33:40**

PRINCIPAL AND AGENT

- Agents (this index)

PRINCIPAL PLACE OF ASSETS

- Venue, § **7:184**

PRINCIPAL PLACE OF BUSINESS

- Exemptions, § **13:10**
- Foreign ancillary proceedings, § **7:190**
- Venue, § **7:183**

PRINTING

- United States trustees, printing fees, § **4:64**

PRIOR ASSUMPTION

- Executory contracts and unexpired leases, § **20:57**

PRIOR CASE

- Closing and Reopening Cases (this index)
- Individual debt adjustment plans, § **31:11, 31:25**

PRIOR COURT ORDER

- Adequate Protection (this index)

PRIOR EMPLOYMENT

- Creditors' committees, § **6:55**

PRIOR INJUNCTIONS

- Generally, § **16:220**

PRIORITIES

- Absolute Priority Rule (this index)
- Adequate protection, § **21:36, 21:37, 21:58**

PRIORITIES—Cont'd

Administrative Expenses (this index)

Alimony, maintenance and child support debts, § **34:16, 34:17**

Allowance of Claims or Interests (this index)

Attorneys' fees, § **34:32**

Automatic stay, § **16:15, 16:158**

Bank's capital maintenance commitment, claim based on, § **34:88**

Burden of proof, § **34:5**

Commission claims of salespersons, § **34:44**

Consumer deposits, § **34:87**

Core proceedings, § **7:76, 7:103, 7:109**

Customs duties, § **34:64 to 34:82, 35:78 et seq.**

Death or personal injury, motor vehicle or vessel, intoxication, § **34:89**

Deposits by consumers, § **34:87**

Domestic support obligations, § **34:16, 34:17**

Employee compensation, generally, § **34:44 to 34:56**

Employment Benefits (this index)

Employment taxes, § **34:78**

Equitable subordination. Subordination (this index)

ERISA, § **34:63**

Excise taxes, § **34:79**

Executory contracts and unexpired leases, § **20:95**

Family farmer debt adjustment, distribution, § **34:192**

Family farmer debt adjustment plans, § **33:8, 33:54, 33:57**

Fines and penalties, § **34:30, 34:82**

Fishermen and fish processing or storage facilities, § **34:86**

PRIORITIES—Cont'd

Grain producers and grain storage facilities, § **34:84, 34:85**

Income and gross receipts taxes. Taxation (this index)

Individual Debt Adjustment Plans (this index)

Intangible personal property, § **12:44**

Interest on Money (this index)

Intoxication, motor vehicle or vessel, personal injury or death, § **34:89**

Involuntary gap claims, § **34:83**

Jurisdiction, § **7:76, 7:103, 7:109**

Lease deposits by consumers, § **34:87**

Liens, § **34:10, 34:14**

Liquidation (this index)

Loans or Credit (this index)

Motor vehicle or vessel, personal injury or death, intoxication, § **34:89**

Order of distribution. Distribution (this index)

Personal injury or death, motor vehicle or vessel, intoxication, § **34:89**

Postconversion administrative expenses, § **34:15**

Postpetition acts and matters, § **34:13, 34:14, 34:31**

Presumptions and burden of proof, § **34:5**

Professional persons, petition filing fee, § **2:121**

Property of estate, § **12:138**

Rental deposits by consumers, § **34:87**

Reorganization, generally, § **34:185, 34:189**

Reorganization Plans (this index)

Salaries, generally, § **34:44 to 34:56**

INDEX

PRIORITIES—Cont'd

- Secured claims, superpriority for inadequately protected creditors, § **34:12**
- Setoff or offset, § **34:9**
- Severance pay, § **34:53, 34:54**
- Subordination (this index)
- Subrogation (this index)
- Superpriority (this index)
- Tardy claims filed before commencement of distribution, § **24:48**
- Taxation (this index)
- Tax debts, § **35:78 et seq.**
- Turnover of property, § **14:4, 14:6**
- U. S. trustees' quarterly fees, § **34:39**
- Utilities, guarantee of administrative expense priority, § **16:241**
- Voluntary bankruptcy, § **8:95**
- Wages, generally, § **34:44 to 34:56**

PRIOR LAW

- Bankruptcy Act of 1898 (this index)

PRIOR LAW ASSOCIATE

- Judge's disqualification for involvement of former law associate, § **4:35**

PRIOR PROCEEDINGS

- Prior Case (this index)

PRIOR REPRESENTATION

- Professional persons, § **2:36 to 2:41**

PRISONS AND PRISONERS

- Habeas Corpus (this index)

PRIVACY

- Consumer privacy ombudsman, § **6:92**

PRIVACY CONSIDERATIONS

- Generally, § **1:78**

PRIVATE INVESTIGATOR

- Employment of professional persons, § **2:21**

PRIVATE OR PUBLIC RIGHTS

- Jurisdictional question, § **7:146**

PRIVATE TRUSTEES

- Trustees (this index)

PRIVILEGED OR CONFIDENTIAL MATTERS

- Confidentiality (this index)
- Creditors' meetings examinations, § **10:22**
- Debtor discharge invocations, § **35:26**

PRIVILEGES AND IMMUNITIES

- Attorney-Client Privilege (this index)
- Clerk of court, § **4:45**
- Interested persons or parties, immunity from criminal prosecution, § **6:3**
- Judges, § **4:23, 4:24**
- Self-Incrimination (this index)
- Sovereign Immunity (this index)
- Trustees, immunity from suit, § **5:51 to 5:53**
- Turnover of property, § **14:12, 14:52**
- U. S. trustees, § **4:81**

PROBATION

- Automatic stay, § **16:98**

PROCEEDS

- Defined, § **23:35, 23:39**
- Exemptions, § **13:63, 13:84**
- Homestead exemption, § **13:63**

PROCESS

- Service of Petitions, Process, and Papers (this index)

PRODUCTION OF DOCUMENTS

Generally, § **9:66**
Turnover of property, § **14:13, 14:14, 14:21, 14:53**

PRODUCTS LIABILITY

Automatic stay, § **16:16, 16:17**

PROFESSIONAL ASSOCIATIONS

Fee-splitting, § **2:42**

PROFESSIONAL BOOKS

Exemptions, § **13:78 to 13:82, 13:129**

PROFESSIONAL PERSONS

Generally, § **1:105 to 1:109, 2:1 et seq.**

Particular professions, see specific topics

Accountants (this index)

Administrative expenses, compensation and reimbursement of professionals, § **34:32 to 34:34**

Adverse interest, holder or representative of, § **2:35**

Agents, § **2:12, 2:23, 2:40, 2:51**

Allowance of Claims or Interests (this index)

Appraisals and Appraisers (this index)

Approval by court. Order or approval of court, below

Attorneys' Fees (this index)

Attorneys (this index)

Auctions and Auctioneers (this index)

Compensation (this index)

Consent. Order or approval of court, below

Contingent fees, § **2:72**

Corporate officers and directors, § **2:20, 2:30**

Corporations, § **2:26, 2:59**

PROFESSIONAL PERSONS

—Cont'd

Court supervision. Order or approval of court, below

Creditors' and Equity Security Holders' Committees (this index)

Debtor in Possession (this index)

Delays or laches, § **2:28, 2:88**

Discharge of indebtedness, § **2:100, 2:115**

Disclosure, § **2:23, 2:62, 2:63, 2:91, 2:92, 2:97**

Distribution, administrative expenses, compensation and reimbursement of professionals, § **34:32 to 34:34**

Documentation, § **2:96, 2:107**

Domicile and residence, § **2:19, 2:45**

Dual representation, § **2:14, 2:37**

Employment of, generally, § **2:1 et seq., 5:55, 15:3**

Equity Security Holders (this index)

Examination or inspection, § **1:108, 2:53, 2:67**

Examiner, employment of, § **2:42**

Family Farmer or Fisher Debt Adjustment (this index)

Fee-splitting, § **2:59, 2:60**

Indemnification, § **2:51**

Insiders, § **2:30, 2:34**

Interested Persons or Parties (this index)

Interim compensation, § **1:107**

Investment Banker (this index)

Judge's employment of relatives or friends, § **2:43, 2:44**

Jurisdiction, employment of professional persons, § **7:18, 7:80**

Limitations on who may be employed, § **2:29 to 2:44**

Liquidation (this index)

INDEX

PROFESSIONAL PERSONS

—Cont'd

Mail and mailing, § 2:46, 2:84
Motion, Application, or Request
(this index)
Multiple creditors and security
holders, § 1:109
Multiple representation, § 2:14
Municipal Debt Adjustment (this
index)
Notice and hearing, § 2:24, 2:45,
2:67, 2:68, 2:83, 2:95, 2:108
Nunc pro tunc, § 2:24, 2:27, 2:28,
2:108
Operation of business, § 15:3
Order or approval of court
generally, § 2:2 to 2:4, 2:22 to
2:28, 2:72
application for order of employ-
ment, § 2:23
compensation, § 2:58
corporate officers and directors,
§ 2:20
creditors' and equity security
holders committees, § 2:13
debtor not in possession, § 2:11
employment, § 1:105, 2:22 to
2:28
nunc pro tunc, § 2:24, 2:27,
2:28, 2:108
official committees, § 2:12
prior or current representation
precluding employment,
§ 2:36
salaried employees, § 2:5
withdrawal or removal, § 2:7
Own counsel. Trustees, below
Partnership, § 2:26, 2:40, 2:59,
2:62
Postpetition matters, § 2:32, 2:65
Prepetition payments, § 2:31,
2:39, 2:65, 2:67, 2:72
Principal of debtor, § 2:40
Prior representation, § 2:36 to
2:41

PROFESSIONAL PERSONS

—Cont'd

Real Estate Agents and Brokers
(this index)
Reimbursement (this index)
Relationship between employment
and compensation provisions,
§ 2:2
Reorganization (this index)
Rules of Bankruptcy Procedure
(this index)
Secretaries, § 2:21, 2:86
Securities, § 2:30, 2:40, 2:41
Shareholders, § 2:40
Trustees
generally, § 2:4, 2:8, 2:9
adverse interests, generally,
§ 2:35, 2:41
application for order of employ-
ment, § 2:23
attorneys' fees, § 2:118
compensation, § 2:58, 2:60,
2:68, 2:83
court's determination, § 2:25
debtor's attorney, § 2:6
employment of professional
persons, generally, § 5:55
fixing of compensation, § 2:60
judge's relative or friends,
§ 2:43, 2:44
notice and hearing, § 2:68, 2:83
prior representation, § 2:38
reimbursement, § 2:94
salaried employees, § 2:5
services by members and
associates, § 2:26
U. S. trustees, below
U. S. trustees
generally, § 2:24, 2:36, 2:68
relatives or friends, employment
of, § 2:43, 2:44

PROFITS

Earnings or Income (this index)
Rents and Profits (this index)

PROFIT-SHARING PLANS

Exemptions, § 13:102

PRO HAC VICE

Attorneys, § 2:45

PROHIBITED PLAN PROVISIONS

Generally, § 29:42

PROMISES

Fraud and, § 35:94

Fraudulent transfers and concealment of assets, § 19:37

PROMISSORY NOTES

Allowance of claims or interest, § 24:36

Avoidance, protection of certain transferees, § 17:48

Executory contracts and unexpired leases, § 20:3

Fraudulent transfers and concealment of assets, § 19:53, 19:74

Involuntary bankruptcy, § 9:10, 9:20, 9:30

PROOF OF CLAIM

Generally, § 22:1 et seq.

Administrative expenses, § 22:50

Agents, claims by, § 22:20

Amendment of proof of claim, § 22:11, 22:38 to 22:41

Attorney, proof of claim delivered to, § 22:35

Automobile repairs, § 22:21

Bankruptcy judge, filing with, § 22:35

Bankruptcy trustee. Trustees (this index)

Bar date. Time or date for filing, below

Burden of proof, § 22:12

Cause shown as grounds for extension of time for filing, § 22:44, 22:45

PROOF OF CLAIM—Cont'd

Chapter 11. Reorganization (this index)

Chapter 12
notice of bar date, § 22:52, 22:53

time for filing, § 22:42, 22:46 to 22:48

Chapter 13. Individual Debt Adjustment (this index)

Claim, defined, § 22:20

Claims register, § 22:36

Class claimants, § 22:20

Clerk of court
generally, § 22:35

acceptance or rejection of proof of claim presented for filing, § 22:27, 22:35

Codebtors, § 22:17, 22:18, 22:20

Commissions, § 22:27

Common stockholders, § 22:1

Compensation, proof of claim, § 22:27

Consideration for transfer of claim, § 22:24, 22:25

Consolidation of claims by transferor and transferee, § 22:25

Constitutional requirements, § 22:53

Consumer debt claims, § 22:21, 22:56

Content and form, § 22:27 to 22:37

Contribution rights, § 22:18

Conversion or dismissal, § 22:49, 22:50, 22:52

Copies, § 22:28, 22:33

Corporate debtors, proof of claim by, § 22:19

Corporate stockholders, § 22:1

Correspondence as informal proof of claim, § 22:32

Costs and expenses
administrative expenses, § 22:50

INDEX

PROOF OF CLAIM—Cont'd

Costs and expenses—Cont'd
medical expenses, § 22:21

Counterclaim as informal proof of claim, § 22:32

Creditor, filing by, § 22:14

Creditors' meetings, § 22:53

Creditor's rights, generally, § 6:37, 22:13

Date. Time or date for filing, below

Debtor in possession, § 5:112

Debtors, filing of claims by, § 22:9, 22:10, 22:17 to 22:22, 22:51

Debtor's duty to cooperate with trustee in examining, § 6:26

Deed of trust, filing indenture trustee of, § 22:6, 22:15, 22:20, 22:54

Deemed filing, § 22:9

Deficiency claim by secured creditor, § 22:33

Definitions, generally, § 22:2 to 22:5

Demand in proof of claim, § 22:27

Destruction or loss of original writing of secured claim, § 22:28

Discharge
necessity of filing by creditor with nondischargeable claim, § 22:7
objection or complaint as informal proof of claim, § 22:32

Discretion of court, § 22:38, 22:43, 22:44

Distribution
establishing right to participate in, § 22:1 to 22:13
priority as to tardy claims filed before commencement of distribution, § 24:48

District court clerk or judge, filing with, § 22:35

PROOF OF CLAIM—Cont'd

Due process requirements as to notice of bar date, § 22:53

Duplicate of secured claim, filing of, § 22:28

Electronic transmission of notice, § 22:55

Endorser as person who may file, § 22:17

Equitable power of court to extend time, § 22:48

Equity security, defined, § 22:16

Equity security holder
filing of proof of interest, § 22:6, 22:16
notice of bar date, § 22:54

Equity security holders, § 6:60

Estoppel as to informal proof of claim, § 22:32

Exceptions and objections, § 22:13, 22:26

Excusable neglect, extension of time to file based on, § 22:44, 22:45

Executory contracts and unexpired leases, rejection, § 22:46

Expenses. Costs and expenses, above

Extension of time to file, § 22:44 to 22:47

Family farmer debt adjustment
notice of bar date, § 22:52
time for filing, § 22:42, 22:46 to 22:48

Filing
manner of filing, § 22:27 to 22:37
necessity and effect of, § 22:6 to 22:13
place of filing, § 22:35, 22:36
time for filing, § 22:42 to 22:51
who may file, § 22:14 to 22:26

Fines in tax cases, amendment of claims for, § 22:39

PROOF OF CLAIM—Cont'd

Foreign countries, claimants in, § 22:56

Form and content, § 22:27 to 22:37

Fraudulent transfers, § 22:46

Fuel use tax liability, § 22:22

General partners, § 22:1, 22:5, 22:13

Governing law, § 22:12

Guarantors as persons who may file, § 22:17, 22:18, 22:20

How proof is filed, generally, § 22:27 to 22:37

Income taxes, amendment of claims for, § 22:39

Indenture trustee, filing by, § 6:71, 22:6, 22:15, 22:20, 22:54

Individual Debt Adjustment (this index)

Informal proofs of claim, § 22:31, 22:32, 22:41

Insufficiency of proof, § 22:13

Interest, definition of proof of, § 22:1, 22:16

Interest on tax, amendment of claim for, § 22:39

Joinder of claims by transferor and transferee, § 22:25

Judge, filing with, § 22:35

Judgments invalidating secured claims, filing after, § 22:46

Knowledge. Notice and hearing, below

Letter

 informal proofs of claim, § 22:32

 withdrawal of proof of claim, § 22:37

Limitation of actions, § 22:44, 22:48

Limited partners, § 22:1

Liquidation (this index)

List of creditors filed by debtor, § 22:10

PROOF OF CLAIM—Cont'd

Loss or destruction of original writing of secured claim, § 22:28

Mailing of notice, § 22:52, 22:54

Medical expenses, § 22:21

Meeting of creditors, notice of, § 22:53

Mortgage, filing by indenture trustee of, § 22:15, 22:20

Motion, application, or request, § 22:32, 22:44, 22:47

Motor vehicle, repairs of, § 22:21

Municipal Debt Adjustment (this index)

Necessity and effect of filing, § 22:6 to 22:13

No-asset cases, § 22:36

No dividend notice, § 22:8, 22:46, 22:54

Nominal asset cases, claim register for, § 22:36

Nondischargeable claims, § 22:7, 22:19

Notice and hearing

 amendment of proof of claim or interest, § 22:40

 bar date, § 22:10, 22:52 to 22:56

 debtor or trustee filing on behalf of creditor, § 22:51

 extension of time for filing claim, § 22:45

 hearings on objection to transfer of claim, § 22:26

 informal proof of claim, § 22:31

 no dividend notice, § 22:8, 22:46, 22:54

 transfer of claims, objection to, § 22:24 to 22:26

 withdrawal of proof of claim, § 22:37

Notice relating to claims secured by security interest in the debtor's principal residence, § 22:29

INDEX

PROOF OF CLAIM—Cont'd

Objections
generally, § 1:152, 22:12, 22:13
informal proof of claim, objection as, § 22:32
transfer of claim, § 22:26
Open-end credit agreement, § 22:30
Original of secured claim, filing of, § 22:28
Own behalf, debtor filing claim on, § 22:19
Parties who may file, generally, § 22:14 to 22:26
Partners and partnership, § 22:1, 22:5, 22:13
Penalties in tax cases, amendment of claims for, § 22:39
Perfection of security interest, § 22:33
Persons who may file, generally, § 22:14 to 22:26
Place of filing, § 22:35, 22:36
Pleading as informal proof of claim, § 22:32
Postpetition claims, § 22:21, 22:51
Postpetition transfers of claims, § 22:23 to 22:26
Preferred stockholders, § 22:1
Prepetition claims, § 22:6
Preponderance of evidence, § 22:12
Presumptions, § 22:54
Prima facie evidence, § 22:9 to 22:12
Privacy considerations, § 1:78
Proof of interest, defined, § 22:1, 22:15
Proprietor in sole proprietorship, § 22:1
Publication of notice of bar date, § 22:56
Public relations campaign involving notice of bar date, § 22:56

PROOF OF CLAIM—Cont'd

Rebuttal of presumptions or prima facie case, § 22:12, 22:54
Receipt from warehouse as prima facie evidence, § 22:11
Register of claims, § 22:36
Reimbursement rights, § 22:18
Relation back of amendment of proof of claims, § 22:40
Relief-from-stay motion as informal proof of claim, § 22:32
Reorganization (this index)
Repairs of auto, § 22:21
Residence of debtor, notice relating to claims secured by security interest, § 22:29
Revolving credit agreement, § 22:30
Rules of Bankruptcy Procedure (this index)
Salary or wages, § 22:27
Satisfactory evidence of perfection of security interest, defined, § 22:33
Scale ticket issued by warehouse, § 22:11
Secured claims
indenture trustee, § 22:6, 22:15, 22:20, 22:54
informal proofs of claims, § 22:32
judgments invalidating secured claims, § 22:46
necessity of filing, § 22:6
perfection of security interest, § 22:33
transfers of claims for security, § 22:20, 22:25
writing requirement, § 22:28
Small claims, notice of bar date involving, § 22:56
Sole proprietorship, § 22:1
Sovereign immunity, effect of governmental unit's filing proof of claim, § 6:80, 6:83

PROOF OF CLAIM—Cont'd

- Special revenue, claims payable from, § 22:4
- State law, burden of proof, § 22:12
- State or subdivision, claims by, § 22:47
- Statute of limitations, § 22:44, 22:48
- Stock and stockholders, § 22:1
- Subrogation rights, § 22:18
- Suretyship and guaranty, § 22:17, 22:18, 22:20
- Surplus after payment of claims, § 22:47
- Taxation
 - generally, § 22:21
 - claims, amendment of, § 22:39
 - proof of claim, § 22:12
- Time or date for filing
 - generally, § 22:42 to 22:51
 - administrative expense claims, § 22:52
 - amendment of proof of claim, § 22:38, 22:39, 22:41
 - bar date, above
 - extension of time, § 22:42 to 22:48
 - notice of bar date, § 22:10, 22:52 to 22:56
- Tort claims, § 22:6, 22:56
- Tort complaint as informal proof of claim, § 22:32
- Transferee or transferor of claim, § 22:23 to 22:26
- Transfers in fraud of creditors, § 22:46
- Trustees (this index)
- United States, claims by, § 22:47
- Unknown holders of securities under trust instrument, § 22:15
- Voluntary bankruptcy, § 8:36, 8:83, 8:105
- Voting rights of creditors, § 22:13

PROOF OF CLAIM—Cont'd

- Wages, salary, or commissions, § 22:27
- Warehouse receipt or scale ticket as prima facie evidence, § 22:11
- Who may file, generally, § 22:14 to 22:26
- Withdrawal of proof, § 22:37
- Words and phrases, generally, § 22:2 to 22:5
- Writing requirement for proof of claims, § 22:28, 22:31

PROOF OF INTEREST

- Proof of Claim (this index)

PROPERTY INSURANCE

- Adequate protection, § 21:59

PROPERTY OF ESTATE

- Generally, § 12:1 et seq.
- Abandonment of Property of Estate (this index)
- Accounts and Accounting (this index)
- Adequate Protection (this index)
- Administrative Expenses (this index)
- Adversary proceedings, recovery of money or property, § 12:152
- After-Acquired Property (this index)
- Animals (this index)
- Annuities (this index)
- Appliances (this index)
- Appraisals and Appraisers (this index)
- Appreciation of abandoned property, debtor entitlement to, § 12:125
- Assets scheduled but not administered, abandonment of, § 12:116, 12:121
- Assignment for Benefit of Creditors (this index)

INDEX

PROPERTY OF ESTATE

—Cont'd

Automatic Stay (this index)
Avoidance (this index)
Bailments (this index)
Bankruptcy Act of 1898, § **12:2**
Banks (this index)
Books and Papers (this index)
Brokers, § **2:21**
Burdensome property, court authorization for trustee's abandonment of, § **12:116, 12:118 to 12:120, 12:129, 12:139**
Causes of Action (this index)
Clean-up costs of hazardous or toxic wastes, § **12:139**
Closing and reopening cases, § **12:121 to 12:123**
Clothing. Wearing Apparel (this index)
College, accreditation as property of estate, § **12:93**
Commencement of cases, § **12:1, 12:5**
Community Property (this index)
Compelled abandonment, § **12:116, 12:117, 12:130, 12:152**
Complaint, filing of, commencement of adversary proceedings, § **12:152**
Conflict of laws. Governing Law (this index)
Consent to proposed abandonment, failure to object as, § **12:131**
Consignments (this index)
Constructive trusts, § **12:19 to 12:21**
Consultation of state law, determination of debtor's interest in property, § **12:153**
Contingent asset, exemption from deemed abandonment, § **12:123**

PROPERTY OF ESTATE

—Cont'd

Contingent remainders, § **12:77, 12:78**
Contracts and Agreements (this index)
Control of estate, § **12:5**
Conversion or dismissal determination as of date of filing original petition, § **12:3**
from Chapter 12, § **11:100**
from Chapter 13, § **11:90**
records of, § **11:91**
Costs and Expenses (this index)
Creation of estate, commencement of case, § **12:1**
Crops (this index)
Custodians (this index)
Date. Time or date, below
Death of debtor during case, § **12:6**
Deemed abandonment, § **12:116, 12:121 to 12:123, 12:129**
Defamation (this index)
Defenses of estate, § **6:9, 12:154**
Definition, applicability in specific proceedings, § **12:4**
Delivery of property, compelled, § **12:152**
Dependents (this index)
Deposits and Depositories (this index)
Disposition of property, § **12:152, 12:155**
Disputed interest of debtor in property, filing of complaint, § **12:124**
Distribution, preservation of estate as administrative expense, § **34:25 to 34:27**
District court, exclusive jurisdiction over property at time of commencement, § **12:151**

PROPERTY OF ESTATE

—Cont'd

- Divestment of debtor's property interests, creation of estate, § **12:1**
- Domestic Support Obligations (this index)
- Educational loan eligibility, educational institution accreditation and licensing, § **12:93**
- Effect of abandonment, generally, § **12:124 to 12:126**
- Employee Retirement Income Security Act, § **12:10**
- Equitable interest in property, § **12:7, 12:118, 12:119, 12:128**
- ERISA-qualified pension plans, inclusion in bankruptcy estate, § **12:88**
- Exceptions, § **12:8, 12:123**
- Excess Property (this index)
- Exclusive jurisdiction, § **12:151, 12:153**
- Executory Contracts and Unexpired Leases (this index)
- Exemptions (this index)
- Fair market value of property, § **12:118**
- Family Farmer or Fisher Debt Adjustment Plans (this index)
- Family Farmer or Fisher Debt Adjustment (this index)
- Farmout agreements, exclusion of certain hydrocarbon interests from estate, § **12:94**
- Fees and charges, inclusion in bankruptcy estate, § **12:85**
- Fiduciaries, exercise of control over estate, § **12:5**
- Filing
 - generally, § **12:152, 12:155 to 12:160**

PROPERTY OF ESTATE

—Cont'd

- Filing—Cont'd
 - Abandonment of Property of Estate (this index)
 - complaint, disputed interest of debtor in property, § **12:124**
 - motion for abandonment, § **12:127**
 - objection to proposed abandonment, § **12:131**
 - schedule of assets and liabilities, § **12:121**
 - service of notice of intent to abandon property, § **12:129**
- Foreclosure on abandoned property, notice to trustee, § **12:125**
- Foreign proceedings, creation of estate, § **12:1**
- Fresh start doctrine, § **12:2, 12:79**
- Governing law, § **12:153**
- Grains assets, § **12:90, 12:133**
- Hazardous or toxic wastes, § **12:139 to 12:141**
- Hearings. Notice and hearing, below
- Homestead Exemption (this index)
- Household Furnishings or Goods (this index)
- Husband and Wife (this index)
- Imminent danger to public health and safety, § **12:140, 12:141**
- Implied power of trustee to abandon property, § **12:116, 12:140**
- Inadequately listed property, revocation of deemed abandonment upon closing of case, § **12:122**
- Income from abandoned property, debtor entitlement to, § **12:125**

INDEX

PROPERTY OF ESTATE

—Cont'd

- Income-producing ability, determination of burdensome property, § 12:118
- Income taxes, refund as property of estate, § 12:82, 12:83
- Indenture trustee, notice and hearing on abandonment of property, § 12:129
- Individual Debt Adjustment (this index)
- Individual retirement accounts, inclusion in bankruptcy estate, § 12:89
- Initial pool of assets forming estate, § 12:2, 12:3
- Instigation of trustee, abandonment of property at, § 12:116
- Insurance and Insurance Companies (this index)
- Intangible Personal Property (this index)
- Intellectual Property (this index)
- Intent, § 12:129
- Intervention (this index)
- Inventory (this index)
- Investigation, determination of presence of hazardous wastes, § 12:141
- Investments (this index)
- Ipso facto clauses, § 12:9
- Jewelry exemptions, § 13:76
- Joint or Co-Ownership Interests (this index)
- Joint tax returns, § 12:83
- Junior lienholder, equity in property sufficient to secure debt of, § 12:128
- Jurisdiction, § 12:151
- Legal title, § 12:7, 12:92
- Letters of credit, exclusion from bankruptcy estate, § 12:86
- Liens and Encumbrances (this index)

PROPERTY OF ESTATE

—Cont'd

- Life Insurance (this index)
- Limitation of actions. Statute of Limitations (this index)
- Limitations, § 12:7 to 12:10, 12:118 to 12:120, 12:129, 12:140
- Liquid and gaseous hydrocarbons, interests related to, § 12:94
- Liquidation (this index)
- Mailing of bankruptcy petition, filing upon receipt by court, § 12:3
- Maintenance costs, determination of burdensome property, § 12:118
- Methods of abandonment, § 12:116
- Midlantic decision, hazardous or toxic wastes, § 12:140
- Money or Cash (this index)
- Money order sale proceeds, § 12:95
- Mortgages and deeds of trust, § 12:92
- Motions, § 12:127, 12:129, 12:152
- Municipal debt adjustment, definition, § 12:4
- Musical instruments, exemption of debtor's interest in, § 13:154
- Nature of proceeding, § 12:127
- No-Asset Cases (this index)
- Notice and hearing
 - generally, § 12:132, 12:134, 12:155 to 12:160
 - burdensome property, § 12:116
 - compelled abandonment, § 12:130
 - deemed abandonment, § 12:129
 - foreclosure, § 12:125
 - incorporation of notice of abandonment of property into notice of meeting of creditors, § 12:129

PROPERTY OF ESTATE

—Cont'd

- Notice and hearing—Cont'd
 - indenture trustee, § **12:129**
 - objections to proposed abandonment, § **12:129, 12:132**
 - renoticing, § **12:130**
 - trustee, § **12:129**
- Nunc pro tunc, reinvestment of property in debtor, § **12:125**
- Objections, § **12:129, 12:131, 12:132**
- Operation of business, § **15:7**
- Orders
 - exceptions, deemed abandonment, § **12:123**
 - supersedeas bond, stay of enforcement of suspension of railroad line, § **12:137**
 - trustee, abandonment of property, § **12:116**
- Outstanding valid encumbrances, determination of burdensome property, § **12:118**
- Partnership (this index)
- Party in interest, request for abandonment by, § **12:128**
- Pawned property, § **12:80**
- Pension or retirement systems, § **12:10, 12:88, 12:89**
- Personal property. See more specific lines throughout this topic
- Postpetition assessments against abandoned property, debtor entitlement to, § **12:125**
- Powers benefiting others, exclusion from bankruptcy estate, § **12:87**
- Practice and procedure, generally, § **12:127 to 12:132**
- Precautionary measures, hazardous and toxic waste, § **12:141**
- Preferences and Preferential Transfers (this index)

PROPERTY OF ESTATE

—Cont'd

- Presumptions and burden of proof, § **12:131**
- Prevention of transfer of property, restrictions, § **12:8**
- Prima facie case, lack of debtor's equity in property, § **12:119**
- Probate estate of debtor, § **12:6**
- Proceeds (this index)
- Profit from property deemed abandoned, debtor entitlement to, § **12:125**
- Protection of employees, rail carriers, § **12:138**
- Public health and safety, trustee responsibility for, § **12:140, 12:141**
- Public interest, representation by ICC in abandonment of railroad line, § **12:134, 12:135**
- Real Property (this index)
- Receipt of property, record of, § **12:155**
- Records and reports, § **12:155 to 12:160**
- Redemption (this index)
- Refund, § **12:82, 12:83**
- Release of trustee, responsibilities for abandoned property, § **12:125**
- Remainder interests, inclusion in bankruptcy estate, § **12:78**
- Removal of Property (this index)
- Renoticing, compelled abandonment, § **12:130**
- Reorganization Plans (this index)
- Reorganization (this index)
- Repurchase agreement liquidation, excess of market price over stated repurchase price and expenses, § **12:91**
- Restrictions on transfer of beneficial trusts, § **12:88**

INDEX

PROPERTY OF ESTATE

—Cont'd

Return of property. Refund (this index)

Revesting of property in debtor, § 12:125

Revocation, inadequate listing of property deemed abandoned, § 12:122

Sale of mortgages on secondary market, § 12:92

Schedules (this index)

Scope of estate, generally, § 12:2, 12:3

Securities, § 12:84

Security agreement, property subject to, § 12:9

Seizure of Person or Property (this index)

Sequestration (this index)

Service of process and papers, objections to abandonment, § 12:131

Setoff or Offset (this index)

Spendthrift trusts, § 12:10, 12:88, 12:89

Spouse, exclusion of excess withholdings on joint income tax return, § 12:83

Standing, § 12:128

State environmental laws, aggravation by abandonment, § 12:139, 12:140

State law, threshold determination of interest in property, § 12:153

Statute of frauds, defense of estate, § 6:9, 12:154

Statute of limitations, § 6:9, 12:154

Stockbroker Liquidation (this index)

Surface Transportation Board, role in railroad lines, § 12:135

Tenancy by Entirety (this index)

Third persons or parties, § 12:5

PROPERTY OF ESTATE

—Cont'd

Time or date
generally, § 12:3, 12:90
contingent asset to estate, payment, § 12:123
employees of railroad, payment, § 12:138
filing of bankruptcy petition, § 12:3
grain assets, expedited procedures, § 12:133
objection to proposed abandonment, § 12:131

Title, effect of abandonment on transfer of, § 12:124

Toxic waste, § 12:139 to 12:141

Trustees (this index)

Trust fund taxes, § 12:22

Trusts (this index)

Turnover of Property (this index)

Unadministered property, § 12:116, 12:121

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

Usury, estate's benefiting from defenses available to debtor, § 6:9, 12:154

Value and Valuation (this index)

Vested power to abandon property, § 12:125, 12:128

Waiver of defense by debtor after commencement of case, § 6:9, 12:154

Weapons exemptions, § 13:77

Wearing Apparel (this index)

PROPERTY TAXES

Adequate protection, § 21:54

Automatic stay, § 16:101, 16:104

Family farmer debt adjustment plans, § 33:9

Priorities, § 34:74, 34:75

Recapture, § 3:26

Reorganization Plans (this index)

PROPERTY TAXES—Cont'd

- Tax treatment of discharge, § 3:3, 3:18, 3:24
- Use, sale, or lease of property, § 15:29

PROPORTIONS

- Fraudulent transfers and concealment of assets, § 19:18

PROPRIETARY ACCOUNTS

- Commodity broker liquidation, § 34:171

PROPRIETARY INTEREST

- Judges, § 4:36

PROPRIETORS

- Sole Proprietors (this index)

PRO RATA DISTRIBUTION OR PAYMENT

- Allowance of Claims or Interests (this index)
- Use, sale, or lease of property, § 15:44

PRORATION

- Taxation, § 3:34

PRO SE

- Generally, § 6:4
- Forma pauperis, § 8:94, 37:3
- Indenture trustees, § 6:71

PROSPECTIVE APPLICATION

- Retroactive Application (this index)

PROTECTING ASSETS

- Compiling, Preserving and Protecting Assets (this index)

PROTECTIVE ORDERS

- Generally, § 1:96
- Allowance of claims or interest, § 24:12
- Collective bargaining agreement, rejection or modification, § 20:99, 20:125

PROTECTIVE ORDERS

—Cont'd

- Confidentiality, § 1:96, 6:2
- Defamatory matters, § 1:96, 6:2
- Executory contracts and unexpired leases, § 20:99, 20:125
- Operation of business, § 15:5
- Rules of Bankruptcy Procedure (this index)
- Size and nature of claim, § 23:5

PROXIES

- Creditors' and equity security holders' committees, § 6:46, 6:56, 6:65
- Creditor's rights, generally, § 6:37
- Disclosure statements, proxy solicitation requirements inapplicable, § 27:4
- Indemnification of professionals, § 2:51
- Indenture trustees, § 6:71, 6:72
- Interested party, generally, § 6:87
- Liquidation, § 5:18
- Reorganization, § 5:34
- Reorganization plans, § 26:20
- Rules of Bankruptcy Procedure, § 4:107
- Trustee election, § 5:18, 5:34
- U. S. trustees, § 4:107
- Voluntary bankruptcy, § 8:3

PUBLIC ACCESS

- Creditors' meetings, press and public attendance at, § 10:16
- Papers filed in bankruptcy cases, generally, § 6:78
- Sovereign immunity as to access to papers, § 6:78

PUBLIC AGENCY

- Administrative Agencies (this index)

PUBLIC ASSISTANCE

BENEFITS

- Welfare Recipients (this index)

INDEX

PUBLICATION

- Automatic stay, public comment or statements regarding debtor, § **16:38**
- Involuntary petition, § **9:47**
- Motions, § **1:79**
- Newspapers (this index)
- Notice by publication, § **1:83**
- Proof of claim, § **22:56**
- Use, sale, or lease of property, § **15:34**
- Voluntary bankruptcy, § **8:36, 8:39**

PUBLIC CONVENIENCE AND NECESSITY

- Automatic stay, § **16:67**

PUBLIC FEE AWARDS

- Clerks, § **4:54**

PUBLIC HEALTH AND SAFETY

- Automatic stay, § **16:88 et seq.**
- Property of estate, § **12:140, 12:141**

PUBLIC HOUSING

- Discriminatory treatment of debtor, § **6:28, 6:32**

PUBLIC INSPECTION

- Examination or Investigation (this index)

PUBLIC INTEREST

- Property of estate, § **12:134, 12:135**
- Railroad Reorganization (this index)
- Reorganization plans, § **26:1, 26:33 to 26:35**

PUBLIC OBLIGATIONS

- Securities (this index)

PUBLIC OFFERING

- Taxation, § **3:52**

PUBLIC POLICY

- Ancillary and other cross-border cases under BAPCPA, § **33A:7**
- Automatic stay, § **16:90**
- Reorganization plans, mandatory provisions dealing with corporate governance, § **26:21**

PUBLIC RECORDS

- Creditors' meetings, filings, § **10:43**
- Papers filed in bankruptcy cases, § **6:78**
- Records and Reports (this index)

PUBLIC RELATIONS

- Proof of claim, § **22:56**

PUBLIC RIGHTS-PRIVATE RIGHTS

- Jurisdictional questions, § **7:146**

PUBLIC UTILITIES

- Utilities (this index)

PUBLIC WELFARE

- Welfare Recipients (this index)

PUERTO RICO

- Opt-out provision, § **13:7**

PULLMAN ABSTENTION

- Generally, § **7:19**

PUNISHMENT

- Fines and Penalties (this index)
- Prisons and Prisoners (this index)
- Sanctions (this index)

PUNITIVE DAMAGES

- Abstention, § **7:32**
- Automatic stay, § **16:209 et seq.**
- Avoidance, § **17:52, 17:53**
- Fraudulent transfers and concealment of assets, § **19:100**
- Involuntary case, § **9:35, 9:62**

PUNITIVE DAMAGES—Cont'd

Sovereign immunity not waived,
§ 6:78

PURCHASE-MONEY

SECURITY INTEREST

Adequate protection, § 21:27

Injunctions, § 7:168

Nonpossessory, Nonpurchase-
Money Security Interests
(this index)

Preferential transfers, exceptions
to avoidability, § 18:74 to
18:77

Redemption, § 12:101

Reorganization plans, classifica-
tion of claims or interests,
§ 26:39

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

PURCHASER

Sale or Transfer (this index)

PUTS AND CALLS

Commodity broker liquidation,
§ 34:175

QUALIFICATION OR

ELIGIBILITY

Ancillary and other cross-border
cases, § 1:66

Appeals, § 37:29

Attorneys, § 7:80

Creditors' committees, § 6:55

Debtor, eligibility to be
generally, § 1:40 to 1:66
automatic stay exception based
on ineligible filing,
§ 16:111

banks, § 1:43

business trusts, § 1:48

choice of chapter under which
to file, § 1:67 to 1:72

family farmer debt adjustment,
§ 1:50 to 1:54

QUALIFICATION OR

ELIGIBILITY—Cont'd

Debtor, eligibility to be—Cont'd
income tax return as measure of
gross income, § 1:51

individual debt adjustment,
§ 1:55 to 1:65

insurance companies, § 1:44

liquidation, § 1:42 to 1:44

municipal debt adjustment,
§ 1:45

ongoing business requirement,
§ 1:49

previous dismissal, effect of,
§ 1:39

small business Chapter 11
cases, § 1:47

Toibb v Radloff decision,
§ 1:49

Employment of professional
persons, § 2:7

Examiners, § 5:3 to 5:5

Exemptions, § 13:37

Individual debt adjustment, § 1:55
to 1:65

Involuntary bankruptcy, § 9:10 to
9:34

Judges (this index)

Municipalities, specific authoriza-
tion required to be Chapter 9
debtor, § 1:45

Prepetition credit counseling,
§ 1:40

Recusal of judges, § 4:30, 4:32

Small business investment
companies, ineligibility for
Chapter 7, § 1:42

Trustees (this index)

QUANTUM MERUIT

Compensation of trustee or
examiner, § 5:106

QUARTERLY FEES

United States trustees, § 4:63,
4:66, 4:67, 34:39

INDEX

QUESTIONS OF LAW AND

FACT

- Appeals, § 37:6, 37:21 to 37:23
- Discharge (this index)
- Exemptions, § 13:8, 13:79, 13:95, 13:161
- Impairment of claims or interests, reorganization plans, § 26:41
- Venue, § 7:183, 7:184

QUICKIE REFUND

- Administrative expenses, § 34:29
- Allowance of claims or interest, § 24:64

QUIET ENJOYMENT

- Executory contracts and unexpired leases, lessee's retention of quiet enjoyment rights after rejection by debtor-lessor, § 20:63

QUITCLAIM DEED

- Automatic stay, § 16:64

RACE DISCRIMINATION

- Trustee selection, § 5:10, 5:12

RACKETEERING

- Crimes and offenses, § 12:150
- Professional persons, employment of, § 2:53

RAILROAD

REORGANIZATION

- Abandonment of railroad line generally, § 1:134, 1:173, 26:34
- appeal, § 12:137
- cashlessness of railroad carrier, § 12:136
- employees, protection of, § 12:138
- plans, § 26:34
- Surface Transportation Board, § 1:134, 1:173, 12:135
- Administrative expenses, distribution, § 34:189

RAILROAD

REORGANIZATION

—Cont'd

- Administrative Procedure Act, § 26:35
- Appeal, abandonment of railroad line, § 1:173, 12:137
- Bankruptcy Act of 1898, § 1:16
- Cashlessness of rail carrier, § 12:136
- Collective bargaining agreements, § 20:97
- Confirmation of plan, § 28:30, 28:31
- Continuation of rail service, specification in plan of extent of, § 26:33
- Conversion or dismissal, § 1:121, 26:33 to 26:35
- Costs and expenses, § 34:189
- Cram-down, § 7:168
- Creditors' meeting not convened, § 6:43
- Custodians, § 6:77
- Debtor in possession, § 5:112
- Distribution, § 34:188 to 34:190
- Employees, protection of, § 12:138
- Equipment. Rolling stock, below
- Executory contracts and unexpired leases, collective bargaining agreement, § 20:97
- Expenses, § 34:189
- Government agencies, § 6:85
- Hearing, generally, § 12:134, 12:135
- Injunctions, § 7:168
- Interested parties, § 6:85
- Intervention, § 1:95
- Involuntary bankruptcy, conversion or dismissal, § 26:33 to 26:35
- Judicial review, § 1:173, 12:137
- Labor protection benefits, § 12:138

RAILROAD**REORGANIZATION****—Cont'd**

- Leases
 - executory labor contracts, § 20:97
 - loans distinguished, § 15:25
- Local regulation, Regional Rail Reorganization Act of 1973, § 15:17
- Meeting of creditors not convened, § 6:43
- Nonpurchase-money lenders accorded protection, § 7:168
- Notice and hearing, generally, § 12:134, 12:135
- Officers and administration. Trustees, below
- Operation of debtor's business or affairs, generally, § 15:16, 15:17
- Petition, § 12:135
- Plan, formulation of, § 12:134
- Plans
 - generally, § 26:33 to 26:35
 - discretionary provisions, § 26:34
 - mandatory provisions, § 26:33
- Priority claims, § 12:138
- Public interest
 - generally, § 26:33 to 26:35
 - ICC representation of, § 12:134, 12:135
- Regional Rail Reorganization Act of 1973, § 15:17
- Rent. Leases, above
- Review, § 1:173, 12:137
- Right to be heard, § 12:134, 12:135
- Rolling stock
 - generally, § 15:26
 - injunctions, § 7:168
- Safe harbor definition of lease and security interest, § 7:168
- Sales of lines, § 26:34, 26:35

RAILROAD**REORGANIZATION****—Cont'd**

- Six-months rule, distribution, § 34:190
 - Stay, suspension of railroad lines, § 12:137
 - Supersedeas bond, stay pending appeal, enforcement of order authorizing termination of service, § 12:137
 - Surface Transportation Board
 - abandonment of railroad line, generally, § 1:134, 1:173, 12:135
 - plan transfers and operations requiring Board approval, § 26:35
 - rules, § 26:33, 26:35
 - Termination of rail service, § 26:33
 - Transportation Secretary, abandonment of line, § 1:134
 - Trustees
 - appointment of trustee, § 5:1, 5:24
 - operation of business, § 15:17
 - U. S. trustees, § 4:65, 4:95
 - U. S. trustees, § 4:65, 4:95
 - Use of property. Leases, above
 - Voluntary bankruptcy, § 8:87
- RAILROADS**
- Annuities and pensions as exempt under federal nonbankruptcy law, § 13:116
 - Debtor in possession, § 5:106, 5:112
 - Executory contracts and unexpired leases, § 20:69, 20:97
 - Notice and hearing, § 12:134, 12:135
 - Railroad Reorganization (this index)
 - Use of equipment subject to finance agreements, § 15:26

INDEX

**RAIL SAFETY ENFORCEMENT
AND REVIEW ACT**

Airport leases, § 20:27, 20:51

RAILWAY LABOR ACT

Executory contracts, § 20:97

RANCHES

Adequate protection, § 21:55

RATES AND CHARGES

Fees and Charges (this index)

RATIFICATION

Correlative topic. Consent or
Approval (this index)

Voluntary petitions on behalf of
corporation, § 8:10

RAW MATERIALS

Size and nature of claim, § 23:35

REAFFIRMATION OF DEBTS

Generally, § 35:236 et seq.

Agreements, enforceability of,
§ 35:237

Allowed claim for purchase price
secured by personalty, § 6:18

Approval, § 35:239, 35:240

Attorneys, § 1:168

Automatic stay, § 16:133

Best interests of debtor standard,
§ 35:240

Court approval, § 35:239, 35:240

Discharge, generally, § 1:168

Discriminatory treatment of
debtor, § 6:28

Enforceability of agreements,
§ 35:237

Exemptions, § 13:121

Hearings, § 35:241, 35:242

Informing debtor of rights,
§ 35:242

Preferential transfers, effect of
other Code provisions,
§ 18:35

Redemption, § 12:97, 12:109

Truth in Lending Act, § 35:243

REAFFIRMATION OF DEBTS

—Cont'd

Validity of agreements, § 35:237

Voluntariness, § 35:238

REAL ESTATE

Real Property (this index)

**REAL ESTATE AGENTS AND
BROKERS**

Assumption of executory contract
for broker's commission,
§ 20:3

Commissions, after-acquired prop-
erty, § 12:63

Executory contracts and unexpired
leases, § 20:3

Exemptions for motor vehicles,
§ 13:73

Professional persons, real estate
brokers as, generally, § 2:21

Size and nature of claim, § 23:10

Use, sale, or lease of property,
§ 15:30

REAL ESTATE COMMISSIONS

After-acquired property, § 12:63

**REAL ESTATE INVESTMENT
TRUSTS**

Tax treatment of discharge, § 3:18

REAL PARTY IN INTEREST

Interested Persons or Parties (this
index)

REAL PROPERTY

Agents and brokers. Real Estate
Agents and Brokers (this
index)

Avoidance, bona fide purchasers,
§ 17:28 to 17:30, 17:48

Change of venue, real estate value,
§ 7:196

Closing and reopening cases,
§ 36:23

REAL PROPERTY—Cont'd

- Executory Contracts and Unexpired Leases (this index)
- Foreclosure (this index)
- Land trusts, eligibility for bankruptcy, § 1:38
- Leases (this index)
- Liens and Encumbrances (this index)
- Liquidation (this index)
- Mortgages and Deeds of Trust (this index)
- Property Taxes (this index)
- Taxation
 - Property Taxes (this index) treatment of discharge, § 3:18
 - Time Share Interests (this index)
 - Voluntary bankruptcy, § 8:66

REAPPOINTMENT

- Judges, § 4:15

REASONABLY EQUIVALENT VALUE

- Fraudulent transfers, § 19:31 to 19:55

REBATES

- Discounts (this index)

REBUTTAL

- Presumption of abuse under Chapter 7 means test, § 11:31
- Proof of claim, § 22:12, 22:54

RECALL TO SERVICE

- Bankruptcy judge, § 1:17, 4:19

RECAPITALIZATION

- Tax-free corporate reorganizations, § 3:45

RECAPTURE

- Separate taxable bankruptcy estate, § 3:31
- Tax treatment of discharge, § 3:25, 3:26

RECEIPT AND DISBURSEMENTS STATEMENTS

- Taxation, § 3:68

RECEIPTS

- Gross Receipts Tax (this index)
- Proof of claim, § 22:11
- Turnover of property, § 14:22

RECEIVABLES

- Accounts Receivable (this index)

RECEIVERS

- Allowance of Claims or Interests (this index)
- Alternatives to bankruptcy, § 1:33
- Appointment of receiver, jurisdiction, § 7:181
- Automatic stay, § 16:100
- Compensation, § 2:60, 14:74
- Crimes and offenses, § 12:149
- Custodians, § 6:75, 6:76
- Involuntary petitions, § 9:13
- Judicial Code (28 USCA), § 1:17
- Jurisdiction to appoint, § 7:181
- Voluntary bankruptcy, § 8:9, 8:29

RECEIVING CONSIDERATION STANDARD

- Automatic stay, § 16:191

RECLAMATION

- Administrative expense claim or lien granted as alternative, § 17:84
- Adversary proceeding, form of action as, § 17:87
- Automatic stay, § 16:66
- Burden of proof, § 17:89
- Customers holding customer name securities in stockbroker liquidation cases, § 17:86
- Date. Time or date, below
- Demand, § 17:74, 17:78 to 17:80
- Determination of insolvency, § 17:77

INDEX

RECLAMATION—Cont'd

- Exclusiveness of Bankruptcy Code remedy, § 17:75
- Good faith purchaser's superior rights, § 17:82, 17:83
- Grain producers and fishermen, § 17:85
- Jurisdiction, § 7:76, 7:109
- Place to file pleadings and other papers, § 17:90
- Property subject to reclamation, § 17:81
- Secured creditor, § 17:83
- Seller of goods, § 17:74 to 17:84
- Stockbroker liquidation, § 17:86
- Sufficiency of demand, § 17:80
- Time or date
 - demand, § 17:78, 17:79
 - superior rights of good-faith purchaser, § 17:82
- Uniform Commercial Code remedy, relation to, § 17:76
- Venue, § 17:88

RECOGNITION

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

RECOMMENDATION

- Abstention, § 7:20 to 7:22

RECONSIDERATION OF CLAIMS

- Allowance of Claims or Interests (this index)

RECONVERSION

- Turnover of property, § 14:27
- Voluntary bankruptcy, § 8:81

RECORD AND TAPE

RECORDINGS

- Sound Recordings (this index)

RECORDS AND REPORTS

- Abstention, reports of bankruptcy judge, § 7:20 to 7:22

RECORDS AND REPORTS

—Cont'd

- Allowance of Claims or Interests (this index)
- Appeals (this index)
- Automatic stay, § 16:40, 16:67, 16:70, 16:73
- Avoidance by trustee of unrecorded or improperly recorded interest, § 17:29, 17:30
- Books and Papers (this index)
- Briefs (this index)
- Clerk of court, § 4:51 to 4:55
- Closing and reopening cases, § 36:4
- Commodity broker liquidation, § 34:169
- Compensation, § 2:96, 2:120
- Debtor discharge denials
 - generally, § 35:13 et seq.
 - justification for failure to keep or preserve, § 35:16, 35:17
 - sufficiency of records, § 35:14, 35:15
 - third parties, records kept by, § 35:15
- Debtor in possession, § 5:112, 5:114
- Disclosure statements, § 27:4
- Distribution (this index)
- Documentation (this index)
- Educational IRA or tuition program, interest in, § 6:20
- Family Farmer or Fisher Debt Adjustment Plans (this index)
- Filing (this index)
- Final Report (this index)
- Fraudulent transfers, evidence of insolvency, § 19:61
- Homestead exemption, § 13:59
- Investigation of debtor's financial affairs, inspection of report of, § 24:11

RECORDS AND REPORTS

—Cont'd

- Investigations. Examinations or investigations, above
- Judges, proceedings on complaints against, § **4:13**
- Justification for debtor's failure to keep or preserve, § **35:16, 35:17**
- Liquidation (this index)
- Minutes of Meeting (this index)
- Municipal Debt Adjustment (this index)
- Operation of business, § **15:4, 15:13, 15:19**
- Patient care ombudsman, § **6:94**
- Preferences, perfection of real property transfer, § **18:104**
- Privacy considerations, § **1:78**
- Property of estate, § **12:155 to 12:160**
- Protective Orders (this index)
- Registration (this index)
- Reorganization Plans (this index)
- Reorganization (this index)
- Rules of Bankruptcy Procedure (this index)
- Searches of records, clerk of court, § **4:51**
- Small business debtors, reporting requirements of, § **6:25**
- Sound Recordings (this index)
- Sovereign immunity as to access to papers, § **6:78**
- Sufficiency of debtor's records, § **35:14, 35:15**
- Taxation, § **3:68, 3:70**
- Third parties, records of debtor kept by, § **35:15**
- Transcripts (this index)
- Transmission of record, appeals, § **37:61, 37:62**
- Trustees (this index)
- Turnover of Property (this index)

RECORDS AND REPORTS

—Cont'd

- U. S. trustees, § **4:69, 4:100 to 4:102, 4:106, 4:107**

RECOUPMENT

- Automatic stay, § **16:14, 16:20, 16:34, 16:41**
- Family farmer debt adjustment plans, § **33:34**
- Setoff distinguished, § **25:6**

RECOVERY OF PROPERTY OR FUNDS

- Allowance of Claims or Interests (this index)

RECREATION

- Individual debt adjustment plans, confirmation, § **31:52**

RECUSAL OF JUDGES

- Generally, § **4:30, 4:32**

REDACTION

- Privacy considerations, § **1:78**

REDEMPTION

- Generally, § **1:137, 12:96 to 12:115**
- Abandoned property, § **12:102, 12:103**
- Adequate protection, § **12:109**
- Allowance of claims or interest, § **24:5**
- Allowed claim for purchase price secured by personalty, § **6:18**
- Allowed secured claim, payment to redeem tangible personal property, § **12:104**
- Amount necessary for redemption, § **12:104 to 12:108**
- Artificial increase of redemption price, payment on collateral greater than agreed in repurchase agreement, § **12:108**
- Automatic stay, § **12:111, 16:133**

INDEX

REDEMPTION—Cont'd

- Closing or reopening of case, time of redemption, § **12:110**, **12:111**
- Collateral, § **12:96**, **12:97**, **12:104 to 12:108**
- Consumer debt secured by property of estate, intent to redeem, § **12:114**
- Contested matter, filing of motion, § **12:112**
- Conversion or dismissal, § **12:109 to 12:111**
- Currency of payments due, effect, § **12:111**
- Debtor in possession, exercise of right of redemption, § **12:98**
- Debtors' rights, generally, § **6:12**
- Discharge of indebtedness, § **12:101**, **12:111**
- Equity interest in property, exemptions, § **12:103**
- Exemptions, § **1:137**, **12:102**, **12:103**
- Expiration, automatic stay, § **12:111**
- Fair market value of collateral, § **12:97**, **12:104**, **12:106**, **12:107**
- Family farmer debt adjustment plans, § **33:13**, **33:20**, **33:36**
- Fees and costs as component of redemption price, § **12:105**
- Filing, motion, § **12:112**
- First refusal, right of, § **12:96**
- Foreclosure sales, fraudulent transfers, § **19:11**
- Fraudulent transfers, § **19:11**, **19:74**
- Fresh start, redemption as facilitating, § **12:96**
- Installment redemption payments, § **12:97**, **12:109**
- Intent, statement of, § **12:110**, **12:111**, **12:114**

REDEMPTION—Cont'd

- Interest, payment to oversecured creditor for redemption of collateral, § **12:105**
- Limited equity in property, effect, § **12:103**
- Liquidation cases, generally, § **12:98**
- Lump sum or installment payments, § **12:97**, **12:109**
- Method of redemption, § **12:109**
- Motions, § **12:112**
- Nonpurchase-money security interests, § **12:101**
- Notice, motion to redeem property, § **12:113**
- Order of court, right to redeem, § **12:98**
- Oversecured creditors, redemption of collateral from, § **12:105**
- Parties eligible to exercise right of redemption, § **12:98**
- Personal, family or household use requirement, § **12:100**, **12:101**
- Practice and procedure, § **12:112 to 12:115**
- Preferences, payments in ordinary course of business as exception to avoidability, § **18:68**
- Purchase-money security interests, § **12:101**
- Reaffirmation, § **12:97**, **12:109**
- Reorganization plans, sale of property free and clear of liens, § **26:13**
- Repossession of collateral, redemption as preventing, § **12:96**
- Repurchase agreement, amount required to redeem property, § **12:108**
- Retail value of collateral, payment for redemption, § **12:106**
- Right of first refusal, § **12:96**

REDEMPTION—Cont'd

- Rules of Bankruptcy Procedure, § **1:137, 12:98, 12:112**
- Size and nature of claim, § **23:11, 23:27, 23:28**
- Sovereign immunity abrogated, § **6:78**
- Statement of intent, § **12:110, 12:111, 12:114**
- Tangible personal property as redeemable, § **12:99 to 12:103, 12:107**
- Time
 - closing or reopening of case, § **12:110**
 - conversion or dismissal of case, § **12:110**
 - discharge of case, § **12:111**
 - statement of intent to redeem, filing, § **12:110, 12:111, 12:114**
 - valuation of collateral, § **12:107**
- Undersecured creditor, price of redemption from, § **12:106, 12:107**
- Valuation, § **12:107**
- Waiver, debtor's right of redemption, § **12:115**
- Wholesale value of collateral, payment for redemption, § **12:106**

REDETERMINATION

- Taxation, § **3:77**

REDUCTION

- Basis. Tax Treatment of Discharge (this index)
- Carryover or Carryback (this index)
- Compensation, § **2:89 to 2:100**
- Liquidation (this index)
- Taxation (this index)

REDUCTION OF TIME

- Reorganization plans
 - exclusivity period for debtor's filing, § **26:62**

REDUCTION OF TIME—Cont'd

- Reorganization plans—Cont'd
 - small business reorganization, change in time for filing plan, § **26:56**

REFERENCE OF CASES

- Generally, § **7:11, 7:16, 7:34 to 7:55**
- Abstention, § **7:48**
- Amendment of pleadings, § **7:40**
- Appeal, § **7:40, 7:45 to 7:50**
- Appearance by foreign representative, § **7:55**
- Appellate panel, § **7:50**
- Article I judges, § **7:44**
- Automatic stay, § **7:39, 7:43**
- Bankruptcy Act of 1898, § **1:16**
- Change of venue, § **7:48**
- Civil rights disputes, § **7:42**
- Clearly erroneous standard, § **7:50**
- Clerk of court, motions for withdrawal, § **7:36**
- Comprehensive Environmental Response, Compensation, and Liability Act, § **7:43**
- Consent of parties, § **7:47, 7:48, 7:50, 7:52**
- Consolidation of adversary proceedings, § **7:41**
- Constitutional law, § **7:146**
- Core proceedings, § **7:5, 7:40, 7:47, 7:48**
- Counterclaims, § **7:51**
- Debtor in possession, § **7:51**
- De novo review, § **7:40, 7:48 to 7:50**
- Disclosure statements, § **7:37**
- Discretionary withdrawal, § **7:41**
- Dismissal, § **7:48, 7:55**
- Environmental laws, § **7:43**
- ERISA, § **7:43**
- Examples, § **7:52**
- Final determination by bankruptcy judge, § **7:50 to 7:52**

INDEX

REFERENCE OF CASES

—Cont'd

Findings of fact, § 7:48 to 7:50
Foreign representative, appearance, § 7:55
Fraudulent conveyances, § 7:41, 7:43
Hearing and determination, generally, § 7:44 to 7:55
Implied consent, § 7:50
Jurisdiction, generally, § 7:4, 7:5, 7:34 to 7:43
Jury trial, § 7:53
Labor disputes, § 7:42
Mandatory withdrawal, § 7:42
Modification of stay, § 7:39
Municipal debt adjustment, § 7:54
Northern Pipeline case, § 7:48, 7:51
Objection to final determination by bankruptcy judge, § 7:51
Own motion of court, § 7:35, 7:38, 7:50, 7:52
Partial withdrawal of reference, § 7:35
Parties, § 7:42
Pension laws, § 7:43
Personal injury and wrongful death actions, § 7:45, 7:53
Pleadings, § 7:40, 7:51
Presumptions, § 7:41
Reorganization, § 7:37, 7:46, 7:53
Securities laws, § 7:42, 7:43
Service of proposed findings of fact, § 7:49
Standing orders of reference, § 7:34
Stays, § 7:38
Timeliness of motion, § 7:37, 7:38
Torts, § 7:45
Transcript request, § 7:49
Venue, § 7:48, 7:53
Withdrawal of reference generally, § 7:4
mandatory withdrawal, § 7:42

REFERENCE OF CASES

—Cont'd

Withdrawal of reference—Cont'd
partial withdrawal of reference, § 7:35

REFINANCING

Renewal or Refinancing (this index)

REFORMATION

Reorganization plan, settlement agreement which became basis for, § 26:26

REFUND

Confidentiality of returns, § 3:72
Discounts (this index)
Distribution
erroneous refund or credit of tax as affecting status for purpose or priorities, § 34:80
quickie refund, effect on priorities of tax liabilities, § 34:29
Extension of payment time, § 3:84
Filing returns, § 3:71
Judicial determination of tax liability, § 3:74
Property of estate, refund as, § 3:73, 12:82
Quickie Refund (this index)
State and local taxes, § 3:28
Tax refunds. See lines throughout this topic

REFUSAL TO TESTIFY

Discharge (this index)

REGIONAL RAIL

REORGANIZATION ACT OF 1973

Operation of business, § 15:17

REGISTER OF CLAIMS

Proof of claim, § 22:36

REGISTRATION

- Clerk of court, § **4:47, 4:52**
- Judgment registration, Federal Debt Collection Procedures Act, § **1:34**
- Loans or credit, securities registration, § **15:75**

REGULARITY OF INCOME REQUIREMENT

- Individual debt adjustment, § **1:58**

REHABILITATION

- See more specific topics
- Chapter 11 debtor discharges generally, § **35:38**
- individual debtors, § **35:39**
- Chapter 12 debtor discharges generally, § **35:40**
- hardship, § **35:41**
- Chapter 13 debtor discharges generally, § **35:40**
- hardship, § **35:41**

REHEARING

- Bankruptcy Appellate Panels and district courts, § **37:74**
- Individual debt adjustment plans, confirmation, § **31:59**

REIMBURSEMENT

- Allowance of claims or interests, generally, § **24:105**
- Computerized legal research, § **2:87**
- Creditors' and equity security holders' committees, § **6:44, 6:52**
- Deficient fee application or supporting documentation, § **2:96**
- Delivery services, § **2:84**
- Denial, reduction, or return, generally, § **2:89 to 2:100**
- Disclosure of conflict of interest, § **2:92**

REIMBURSEMENT—Cont'd

- Disinterestedness requirement, § **2:91, 2:92**
- Duplication of services, § **2:95**
- Employment of professional persons, § **2:1**
- Evidence, § **2:109, 2:110**
- Fraudulent transfers, reimbursement of back-due salary and expenses, § **19:73**
- Government agencies, § **6:85**
- Indenture trustees, § **6:71**
- Interest, § **2:88**
- Interim reimbursement generally, § **2:101 to 2:105**
- holdback of portion of reimbursement, § **2:103**
- monthly reimbursement, § **2:104**
- superpriority, § **2:105**
- Lodging, § **2:85**
- Mail and mailing services, § **2:84**
- Meal expenses, § **2:85**
- Monthly reimbursement, § **2:104**
- Motion, Application, or Request (this index)
- Nonprofessional services, § **2:93, 2:94**
- Notice and hearing, § **2:83**
- Photocopying, § **2:84**
- Preferential transfer in reimbursement of surety, § **18:98**
- Prior employment order, § **2:90**
- Professional persons, generally, § **1:107, 2:83 to 2:88**
- Proof of claim, § **22:18**
- Reorganization, § **6:52**
- Secretarial overtime, § **2:86**
- Securities and Exchange Commission, § **6:86**
- Size and nature of claim, § **23:23**
- Standing Trustees (this index)
- Superpriority, § **2:105**
- Surety, preferential transfer in reimbursement of, § **18:98**

INDEX

REIMBURSEMENT—Cont'd

- Taxation, § 3:28
- Telephone charges, § 2:84
- Travel expenses, § 2:85
- Trustees and examiners, § 2:94, 5:87, 5:88
- U. S. trustees, § 4:90, 4:101, 4:103
- Voluntary bankruptcy, § 8:82
- Word processing charges, § 2:86

REINSTATEMENT

- Conversion or dismissal, § 11:96
- Executory contracts and unexpired leases, § 20:11
- Family Farmer or Fisher Debt Adjustment (this index)
- Fraudulent transfers, § 19:20
- Operation of business, § 15:19
- Reaffirmation of Debts (this index)
- Reorganization plans, curing or waiving default, § 26:16, 26:43, 26:45

REINVESTMENT

- Homestead exemption, § 13:63

REJECTION

- Correlative topic. Acceptance (this index)
- Allowance of Claims or Interests (this index)
- Contracts and Agreements (this index)
- Executory Contracts and Unexpired Leases (this index)
- Family Farmer or Fisher Debt Adjustment (this index)
- Individual Debt Adjustment Plans (this index)
- Powers of rejection and setoff exercises, § 25:24
- Reorganization Plans (this index)

RELATED PROCEEDINGS

- Generally, § 7:48

RELATION BACK

- Amendment to proof of claim, § 22:40
- Executory contracts and unexpired leases, § 20:58

RELATIVES

- Family or Relatives (this index)

RELEASE

- Discharge or Release (this index)

RELIEF FROM STAY

- Automatic Stay (this index)

RELIGION

- Discrimination in trustee selection, § 5:10, 5:12
- Fraudulent transfers, contributions as, § 19:88
- Individual debt adjustment plans, confirmation of, § 31:54

REMAINDERS

- Property of estate, § 12:78

REMAND

- Bifurcated trial, § 7:126
- Clerk of court, § 7:124
- Comity, § 7:126
- Core proceedings, § 7:65
- De novo review, § 7:125
- Forum non conveniens, § 7:126
- Judicial economy, § 7:126
- Jurisdiction, generally, § 7:75, 7:123 to 7:127

REMOVAL

- Allowance of hazardous waste removal claims, § 24:61
- Cases. Removal or Transfer of Cases (this index)
- Debtor. Apprehension and Removal of Debtor (this index)
- Deputy clerks, § 4:42

REMOVAL—Cont'd

- Judges, § 4:29
- Officers. Removal from Office (this index)
- United States Trustees (this index)

REMOVAL FROM OFFICE

- Bankruptcy judges, § 7:130
- Debtor in possession, family farmer debt adjustment, § 5:115
- Examiner, § 5:79 to 5:82
- Trustees (this index)
- United States Trustees (this index)

REMOVAL OF PROPERTY

- Discharge of debtor denied on grounds of, § 35:8 et seq.

REMOVAL OR TRANSFER OF CASES

- Generally, § 7:111 to 7:122
- Appeals (this index)
- Attachment or garnishment, § 7:121
- Bonds and undertakings, § 7:113, 7:121, 7:122
- Change of Venue (this index)
- Clerks, § 4:51, 7:114, 7:116
- Consent of parties, § 7:111
- Continued effect of security and pre-removal injunctions, orders, and other proceedings, § 7:121
- Core proceedings, § 7:65, 7:81
- Filing in nonbankruptcy court, § 7:114
- Injunctions, § 7:121, 16:220
- Judges, § 4:18
- Multiple defendants, § 7:116
- Notice of removal, § 7:112 to 7:114
- Operation of business, § 15:19
- Pending actions, § 7:115
- Pleadings, § 7:119
- Pre-removal injunctions, § 7:121

REMOVAL OR TRANSFER OF CASES—Cont'd

- Process and service, § 7:119
- Record, § 7:120
- Referral of removed claim to bankruptcy judge, § 7:118
- Rules of Bankruptcy Procedure, § 7:111 et seq.
- Sequestration, § 7:121
- Service of process, § 7:119
- Voluntary bankruptcy, § 8:44, 8:52
- Withdrawal of reference, § 7:4, 7:35, 7:42

RENDITION

- Entry of Judgment or Order (this index)

RENEWAL OR REFINANCING

- Allowance of claims or interest, § 24:40
- Automatic stay, § 16:25, 16:61, 16:69
- Discriminatory treatment of debtor, § 6:28, 6:32
- Executory contracts and unexpired leases, § 20:15
- Exemptions, avoidance of liens, § 13:152
- Fraudulent transfers and concealment of assets, § 19:21
- Reaffirmation of Debts (this index)

RENOTICING

- Property of estate, § 12:130

RENOVATION

- Adequate protection, § 21:63

RENTAL OF PROPERTY

- Leases (this index)

RENTAL VALUE APPROACH

- Family farmer debt adjustment plans, § 33:39

INDEX

RENTS AND PROFITS

- Adequate protection, family farmer debt adjustment, § 21:31
- Avoidance, § 17:34, 17:38, 17:58
- Custodians, § 6:76
- Distress for rent, avoidance of lien of, § 17:34, 17:38
- Executory Contracts and Unexpired Leases (this index)
- Family farmer debt adjustment, § 21:31
- Security interest in postpetition rents and lodging payments, § 15:24
- Statutory liens for distress of rent, avoidance of, § 17:34, 17:38
- Use, sale, or lease of property, § 15:24

REOPENING

- Cases. Closing and Reopening Cases (this index)

REORGANIZATION

- Generally, § 1:41, 1:42, 1:70
- Abandonment of Property (this index)
- Acceptance. Reorganization Plans (this index)
- Acquisition of substantially all assets and continuity of interest requirements, § 3:48
- Adequate protection
 - generally, § 21:26, 21:27
 - additional or replacement lien, § 21:55
 - agreements, § 21:70
 - balancing creditor's and debtor's interests, § 21:5
 - cash payment or periodic cash payments, § 21:50, 21:51
 - guarantees, § 21:60
 - interest in property, § 21:14

REORGANIZATION—Cont'd

- Adequate protection—Cont'd
 - preservation of status quo, § 21:3
 - prospects for reorganization, § 21:34
 - time to raise adequate protection issue, § 21:68
 - transportation equipment, § 21:27
- Administrative expenses
 - allowance of claims or interests. Reorganization Plans (this index)
 - plans. Reorganization Plans (this index)
 - priority claims in railroad reorganization, § 34:189
- Administrative expenses of creditors, § 6:42
- Adverse interests, employment of professional persons, § 2:29, 2:35, 2:41
- After-acquired property, § 12:60
- Agents. Employment of professional persons and agents, below
- Aircraft equipment and vessels generally, § 15:25
- Allowance of claims or interests. Reorganization Plans (this index)
- Alteration. Change or modification, below
- Appeal and review generally, § 37:7
 - plans. Reorganization Plans (this index)
- Applications. Motion, application, or request, below
- Appointment
 - creditors' and equity security holders' committees, § 1:94, 4:96, 5:32, 5:39, 6:54, 6:55, 6:57, 6:68

REORGANIZATION—Cont'd

- Appointment—Cont'd
 - trustee or examiner. Appointment of trustee or examiner, below
- Appointment of trustee or examiner
 - generally, § 4:85, 4:95, 4:96, 5:1, 5:23 to 5:32, 5:74
 - cause, appointment for, § 5:29 to 5:31
 - equity security holders, appointment in interest of, § 5:32, 5:39
 - involuntary cases, § 5:1
 - large debts exceeding five million, § 5:40
 - motion, § 1:93
 - notice and hearing, § 5:26
 - presumptions and burden of proof, § 5:27
 - railroad reorganization, § 5:1, 5:24
 - termination of appointment, § 5:85
- Approval. Order or approval of court, below
- Assets. Property or assets, below
- Assumption or rejection of executory contracts by trustee, § 20:15, 20:29, 20:56, 20:57
- Attorneys
 - employment, approval of, § 1:105
 - fees, § 1:106
- Attorneys' fees, generally, § 1:106
- Automatic stay
 - equity, § 16:174 to 16:188
 - evidence, § 16:176 to 16:178, 16:181
 - exception from automatic stay provisions, § 16:122 to 16:125
 - foreclosure, § 16:124, 16:125
 - liquidation, § 16:185, 16:186

REORGANIZATION—Cont'd

- Automatic stay—Cont'd
 - maritime foreclosure actions, § 16:124, 16:125
 - residence of debtor, § 16:168
 - speculative evidence, § 16:177
 - transportation equipment, § 16:122, 16:123
- Aviation
 - aircraft equipment and vessels, above
 - trustee's powers, § 17:8, 17:9
- Bad faith. Good faith, below
- Bankruptcy Act of 1898, § 1:16
- Banks (this index)
- Bildisco case, collective bargaining agreements, § 20:102
- Boot received, tax-free corporate reorganizations, § 3:49
- Burden of proof. Presumptions and burden of proof, below
- Business trusts, eligibility to file bankruptcy, § 1:48
- Carriers. Aircraft equipment and vessels, above
- Carryover or carryback, § 3:50, 3:52, 3:58
- Cause, appointment of trustee for, § 5:29 to 5:31
- Change or modification
 - creditors' and equity security holders' committees, § 6:59
- Executory Contracts and Unexpired Leases (this index)
 - operation of debtor's business, § 15:15
 - Reorganization Plans (this index)
- Chapter 7. Liquidation, below
- Chapter 9 plans, § 32:21 to 32:24
- Chart for conversion, § 11:8
- Checklists (this index)

INDEX

REORGANIZATION—Cont'd

- Claims and interests
 - allowance of claims or interests.
 - Reorganization Plans (this index)
 - priority claims, generally, § 34:185, 34:189
 - proof of claim, below
 - Reorganization Plans (this index)
 - secured claims, below
 - size and nature of claim, below
 - undersecured claims, election to have treated as secured, § 28:23, 28:36
- Clerk of court, generally, § 4:47
- Closing and reopening cases, § 36:1, 36:4, 36:6
- Collective bargaining agreements, generally, § 5:73, 26:39
- Committees. Creditors' and equity security holders' committees, below
- Compensation
 - generally, § 5:87, 5:91 to 5:95, 5:101
 - attorneys' fees, generally, § 1:106
 - creditors' and equity security holders' committees, § 6:52
 - professional persons or agents employed by committee, generally, § 2:58
 - trustees or examiners, § 5:87, 5:91 to 5:95, 5:101
- Compromise and settlement, § 1:156
- Confidential information, tax returns, § 3:6, 3:72
- Confirmation of plan. Reorganization Plans (this index)
- Conflicts of interest, employment of professional persons, § 2:29, 2:35, 2:41

REORGANIZATION—Cont'd

- Consent or approval. Order or approval of court, below
- Contracts and agreements
 - Executory Contracts and Unexpired Leases (this index)
 - Reorganization Plans (this index)
- Conversion or dismissal
 - generally, § 1:120 to 1:123, 1:129, 4:97, 11:48 to 11:59
 - Chapter 7, conversion to or dismissal for cause, § 11:49, 11:50
 - Chapter 12, conversion, § 11:58, 11:61, 11:76
 - Chapter 13, conversion to, § 11:59
 - chart for conversion, § 11:8
 - death or incompetency of debtor, § 6:10
 - debtor's right to, § 11:48
 - eleemosynary institution as debtor, § 11:56
 - factors affecting choice of, § 11:51 to 11:57
 - family farmer or fisher debt adjustment, conversion to, § 11:58
 - farmer as debtor, § 11:57
 - good faith, § 11:53
 - grounds for, § 11:50
 - illustrations, § 11:52
 - individual debt adjustment, conversion to, § 11:59
 - notice and hearing, § 11:55
 - prior conversion or dismissal, § 1:39
 - standing, § 11:54
 - sua sponte motions, § 11:54
- Core proceedings, § 7:59, 7:74, 7:104

REORGANIZATION—Cont'd

Corporations
 directors. Reorganization Plans
 (this index)
 eligibility to be debtor, § **1:47**
to 1:49
 tax-free corporate reorganiza-
 tions, below
 venue, § **7:184**
 Costs. Expenses, below
 Credit
 generally, § **15:68**
 interest on money. Reorganiza-
 tion Plans (this index)
 mortgages, below
 special administrative priority
 credit or credit secured by
 first or junior liens, § **15:70**
 Creditors' and equity security
 holders' committees
 generally, § **6:54 to 6:59, 6:67**
to 6:70
 administrative expense treat-
 ment for members'
 expenses, § **34:38**
 appointment, § **1:94, 4:96, 5:32,**
5:39, 6:54, 6:55, 6:57,
6:68
 avoidance powers, exercise of,
 § **17:9**
 employment of professional
 persons or other agents,
 § **2:14, 2:33**
 involuntary bankruptcy, § **9:79**
 postconfirmation committee,
 § **6:57**
 prepetition committee, § **6:54,**
6:56
 Reorganization Plans (this
 index)
 small business reorganization,
 order that no committee be
 appointed, § **6:54**
 Cure of defaults. Reorganization
 Plans (this index)
 Date. Time or date, below

REORGANIZATION—Cont'd

Death or incompetency of debtor,
 § **6:10**
 Debtor, discharge of, § **35:7**
 Debtor in Possession (this index)
 Debtor not in possession, § **2:11**
 Debtors' rights, generally, § **6:13**
 Debtor's right to conversion or
 dismissal, § **11:48**
 Decrees. Judgments and decrees,
 below
 Delay, exclusivity period, § **26:54,**
26:60 to 26:62
 Directors and officers. Reorgani-
 zation Plans (this index)
 Discharge of debt
 generally, § **35:68**
 individual and corporate debt-
 ors, § **35:69**
 Discharge of indebtedness
 generally, § **1:164 to 1:167**
 Reorganization Plans (this
 index)
 Discharge revocation, § **35:62**
 Disclosure of information
 generally, § **1:157**
 confidential information, tax
 returns, § **3:6, 3:72**
 Reorganization Plans (this
 index)
 Disclosure statements, § **1:157,**
6:86
 Discontinuance of debtor's busi-
 ness, § **15:15**
 Dismissal. Conversion or dis-
 missal, above
 Distribution
 administrative expenses,
 § **34:38, 34:189**
 conditions to participation,
 § **34:186**
 priority claims, § **34:185**
 railroad reorganization,
 § **34:188 to 34:190**
 unclaimed property, § **34:186**

INDEX

REORGANIZATION—Cont'd

- Domicile, automatic stay,
§ 16:183
- Dual representation, § 2:37
- Election of trustee
 - disputed election, resolution of,
§ 5:36
 - manner of election, § 5:34
 - notice, § 5:34
 - report of undisputed election,
§ 5:35
 - request for election, § 5:33
- Elections
 - fully secured status, § 1:159,
23:2, 23:38, 27:28, 28:23,
28:36
 - Reorganization Plans (this
index)
 - trustee. Election of trustee,
above
- Eleemosynary institution as
debtor, § 11:56
- Eligibility to be debtor, § 1:47 to
1:49
- Employment of professional
persons and agents
 - adverse interests, § 2:29, 2:35,
2:41
 - application for order of employ-
ment, § 2:23
 - approval, § 1:105
 - attorneys, generally, § 1:105
 - compensation, above
 - court determination, § 2:25
 - creditors and equity security
holders, § 2:14, 2:33
 - debtor, § 2:39
 - debtor in possession, § 2:110
 - debtor not in possession, § 2:11
 - dual representation, § 2:37
 - examiners, § 2:15
 - notice and hearing for
reimbursement, § 2:83
 - prior or current representation
precluding employment,
§ 2:36, 2:38

REORGANIZATION—Cont'd

- Employment of professional
persons and agents—Cont'd
 - Railroad Reorganization (this
index)
 - salaried employees, § 2:5
 - services by members and
associates, § 2:26
 - simultaneous representation,
§ 2:40
 - specialized services, § 2:21
- Equity, automatic stay, § 16:174
to 16:188
- Equity security holders
 - appointment of examiner,
§ 5:39
 - appointment of trustee, § 5:32
 - creditors' and equity security
holders' committees, above
- Estate, applicability of general
definition, § 12:4
- Estoppel. Reorganization Plans
(this index)
- Evidence and proof
 - automatic stay, § 16:176 to
16:178, 16:181
 - presumptions and burden of
proof, below
- Examiners
 - generally. Trustees or examin-
ers, below
 - appointment. Appointment of
trustee or examiner, above
- Exceptions. Objections and excep-
tions, below
- Execution. Distribution, above
- Executory Contracts and
Unexpired Leases (this
index)
- Exemptions, § 13:23, 13:39
- Expenses
 - administrative expenses, above
 - creditors' and equity security
holders' committees,
§ 6:52

REORGANIZATION—Cont'd

Expenses—Cont'd
 fees or charges of attorney,
§ 1:106

Extension of time. Reorganization
 Plans (this index)

Factors affecting choice of conver-
 sion or dismissal, **§ 11:51 to**
11:57

Farmer as debtor, **§ 11:57**

Fees or charges, attorneys' fees,
§ 1:106

Fiduciary duties, trustees and
 debtors in possession,
§ 15:13

Filing
 collective bargaining agree-
 ments, good faith in filing
 bankruptcy petition,
§ 20:105
 plans. Reorganization Plans
 (this index)
 returns, **§ 3:71**
 schedule of assets and
 liabilities, **§ 12:157**

Foreclosure, automatic stay,
§ 16:124, 16:125

Fraudulent transfers and conceal-
 ment of assets, **§ 19:116,**
19:120, 19:124, 19:125

Fund for U.S. Trustee system,
§ 4:63, 4:65 to 4:67

Furnishing of information. Infor-
 mation, above

Good faith
 collective bargaining agree-
 ments, **§ 20:105**
 conversion or dismissal, **§ 11:53**
 Reorganization Plans (this
 index)

Governmental units, interested
 party, **§ 6:84**

Grounds for conversion or dis-
 missal, **§ 11:50**

Guarantees, adequate protection,
§ 21:60

REORGANIZATION—Cont'd

Hearing. Notice, below

Husband and wife. Reorganization
 Plans (this index)

Income tax. Taxation, below

Indenture trustees
 generally, **§ 6:71, 6:72**
 Reorganization Plans (this
 index)

Individual Debt Adjustment (this
 index)

Information
 confidential information, tax
 returns, **§ 3:6, 3:72**
 disclosure of information, gen-
 erally, **§ 1:157**
 Reorganization Plans (this
 index)

Injunctions, **§ 7:162**

Interested persons
 generally, **§ 6:85**
 employment of professionals,
§ 2:29, 2:35, 2:41
 governmental units, **§ 6:84**

Interest on money. Reorganization
 Plans (this index)

Interests. Claims and interests,
 above

Interim relief, rejection of collec-
 tive bargaining agreements,
§ 20:126, 20:128

Interim trustees, **§ 4:85**

Intervention, generally, **§ 1:95**

Inventory and reports, **§ 4:100,**
14:24

Involuntary cases
 generally, **§ 9:1 et seq.**
 equity security holders, **§ 9:79**
 foreign representatives, **§ 9:11**
 lists, schedules, and statements,
§ 9:79, 9:81
 operation of business, **§ 15:10,**
15:11
 partnerships, **§ 9:13, 9:15**
 petitions, **§ 9:41**

INDEX

REORGANIZATION—Cont'd

- Involuntary cases—Cont'd
 - provisions regulating involuntary bankruptcy. Involuntary Bankruptcy (this index)
 - transferred claims, § 9:27
 - trustee appointment, § 5:1
- Judges, § 4:27
- Judgments and decrees
 - appeal and review, above
 - executory contracts and unexpired leases, § 20:124
- Judicial determination of tax liability, § 3:74
- Judicial review. Appeal and review, above
- Laches or delays, § 26:54, 26:60 to 26:62
- Large debts exceeding five million, § 5:40
- Lawyers. Attorneys, above
- Leases
 - Executory Contracts and Unexpired Leases (this index)
 - use, sale, or lease of property, below
- Liquidation
 - automatic stay, § 16:185, 16:186
 - conversion or dismissal, above
 - plans. Reorganization Plans (this index)
 - trusts, § 1:48
- Loans. Credit, above
- Maritime foreclosure actions, § 16:124, 16:125
- Meetings, creditors', § 1:116, 6:43
- Modification. Change or modification, above
- Mortgages
 - foreclosure, automatic stay, § 16:124, 16:125

REORGANIZATION—Cont'd

- Mortgages—Cont'd
 - Reorganization Plans (this index)
- Motion, application, or request application for employment order, § 2:23
- appointment of trustee or examiner, § 1:93
- collective bargaining agreements, § 20:122
- Sua Sponte Action of Court (this index)
- Municipal debt adjustment plans, § 32:21 to 32:24
- Nonbusiness debtors, § 1:49
- Notice
 - generally, § 1:82, 5:26
 - executory contracts and unexpired leases, § 20:122, 20:123, 20:128, 20:137, 20:146
 - operation of business by trustee, § 15:12
 - plans. Reorganization Plans (this index)
 - reimbursement, § 2:83
 - U. S. Trustees, § 4:101 to 4:107
 - voluntary petitions, § 8:36, 8:40
- Objections and exceptions, plans. Reorganization Plans (this index)
- Operating reports, § 3:68, 14:25
- Operation of business
 - generally, § 15:12 to 15:17
 - commodity broker liquidation, § 15:9
 - discontinuance or modification of business, § 15:15
 - fiduciary duties of trustees and debtors in possession, § 15:13
 - involuntary cases, § 15:10, 15:11
 - notice, § 15:12

REORGANIZATION—Cont'd

- Operation of business—Cont'd
 - presumptions and burden of proof, § **15:12, 15:14**
 - records and reports, § **15:13**
 - taxation, § **15:13**
 - trustees, generally, § **15:12, 15:13**
- Order or approval of court
 - executory contracts, § **20:122**
 - plans. Reorganization Plans (this index)
 - revocation of confirmation. Reorganization Plans (this index)
- Parties in interest. Interested persons, above
- Partnership, involuntary bankruptcy, § **9:13, 9:15**
- Pensions. Executory Contracts and Unexpired Leases (this index)
- Petitions
 - collective bargaining agreements, good faith in filing bankruptcy petition, § **20:105**
 - voluntary petitions, § **8:40**
- Plans. Reorganization Plans (this index)
- Postconfirmation matters. Reorganization Plans (this index)
- Preferences and preferential transfers
 - applicability of preferred rules, § **18:96**
 - priority claims, generally, § **34:185, 34:189**
- Prepetition matters, § **6:54, 6:56**
- Presumptions and burden of proof
 - operation of business, § **15:12, 15:14**
 - plans. Reorganization Plans (this index)
 - trustee appointment, § **5:27**

REORGANIZATION—Cont'd

- Prior dismissal, § **1:39**
- Priority claims, generally, § **34:185, 34:189**
- Prior or current representation precluding employment, § **2:36, 2:38**
- Privacy, tax returns, § **3:6, 3:72**
- Professional persons. Employment of professional persons and agents, above
- Prompt tax determination by IRS, request for, § **3:66**
- Proof
 - claim. Proof of claim, below
 - evidence and proof, above
- Proof of claim
 - deemed filing, § **22:9**
 - election of trustee, § **22:13**
 - establishing right to participate in distribution, § **22:1, 22:6, 22:9**
 - notice of bar date, § **22:52, 22:53**
 - time for filing proof of claim or interest, § **22:42 to 22:48**
 - who may file claim, § **22:14, 22:16**
- Property or assets
 - schedule of assets and liabilities, below
 - use, sale or lease of property, below
- Protective orders, § **6:2**
- Proxies, § **5:34**
- Qualification to be debtor, § **1:47 to 1:49**
- Railroad Reorganization (this index)
- Reaffirmation, § **1:168**
- Records and reports
 - generally, § **14:24, 14:25**
 - filing, above
 - operation of business, § **15:13**

INDEX

REORGANIZATION—Cont'd

Records and reports—Cont'd
plans. Reorganization Plans
(this index)
Rehabilitation debtor discharges
generally, § 35:38
individual debtors, § 35:39
Reorganization Plans (this index)
Reports. Records and reports,
above
Request. Motion, application or
request, above
Residence, automatic stay,
§ 16:168
Retiree benefits. Executory
Contracts and Unexpired
Lease (this index)
Return of goods shipped to
Chapter 11 debtor, § 17:63
Review. Appeal and review, above
Revocation of discharge, § 35:62
Salaries. Compensation, above
Sale or transfer
generally, § 3:47
involuntary bankruptcy, § 9:27
preferences and preferential
transfers, above
use, sale, or lease of property,
below
Schedule of assets and liabilities
filing of, § 12:157
prima facie evidence, § 23:13
SEC. Securities and Exchange
Commission, § 6:86
Secrecy, tax returns, § 3:6, 3:72
Section 1111(b) election, § 1:159,
28:23, 28:36
Secured claims
election of fully secured status,
§ 1:159, 28:23, 28:36
mortgage foreclosure, automatic
stay, § 16:124, 16:125
Securities
generally, § 3:48, 3:49

REORGANIZATION—Cont'd

Securities—Cont'd
creditors' and equity security
holders' committees, above
Reorganization Plans (this
index)
Securities and Exchange Commis-
sion, generally, § 6:86
Separate taxable bankruptcy
estate, § 3:27, 3:29, 3:30,
3:43, 3:44
Shareholders and security holders.
Securities, above
Simultaneous representation,
§ 2:40
Size and nature of claim
bifurcation of secured claims,
§ 23:1, 23:2
interest, fees, costs, and
charges, § 23:14
large debts exceeding \$5 mil-
lion, § 5:40
lien avoidance, § 23:23, 23:28,
23:38
lists and schedules as prima
facie evidence, § 23:13
postpetition effect of security
interest, § 23:37
Small Business Reorganization
(this index)
Snap-back provisions, rejection of
collective bargaining agree-
ments, § 20:104
Solvent debtor, § 34:187
Sovereign immunity abrogated,
§ 6:78
Specialized services, § 2:21
Speculative evidence, automatic
stay, § 16:177
State and local taxes, § 3:70
Stay. Automatic stay, above
Stock and securities. Securities,
above
Subordination (this index)
Taxation
generally, § 1:46, 5:73

REORGANIZATION—Cont'd

- Taxation—Cont'd
 - assessment of tax, § **3:78**
 - carryover or carryback, § **3:50, 3:52, 3:58**
 - judicial determination of tax liability, § **3:74**
 - operation of business, § **15:13**
 - separate taxable bankruptcy estate, § **3:27, 3:29, 3:30, 3:43, 3:44**
 - tax-free corporate reorganizations, below
 - trustee's powers and duties
 - generally, § **5:73**
 - confidentiality of tax returns, § **3:72**
 - filing returns, § **3:71**
 - notices, § **3:65**
 - operating reports, § **3:68**
 - request for prompt tax determination by IRS, § **3:66**
 - state and local taxes, § **3:70**
- Tax-free corporate reorganizations
 - generally, § **3:45 to 3:49**
 - acquisition of substantially all assets and continuity of interest requirements, § **3:48**
 - boot received, § **3:49**
 - type G reorganizations, § **3:46 to 3:49**
- Termination
 - Railroad Reorganization (this index)
 - trustees' appointment, § **5:85**
- Time or date
 - adequate protection, time to raise issue of, § **21:68**
- Executory Contracts and Unexpired Leases (this index)
 - extension of time. Reorganization Plans (this index)

REORGANIZATION—Cont'd

- Time or date—Cont'd
 - plans. Reorganization Plans (this index)
- Transfer. Sale or transfer, above
- Transportation equipment. Aviation, above
- Trustees or examiners
 - generally, § **5:1, 5:73, 5:74**
 - appointment of trustee or examiner, above
 - avoiding powers, § **17:8, 17:9**
 - compensation, § **5:87, 5:91 to 5:95, 5:101**
 - eligibility and qualification of, § **5:5**
 - employment of professional persons and agents, § **2:15**
 - executory contracts and unexpired leases, assumption or rejection by trustee, § **20:15, 20:29, 20:56, 20:57**
 - indenture trustees, above
 - individual debt adjustment, § **5:78**
 - operation of business, above
 - plans. Reorganization Plans (this index)
 - powers and duties, § **5:73, 5:84**
 - Railroad Reorganization (this index)
 - removal of trustee for cause, § **5:82**
 - taxation, above
 - United States trustees, below
 - waiver of attorney-client privilege, § **5:56**
- Turnover of Property (this index)
- Type G reorganizations, taxation, § **3:46 to 3:49**
- Unclaimed property, § **34:186**
- Undersecured claims, election to have treated as secured, § **28:23, 28:36**

INDEX

REORGANIZATION—Cont'd

United States trustees
generally, § 4:94 to 4:97, 5:5,
5:23, 5:85
appointment of trustee or
examiner, § 4:85, 4:95,
4:96, 5:23, 5:85
conversion or dismissal request,
§ 4:97
creditors' and equity security
holders' committees,
appointment of, § 4:96
fund for United States Trustee
System, § 4:63, 4:65 to
4:67
interim trustees, § 4:85
inventory and reports, § 4:100,
14:24
notice, § 4:101 to 4:107
railroads, § 4:65, 4:95
records and reports, § 14:24
Use, sale, or lease of property
cash collateral, transactions in
ordinary course of business
involving other than,
§ 15:43
costs for preserving or dispos-
ing of property, § 15:29
financing agreements, use of
property subject to,
§ 15:26
objections to transactions other
than in ordinary course of
business, § 15:37, 15:38
plans. Reorganization Plans
(this index)
Railroad Reorganization (this
index)
sale other than in ordinary
course of business,
§ 15:37, 15:38, 15:40
Venue, § 7:184
Vessels of United States. Aircraft
equipment and vessels, above
Voluntary bankruptcy
filing of petition, § 8:4

REORGANIZATION—Cont'd

Voluntary bankruptcy—Cont'd
good faith, § 8:23, 8:25, 8:28
joint cases and joint plans,
§ 8:48, 8:57, 8:58
lists, schedules, and statements,
§ 8:61 et seq.
notice or knowledge, § 8:36,
8:40
United States trustee system
fees, § 8:91
Wages and salaries. Compensa-
tion, above
Waiver and estoppel
attorney-client privilege, § 5:56
Reorganization Plans (this
index)
Waiver and estoppel, attorney-
client privilege, § 5:56
Witnesses, § 1:118

REORGANIZATION PLANS

Abandonment of property
equal treatment of claims of
same class as impacted by
state abandoned property
laws, § 26:9
railroad line, § 26:34
Absolute priority rule
generally, § 28:44 to 28:46
claims classification, § 26:37
disclosure statement objections,
§ 27:14
Acceleration of debt, § 26:16,
26:43, 26:45
Acceptance or rejection of plan
claims, generally, § 27:25,
27:27
codebtors, § 27:31
confirmation of plan, below
deemed plan acceptance or
rejection, below
disclosure statements, § 27:3,
27:9, 27:12
form of acceptance or rejection,
§ 27:29

REORGANIZATION PLANS**—Cont'd**

- Acceptance or rejection of plan
 - Cont'd
 - good faith, § 27:25 to 27:27, 27:35
 - impaired class, § 27:32
 - interests, generally, § 27:25
 - modification of plan, § 26:68
 - notice of time to accept or reject, § 27:17
 - 180-day period, § 26:65
 - partially secured creditors, § 27:28, 27:33
 - party in interest filing plan when debtor's plan not accepted, § 26:57
 - prepetition acceptance or rejection, § 27:34
 - presumed acceptance by unimpaired creditors, § 27:32
 - release of nondebtor from liability, § 27:25
 - solicitation of plan acceptance or rejection, below
 - time as of which right to vote for acceptance or rejection is determined, § 27:27
 - time to accept or reject generally, § 27:30
 - notice, § 27:17
 - prepetition acceptance or rejection, § 27:34
 - status conference, setting time at, § 27:20
 - Treasury Secretary, § 27:27
 - vote, modification or withdrawal, § 27:36
 - withdrawal of vote, § 27:36
- Access to outside sources of information as affecting adequacy of disclosure statement, § 27:5
- Adequate information, § 27:4 to 27:7, 27:15

REORGANIZATION PLANS**—Cont'd**

- Adequate means for plan's execution, § 26:10 to 26:14
- Adjustment or settlement of claim or interest, § 26:26
- Administration of estate, generally, § 26:4
- Administrative agencies, confirmation of plan, § 28:48, 28:49
- Administrative convenience class of unsecured claims, § 26:40
- Administrative expenses, unimpaired claims or interests, § 28:26
- Affiliates, § 27:23
- Agreements. Contracts and agreements, below
- Allowance of claims or interests generally, § 27:25 to 27:28
 - classification of claims on basis of difference in allowed amount, § 26:37
 - temporary allowance or disallowance for purpose of accepting or rejecting plan, § 27:27, 27:35
 - two-thirds and one-half requirement, amount and number of allowed claims or interests held, § 27:25, 27:26
 - voting to accept or reject plan, entitlement, § 27:27, 27:35
- Alteration of rights, § 26:42, 26:51
- Alternative dispute resolution, provision for, § 26:32
- Amendment
 - debtor's charter, § 26:18
 - disclosure statement, necessity for amending, § 27:18
- Amount and number of allowed claims or interests held, § 27:25, 27:26

INDEX

REORGANIZATION PLANS

—Cont'd

- Appeal and review
 - application, action on, § 26:35
 - extension of exclusivity period
 - interlocutory order, § 26:60
 - pending adverse judgment as cause, § 26:64
 - labor unions, § 26:2
- Application. Motion, application, or request, below
- Appointment of trustee, effect on filing of plan, § 26:55, 26:57, 26:58
- Approval. Consent or approval, below
- Arbitrary classification of claims or interests, § 26:37
- Arrearages, § 26:16, 26:43, 26:45
- Asbestos cases
 - impairment of claims, § 26:42
- Assignment
 - avoidance powers, § 26:11
 - executory contract or unexpired lease, § 26:24, 26:25
- Assumption of obligation by third party pursuant to plan as impairment of claim, § 26:42
- Assumption or assignment of executory contracts and unexpired leases, § 26:24, 26:25
- Attorney for creditors' committee, safe harbor provision protection, § 27:23
- Attorneys' fees
 - claims for fees, classification of, § 26:39
 - impairment of claims or interests, § 26:48
- Avoidance, § 26:11
- Bad faith. Good faith, below
- Bailment claims, classification of, § 26:39

REORGANIZATION PLANS

—Cont'd

- Ballots
 - generally, § 27:29
 - disclosure statement, mailing with approved, § 27:17
 - solicitation by sending pre-marked facsimiles, § 27:21
- Best interest of creditors test
 - generally, § 28:20 to 28:24
 - disclosure statement objections, § 27:14
- Binding of parties, § 26:1
- Bond of contractors, classification of claim with other unsecured claims, § 26:39
- Bonds. Securities, below
- Books and records of debtor, disclosure statements, § 27:4
- Burden of proof. Presumptions and burden of proof, below
- Business justification for classification of claims, § 26:37, 26:38
- Cancellation
 - executory contract by rejection, § 26:24
 - indenture or similar instrument, § 26:10
- Cash. Money, below
- Cause for modification of exclusivity period, § 26:61 to 26:64
- Change or modification
 - alteration of rights not made, § 26:42, 26:51
 - deemed acceptance or rejection, § 27:36
 - exclusivity period, § 26:60 to 26:64
 - interest rate, outstanding securities, § 26:17
 - lien, cure, or waiver of default, § 26:10, 26:15

REORGANIZATION PLANS**—Cont'd**

- Change or modification—Cont'd
 - loan and security documents, plan provisions for modification of, § **26:32**
 - plan modification, generally, § **28:68 to 28:71**
 - postconfirmation modification, § **28:68 to 28:71**
 - preconfirmation, § **26:66 to 26:69**
 - railroad reorganization, § **26:35**
 - secured claims, residential mortgagee's rights, § **26:31**
 - time. Extension of time, below voting rights, § **26:20**
- Charters, § **26:18, 26:20**
- Claims or interests
 - acceptance or rejection of plan, generally, § **27:25**
 - administrative convenience class, § **26:40**
 - allowance of claims or interests, above
 - classification, generally, § **26:6, 26:36 to 26:40**
 - dissenting class, § **26:37**
 - effect of confirmation, § **28:64**
 - equal treatment for claims in same class, § **26:9**
 - impairment of claims or interests, below
 - maturity of claim or interest, below
 - modification of secured claims, residential mortgagee's rights, § **26:31**
 - objection to claims classification at confirmation hearing, § **28:50**
 - partially secured claims, acceptance or rejection of plan, § **27:28, 27:33**
 - priority claims, below

REORGANIZATION PLANS**—Cont'd**

- Claims or interests—Cont'd
 - retention and enforcement pursuant to plan provision, § **26:26, 26:27**
 - section 1111(b) election, § **1:159, 23:2, 23:29, 27:28, 28:23, 28:36**
 - tax claims. Taxation, below
 - unsecured claims, classification of, § **26:38 to 26:40**
 - withdrawal of claim as withdrawal of plan acceptance or rejection, § **27:36**
- Classification. Claims or interests, above
- Clearly erroneous rule, modification of exclusivity period, § **26:61**
- Closing and reopening cases, § **36:6**
- Codebtors, § **26:39, 27:31**
- Coercion, bad faith plan rejection, § **27:35**
- Collateral
 - adequate means of plan implementation, § **26:10**
 - distribution, effect of nonbankruptcy law, § **26:10**
 - impairment of claims, § **26:42, 26:44**
 - section 1111(b) election, § **1:159, 23:2, 23:29, 27:28, 28:23, 28:36**
 - value stability, § **26:14, 26:30**
- Commercial free speech, disclosure and solicitation, § **27:21**
- Commingling of funds, claims classification, § **26:39**
- Commissions, effect of rejection of executory contract, § **26:24**
- Compensation of officers and directors, disclosure of, § **27:8**

INDEX

REORGANIZATION PLANS

—Cont'd

- Competing plans
 - generally, § 26:57 to 26:59, 27:29
 - single plan confirmable, § 28:52
- Complexity of case as cause for modification of exclusivity period, § 26:63
- Compromise and settlement
 - disclosure statements, § 27:14, 27:15
 - solicitation of plan acceptance or rejection, § 27:21
- Confirmation hearing
 - generally, § 1:158, 28:49
 - disclosure statements
 - comparative roles of hearings on disclosure statement and confirmation, § 27:14
 - notice provided with transmittal of approved statement, § 27:17
 - prerequisite to commencement, § 27:1
 - reevaluation of adequacy of information, § 27:15
 - intervention by labor union or employees association, § 28:50
 - notice, § 28:48
 - objections to confirmation, § 28:50
- Confirmation of plan
 - generally, § 28:1 et seq.
 - absolute priority rule, § 28:44 to 28:46
 - acceptance or rejection of plan
 - generally, § 28:16
 - impaired class of claims or interests, § 28:25
 - allowance of claims or interests, above
 - automatic stay, § 28:56, 28:63

REORGANIZATION PLANS

—Cont'd

- Confirmation of plan—Cont'd
 - BAPCPA-added standards for, § 26:16.10, 28:17 to 28:19
 - best interest of creditors test, § 28:20 to 28:24
 - changes in votes, § 28:9
 - compliance with provisions of Title 11, § 28:1, 28:2
 - cram down provisions, generally, § 28:1, 28:32 to 28:47
 - deferred cash payments equal to value of secured interest, § 28:36 to 28:39
 - deferred payments, § 28:27, 28:28
 - denial of confirmation. See lines throughout this group
 - deposit, § 28:51
 - disposable earnings or income, § 28:18
 - domestic support obligations, payment of, § 26:16.10, 28:17
 - equal treatment of claims of same class, § 26:9
 - “fair and equitable rule,” § 28:34 et seq.
 - feasibility standards, § 28:11 to 28:13
 - filing requirements, § 28:52
 - good faith, § 28:3 to 28:7
 - hearing. Confirmation hearing, above
 - impairment of claims or interests, § 26:41, 28:20 et seq.
 - indubitable equivalence, realization of, § 28:40 to 28:42
 - insiders, disclosure of, § 28:9
 - interests
 - generally. See other specific headings under this

REORGANIZATION PLANS**—Cont'd**

- Confirmation of plan—Cont'd
 - interests—Cont'd
 - topic such as Claims or interests, above
 - fair and equitable rule, § 28:47
 - involuntary gap creditors, § 28:26
 - limited partnerships, § 28:21
 - liquidating plans, § 28:6
 - municipal debt adjustment plans, § 32:21 to 32:24
 - new value exception to absolute priority rule, § 28:45
 - notice to U. S. trustee, § 4:101, 4:104
 - objection, independent duty of court absent, § 28:1
 - operation of business, § 15:12
 - order of confirmation
 - generally, § 28:54
 - automatic stay of, § 28:56
 - revocation, § 28:58
 - payments for services, costs and expenses, approval of, § 28:8
 - postconfirmation matters, below
 - priority claims, cash payments, § 28:29
 - railroad reorganization, § 28:30, 28:31
 - rate changes, regulatory approval of, § 28:10
 - retiree insurance benefits, continuance of, § 28:15
 - revocation of confirmation, generally, § 28:58
 - secured claims, fair and equitable requirement as to, § 28:35 et seq.
 - securities law, denial of confirmation where plan seeks to avoid, § 28:53

REORGANIZATION PLANS**—Cont'd**

- Confirmation of plan—Cont'd
 - single plan rule, § 28:52
 - tax claims, § 28:28
 - taxes or securities law, denial of confirmation where plan seeks to avoid, § 28:53
 - transfers of property by non-business corporations, compliance with non-bankruptcy law governing, § 28:19
 - unimpaired classes, § 28:26 et seq.
 - unsecured claims, § 28:43 to 28:46
- Consent or approval
 - court approval. Disclosure and disclosure statements, below
 - cram down provisions, § 26:37
- Consolidation or merger
 - adequate means of plan implementation, § 26:12
 - disclosure statement objections, § 27:14
 - foreclosure judgment, § 26:16
 - railroad reorganization, § 26:35
- Consummation of plan, closing and reopening cases, § 36:6
- Continuation of business as justification for classification of claims, § 26:37, 26:38
- Contracts and agreements
 - acceptance or rejection of executory contracts, § 26:24, 26:25
 - release of nondebtor from liability, § 27:25
 - service contracts, § 26:24
- Conversion or dismissal
 - adequate means of plan implementation, § 26:10
 - exclusivity period, § 26:54

INDEX

REORGANIZATION PLANS

—Cont'd

- Conversion or dismissal—Cont'd
 - involuntary debtor, § **26:33 to 26:35**
 - liquidating plans, § **26:30**
 - postconfirmation, § **28:59**
- Copies
 - generally, § **26:2**
 - disclosure and disclosure statements, § **27:11, 27:21**
 - U. S. trustee, § **4:101, 4:104**
- Core proceedings, § **7:104**
- Corporations
 - affiliates, § **27:23**
 - charter, § **26:18, 26:20**
 - directors, below
 - officers, below
 - public policy, mandatory plan provisions dealing with corporate governance, § **26:21**
- Costs and expenses
 - administrative expenses, unimpaired claims or interests, § **28:26**
 - impairment of claims or interests, § **26:48**
 - Lost Opportunity Costs (this index)
 - sunk costs, settlement or adjustment of claim or interest, § **26:26**
- Counterclaim, § **26:24**
- Court approval. Disclosure and disclosure statements, below
- Cram down
 - generally, § **28:1, 28:32 to 28:47**
 - aircraft equipment and vessels, § **15:25**
 - deemed rejection of plan by creditors receiving no distribution, § **27:33**

REORGANIZATION PLANS

—Cont'd

- Cram down—Cont'd
 - disclosure and disclosure statements, § **27:3, 27:14**
 - presumed acceptance of plan by unimpaired creditors, § **27:32**
 - railroad reorganization, § **7:168**
- Creditors' and equity security holders' committees
 - acceptance or rejection of plan, § **27:27**
 - disclosure statement objections, § **27:13**
 - enforcement of claim or interest, § **26:28**
 - equal treatment for claims in same class, § **26:9**
 - filing of plan, § **26:58**
 - formation of plan, role in, § **26:2**
 - participation in formulation of plan, § **26:2**
 - railroad reorganization, § **26:35**
 - safe harbor provision, § **27:23**
 - selection of officer, director, or trustees, § **26:21**
 - solicitation of plan acceptances, convening committee meeting as, § **27:20**
- Cure of default
 - adequate means of plan implementation, § **26:10, 26:16**
 - amount necessary to cure, determination of, § **26:5**
 - assumption or assignment of unexpired lease, § **26:25**
 - impairment of claims and interests, § **26:43, 26:44**
- Damages, impairment of claims or interests, § **26:47 to 26:49**
- Date. Time or date, below
- De-acceleration, § **26:16, 26:43, 26:45**

REORGANIZATION PLANS**—Cont'd**

- Deceit. Fraud, below
- Deemed plan acceptance or rejection
 - impaired classes, § 26:41
 - modification of plan, § 27:36
 - prepetition acceptance or rejection, § 27:34
 - rejection of plan by class
 - receiving no distribution, § 27:33
- De facto plan, creditor's circulation of, § 26:2, 26:57
- Default. Cure of default, above
- Deferred payments
 - confirmation of plan, § 28:27, 28:28, 28:36 to 28:39
- Delay, exclusivity period, § 26:54, 26:60 to 26:62
- Delivery, § 26:37, 26:52
- Department of Energy, claims classification, § 26:39
- Deposit with trustee or debtor in possession, § 28:51
- Designation of entity as to which good-faith plan acceptance or rejection is lacking, § 27:20, 27:24, 27:35
- Directors
 - compensation, § 27:8
 - disclosure of identity as condition to confirmation, § 28:9
 - officers, below
 - selection, § 26:21
- Disapproval of application, § 26:35
- Discharge
 - claims classification, § 26:9, 26:39
 - effect of confirmation, § 28:65, 28:66
- Disclosure and disclosure statements
 - generally, § 1:157, 1:158, 27:1 to 27:17

REORGANIZATION PLANS**—Cont'd**

- Disclosure and disclosure statements—Cont'd
 - accounting method to be disclosed, § 27:8
 - accounts receivable, § 27:8
 - addendum to statement in lieu of amended statement, § 27:18
 - adequate information, § 27:4 to 27:7, 27:15
 - administrative expenses to be disclosed, § 27:8
 - affidavit of mailing, § 27:17
 - affiliates of debtor, § 27:8
 - amendment of statement, § 27:18
 - appeal of order approving statement, § 27:15, 27:19
 - appraisal of assets, § 27:8, 27:15
 - approval by court
 - generally, § 27:15
 - adequate information, § 27:4 to 27:7, 27:15
 - amended statement, § 27:18
 - appeal of approval order, § 27:15, 27:19
 - conditioned on amendment, § 27:18
 - confirmability of plan, objection or refusal of court approval based on lack of, § 27:14, 27:15
 - confirmation prerequisite, § 27:1
 - small business cases, § 27:16
 - vacating approval as remedy for unauthorized solicitation, § 27:20, 27:21
 - assets, description and statement of value, § 27:8
 - attorneys' fees to be disclosed, § 27:8
 - Bankruptcy Act of 1898, § 27:1

INDEX

REORGANIZATION PLANS

—Cont'd

Disclosure and disclosure statements—Cont'd

- beneficial and nominal holders of securities, § 27:11, 27:17
- boilerplate language, § 27:8
- books and records of debtor, § 27:4
- capital needs of debtor, § 27:8
- cause of bankruptcy filing, § 27:8
- claims against estate to be disclosed, § 27:8
- classification and treatment of claims against estate, § 27:8, 27:14
- clerk of court, § 27:9
- codebtor spouses, § 27:12
- collectability of accounts receivable, § 27:8
- commercial free speech considerations, § 27:21
- committees, § 27:11, 27:13
- compensation of officers and directors, § 27:8
- complexity of case as affecting adequacy of disclosure, § 27:4
- confirmability of plan, objection or refusal of court approval based on lack of, § 27:14, 27:15
- confirmation hearing, above consent. Approval by court, above this group
- contents of statement, generally, § 27:8
- copies of statements, § 27:11
- core proceeding, § 27:11
- cost of distributing statements, § 27:11, 27:17
- creditor control of reorganization process, § 27:1

REORGANIZATION PLANS

—Cont'd

Disclosure and disclosure statements—Cont'd

- cumulative effect of inaccurate and misleading statements, § 27:4
- delinquencies, § 27:7
- differing statements to different classes, § 27:17
- director compensation, § 27:8
- disclaimer, § 27:8
- discovery of documents under Bankruptcy Rule 2004, § 27:11
- disputed debts, § 27:7
- documentation of debtor's income and expenses, § 27:7
- due process, § 27:11, 27:12, 27:14
- employment history and prospects of wage-earner debtor, § 27:8
- erroneous delivery, § 27:9
- estoppel
 - claim undisclosed, § 27:13
 - litigation possibilities undisclosed, § 27:8
 - objection to claims which statement represented would be paid, § 27:15
- execution of plan, description of manner, § 27:8
- exemption from securities law requirements, § 27:4, 27:22, 27:23
- expenses of debtor, generally, § 27:7
- expenses of distributing statements, § 27:11, 27:15
- filing of statement, § 27:9, 27:10
- First Amendment considerations, § 27:21
- foreclosures, § 27:7

REORGANIZATION PLANS**—Cont'd**

Disclosure and disclosure statements—Cont'd

- freedom of speech and press considerations, § 27:21
- funding of plan, § 27:8
- future of business, § 27:8
- hearing on statement
 - generally, § 27:11, 27:12, 27:14
 - good-faith determination as to liquidating plan, § 28:7
- history of debtor's business, § 27:4, 27:8
- hypothetical reasonable investor typical of class, § 27:4, 27:7
- identities of principals and insiders, § 28:9
- impairment of claim or class, § 27:3, 27:4, 27:13, 27:15
- income of debtor, § 27:7
- inconsistent information in statement, § 27:4, 27:15
- informed decisions on plan acceptance or rejection, § 27:1
- insiders, § 27:8
- interlocutory appeal of approval or nonapproval, § 27:15
- involuntary cases, § 27:15
- lay persons, understandability of disclosures to, § 27:7
- length of disclosure statement, § 27:8
- limited partnership debtors, § 27:8
- liquidating plans, § 27:3
- liquidation analysis, § 27:8
- litigation outside bankruptcy, § 27:8
- local rules, § 27:8

REORGANIZATION PLANS**—Cont'd**

Disclosure and disclosure statements—Cont'd

- mailing
 - generally, § 27:11
 - affidavit of mailing, § 27:17
 - approved statement and plan, § 27:17
 - small business cases, § 27:16, 27:20
 - unimpaired classes, § 27:3
- management information to be disclosed, § 27:7
- modification of plan, § 26:67, 28:73
- nature of debtor's business, § 27:8
- nature of impaired and unimpaired claims, § 26:7
- nonconfirmability of plan, objection or refusal of court approval based on, § 27:14
- notice
 - approved statement, notice transmitted with, § 27:17
 - hearing on disclosure statement, § 27:11, 27:12
 - sale before confirmation of all or substantially all assets, disclosure, § 27:2
 - sale outside ordinary course of business, disclosure requirements, § 27:2
 - unimpaired classes not mailed disclosure statement, § 27:3, 27:17
- objections to statement
 - generally, § 27:13, 27:14
 - necessity of hearing if no objections, § 27:12
 - notice of time for filing, § 27:17
 - standing to object, § 27:13

INDEX

REORGANIZATION PLANS

—Cont'd

- Disclosure and disclosure statements—Cont'd
 - opinion of court, transmitting with approved statement, § 27:21
 - opinions and declarations
 - competing plans, § 27:21
 - factual basis, § 27:8
 - opponent's rights as to soliciting plan rejections, § 27:21
 - out-of-court agreement between parties, § 27:15
 - outside sources of information as affecting adequacy of information, § 27:6
 - parties in interest, § 27:11
 - personal information about debtor, § 27:7
 - plan or summary mailed with statement, § 27:8, 27:11, 27:17
 - postconfirmation modification of plan, § 28:73
 - postpetition condition and performance of debtor, § 27:8
 - preconfirmation modification of plan, § 26:67
 - preconfirmation sale of all or substantially all assets, § 27:2
 - preference action, amendment of statement to reflect discovery of, § 27:18
 - prepackaged plans, § 26:4
 - prepackaged plans, adequate information, § 27:5
 - primary source of information about debtor's condition, § 27:1
 - pro forma projections, § 27:8
 - projections as to future of business, § 27:8
 - prospectus requirements inapplicable, § 27:4

REORGANIZATION PLANS

—Cont'd

- Disclosure and disclosure statements—Cont'd
 - proxy solicitation requirements inapplicable, § 27:4
 - purpose of disclosure statement, § 27:1
 - reimbursement for expenses, § 27:11, 27:15
 - res judicata as to amended statements, § 27:21
 - risks being taken by creditors and interest holders, § 27:8
 - rulemaking power of Supreme Court, § 27:4, 27:12
 - sale out of ordinary course of business, § 27:2
 - Securities and Exchange Commission
 - generally, § 27:11, 27:13
 - appeal of order approving statement, § 27:19
 - state counterparts, § 27:13, 27:19
 - securities law requirements, exemption from, § 27:4, 27:22, 27:23
 - shareholder filing of statement, § 27:9
 - size of case as affecting adequacy of disclosure, § 27:4
 - solicitation of plan acceptance or rejection, § 27:9, 27:20, 27:21
 - source of information to be stated, § 27:7
 - summary of disclosure statement for mailing with full statement, § 27:17
 - summary of plan, inclusion in or mailing with statement, § 27:8, 27:17
 - takeover entities, § 27:8
 - tax consequences of plan, § 3:6, 27:8

REORGANIZATION PLANS

—Cont'd

- Disclosure and disclosure statements—Cont'd
 - time
 - amending statement, § 27:18
 - “day one, “ disclosure requirement as beginning on, § 27:4
 - filing statement, § 26:57, 27:9 to 27:11
 - notice, § 27:17
 - transfer of proxy vote to shareholder, § 26:20
 - transmittal of statement
 - generally, § 27:9
 - adequacy of procedures, § 27:11
 - approved statement, § 27:17
 - trustee, § 27:11, 27:13
 - unconfirmability of plan, objection or refusal of court approval based on, § 27:14
 - unimpaired classes, § 27:3, 27:17
 - United States trustee, § 4:014, 4:94, 4:101, 4:104, 27:9, 27:11, 27:13, 27:17
 - vacating approval as remedy for unauthorized solicitation, § 27:20, 27:21
 - valuation of assets, § 27:8, 27:15
 - variable standard of reasonable practicality, § 27:4
 - voidable transfers, § 27:7
 - waiver and estoppel. Estoppel, above this group
 - waiver of statement, § 27:3
- Discount rate, disclosure statement objections, § 27:14
- Discovery and depositions, § 26:4
- Discretionary provisions, § 26:23 to 26:32, 26:34

REORGANIZATION PLANS

—Cont'd

- Discrimination
 - claims classification, § 26:37
 - treatment of claims within class, § 26:9
- Dismissal. Conversion or dismissal, above
- Dissenting class, § 26:37
- Distribution
 - adequate means to implement plan, § 26:13
 - post-confirmation matters, § 28:56
 - pre-plan sale of property of estate, § 26:29
- Division of similar claims, creation of consenting class, § 26:36
- Divorce decree, impairment of claims, § 26:23
- Due process in classification of claims, § 26:38, 26:47
- Duration of exclusivity period, § 26:54
- Earnings of debtor
 - adequate means of plan implementation, § 26:10
 - postpetition income, payment of individual debtor's, § 26:10
- Elections
 - section 1111(b) election, § 1:159, 23:2, 23:29, 27:28, 28:23, 28:36
 - voting, below
- Employees and employers. Pension or retirement plans or funds, below
- Encumbrances. Liens and encumbrances, below
- Endorser, voting for acceptance or rejection of plan, § 27:31
- Enforcement of claim or interest pursuant to plan, § 26:27, 26:28

INDEX

REORGANIZATION PLANS

—Cont'd

- Equal treatment of claims of same class, § 26:9
- Equity security holders
 - acceptance or rejection of plan, § 27:27
 - committees. Creditors' and equity security holders' committees, above
 - contributions to fund plan, § 26:10
 - filing of plan, § 26:58
 - record holders' entitlement to vote for acceptance or rejection of plan, § 27:27
- Error or mistake
 - appeal and review, above
 - delivery of papers to be filed, § 26:52
- Escrow plan contracted-for, non-use by plan as impairment of claim, § 26:42
- Estate administrator, filing of plan by, § 26:59
- Estoppel. Waiver and estoppel, below
- Evidence
 - modification of exclusivity period, § 26:61
 - presumptions and burden of proof, below
- Examination or investigation
 - Rule 2004 examinations, § 26:3
 - trustee investigation of debtor, § 26:2
- Exceptions. Objections, below
- Exclusive right to file plan, period in which debtor has
 - generally, § 26:54, 27:9
 - appeal, § 26:60
 - extension of period, § 26:60 to 26:65
 - reduction of period, § 26:62
 - small businesses, § 26:56

REORGANIZATION PLANS

—Cont'd

- Executory contracts and unexpired leases, § 26:24, 26:25
- Exemption of disclosure statements from securities law requirements, § 27:4, 27:22, 27:23
- Exempt property
 - lease, debtor's consent to lease of exempt property, § 26:25
 - sale, debtor's consent to sale of exempt property, § 26:29
- Expenses of distributing disclosure statements, § 27:11, 27:15
- Extension of time
 - acceptance of plan, effect of extension of exclusivity period on time for, § 26:65
 - adequate means of plan implementation, § 26:10
 - disclosure statement, filing of, § 27:18
 - exclusivity period for filing plan, § 26:60 to 26:64
 - outstanding securities, maturity date, § 26:17
- Facsimiles. Copies, above
- Fair and equitable rule
 - generally, § 28:34 et seq.
 - disclosure statement objections, § 27:14
- Family. Husband and wife, below
- Farmers, liquidation plans, § 26:14, 26:30
- Feasibility standards
 - confirmation of plan, § 28:11 to 28:13
 - disclosure statement objections, § 27:14
- Filing
 - generally, § 26:52 to 26:65
 - competing plan, § 26:57 to 26:59

REORGANIZATION PLANS**—Cont'd**

- Filing—Cont'd
 - confirmation of plan, § **28:52**
 - creditors, filing by, § **6:37**
 - exclusivity period for filing by debtor
 - generally, § **26:54, 27:10**
 - appeal, § **26:60**
 - extension of period, § **26:60 to 26:65**
 - reduction of period, § **26:62**
 - extension of time, above statement of investigation, § **26:2**
- Final decree, application for, § **28:57**
- First Amendment considerations in solicitation of plan acceptance or rejection, § **27:21**
- Fraud
 - classification of claims or interests, § **26:39**
 - investigation by trustee, § **26:2**
 - retention and enforcement of claim or interest, plan provision for, § **26:28**
- Freedom of speech and press considerations in solicitation of plan acceptance or rejection, § **27:21**
- Funding plan, adequate means for plan's execution, § **26:10 to 26:14**
- Gerrymandering claims classification to obtain affirmative vote on plan, § **26:37, 26:38**
- Goal of plans, § **26:1**
- Good faith
 - acceptance or rejection of plan, § **27:25 to 27:27, 27:35**
 - confirmation of plan, § **28:3 to 28:7**
 - disclosure statement objections, § **27:14**
 - implementation of plan, § **26:10**

REORGANIZATION PLANS**—Cont'd**

- Good faith—Cont'd
 - liquidation plans, § **26:30**
 - safe harbor provision, § **27:21, 27:23**
 - solicitation of plan acceptance or rejection, § **27:24**
- Guaranty
 - second mortgages, claims classification, § **26:38**
 - voting by guarantors for acceptance or rejection of plan, § **27:31**
- Hearings
 - confirmation hearing, above disclosure and disclosure statements, above notice, below
- Husband and wife
 - disclosure statements, codebtor spouses, § **27:12**
 - exclusivity period, modification, § **26:62**
 - impairment of claims or interests, § **26:23**
- Impairment of claims or interests
 - generally, § **26:41 to 26:51**
 - acceptance of plan by at least one impaired class, § **27:32, 28:20 et seq.**
 - confirmation of plan, § **27:32, 28:20 et seq.**
 - cure of default, § **26:43, 26:44**
 - damages caused by reliance on contractual provisions or applicable law, § **26:47 to 26:49**
 - de-acceleration, § **26:43, 26:45**
 - disclosure and disclosure statements, § **27:3, 27:4, 27:13, 27:15**
 - engineered, intentional or artificial impairment, § **26:23, 26:41**

INDEX

REORGANIZATION PLANS

—Cont'd

Impairment of claims or interests

—Cont'd

interest on money, § 26:46,
26:49

postpetition interest, § 26:49

reinstatement of maturity,
§ 26:46

section 1111(b) election,
§ 28:23

specification of treatment of
impaired classes, § 26:8

specification of unimpaired
classes, § 26:7

unimpaired creditors, generally,
§ 26:7, 26:23

voting, § 26:41, 28:25

Implementation of plan, adequate
means, § 26:10 to 26:14

Incompetence, § 26:2

Indenture trustees

generally, § 26:2

classification of claims with
bondholder claims, § 26:39

filing of plan, § 26:58

modification of plan, notice of,
§ 26:66

Individual debtor's postpetition
earnings, payment to credi-
tors of, § 26:22

Indubitable equivalence, realiza-
tion of, § 28:40 to 28:42

Information. Disclosure and
disclosure statements, above

Injunctions

notice of injunction to be issued
under plan, § 27:11

SEC injunctive activity, safe
harbor protection from,
§ 27:21, 27:23

Insiders

disclosure and disclosure state-
ments, § 27:8

REORGANIZATION PLANS

—Cont'd

Insiders—Cont'd

voting for plan acceptance or
rejection, § 27:35

Interest on money

adequate means of plan
implementation, § 26:10

best interest of creditors test,
§ 28:21

“fair and equitable rule,”
§ 28:37

impairment of claims or
interests, § 26:46, 26:49

outstanding securities, § 26:17

Interests

claims or interests, above
fair and equitable rule, § 28:47

Internal Revenue Service

claims classification, § 26:39

trust fund taxes, plan provisions
for allocation of tax pay-
ments, § 26:32

Investigation by trustee of matters
relevant to plan formulation,
§ 26:2

Investors, disclosure and
disclosure statements, § 27:4,
27:7

Involuntary bankruptcy

confirmation of plan, involun-
tary gap creditors, § 28:26

disclosure statements, § 27:15

Ipso facto clauses, § 26:44, 26:47

Joint debtors, § 26:9

Judgments

appeal and review, above
cure or waiver of default,
§ 26:16

labor unions, § 26:2

pre-plan order authorizing pay-
ment of some class
members, § 26:37

Labor and employment. Pension
or retirement plans or funds,
below

REORGANIZATION PLANS

—Cont'd

- Labor unions
 - as party in interest, § 6:90
 - classification of claims or interests, § 26:39
- Executory Contracts and Unexpired Leases (this index)
 - role in plan formulation, § 26:2
- Late charges, impairment of claims, § 26:48
- Lawsuits, pending litigation as cause for extension of exclusivity period, § 26:64
- Leases and leasehold interests.
 - Use, sale, or lease of property, below
- Leave of court, amendment of disclosure statement, § 27:18
- Lender liability claim, classification of claims as affected by pendency of, § 26:38
- Liens and encumbrances
 - adequate means of plan implementation, § 26:10, 26:15
 - classification of claims or interests, § 26:39
 - discretionary plan provisions, § 26:23
 - liquidation plans, § 26:14
 - mortgages, below
 - outstanding securities, affect of change, § 26:17
 - retention or attachment to sale proceeds, fair and equitable requirement as to, § 28:35
 - sale of property of estate free and clear, § 26:13, 28:35
- Limited partnership
 - confirmation of plan, § 28:21
 - enforcement of claim or interest by member of limited partnership, § 26:28

REORGANIZATION PLANS

—Cont'd

- Limited partnership—Cont'd
 - filing of plan by limited or general partner, § 26:59
- Liquidating plans
 - confirmation, § 28:6
 - discretionary plan provisions, § 26:30, 26:32
 - mandatory plan provisions, § 26:14
- Liquidating trustee's standing to enforce claim or interest, § 26:28
- Liquidation analysis, § 27:8, 27:21
- Liquidation under Chapter 7, conversion without consent during exclusivity period prohibited, § 26:54
- Litigation, pending litigation as cause for extension of exclusivity period, § 26:64
- Lost Opportunity Costs (this index)
- Mailing
 - affidavit of mailing, § 27:17
 - approved statement and plan, § 27:17
 - disclosure statements, generally, § 27:11
 - small business cases, § 27:16, 27:20
 - unimpaired classes, § 27:3
- Mandatory provisions, § 26:5 to 26:21, 26:33
- Marital community property, reduction of exclusivity period, § 26:62
- Market testing, subjection of new value to, § 28:45
- Maturity of claim or interest
 - impairment, reinstatement of maturity, § 26:46
 - time or date, § 26:10, 26:17

INDEX

REORGANIZATION PLANS

—Cont'd

- Mechanics' liens, claims classification, § 26:37
- Merger. Consolidation or merger, above
- Misconduct, § 26:2
- Mismanagement, investigation by trustee, § 26:2
- Misrepresentation. Fraud, above
- Mistake. Error or mistake, above
- Modification. Change or modification, above
- Money
 - adequate means of plan implementation, generally, § 26:10
 - interest on money, above
 - settlement for cash, liquidation plan, § 26:14
- Mortgages
 - claims classification, § 26:37, 26:38
 - cure of arrearage proposed by plan, interest on arrearages, § 26:5, 26:16
 - impairment of claims, § 26:41 to 26:51
 - implementation of plan, § 26:15
 - modification of secured claims, residential mortgagee's rights, § 26:31
 - purchase by mortgagee of unsecured creditors' claims not plan solicitation, § 27:21
 - single asset debtors, creditor's good faith acceptance or rejection of plan, § 27:35
- Motion, application, or request
 - assumption or rejection of unexpired lease, § 26:25
 - designation of entity as to which good-faith plan acceptance or rejection is lacking, § 27:35

REORGANIZATION PLANS

—Cont'd

- Motion, application, or request
 - Cont'd
 - disclosure statement hearing in absence of request therefor, § 27:12
 - extension of time to file plan, § 26:60
 - modification of exclusivity period, § 26:60
 - railroad reorganization, § 26:35
- Multiple plans
 - generally, § 26:55, 27:21, 27:29
 - single plan confirmable, § 28:52
- Negative amortization, § 28:38
- New value exception to absolute priority rule, § 28:45
- Nondebtor entities, role in plan formulation, § 26:2
- Nondischargeable debt, claims classification, § 26:9, 26:39
- Nonrecourse loan deficiencies, claims classification, § 26:38
- Nonvoting equity securities, § 26:20
- Notice
 - approved statement, notice transmitted with, § 27:17
 - confirmation hearing, § 27:17, 28:48
 - designation of entity as to which good-faith plan acceptance or rejection is lacking, § 27:35
 - disclosure and disclosure statements, above
 - hearing on disclosure statement, § 27:11, 27:12
 - injunction to be issued under plan, § 27:11
 - liquidation plan, § 26:30
 - modification, § 26:60, 26:66
 - prepetition acceptance or rejection of plan, § 27:34

REORGANIZATION PLANS**—Cont'd**

- Notice—Cont'd
 - rejection by third-party creditor, § **26:25**
 - retention and enforcement of claim or interest, plan provision for, § **26:26**
 - sale before confirmation of all or substantially all assets, disclosure, § **27:2**
 - status conference, hearing on disclosure statement, § **27:11**
 - temporary allowance or disallowance for purpose of accepting or rejecting plan, § **27:27, 27:35**
 - U. S. trustee, § **4:101, 4:104**
 - unexpired leases, § **26:25**
 - unimpaired creditors, § **1:158, 27:3, 27:17**
 - withdrawal of vote on plan acceptance or rejection, § **27:36**
- Nuisance claimant's claim, classification with unsecured contract claims, § **26:39**
- Number of allowed claims or interests held, § **27:25, 27:26**
- Objections
 - confirmation, § **27:32**
 - disclosure and disclosure statements, above
 - exclusivity period, rights of debtor subsequent to, § **26:55**
 - notice to unimpaired creditors, § **1:158**
- Officers
 - disclosure of identity as condition to confirmation, § **28:9**
 - selection of, § **26:21**
- Oil pricing regulations, claims classification, § **26:39**

REORGANIZATION PLANS**—Cont'd**

- Operation of business, § **15:12, 15:15, 26:56**
- Opinion of court, transmittal with approved statement, § **27:17**
- Opinions and declarations as to disclosure statements
 - competing plans, § **27:21**
 - factual basis, § **27:8**
- Option or election, section 1111(b) election, § **1:159, 23:2, 23:29, 28:23, 28:36**
- Order of confirmation
 - generally, § **28:54**
 - revocation, § **28:58**
- Outstanding securities, change or modification, § **26:17**
- Own motion of court
 - designation of entity as to which good-faith plan acceptance or rejection is lacking, § **27:35**
 - modification of plan on, § **26:66**
- Parent-subsidiary relationship and modification of exclusivity period, § **26:63**
- Partially secured creditors or claims
 - acceptance or rejection of plan, § **27:28, 27:33**
 - section 1111(b) election, § **1:159, 23:2, 23:29, 27:28, 28:23, 28:36**
- Partnership
 - generally, § **26:39, 26:59, 27:26**
 - limited partnership, above
- Party in interest filing plan, § **26:57 to 26:59**
- Payment. Deferred payments, above
- Pending litigation as cause for extension of exclusivity period, § **26:64**
- Pension or retirement plans or funds
 - claims, classification of general

INDEX

REORGANIZATION PLANS

—Cont'd

- Pension or retirement plans or funds—Cont'd
 - unsecured claims, § 26:39
 - continuance of, § 28:15
- Executory Contracts and Unexpired Leases (this index)
- Postconfirmation matters
 - generally, § 28:55 et seq.
 - acceptance or rejection of modified plan, § 28:74
 - adversary proceedings, § 26:32
 - conversion of case, § 28:59
 - discharge of debtor, § 28:65, 28:66
 - disclosure requirements, § 28:73
 - dismissal of case, § 28:59
 - distribution, § 28:56
 - effect of confirmation, generally, § 28:62 to 28:67
 - exemption from securities laws, § 28:72 to 28:77
 - filing reports, § 28:57
 - final decree, application for, § 28:57
 - implementation of plan, § 28:55
 - Internal Revenue Service, objection by, § 28:75
 - jurisdiction, § 7:180, 28:67
 - modification, § 28:68 to 28:71
 - revocation of confirmation order, § 28:58
 - tax matters, § 28:60, 28:61
 - U.S. trustee quarterly fee, § 4:67
 - vesting of property, § 28:63
- Preferences and preferential transfers
 - avoidance pursuant to plan provision for retention and enforcement of claim or interest, § 26:27, 26:28

REORGANIZATION PLANS

—Cont'd

- Preferences and preferential transfers—Cont'd
 - disclosure statement amendment to reflect discovery of preference action, § 27:18
 - plan provisions for recovery of preferences, § 26:32
 - sale of property of estate, § 26:13, 26:29
- Preferred claims. Priority claims, below
- Prepackaged plans, § 26:4, 27:5
- Prepetition acceptance or rejection, § 27:34
- Pre-plan distribution of proceeds of property of estate, § 26:29
- Pre-plan order authorizing payment of some class members, § 26:37
- Presumptions and burden of proof
 - acceptance by unimpaired creditors presumed, § 27:32
 - avoidance action pursuant to plan provision for retention and enforcement of claim or interest, § 26:28
 - classification of claims for legitimate reason, § 26:38
 - extension of time to file plan, § 26:61
 - investigation by trustee, § 26:2
 - modification of exclusivity period, § 26:61
- Priority claims
 - absolute priority rule, claims classification, § 26:37
 - administrative expenses, unimpaired claims or interests, § 28:26
 - cash payment, § 28:29
 - classification of claims or interests, § 26:37
 - designation of classes, § 26:6
 - impairment of claims, § 26:42

REORGANIZATION PLANS

—Cont'd

- Priority claims—Cont'd
railroad reorganization plans,
§ 26:35
- Proof of claim, acceptance or
rejection of plan by codebtor
filing, § 27:31
- Property of estate. See more
specific lines throughout this
topic
- Protection of interests of employ-
ees, transfer of railroad lines,
§ 26:35
- Proxy vote, transfer to
shareholder, § 26:20
- Public interest, § 26:1, 26:33 to
26:35
- Public policy, mandatory plan pro-
visions dealing with
corporate governance,
§ 26:21
- Purchase-money security interest,
classification of claims or
interests, § 26:39
- Purpose of plans, § 26:1
- Questions of law, impairment of
claim as, § 26:41
- Railroad Reorganization (this
index)
- Real property taxes. Taxation,
below
- Records and reports
books and records of debtor,
disclosure statements,
§ 27:4
postconfirmation reports,
§ 28:57
- Redemption (this index)
- Reduction of time
exclusivity period for debtor's
filing, § 26:62
small business reorganization,
change in time for filing
plan, § 26:56

REORGANIZATION PLANS

—Cont'd

- Reference of cases, § 7:37, 7:46,
7:53
- Reformation of settlement agree-
ment which became basis for
plan, § 26:26
- Reinstatement, curing or waiving
default, § 26:16, 26:43,
26:45
- Rejection of contracts and agree-
ments, § 26:24, 26:25
- Rejection of plan. Acceptance or
rejection of plan, above
- Release of nondebtor from
liability, § 27:25
- Reports, postconfirmation, § 28:57
“Representative of the estate,”
defined, § 26:28
- Request. Motion, application, or
request, above
- Rescission or cancellation.
Cancellation, above
- Res judicata, relitigation of
whether debtor may reject
contract, § 26:24
- Retention of estate of property by
debtor, § 26:10
- Retirement plans. Pension or
retirement plans or funds,
above
- Review. Appeal and review, above
- Revocation of confirmation, gen-
erally, § 28:58
- Rules of Bankruptcy Procedure
(this index)
- Safe harbor provision, § 27:21,
27:23
- Sales or transfers
confirmation of plan involving
transfer of property by
non-business corporation
or trust, § 28:19
disclosure requirements, sales
outside ordinary course of
business, § 27:2

INDEX

REORGANIZATION PLANS

—Cont'd

- Sales or transfers—Cont'd
 - discretionary provisions,
§ 26:29, 26:30
 - mandatory plan provisions,
§ 26:11 to 26:14
 - preferences and preferential transfers, above
 - railroad reorganization, § 26:34, 26:35
 - use, sale, or lease of property, below
- Satisfaction of lien as means of plan implementation,
§ 26:10, 26:15
- Second mortgages, § 26:15, 26:38
- Section 1111(b) election, § 1:159, 23:2, 23:29, 27:28, 28:23, 28:36
- Securities
 - bondholder claims, § 26:9, 26:39
 - confirmation denied where plan seeks to avoid securities law, § 28:53
 - creditors' and equity security holders' committees, above
 - disclosure statements and solicitation, § 27:22, 27:23
 - equity security holders, above
 - exemption from securities laws, § 28:72 to 28:77
 - issuance as means of plan implementation, § 26:10, 26:19
 - short sales of stock, § 26:37
- Securities, issuance of, § 26:19
- Securities and Exchange Commission
 - disclosure and disclosure statements, above
 - injunctive action by SEC, safe harbor protection from, § 27:21, 27:23

REORGANIZATION PLANS

—Cont'd

- Security deposit, impairment of claim, § 26:42
- Selection of officers, directors, or trustee, § 26:21
- Self-addressed envelopes, plan solicitation, § 27:21
- Service contracts, acceptance or rejection of, § 26:24
- Setoff, executory contracts and unexpired leases, § 26:24, 26:25
- Settlements, § 26:14, 26:26
- Shareholder claims, § 26:9, 26:42
- Shareholder voting rights, mandatory plan provisions, § 26:20
- Short sales of stock, § 26:37
- Similar claims or interests, classification of substantially,
§ 26:36 to 26:39
- “Similar instrument,” meaning of,
§ 26:10
- Single asset debtors
 - creditor's good faith acceptance or rejection of plan,
§ 27:35
 - real estate asset, relief from automatic stay, § 16:189
- Size of case as cause for modification of exclusivity period,
§ 26:63
- Small Business Reorganization (this index)
- Small unsecured claims, administrative convenience class for, § 26:40
- Solicitation of plan acceptance or rejection
 - generally, § 27:20 to 27:24
 - commercial free speech considerations, § 27:21
 - disclosure statement approval as prerequisite, § 27:9, 27:20, 27:21

REORGANIZATION PLANS

—Cont'd

Solicitation of plan acceptance or rejection—Cont'd
 exemption from securities laws, § 27:22
 First Amendment considerations, § 27:21
 good or bad faith, § 27:24
 impaired classes, § 26:41
 modification of plan, § 26:67
 opponent's rights as to soliciting rejections, § 27:21
 prepackaged plans, § 26:4
 prepetition acceptance or rejection, § 27:34
 "safe harbor" provision, § 27:21, 27:23
 sanctions for untimely solicitation, § 27:20
 small business cases, § 27:16, 27:20
 unauthorized solicitation, § 27:21
 unimpaired creditors or interest holders, § 27:32
 voting, below
 Sovereign immunity abrogated, § 6:78
 Specification of unimpaired classes, § 26:7, 26:8
 Spouses. Husband and wife, above
 Stalled plan negotiations as cause for extension of exclusivity period, § 26:63
 Statements. Disclosure and disclosure statements, above
 Status conference
 generally, § 7:148
 debtor must file plan, setting date by which, § 26:53
 disclosure statement, § 27:9, 27:11
 notice regarding hearing on disclosure statement, order

REORGANIZATION PLANS

—Cont'd

Status conference—Cont'd
 concerning, § 7:148
 setting date for filing disclosure statement and plan or soliciting plan acceptances, § 7:148
 solicitations, § 27:20
 Subordination, § 26:40
 Substantially similar claims, classification of, § 26:36 to 26:40
 Substantive consolidation
 adequate means of plan implementation, § 26:12
 disclosure statement objections, § 27:14
 Sunk costs, settlement or adjustment of claim or interest, § 26:26
 Supremacy clause, federal law as governing counting of votes approving or disapproving, § 27:26
 Surety, voting for acceptance or rejection of plan, § 27:31
 Takeovers
 bad faith and disqualification of vote on plan, § 27:35
 disclosure statements, § 27:8
 Taxation
 claims, generally, § 26:39
 classification of claims or interests, § 26:39
 confirmation
 deferred cash payments for tax claims, § 28:28
 denial where plan seeks to avoid securities law, § 28:53
 postconfirmation matters, § 28:60, 28:61
 impairment of claims, § 26:42, 26:44
 postconfirmation
 determination of tax effects of plan, § 28:60

INDEX

REORGANIZATION PLANS

—Cont'd

- Taxation—Cont'd
 - postconfirmation—Cont'd
 - stamp or similar tax, exemption for, § **28:61**
 - trust fund taxes, plan provisions for allocation of tax payments, § **26:32**
- Temporary allowance or disallowance of claim or interest for purpose of accepting or rejecting plan, § **27:27, 27:35**
- Test of substantial similarity, § **26:6**
- Time or date
 - acceleration of debt, § **26:16, 26:43, 26:45**
 - acceptance or rejection of plan, above
 - application, railroad reorganization, § **26:35**
 - disclosure and disclosure statements, above
 - exclusivity period for filing by debtor. Filing, above
 - extension of time, above
 - maturity, § **26:10, 26:17**
 - modification of plan, § **26:66**
 - payment of employees, § **26:35**
 - railroad, transfer of operation, § **26:34, 26:35**
- Tort claimants and trade creditors, classification together, § **26:39**
- Transfers. Sales or transfers, above
- Transmission of plan, § **27:34**
- Transmittal of disclosure statements, § **27:9, 27:11, 27:17**
- Trustee
 - disclosure statement objections, § **27:13**
 - filing of plan, § **26:58**
 - indenture trustees, above

REORGANIZATION PLANS

—Cont'd

- Trustee—Cont'd
 - investigation of matters relevant to plan formulation, § **26:2**
- Trust fund taxes, plan provisions for allocation of tax payments, § **26:32**
- Two-thirds and one-half requirement, amount and number of allowed claims or interests held, § **27:25, 27:26**
- Underwriters, exemption of disclosure statements from securities law requirements, § **27:4, 27:22, 27:23**
- Unexpired leases, § **26:25**
- Unimpaired creditors or interest holders
 - generally, § **1:158, 26:7, 26:23, 26:41 to 26:51**
 - confirmation of plan, § **28:26 et seq.**
 - disclosure and disclosure statements, § **27:3, 27:17**
 - solicitation of plan acceptance or rejection, § **27:32**
 - voting to accept or reject plan, § **27:27**
- United States trustees
 - generally, § **4:94**
 - copies to, § **4:104**
 - disclosure statements, § **4:94, 4:101, 4:104, 27:9, 27:11, 27:13, 27:17**
 - filing of plan by, § **26:59**
- Unsecured claims
 - administrative convenience class, § **26:40**
 - classification, generally, § **26:38 to 26:40**
 - section 1111(b) election, § **1:159, 23:2, 23:29, 27:28, 28:23, 28:36**
- Use, sale, or lease of property
 - adequate means of plan

REORGANIZATION PLANS

—Cont'd

- Use, sale, or lease of property
 - Cont'd
 - implementation, § 26:10, 26:13
 - disclosure requirements as to sale out of ordinary course of business, § 27:2
- Utilities
 - rate changes, regulatory approval of, § 28:10
 - transfer from state to federal regulatory authority, § 26:13
- Value or valuation
 - adequate means of plan implementation, § 26:10
 - collateral, § 26:14, 26:30
 - disclosure statements, § 27:8, 27:15
 - fair and equitable confirmation requirement, § 28:39
 - impairment of claim, valuation unnecessary to determine, § 26:41
- Venue, § 26:52
- Voluntary bankruptcy, § 8:80
- Voting
 - ballots, above
 - corporate charters, § 26:18, 26:20
 - creditors entitled to vote on plan acceptance or rejection, § 27:14, 27:27
 - disallowance of votes, § 27:21, 27:24, 27:27
 - disqualification to vote, § 27:35
 - failure to vote, effect of, § 27:32
 - gerrymandering claims classification to obtain affirmative vote on plan, § 26:37, 26:38
 - impaired claims or interests, § 26:41, 28:25

REORGANIZATION PLANS

—Cont'd

- Voting—Cont'd
 - interest holders entitled to vote on plan acceptance or rejection, § 27:14, 27:27
 - multiple claims voted separately on plan acceptance or rejection, § 27:14
 - proxy vote, transfer to shareholder, § 26:20
 - representative voting for creditor or interest holder, § 27:29
 - separate classes of unsecured claims, reduction of creditors eligible to vote, § 26:40
 - separate voting of disparate claims held by single entity, § 27:25
 - solicitation of plan acceptance or rejection, § 27:20 to 27:24
 - two-thirds and one-half requirement, amount and number of allowed claims or interests held, § 27:25, 27:26
 - withdrawal or vote, § 27:36
 - Waiver and estoppel
 - disclosure and disclosure statements, above
 - reject contract, relitigation of whether debtor may, § 26:24
 - Who may file plan. Filing, above
 - Wife. Husband and wife, above
 - Withdrawal or vote, § 27:36
 - Workers' compensation, § 26:9, 26:39
 - Writing, § 27:29
- REPAIRS**
- Adequate protection, § 21:63
 - Allowance of Claims or Interests (this index)

INDEX

REPAIRS—Cont'd

- Disposable income for Chapter 13 plan, § 31:47
- Proof of claim, § 22:21

REPARATIONS

- Exemption of award under crime victim's reparation law, § 13:110

REPAYMENT

- Family Farmer or Fisher Debt Adjustment (this index)
- Individual Debt Adjustment Plans (this index)
- Payment (this index)
- Reaffirmation of Debts (this index)
- Reimbursement (this index)
- Taxation, § 3:19

REPEAL

- Bankruptcy Act of 1898, § 1:16
- Family farmer debt adjustment, § 1:21, 1:50
- Jingle rule, allowance of claims or interest, § 24:23

REPEATED FILINGS

- Multiple Filings (this index)

REPETITIOUS EMPLOYMENT

- Professional persons, employment of, § 2:25

REPLACEMENT

- Debtor in possession, replacement by trustee, § 5:113
- Judges, § 4:28
- Liens
 - adequate protection, § 21:1, 21:11, 21:55, 21:56
 - turnover of property, § 14:4, 14:38, 14:56

REPO PARTICIPANTS

- Generally. Repurchase or "REPO" Agreements (this index)

REPO PARTICIPANTS—Cont'd

- Automatic stay, setoff rights, § 25:16

REPORTS

- Records and Reports (this index)

REPOSSESSION

- Adequate protection, § 21:27, 21:32
- Automatic stay, § 16:64, 16:73
- Avoidance, unperfected security interest in aircraft equipment and vessels, § 17:26
- Redemption, § 12:96
- Turnover of property, § 14:37, 14:38
- Use, sale, or lease of property, § 15:25

REPRESENTATION AND REPRESENTATIVES

- Attorneys (this index)
- Fiduciaries (this index)
- Interested party, § 6:90

REPRODUCTION

- Copies (this index)

REPURCHASE OR "REPO" AGREEMENTS

- Automatic stay, applicability to certain setoffs, § 16:121
- Avoidance power of trustee, limitation, § 17:61
- Fraudulent transfers, § 19:107
- Property of estate, § 12:91
- Redemption, § 12:108
- Setoff, amount in excess of repurchase price, § 12:91

REPUTATION

- Judges, § 4:14

REQUEST

- Demand or Request (this index)

RESALE

Cash, deeded property resold for, § 1:33
 Repurchase or “Repo” Agreements (this index)

RESCISSION OR CANCELLATION

Attorneys’ fees, § 2:64
 Automatic stay, § 16:63, 16:95
 Executory contracts and unexpired leases, § 20:54
 Municipal debt adjustment plans, § 32:3
 Reaffirmation, § 1:168
 Reorganization Plans (this index)
 Subordination for rescission of purchase or sale of security of debtor or affiliate, § 34:94 to 34:96
 Taxation, § 3:11, 3:12, 3:18, 3:23, 3:32

RESEARCH

Compensation, § 2:80
 Legal Research (this index)
 Protective orders regarding confidential or defamatory matter, § 6:2
 Reimbursement, § 2:87

RESIDENCE

Domicile and Residence (this index)

RESIGNATION

Trustees, generally, § 5:46
 United States trustees, § 4:95

RES JUDICATA

Discharge determinations, § 35:233 et seq.
 Disclosure statement amended, § 27:21
 Family farmer debt adjustment plans, § 33:60
 Individual Debt Adjustment Plans (this index)

RES JUDICATA—Cont’d

Reorganization plans, relitigation of whether debtor may reject contract, § 26:24
 Sale of debtor’s assets, order approving, § 15:67
 Size and nature of claim, § 23:8
 Tax liability, bankruptcy court determination of, § 3:77

RESPONSIVE PLEADINGS

Answer (this index)
 Involuntary Bankruptcy (this index)

RESTITUTION

Automatic stay, § 16:80
 Claims, § 22:2

RESTRAINING ORDERS

Injunctions (this index)

RESTRICTIONS

Limitations or Restrictions (this index)

RETAINERS

Adverse interests, generally, § 2:41
 Attorneys’ fees, § 2:65
 Disinterestedness requirement, § 2:30
 Professional persons, employment of, § 2:30, 2:41

RETENTION OF CLAIM

Fraudulent transfers and concealment of assets, § 19:109

RETENTION OF LIEN

Individual debt adjustment plans, confirmation of, § 31:29

RETENTION OF PROPERTY

Surrender of Property (this index)

RETIREMENT

Pension or Retirement (this index)

INDEX

RETROACTIVE APPLICATION

- Adequate protection, § 21:49
- Exemptions (this index)
- Financing, postpetition, § 15:77
- Northern Pipeline decision, § 7:131, 7:153
- Nunc Pro Tunc (this index)
- Professional persons, employment of, § 2:22
- Relation Back (this index)
- Voluntary bankruptcy, § 8:61

RETROJECTION

- Fraudulent transfers, § 19:62
- Preferential transfer, evidence of insolvency, § 18:24

RETURN OF COMPENSATION

- Professional persons, § 2:98

RETURN OF PROPERTY

- Refund (this index)

RETURNS

- Taxation (this index)

REVESTING

- Conversion or dismissal, § 11:96

REVIEW

- Appeals (this index)

REVIVAL OF DISCHARGEABLE OR DISCHARGED DEBT

- Reaffirmation of Debts (this index)

REVOCAION

- Automatic Stay (this index)
- Debtor discharge revocation
 - Chapter 7, § 35:62
 - Chapter 11, § 35:62
 - Chapter 12, § 35:63
 - Chapter 13, § 35:63
- Discharge (this index)
- Discriminatory treatment of debtor, § 6:28

REVOCAION—Cont'd

- Family farmer debt adjustment plans, § 33:62
- Family Farmer or Fisher Debt Adjustment (this index)
- Individual Debt Adjustment Plans (this index)
- Individual Debt Adjustment (this index)
- Municipal debt adjustment plan confirmation, § 32:29
- Professional persons, employment of, § 2:45
- Reorganization plan, revocation of confirmation, § 28:58
- Suspension (this index)
- Taxation, § 3:23, 3:32
- U. S. trustees, request for revocation of discharge, § 4:101, 4:105
- Waiver of sovereign immunity, § 6:83

RHODE ISLAND

- Opt-out provision, § 13:7

RICE

- Size and nature of claim, § 23:6

RISK FACTOR

- Family farmer debt adjustment plans, § 33:41

RISK TEST

- Family farmer debt adjustment, § 1:53

ROLLING STOCK

- Injunctions, § 7:168
- Railroad reorganization, generally, § 15:26

ROYALTIES

- Executory contracts and unexpired leases, § 20:74
- Fraudulent transfers, § 19:37
- Intellectual property, § 20:74

RULEMAKING POWERS

Judges, § 4:8

RULE OF CONSTRUCTION

Construction and Interpretation
(this index)

**RULES OF APPELLATE
PROCEDURE**

Generally, § 1:27
Governing law, § 1:27
Stay, § 37:53

**RULES OF BANKRUPTCY
PROCEDURE**

Abandonment or disposition of property, § 1:133, 1:161, 4:107, 12:127 to 12:132
Abstention from hearing proceeding, § 7:21 to 7:22
Accountants. Professional persons, below
Accounting by prior custodian of estate property, § 1:132, 14:71
Adequate protection, § 21:67, 21:70
Adversary proceedings
 appeals, § 37:33, 37:36, 37:62
 class proceedings, § 22:20
 complaint, below
 contested involuntary or ancillary petitions and proceedings to vacate order for relief, applicability of Part VII rules, § 8:34, 8:35, 9:55, 9:63, 9:64
 contested matters, applicability of certain Part VII rules, § 1:23, 1:25, 1:89
 defenses and objections, § 7:50 to 7:52
 defined, § 1:22
 discovery and depositions.
 Examination of debtor and others, below
 dismissal, § 9:29

**RULES OF BANKRUPTCY
PROCEDURE—Cont'd**

Adversary proceedings—Cont'd execution, § 1:169, 36:8
Federal Rules of Civil Procedure, below
findings by court, § 37:19, 37:40
injunctions, § 1:80, 1:103, 7:164
intervention, § 6:44, 6:71
joinder of parties, § 7:9, 7:17, 7:197
pleadings, § 1:22, 1:24, 1:76, 2:119, 7:50 to 7:52, 9:45, 15:34, 19:17, 19:117
process and service of summons and complaint, § 4:49
removal and remand, applicability of Part VII rules, § 7:111 to 7:127
scope of Part VII rules, § 1:22, 1:24, 1:88
stay of proceedings to enforce judgment, § 37:51, 37:53
summary judgment, § 9:63, 37:7, 37:8
transfer of adversary proceeding, § 7:197
Alabama, United States trustee program, § 1:20, 4:60
Allowance of claims or interests, § 24:77
Amendment of Federal Rules of Civil Procedure, § 1:25
Ancillary cases
 petition and summons, service, § 9:47, 9:48
 responsive pleading or motion, § 8:11, 9:49 to 9:51
Appeal and review
 briefs, § 37:49, 37:63 to 37:68
 “clearly erroneous” rule, § 7:147, 37:19 to 37:23, 37:40
 costs, § 37:75

INDEX

**RULES OF BANKRUPTCY
PROCEDURE—Cont'd**

Appeal and review—Cont'd
dismissal of appeal, § 1:27,
1:170, 1:171, 37:2, 37:49,
37:50, 37:57, 37:80
filing and service of papers,
§ 37:69
leave to appeal, § 1:27, 1:171,
37:9 to 37:12, 37:47,
37:48
motions, § 1:172, 37:70, 37:71
noncore proceedings, nonappel-
late review of proposed
findings and conclusions,
§ 4:49, 7:6
notice of appeal, § 1:27, 1:170,
1:171, 37:36 to 37:46,
37:80
notice of appeal, filing, § 37:49
oral argument, § 37:72
record, § 37:58 to 37:60
rules of circuit judicial councils
and district courts, § 1:29
stay of appellate court judg-
ment, § 1:172, 37:76,
37:83
stay pending appeal, § 37:49,
37:51 to 37:56
suspension, § 37:36, 37:62
United States trustees, § 37:1
Appraisers and auctioneers
generally, § 2:19, 2:25, 2:68,
15:22
professional persons, below
Arbitration, § 15:6, 15:7, 34:32
Attorneys
generally, § 1:105 et seq.
fees. Attorneys' fees, below
notice of appearance, § 2:45
professional persons, below
signing and verification of
papers, § 1:73, 1:75,
2:113, 7:158, 7:160, 8:22,
8:23, 8:73, 9:44

**RULES OF BANKRUPTCY
PROCEDURE—Cont'd**

Attorneys' fees
disclosure of compensation paid
or promised debtor's
attorney, § 1:106, 2:62 to
2:67, 2:106, 2:107
examination of debtor's transac-
tions with own attorney,
§ 1:108, 2:67, 2:98
excessive compensation, § 2:67,
2:98
pleading of request in adversary
proceeding, § 2:119, 7:51
prior payment of filing fees,
§ 8:85, 8:87, 8:92, 9:46
statement of compensation paid
or agreed, § 1:108
Auctioneers, repeated employment
on disproportionate basis,
§ 2:25
Automatic stay
relief from, § 1:145, 16:194 et
seq.
use, sale, or lease of property,
§ 15:23
Bonds and undertakings, proceed-
ing to avoid indemnifying
lien or transfer to surety,
§ 18:98
Burden of proof
exemptions, § 13:51
validity of postpetition transfer,
§ 17:89
Captions
general requirements of form,
§ 1:76
petition, § 1:76, 8:21, 8:46,
9:43
Change of venue, § 1:104
Claims and interests
classification, § 32:1
election pursuant to 11 USCA
§ 1111(b), § 32:8
objections to claims, § 24:14,
24:15, 24:18

**RULES OF BANKRUPTCY
PROCEDURE—Cont'd**

- Claims and interests—Cont'd
 - proof of claim or interest, generally, § 22:1 et seq., 23:4, 23:13, 32:13
 - reconsideration, § 24:98, 24:100 to 24:102
 - valuation of security, § 23:4, 23:7, 23:12
 - withdrawal of claim, § 22:37, 32:13
- Class actions, adversary proceedings, § 22:20
- Clerk of court
 - generally, § 4:40 et seq.
 - appellate court clerk's duties, § 37:73
 - certification of copies, § 4:50
 - filing of papers with clerk, § 4:46
 - filing of papers with clerk (Bankruptcy Rule 5005), § 26:52
 - office hours, § 4:10, 4:11, 4:43
 - record on appeal, § 37:27, 37:61, 37:62
 - records kept, § 1:101, 4:51 to 4:53, 22:36
- Closing or reopening of case, § 1:169, 36:1, 36:6, 36:8, 36:11, 36:15, 36:26
- Compensation. Attorneys' fees, above
- Complaint
 - commencement of adversary proceeding, § 1:81, 1:88
 - service of summons and complaint, § 4:49
- Compromise and settlement, § 1:84, 1:156, 4:107, 15:6, 15:7, 34:32
- Confirmation of plan, § 1:84, 1:156
- Consolidation or joint administration of case
 - generally, § 8:50 et seq.

**RULES OF BANKRUPTCY
PROCEDURE—Cont'd**

- Consolidation or joint administration of case—Cont'd
 - trustee for jointly administered cases, § 8:50
- Contempt, § 16:215
- Contested matters, generally, § 1:23, 1:25, 1:89
- Contracts, assumption, rejection, or assignment of executory contracts, § 1:148, 20:29, 20:34, 20:83, 20:122, 33:18
- Conversion of case, § 1:82, 1:119 to 1:125
- Copies
 - certification of copies by clerk, § 4:50
 - record on appeal, § 37:27, 37:61, 37:62
 - signing and verification of papers, § 1:73, 1:75, 2:113, 7:158, 7:160, 8:22, 8:23, 8:73, 9:44
 - transcript fees, § 4:50, 4:55
- Core proceedings
 - abstention, § 1:97
 - adversary pleading to allege whether proceeding core or noncore, § 2:119, 7:51
 - reference of cases, § 7:70
- Counterclaim and cross-claim, § 16:204
- Credit, obtaining, § 1:138
- Creditors' committee, review of appointment of prepetition committee, § 6:56
- Creditors or equity security holders meetings, generally, § 1:116, 4:80, 6:43, 6:63
- Custodian, U. S. trustee's report, § 4:107
- Death or incompetency of debtor, § 6:10
- Debtor's duties, generally, § 6:6, 14:15, 14:16

INDEX

RULES OF BANKRUPTCY PROCEDURE—Cont'd

Debtors in possession
prosecution and defense of
proceedings, § 14:2

Delivery of papers, mistake in,
§ 1:73

Depositions and discovery. Exami-
nation of debtor and others,
below

Discharge, § 1:164

Dischargeability of particular
debts, § 1:167

Disclosure, attorneys' fees, § 2:62

Disclosure statements, § 32:5 to
32:7, 32:9, 32:10, 32:12 to
32:14, 32:18, 32:25

Discovery. Examination of debtor
and others, below

Discrimination against classes,
family farmer debt adjust-
ment, § 33:9

Dismissal
generally, § 1:82, 1:126 to
1:131
adversary proceeding, § 9:29
venue, dismissal of case or
transfer to another district,
§ 7:192, 7:193, 7:195

Distribution
Chapter 7 dividends, generally,
§ 34:138
plan, distribution under,
§ 34:180
small dividends, § 33:55,
34:139, 34:193, 34:197

Dividends, small, § 33:55, 34:139,
34:193, 34:197

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

Employment of professional
persons. Professional
persons, below

Evidence
burden of proof, above

RULES OF BANKRUPTCY PROCEDURE—Cont'd

Evidence—Cont'd
findings by court in adversary
proceeding, § 1:91, 37:19,
37:40
record, admissibility of, § 4:50,
4:55
rules applicable, § 1:25, 23:12

Examination of debtor and others
generally, § 1:117, 1:118,
7:170, 7:171, 26:3, 28:51
admission, requests for, § 9:66
compelling debtor's attendance
for examination, § 1:117,
7:171
debtor's transactions with own
attorney, § 1:108, 2:67,
2:98
depositions before adversary
proceedings or pending
appeal, § 9:66
discovery, general provisions,
§ 9:66
interrogatories to parties, § 9:66
oral examination, depositions
upon, § 9:66
persons before whom deposi-
tions may be taken, § 9:66
physical and mental examina-
tion of persons, § 9:66
Rule 2004, generally, § 7:170,
7:171
sanctions for failure to make
discovery, § 9:55
stipulations regarding discovery
procedure, § 9:66
use of depositions in adversary
proceedings, § 9:66
written questions, depositions
upon, § 9:66

Examiners
generally, § 5:58, 5:59
appointment, § 4:27
record of compensation
awarded, § 2:120, 4:54

**RULES OF BANKRUPTCY
PROCEDURE—Cont'd**

Examiners—Cont'd
 relatives of judge or U. S.
 trustee serving as
 examiner, § **2:43, 2:44,**
4:27

Exceptions. Objections and excep-
 tions, below

Excessive compensation, § **2:67,**
2:98

Excessive employment, § **2:25**

Execution, § **36:8**

Executory contacts and unexpired
 leases, assumption, rejection,
 or assignment, § **1:148, 8:62,**
8:71, 20:29, 20:34, 20:83,
20:122, 33:18

Exemptions, generally, § **1:135,**
1:136, 13:1 et seq.

Ex parte contacts, § **4:26, 4:33,**
4:74

Family and relatives
 appointment or employment,
 § **2:43, 4:27**

discrimination, family farmer
 debt adjustment, § **33:9**

family farmer debt adjustment
 plans, below

of judge or U. S. trustee serving
 as trustee, examiner, or
 professional person,
 § **2:43, 2:44, 4:27**

of U. S. trustee serving as
 professional person, § **4:27**

Family farmer debt adjustment,
 discrimination against
 classes, § **33:9**

Family farmer debt adjustment
 plans, notice, § **33:51**

Family farmer debt adjustment
 plans, notice of objection,
 § **33:49**

Federal Rules of Civil Procedure
 amendment of FRCP, effect,
 § **1:25**

**RULES OF BANKRUPTCY
PROCEDURE—Cont'd**

Federal Rules of Civil Procedure
 —Cont'd

entry of judgment, § **1:101,**
37:38

evidence, § **1:25, 23:12**

FRCP 4, § **4:49**

incorporation by reference,
 § **1:24, 1:25**

involuntary petitions, defenses
 and objections to, § **9:49 to**
9:51

local bankruptcy rules, § **1:28,**
4:8

masters, § **4:39**

new trial or amendment of judg-
 ment, § **1:101, 24:100,**
37:40

scope and applicability of Part
 VII of the Bankruptcy
 Rules, generally. Adver-
 sary proceedings, above

subpoenas, § **1:25, 1:117,**
1:118, 7:169 to 7:171

time computation, § **1:90 to**
1:92, 8:93, 9:49, 15:45 to
15:50, 17:55, 22:43 to
22:45, 22:54

time computation (Bankruptcy
 Rule 9006), § **30:4**

Filing

clerk of court, filing papers
 with, § **26:52**

fees. Filing fees, below

individual debt adjustment
 plans, time for filing objec-
 tions, § **30:5**

proof of claim, time for filing,
 § **22:42 et seq.**

Filing fees
 generally, § **8:85, 8:87, 8:92,**
9:46

Final decree in Chapter 11 case,
 § **36:6**

Final report of trustee, § **36:1**

INDEX

**RULES OF BANKRUPTCY
PROCEDURE—Cont'd**

Forms. Official forms, below
Guarantor. Sureties, below
Harmless error, § 37:25
Hearings
 abstention from hearing
 proceedings, § 1:97
 confirmation of plan, discharge
 and reaffirmation hearing,
 § 1:84, 1:156
 notice, below
Incompetency or death of debtor,
 § 6:10
Incorporation by reference,
 Federal Rules of Civil Procedure,
 § 1:24, 1:25
Individual debt adjustment
 assets and liabilities, schedule
 of, § 8:69
 executory contracts and
 unexpired leases, schedule
 of, § 8:62, 8:71
 schedule of assets and
 liabilities, § 8:69
Individual debt adjustment plans
 objections, time for filing,
 § 30:5
 U. S. trustee, clerk to transmit
 copy of, § 30:2 et seq.
Injunctions
 adversary proceedings, § 1:80,
 1:103, 7:164
 stay, below
Intention, statement of, § 13:34
Interim trustees, § 4:107, 14:26
Intervention, § 1:95, 6:16, 6:18,
 6:37, 32:26
 generally (Bankruptcy Rule
 2018), § 26:2
Involuntary petitions
 generally, § 9:1, 9:13, 9:27,
 9:38, 9:48, 9:52, 9:56
 contested involuntary petitions,
 applicability of Part VII

**RULES OF BANKRUPTCY
PROCEDURE—Cont'd**

Involuntary petitions—Cont'd
 rules, § 9:55, 9:63, 9:64
 order for relief, below
 responsive pleading or motion,
 § 9:49 to 9:51
 service, § 9:47, 9:48
Joinder of parties
 adversary proceedings, § 7:9,
 7:17, 7:197
 involuntary petitioners, § 9:27,
 9:38, 9:52, 9:56
Joint administration. Consolida-
 tion or joint administration of
 case, above
Judges
 close connections with judge,
 employment of profes-
 sional persons or agents
 with, § 2:43, 2:44, 2:112
 disability, § 4:28
 disqualification, § 2:112, 4:27,
 4:30 to 4:37
 ex parte contacts, § 4:26, 4:33,
 4:74
 filing of papers with clerk or
 judge, § 4:46
 local bankruptcy rules, § 4:8
 local rules, § 4:8
 motion on appeal, § 1:172,
 37:70, 37:71
 relatives of judge serving as
 trustee, examiner, or
 professional person,
 § 2:43, 2:44, 2:112, 4:27,
 4:30 to 4:37
 trial, hearings, and orders,
 § 4:10, 4:11, 4:43
 withdrawal and abstention,
 § 1:98, 7:21 to 7:22, 7:36,
 7:39
Judgments, orders, and decrees
 generally, § 1:101 to 1:103
 adversary proceedings, above

**RULES OF BANKRUPTCY
PROCEDURE—Cont'd**

Judgments, orders, and decrees
—Cont'd
clerk's records, § **1:101, 4:51 to 4:53, 22:36**
entry of judgment, § **1:101, 37:38**
new trial or amendment of judgment, § **1:101, 24:100, 37:40**
notice of judgment or order, § **1:101, 37:37, 37:43, 37:80**
order for relief, below
protective orders, below
relief from judgment or order, § **1:101, 8:34, 8:35, 9:64, 24:100, 36:8**
U. S. trustees, notice, § **4:107**
Jurisdiction
adversary proceedings, jurisdictional allegations in pleading, § **2:119, 7:51**
noncore proceedings, review of proposed findings and conclusions, § **7:6, 7:49**
rules as not affecting, § **7:6, 7:182**
Jury trial, contempt, § **7:156**
Leases, assumption, rejection, or assignment of unexpired leases, § **1:148, 20:29, 20:34, 20:83, 20:122, 33:18**
Liens
proceeding to avoid indemnifying lien or transfer to surety, § **18:98**
redemption of property from lien or sale, § **1:137, 12:98, 12:112**
Lists, schedules, and statements
generally, § **8:62 et seq., 9:79**
amendment, § **8:96 et seq., 9:45**
Chapter 13 cases, § **8:69**

**RULES OF BANKRUPTCY
PROCEDURE—Cont'd**

Lists, schedules, and statements
—Cont'd
clerks of court, filing with, § **26:52**
representatives of multiple creditors, statements by, § **1:109**
United States trustees, § **1:88**
verification, § **1:73, 1:75, 2:113, 7:158, 7:160, 8:22, 8:23, 8:46, 8:73, 8:99, 9:44, 9:79**
voluntary bankruptcy, form of schedule, § **8:80**
Loans and credit, § **1:138**
Local bankruptcy rules, § **1:28, 4:8**
Local rules, § **1:28, 1:29, 4:8**
Mail and mailing
appellate filings, § **37:69**
conversion or dismissal, mailing of notice, § **1:83, 1:119, 1:123 et seq.**
service of process in adversary proceedings, § **4:49**
time for service, § **1:83, 22:54**
Masters, § **4:39, 37:32**
Meetings of creditors and equity security holders, § **1:116, 4:80, 6:43, 6:56, 6:63**
Mistake, § **1:73**
Motions
particular motions, see rules dealing with subject in question
appeal
motion for stay, § **37:51, 37:52**
motions on appeal, generally, § **1:172, 37:70, 37:71**
rehearing motion on appeal, § **37:74, 37:76, 37:80**
contested matters, generally, § **1:23, 1:25, 1:89**

INDEX

**RULES OF BANKRUPTCY
PROCEDURE—Cont'd**

Motions—Cont'd
form and service, generally,
§ 1:79, 21:67
time for service of motion and
affidavits, § 1:91, 1:92,
13:45, 13:47, 15:45 to
15:50
transmittals to U. S. trustee,
§ 4:101 to 4:107
United States trustee, transmit-
tals to, § 4:101 to 4:107
Municipal debt adjustment plans
form of ballot, § 32:17
notice of hearing on confirma-
tion, § 32:25
unimpaired classes, disclosure
statements, § 32:5
New trial or amendment of judg-
ment, § 1:101, 24:100, 37:40
Noncore proceedings, review of
proposed findings and
conclusions, § 7:6, 7:49
North Carolina, United States
trustee pilot program, § 1:20
Notice
generally, § 1:82 to 1:87, 8:41
abandonment or disposition of
property, § 1:133, 1:161,
12:129, 12:130
appeal, notice of, § 37:39,
37:44, 37:45
applications for court action,
§ 1:80
attorney's notice of appearance,
§ 2:45
compromise and settlement,
§ 1:156
conversion, § 1:119, 1:123
electronic transmission of
notice, § 1:83, 22:55
executory contracts and
unexpired leases, § 1:148,
20:29, 20:83, 20:122,
33:18

**RULES OF BANKRUPTCY
PROCEDURE—Cont'd**

Notice—Cont'd
family farmer debt adjustment
plans, § 33:51
family farmer debt adjustment
plans, notice of objection,
§ 33:49
hearing, see Hearings, above
municipal debt adjustment
plans, notice of hearing on
confirmation, § 32:25
publication, § 1:79, 28:48
removal, § 7:112 to 7:114
Securities and Exchange Com-
mission, § 1:82
time and date, below
transmittals of papers to U. S.
trustee, § 4:46, 4:101 to
4:107
United States trustees, below
use, sale, or lease of property,
§ 15:33 to 15:36, 15:58
Objections and exceptions
abandonment or disposition of
property, hearing on objec-
tion to, § 12:131
claims objections, § 24:14,
24:15, 24:18
exceptions unnecessary, § 37:33
exemptions, § 1:136, 13:44 to
13:48
family farmer debt adjustment
plans, notice of objection,
§ 33:49
individual debt adjustment
plans, § 30:5
plan confirmation, § 28:48,
28:50, 28:54, 28:67,
31:55, 31:59, 31:61,
31:64, 32:26, 32:27,
32:34, 33:48, 33:49,
33:53, 33:60, 34:184
responsive pleading in adver-
sary proceeding, § 7:50 to
7:52, 9:49 to 9:51

**RULES OF BANKRUPTCY
PROCEDURE—Cont'd**

- Objections and exceptions
 - Cont'd
 - transmittals to U. S. trustee, § 4:101 to 4:107
 - United States trustee, transmittals to, § 4:101 to 4:107
- Official forms
 - generally, § 1:31, 8:19, 9:43
 - executory contracts and unexpired leases, § 8:62
 - executory contracts and unexpired leases (Official Form No. 6), § 8:71
 - local bankruptcy rules, § 1:28, 4:8
 - municipal debt adjustment, form of ballot (Official Form No. 14), § 32:17
 - scope and short title, § 1:31
- Order for relief
 - generally, § 9:49, 9:60 to 9:64
 - proceedings to vacate order for relief, applicability of Part VII rules, § 8:34, 8:35
- Order or approval of court, employment of professional persons, § 2:22 et seq.
- Parties
 - adversary proceedings, above
 - intervention, above
 - joinder of parties, above
- Partnership
 - lists, schedules, and statements, § 8:62 et seq., 9:79
 - petitions, § 9:13, 9:48
- Petitions
 - caption, § 1:76, 8:21, 8:46, 9:43
 - commencement of case, § 8:1, 9:41
 - involuntary petitions, above
 - joint or multiple petitions, consolidation or joint

**RULES OF BANKRUPTCY
PROCEDURE—Cont'd**

- Petitions—Cont'd
 - administration, § 8:50 et seq.
 - order for relief, above
 - partnership petitions, § 9:13, 9:48
 - verification, § 1:73, 1:75, 2:113, 7:158, 7:160, 8:22, 8:23, 8:46, 8:73, 8:99, 9:44, 9:79
- Pilot project, United States trustees, § 1:20, 4:56 et seq.
- Plans
 - acceptance or rejection, § 31:27, 32:12 to 32:14, 32:17
 - confirmation, § 28:48, 28:49, 28:54, 28:67, 31:55, 31:59, 31:61, 31:64, 32:26, 32:27, 32:34, 33:48, 33:49, 33:53, 33:60, 34:184
 - distribution under plan, § 34:180
 - filing, § 32:5 to 32:7, 32:14, 32:18, 33:61
 - modification, § 32:18, 33:24
- Pleadings in adversary proceedings, § 1:22, 1:24, 1:76, 2:119, 7:50 to 7:52, 9:45, 15:34, 19:117
- Presumption. Burden of proof, above
- Privacy considerations, § 1:78
- Professional persons
 - generally, § 1:105 et seq.
 - appraisers' and auctioneers' appointment and compensation, § 2:19, 2:25, 2:68, 15:22
 - compensation, generally, § 1:106, 2:62 to 2:67, 2:106, 2:107

INDEX

**RULES OF BANKRUPTCY
PROCEDURE—Cont'd**

- Professional persons—Cont'd
 - employment application,
§ 2:23, 2:26
 - order or approval of court,
§ 2:22 et seq.
 - record of compensation
awarded, § 2:120, 4:54
 - relatives of judge or U. S.
trustee serving as profes-
sional person, § 2:43, 2:44,
4:27
- Proof of claim. Claims or
interests, above
- Protective orders
 - generally, § 1:96, 6:2
 - joint administration or
consolidation of case,
§ 8:50 et seq.
- Proxies, § 4:107
- Record
 - admissibility in evidence,
§ 4:50, 4:55
 - compensation awarded trustee,
examiner, or professional
person, § 2:120, 4:54
 - proof of claim, § 22:42 et seq.
 - removed actions, § 7:120
- Redemption of property from lien
or sale, § 1:137, 12:98,
12:112
- Reference of cases, § 7:70
- Relatives. Family and relatives,
above
- Removal and remand, § 7:111 to
7:127
- Reopening of case, § 1:169, 36:8,
36:10, 36:11, 36:15, 36:26
- Reorganization cases
 - plan acceptance or rejection,
§ 27:27 to 27:29, 27:31,
27:34, 27:36
 - proof of claim or interest, gen-
erally, § 27:27, 27:31,
27:36

**RULES OF BANKRUPTCY
PROCEDURE—Cont'd**

- Reorganization cases—Cont'd
 - sale. Use, sale or lease of prop-
erty, below
 - withdrawal of claim, § 27:36
- Sale
 - not in ordinary course of busi-
ness, § 4:107
 - use, sale or lease of property,
below
- Schedules. Lists, schedules, and
statements, above
- Scope of rules and official forms,
§ 1:31
- Service
 - ancillary petition and summons,
§ 9:47, 9:48
 - appeal, notice of, § 1:27, 1:170,
1:171, 37:27, 37:33, 37:36
to 37:46, 37:80
 - involuntary petition and sum-
mons, § 9:47, 9:48
 - pleadings and papers in adver-
sary proceedings, § 15:34
 - process, adversary proceedings,
§ 4:49
 - publication, § 1:79, 28:48
 - time, generally, § 1:91, 1:92
- Signing and verification of papers,
§ 1:73, 1:75, 2:113, 7:158,
7:160, 8:22, 8:23, 8:46, 8:73,
8:99, 9:44, 9:79
- Statements
 - disclosure statements, § 32:5 to
32:7, 32:9, 32:10, 32:12 to
32:14, 32:18, 32:25
 - intention, statement of, § 13:34
 - lists, schedules, and statements,
above
 - representatives of multiple cred-
itors, § 1:109, 2:14, 6:46
- United States trustees, § 1:88
- Stay
 - appeal, stay pending, § 37:49,
37:51 to 37:56

**RULES OF BANKRUPTCY
PROCEDURE—Cont'd**

Stay—Cont'd
 appellate court judgment, stay
 of, § **1:172, 37:76, 37:83**
 automatic stay, above
 bond requirement, § **37:54**
 injunctions in adversary
 proceedings, § **1:80, 1:103,
 7:164**
 motion for stay, § **37:51, 37:52**
 proceedings to enforce judg-
 ment, § **37:51, 37:53**
 standards for granting stay,
 § **37:55**
 withdrawal or abstention
 motion, § **1:98, 7:21 to
 7:22, 7:36, 7:39**
 Subordination, § **1:160**
 Subpoenas, § **1:25, 1:117, 1:118,
 7:169 to 7:171**
 Substitution, trustee or successor
 trustee, § **5:45**
 Successor trustee, § **5:45**
 Sureties, proceeding to avoid
 indemnifying lien or transfer
 to surety, § **18:98**
 Time and date
 generally, § **1:79, 1:80, 1:83,
 1:90 to 1:92, 8:93, 9:49,
 13:45, 13:47, 15:45 to
 15:50, 17:55, 22:42,
 37:49, 37:59**
 generally (Bankruptcy Rule
 9006), § **30:4**
 enlargement or reduction of
 time periods, § **1:90 to
 1:92, 8:93, 9:49, 13:47,
 15:45 to 15:50, 22:43 to
 22:45, 37:49, 37:59**
 enlargement or reduction of
 time periods (Bankruptcy
 Rule 9006), § **30:4**
 individual debt adjustment
 plans, time for filing objec-
 tions, § **30:5**

**RULES OF BANKRUPTCY
PROCEDURE—Cont'd**

Time and date—Cont'd
 lists, schedules, and statements,
 § **8:62 et seq., 9:79**
 noncore proceedings, review of
 proposed findings and
 conclusions, § **7:6, 7:49**
 notice
 of appeal, § **1:170, 1:171,
 37:33, 37:36 to 37:46**
 of bar date, § **22:54**
 oral argument, § **37:72**
 proof of claim, time for filing,
 § **22:42 et seq.**
 rehearing motion on appeal,
 § **37:74, 37:80**
 relief from judgment or order,
 § **1:101, 8:34, 8:35, 9:64,
 24:100, 36:8**
 removal notices, filing, § **7:114**
 service of process in adversary
 proceedings, § **4:49**
 Transfer of claim, generally,
 § **22:23 to 22:26**
 Transfer or sale. Use, sale or lease
 of property, below
 Transmittal of proposed rules to
 Supreme Court, § **1:19**
 Trial
 adversary proceedings, above
 jury trial, contempt, § **7:156**
 new trial or amendment of judg-
 ment, § **1:101, 24:100,
 37:40**
 Trustees
 generally, § **5:58, 5:59**
 abandonment or disposition of
 property, § **1:133, 1:161**
 adoption of rules, § **1:20**
 Chapter 11 trustee, appoint-
 ment, § **4:27**
 final report, § **36:1**
 interim trustees, above

INDEX

**RULES OF BANKRUPTCY
PROCEDURE—Cont'd**

- Trustees—Cont'd
 - jointly administered cases, § **8:50**
 - prosecution and defense of proceedings, § **14:2**
 - record of compensation awarded, § **2:120, 4:54**
 - relatives of judge or U. S. trustee serving as trustee, § **2:43, 2:44, 4:27**
 - reopening of case, appointment of trustee, § **36:8, 36:11, 36:15, 36:26**
 - turnover and final report and account in converted or reconverted cases, § **1:132**
- United States trustees, below
- Turnover of records and property generally, § **1:132**
- converted or reconverted cases, § **1:132**
- interim trustee, § **14:26**
- Unclaimed funds, § **34:140, 34:194, 34:198**
- United States trustees
 - abandonment of property, § **4:107**
 - Alabama and North Carolina, § **1:20, 4:60**
 - appeals, § **37:1**
 - attorneys fee, statement of compensation paid, § **1:108**
 - close connections with U.S. trustee, employment of professional persons or agents with, § **2:43, 2:44, 2:112**
 - compromise and settlement, § **4:107**
 - creditors' and equity security holders' committees, § **6:56, 6:63**

**RULES OF BANKRUPTCY
PROCEDURE—Cont'd**

- United States trustees—Cont'd
 - creditors' or equity security holders' meetings, § **6:63**
 - delivery of papers, mistake in, § **1:73**
 - ex parte contacts, § **4:26, 4:33, 4:74**
 - filing, § **1:88**
 - individual debt adjustment plans, § **30:2 et seq.**
 - interests recoverable by trustee, § **12:71 to 12:76**
 - interim trustees, § **4:107**
 - lists, schedules, and statements, § **1:88, 8:62 et seq., 9:45, 9:79**
 - notice
 - generally, § **1:82, 1:84, 1:85, 4:101 et seq.**
 - appeal transmitted to, § **37:27, 37:36, 37:45**
 - manner of transmittal of notice or pleadings, § **4:102**
 - miscellaneous matters, § **4:107**
 - transmittals of papers to, generally, § **4:46, 4:101 to 4:107**
 - pilot project, generally, § **1:20, 4:56 et seq.**
 - pleadings, § **1:88**
 - proxies, § **4:107**
 - records and recording, § **1:88**
 - relatives
 - of judge serving as trustee, examiner, or professional person, § **2:43, 2:44, 2:112**
 - of U. S. trustee serving as professional person, § **4:27**
 - transmittals of papers to, generally, § **4:46, 4:101 to 4:107**

**RULES OF BANKRUPTCY
PROCEDURE—Cont'd**

- Use, sale, or lease of property generally, § **1:139, 1:142, 1:143, 15:33 to 15:36, 15:51 to 15:58**
- automatic stay, relief from, § **15:23**
- U. S. trustees, § **4:107**
- Venue
 - change of venue, generally, § **1:104**
 - dismissal of case or transfer to another district, § **7:192, 7:193, 7:195**
 - removal and remand, § **7:111 to 7:127**
 - rules as not affecting, § **7:6, 7:182**
 - transfer of adversary proceeding, § **7:197**
- Verification, § **1:73, 1:75, 2:113, 7:158, 7:160, 8:22, 8:23, 8:46, 8:73, 8:99, 9:44, 9:79**
- Withdrawal
 - of case or proceeding, § **7:36, 7:39**
 - of claim, § **1:154**

RULES OF CIVIL PROCEDURE

- Federal Rules of Civil Procedure (this index)

RULES OF CONSTRUCTION

- Construction and Interpretation (this index)

RURAL HOMESTEADS

- Homestead exemption, § **13:69**

RYE

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

SAFE HARBOR PROVISION

- Definition of lease and security interest, § **15:25**

**SAFE HARBOR PROVISION
—Cont'd**

- Reorganization plan solicitation, § **27:21, 27:23**

SALARIES

- Compensation (this index)

**SALE AND LEASEBACK
AGREEMENTS**

- Executory contracts and unexpired leases, § **20:9**

SALE OR TRANSFER

- Allowance of Claims or Interests (this index)
- Appeals, voluntary dismissal of, § **37:57**
- Automatic stay, § **16:35, 16:52, 16:64**
- Avoidance (this index)
- Bona Fide Purchasers (this index)
- Bulk Transfers (this index)
- Buy-Ins and Sell-Outs (this index)
- Carryover or carryback, § **3:50**
- Closing and reopening cases, § **36:14, 36:28**
- Commodity broker liquidation, § **5:69, 8:70**
- Conditional Sales (this index)
- Consignments (this index)
- Controlled corporations, § **3:85**
- Conversion of Property (this index)
- Corporations, § **3:47, 3:85**
- Declaratory judgments, § **7:179**
- Examiners, reorganization, § **5:69, 5:74**
- Exchange of property, municipal debt adjustment plans, § **32:15**
- Exchange of Property (this index)
- Exemptions (this index)
- Fair Market Value (this index)
- Family Farmer or Fisher Debt Adjustment (this index)

INDEX

SALE OR TRANSFER—Cont'd

First Refusal Rights (this index)
Foreclosure (this index)
Fraudulent Transfers and Concealment of Assets (this index)
Free and clear of liens, § **1:142, 15:51 to 15:58**
Homestead exemption, § **13:63**
Individual debt adjustment, § **5:77, 5:78**
Involuntary bankruptcy, § **9:31**
Jurisdiction, § **7:106, 7:179**
Liens and Encumbrances (this index)
Liquidation, taxation, § **3:43, 3:44, 3:86**
Money order sale proceeds as property of estate, § **12:95**
Municipal debt adjustment plans, § **32:3**
Preferences and Preferential Transfers (this index)
Removal of trustee or examiner for cause, § **5:82**
Reorganization Plans (this index)
Reorganization (this index)
Repurchase or "Repo" Agreements (this index)
Resale (this index)
Retrojection (this index)
Rules of Bankruptcy Procedure (this index)
Sale and Leaseback Agreements (this index)
Separate taxable bankruptcy estate, § **3:31, 3:36, 3:43, 3:44**
Setoff or Offset (this index)
Size and Nature of Claim (this index)
State taxation, § **3:86**
Stock-for-debt exchange, § **3:17, 3:54**
Subordination, generally, § **34:94 to 34:96**

SALE OR TRANSFER—Cont'd

Taxation. Sales Tax (this index)
Termination, § **3:31, 3:44**
Trustees
generally, § **3:69, 5:47**
Auctions and Auctioneers (this index)
commodity broker liquidation cases, § **5:69**
individual debt adjustment, § **5:77, 5:78**
removal of trustee or examiner for cause, § **5:82**
United States trustees, § **4:101, 4:107**
U. S. trustees, § **4:101, 4:107**
Use, Sale, or Lease of Property (this index)
Validity of restrictions on transfer of property of estate, § **12:8**
Voluntary bankruptcy, § **8:30**

SALES REPRESENTATIVES

Commissions (this index)
Exemptions for motor vehicles, § **13:73**

SALES TAX

Automatic stay, § **16:40, 16:70, 16:73**
Carryover or carryback, § **3:50**
Controlled corporations, § **3:85**
Corporations, § **3:47, 3:85**
Liquidation, § **3:43, 3:44, 3:86**
Reorganization, § **3:47**
Separate taxable bankruptcy estate, § **3:31, 3:36, 3:43, 3:44**
State taxation of bankruptcy sales, § **3:86**
Stock-for-debt exchange, § **3:17, 3:54**
Termination, § **3:31, 3:44**
Trustees, § **3:69**

SANCTIONS

- Appellate sanctions, § 7:160
- Automatic stay, § 16:209
- Fines and Penalties (this index)
- Inherent power of court, § 7:159
- Miscellaneous sources of sanctioning power, § 7:161
- Multiplication of proceedings (28 USCA § 1927), § 7:157
- Protective Orders (this index)
- Signing and verification of papers, § 1:73, 1:75, 2:113, 7:158, 7:160, 8:22, 8:23, 8:46, 8:73, 8:99, 9:44, 9:79

SATISFACTION

- Accord and Satisfaction (this index)

SATURDAYS

- Clerks, § 4:43

SAVINGS ACCOUNTS

- Exemptions, § 13:159

SAVINGS AND LOAN ASSOCIATIONS

- Capital maintenance commitments, § 20:14
- Exemptions for insiders, § 13:24
- Liquidation, § 1:42
- Swap agreements, § 20:23
- Turnover of property, § 14:19

SAVINGS CLAUSE

- Bankruptcy Act of 1898, § 1:16

SCALE TICKETS

- Proof of claim, § 22:11

SCANDALOUS MATTER

- Defamation (this index)

SCHEDULES

- Actual knowledge, § 35:130
- After-acquired property, § 12:55
- Amendments generally, § 8:96 to 8:105, 35:133

SCHEDULES—Cont'd

- Amendments—Cont'd
 - exemptions, § 13:40 to 13:43
 - leave of court, § 13:42
 - liberal allowance, § 13:43
- Ancient debts, § 35:134, 35:198
- Appeal, § 37:2
- Assets, see lines throughout this topic
- Chapter 7 cases, unlisted and unsecured debt discharge exceptions, § 35:132
- Closing and reopening cases, § 36:4, 36:12
- Copies, creditor's right to receive, § 6:39
- Creditor identification, § 35:129
- Current income and expenditures, § 8:62
- Debtor's duty to file, § 6:15, 6:25
- Dismissal of case for debtor's failure to file, § 6:27
- Dockets (this index)
- Earnings, current income, § 8:62
- Exempt property list
 - generally, § 1:135, 13:31
 - amendments to schedule or exempt property, § 13:40 to 13:43
 - interests acquired or arising after filing of bankruptcy petition, § 13:39
 - objections by creditor to exemption schedule, § 1:136, 13:44 et seq.
- Expenditures. Current income and expenditures, above
- Family farmer debt adjustment plans, § 33:6, 33:24, 33:36
- Filing, generally, § 8:62
- Identification, creditor, § 35:129
- Income, current, § 8:62
- Involuntary bankruptcy, § 9:79 to 9:82

INDEX

SCHEDULES—Cont'd

- Liabilities, see lines throughout this topic
- Liquidation, § 12:157, 12:159
- Name and address errors, § 35:129
- No asset cases, unlisted and unsecured debt discharge exceptions, § 35:132
- Notice, § 35:130
- Objections. Exceptions and objections, above
- Old debts, § 35:134, 35:198
- Omissions, rectifying, § 35:133
- Partial listing or scheduling, § 35:131
- Prior case, debts predating, § 35:134, 35:198
- Property of estate, generally, § 12:121, 12:122
- Reopening case to add omitted creditor, § 35:133
- Reorganization, § 12:157
- Rules of Bankruptcy Procedure (this index)
- Signing and verification of papers, § 1:73
- Size and nature of claim, § 23:4, 23:13
- Small business debtor's duty to file, § 6:25
- Supplemental schedules, § 8:80, 12:55
- Turnover of property, § 14:15
- 2, 4, 6 claims, § 35:128
- U. S. trustees, § 4:87
- Unlisted and unsecured debt discharge exceptions
 - generally, § 35:127 et seq.
 - actual knowledge, § 35:130
 - amendments, § 35:133
 - ancient debts, § 35:134, 35:198
 - creditor identification, § 35:129
 - name and address errors, § 35:129

SCHEDULES—Cont'd

- Unlisted and unsecured debt discharge exceptions
 - Cont'd
 - no asset Chapter 7 cases, § 35:132
 - notice, § 35:130
 - old debts, § 35:134, 35:198
 - omissions, rectifying, § 35:133
 - partial listing, § 35:131
 - prior case, debts predating, § 35:134, 35:198
 - reopening to add omitted creditor, § 35:133
 - 2, 4, 6 claims, § 35:128
- Voluntary Bankruptcy (this index)

SCHOOLS

- Education (this index)

S CORPORATIONS

- Taxation, § 3:9, 3:15

SEAMEN'S WAGES

- Federal nonbankruptcy exemptions, § 13:116

SEARCHES OF RECORDS

- Clerk of court, search of indices and paper, § 4:51

SEC

- Securities and Exchange Commission (this index)

SECOND MORTGAGES

- Junior Liens (this index)

SECOND PRIORITY STATUS

- Allowance of claims or interest, § 24:28

SECRETARIES

- Employment of professional persons, § 2:21, 2:86
- Judges, § 4:38
- Reimbursement, § 2:86
- Trustee's compensation for services, § 5:87

**SECRETARIES OF
GOVERNMENT
DEPARTMENTS**

See specific departments

SECRET MATTERS

Confidentiality (this index)
Protective Orders (this index)
Trade Secrets (this index)

SECTION 341 MEETING

Creditors' Meetings (this index)

SECTION 382 LIMITATIONS

Carryover or Carryback (this index)

SECTION 1111(B) ELECTION

Generally, § 1:159, 23:2, 23:29, 27:28, 28:23, 28:36

**SECURED OR UNSECURED
CLAIMS**

Adequate Protection (this index)
Allowance of Claims or Interests (this index)
Automatic stay, relief from, § 16:148
Avoidance of liens, § 13:127
Bifurcation of Claims (this index)
Change of venue, § 7:191
Collateral (this index)
Distribution (this index)
Election under section 1111(b), § 1:159, 23:2, 23:29, 27:28, 28:23, 28:36
Exemptions, § 13:35, 13:127
Family Farmer or Fisher Debt Adjustment (this index)
Individual Debt Adjustment Plans (this index)
Injunctions, § 7:168
Involuntary bankruptcy, § 9:12, 9:28
Liquidation, distribution of property, § 34:121, 34:122
Loans or credit, § 15:68 to 15:77

**SECURED OR UNSECURED
CLAIMS—Cont'd**

Municipal debt adjustment plans, § 32:1, 32:4, 32:23, 32:24
Oversecured Claims (this index)
Partially Secured Creditor (this index)
Payment. Liquidation (this index)
Preference rules, purpose as to secured creditors, § 18:4
Priorities, § 34:12
Proof of Claim (this index)
Reclamation, superior rights of good faith purchaser, § 17:83
Reorganization (this index)
Repossession (this index)
Section 1111(b) election, § 1:159, 23:2, 23:29, 27:28, 28:23, 28:36
Setoffs of secured claims, § 25:29, 25:48
Size and nature of claim, § 23:1 et seq.
Taxation, § 3:17
Trustee's compensation, § 5:98, 5:99
Undersecured Claims (this index)
Use, sale, or lease of property, § 15:24, 15:44
Venue, § 7:182
Voluntary bankruptcy, § 8:64
Wind up business, § 15:68 to 15:77

SECURITIES

Adequate protection, § 21:45, 21:55, 21:64
Adverse interests, § 2:41, 5:2
Allowance of claims or interest, § 24:33
Automatic Stay (this index)
Avoidance of transfer, SEC approval, § 17:6
Carryover or carryback, § 3:52
Cash collateral, § 1:141

INDEX

SECURITIES—Cont'd

Clearing house. Securities Clearing House (this index)
Commodity broker liquidation, distribution of customer property, § **34:159 to 34:178**
Contract. Stockholder Liquidation (this index)
Convertible security, equity security holders' committees, § **6:69**
Discharge of indebtedness, § **3:17, 3:26**
Disclosure statements and solicitation, § **27:22, 27:23**
Disinterestedness requirement, § **2:30**
Distribution (this index)
Dividends (this index)
Earnings and profits, taxation, § **3:83**
Equity securities, defined, § **17:71**
Equity security holders, § **6:60, 6:61**
Executory contract to issue security, § **15:6**
Fraudulent Transfers and Concealment of Assets (this index)
Holders. Equity Security Holders (this index)
Investments (this index)
Involuntary bankruptcy, § **9:10, 9:16**
Liquidation (this index)
Loans or credit
 generally, § **15:75**
 securities registration laws, applicability, § **15:75**
Money or Cash (this index)
Municipal debt adjustment plans, § **32:3, 32:15**
Municipal Debt Adjustment (this index)
Operation of business, § **15:6, 15:7**

SECURITIES—Cont'd

Options. Stock Options (this index)
Preferential transfer, valuation of new value, § **18:51**
Preferred Stock (this index)
Premiums, § **3:12**
Presentment of Security (this index)
Professional persons, employment of, § **2:30, 2:40, 2:41**
Proof of interest, filing by shareholder, § **22:1**
Property of estate, § **12:84**
Real estate investment trusts, § **3:18**
Recapture of gain on subsequent sale, § **3:26**
Reference of cases, securities laws, § **7:42, 7:43**
Reorganization Plans (this index)
Reorganization (this index)
Restricted securities, turnover of property, § **14:18**
Safe Harbor Provision (this index)
S Corporations, § **3:9**
Securities Clearing House (this index)
Securities Investor Protection Corporation (this index)
Simultaneous representation, § **2:40**
Size and nature of claim, § **23:2, 23:40**
Sole stockholder, preference exceptions, § **18:52, 18:69**
Stockbroker Liquidation (this index)
Stock-for-debt exchange, § **3:17**
Stock options, allowance of claims or interest, § **24:58**
Subordination (this index)
Taxation
 carryover or carryback, § **3:52**

SECURITIES—Cont'd

- Taxation—Cont'd
 - discharge of indebtedness, § 3:17, 3:26
 - dividends, § 3:49, 3:83
 - earnings and profits, § 3:83
 - premiums, § 3:12
 - real estate investment trusts, § 3:18
 - recapture of gain on subsequent sale, § 3:26
 - reorganization of corporation tax-free, § 3:48, 3:49
 - S corporations, § 3:9
 - stock-for-debt exchange, § 3:17, 3:54
- Termination of interest, effect on earnings and profits,
- Trustees
 - adverse interest, § 5:2
 - right to invest money of estate, § 5:54
- Turnover of property, § 14:18, 14:21
- Voluntary bankruptcy, § 8:39
- Waiver of sovereign immunity, § 6:83

SECURITIES ACT OF 1933

- Reorganization plan disclosure statements, § 27:22

SECURITIES AND EXCHANGE COMMISSION

- Administrative regulations, § 1:32
- Appeals, § 6:86
- Appearance, § 6:86
- Appointment, § 6:86
- Avoidable transfers, § 17:6
- Government agencies, § 6:85
- Interested party, generally, § 6:86
- Municipal debt adjustment plans, § 32:5, 32:7, 32:26
- Notice to local office only, § 1:82
- Reorganization, § 6:86
- Reorganization Plans (this index)

SECURITIES AND EXCHANGE COMMISSION—Cont'd

- Stockbroker Liquidation (this index)
- Trustees, generally, § 6:86

SECURITIES CLEARING HOUSE

- Avoidance, postpetition perfection of liens, § 17:60
- Fraudulent transfers and obligations, § 19:107

SECURITIES EXCHANGE ACT OF 1934

- Reorganization plan disclosure statements and solicitation, § 27:22, 27:23

SECURITIES INVESTOR PROTECTION ACT

- Generally, § 1:18
- Administrative regulations, § 1:32
- Operation of business, § 15:5
- Securities Investor Protection Corporation (this index)
- Size and nature of claim, § 23:5
- Stockbroker liquidation, § 1:18, 34:145

SECURITIES INVESTOR PROTECTION CORPORATION

- Automatic stay, § 16:119
- Operation of business, § 15:5
- Parties, generally, § 6:86
- Proceedings, conversion or dismissal, § 11:44
- Securities and Exchange Commission (this index)
- Voluntary bankruptcy, § 8:38

SECURITY

- Adequate Protection (this index)
- Agreement. Security Agreement (this index)
- Bonds and Undertakings (this index)

INDEX

SECURITY—Cont'd

- Cash Collateral (this index)
- Collateral (this index)
- Deposit. Security Deposit (this index)
- Interest. Security Interest (this index)
- Mortgages and Deeds of Trust (this index)
- Utilities (this index)

SECURITY AGREEMENT

- Executory contracts and unexpired leases, § 20:7
- Property of estate, § 12:9

SECURITY DEPOSIT

- Adequate protection, § 21:52
- Assignee, unexpired lease, § 20:55
- Impairment of claim, reorganization plans, § 26:42
- Setoff, mutuality requirement, § 25:12
- Utilities (this index)

SECURITY INTEREST

- Adequate protection, § 21:27
- Attorneys' fees, § 2:62
- Avoidance of transfer, generally, § 17:24 to 17:26
- Closing and reopening cases, § 36:20
- Executory contracts and unexpired leases, § 20:9
- Exemptions
 - avoidance provisions, § 13:129, 13:147 to 13:163
 - involuntary transfer requirement, § 13:118
 - Nonpossessory, Nonpurchase-Money Security Interest (this index)
 - trustee's receipt of property, § 13:54
- Fraudulent transfers, § 19:34
- Individual Debt Adjustment Plans (this index)

SECURITY INTEREST—Cont'd

- Involuntary bankruptcy, § 9:72
- Liens and Encumbrances (this index)
- Liquidation, § 34:153
- Nonpossessory, Nonpurchase-Money Security Interests (this index)
- Postpetition effect, § 23:31 to 23:40
- Postpetition rents and lodging payments, § 15:24
- Preferences and preferential transfers, exceptions to avoidability of transfers, § 18:46 to 18:48, 18:85 to 18:88
- Professional persons, employment of, § 2:32
- Purchase-Money Security Interest (this index)
- Stockbroker liquidation, apportioning debtor's equity remaining after liquidation of security interest, § 34:153
- Tax-free corporate reorganizations, § 3:49
- Use, Sale, or Lease of Property (this index)
- Voluntary bankruptcy, § 8:76

SEGREGATION OF PROPERTY

- Sequestration (this index)

SEIZURE OF PERSON OR PROPERTY

- Automatic stay provisions, § 16:103
- Avoidance, postpetition perfection of liens, § 17:57
- Distress for rent, avoidance of lien of, § 17:34, 17:38
- Liens and encumbrances, § 12:40, 12:41
- Preferences, satisfaction of statutory lien, § 18:90
- Sovereign immunity, § 6:62

**SEIZURE OF PERSON OR
PROPERTY—Cont'd**

Turnover of property, § **14:37, 14:38**

**SELF-ADDRESSED
ENVELOPES**

Reorganization plan solicitation, § **27:21**

**SELF-EMPLOYED
INDIVIDUALS**

Individual debt adjustment, § **1:61, 1:62**

Individual debt adjustment plans, confirmation, § **31:51**

Professional persons, employment of, § **2:9**

SELF-EVICTION

Executory contracts and unexpired leases, § **20:85**

SELF-EXECUTING LEASE

Executory contracts and unexpired leases, § **20:80**

SELF-EXECUTING ORDER

Automatic stay, § **16:2**

SELF-INCRIMINATION

Generally, § **6:3**

Turnover of property, § **14:12 to 14:14, 14:21, 14:53, 14:55**

Voluntary bankruptcy, § **8:75**

SELF-REPRESENTATION

Pro Se (this index)

**SELL-OUTS OF OPEN
CONTRACTS**

Buy-Ins and Sell-Outs (this index)

SENIORITY

Allowance of claims or interests, § **24:22**

SENIOR LIENS

Adequate protection, § **21:8, 21:57**

SENIOR LIENS—Cont'd

Liquidation, § **34:121**

SENTENCE AND PUNISHMENT

Fines and Penalties (this index)

Prisons and Prisoners (this index)

**SEPARATE TAXABLE
BANKRUPTCY ESTATE**

Taxation (this index)

SEPARATE TAX RETURNS

Married persons, § **3:35, 3:40**

SEPARATION OF POWERS

Generally, § **7:138**

SEPARATION OF SPOUSES

Divorce (this index)

SEQUESTRATION

Adequate protection, § **21:64**

Exemptions, § **13:143**

SERIAL FILINGS

Multiple Filings (this index)

SERVICE CONTRACT ACT

Automatic stay, § **16:92**

SERVICE CONTRACTS

Reorganization plans, executory contracts, § **26:24**

**SERVICE OF PETITIONS,
PROCESS, AND PAPERS**

Adequate protection, § **21:70**

Appeals to Bankruptcy Appellate

Panels and district courts,

§ **37:45, 37:58, 37:59, 37:63, 37:64, 37:69**

Automatic stay, § **16:2, 16:29**

Briefs, § **37:63, 37:64**

Certificates and Certification (this index)

Change of venue, § **7:196**

Clerks, § **4:49**

Contempt power, § **7:155**

Contested matters, service of motion, § **1:89**

INDEX

SERVICE OF PETITIONS, PROCESS, AND PAPERS —Cont'd

- Creditors' and equity security holders' committees, § 6:45, 6:55
- Executory contracts and unexpired leases, § 20:29
- Exempt property, § 13:164
- Family farmer debt adjustment plans, § 33:5
- Intervention, § 1:95
- Involuntary Bankruptcy (this index)
- Judges, § 4:11
- Liquidation, § 12:159
- Professional persons, employment of, § 2:24
- Property of estate, § 12:131
- Publication (this index)
- Reference of cases, proposed findings of fact, § 7:49
- Reorganization Plans (this index)
- Rules of Bankruptcy Procedure (this index)
- Sanctions, noncompliance with signing and verification requirements, § 7:158
- Transfer of claim, objection to, § 22:26
- Use, sale, or lease of property, § 15:23, 15:34, 15:37, 15:46
- Warrants (this index)

SERVICES

- Duplication of effort or services, § 2:95
- Temporary Service (this index)
- Termination (this index)

SESSIONS OF COURT

- Judges, § 4:9 to 4:11

SETOFF OR OFFSET

- Generally, § 25:1
- Adequate protection requirement, § 21:18, 25:22

SETOFF OR OFFSET—Cont'd

- Administrative holds and freezes under automatic stay, § 25:18
- Administrative powers
 - adequate protection requirement, § 25:22
 - Automatic stay, effect of, below cash collateral, use of, § 25:23
 - lessees, rejection power exercises by, § 25:24
 - rejection power exercises, § 25:24
 - timeshare purchasers, rejection power exercises by, § 25:24
- Allowance of claims or interests, § 24:5, 24:15, 24:16, 24:30
- Assertion of right
 - generally, § 25:37
 - postpetition exercises, § 25:38 **et seq.**
 - prepetition exercise, § 25:37
 - waivers of rights, § 25:44
- Automatic stay, effect of
 - generally, § 25:13 **et seq.**
 - administrative holds and freezes, § 25:18
 - commodity broker cases, § 16:120, 16:121, 25:15
 - financial participants, § 25:16
 - freezes, administrative, § 25:18
 - holds, administrative, § 25:18
 - income tax returns, § 25:19
 - matters stayed, § 16:14, 16:20, 16:41
 - netting agreements, § 25:20
 - prepetition debt
 - generally, § 25:13
 - recoupments, § 25:14
 - relief, necessity of, § 25:21
 - recoupment of prepetition debt, § 25:14
 - repo participants, § 25:16

SETOFF OR OFFSET—Cont'd

Automatic stay, effect of—Cont'd
 stockbroker and commodity
 broker cases, § **16:120**,
16:121
 stockbroker cases, § **16:120**,
16:121, 25:15
 swap participants, § **16:108**,
25:17
 Automatic stay exception for net-
 ting agreement setoffs,
 § **16:117**
 Avoidance, § **17:12, 17:46**
 Bankruptcy Code, effect on right,
 § **25:2, 25:4**
 Burden of proof, postpetition
 exercises, § **25:41**
 Calculations, § **25:47**
 Commodity Broker Liquidation
 (this index)
 Common law and Bankruptcy
 Code, § **25:2, 25:4**
 Date. Time and date, below
 Debtors in possession, mutuality
 requirement, § **25:9**
 Debtor's right of, § **25:5**
 Debtor's right of recovery, § **25:49**
 Defensive assertions, § **25:40**
 Determination of right
 generally, § **25:37**
 postpetition exercises, § **25:38**
et seq.
 prepetition exercise, § **25:37**
 waivers of rights, § **25:44**
 Disallowed claims, § **25:25**
 Discharge injunction, effect of,
 § **25:7**
 Distribution, priorities, § **34:9**
 Eve-of-bankruptcy incurred debts,
 § **25:36**
 Exceptions to
 generally, § **25:8 et seq.**
 adequate protection require-
 ment, § **25:22**
 automatic stay, effect of, above

SETOFF OR OFFSET—Cont'd

Exceptions to—Cont'd
 cash collateral, use of, § **25:23**
 lessees, rejection power
 exercises by, § **25:24**
 mutuality requirement, below
 rejection power exercises,
 § **25:24**
 timeshare purchasers, rejection
 power exercises by,
 § **25:24**
 Executory contracts and unexpired
 leases, § **20:64, 20:67**
 Exempt property, § **13:24, 13:117**
to 13:119
 Family farmer debt adjustment
 plans, § **33:34**
 Filing of proof of claim, § **25:39**
 Financial participants under
 automatic stay, § **25:16**
 Freezes, administrative under
 automatic stay, § **25:18**
 Government claims
 generally, § **25:30**
 inter-unit claims, § **25:31**
 Holds, administrative under
 automatic stay, § **25:18**
 Improvement in position test
 generally, § **25:45 et seq.**
 calculations, § **25:47**
 purpose, § **25:46**
 secured claims, § **25:48**
 source of recovery provision,
 § **25:46**
 Income tax returns, automatic stay,
 effect of, § **25:19**
 Insolvency factor, § **25:26**
 Involuntary bankruptcy, postpeti-
 tion exercises, § **25:43**
 Joint obligations, mutuality
 requirement, § **25:10**
 Lessees, rejection power exercises
 by, § **25:24**
 Limitations on
 generally, § **25:8 et seq.**

INDEX

SETOFF OR OFFSET—Cont'd

Limitations on—Cont'd

- adequate protection require-
ment, § 25:22
- automatic stay, effect of, above
cash collateral, use of, § 25:23
- lessees, rejection power
exercises by, § 25:24
- mutuality requirement, below
rejection power exercises,
§ 25:24
- timeshare purchasers, rejection
power exercises by,
§ 25:24

Mutuality requirement

- generally, § 25:8 *et seq.*
- debtors in possession, § 25:9
- joint obligations, § 25:10
- related entities, § 25:11
- security deposits, § 25:12
- triangular relationship excep-
tion, § 25:11

Mutual postpetition obligations, § 25:35

Nature of obligation, effect of

- generally, § 25:25
- eve-of-bankruptcy incurred
debts, § 25:36
- government claims
generally, § 25:30
- inter-unit claims, § 25:31
- insolvency factor, § 25:26
- mutual postpetition obligations,
§ 25:35
- not-due obligations, § 25:27
- penal liability obligations,
§ 25:28
- prepetition debts
generally, § 25:33
- postpetition against prepeti-
tion obligations, § 25:34
- remedial liability obligations,
§ 25:28
- secured claims, § 25:29
- transferred claims, § 25:32

SETOFF OR OFFSET—Cont'd

Nature of obligation, effect of —Cont'd

- unliquidated obligations,
§ 25:27
- Necessity of obtaining relief,
postpetition exercises,
§ 25:42
- Netting agreements under
automatic stay, § 25:20
- Not-due obligations, § 25:27
- Penal liability obligations, § 25:28
- Penalties, § 25:28
- Postpetition exercises
generally, § 25:38 *et seq.*
- burden of proof, § 25:41
- defensive assertions, § 25:40
- filing of proof of claim, § 25:39
- involuntary bankruptcy, § 25:43
- necessity of obtaining relief,
§ 25:42
- proof of claim, filing of, § 25:39
- Preferences and preferential
transfers, § 18:2, 18:35
- Preferential transfers compared,
§ 25:3, 25:36
- Prepetition debt
generally, § 25:33
- automatic stay, effect of
generally, § 25:13
- recoupments, § 25:14
- relief, necessity of, § 25:21
- postpetition against prepetition
obligations, § 25:34
- Prepetition exercise, § 25:37
- Proof of claim, filing of, § 25:39
- Recoupment distinguished, § 25:6
- Recoupment (this index)
- Recoupments of prepetition debt,
§ 25:14
- Rejection power exercises,
§ 25:24
- Related entities, mutuality require-
ment, § 25:11

SETOFF OR OFFSET—Cont'd

- Remedial liability obligations, § 25:28
- Reorganization plans, executory contracts and unexpired leases, § 26:24, 26:25
- Repo participants, § 25:16
- Repurchase or “Repo” Agreements (this index)
- Return of goods shipped to Chapter 11 debtor, § 17:63
- Secured claims, § 25:29, 25:48
- Security deposits, mutuality requirement, § 25:12
- Size and nature of claim, § 23:1
- Source of recovery provision, § 25:46
- Sovereign immunity, § 6:78, 6:82
- Stockbroker liquidations
 - generally, § 16:120, 16:121
 - automatic stay, effect of, § 25:15
- Swap agreements
 - generally, § 16:105, 16:111
 - automatic stay, effect of, § 25:17
 - termination, § 20:23
- Termination, swap agreements, § 20:23
- Time and date of
 - commencing setoff action, § 17:55
- Timeshare purchasers, generally, § 20:64
- Timeshare purchasers, rejection power exercises by, § 25:24
- Transfer. Sale or transfer, above
- Transferred claims, § 25:32
- Triangular relationship exception, mutuality requirement, § 25:11
- Trustee’s right of
 - generally, § 25:5
 - calculations, § 25:47

SETOFF OR OFFSET—Cont'd

- Trustee’s right of—Cont’d
 - improper setoffs, trustee’s recovery of, § 12:71
 - improvement in position test, above
 - secured claims, § 25:48
 - source of recovery provision, § 25:46
- Turnover of property, § 14:1, 14:45, 14:47, 14:60, 14:83
- Unliquidated obligations, § 25:27
- Use, Sale, or Lease of Property (this index)
- Waivers of rights, § 25:44

SETTING ASIDE

- Vacating and Setting Aside (this index)

SETTLEMENT

- Compromise and Settlement (this index)

SEVENTH AMENDMENT

- Jury and Jury Trial (this index)

SEVERANCE

- Bifurcation of Claims (this index)
- Joint or co-ownership interests, § 12:16

SEVERANCE PAY

- Administrative expenses, § 34:43, 34:54
- After-acquired property, § 12:67, 12:68
- Allowance of claims or interest, § 24:58

SEWERS AND DRAINS

- Sewer rents, priorities, § 34:75

SEX DISCRIMINATION

- Trustee selection, § 5:10, 5:12

SEXUAL HARASSMENT

- Trustee, removal for cause, § 5:81

INDEX

SHAREHOLDERS

Interested parties, § 6:88
Securities (this index)

SHAREHOLDERS' COMMITTEES

Creditors' and Equity Security
Holders' Committees (this
index)

SHARING OF COMPENSATION OR PROPERTY

Fee-Splitting (this index)
Time Share Interests (this index)

SHIPS

Vessels (this index)

SHOPPING CENTERS

Leases, § 20:48 to 20:50, 20:53,
20:63

SHORT SALES OF STOCK

Reorganization plans, § 26:37

SHORT TAXABLE YEAR

Generally, § 3:34

SHOW CAUSE ORDERS

Turnover of property, § 14:84
Voluntary bankruptcy, § 8:66,
8:76

SICKNESS

Health (this index)

SIGNATURES

Generally, § 1:73, 1:75
Avoidance of unperfected lien or
security interest, § 17:25
Fines and penalties, signing
requirements, § 7:158
Homestead exemption, § 13:59
Involuntary bankruptcy, § 9:38,
9:44
Municipal debt adjustment plans,
§ 32:17
Petition preparers, § 8:11

SIGNATURES—Cont'd

Rules of Bankruptcy Procedure,
§ 1:73, 1:75, 2:113, 7:158,
7:160, 8:22, 8:23, 8:46, 8:73,
8:99, 9:44, 9:79
Voluntary bankruptcy, § 8:22,
8:73

SILOS

Grain and Grain Storage (this
index)

SIMULTANEOUS REPRESENTATION

Professional persons, employment
of, § 2:40

SINGLE ASSET DEBTORS

Creditor's good faith acceptance
or rejection of reorganization
plan, § 27:35
Real estate asset, automatic stay,
§ 16:189

SIPA

Securities Investor Protection Act
(this index)

SIPC

Securities Investor Protection
Corporation (this index)

SIX-MONTHS RULE

Distribution, railroad reorganiza-
tion, § 34:190

SIZE AND NATURE OF CLAIM

Generally, § 23:1 et seq.
Abandoned property, § 23:28
Accounts receivable, § 23:34
Account with stockbroker, § 23:5
Adversary nature of proceeding,
§ 23:4
After notice and hearing, defined,
§ 23:35
Agreements. Contracts and agree-
ments, below
Alimony claims, § 23:23

SIZE AND NATURE OF CLAIM

—Cont'd

Allocation of claims secured by realty, § 23:7
 Appreciation of value of property, § 23:9
 Attorneys' fees, § 23:19 to 23:22
 Automatic stay of foreclosure, § 23:3
 Avoidance of liens, § 23:23 to 23:30
 Barley as constituting grain, § 23:6
 Beans as constituting grain, § 23:6
 Bifurcation into secured and unsecured claims, § 23:1 to 23:3, 23:30
 Bond holders of municipal bonds, § 23:2, 23:40
 Broker's commission on sale, § 23:10
 "Capricious" comma in statute as to interest on claim, § 23:16
 Charges and fees, § 23:14, 23:19 to 23:22
 Commission of broker on sale, § 23:10
 Complaint or pleadings, § 23:4
 Confirmation or confirmation hearing as date of valuation, § 23:11
 Consensual oversecured claims, § 23:16
 Construction of statutes, generally, § 23:3, 23:28, 23:38
 Contingent claims list, § 23:13
 Continuation of operation of business after bankruptcy, § 23:35
 Continuation statement to extend perfection of security interest, § 23:39
 Contracts and agreements costs and expenses, § 23:20, 23:22

SIZE AND NATURE OF CLAIM

—Cont'd

Contracts and agreements
 —Cont'd
 fees and charges, § 23:21, 23:22
 impairment of obligation of contract, § 23:40
 Contribution, claims for, § 23:23
 Core proceedings in determining extent of liens, § 23:4
 Corn as constituting grain, § 23:6
 Costs and expenses
 fees and charges, § 23:14, 23:19 to 23:22
 holder of chain, costs recoverable by, § 23:14 to 23:22
 valuation standards, § 23:9, 23:10
 Counterclaim, § 23:1
 Crops or proceeds of crops, § 23:33
 Date. Time or date, below
 Declining real estate market, § 23:9
 Decrees. Judgments and decrees, below
 Deductions in determining value cost of sale, § 23:9, 23:10
 liens, § 23:7
 Default rate of interest, § 23:18
 Delay in foreclosure, § 23:3
 Discharge injunction, effect on enforcement of liens, § 23:26
 Discount rate of interest, § 23:17
 Disposition of property as determining value, § 23:8
 Dry edible beans as constituting grain, § 23:6
 Due process of law provisions of constitution, § 23:32
 Election to have collateral secure entire claim, § 23:2
 Equities of case in applying prepetition security interest to

INDEX

SIZE AND NATURE OF CLAIM

—Cont'd

postpetition proceeds,
§ 23:38, 23:39

Equity security holders, § 23:13

Evidence

- filing proof of claim. Filing,
below
- prima facie evidence, § 23:4,
23:13

Examination costs of title, § 23:22

Exception for security interest in
property acquired prepetition,
§ 23:40

Exempted property, § 23:28

Expenses. Costs and expenses,
above

Extends to, defined, § 23:35

Fair market value, § 23:9

Farmers and Farm Products (this
index)

Federal or state law as applicable,
§ 23:21, 23:39

Fees and charges, § 23:14, 23:19
to 23:22

Fifth Amendment due process
rights, § 23:32

Filing

- continuation statement to
extend perfection of secu-
rity interest, § 23:39
- proof of claim
- time at which valuation is to
be made, § 23:11

Flaxseed as constituting grain,
§ 23:6

Floating lien, § 23:39

Forced sale of debtor's assets,
§ 23:9

Foreclosure (this index)

Fraudulent transfers, § 23:35

Full faith and credit of debtor
municipality, § 23:2

Furniture for house, § 23:9

Going-concern value, § 23:9

SIZE AND NATURE OF CLAIM

—Cont'd

Governing law, § 23:21, 23:39

Grain assets cases, § 23:6

Grain sorghum as constituting
grain, § 23:6

Grain storage facility, § 23:6

Hearing. Notice and hearing,
below

Household goods, § 23:9

Husband, alimony and support
claims, § 23:23

Hypothetical sale expenses in
determining value, § 23:10

Impairment of obligation of
contract, § 23:40

Individual debt adjustment,
§ 23:11, 23:38

Injunction discharge, effect on
enforcement of liens, § 23:26

In rem nature of lien enforcement
action, § 23:26

Insurance on title, § 23:22

Interest in property of creditor,
defined, § 23:10

Interest on money, § 23:14 to
23:18

Inventory, § 23:35

Judgments and decrees

- generally, § 23:5
- res judicata, § 23:8

Just compensation clause of con-
stitution, § 23:32

Late charges, § 23:22

Lawyers' fees, § 23:19 to 23:22

Leases (this index)

Liens or other secured interest,
generally, § 23:1 et seq.

Liquidation (this index)

Lists as prima facie evidence of
value, § 23:4, 23:13

Maintenance and alimony claims,
§ 23:23

Market rate interest, § 23:17

Market value, § 23:9

SIZE AND NATURE OF CLAIM**—Cont'd**

- Median value between retail and wholesale value, § 23:9
- Mortgages (this index)
- Motion, determination of matters on, § 23:4
- Municipal debt adjustment, § 23:2, 23:13, 23:23, 23:40
- Nonconsensual oversecured claims, § 23:16
- Notice and hearing
 - after notice and hearing, defined, § 23:35
 - confirmation hearing as date of valuation, § 23:11
 - valuation, § 23:12
- Oats as constituting grain, § 23:6
- Obligation of contracts, impairment of, § 23:40
- Option to have collateral secure entire claim, § 23:2
- Oversecured claims, § 23:14 to 23:16, 23:22
- Perfection of security interest, § 23:36, 23:37, 23:39
- Personal property redemption, § 23:27
- Plain meaning of language approach as to lien avoidance, § 23:28
- Pleadings or complaint, § 23:4
- Possession of perfected security interest, § 23:36
- Postpetition claims, generally, § 23:14 to 23:22, 23:31 to 23:40
- Preemption of bankruptcy law over state law, § 23:21
- Prepetition security interest as affecting property acquired after petition, generally, § 23:31 to 23:40
- Prima facie evidence, § 23:4, 23:13
- Proceeds, defined, § 23:35, 23:39

SIZE AND NATURE OF CLAIM**—Cont'd**

- Proof. Evidence, above
- Proposed disposition or use of property, valuation based on, § 23:8
- Protective decree under Securities Investor Protection Act, § 23:5
- Purpose of property as determining value, § 23:8
- Rate of interest allowable, § 23:17, 23:18
- Raw materials converted into inventory, § 23:35
- Real estate broker's commission on sale, § 23:10
- Real estate market, valuation affected by decline in, § 23:9
- Real property redemption, § 23:27
- Reasonableness of fees, costs, or charges, § 23:19, 23:20
- Redemption, § 23:11, 23:27
- Rehabilitative provisions of Chapter 11, § 23:38
- Reimbursement, claim for, § 23:23
- Rent and rentals, § 23:36, 23:37
- Reorganization (this index)
- Residence of debtor, § 23:30
- Res judicata, § 23:8
- Retail value, § 23:9
- Revenue bond holders of municipal bonds, § 23:2, 23:40
- Revenue pledge by municipalities, § 23:2, 23:40
- Rice as constituting grain, § 23:6
- Risks of loss of continued operation of business, § 23:35
- Rye as constituting grain, § 23:6
- Sale of property
 - bankruptcy administration, sale in, § 23:35
 - expenses of sale, § 23:9, 23:10

INDEX

SIZE AND NATURE OF CLAIM

—Cont'd

- Sale of property—Cont'd
 - forced sale of debtor's assets, § 23:9
 - fraudulent transfer or sale, § 23:35
- Schedules as prima facie evidence, § 23:4, 23:13
- Secured claims, generally, § 23:1 et seq.
- Secured creditor distinguished from secured claim, § 23:3
- Securities Investor Protection Act, § 23:5
- Security cushion, payment of postpetition interest out of, § 23:15
- Setoff, § 23:1
- Soybeans as constituting grain, § 23:6
- Special revenue of municipality, claims payable from, § 23:2
- Specific statute as prevailing over general statute, § 23:38
- Spouse, support and alimony claims by, § 23:23
- Standards used for valuation, § 23:9
- State or federal law as applicable, § 23:21, 23:39
- Stay of foreclosure, § 23:3
- Stockbroker liquidation cases, § 23:5, 23:6
- Storage facilities for grain, § 23:6
- Stripping down or strip down concept, § 23:27 to 23:29
- Successor to creditors and purchasers, trustee in bankruptcy as, § 23:35
- Support and alimony claims, § 23:23
- Survival of action, § 23:23
- Taking of property clause of constitution, § 23:32

SIZE AND NATURE OF CLAIM

—Cont'd

- Time or date
 - continuation statement to extend perfection of security interest, § 23:39
 - filing claim prior to request for lien avoidance, § 23:24
 - late charges, § 23:22
 - valuation, determination of, § 23:11
- Title, § 23:22
- Unadministered property, § 23:23, 23:28
- Uniform Commercial Code, § 23:35, 23:39
- Unliquidated claims, lists of, § 23:13
- Unsecured creditor distinguished from unsecured claim, § 23:3
- Use of property
 - use of property in bankruptcy administration, § 23:35
 - value based on proposed use of property, § 23:8
- Value and valuation
 - generally, § 23:7 to 23:13
 - collateral, definition of, § 23:7
 - creditor's interest, definition of, § 23:7
 - deductions in determining value, above
 - definitions, § 23:7 to 23:9
- Wheat as constituting grain, § 23:6
- Wholesale value, § 23:9
- Wife, alimony and support claims, § 23:23

SIZE OF BANKRUPTCY CASE

- Small Business Reorganization (this index)

SLANDER

- Defamation (this index)

**SMALL BUSINESS
ADMINISTRATION**
Administrative regulations, § 1:32

**SMALL BUSINESS DEBTOR
REORGANIZATION**
Small Business Reorganization
Act of 2019, § 26:69

SMALL BUSINESSES
Individual debt adjustment,
partnerships, § 1:65
Reorganization. Small Business
Reorganization (this index)
Sole Proprietors (this index)

**SMALL BUSINESS
INVESTMENT COMPANIES**
Ineligibility for Chapter 7, § 1:42

**SMALL BUSINESS
REORGANIZATION**
Conditional approval of disclosure
statement, § 27:16
Creditors' committee, order that
no committee be appointed,
§ 6:54
Disclosure statement approval by
court, § 27:16
Duties of debtor, § 6:25
Election, § 26:56
Eligibility to be debtor, § 1:47
Motion, application, or request
change in time for filing plan,
§ 26:56
creditors' committee in small
business reorganization,
request that no committee
be appointed, § 6:54
Plans
approval of disclosure state-
ment, § 27:16
conditional approval of
disclosure statement,
§ 27:16
disclosure statement hearing
and approval, § 27:16

**SMALL BUSINESS
REORGANIZATION**
—Cont'd
Plans—Cont'd
objection to disclosure state-
ment, § 27:16
solicitation of plan acceptance
or rejection, § 27:16, 27:20
time for filing plan, § 26:56
Reporting requirements of debtor,
§ 6:25
Returns, filing 2005 amendments,
§ 3:5
Tax returns, § 3:5
Time for filing election and plan,
§ 26:56
Withdrawal of election, § 26:56

SMALL CLAIMS
Involuntary cases, petitioning
creditors in, § 9:32
Proof of claim, § 22:56

SMALL DIVIDENDS
Distribution, § 33:55, 34:193,
34:197

SNAP-BACK PROVISIONS
Collective bargaining agreements,
rejection of, § 20:104

SOCIAL SECURITY
Assignments (this index)
Automatic stay exception,
§ 16:118
Dischargeable debts
generally, § 35:207
anti-assignment rule, § 35:167
Exemptions
generally, § 13:102, 13:103,
13:116
payment be reasonably neces-
sary for support require-
ment, § 13:95
Family farmer debt adjustment
plans, § 33:54

INDEX

SOCIAL SECURITY—Cont'd

- Individual debt adjustment, benefits as income, § **1:64**
- Petition preparers, § **8:13**
- Privacy considerations, § **1:78**
- Voluntary petitions, § **8:46**

SOCIAL SECURITY NUMBER

- Captions, § **1:76**
- Debtor's notice to creditor to contain taxpayer identification number, § **6:6**

SOCIETAL ROLE

- Bankruptcy, § **1:3**

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT

- Generally, § **1:33**

SOLE PROPRIETORS

- Individual debt adjustment eligibility, § **1:55, 1:65**
- Proof of claim, § **22:1**

SOLE STOCKHOLDER

- Preferential transfer, exceptions to avoidability, § **18:52, 18:69**

SOLICITATION

- Municipal debt adjustment plans, § **32:13, 32:16**
- Reorganization, election of trustee, § **5:34**
- Reorganization Plans (this index)

SORGHUM

- Allowance of claims or interest, § **24:72**

SOUND RECORDINGS

- Clerks, § **4:55**
- Exemptions of equipment, § **13:159**
- Voluntary bankruptcy, § **8:88**

SOURCE-OF-INCOME TESTS

- Taxation, § **3:18**

SOUTH CAROLINA

- Opt-out provisions, § **13:7**

SOUTH DAKOTA

- Opt-out provisions, § **13:6**

SOVEREIGN IMMUNITY

- Abrogation, § **6:78, 6:79**
- Automatic stay, § **16:3**
- Consent. Waiver, below
- Constitutionality of section 106(a), § **6:79**
- Counterclaim, § **6:80**
- Exemptions, § **13:133**
- Intervention, § **6:82, 6:83**
- Municipal debt adjustment, § **6:78, 6:83**
- Proof of claim, effect of governmental unit's filing, § **6:80**
- Reorganization, § **6:78, 6:84**
- Setoff, § **6:78, 6:82**
- Turnover of property, § **14:32, 14:52**
- Waiver
 - generally, § **6:78 to 6:82**
 - counterclaim, § **6:80**
 - intervention, § **6:82, 6:83**
 - municipal debt adjustment, § **6:83**
 - offset of claims, § **6:80**
 - reorganization, § **6:84**
 - states, § **6:78**
 - United States, § **6:78**

SOYBEANS

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

SPECIAL ADMINISTRATIVE PRIORITY

- Loans or credit, § **15:70**

SPECIAL CIRCUMSTANCES

- Family farmer debt adjustment plans, § **33:28, 33:38**

SPECIAL MEETINGS

Creditors', § 10:4

SPECIAL REVENUES

Municipal Debt Adjustment (this index)

SPECIFICALLY IDENTIFIABLE PROPERTY

Commodity broker liquidation, § 34:173 to 34:175, 34:177

SPECIFICITY

Exemptions, § 13:32

SPECIFIC PERFORMANCE

Allowance of claims or interest, § 24:22

Executory contracts and unexpired leases, § 20:7, 20:58

SPECULATIVE INCOME

Individual debt adjustment, § 1:60

Individual debt adjustment plan confirmation, § 31:38

SPEECH AND PRESS FREEDOM

Freedom of Speech and Press (this index)

SPENDTHRIFT TRUSTS

Avoidance, § 17:23

Exclusion from bankruptcy estate, § 12:18, 12:24

Exemptions, § 13:92

Property of estate, § 12:10, 12:88, 12:89

SPILL-OVER EXEMPTIONS

Generally, § 13:113, 13:115, 13:153

SPORTS CARS

Individual debt adjustment plans, confirmation, § 31:52

SPOT FOREIGN EXCHANGE AGREEMENTS

Swap agreements, § 20:23

SPOUSAL SUPPORT

Discharge (this index)

SPOUSES

Husband and Wife (this index)

STABILITY OF INCOME REQUIREMENT

Individual debt adjustment, § 1:58

STACKING

Exemptions, § 13:28, 13:29, 13:71

STAFF

Employment (this index)

STALLED PLAN NEGOTIATIONS

Reorganization plans, cause for extension of exclusivity period, § 26:63

STANDARDIZED DEDUCTIONS

Taxation, § 3:36

STANDING

Interested Persons or Parties (this index)

STANDING TRUSTEES

Generally, § 5:11

Appointment

eligibility and qualification, below

family farmer debt adjustment, § 5:1, 5:41

individual debt adjustment, § 5:1, 5:43

Attorneys (this index)

Compensation and reimbursement generally, § 5:97 to 5:100

computation of payment, § 5:97, 5:98

court review, § 5:100

impaired claims, § 5:99

Computation of payment, § 5:97, 5:98

Court review, § 5:100

INDEX

STANDING TRUSTEES—Cont'd

- Disinterested requirement, § 5:4
- Eligibility and qualification
 - generally, § 5:11
 - disinterested requirement, § 5:4
- Family farmer debt adjustment, § 5:1, 5:41, 5:97 to 5:100
- Impaired claims, § 5:99
- Individual debt adjustment, § 4:89, 4:90, 5:1, 5:43, 5:97 to 5:100
- Removal of trustee or examiner for cause, § 5:79
- United States trustees, § 4:63, 4:68, 4:89, 4:90, 5:11, 5:41, 5:44

STATE

- Abrogation of state-law entitlements, scope of congressional bankruptcy power, § 1:10
- Abstention, § 7:2
- Allowance of claims or interest, § 24:34, 24:61
- Alternatives to bankruptcy, state insolvency proceedings, § 1:33
- Core proceedings, § 7:58, 7:87, 7:95
- Executory contracts and unexpired leases, state law, § 20:1, 20:7, 20:9, 20:10, 20:41
- Exemptions (this index)
- Foreign Countries or Proceedings (this index)
- Fraudulent transfers, option to proceed under state law, § 19:90 to 19:92
- Individual Debt Adjustment Plans (this index)
- Injunctions, § 7:165
- Interested parties, § 6:78
- Jurisdiction, generally, § 7:14, 7:15, 7:58, 7:87, 7:95, 7:108
- Law of state. State Law (this index)

STATE—Cont'd

- Operation of business, § 15:2, 15:17
- Opt Out Provision (this index)
- Parties, interested parties, § 6:78
- Remand (this index)
- Sovereign Immunity (this index)
- Supreme Court review of state court decisions, § 37:86
- Taxation. State and Local Taxes (this index)
- Uniformity required by Bankruptcy Clause, § 1:9

STATE, SECRETARY OF

- Involuntary bankruptcy, § 9:2

STATE AND LOCAL TAXES

- Generally, § 3:2
- Allowance of claims or interest, § 24:22, 24:28, 24:31, 24:37, 24:47
- Assessment, § 3:77, 3:78
- Automatic stay exception for creation or perfection of statutory lien relating to postpetition property taxes, § 16:104
- Carryover or carryback, § 3:10, 3:58
- Corporations, § 3:10, 3:58
- Gross income exclusions, § 3:10
- Judicial determination of tax liability, § 3:74
- Proof of claim, burden of proof, § 22:12
- Sales or transfers, § 3:86
- Separate taxable bankruptcy estate, § 3:28
- Trustees, § 3:70, 3:71
- Withholding taxes, § 3:64

STATE ATTORNEYS GENERAL

- Appearance on behalf of consumer creditors, § 6:36
- Interested party, § 6:85

STATE LAW

- Abandonment, § **12:139, 12:140, 12:153**
- Abrogation of state-law entitlements, scope of congressional bankruptcy power, § **1:10**
- Alternatives to bankruptcy, state insolvency proceedings, § **1:33**
- Governing Law (this index)
- Individual Debt Adjustment Plans (this index)
- Opt Out Provision (this index)
- Preemption (this index)
- Proof of claim, burden of proof, § **22:12**
- Scope of congressional bankruptcy power, § **1:10**
- Spendthrift Trusts (this index)
- Uniformity required by Bankruptcy Clause, § **1:9**

STATEMENTS

- Allowance of Claims or Interests (this index)
- Amendment, § **8:96 to 8:105**
- Appeal, statement of issues to be presented on appeal, § **37:58, 37:59**
- Copies, creditor's right to receive, § **6:39**
- Creditors' and equity security holders' committees, verified statement by, § **6:46, 6:56, 6:65**
- Debtor's duty to file, § **6:15**
- Disclosure statements. Reorganization Plans (this index)
- Dismissal of case for debtor's failure to file, § **6:27**
- Employer payments and income statements, debtor's filing of evidence of, § **6:17, 6:27**
- Exemptions, statement of intention, § **13:34**

STATEMENTS—Cont'd

- Family farmer debt adjustment, § **12:157**
- Financial Statements (this index)
- Income and expenditure statements, debtor's filing of, § **6:17**
- Indenture trustee, verified statement by, § **6:72**
- Individual debt adjustment, § **12:157**
- Intention, Statement of (this index)
- Involuntary bankruptcy, § **9:79 to 9:82**
- Liquidation, § **12:159**
- Redemption, § **12:110, 12:111, 12:114**
- Reorganization Plans (this index)
- Rules of Bankruptcy Procedure (this index)
- Small business debtor's duty to file, § **6:25**
- Taxation, § **3:68**
- Voluntary bankruptcy, § **8:62 et seq.**

STATIONERY

- Trustee's compensation for services, § **5:87**

STATUS CONFERENCE

- Reorganization Plans (this index)

STATUS QUO RESTORATION

- Automatic stay, § **16:88**

STATUTE OF FRAUDS

- Property of estate, § **6:9, 12:154**

STATUTE OF LIMITATIONS

- Abstention, § **7:31**
- Automatic stay, § **16:8, 16:10**
- Avoidance powers of trustee, § **17:55, 17:56, 17:73**
- Causes of action, § **12:25**
- Crimes and offenses, § **12:142**
- Debtor in possession, § **5:112**

INDEX

STATUTE OF LIMITATIONS

—Cont'd

- Defenses available to estate, § **6:9, 12:154**
- Extensions of time, § **1:91**
- Fraudulent transfers and concealment of assets, § **19:90, 19:114**
- Proof of claim, § **22:44, 22:48**
- Property of estate, defenses available to estate, § **6:9, 12:154**
- Reopening case, § **1:169, 36:8**
- Taxation
 - generally, § **3:78**
 - assessment of taxes, § **34:71**
- Voluntary bankruptcy, § **8:35, 8:97**

STATUTORY LIENS

- Automatic stay exception for creation or perfection of statutory lien relating to postpetition property taxes, § **16:104**
- Avoiding powers, generally, § **13:142, 13:158, 17:33 to 17:38**
- Defined, § **13:143, 17:34**
- Distress of rent, avoidance of liens for, § **17:34, 17:38**
- Effectiveness of lien on bankruptcy or insolvency, trustee's avoiding powers, § **17:35**
- Exemptions, § **13:143, 13:159**
- Preferential transfers, exceptions to avoidability, § **18:89, 18:90**
- Sovereign immunity abrogated, § **6:78**
- Unperfected liens, trustee's avoiding powers, § **17:36, 17:37**

STAY PENDING APPEAL

- Bankruptcy Appellate Panels and district courts, § **37:51 to 37:56**
- Court of Appeals, § **37:83**

STAY PENDING APPEAL

—Cont'd

- Supersedeas Bonds (this index)
- ### STAYS
- Ancillary and other cross-border cases under BAPCPA, § **16:223**
 - Appeal
 - generally. Appeals (this index)
 - Stay Pending Appeal (this index)
 - Automatic Stay (this index)
 - Codebtor Stay (this index)
 - Injunctions (this index)
 - Operations of, conversion or dismissal, § **11:86, 11:93**
 - Pending appeal. Stay Pending Appeal (this index)
 - Railroad reorganization, suspension of lines, § **12:137**
 - Rules of Bankruptcy Procedure (this index)
 - Taxation (this index)

STEREO SYSTEMS

- Exemptions, § **13:159**

STIPULATIONS

- Adequate protection, § **21:27, 21:35**
- Core proceedings, § **7:77**
- Use, sale, or lease of property, § **15:45**

STOCK AND STOCKHOLDERS

- Securities (this index)

STOCK BONUSES

- Exemptions, § **13:102**

STOCKBROKER LIQUIDATION

- Agreements. Securities contract, below
- Automatic stay
 - matters insulated from, § **16:119 to 16:121**
 - setoff rights, § **25:15**

STOCKBROKER LIQUIDATION**—Cont'd**

- Avoiding power of trustee, generally, § **17:6, 17:60, 17:61**
- Banks, treatment of customer accounts, § **34:146**
- Claims, subordination, § **34:156**
- Contracts. Securities contract, below
- Customer
 - generally, § **6:74**
 - claims, subordination, § **34:156**
 - property. Customer property, below
 - securities. Customer name securities, below
- Customer accounts, § **34:146**
- Customer name securities
 - distribution, § **34:148**
 - operation of business, § **15:7**
 - reclamation, § **17:86**
- Customer property
 - distribution, § **34:150 to 34:156**
 - operation of business, § **15:8**
- Date. Time and date, below
- Definitions. See lines throughout this topic
- Delivery of customer name securities, § **34:148**
- Distribution
 - generally, § **34:144 to 34:158**
 - apportionment of equity after liquidation of security interest, § **34:153**
 - customer accounts, § **34:146**
 - customer name securities, § **34:148**
 - customer property, § **15:8, 34:150 to 34:156**
 - delivery of customer name securities, § **34:148**
 - excess customer property, § **34:157**
 - exclusions, customer property, § **34:152**

STOCKBROKER LIQUIDATION**—Cont'd**

- Distribution—Cont'd
 - insufficient customer property, § **34:158**
 - limitations, § **34:149**
 - net equity claims, § **34:154 to 34:156**
 - postpetition transactions, § **34:155**
 - securities, generally, § **34:147 to 34:149**
- Securities Investor Protection Act, § **34:145**
- subordination, § **34:156**
- time and date, net equity claims, § **34:155**
- valuation, net equity claims, § **34:155**
- Distribution, generally, § **1:162**
- Equity
 - apportioning debtor's equity remaining after liquidation of security interest, § **34:153**
 - distribution of customer property, § **34:154 to 34:156**
 - net equity, distribution of customer property, § **34:154 to 34:156**
- Excess customer property, distribution, § **34:157**
- Exclusions, customer property, § **34:152**
- Executory contracts. Securities contract, below
- Limitations, distribution, § **34:149**
- Liquidation proceeding, § **34:153**
- Names. Customer name securities, above
- Net equity, distribution of customer property, § **34:154 to 34:156**
- Offset, § **16:120, 16:121**
- Operation of business
 - generally, § **15:5 to 15:8**

INDEX

STOCKBROKER LIQUIDATION

—Cont'd

- Operation of business—Cont'd
 - distribution of customer property, § 15:8
 - executory contracts for purchase or sale of securities, § 15:6
 - property of estate, securities held as, § 15:7
- Postpetition transactions, § 34:155
- Property of estate
 - customer property, above operation of business, § 15:7
- Reclamation, § 17:86
- Securities contract
 - customer name securities, above operation of business, § 15:6
- Securities Investor Protection Act (this index)
- Securities Investor Protection Corporation (this index)
- Security interest, apportioning debtor's equity remaining after liquidation of, § 34:153
- Setoff, § 16:120, 16:121
- SIPA. Securities Investor Protection Act (this index)
- SIPC. Securities Investor Protection Corporation (this index)
- Size and nature of claim, § 23:5, 23:6
- Stay, matters insulated from automatic, § 16:119 to 16:121
- Stockholder. Customer, above
- Subordination, § 34:156
- Time and date
 - net equity claims, § 34:155
 - operation of business, § 15:6, 15:7
- Trustees
 - generally, § 5:69
 - avoiding powers, § 17:6, 17:60, 17:61, 18:6

STOCKBROKER LIQUIDATION

—Cont'd

- Turnover of property, § 14:18
 - Valuation, net equity claims, § 34:155
 - Voluntary bankruptcy, § 8:38
- ### STOCKBROKERS
- Clerks, § 4:48
 - Fraud and Deceit (this index)
 - Fraudulent transfers and concealment of assets, § 19:107
 - Stockbroker Liquidation (this index)
- ### STOCK-FOR-DEBT EXCHANGES
- Taxation, § 3:17, 3:54
- ### STOCK OPTIONS
- Allowance of claims or interest, § 24:58
- ### STOCK PURCHASE AGREEMENT
- Automatic stay, § 16:52
- ### STONEWALLING
- Collective bargaining agreements, rejection, § 20:117
- ### STOP PAYMENT
- Trustee's liabilities and duties, § 5:47
- ### STORAGE
- Allowance of claims or interest, § 24:73
 - Avoidance of lien for rent, § 17:38
 - Fish processing or storage facilities. Fish and Fishermen (this index)
 - Grain and Grain Storage (this index)
 - Size and nature of claim, § 23:6
 - Use, sale, or lease of property, § 15:29

STRAIGHT BANKRUPTCIES

Liquidation (this index)

STRIKES

Injunctions, § 7:167

**STRIPPING DOWN OR STRIP
DOWN CONCEPT**

Size and nature of claim, § 23:27
to 23:29

STRONG ARM CLAUSE

Avoidance, generally, § 17:13 to
17:32

Turnover of property, § 14:4

STUDENT LOANS

Consolidation, § 1:33

Discharges

generally, § 35:182 et seq.

codebtors, § 35:185

contingent obligation loans,
§ 35:184

dependency obligations,
consideration of, § 35:191

discretion of court, § 35:187

factors considered, § 35:189 et
seq.

future prospects of debtor,
consideration of, § 35:193

good faith repayment efforts,
§ 35:194

guarantors, § 35:185

HEAL loans, § 35:184

health factors, consideration of,
§ 35:190

living expenses, consideration
of, § 35:192

nature of lender and loan,
§ 35:183

PSAP loans, § 35:184

repayment, good faith efforts,
§ 35:194

tests, § 35:188

Discriminatory treatment of
debtor, § 6:31, 6:32

STUDENT LOANS—Cont'd

Educational loan consolidation
provisions, § 1:33

Government loan insurance, ade-
quate protection, § 21:61

Individual debt adjustment plans
confirmation, § 31:15

Property of estate, educational
loan eligibility, § 12:93

Sovereign immunity, § 6:79

Tax treatment of discharge, § 3:19

SUA SPONTE

Own Motion of Court (this index)

SUBCONTRACTORS

Trustee's capacity to sue, § 5:48

SUBLEASES

Appeals, § 37:7

Executory contracts and unexpired
leases, § 20:50, 20:63

SUBORDINATION

Generally, § 34:90 to 34:114

Agreements, § 34:92, 34:93

Attorney-client privilege, § 34:110

Bankruptcy court, standing to
raise equitable subordination
claim, § 34:114

Burden of proof, § 34:108

Codebtors, § 34:97

Commodity broker liquidation,
§ 34:171

Core proceedings, § 34:107

Corporations, § 34:104

Creditors' committee, standing to
raise equitable subordination
claim, § 34:112

Debtor in possession, standing to
raise equitable subordination
claim, § 34:113

Declaratory judgments, § 7:179

Disallowance, relationship of
equitable subordination to,
§ 34:91

INDEX

SUBORDINATION—Cont'd

- Distribution, generally, § 1:160, 34:90 to 34:114
- Equitable subordination, generally, § 34:98 to 34:114
- Fraudulent transfers and concealment of assets, § 19:110
- Harm, equitable subordination, § 34:101
- Inequitable conduct by claimant, § 34:100
- Insiders, equitable subordination, § 34:102
- Jurisdiction, § 7:76, 7:109, 7:179
- Liens and encumbrances, § 12:43
- Limitations, § 34:93, 34:96
- Loans or credit, § 34:104
- Mandatory subordination, § 34:94 to 34:97
- Noninsiders, § 34:105, 34:106
- Practice and procedure, § 34:107 to 34:114
- Reorganization, generally, § 1:160
- Reorganization plans, § 26:40
- Rules of Bankruptcy Procedure, § 1:160
- Sale or Transfer (this index)
- Securities. Stocks and securities, below
- Sovereign immunity, § 6:78
- Standing to assert entitlement to equitable subordination, § 34:111 to 34:114
- Stockbroker liquidation, § 34:156
- Stocks and securities
 - distribution, § 34:94 to 34:96, 34:103
 - purchase rescission claims, § 34:94 to 34:96
- Time for filing motion to subordinate, § 34:108
- Trustee, standing to raise equitable subordination, § 34:111
- Undercapitalized corporate debtors, § 34:104

SUBPOENAS

- Generally, § 1:117
- Jurisdiction, subpoena power of court, § 7:169 to 7:171
- Service of Petitions, Process, and Papers (this index)
- Third party examination under Rule 2004, § 10:38

SUBROGATION

- Allowance of claims or interest, § 24:51, 24:105
- Codebtors, tax and custom duties debts, § 35:77
- Priorities, generally, § 34:8
- Proof of claim, § 22:18

SUBSEQUENT ADVANCE RULE

- Preferential transfers, exceptions to avoidability, § 18:78 to 18:84

SUBSEQUENT BANKRUPTCY CASES

- Conversion or dismissal, § 11:95

SUBSEQUENT TRANSFEREES

- Fraudulent transfers and concealment of assets, § 19:101, 19:107

SUBSIDIARY

- Professional persons, employment of, § 2:41
- Reorganization plans, modification of exclusivity period, § 26:63

SUBSTANTIAL ABUSE

- Notice to U. S. trustee, § 4:101, 4:106

SUBSTANTIAL CONTRIBUTION

- Distribution, § 34:37

SUBSTANTIALLY ALL ASSETS

- Tax-free corporate reorganizations, § 3:48

SUBSTANTIVE

CONSOLIDATION

Consolidation of Cases (this index)

SUBSTITUTION OF JUDGES

Disabled judge, § 4:28

SUBSTITUTION OF OBLIGATIONS

Avoidability of preferences, exceptions to, § 18:41

SUBSTITUTION OF OFFICERS

Disabled judge, § 4:28

Rules of Bankruptcy Procedure (this index)

Successor trustees, § 5:46

Trustees, generally, § 5:46

SUCCESSORS OR SUCCESSION

Fraudulent transfers, successor corporation, § 19:84

Individual debt adjustment plans, § 31:9, 31:11

Preferential transfers, trustee as successor to certain creditors and purchasers, § 18:99

Taxation (this index)

Trustee. Successor Trustee (this index)

SUCCESSOR TRUSTEE

Accounting, § 4:41, 5:45

Compensation of trustee, § 5:101

Fraudulent transfers and concealment of assets, § 19:114

Liquidation, § 4:86, 5:20, 5:70

Rules of Bankruptcy Procedure, § 5:19, 5:45

Substitution, § 5:46

U. S. trustees, § 4:70, 4:85, 4:86

SUMMARIES

Individual debt adjustment plans, § 30:5

Professional persons, record of fees, § 2:120

SUMMARIES—Cont'd

Reorganization plans and disclosure statements, § 27:8, 27:17

SUMMARY JUDGMENT

Appeals, final orders, § 37:7, 37:8

Involuntary bankruptcy, § 9:24, 9:55, 9:63

Preferential transfer giving creditor an advantage, § 18:30

SUMMONS

Clerk of court, § 4:49

Exemptions, § 13:164

Involuntary petition, § 9:47

Service of Petitions, Process and Papers (this index)

SUNDAYS AND HOLIDAYS

Avoidance, statute of limitations as limiting trustee's power, § 17:55

Clerks, § 4:43

Computation of time, § 1:90

Labor Day, § 4:43

"Legal holiday" defined, § 1:90

Memorial Day, § 4:43

New Year's Day, § 4:43

Washington's Birthday, § 4:43

SUNK COSTS

Reorganization plans, settlement or adjustment of claim or interest, § 26:26

SUNSET PROVISION

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

SUPERDISCHARGE

Chapter 13 cases, § 35:72

Individual debt adjustment, § 31:13

SUPERPRIORITY

Adequate protection, § 21:36, 21:37

INDEX

SUPERPRIORITY—Cont'd

- Administrative expenses, § 34:15
- Allowance of claims or interest, § 24:55, 24:78
- Compensation, § 2:105
- Distribution, § 34:11 to 34:15
- Executory contracts and unexpired leases, § 20:95
- Loans or credit, § 15:71
- Reimbursement, § 2:105

SUPERSEDEAS BONDS

- Generally, § 37:51 to 37:56
- Injunction against execution of bond, § 7:165
- Railroad reorganization, § 12:137

SUPERSEDED CASES

- Conversion or dismissal, § 11:84, 11:88, 11:89

SUPERVISION

- District court, § 7:17
- U. S. trustees, § 4:78, 4:79

SUPPLEMENTAL SCHEDULES

- Generally, § 12:55
- Exemptions, § 13:39

SUPPLEMENTAL SECURITY INCOME BENEFITS

- Automatic stay, § 16:34

SUPPLEMENTAL STATEMENTS

- Attorneys' fees, § 2:63

SUPPLIES

- Materialmen's liens. Mechanic's Liens (this index)
- Size and nature of claim, § 23:35

SUPPLY FEES

- U. S. trustees, § 4:64

SUPPORTING DOCUMENTS

- U. S. trustees, § 4:99

SUPPORT OF PERSONS

- Domestic Support Obligations (this index)

SUPREMACY CLAUSE

- Automatic stay, § 16:3
- Exemptions, § 13:16, 13:17
- Reorganization plans, federal law as governing counting of votes approving or disapproving, § 27:26

SUPREME COURT OF UNITED STATES

- Appeals, generally, § 37:84 to 37:87
- Chief Justice of the United States (this index)
- Court of Appeals judgments, decrees, and orders, generally, § 37:85
- Disclosure statements, rulemaking power, § 27:4, 27:12
- Jurisdiction, § 37:84
- Northern Pipeline Decision (this index)
- Rules of practice, § 1:19
- State court decisions, review of, § 37:86

SURCHARGE

- Federal Debt Collection Procedures Act, § 1:34
- Turnover of property, § 14:1, 14:63, 14:69
- Use, sale, or lease of property, § 15:29, 15:30

SURETIES

- Allowance of claims or interests, § 24:50 to 24:52
- Automatic stay, § 16:26, 16:49, 16:63
- Payroll withholding taxes, § 3:62, 3:64
- Preferences and Preferential Transfers (this index)

SURETIES—Cont'd

- Proof of claim, § 22:17, 22:18, 22:25
- Reimbursement of surety, preferential transfer in, § 18:98
- Rules of Bankruptcy Procedure (this index)
- Subrogation rights, tax and custom duties debts, § 35:77
- Turnover of property, § 14:87
- United States trustees, § 4:81 to 4:83

SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977

- Automatic stay, § 16:93

SURFACE TRANSPORTATION BOARD

- Abandonment of railroad property, § 1:134, 1:173
- Interested party, generally, § 6:85
- Property of estate, § 12:135
- Railroad reorganization
 - abandonment of railroad line, § 1:134, 1:173, 12:135
 - plan transfers or operations requiring Board approval, § 26:35

SURGEONS

- Physicians and Surgeons (this index)

SURPLUS

- Distribution, surplus to debtor after payment of priority claims, § 34:134, 34:143
- Liquidation, surplus to debtor after payment of priority claims, § 34:134, 34:143
- Proof of claim, § 22:47
- Taxation, § 3:44

SURRENDER OF PROPERTY

- Abandonment of Property of Estate (this index)

SURRENDER OF PROPERTY

—Cont'd

- Debtor's surrender to trustee, § 6:23
- Executory contracts and unexpired leases, § 20:85
- Exemptions, § 13:34
- Family farmer debt adjustment plans, § 33:42
- Individual Debt Adjustment Plans (this index)
- Liquidation (this index)
- Municipal debt adjustment plans, § 32:3, 32:12, 32:33
- Turnover of Property (this index)

SURVIVAL

- Discharge (this index)

SURVIVING SPOUSE

- Voluntary bankruptcy, § 8:80

SUSPENSION

- Automatic Stay (this index)
- Discriminatory treatment of debtor, § 6:28, 6:32
- Voluntary bankruptcy, § 8:25
- Workouts, suspension of proceedings, § 1:35

SWAP AGREEMENTS

- Automatic stay, setoff rights, § 25:17
- Avoiding powers, § 17:62
- Fraudulent transfers, § 19:107
- Setoff by swap participants, § 16:108
- Spot foreign exchange agreements, § 20:23
- Termination or offset of termination values, § 20:23

TAPE RECORDINGS

- Sound Recordings (this index)

TAXABLE YEAR

- Separate taxable bankruptcy estate, § 3:32, 3:34

INDEX

TAXATION

Generally, § **3:1 to 3:86**
Adequate protection, § **21:33, 21:54, 21:58**
Administrative expenses
generally, § **3:37, 3:58**
postpetition taxes, § **34:31**
priorities, § **34:28 to 34:31**
Agreements, distribution, § **34:72**
Allowance of Claims or Interests
(this index)
Annualization of income, § **3:34**
Anti-injunction statute, § **3:79**
Appointment of trustee, § **5:30**
Approval. Consent or approval,
below
Assessments
generally, § **3:77 to 3:80**
automatic stay, generally,
§ **16:7, 16:101, 16:103**
priorities, § **34:70 to 34:73**
Assignment of tax claims, § **3:40, 3:73**
Audits, automatic stay exception,
§ **3:78**
Automatic Stay (this index)
Avoiding taxes. Evasion of Taxes
(this index)
Bankruptcy Reform Act, § **3:1**
BAPCPA, § **3:4 to 3:6**
Basis. Tax Treatment of Discharge
(this index)
Business expenses, § **3:37**
Cancellation, § **3:11, 3:12, 3:18, 3:23, 3:32**
Capital Expenditures (this index)
Capital (this index)
Carryover or Carryback (this
index)
Changes
assessment, § **3:78**
Carryover or Carryback (this
index)
reductions, below

TAXATION—Cont'd

Claims
Allowance of Claims or
Interests (this index)
assignment of tax claims,
§ **3:40, 3:73**
Attorney General, § **6:36**
Proof of Claim (this index)
Computation, § **3:35**
Confidentiality of returns, § **3:6, 3:72**
Consent or approval
assessment, § **3:78**
basis adjustment, § **3:23**
Contested prepetition determina-
tion by competent tribunal,
§ **3:76**
Continuance
assessment, § **3:78**
personal holding company,
§ **3:81**
Conversion or Dismissal (this
index)
Core proceedings, § **7:84**
Corporations (this index)
Costs. Fees and costs, below
Credits Against Taxes (this index)
Date. Time or date, below
Debtor in possession, § **3:64, 3:70**
Declaratory judgment, jurisdic-
tion, § **7:179**
Deductions from Taxes (this
index)
Deficiency. Loss or deficiency,
below
Depreciation and Depreciable
Property (this index)
Discharge of debts
generally, § **35:74 et seq., 35:89, 35:202**
creditors' subrogation rights,
§ **35:77**
employment tax priorities,
§ **35:85**

TAXATION—Cont'd

Discharge of debts—Cont'd
 excise tax priorities, § 35:83, 35:84
 fees distinguished, § 35:76
 gross receipts tax priorities, § 35:80
 income tax priorities, § 35:80
 penalties, priorities, § 35:87
 policy considerations, § 35:75
 priority claims, § 35:78 et seq.
 property tax priorities, § 35:81
 subrogation rights, § 35:77
 surety's subrogation rights, § 35:77
 trust fund tax priorities, § 35:82, 35:84
 Disclosure, § 3:6, 3:72
 Discounts, § 3:12, 3:13
 Distributable net income, § 3:38
 Distribution
 generally, § 34:64 to 34:82
 administrative expenses, § 34:28 to 34:31
 agreements, § 34:72
 customs duties, § 34:64 to 34:82
 employment taxes, § 34:78
 erroneous refund or credit of tax as affecting status for purpose of priorities, § 34:80
 excise taxes, § 34:79
 exclusions, § 34:73
 filing date, effect on taxes, § 34:68, 34:69
 income and gross receipts taxes, § 34:67 to 34:73
 liens, § 34:119 to 34:124
 liquidation, § 34:119 to 34:124
 priorities, generally, § 34:28 to 34:31, 34:64 to 34:82
 property taxes, § 34:74, 34:75
 Refund (this index)
 sales taxes, § 34:77

TAXATION—Cont'd

Distribution—Cont'd
 stay of limitations period for assessment, § 34:71
 unassessed taxes, § 34:70 to 34:73
 water and sewer rents, § 34:75
 withholding taxes, § 34:76
 Earnings and income
 generally, § 3:22, 3:49, 3:50, 3:83
 automatic stay, § 16:40, 16:69, 16:73
 discharge of indebtedness, income from. Tax Treatment of Debt Discharge (this index)
 gross receipts taxes and income, § 34:67 to 34:73
 Election or option
 basis adjustments, § 3:23
 new loss corporation, election not to have bankruptcy exception apply, § 3:57
 taxable year of estate, § 3:32
 Employment Taxes (this index)
 Employment tax priorities, § 35:85
 Evasion of Tax (this index)
 Excise Taxes (this index)
 Excise tax priorities, § 35:83, 35:84
 Exclusions, § 34:73
 Exemptions
 generally, § 3:36, 13:24
 business and administrative expenses, § 3:37
 personal exemptions, § 3:34, 3:36
 reduction of tax attribute, § 3:30
 taxable year, § 3:32, 3:34
 Expenses. Fees and costs, below
 Extensions of time, § 3:74, 3:84
 Family farmer debt adjustment plans, § 33:9

INDEX

TAXATION—Cont'd

Family Farmer or Fisher Debt Adjustment (this index)
Family or Relatives (this index)
Federal unemployment tax credits, § 3:82
Fees and costs
 administrative expenses, above
 Capital Expenditures (this index)
Fees and debts distinguished, § 35:76
Filing returns. Returns, below
Fines and Penalties (this index)
Foreign Taxes (this index)
Fraud and Deceit (this index)
Fuel use tax, proof of claim regarding, § 22:22
Gains or Losses (this index)
Gift taxes, extension of time to pay, § 3:84
Government agencies, § 6:85
Gross income
 generally, § 3:29, 3:35
 Tax Treatment of Discharge (this index)
Gross receipts tax priorities, § 35:80
Gross Receipts Tax (this index)
Husband and Wife (this index)
Identification number, privacy considerations regarding, § 1:78
Income. Earnings and income, above
Income tax priorities, § 35:80
Income tax return of debtor provided to trustee, § 3:5
Individual Debt Adjustment Plans (this index)
Individual Debt Adjustment (this index)
Individual debtor's tax liability, § 3:40, 3:41
Injunctions, § 3:62, 3:79

TAXATION—Cont'd

Interest on money, § 3:55, 3:63
Interest (this index)
Internal Revenue Service (this index)
International Fuel Tax Agreement, proof of claim regarding, § 22:22
Intervention in tax court, § 3:67
Inventory, § 3:3, 3:23, 3:26
Investments, § 3:18, 3:21, 3:37, 3:39
Investment Tax Credit (this index)
Involuntary bankruptcy, § 3:58, 3:72
Joint Tax Returns (this index)
Judgments, § 3:20, 3:74 to 3:76
Judicial Code (28 USCA), § 1:17
Judicial determination of tax liability, § 3:74 to 3:76
Jurisdiction
 generally, § 3:74 to 3:76
 core proceedings, § 7:84
 declaratory judgment, § 7:179
Liens. Tax Liens (this index)
Limitations period for assessment, § 3:78, 34:71
Liquidation (this index)
Loss corporations, § 3:50 to 3:59
Loss or deficiency
 assessment, § 3:77
 automatic stay, § 3:78
 corporate earnings and profits, § 3:83
 extension of payment time, § 3:84
 net operating loss deduction, § 3:39, 3:42
Modification. Changes, above
Municipal Debt Adjustment (this index)
Net operating loss deduction, § 3:39, 3:42
Nondebtor taxpayers, § 3:75

TAXATION—Cont'd

- Notice
 - automatic stay, § **3:78**
 - trustees, § **3:65**
 - withholding taxes, § **3:62**
- Operating reports, § **3:68**
- Operation of business, § **15:4, 15:13, 15:20**
- Options. Election or option, above
- Partnership (this index)
- Payment
 - extension of payment time, § **3:84**
 - repayment, § **3:19**
 - separate taxable bankruptcy estate, § **3:35**
 - withholding taxes, § **3:63**
- Payroll withholding taxes. Withholding Taxes (this index)
- Penalties, priorities, § **35:87**
- Periodic reports, § **3:68, 3:70**
- Personal exemptions, § **3:34, 3:36**
- Personal holding companies, § **3:81**
- Petitions, contested prepetition determination by competent tribunal, § **3:76**
- Postpetition sale of farmland not attributable to estate, taxes arising from, § **33:8**
- Postpetition taxes, § **34:31**
- Preferences and preferential transfers, § **18:135, 18:136**
- Priorities
 - generally, § **35:78 et seq.**
 - administrative expenses, § **34:28 to 34:31**
 - agreements, § **34:72**
 - distribution, § **34:28 to 34:31, 34:64 to 34:82**
 - employment taxes, § **34:78**
 - erroneous tax refund or credit, § **34:80**
 - excise taxes, § **34:79**
 - exclusions, § **34:73**

TAXATION—Cont'd

- Priorities—Cont'd
 - filing date, effect on taxes, § **34:68, 34:69**
 - income and gross receipts taxes, § **34:67 to 34:73**
 - interest on money, § **34:31, 34:81**
 - property taxes, § **34:74, 34:75, 35:81**
 - sales taxes, § **34:77**
 - stay of limitations period for assessment, § **34:71**
 - unassessed taxes, § **34:70 to 34:73**
 - water and sewer rents, § **34:75**
 - withholding, § **34:76**
 - withholding taxes, § **34:77**
- Proof of claim regarding fuel tax, § **22:22**
- Proof of Claim (this index)
- Property Taxes (this index)
- Property tax priorities, § **35:81**
- Quickie Refund (this index)
- Real property. Property Taxes (this index)
- Recapture (this index)
- Reductions
 - Carryover or Carryback (this index)
 - tax treatment of discharge, § **3:20, 3:30**
- Refund (this index)
- Reorganization Plans (this index)
- Reorganization (this index)
- Reports, § **3:68, 3:70**
- Request for prompt tax determination by IRS, § **3:66**
- Returns
 - basis adjustment, § **3:23**
 - computation of tax, § **3:35**
 - confidentiality, § **3:6, 3:72**
 - copies
 - creditor's right to receive, § **6:39**

INDEX

TAXATION—Cont'd

Returns—Cont'd
copies—Cont'd
debtor's providing of copy to court and trustee, § 6:21
deductions and exemptions, § 3:36
demanded, automatic stay exception, § 3:78
family farmer debt adjustment, measure of gross income, § 1:51
filing
generally, § 3:71, 5:47
trustees, below
2005 amendments, § 3:5
individual debtor's liability, § 3:40
joint or co-ownership interests, § 12:83
Joint Tax Returns (this index)
separate taxable bankruptcy estate, § 3:32, 3:35, 3:36, 3:40
small business debtors, duties and reporting requirements of, § 6:25
state and local taxes, § 3:5, 3:70
taxable year, § 3:32, 3:34
Tax Court (this index)
Revocation, § 3:23, 3:32
Sales Tax (this index)
S corporations, § 3:9, 3:15
Securities (this index)
Separate taxable bankruptcy estate
generally, § 3:31 to 3:44
annualization of income, § 3:34
bifurcation of tax year, § 3:33
business and administrative expenses, § 3:37
Carryover or Carryback (this index)
computation and payment, § 3:35
corporations, § 3:27, 3:28, 3:34

TAXATION—Cont'd

Separate taxable bankruptcy estate—Cont'd
creation, § 3:27, 3:28
Credits Against Taxes (this index)
Deductions From Taxes (this index)
dismissal of case, § 3:29
distributable net income, § 3:38
exemptions, § 3:36
husband and wife, § 3:32, 3:35, 3:36, 3:40, 3:41
individual debt adjustment, § 3:27, 3:28
individual debtor's tax liability, § 3:40, 3:41
Liquidation (this index)
partnership, § 3:27, 3:28
reduction of tax attributes, § 3:30
reorganization, § 3:27, 3:29, 3:30, 3:43, 3:44
returns, § 3:32, 3:35, 3:36, 3:40
sale or transfer, § 3:31, 3:36, 3:43, 3:44
state and local taxes, § 3:28
taxable year, § 3:32 to 3:34
Sewer rents, § 34:75
Sovereign immunity abrogated, § 6:78
State and Local Taxes (this index)
Statute of Limitations (this index)
Stays
Automatic Stay (this index)
distribution, limitations period for assessment, § 34:71
injunctions, § 3:62, 3:79
penalties, § 3:62
Subrogation rights of codebtor or surety, § 35:77
Successors or succession
generally, § 3:10
carryover or carryback, § 3:50
trustee's duties, § 3:66

TAXATION—Cont'd

- Surplus of estate transferred, § **3:44**
- Taxable year, § **3:32, 3:34**
- Tax Court (this index)
- Taxpayer identification number, privacy considerations regarding, § **1:78**
- Tax returns. Returns, above
- Tax Treatment of Discharge (this index)
- Termination
 - cancellation, § **3:11, 3:12, 3:18, 3:23, 3:32**
 - revocation, § **3:23, 3:32**
 - transfers, § **3:31, 3:44**
- Time or date
 - basis adjustment, § **3:24**
 - carryover or carryback, § **3:56**
 - extensions of time, § **3:74, 3:84**
 - judicial determination of tax liability, § **3:74**
 - payroll withholding taxes, § **3:62**
 - Statute of Limitations (this index)
- Trustees
 - generally, § **3:2, 3:65 to 3:73**
 - appointment of trustee, § **5:30**
 - confidentiality, § **3:72**
 - family farmer debt adjustment, § **3:68, 3:71, 5:76**
 - intervention in tax court, § **3:67**
 - judicial determination of tax liability, § **3:74**
 - liquidation, § **3:65 to 3:70, 5:62**
 - notices, § **3:65**
 - property of estate, § **3:73**
 - Reorganization (this index)
 - reports, § **3:68, 3:70**
 - request for prompt tax determination by IRS, § **3:66**
 - state and local taxes, § **3:70, 3:71**
 - tax court, § **3:67, 3:69**

TAXATION—Cont'd

- Trustees—Cont'd
 - transferee liability, § **3:69**
 - United States trustees, below withholding taxes, § **3:64, 3:70, 3:73**
- Trust Fund Taxes (this index)
- Trust fund tax priorities, § **35:82, 35:84**
- Turnover of property
 - individual debtor's providing of return, § **14:16**
 - withholding of taxes, § **14:13, 14:42, 14:43, 14:51**
- 2005 amendments, § **3:4 to 3:6**
- Unassessed taxes, § **34:70 to 34:73**
- United States trustees
 - generally, § **4:63**
 - notices, § **3:65**
 - operating reports, § **3:68**
- Voluntary bankruptcy, § **8:5, 8:37, 8:40**
- Water and sewer rents, § **34:75**
- Withholding Taxes (this index)

TAX COURT

- Assessment, § **3:77, 3:78**
- Automatic stay of proceedings, § **16:42**
- Judicial determination of tax liability, § **3:74**
- Trustees, § **3:67, 3:69**

TAX EVASION

- Evasion of Tax (this index)

TAX IDENTIFICATION NUMBER

- Captions, § **1:76**
- Debtor's notice to creditor to contain, § **6:6**

TAXI FARES

- Reimbursement, § **2:85**

INDEX

TAX LIENS

- Avoidance, § 17:29, 17:37, 17:59
- Distribution, effect on, § 34:119 to 34:124
- Liquidation (this index)
- Use, sale, or lease of property, § 15:24, 15:29

TAXPAYER IDENTIFICATION NUMBER

- Captions, § 1:76
- Debtor's notice to creditor to contain, § 6:6

TAX REFUND

- Refund (this index)

TAX RETURNS

- Taxation (this index)

TAX TREATMENT OF DISCHARGE

- Generally, § 3:7 to 3:26
- Adjustments. Basis adjustments, below
- Basis adjustments
 - generally, § 3:20 to 3:26
 - carryovers, manner of reduction, § 3:21
 - cash basis stockholder contributing to accrual basis corporation, § 3:16
 - credits against taxes, § 3:20, 3:21
 - recapture, § 3:25, 3:26
 - S corporations, § 3:15
 - state and local taxes, § 3:10
 - unamortized premium or discount on canceled debt, § 3:12
- Canceled debt, § 3:12
- Capital, § 3:14 to 3:16
- Carryover or carryback, § 3:20, 3:21, 3:24
- Cash basis stockholder contributing to accrual basis corporation, § 3:16

TAX TREATMENT OF

DISCHARGE—Cont'd

- Corporations, § 3:16, 3:18
- Credits against taxes, § 3:20, 3:21
- Depreciation and depreciable property, § 3:20, 3:22 to 3:26
- Discount on canceled debt, § 3:12
- Effective date of basis adjustment, § 3:24
- Election to adjust basis, § 3:23
- Exclusions from gross income.
 - Gross income exclusions, below
 - Gross income exclusions generally, § 3:7 to 3:19
 - capital contribution, § 3:14 to 3:16
 - cash basis stockholder contributing to accrual basis corporation, § 3:16
 - income as not realized to extent of last deduction, § 3:11
 - partnership indebtedness discharge, § 3:8
 - real estate investment trusts, § 3:18
 - related person incurring debt, § 3:13
 - S corporations, § 3:9, 3:15
 - state and local taxes, § 3:10
 - stock-for-debt exchange, § 3:17
 - student loan indebtedness discharge, § 3:19
 - unamortized premium or discount on canceled debt, § 3:12
- Order of court, § 3:20
- Partnership indebtedness discharge, § 3:8
- Premiums, § 3:12
- Property taxes, § 3:3, 3:18, 3:24
- Real estate investment trusts, § 3:18
- Recapture, § 3:25, 3:26

TAX TREATMENT OF

DISCHARGE—Cont'd

- Reduction. Basis adjustments, above
- Related person incurring debt, § 3:13
- S corporations, § 3:9, 3:15
- State and local taxes, § 3:10
- Stock, § 3:17, 3:26
- Student loan indebtedness discharge, § 3:19
- Unamortized premium or discount on canceled debt, § 3:12

TEETH

- Armed forces dental officers, discharge, effect on special pay, § 1:18
- Automatic stay, dental insurance, § 16:63

TELEPHONES

- Allowance of claims or interest, § 24:56
- Automatic stay, § 16:31
- Fees, § 2:84
- Involuntary bankruptcy, § 9:44

TELEVISION

- Allowance of claims or interest, § 24:26
- Executory contracts and unexpired leases, § 20:24
- Exemption of TV sets, § 13:159

TEMPORARY PROCEEDINGS OR MATTERS

- Generally. See topics beginning with Interim
- Executory contracts and unexpired leases, § 20:126

TEMPORARY RESTRAINING ORDERS

- Injunctions (this index)

TEMPORARY SERVICE

- Judges, § 4:18

TEMPORARY SERVICE

—Cont'd

- United States trustees, § 4:73

TENANCY BY ENTIRETY

- Closing and reopening cases, § 36:21
- Exemption for homestead, § 13:67, 13:68
- Fraudulent transfers and concealment of assets, § 19:69
- Homestead exemption, § 13:67, 13:68
- Joint or co-ownership interests, § 12:17
- Use, sale, or lease of property, § 15:54

TENNESSEE

- Opt-out provision, § 13:6, 13:30

TENURE

- Judges, § 7:130, 7:143

TERMINATION

- Adequate protection, automatic stay, § 21:6
- Allowance of Claims or Interests (this index)
- Appeals, § 37:4
- Automatic Stay (this index)
- Closing and Reopening Cases (this index)
- Conversion or Dismissal (this index)
- Early Termination of Case (this index)
- Executory contracts and unexpired leases, § 19:9, 20:10 to 20:12
- Family Farmer or Fisher Debt Adjustment (this index)
- Fraudulent Transfers and Concealment of Assets (this index)
- Individual debt adjustment plans, § 30:11
- Judges (this index)
- Leases (this index)

INDEX

TERMINATION—Cont'd

- Railroad reorganization, § 12:137
- Removal (this index)
- Reorganization (this index)
- Rescission or Cancellation (this index)
- Resignation (this index)
- Revocation (this index)
- Service
 - examiners, § 11:83
 - railroad reorganization, § 12:137
 - trustees, § 5:84, 5:86, 11:83
- Severance Pay (this index)
- Taxation (this index)
- Trustees (this index)
- Use, sale, or lease of property, forfeiture or ipso facto clauses, § 15:31

TERM OF OFFICE

- Generally, § 4:16
- Bankruptcy judges, § 4:16, 7:44
- United States trustees and assistants, § 4:70

TERRITORIES

- District judges, § 4:17
- Guam, jurisdiction of district court of, § 1:18
- Virgin Islands, opt-out provision, § 13:7

TESTAMENTARY TRUSTS

- After-acquired property, § 12:52

TESTIMONY

- Witnesses (this index)

TEXAS

- Opt-out provision, § 13:7

THANKSGIVING DAY

- Clerks, § 4:43

THEFT

- Larceny and Theft (this index)

THIRD PERSONS OR PARTIES

- Adequate Protection (this index)
 - Attorneys' Fees (this index)
 - Avoidance, trustee's power as to property held in constructive trust, § 17:22
 - Causes of action, § 12:25
 - Closing and reopening cases, § 36:28
 - Complaint, § 2:119
 - Debtor in possession, § 5:106, 5:111
 - Discharge (this index)
 - Examination under Rule 2004, § 10:35
 - Examination under Rule 2004 (this index)
 - Fraudulent Transfers and Concealment of Assets (this index)
 - Interested Persons or Parties (this index)
 - Interpleader (this index)
 - Intervention (this index)
 - Involuntary bankruptcy, § 9:39
 - Preferences and preferential transfers, non-earmarked funds of third parties, § 18:13, 18:14
 - Property of estate, § 12:5
 - Records kept by, debtor discharge denials, § 35:15
 - Setoffs of transferred claims, § 25:32
 - Trusts, § 12:20, 12:21
 - Turnover of Property (this index)
- ### TIME OR DATE
- Abandonment of Property of Estate (this index)
 - Abstention, § 7:21, 7:24 to 7:26
 - Adequate Protection (this index)
 - Adjournment (this index)
 - After-acquired property, § 12:50 to 12:70
 - Allowance of Claims or Interests (this index)

TIME OR DATE—Cont'd

Antecedent debt, preferences,
§ 18:17 to 18:20
 Appeals (this index)
 Attorneys' fees, disclosure state-
 ment, **§ 2:63**
 Automatic Stay (this index)
 Avoidance (this index)
 BAPCPA extension of time debtor
 must live in state before
 being able to claim its
 exemptions, **§ 13:10**
 Birth date, privacy considerations
 regarding, **§ 1:78**
 Clerk of court, **§ 4:43, 4:48**
 Closing and reopening cases,
§ 36:1, 36:4, 36:6, 36:8,
36:30, 36:32
 Computation, generally, **§ 1:90 to**
1:92
 Concurrent Payment (this index)
 Conversion or Dismissal (this
 index)
 Court of Appeals, time for appeal,
§ 37:80
 Court sessions, **§ 4:9 to 4:11**
 Creditors' and equity security
 holders' committees, **§ 6:64,**
6:65
 Creditors' committees, **§ 6:44**
 Creditor's rights, generally, **§ 6:37**
to 6:40
 Delay or Laches (this index)
 Discharge (this index)
 Disclosure statement and plan or
 soliciting plan acceptances,
 status conference order set-
 ting date for filing, **§ 7:148**
 Distribution (this index)
 Dockets (this index)
 Effective Dates (this index)
 Equity security holders, **§ 6:60,**
6:61
 Executory Contracts and
 Unexpired Leases (this
 index)

TIME OR DATE—Cont'd

Exemptions (this index)
 Expedited Determination of
 Interests (this index)
 Extension of Time (this index)
 Family Farmer or Fisher Debt
 Adjustment Plans (this index)
 Family Farmer or Fisher Debt
 Adjustment (this index)
 Fraudulent Transfers and Conceal-
 ment of Assets (this index)
 Gap Period (this index)
 Indenture trustees, **§ 6:71**
 Individual Debt Adjustment Plans
 (this index)
 Involuntary Bankruptcy (this
 index)
 Liquidation (this index)
 Municipal Debt Adjustment Plans
 (this index)
 Operation of business, **§ 15:6,**
15:7
 Order or Approval of Court (this
 index)
 Petitions (this index)
 Preferences and Preferential
 Transfers (this index)
 Prepetition Matters (this index)
 Priorities (this index)
 Proof of Claim (this index)
 Property of Estate (this index)
 Reclamation (this index)
 Redemption (this index)
 Reduction of Time (this index)
 Reorganization Plans (this index)
 Reorganization (this index)
 Rules of Bankruptcy Procedure
 (this index)
 Sale or Transfer (this index)
 Securities (this index)
 Setoff or Offset (this index)
 Small business reorganization
 election and plan, filing of,
§ 26:56
 Statute of Limitations (this index)

INDEX

TIME OR DATE—Cont'd

- Stockbroker Liquidation (this index)
- Taxation (this index)
- Term of Office (this index)
- Tolling of Statute of Limitations (this index)
- Turnover of Property (this index)
- United States Trustees (this index)
- Use, Sale, or Lease of Property (this index)
- Utilities (this index)
- Voluntary Bankruptcy (this index)

TIME SHARE INTERESTS

- Generally, § 1:148
- Assumption, rejection, assignment of interests, § 20:62 to 20:69
- Executory contracts and unexpired leases, § 20:62 to 20:69
- Family farmer debt adjustment plans, § 33:18
- Setoffs, rejection power exercises by, § 25:24

TITHES

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

TITLE 11

- Governing Law, § 1:12

TITLE AND OWNERSHIP

- Automatic stay, § 16:53
- Avoidance, property subject to trustee's avoiding power, § 17:21
- Carryover or Carryback (this index)
- Closing and reopening cases, § 36:23
- Documents of Title (this index)
- Executory contracts, title placed in escrow, § 20:8
- Family farmer debt adjustment plans, § 33:13

TITLE AND OWNERSHIP

—Cont'd

- Joint or Co-Ownership Interests (this index)
- Liens and encumbrances, § 12:40
- Property of estate, § 12:124
- Trusts, § 12:18
- Turnover of property, § 14:21
- Voluntary bankruptcy, § 8:66

TITLE INSURANCE

- Size and nature of claim, § 23:22

TITLE OF CASE

- Captions (this index)

TOLLING OF STATUTE OF LIMITATIONS

- Automatic stay, § 16:9, 16:10
- Causes of action, § 12:25

TOOLS

- Avoidance of liens impairing exemptions, § 13:129
- Exemptions, § 13:78 to 13:82, 13:129, 13:160 to 13:163

TORTS

- Change of venue, § 7:198
- Injunctions, codefendants in tort actions, § 16:228
- Involuntary bankruptcy, § 9:19
- Jurisdiction, § 7:29, 7:45, 7:53, 7:173
- Jury trial, § 7:173
- Mass Tort Liability (this index)
- Personal Injury (this index)
- Proof of claim, § 22:6, 22:32, 22:56
- Referral of cases, § 7:45
- Reorganization plans, classification of trade creditors and tort claimants, § 26:39

TOTALITY OF CIRCUMSTANCES TEST

- Family farmer debt adjustment, § 1:54

TOTTEN TRUSTS

Trusts, § 12:23

TOWNS

Municipalities (this index)

TOXIC SUBSTANCES

CONTROL ACT

Automatic stay, § 16:93

TOXIC WASTES

Hazardous Wastes (this index)

TRACING

Fraudulent transfers, § 19:13

TRADE CLAIMS

Reorganization plans, claims classification, § 26:39

TRADE EXPENSES

Taxation, § 3:37

TRADEMARKS

Copyrights and Trademarks (this index)

TRADE NAME

Captions, § 1:76

TRADE SECRETS

Protective orders, generally, § 6:2

**TRAFFICKING IN
CARRYOVERS**

Taxation, § 3:51

TRAILERS

Mobile Homes (this index)

TRAINS

Railroads (this index)

TRANSCRIPTS

Clerk of court, § 4:55

Reference of cases, § 7:49

Voluntary bankruptcy, § 8:88

TRANSCRIPTS, ACADEMIC

Discriminatory treatment prohibited, § 6:31, 6:32

TRANSFER OF CASES

Removal or Transfer of Cases (this index)

TRANSFER OF CLAIM

Involuntary cases, § 9:27

Rules of Bankruptcy Procedure, § 22:23 to 22:26

TRANSFER OF PROPERTY

Sale or Transfer (this index)

TRANSFORMATION RULE

Exemptions, § 13:152

TRANSMISSION OF RECORD

Appeals, § 37:61, 37:62

**TRANSPORTATION
DEPARTMENT**

Generally, § 6:85

Transportation Secretary (this index)

**TRANSPORTATION
EQUIPMENT**

Automatic stay, § 16:122, 16:123

TRANSPORTATION INDUSTRY

Adequate protection, transportation equipment financiers, § 21:27

**TRANSPORTATION
SECRETARY**

Automatic stay, maritime foreclosure actions, § 16:124

Railroad reorganization, abandonment of line, § 1:134

United States trustees, § 4:95

TRAVEL

Allowance of claims or interest, § 24:77

Mileage (this index)

United States trustees, § 4:64, 4:95

INDEX

TREASURY SECRETARY

- Municipal debt adjustment plans, § 32:12
- Taxation, trustee's duties, § 3:65

TREATIES

- Ancillary and other cross-border cases under BAPCPA, § 33A:4

TRIAL

- Debtor in possession, § 5:114
- New Trial (this index)
- Rules of Bankruptcy Procedure (this index)

TRIANGULAR RELATIONSHIPS

- Setoff mutuality requirement, § 25:11

TRIPARTITE TRANSACTIONS

- Fraudulent Transfers and Concealment of Assets (this index)

TRUST DEEDS

- Mortgages and Deeds of Trust (this index)

TRUSTEES

- Generally, § 5:1 et seq., 12:71, 12:76
- Abandonment of Property of Estate (this index)
- Accountants (this index)
- Accounts and Accounting (this index)
- Adverse interests
 - generally, § 5:2, 5:4, 5:5
 - compensation, § 5:104
 - election of trustee, liquidation, § 5:16
 - eligibility or qualification to serve as trustee, § 5:4, 5:5
 - removal, § 5:81
- Allowance of Claims or Interests (this index)

TRUSTEES—Cont'd

- Ancillary and other cross-border cases under BAPCPA, § 33A:6
- Appeals
 - compensation of trustee or examiner, § 5:100
 - order appointing trustee, finality, § 37:8, 37:12
 - persons entitled to appeal, § 37:7
- Appointment
 - Debtor in Possession (this index)
 - eligibility or qualification to serve as trustee, below
 - family farmer debt adjustment, § 4:92, 5:1, 5:41, 5:42
 - Individual Debt Adjustment (this index)
 - interim trustees, § 5:1, 5:3, 5:13
 - jointly administered estates, § 5:45
 - Liquidation (this index)
 - municipal debt adjustment, § 5:1, 5:22, 5:72
 - new trustee. Successor Trustee (this index)
 - qualification. Eligibility or qualification to serve as trustee, below
 - railroad reorganization, § 5:1, 5:24
 - Reorganization (this index)
 - Standing Trustees (this index)
 - Successor Trustee (this index)
 - United States Trustees (this index)
- Appraisals and appraisers, § 5:51, 5:55
- Approval. Order or approval of court, below
- Assignment for benefit of creditors, turnover of property, § 1:132
- Attorney General (this index)

TRUSTEES—Cont'd

Attorneys' Fees (this index)
 Attorneys (this index)
 Auctions and Auctioneers (this index)
 Automatic preservation of avoided transfers, § **12:73**
 Automatic stay, § **3:67, 16:8, 16:9, 16:149**
 Avoidance (this index)
 Bonds and undertakings
 capacity to be sued, § **5:50**
 eligibility or qualification to serve as trustee, § **5:7 to 5:9**
 interim trustee, § **5:13**
 notice, § **5:6, 5:7**
 United States Trustees (this index)
 Capacity to be sued, § **5:1, 5:48 to 5:50**
 Cash. Money or cash, below
 Causes of action
 generally, § **12:26, 12:29, 12:30**
 collection of estate property, § **5:65**
 investigation of debtor by trustee, § **5:66**
 municipal debt adjustment, § **5:72**
 removal of trustee or examiner for, § **5:79 to 5:82**
 reorganization, appointment of trustee for cause, § **5:29 to 5:31**
 Chapter (b)7 cases. Liquidation (this index)
 Chapter 3 provisions, § **5:47 to 5:59**
 Chapter 9 cases. Municipal Debt Adjustment (this index)
 Chapter 11 cases. Reorganization (this index)
 Chapter 12 cases. Family Farmer Debt Adjustment (this index)

TRUSTEES—Cont'd

Chapter 13 cases. Individual Debt Adjustment (this index)
 Charges. Fees and charges, below
 Checklist for qualification, § **5:9**
 Checks
 appointment of trustee, § **5:31**
 stop payment, § **5:47**
 Claims
 Fee-Splitting (this index)
 impairment of, § **5:99**
 impairment of claims, § **5:95**
 proof of claim, below
 Clerk of court, § **4:54**
 Closing and reopening cases
 generally, § **36:1 to 36:7, 36:12, 36:27**
 appointment in reopened case, § **5:20**
 Collection of estate property, § **5:65**
 Collective bargaining agreement, § **5:73**
 Collusive sales, avoidance of, § **12:72**
 Commodity Broker Liquidation (this index)
 Compensation (this index)
 Concealment by trustee as crime, § **5:61**
 Conflicts of interest. Adverse interests, above
 Consent. Order or approval of court, below
 Contracts and Agreements (this index)
 Conversion of property, § **5:30**
 Conversion or Dismissal (this index)
 Cooperation with trustee by debtor, § **6:23, 6:26**
 Corporations (this index)
 Costs and expenses
 appointment of trustee, § **5:28**
 collusive sale, § **12:72**

INDEX

TRUSTEES—Cont'd

Costs and expenses—Cont'd
 Compensation (this index)
 domestic support obligations,
 § **34:17**
 reimbursement, § **2:94, 5:87,**
 5:88

Co-trustees. Multiple trustees,
 below

Creditors' and Equity Security
 Holders Committees (this
 index)

Creditors' Meetings (this index)

Crimes and offenses, § **5:61,**
 12:142, 12:145

Custodian, recovery of property
 held by, § **12:75**

Damages, § **5:51, 12:72**

Death (this index)

Debtor identification, request for,
 § **6:22**

Debtor in Possession (this index)

De facto trustee, § **5:7**

Definitions
 after notice and hearing, § **5:26**
 disinterested person, § **5:4**
 notice and hearing, § **5:87**

Delay or laches, § **5:80, 5:81**

Delivery of property held by
 custodian to trustee, § **12:75**

Deposits, § **5:54**

Direct payment, § **5:98, 5:99**

Discharge
 from office. Removal from
 office, below
 of debtor. Discharge (this index)

Disclosure
 appointment of trustee, § **5:23,**
 5:30
 eligibility or qualification to
 serve as trustee, § **5:5**

Disclosure statements, § **27:11,**
 27:13

Discrimination
 appointment, § **5:11, 5:12**

TRUSTEES—Cont'd

Discrimination—Cont'd
 plan payments, § **5:98**

Disinterestedness. Adverse
 interests, above

Dismissal. Conversion or Dis-
 missal (this index)

Distribution (this index)

Domestic support obligations,
 costs and expenses of
 administering assets to pay,
 § **34:17**

Duties and liabilities, generally,
 § **5:47 to 5:77**

Election or Vote (this index)

Eligibility of creditors to vote for
 trustee, § **5:15 to 5:17**

Eligibility or qualification to serve
 as trustee
 generally, § **5:3 to 5:11**
 adverse interests, § **5:4, 5:5**
 bond requirements, § **5:7 to 5:9**
 checklist, § **5:9**

Corporations (this index)
 disinterested requirement, § **5:4,**
 5:5

Family Farmer or Fisher Debt
 Adjustment (this index)
 liquidation, § **5:10**
 notice of rejection or accep-
 tance, § **5:6, 5:8**
 panels of trustees, § **5:10**
 reorganization, § **5:5**

Standing Trustees (this index)

United States Trustees (this
 index)

Embezzlement, § **5:61, 12:147**

Equity security holders, § **5:4,**
 5:15, 5:78

Examiners (this index)

Executory Contracts and
 Unexpired Leases (this
 index)

Exemptions (this index)

TRUSTEES—Cont'd

Family Farmer or Fisher Debt Adjustment Plans (this index)

Family Farmer or Fisher Debt Adjustment (this index)

Family or relative
 election of trustee, § **5:17**
 eligibility or qualification to serve as trustee, § **5:5, 5:10**

Family Farmer or Fisher Debt Adjustment (this index)
 judge's relatives, § **5:5**
 United States trustee's relatives, § **5:10**

Fees and charges
 Compensation (this index)
 fee application not representing compensable services, § **5:87**
 fee-splitting, § **5:103**
 plan payments made directly to creditors, below

Fiduciary duty, breach of, generally, § **5:105**

Filing, § **5:7, 5:15, 5:47, 22:19, 22:51**

Final report, § **36:4**

Fines and Penalties (this index)

Fixed liens, § **12:71, 12:73**

Forfeitures (this index)

Fraud and Deceit (this index)

Fraudulent Transfers and Concealment of Assets (this index)

Hearing. Notice, below

Husband and wife
 disinterested requirement, § **5:4**
 vacancy in office, § **5:46**

Immunity from liability, generally, § **5:51 to 5:53**

Impairment of claims, § **5:99**

Improper setoff, recovery of property as subject of avoided transfer, § **12:71**

Indenture Trustees (this index)

TRUSTEES—Cont'd

Individual Debt Adjustment Plans (this index)

Individual Debt Adjustment (this index)

Insiders
 disinterested requirement, § **5:4**
 election of trustee, § **5:17**

Insurance and Insurance Companies (this index)

Intention, debtor's statement of, § **8:84**

Interested persons or parties.
 Adverse interests, above

Interest on money, § **5:30**

Interim compensation, § **5:89**

Interim trustees
 appointment, § **5:1, 5:3, 5:13**
 compensation, § **5:88, 5:89, 5:101**
 election of trustee, § **5:14**
 eligibility and qualification,
 bond requirements, § **5:7**

Liquidation (this index)

powers and duties, generally, § **5:70**

removal of trustee for cause, § **5:82**

Rules of Bankruptcy Procedure (this index)

termination of interim trustee's services, § **5:84**

U. S. trustees, § **4:85, 4:87, 4:107, 5:13**

Inventory, generally, § **5:59**

Investigation of debtor by trustee, § **5:66**

Investments, powers of trustees, § **5:54**

Jointly administered estates, § **5:45**

Judges, § **4:27**

Judicial Code (28 USCA), § **1:17**

Leases (this index)

INDEX

TRUSTEES—Cont'd

- Liabilities and duties, generally, § 5:47 to 5:77, 15:47 to 15:75, 36:5
- Liens and Encumbrances (this index)
- Life Insurance (this index)
- Liquidation (this index)
- Loans or Credit (this index)
- Minimum compensation, § 5:90
- Misconduct. Removal from office, below
- Mismanagement (this index)
- Money or cash
 - compensation of trustee, § 5:93
 - duty to collect and reduce estate property to money, § 5:65
- Multiple trustees
 - bond, § 5:7
 - compensation, § 5:101
 - limitation on compensation, § 5:101
- Municipal Debt Adjustment (this index)
- Notice
 - appointment of trustee, § 5:29, 5:85
 - bonds and undertakings, § 5:6, 5:7
 - compensation of trustee, § 5:89, 5:104
 - defined, § 5:87
 - delivery of property held by custodian to trustee, § 12:75
 - election of trustee, § 5:34
 - individual debt adjustment, § 5:78
 - interim trustee, § 5:13
 - liquidation, trustee's powers and duties, § 5:62
 - rejection or acceptance of office, notice of, § 5:7
 - removal of trustee, § 5:79

TRUSTEES—Cont'd

- Notice—Cont'd
 - reorganization, trustee appointment, § 5:26
 - Rules of Bankruptcy Procedure, § 5:59
 - trustee eligibility and qualification, § 5:6, 5:8
 - U. S. trustees, § 4:101, 4:107
- Objections and exceptions
 - compensation of trustee, § 5:95
 - motion to dismiss, § 5:68, 11:43
- Operation of debtor's business generally, § 15:1 to 15:20
- Reorganization (this index)
- United States trustees, § 15:4, 15:11, 15:19
- Order or approval of court
 - appointment of trustee, § 5:23, 5:30, 5:85
 - compensation of trustee, § 5:105
 - jointly administered estates, § 5:45
 - personal liability, § 5:51
 - professionals, employment of, § 5:55
 - removal of trustee or examiner for cause, § 5:81
- Outside the plan. Plan payments made directly to creditors, below
- Panels
 - also see more specific lines in this topic
 - appointment or election of trustees, § 5:12
 - eligibility and qualification to serve as trustee, § 5:10
- Partnership
 - dismissal, standing of trustee to oppose motion for, § 5:68
 - election of trustee, § 5:15, 5:17
 - eligibility and qualifications of trustee, disinterested

TRUSTEES—Cont'd

- Partnership—Cont'd
 - requirement, § 5:4, 5:5
 - interim trustee appointment, § 5:13
 - panels of trustees, § 5:10
 - recovery of property from partner, § 12:76
 - standing trustees, § 5:11
 - tax returns, § 5:47
- Payment
 - direct payment, § 5:98, 5:99
 - fees and charges, above
 - individual debt adjustment, § 5:77
 - plan payments made directly to creditors, below
- Personal liability, generally, § 5:51 to 5:53, 15:51 to 15:58, 36:5
- Personal property leases, grace period for trustee's performance of debtor's obligations under unexpired, § 20:145
- Petition preparers, motion seeking damages, fees, costs or injunction, § 2:48
- Plan payments made directly to creditors
 - family farmer debt adjustment cases, § 5:98, 5:99, 33:30, 33:38, 33:56, 33:58
 - individual debt adjustment cases, § 5:95, 5:99, 30:8
- Postpetition Matters (this index)
- Powers, rights, duties, and liabilities, generally, § 5:47 to 5:77, 12:71 to 12:73
- Preferences and Preferential Transfers (this index)
- Preservation of avoided transfers, § 12:73
- Privileges and immunities, immunity from suit, § 5:51 to 5:53
- Professional Persons (this index)

TRUSTEES—Cont'd

- Proof of claim
 - examination by trustee, § 5:67
 - family farmer debt adjustment, § 5:76
 - filing, § 5:15, 22:19, 22:51
 - individual debt adjustment, § 5:77
- Liquidation (this index)
 - place of filing, § 22:35
- Property of estate
 - collection and reduction to money, § 5:65
 - compensation of trustee, § 5:106
 - debtor's surrender of, § 6:23
 - eminent danger, duty to protect public health and safety, § 12:141
 - implied power of abandonment, § 12:116, 12:140
 - indenture trustee, § 12:129
 - instigation of abandonment of property, § 12:116
 - interests recoverable by trustee, § 12:71 to 12:76
 - investigation, presence of hazardous wastes, § 12:141
 - investments, powers of trustees, § 5:54
 - joint administration, § 5:45
- Mismanagement (this index)
 - notice and hearing, § 12:125, 12:129
 - release from responsibilities for abandoned property, § 12:125
- Protective orders regarding confidential or defamatory matter, § 6:2
- Proxies, § 5:18, 5:34
- Purchase. Sale or Transfer (this index)
- Qualification. Eligibility or qualification to serve as trustee, above

INDEX

TRUSTEES—Cont'd

Quantum meruit, § 5:106
Railroad Reorganization (this index)
Records and reports
 appointment of trustees, § 5:30
 compensation of trustee, § 5:87
 debtor's surrender to trustee, § 6:23
 elections, § 5:19, 5:35, 5:36
 filing, § 5:7, 5:15, 5:47
 final report, § 36:4
 individual debt adjustment, § 5:77, 5:78
 interim trustee, § 5:13, 5:70
 personal liability of trustees, § 5:51
 Rules of Bankruptcy Procedure, § 5:59
 waiver of attorney-client privilege, § 5:56
Reimbursement, § 2:94, 5:87, 5:88
Removal from office
 adverse interests, § 5:81
 cause, removal of trustee or examiner for, § 5:79 to 5:82
 closing and reopening cases, § 36:1, 36:2, 36:7
 fraud and deceit, § 5:80
 notice and hearing, § 5:79
 resignation, § 4:95, 5:46
 substitution of successor trustee, § 5:46
 vacancy, United States trustees, § 4:73, 5:46
Reorganization Plans (this index)
Reorganization (this index)
Reports. Records and reports, above
Residence requirements, § 5:3, 5:4
Resignation, § 4:95, 5:46
Returned fees, excess payment to attorney, § 12:74

TRUSTEES—Cont'd

Rights, powers, and duties, § 5:47 to 5:77, 12:71 to 12:73
Rules of Bankruptcy Procedure (this index)
Sale or Transfer (this index)
Securities and Exchange Commission, § 6:86
Securities (this index)
Setoff or offset, § 12:71
Setoff or Offset (this index)
Several trustees. Multiple trustees, above
Sexual harassment, removal for cause, § 5:77, 5:81
Sovereign immunity abrogated, § 6:78
Standing Trustees (this index)
Statute of Limitations (this index)
Stockbroker Liquidation (this index)
Stock ownership, adverse interest, § 5:2
Strong arm clause, § 17:13 to 17:32
Substitution of successor trustee, § 5:46
Successor Trustee (this index)
Surety. Bonds and undertakings, above
Taxation (this index)
Tax returns, inspection and copying of debtor's federal, § 6:21
Termination
 conversion of case as terminating service of trustee, § 11:83
 family farmer debt adjustment, § 5:82, 5:86
 interim trustees, § 5:84
 removal from office, above
 United States Trustees (this index)
Title 18 provisions, § 5:62
Title 28 provisions, § 5:61

TRUSTEES—Cont'd

- Transfer. Sale or Transfer (this index)
- Turnover of Property (this index)
- United States Trustees (this index)
- Use, Sale, or Lease of Property (this index)
- Vacancy, U. S. trustees, § 4:73, 5:46
- Voluntary bankruptcy
 - indenture trustees, § 8:37, 8:77
 - intention, debtor's statement of, § 8:84
 - joint cases and joint plans, § 8:56
 - liquidation, § 8:38
 - lists, schedules, and statements, § 8:77, 8:79, 8:100
 - notice of order, § 8:41
 - United States Trustees (this index)
- Voting for trustee. Election or Vote (this index)
- Waiver of attorney-client privilege, § 5:56
- Words and phrases
 - after notice and hearing, § 5:26
 - disinterested person, § 5:4
 - notice and hearing, § 5:87

TRUST FUND TAXES

- Generally, § 3:59 to 3:62
- Automatic stay, § 16:40
- Discharge of indebtedness, § 3:18
- Property of estate, § 12:22
- Reorganization plan provisions for allocation of tax payments, § 26:32

TRUST INDENTURE ACT

- Reorganization plans, § 28:77

TRUSTS

- Generally, § 12:18 to 12:24
- After-acquired property, § 12:52

TRUSTS—Cont'd

- Anti-alienation clause, spendthrift trusts, § 12:24
- Automatic stay, § 16:53
- Beneficial interest in spendthrift trust, exclusion from bankruptcy estate, § 12:24
- Burden of proof, constructive trusts, § 12:20
- Business trusts, eligibility to file bankruptcy, § 1:48
- Commingling of funds, third party claims of constructive trust relationship, § 12:20, 12:21
- Constructive Trusts (this index)
- Creditors' and equity security holders' committees, § 6:46, 6:64
- Dissipation of trust fund, § 12:21
- Distribution of assets, non-statutory priority over creditors, constructive trusts, § 12:19
- Equitable interest in trust fund, inclusion in bankruptcy estate, § 12:18, 12:21, 12:23
- Equitable powers of court, existence of constructive trust relationship, § 12:20
- Evidence, existence of constructive trust relationship, § 12:20, 12:21
- Exclusion, commingled trust funds, § 12:21
- Ex mal cio trusts, § 35:141
- Express trusts, § 35:139
- Family farmer debt adjustment, filing of reports and summaries, § 12:22
- Federal withholding taxes, funds withheld from employee's wages for, § 12:22
- Fiduciaries, prohibition from use of trust property for own benefit, § 12:18
- Filing, reports and summaries of amount of deduction for taxes

INDEX

TRUSTS—Cont'd

- withheld, § 12:22
- Fraudulent Transfers and Concealment of Assets (this index)
- Identification of trust fund, third party claims of constructive trust relationship, § 12:20
- Indenture trustees, § 6:72
- Individual debt adjustment, filing reports and summaries, § 12:22
- Internal Revenue Service, funds withheld from employee's wages as held in trust for, § 12:22
- Involuntary bankruptcy, § 9:10
- Land trusts, eligibility for bankruptcy, § 1:38
- Legal and equitable interest in property, Totten trust, § 12:23
- Lowest intermediate balance test, determination of exclusion of commingled trust funds, § 12:21
- Non-statutory priority over creditors in distribution of assets, constructive trusts, § 12:19
- Preferences and preferential transfers, tax payments from funds held in trust, § 18:136
- Real estate investment trusts, § 3:18
- Reorganization plan involving transfer of property by non-business corporation or trust, confirmation of, § 28:19
- Restrictions and limitations, transfer of beneficial interest, § 12:24
- Spendthrift Trusts (this index)
- State trust law, § 35:140
- Taxes. Trust Fund Taxes (this index)
- Technical trusts, § 35:139
- Third party claims, constructive trust relationship, § 12:20, 12:21

TRUSTS—Cont'd

- Title of debtor to trust property, exclusion from bankruptcy estate, § 12:18
- Totten trusts, inclusion in bankruptcy estate, § 12:23
- Tracing of trust fund, third party claiming constructive trust relationship, § 12:20, 12:21
- Unsecured creditor, treatment of beneficiary for lack of proof of existence of constructive trust relationship, § 12:20
- Withdrawal of funds on deposit after commingling equitable interest in trust fund, § 12:21
- Withheld taxes as in trust for United States, § 12:22

TRUTH IN LENDING

- Exemptions, § 13:115

TRUTH IN LENDING ACT

- Credit card debt, discharge of, § 35:126
- Reaffirmation of debts, § 35:243

TUITION

- Individual debt adjustment plans, confirmation, § 31:50

TURNOVER OF PROPERTY

- Generally, § 1:132, 14:1 et seq.
- Abandonment of property, expedited procedures, § 14:85
- Accountability for property custodians, § 14:1, 14:63, 14:79
- third parties, § 14:31 to 14:44
- trustee or debtor in possession, § 14:12, 14:20, 14:21, 14:26
- Accountant-client privilege, § 14:53 to 14:56
- Accounts and accounting, § 1:132, 14:49, 14:82

TURNOVER OF PROPERTY

—Cont'd

- Address
 - change of debtor's address, § 14:16
 - persons holding money or property controlled by debtor, § 14:15
- Adequate protection of liens, § 14:37, 14:38, 14:56
- Adversary proceedings, core proceedings, § 14:79, 14:80
- Alter ego, turnover or property held by, § 14:39
- Armed services retirement benefits, exclusion from turnover, § 14:42
- Assignee for benefit of creditors, § 1:132, 14:78
- Attachment order, creditor in possession of property as custodian pursuant to, § 14:65
- Attorney-client privilege, § 14:54, 14:55
- Attorneys' fees, recovery of fees incurred to obtain turnover of property, § 14:33
- Automatic preservation of avoided transfer
 - generally, § 14:3 to 14:8
 - benefit of estate, transfer preserved for, § 14:4
 - costs and expenses, recovery from secured property, § 14:4, 14:9
 - exempted transfers, avoidance, § 14:3, 14:4
 - fixed statutory liens, avoidance, § 14:3
 - fraudulent petition transfers and obligations, avoidance of, § 14:3
 - inferiority of estate's interest to competing interests, § 14:6

TURNOVER OF PROPERTY

—Cont'd

- Automatic preservation of avoided transfer—Cont'd
 - junior lienholders, effect on, § 14:8
 - liens and encumbrances, § 14:3, 14:4, 14:7, 14:8
 - limitations, § 14:5, 14:9
 - marshaling of assets, doctrine of, § 14:7
 - postpetition transfers, avoidance of, § 14:3
 - preferences and preferential transfers, avoidance of, § 14:3
 - priority interests, § 14:4, 14:6
 - secured property, recovery of trustee's costs and expenses from, § 14:9
 - senior lienholders, effect on, § 14:7, 14:8
 - statutory liens, avoidance of fixed, § 14:3
 - strong-arm clause, avoidance by, § 14:4
 - transferee, priority interest, § 14:6
 - trustee or debtor in possession, § 14:3
 - unsecured creditors, priority of interests, § 14:4
 - voluntary transfer, exemption of property recovered by trustee, § 14:4
 - windfall upon avoidance of senior lien, prevention of junior lienholder's, § 14:8
- Banks
 - good-faith transfers or payments, § 14:19, 14:50, 14:60
 - statements of debtor's depository and investment accounts, filing of, § 14:16

INDEX

TURNOVER OF PROPERTY

—Cont'd

- Benefit of estate, transfer preserved for, § 14:4, 14:17
- Best interests of creditors, § 14:75 to 14:78
- Books, turnover of, § 14:13, 14:53, 14:89
- Building and loan associations, notice to, § 14:19
- Burden of proof, cause for failure to turnover property, § 14:14, 14:83
- Cash or cash equivalents, § 14:21, 14:38, 14:56
- Charge for value of property not turned over, § 14:17
- Checks honored postpetition, § 14:36
- Classification of documents, proof of possibility of self-incrimination, § 14:14
- Coercion, payment of one creditor before others, prevention of, § 14:53, 14:56
- Collection of property of estate, § 14:17, 14:82
- Comity, economical and expeditious administration of estate, § 14:11, 14:74
- Commencement of action generally, § 14:2, 14:13 notice to parties, § 14:19, 14:63, 14:68, 14:70
- Commingled security deposit, postpetition, turnover of, § 14:41
- Compensation
 - custodian, payment to, § 14:63, 14:73, 14:74
 - devaluation of lienholder's interests, § 14:4, 14:38, 14:56
- Complaint, filing, § 14:1, 14:63, 14:86

TURNOVER OF PROPERTY

—Cont'd

- Computer stored data, turnover of, § 14:13
- Constructive trust, turnover of partial, § 14:40
- Contempt, violation of turnover requirements, § 14:33, 14:84
- Contested matters, § 14:79
- Contingent debts, turnover of, § 14:34, 14:37, 14:48
- Conversion or dismissal, § 14:11, 14:27, 14:28
- Cooperation with trustee, § 14:16
- Core proceedings, § 7:62, 7:72, 7:88, 7:91 to 7:93, 14:79 to 14:82
- Corporations, fiduciary duty to deliver property, § 14:12, 14:27
- Costs and expenses
 - attorneys' fees, § 14:33
 - custodian reimbursement, § 14:1, 14:63, 14:73, 14:74
 - evidence of debtor's income and expenses, filing of evidence of, § 14:16
 - secured property, recovery from, § 14:4, 14:9
- Court authorization, § 14:37, 14:75 to 14:78
- Crimes, § 14:90
- Custodians
 - generally, § 14:63 to 14:67
 - accountability for property in possession or control, § 14:1, 14:63
 - assignment, benefit of debtor's creditors, § 14:78
 - attachment order, creditor in possession as custodian pursuant to, § 14:65
 - best interests of creditors, § 14:75 to 14:78

TURNOVER OF PROPERTY**—Cont'd**

- Custodians—Cont'd
 - comity, presumption of reasonableness, § **14:74**
 - compensation, § **14:63, 14:73, 14:74**
 - costs and expenses, § **14:1, 14:63, 14:73, 14:74**
 - court authorization, exemption from turnover provisions, § **14:75 to 14:78**
 - definition, § **14:64**
 - delivery of property of estate, § **14:1, 14:63, 14:70**
 - disbursement of property, prohibition against postpetition, § **14:68, 14:69**
 - divestment of authority to act, § **14:63**
 - duties, generally, § **14:68 to 14:71**
 - equitable interest in property, threshold element in turnover proceedings, § **14:67**
 - equity security holders, § **14:76, 14:77**
 - examination, administration of estate, § **14:79**
 - exclusion from turnover provisions, § **14:1, 14:32, 14:75 to 14:78**
 - hearing, § **14:71**
 - interim trustee, division of compensation between case trustee and, § **14:73**
 - itemization of services rendered, § **14:74**
 - legal interest in property, threshold element in turnover proceeding, § **14:67**
 - limitations, generally, § **14:68 to 14:71**
 - mismanagement by debtor, exception from turnover of

TURNOVER OF PROPERTY**—Cont'd**

- Custodians—Cont'd
 - property requirements, § **14:76**
 - nonbankruptcy custodianship, termination upon commencement of case, § **14:63**
 - notice, below
 - obligations to entities, § **14:72**
 - preservation of property of estate, § **14:1, 14:63, 14:68**
 - protections, § **14:1, 14:63, 14:72 to 14:78**
 - recorded information, turnover to estate, below
 - reports by, § **14:1, 14:63, 14:71**
 - retention of property, § **14:84**
 - services rendered, compensation, § **14:1, 14:63, 14:73, 14:74**
 - sovereign immunity abrogated, § **6:78**
 - surcharge, improper or excessive disbursement, § **14:1, 14:63, 14:69**
 - use, sale, or lease of property, generally, § **14:70, 14:71**
- Customer name securities, reduction to money, § **14:18**
- Damages, failure to surrender property to estate, § **14:12**
- Debtor in possession. Trustee or debtor in possession, below
- Default of turnover duty, accountability for value of property, § **14:12**
- Defense proceedings, § **14:2**
- Deficiency payment, recovery from nondebtor partner, § **14:10**
- Delivery of property of estate, § **14:26, 14:30 to 14:44, 14:63, 14:70**

INDEX

TURNOVER OF PROPERTY

—Cont'd

- Deposits, § 14:21, 14:87
- Devaluation of lienholders interest, § 14:4, 14:38, 14:56
- Disbursement of property of estate, § 14:1, 14:11, 14:63, 14:68, 14:69
- Discharge, withholding recorded information, § 14:89
- Dismissal or conversion, § 14:11, 14:27, 14:28
- Disposition of property, record of, § 14:22
- Dispute of debts, § 14:48, 14:81
- Divestment of power or authority, § 14:34, 14:63
- Document production, § 14:13, 14:14, 14:16, 14:21, 14:53, 14:89
- Economical and expeditious administration of estate, § 14:11, 14:17, 14:74, 14:85
- Employee stock ownership plan, turnover of earnings from, § 14:42
- Encumbrances. Liens and encumbrances, below
- Entity having custody, turnover of property to estate by, § 14:32
- Equitable interest in property, threshold element in turnover proceedings, § 14:67, 14:83
- Equity security holders, best interests of, § 14:76, 14:77
- Erroneous filing of papers, § 14:86
- Evidence, § 14:14, 14:83
- Examination, custodial administration of property, § 14:79
- Exceptions, turnover requirements, § 14:45, 14:47, 14:58 to 14:63, 14:76, 14:78
- Executory contracts and unexpired leases, expedited procedures, § 14:85

TURNOVER OF PROPERTY

—Cont'd

- Exemptions, § 14:3, 14:4, 14:29, 14:32, 14:75 to 14:78
- Expenses. Costs and expenses, above
- Family Farmer Debt Adjustment cases, § 14:12, 14:19, 14:20, 14:22, 14:23
- Farm Credit Act provision, ownership of stock to Farm Credit Association, § 14:44
- Federal questions, applicability of federal common law, § 14:54
- Fifth Amendment, effect, § 14:14
- Filing
 - complaints, motions, other papers, § 14:1, 14:63, 14:86
 - erroneous filing of papers, § 14:56
 - final report and account by interim trustee, § 14:26
 - inventory of property, § 14:16, 14:23, 14:24, 14:26
 - payment due as of date of petition, § 14:45
 - schedule of assets and liabilities, § 14:15
- Fines and penalties, § 14:90
- Fixed statutory liens, trustee avoidance of, § 14:3
- Foreign claims process, protection of U.S. claimholders from, § 14:11
- Form of action, adversary proceeding or contested matter, § 14:79
- Forwarding of redirected nonbusiness mail to debtor, § 14:57
- Fraudulent transfers or obligations, avoidance, § 14:3
- Fresh start, expeditious administration of estate, § 14:11
- Full faith and credit, § 14:87

TURNOVER OF PROPERTY

—Cont'd

- Good-faith transfers and payments, § **14:1, 14:19, 14:29, 14:50, 14:58 to 14:62**
- Governmental unit, assertion of claim against, § **14:32, 14:52**
- Government obligations, use of, § **14:87**
- Grain assets, expedited procedures for turnover, § **14:85**
- Immunity provisions, § **14:12, 14:52**
- Imprisonment, § **14:90**
- Income of debtor, filing of evidence of, § **14:16**
- Income tax refunds, turnover of, § **14:13, 14:43, 14:51**
- Inconsequential value or benefit to estate, property subject to turnover, § **14:35**
- Indemnity for deficiency recoverable from nondebtor partner, § **14:10**
- Individual debt adjustment cases, third parties, § **14:30, 14:37**
- Indubitable equivalent of lienholder's interests, § **14:38, 14:56, 14:62**
- Inferiority of interest to competing interests, § **14:6, 14:7**
- Insurance companies, § **14:19, 14:58, 14:62**
- Intangible property, applicability of turnover provisions, § **14:37**
- Interim trustee, § **14:26, 14:73**
- Internal Revenue Service, § **14:32, 14:37, 14:52**
- Inventory, preparation and filing, § **14:16, 14:23, 14:24, 14:26**
- Investment, money of estate, § **14:87**
- Itemization of services rendered, § **14:74**

TURNOVER OF PROPERTY

—Cont'd

- Junior lienholders, effect on, § **14:8**
- Jurisdiction, § **7:62, 7:72, 7:88, 7:91 to 7:93, 14:80**
- Laches and delay, preclusion of recovery of property, § **14:31**
- Landlord of debtor, notice to, § **14:19**
- Lease agreement, § **14:41**
- Legal interest in property, threshold element, § **14:67**
- Letters of credit, exclusion of transfers to beneficiary under, § **14:44**
- Liens and encumbrances
 - adequate protection, § **14:37, 14:38, 14:56**
 - automatic preservation of avoided transfers, § **14:3, 14:4, 14:7, 14:8**
 - compensation for devaluation of lienholder's interests, § **14:56**
 - recorded information, turnover to estate, § **14:56, 14:62**
 - third parties, § **14:37, 14:38, 14:56**
- Life insurance companies, § **14:62**
- Limitations, § **14:5, 14:9, 14:59, 14:68 to 14:71**
- Limited partnerships, liability for noncompliance, § **14:10**
- Liquidation (this index)
- Location of property and persons, § **14:15**
- Machine readable forms, § **14:13**
- Mail, redirection of, § **14:13, 14:57**
- Marshaling of assets, doctrine of, § **14:7**
- Maximization of value of estate, duty of, § **14:17**
- Mismanagement by debtor, exception to turnover of property, § **14:76**

INDEX

TURNOVER OF PROPERTY

—Cont'd

- Motions, location of filing, § **14:1, 14:34, 14:63, 14:79, 14:86**
- Names of persons holding money or property, duty to supply, § **14:15**
- Negotiable instruments, segregation of cash collateral, § **14:21**
- Nonbankruptcy custodianship, termination, § **14:63**
- Noncore proceedings, liability under state law, § **14:81, 14:82**
- Nondebtor
 - motion to compel turnover of property, § **14:10, 14:34, 14:79**
 - partnership as alter ego, § **14:39**
- Notice
 - administration of property, § **14:71**
 - commencement of case, § **14:19, 14:68, 14:70**
 - compensation for expenses and services rendered, § **14:73**
 - criminal acts, § **14:90**
 - custodial retention of property, § **14:84**
 - debtor's notice to creditors, effect of
 - 6:8
 - entities holding money or property, § **14:19**
 - exceptions to turnover provisions, § **14:63, 14:76, 14:78**
 - good faith transfers, § **14:58 to 14:62**
 - obligations to entities, protection of, § **14:72**
 - recorded information, turnover after hearing, § **14:53**
 - redirection of mail, § **14:57**

TURNOVER OF PROPERTY

—Cont'd

- Notice—Cont'd
 - self-incrimination privilege requirements, § **14:14**
 - surcharge, improper disbursement, § **14:69**
 - third party liability for value of property not delivered, § **14:30**
 - withholding information, § **14:89**
- Objections, redirection of mail, § **14:57**
- Obligations to entities, § **14:72**
- Offset, payment of debt that is property of estate, § **14:1, 14:45, 14:47, 14:60, 14:83**
- Orders, forms, § **14:79**
- Partnership trustee, rights against general partners, § **14:10**
- Payment of debts to estate
 - generally, § **14:45 to 14:52**
 - accounts receivable, applicability of turnover provisions, § **14:49**
 - bank, refusal of payment of checks presented postpetition, § **14:50**
 - contingent debts, § **14:48**
 - disputed debts, turnover of, § **14:48**
 - federal government, preclusion of monetary recovery from, § **14:52**
 - filing of petition, payment due as of date of, § **14:45**
 - governmental unit, defined, § **14:52**
 - income tax refunds, § **14:51**
 - Internal Revenue Service, subjection to turnover property, § **14:52**
 - postpetition offsets, creditor's retention of funds subject to, § **14:47**

TURNOVER OF PROPERTY**—Cont'd**

- Payment of debts to estate
 - Cont'd
 - reorganization, recovery of debt incurred during, § **14:46**
 - setoff of claim, exception to turnover provisions, § **14:45, 14:47**
 - state government, preclusion of monetary recovery from, § **14:52**
 - unliquidated debts, § **14:48**
 - waiver of sovereign immunity, § **14:52**
- Payor, protection limited to, § **14:59**
- Personal records, Fifth Amendment coverage, § **14:14**
- Petition preparer's excessive fees, § **2:61**
- Postal Service, authorization of redirection of mail, § **14:57**
- Postpetition matters
 - offsets, retention of funds subject to, § **14:47**
 - transfers, avoidance of, § **14:3, 14:29, 14:36, 14:59**
- Preferences and preferential transfers, avoidance, § **14:3, 14:11**
- Prepetition earnings or refunds, § **14:13, 14:43**
- Preponderance of evidence, bankruptcy crimes, § **14:89**
- Preservation of property by custodian, § **14:1, 14:63, 14:68**
- Priority of interests, § **14:4, 14:6**
- Production of documents, self-incrimination from, § **14:13, 14:14, 14:21, 14:53**
- Proof beyond reasonable doubt, bankruptcy crimes, § **14:89**
- Property subject to turnover, generally, § **14:34 to 14:44**

TURNOVER OF PROPERTY**—Cont'd**

- Protections, § **14:11, 14:59, 14:63, 14:72 to 14:78**
- Public utility company, notice to, § **14:19**
- Reasonable compensation, § **14:1, 14:63, 14:74**
- Receipts for money and property received, § **14:22**
- Reconversion, § **14:27**
- Recorded information
 - generally, § **14:12 to 14:14, 14:26, 14:29, 14:53 to 14:62**
 - accountant-client privilege, § **14:53 to 14:56**
 - adequate protection of liens, prerequisite to turnover, § **14:56**
 - attorney-client privilege, § **14:54, 14:55**
 - automatic premium loan by insurance company, exception to turnover, § **14:58, 14:62**
 - bank, refusal to pay checks presented postpetition, § **14:60**
 - books, § **14:53, 14:89**
 - cash or periodic cash payment, devaluation of lienholder's interest, § **14:56**
 - coercion, payment of debts ahead of other creditors, § **14:53, 14:56**
 - conversion of case, turnover to upon, § **14:27, 14:28**
 - custodians, reports by, § **14:1, 14:63, 14:71**
 - discharge, withholding information, § **14:89**
 - documents, § **14:53**
 - federal questions, applicability of federal common law, § **14:54**

INDEX

TURNOVER OF PROPERTY

—Cont'd

- Recorded information—Cont'd
 - forwarding nonbusiness mail to debtor, § 14:57
 - good-faith transactions, exception to turnover, § 14:62
 - insurance company, exception of automatic premium loan, § 14:58, 14:62
 - liens and encumbrances, § 14:56, 14:62
 - mail of debtor, redirection, § 14:57
 - notice and hearing, § 14:53
 - objections, redirection of mail, § 14:57
 - payor, protection limited to, § 14:59
 - Postal Service, authorization of mail redirection, § 14:57
 - postpetition transfers, avoidance, § 14:59
 - redirection of debtor's mail, § 14:57
 - setoff by bank, § 14:60
 - state questions, applicability of state law of provisions, § 14:54
 - third party appointment to receive mail, § 14:57
 - transferor, protection limited to, § 14:59
 - waiver, attorney-client privilege, § 14:55
- Redirection of debtor's mail, § 14:13, 14:57
- Reorganization cases
 - recovery of debts incurred during, § 14:46
 - trustee or debtor in possession, below
- Replacement lien, compensation for devaluation of lienholder's interests, § 14:4, 14:38, 14:56

TURNOVER OF PROPERTY

—Cont'd

- Reports. Recorded information, above
- Repossessed property, turnover of, § 14:37, 14:38
- Restricted securities, § 14:18
- Retirement benefits, turnover of, § 14:42
- Reverse piercing of corporate veil, § 14:39
- Rules of Bankruptcy Procedure (this index)
- Salary, turnover of, § 14:42
- Savings and loan associations, notice to, § 14:19
- Schedule of assets and liabilities, filing, § 14:15
- Secured property, recovery of costs and expenses from, § 14:9
- Securities, § 14:18, 14:21
- Segregation of cash collateral, § 14:21
- Seized property, turnover of, § 14:37, 14:38
- Self-incrimination, privilege against, § 14:12 to 14:14, 14:21, 14:53, 14:55
- Senior lienholders rights, § 14:7, 14:8
- Services rendered, compensation for, § 14:1, 14:63, 14:73, 14:74
- Setoff, § 14:1, 14:45, 14:47, 14:60, 14:83
- Show cause proceedings, § 14:84
- Sovereign immunity, § 6:78, 14:32, 14:52
- State questions, applicability of state law of provisions, § 14:54
- Statutory liens, avoidance of fixed, § 14:3
- Stockbroker liquidation, § 14:18
- Strong-arm clause, § 14:4

TURNOVER OF PROPERTY

—Cont'd

- Sua sponte invocation of expedited procedures, § **14:86**
- Surcharge, excessive disbursement of property by custodian, § **14:1, 14:63, 14:69**
- Surety bonds, use of government obligations instead of, § **14:87**
- Surrender of property of estate and recorded information to trustee, § **14:12 to 14:14**
- Tangible personal property, limitations, § **14:34**
- Taxes
 - individual debtor's providing of return, § **14:16**
 - withholding, § **14:13, 14:42, 14:43, 14:51**
- Testimony, classification of property as, § **14:14**
- Third parties
 - generally, § **14:12, 14:29 to 14:44**
 - accountability, § **14:31 to 14:44**
 - adequate protection of lienholders' rights, § **14:37, 14:38**
 - alter ego, turnover of property held by, § **14:39**
 - appointment to receive redirected mail of debtor, § **14:13, 14:57**
 - armed services retirement benefits, § **14:42**
 - attorneys' fees, recovery of fees incurred to obtain turnover of property, § **14:33**
 - cash or periodic cash payments, compensation for devaluation of lienholder's interests, § **14:38**
 - commingled security deposit, postpetition, turnover of, § **14:41**

TURNOVER OF PROPERTY

—Cont'd

- Third parties—Cont'd
 - constructive possession of property, § **14:32**
 - contempt, failure to deliver property, § **14:33**
 - contingent possessory interest in property, § **14:34, 14:37**
 - court authorized retention of property, § **14:32**
 - custodians, above
 - delivery of property to estate, § **14:30 to 14:44**
 - divestment of property, § **14:34**
 - employee stock ownership plan, turnover of earnings from, § **14:42**
 - entities subject to turnover duty, generally, § **14:32**
 - exemptible property, turnover, § **14:29**
 - Farm Credit Act provision, ownership of stock to Farm Credit Association, § **14:44**
 - good-faith transfers and payments, § **14:29**
 - governmental unit, defined, § **14:32**
 - income tax refund on prepetition earnings, § **14:43**
 - inconsequential value or benefit to estate, turnover of property of, § **14:35**
 - individual debt adjustment, § **14:30, 14:37**
 - indubitable equivalent of lienholders interest, § **14:38**
 - intangible property, § **14:37**
 - Internal Revenue Service, turnover by, § **14:32, 14:37**
 - laches and delay, preclusion of recovery of turnover of property, § **14:31**

INDEX

TURNOVER OF PROPERTY

—Cont'd

- Third parties—Cont'd
 - lease agreement, rights under, § 14:41
 - letters of credit, exclusion of monies transferred to beneficiary under, § 14:44
 - liability for property no longer in possession, § 14:32
 - liens and encumbrances, § 14:37, 14:38, 14:56
 - nondebtor assets, exclusion from property of estate, § 14:34
 - nondebtor partnership as alter ego, turnover of property on ground of, § 14:39
 - notice and knowledge, § 14:30
 - partial constructive trust, § 14:40
 - postpetition transfer of property, § 14:36
 - prepetition withheld taxes, § 14:43
 - property subject to turnover, generally, § 14:34 to 14:44
 - recorded information, § 14:57
 - redirected mail, appointment to receive, § 14:13, 14:57
 - replacement lien, compensation for devaluation of lienholder's interests, § 14:38
 - repossessed property, turnover of, § 14:37, 14:38
 - retirement benefits, turnover of, § 14:42
 - seized property, turnover of, § 14:37, 14:38
 - sovereign immunity, Internal Revenue Service exclusion from, § 14:32
 - tangible personal property, limitations, § 14:34

TURNOVER OF PROPERTY

—Cont'd

- Third parties—Cont'd
 - tax refunds and payments, turnover of, § 14:43
 - trust, turnover of property held in, § 14:40
 - use, sale, or lease of property, § 14:29, 14:31, 14:32, 14:34
 - voluntary transfers, exclusion from turnover, § 14:29, 14:36
 - wages, turnover of, § 14:42
 - waiver of sovereign immunity, § 14:32
 - withheld taxes or wages, turnover of, § 14:42
- Time or date
 - commencement of case, § 14:13
 - completion of expedited procedures, § 14:85
 - controversion of petition for ancillary case, § 14:11
 - duty of turnover, effective date, § 14:32
 - erroneous filing of papers, § 14:86
 - filing, above
 - stop payment on unpaid checks, § 14:88
 - transfer to custodian, § 14:70
- Title documents, segregation of cash collateral, § 14:21
- Transferee, priority interest, § 14:6
- Transferor, protection limited to, § 14:59
- Transfers by bank, applicability of exception of good-faith transfers or payments, § 14:60
- Trustee or debtor in possession
 - generally, § 1:132
 - accountability for property delivered, § 14:12, 14:20, 14:21, 14:26

TURNOVER OF PROPERTY

—Cont'd

- Trustee or debtor in possession
 - Cont'd
 - address, persons holding money or property, § 14:15
 - attorneys, turnover of property, § 14:27
 - automatic preservation of
 - avoided transfer, above
 - bank, notice to, § 14:19
 - books, turnover of, § 14:13
 - building and loan associations, notice of case, § 14:19
 - burden of proof, reasonable cause for fear of self-incrimination, § 14:14
 - cash or cash equivalents, segregation of cash collateral, § 14:21
 - cause of action beneficial to estate, § 14:17
 - charge for value of property not turned over, § 14:17
 - classification of documents, proof of self-incrimination possibility, § 14:14
 - collection of property of estate, § 14:17
 - computer stored data, turnover of, § 14:13
 - conversion of case, turnover of property to upon, § 14:27, 14:28
 - corporations, fiduciary duty to deliver property, § 14:12, 14:27
 - costs and expenses, recovery from secured property, § 14:9
 - customer name securities, exemption from reduction to money, § 14:18
 - damages, failure to surrender property to estate, § 14:12

TURNOVER OF PROPERTY

—Cont'd

- Trustee or debtor in possession
 - Cont'd
 - default of turnover duty, accountability for value of property, § 14:12
 - delivery of records and property to interim trustee, § 14:26
 - deposits, § 14:21
 - disposition of property, record of, § 14:22
 - documents, turnover of, § 14:13, 14:21
 - family farmer debt adjustment cases, § 14:12, 14:19, 14:20, 14:22, 14:23
 - Fifth Amendment, effect, § 14:14
 - filing, above
 - fixed statutory liens, avoidance, § 14:3
 - fraudulent transfers or obligations, avoidance, § 14:3
 - immunity provisions, § 14:12
 - income tax refunds, turnover, § 14:13
 - inferiority of interest to senior lienholder, § 14:7
 - insurance company, notice to, § 14:19
 - interim trustee, § 14:26
 - inventory, preparation and filing, § 14:16, 14:23, 14:24
 - landlord of debtor, notice to, § 14:19
 - liability for property no longer in possession, § 14:32
 - lien creditor and successor, § 14:3
 - location of property and persons, § 14:15
 - machine readable forms, turnover, § 14:13
 - mail, redirection of, § 14:13

INDEX

TURNOVER OF PROPERTY

—Cont'd

- Trustee or debtor in possession
 - Cont'd
 - maximization of value of estate, duty of, § 14:17
 - names, persons holding money or property, § 14:15
 - negotiable instruments, segregation of cash collateral, § 14:21
 - notice, above
 - personal records, applicability of Fifth Amendment, § 14:14
 - prepetition earnings and refunds, turnover of, § 14:13
 - priority interest, § 14:6
 - production of documents, self-incrimination from, § 14:14
 - public utility company, notice to, § 14:19
 - receipts for money and property, § 14:22
 - reconversion of case, turnover of property upon, § 14:27
 - redirection of mail, § 14:13
 - reorganization cases, § 14:12, 14:15, 14:16, 14:20, 14:23
 - savings and loan associations, notice to, § 14:19
 - securities, § 14:18, 14:21
 - segregation of cash collateral, § 14:21
 - self-incrimination, privilege against, § 14:12, 14:14
 - senior lienholder, assertion of rights, § 14:8
 - stockbroker liquidation, § 14:18
 - surrender of property to trustee, § 14:12 to 14:14
 - testimony, classification of property as, § 14:14

TURNOVER OF PROPERTY

—Cont'd

- Trustee or debtor in possession
 - Cont'd
 - title documents, segregation of cash collateral, § 14:21
 - United States trustee, supervision of administration of estate, § 14:23 to 14:25
 - use, sale, or lease of property by debtor, generally, § 14:21, 14:29, 14:31, 14:32, 14:34
 - voluntary transfer, exemption, § 14:4
 - waiver of debtor's privilege against self-incrimination, § 14:55
 - Unclaimed property, § 14:88
 - United States trustee, supervision of administration of case, § 14:23 to 14:25, 14:87
 - Unliquidated debts, scope of general turnover provisions, § 14:48
 - Unsecured creditors, priority of interests, § 14:4
 - Use, sale, or lease of property custodians, above
 - trustee or debtor in possession, above
 - Utilities, notice to, § 14:19
 - Venue, § 7:186
 - Voluntary transfers, § 14:1, 14:4, 14:29, 14:36
 - Wages, turnover of, § 14:42
 - Waiver of privileges, § 6:78, 14:32, 14:52, 14:55
 - Windfall upon avoidance of senior lien, prevention of junior lienholder's, § 14:8
 - Withholding of recorded information, denial of discharge for debtor's, § 14:89
- TWIST CAP**
- Letters of credit, § 18:11

2, 4, 6 CLAIMS

Unlisted and unscheduled debt
discharge exceptions,
§ 35:128

TYPE G REORGANIZATIONS

Taxation, § 3:46 to 3:49

UEA

Uniform Exemptions Act (this
index)

**UNAMORTIZED PREMIUM
AND DISCOUNT**

Amortization (this index)

UNCLAIMED PROPERTY

Chapter 9 or 11 cases, § 34:183,
34:186

Chapter 13 cases, § 34:198

Distribution, § 34:183, 34:186,
34:194, 34:198

Family farmer debt adjustment
proceedings, § 34:194

Individual debt adjustment,
§ 34:198

Municipal debt adjustment,
§ 34:183

Reorganization, § 34:186

Turnover of property, § 14:88

**UNDERCAPITALIZED
CORPORATE DEBTORS**

Subordination, § 34:104

UNDERSECURED CLAIMS

Individual debt adjustment, § 1:57

Valuation, § 1:155

UNDERTAKINGS

Bonds and Undertakings (this
index)

UNDERWRITER

Insurance and insurance
companies, § 12:32

Reorganization (this index)

UNEMPLOYMENT

COMPENSATION

Allowance of claims or interest,
§ 24:47

Exemptions, § 13:102, 13:107

Federal tax credits, § 3:82

Individual debt adjustment,
benefits as income, § 1:63

Lien for taxes, limitations on
trustee's avoiding power,
§ 17:59

UNEXPIRED LEASES

Executory Contracts and
Unexpired Leases (this
index)

UNFAIR LABOR PRACTICES

Creditors' committees, § 6:49

**UNIFORM COMMERCIAL
CODE**

Commercial Paper (this index)

Reclamation right, relation of
Bankruptcy Code and UCC
remedies, § 17:76

Secured and Unsecured Claims
(this index)

Size and nature of claim, § 23:35,
23:39

Warehouse receipts, proof of
claim, § 22:11

**UNIFORM FRAUDULENT
CONVEYANCE ACT**

Generally, § 19:91

**UNIFORM FRAUDULENT
TRANSFER ACT**

Generally, § 19:92

Preferential transfer, trustee as lien
creditor, § 18:99

**UNILATERAL TERMINATION
OR MODIFICATION**

Executory contracts and unexpired
leases, § 20:98

INDEX

UNIMPAIRED CREDITORS

- Municipal debt adjustment plans, § 1:158, 32:5
- Notice, Chapter 9 and 11 cases, § 1:158
- Reorganization, notice to unimpaired classes, § 1:158
- Reorganization Plans (this index)

UNINCORPORATED ASSOCIATIONS

- Eligibility to file bankruptcy, § 1:38
- Reorganization, § 1:46

UNIONS

- Credit Unions (this index)
- Labor Unions or Employees' Associations (this index)

UNIQUE CIRCUMSTANCES DOCTRINE

- Appeals, § 37:43

UNITED STATES

- Generally. Federal Government (this index)

UNITED STATES ATTORNEYS

- Immunity from criminal prosecution, § 6:3
- Voluntary bankruptcy, § 8:37

UNITED STATES SUPREME COURT

- Supreme Court of United States (this index)

UNITED STATES TAX COURT

- Tax Court (this index)

UNITED STATES TERRITORIES

- Territories (this index)

UNITED STATES TRUSTEES

- Generally, § 4:56 to 4:107
- Abandonment of property, notice, § 4:107
- Alabama, pilot project, § 4:60

UNITED STATES TRUSTEES

—Cont'd

- Appeals, § 4:107, 37:1
- Appearance, § 4:77
- Application for employment and compensation, § 4:79, 4:101, 4:103
- Appointment of creditors' committee, § 4:96
- Appointment of trustee or examiner
 - generally, § 4:70, 5:1, 5:37
 - bond requirements, § 5:7
 - checklist for qualifying as trustee, § 5:9
 - compensation of trustee or examiner, § 5:100
 - disinterested requirement, § 5:4, 5:5
 - eligibility and qualification, generally, § 5:3
 - family farmer debt adjustment proceedings, § 4:9
 - individual debt adjustment proceedings, § 4:92
 - interim trustee, § 5:13
 - liquidation proceedings, § 4:85, 4:86, 5:12
 - notice, § 4:101, 5:6
 - panels of trustees, § 5:10
 - reorganization, § 4:85, 4:95, 4:96, 5:5, 5:23, 5:85
 - standing trustees, § 5:11, 5:41, 5:44
 - supervision of cases, § 4:79
 - termination, below
- Assistants, § 4:72, 4:74, 4:75, 5:5
- Attorney General, § 4:56, 4:70, 4:89, 4:101, 4:103
- Authority to appear and be heard, § 4:77
- Blanket bonds, § 4:82
- Bonds and undertakings
 - generally, § 4:81 to 4:83, 5:7
 - blanket bonds, § 4:82

UNITED STATES TRUSTEES

—Cont'd

- Cash collateral, § **4:102**
- Chapter 7. Liquidation (this index)
- Chapter 11. Reorganization (this index)
- Chapter 12. Family Farmer Debt Adjustment (this index)
- Chapter 13. Individual Debt Adjustment (this index)
- Checklist for qualifying as trustee, § **5:9**
- Clerk of Court (this index)
- Close connections to U.S. trustee, employment of professional persons or agents with, § **2:43, 2:44, 2:112**
- Closing and reopening cases, § **36:4**
- Compensation
 - generally, § **4:72, 4:81, 4:107, 5:87, 5:97, 5:98, 5:100**
 - application for compensation, § **4:79, 4:103**
 - family farmer debt adjustment, § **4:90, 4:92**
 - Fund for United States Trustee System, § **4:63, 4:64, 4:67**
 - individual debt adjustment proceedings, § **4:90, 4:92**
 - notice and hearing, § **2:68, 4:101, 4:103**
- Compromise or settlement, notice, § **4:101, 4:107**
- Concealment of estate property, documents or accounts as crime, § **2:53**
- Confirmation of plan, § **4:95, 4:101, 4:104**
- Consumer privacy ombudsman, appointment of, § **6:92**
- Contracts, § **4:74**
- Conversion or dismissal
 - generally, § **4:106**
 - family farmer debt adjustment proceedings, § **4:93**

UNITED STATES TRUSTEES

—Cont'd

- Conversion or dismissal—Cont'd
 - fund for United States Trustee System, § **4:63, 4:65, 4:66**
 - individual debt adjustment proceedings, § **4:93**
 - liquidation, § **4:88, 4:93, 4:97**
 - notice and pleadings, § **4:101, 4:106**
 - reorganization proceedings, § **4:97**
- Copies, § **4:98, 4:99, 4:101 to 4:107**
- Costs. Fees and costs, below
- Credit, authority to obtain, § **4:101**
- Creditors' and equity security holders' committees, § **4:80, 4:94, 4:96, 4:99, 4:107, 6:68**
- Custodian, report, § **4:107**
- Date. Time and date, below
- Death, § **4:58, 4:86, 4:95**
- Debtor identification, request for, § **6:22**
- Discharge of indebtedness, § **4:88, 4:101, 4:105**
- Disclosure statements, § **4:94, 4:101, 4:104**
- Disinterested requirement, § **5:4, 5:5**
- Dismissal. Conversion or dismissal, above
- Disposition of property, notice, § **4:107**
- Disqualification, § **4:75, 4:86, 4:92, 4:95**
- Duty stations, § **4:71**
- Election of trustee, § **5:15, 5:34 to 5:36**
- Employment
 - generally, § **4:72, 4:74, 4:75, 4:79, 4:101, 4:103**
 - compensation, above
- Estate administrators, pilot project, § **4:58**

INDEX

UNITED STATES TRUSTEES

—Cont'd

- Examiners. Appointment of trustee or examiner, above
- Excess amounts, United States Trustee System Fund, § 4:68, 4:69
- Executory contracts and unexpired leases, § 4:107
- Ex parte contracts, § 4:74
- Expenses. Fees and costs, below
- Family and relatives, § 2:43, 2:44, 2:112
- Family Farmer or Fisher Debt Adjustment (this index)
- Fees and costs
 - generally, § 4:72
 - family farmer debt adjustment cases, § 4:90, 4:92
 - fund for United States Trustee System, § 4:63 to 4:67
 - individual debt adjustment cases, § 4:90, 4:92
 - supervision of cases, § 4:78
- Final account, § 4:100, 4:101, 4:106
- Fund for United States Trustee System
 - generally, § 4:63 to 4:69
 - compensation, § 4:63, 4:64, 4:67
 - conversion or dismissal, § 4:63, 4:65, 4:66
 - excess fund amounts, § 4:68, 4:69
 - family farmer debt adjustment, § 4:63, 4:65
 - individual debt adjustment, § 4:63, 4:65
 - liquidation, § 4:63, 4:65
 - quarterly fees, § 4:63, 4:66, 4:67
 - reorganization, § 4:63, 4:65 to 4:67
 - reports, § 4:69

UNITED STATES TRUSTEES

—Cont'd

- Fund for United States Trustee System—Cont'd
 - uses, § 4:64
- Guarantees, § 4:69, 4:81 to 4:83
- Hearings, § 4:101 to 4:104, 4:106, 4:107
- Incidents of office, generally, § 4:70 to 4:75
- Individual Debt Adjustment Plans (this index)
- Individual Debt Adjustment (this index)
- Information to be furnished to U. S. trustee, generally, § 4:98 to 4:107
- Interested party, generally, § 6:87
- Interim trustee, § 4:85, 4:87, 4:107, 5:13
- Inventories of property transmitted to, § 14:24
- Inventory, § 4:100, 14:24
- Involuntary bankruptcy, § 9:41, 15:11
- Judgment, notice, § 4:107
- Judicial Code (28 USCA), § 1:17
- Justice Department, § 4:61, 4:69, 4:70, 4:89
- Leases, § 4:64, 4:101, 4:107
- Liquidation (this index)
- Mail, notice by, § 1:82, 1:84, 1:85
- Meeting of creditors
 - convening of, § 4:80
 - examination of debtor at, § 4:80
- Monitoring plans, § 4:91
- Nationwide system, pilot project, § 4:59
- North Carolina, pilot project, § 4:60
- Notice
 - generally, § 1:82, 1:84, 1:85, 4:82, 4:98, 4:101 to 4:107, 5:6
 - appeal, § 4:107

UNITED STATES TRUSTEES

—Cont'd

Notice—Cont'd
 application for employment and compensation, § **4:102, 4:103**
 compensation, § **4:101, 4:103**
 conversion or dismissal, § **4:101, 4:106**
 discharge, § **4:101, 4:105**
 liquidation, § **4:82**
 manner of transmittal, § **4:102**
 miscellaneous matters, § **4:107**
 plans and disclosure statements, § **4:101, 4:104**
 reorganization, § **4:95**
 selection notice, § **5:6**
 time and date, § **4:101 to 4:107**
 Oath of office, § **4:70, 4:80**
 Objections, § **4:83, 4:101 to 4:106**
 Operation of business, § **15:4, 15:11, 15:19**
 Operations reports, § **4:100**
 Order for relief, § **4:101**
 Order or approval of court, § **4:83, 4:101 to 4:107**
 Panels of trustees, § **5:10**
 Patient care ombudsman, appointment of, § **6:93**
 Petition of bankruptcy, § **4:99**
 Petition preparers, motion seeking damages, fees, costs or injunction, § **2:48**
 Pilot program
 generally, § **4:56 to 4:62**
 estate administrators, § **4:58**
 governing provisions, § **4:62**
 Justice Department, § **4:61**
 nationwide system, § **4:59**
 opt-in for North Carolina and Alabama, § **4:60**
 phase-in, § **4:59**
 term of office, § **4:70**
 Plans, § **4:101, 4:104, 26:59**
 Pleadings, § **4:101 to 4:107**

UNITED STATES TRUSTEES

—Cont'd

Powers and duties, generally, § **4:76 to 4:97**
 Professional persons, employment of, § **2:24, 2:36, 2:68, 4:79, 4:101, 4:103**
 Proxies, § **4:107**
 Quarterly fees, § **4:63, 4:66, 4:67, 34:39**
 Railroad reorganizations, § **4:65, 4:95**
 Records and reports, § **4:69, 4:100**
 Reimbursement, § **4:90, 4:101, 4:103**
 Relatives, employment of professional persons or agents, § **2:43, 2:44, 2:112**
 Removal from office
 generally, § **4:75, 4:86, 4:88**
 dismissal from office, § **4:93, 4:97**
 ex parte contracts, § **4:74**
 individual or family farmer debt adjustment, § **4:93**
 liquidation, § **4:86, 4:88**
 reorganization, § **4:97**
 Reorganization (this index)
 Rules of Bankruptcy Procedure (this index)
 Sales and transfers, § **4:101, 4:107**
 Service as trustee, § **4:81, 4:87, 4:92**
 Standing trustees, § **4:63, 4:68, 4:89, 4:90, 5:11, 5:41, 5:44**
 Substantial abuse dismissals, § **4:101, 4:106**
 Successor trustee, § **4:70, 4:85, 4:86**
 Supervision of cases and trustees, § **4:78, 4:79**
 Supporting documents, § **4:99**
 Taxation (this index)
 Tax returns, inspection and copying of debtor's federal, § **6:21**

INDEX

UNITED STATES TRUSTEES

—Cont'd

- Term of office, § 4:70
- Time and date
 - appointment and term of office, § 4:70
 - conversion or dismissal, § 4:66
 - creditors' or equity security holders' meeting, § 4:80
 - notice, § 4:101 to 4:107
- Travel and transportation, § 4:64, 4:95
- Trustee's acceptance or qualification for office, § 4:107
- Turnover of property, § 14:87
- Undertakings. Bonds and undertakings, above
- Use, sale, or lease of property, notice, § 4:101, 4:107
- Vacancy in office, § 4:73, 5:46
- Voluntary bankruptcy
 - conversion or dismissal, § 8:91, 8:92, 8:95
 - copies of petition, § 8:20
 - filing fees, § 8:91
 - lists, schedules, and statements, § 8:72, 8:79, 8:82, 8:89, 8:92, 8:97, 8:99
 - notice of petition, § 8:41
- Voluntary conversion of case, § 4:63, 4:65

UNIVERSITIES

- Colleges and Universities (this index)

UNLIQUIDATED CLAIMS

- Allowance of Claims or Interests (this index)
- Size and nature of claim, § 23:13
- Turnover of property, § 14:48

UNMATURED CLAIMS

- Allowance of claims or interest, § 24:21, 24:33, 24:36, 24:50

UNSCHEDULED DEBTS

- Discharge (this index)

UNSECURED CLAIMS

- Secured or Unsecured Claims (this index)

UPSTREAM GUARANTIES

- Fraudulent transfers and concealment of assets, tripartite transactions, § 19:52

URBAN HOMESTEADS

- Homestead exemption, § 13:69

USE, SALE, OR LEASE OF PROPERTY

- Generally, § 1:139 to 1:144, 15:21 to 15:67
- Adequate assurance. Cash collateral, below
- Adequate protection
 - generally, § 1:144, 15:22, 15:23, 15:32, 15:44, 15:47, 21:7, 21:19
 - approval and objections to agreement, § 1:151
 - burden of proof, § 21:69
 - cash payment or periodic cash payments, § 21:52, 21:53
 - municipal debt adjustment, § 21:28
 - time and expenses of repossession and sale, § 21:32
- Administrative expenses, § 15:28, 15:30
- After-acquired property, § 15:24
- Agreement
 - cash collateral agreement, ordinary course of business, § 15:45
- Executory Contracts and Unexpired Leases (this index)
- Aircraft, § 15:25
- Amount of property used, sold, or leased other than in ordinary

**USE, SALE, OR LEASE OF
PROPERTY—Cont'd**

course of business, § **15:35**

Appeals

- good-faith purchasers protected from reversal or modification on appeal, § **15:61**
- notice and hearing, transactions other than in ordinary course of business, § **15:36**
- stay pending appeal, § **15:21, 15:32, 15:66**

Appraisals, § **15:22**

Auctions and Auctioneers (this index)

Authorization to sell property free and clear, § **15:58**

Automatic stay, § **15:25, 15:32, 15:43**

Bankruptcy rule 9019 and section 363(b), § **15:64**

Bids, collusive, § **15:62**

Bona fide purchasers, protection of sale from reversal or modification on appeal, § **15:61**

Breach of Contract or Lease (this index)

Breakup fees, § **15:32, 15:41, 15:42**

Brokers and Dealers (this index)

Burden of proof, § **15:22, 15:23, 15:28, 15:38, 15:47**

Business justification requirement, § **15:42**

Cash collateral

- generally, § **1:141, 15:22, 15:23, 15:32, 15:44, 15:47**
- definition, § **1:141, 15:24**
- hotel, motel, and lodging charges, § **1:141, 15:24, 15:44**
- notice, § **15:44, 15:46, 15:47**
- ordinary course of business, § **15:43 to 15:48**

**USE, SALE, OR LEASE OF
PROPERTY—Cont'd**

Cash collateral—Cont'd

- service and content of notice, § **15:34**

Change or modification, § **15:31, 15:61**

Clayton Act antitrust waiting period, § **1:139**

Collateral. Cash collateral, above

Collusive bidding, § **15:62**

Commercial fishing property, § **15:50**

Compensation, valuation and appraisal, § **15:22**

Consumer privacy ombudsman, § **6:92**

Contract or agreement

- cash collateral agreement, ordinary course of business, § **15:45**

Executory Contracts and Unexpired Leases (this index)

Co-owner or spouse

- costs for preservation or disposal of property, § **15:30**
- sale free and clear, § **12:30**

Costs and expenses

- administrative expenses, § **15:28, 15:30**
- ordinary course of business, transactions other than in, § **15:34**
- preserving or disposing of assets, § **15:28 to 15:30**

Credit bidding, setoff of claim against purchase price by lienholder, § **15:60**

Debtor in possession, generally, § **15:21 to 15:67**

Dower or curtesy, § **15:55**

Encumbrances. Liens and encumbrances, below

Exceptions and objections, § **15:33, 15:37, 15:38, 15:45**

INDEX

**USE, SALE, OR LEASE OF
PROPERTY—Cont'd**

Executory Contracts and
Unexpired Leases (this
index)

Exemption from transfer tax,
§ **15:63**

Exemptions
generally, § **13:23**
avoidance of security interest,
§ **13:161**
homestead exemption, § **13:61**
motor vehicles, § **13:74**
personal, family, or household
use of items, § **13:75 to
13:77**

Ex parte proceedings, § **15:23,
15:47**

Expedited determination of dispo-
sition of grain assets, § **15:27**

Expenses. Costs and expenses,
above

Family farmer debt adjustment
plans, § **33:17, 33:20**

Family Farmer or Fisher Debt
Adjustment (this index)

Farmers and farm products,
§ **15:52**

Finance agreements, § **15:25,
15:26**

First refusal right of co-owner or
debtor's spouse, § **15:56**

Fishing property, commercial,
§ **15:50**

Foreclosure, § **15:25, 15:30**

Forfeiture, § **15:31**

Free and clear sale, § **1:142, 15:51
to 15:58**

Good-faith purchasers protected
from reversal or modification
on appeal of sale authoriza-
tions, § **15:61**

Homestead exemption, § **13:61**

Husband and wife. Co-owner or
spouse, above

**USE, SALE, OR LEASE OF
PROPERTY—Cont'd**

Individual Debt Adjustment (this
index)

Ipsa facto or bankruptcy clauses,
effect of, § **15:31**

Joint or co-ownership interests.
Co-owner or spouse, above

Jurisdiction, § **7:105**

Jurisdiction retention, § **15:65**

Liens and encumbrances
generally, § **1:142**
prepetition security interests in
after-acquired property,
§ **15:24**
preservation of property, costs
for, § **15:29**
sale free and clear of liens,
§ **1:142, 15:51 to 15:58**
setoff of allowed claims against
purchase price, § **15:60**
tax liens, § **15:24, 15:29**

Limitations, § **15:23**

Liquidation, § **15:22, 15:35,
15:43, 15:49**

Mail and mailing, § **15:34, 15:46**

Mortgages and deeds of trust,
§ **15:31**

Motion for authorization of cash
collateral, ordinary course of
business, § **15:46**

Municipal debt adjustment
generally, § **15:32, 15:45**
adequate protection, § **21:28**

Municipal debt adjustment, ade-
quate protection, § **21:28**

Negotiated Rates Act, § **15:31**

Notice and hearing
adequate protection, § **15:23**
all or substantially all of reorga-
nization debtor's assets,
§ **15:40**
business justification require-
ment, § **15:42**

**USE, SALE, OR LEASE OF
PROPERTY—Cont'd**

Notice and hearing—Cont'd
 cash collateral, § **15:44, 15:46, 15:47**
 family farmer debt adjustment, § **15:52**
 free and clear sale of property, § **15:58**
 individual debt adjustment, § **15:32**
 objections, § **15:37**
 other than in ordinary course of business, use, sale, or lease, § **15:33 to 15:36**
 Objections and exceptions, § **15:33, 15:37, 15:38, 15:45**
 Offset. Setoff or offset, below
 Operating debtors' business, generally, § **and see specific lines throughout this topic, 15:21 et seq.**
 Order or approval of court, § **15:22, 15:48**
 Ordinary course of business or financial affairs
 generally, § **1:140, 15:43 to 15:48**
 cash collateral, § **15:43 to 15:48**
 other than in ordinary course of business, § **1:139, 15:32 to 15:42**
 Postpetition matters, § **12:14**
 Prepetition matters, § **15:24, 15:29**
 Preserving or disposing of assets, costs of, § **15:28 to 15:30**
 Procedure for sale, § **15:59 to 15:67**
 Proportionate share of proceeds of sale, co-owner or spouse's right to, § **15:57**
 Protection of interests of bankruptcy estate
 generally, § **15:28 to 15:31**
 adequate protection, above

**USE, SALE, OR LEASE OF
PROPERTY—Cont'd**

Railroad Reorganization (this index)
 Railroad rolling stock, § **15:26**
 Reorganization Plans (this index)
 Reorganization (this index)
 Resale (this index)
 Res judicata effect of sale order, § **15:67**
 Review. Appeals, above
 Rules of Bankruptcy Procedure (this index)
 Sale free and clear of certain interests, § **1:142, 15:51 to 15:58**
 Secured or unsecured claims, § **15:24, 15:44**
 Security interest
 cash collateral, above
 prepetition security interests in after-acquired property, § **15:24**
 Service of petitions, process, and papers, § **15:23, 15:34, 15:37, 15:46**
 Setoff or offset
 lienholder, setoff of claim against purchase price by, § **15:60**
 Ships and vessels, § **15:25**
 Size and Nature of Claim (this index)
 Sovereign immunity abrogated, § **6:78**
 Spouse. Co-owner or spouse, above
 Stipulations for use of cash collateral in ordinary course of business, § **15:45**
 Surcharge, § **15:29, 15:30**
 Tax liens, § **15:24, 15:29**
 Tenancy by the entirety, § **15:54**
 Termination, forfeiture or ipso facto clauses, § **15:31**

INDEX

USE, SALE, OR LEASE OF PROPERTY—Cont'd

Time and date

aircraft and vessels subject to financing agreements, § 15:25

cash collateral, § 15:45, 15:47
notice and hearing requirement, transactions other than in ordinary course of business, § 15:34

objections, transactions other than in ordinary course of business, § 15:37

railroad rolling stock subject to financing agreement, § 15:26

Trustees, generally, § 15:21 to 15:67

Turnover of Property (this index)

U. S. trustees, § 4:101, 4:107

Unauthorized use of cash collateral, ordinary course of business, § 15:48

Value of property, § 1:143, 15:22

USURY

Allowance of claims or interests, unenforceable claims, § 24:33

Property of estate, defenses available to estate, § 6:9, 12:154

UTAH

Opt-out provision, § 13:6

UTILITIES

Generally, § 16:233 to 16:246

Adequate assurance of payment generally, § 16:237 to 16:246
administrative expense priority guaranteed, § 16:241

deposit, § 16:239
hearing to modify amount of security necessary to provide adequate assurance, § 16:244

UTILITIES—Cont'd

Adequate assurance of payment—Cont'd

modification of security, § 16:244

other security, § 16:240, 16:241

place to file motions and other papers, § 16:246

request for adequate assurance by utility, § 16:243

termination of service, § 16:245

trustee or debtor to provide adequate assurance of payment, § 16:242

what constitutes adequate assurance, § 16:238

Administrative expenses, § 16:241

Assurance of payment. Adequate assurance of payment, above

Change or modification, hearing to modify amount of security, § 16:244

Citizens groups as interested parties, § 6:88

Closing and reopening cases, § 36:26, 36:28

Creditors' and equity security holders' committees, § 6:58

Deposit, adequate assurance of payment, § 16:239

Discontinuance of service generally, § 1:147

grounds for, § 16:236

Discrimination, § 6:11, 6:13, 16:233 to 16:236

Discriminatory treatment of debtor, § 6:32, 6:34

Filing of motion, § 16:246

Hearing and request to modify amount of security, § 16:244

Modification of amount of security, hearing for, § 16:244

Motion, application, or request, § 16:243, 16:244

Municipal debt adjustment, § 1:45

UTILITIES—Cont'd

- Payments. See more specific entries throughout this topic
- Place to file motions and other papers, adequate assurance of payment, § **16:246**
- Preferential transfers, new value advanced, § **18:82**
- Priorities, administrative expense priority guaranteed, § **16:241**
- Reorganization plans
 - rate changes, regulatory approval of, § **28:10**
 - transfer from state to federal regulatory authority, § **26:13**
- Sale free and clear of liens and other interests, § **1:142**
- Security. Adequate assurance of payment, above
- Sovereign immunity, § **6:78, 6:83**
- Telephones (this index)
- Termination of service, adequate assurance or security, § **16:245**
- Turnover of property, § **14:19**
- Types of acts affected, § **16:235**
- Types of utilities affected, § **16:234**
- U. S. trustees, utility fees, § **4:64**
- Use, sale, or lease of property, § **15:29**
- Waiver of sovereign immunity, § **6:78, 6:83**

VACANCY

- Adequate protection, § **21:21**
- Judges, § **4:13, 4:15**
- Trustees, § **2:73, 5:46**
- U. S. trustees, § **4:73, 5:46**

VACATING AND SETTING ASIDE

- Closing and reopening cases, § **36:7, 36:9**
- Conversion or dismissal, § **11:96**

VACATING AND SETTING ASIDE—Cont'd

- Exemptions, avoidance of liens, § **13:133**
- Fraudulent transfers, § **19:18, 19:70**
- Involuntary bankruptcy, § **9:64**
- Petitions, § **8:34, 8:35**
- Voluntary bankruptcy, § **8:34, 8:35, 8:48**

VACATION PAY

- After-acquired property, § **12:62**
- Allowance of claims or interest, § **24:58**
- Priorities, § **34:51, 34:52**

VALUE AND VALUATION

- Abandonment of property of inconsequential value, § **12:118, 12:120**
- Adequate Protection (this index)
- Allowance of Claims or Interests (this index)
- Appraisals and Appraisers (this index)
- Automatic stay, § **16:145, 16:175 to 16:178**
- Change of venue, value of real estate, § **7:196**
- Closing and reopening cases, § **36:1, 36:5, 36:6**
- Defined, § **13:124**
- Exemptions, objections based on value of property, § **13:46, 13:162**
- Fair Market Value (this index)
- Family Farmer or Fisher Debt Adjustment Plans (this index)
- Family Farmer or Fisher Debt Adjustment (this index)
- Fraudulent Transfers and Concealment of Assets (this index)
- Going Concern Valuation (this index)

INDEX

VALUE AND VALUATION

—Cont'd

- Individual Debt Adjustment Plans (this index)
- Municipal debt adjustment plans, § 32:9
- New Value (this index)
- Operation of business, § 15:4
- Preferences and Preferential Transfers (this index)
- Property of estate, see more specific entries throughout this topic
- Reorganization Plans (this index)
- Sale of property, § 1:143
- Size and Nature of Claim (this index)
- Unsecured claim, § 1:155
- Use, sale, and lease of property, § 1:143, 15:22

VEHICLES

- Motor Vehicles (this index)

VENDOR AND PURCHASER

- Sale or Transfer (this index)

VENUE

- Generally, § 7:182 to 7:198
- Affiliates, § 2:35
- Appeals, § 37:7
- Avoidance actions, § 17:88
- Change of Venue (this index)
- Checklist, § 7:185, 7:188
- Contractual forum selection clauses, § 7:189
- Domicile and residence, § 7:182
- Exemptions, § 13:10
- Foreign proceedings, cases ancillary to, § 7:190, 7:196
- Forum selection clauses, § 7:189
- Judicial Code (28 USCA), § 1:17
- Operation of debtor's business, § 7:187

VENUE—Cont'd

- Postpetition claim arising from operation of debtor's business, § 7:187
- Principal place of assets, § 7:184
- Principal place of business, § 7:183
- Proof of claim, place of filing, § 22:35
- Questions of law and fact, § 7:183, 7:184
- Reclamation actions, § 17:88
- Reference of cases, § 7:53
- Reorganization plans, § 26:52
- Rules of Bankruptcy Procedure (this index)

VERIFICATION

- Generally, § 1:73
- Creditors' and equity security holders' committees, § 6:46, 6:56, 6:65
- Fines and penalties, verification requirements, § 7:158
- Involuntary bankruptcy, § 9:43, 9:45
- Professionals, employment, § 2:23
- Reorganization plans, representative voting for creditor or interest holder, § 27:29
- Rules of Bankruptcy Procedure (this index)
- U. S. trustee, transmittals to, § 4:102, 4:103
- Voluntary bankruptcy, § 8:22, 8:46, 8:73

VERMONT

- Opt-out provision, § 13:7

VERTICAL DIMENSION TEST

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

VESSELS

- Avoidance of unperfected security interest in vessels, § 17:26

VESSELS—Cont'd

Priorities, claim based on, § 34:89
 Reorganization (this index)

VESTED RIGHTS OR INTERESTS

Family farmer debt adjustment plans, § 33:21
 Family Farmer or Fisher Debt Adjustment (this index)
 Individual debt adjustment plans, § 31:67 to 31:69

VESTING OF PROPERTY OF ESTATE

Family farmer debt adjustment plans, generally, § 33:21

VETERANS' BENEFITS

Adequate protection, VA insurance, § 21:61
 Dismissal or conversion under BAPCPA for abuse of Chapter 7, § 11:30
 Exemptions, § 13:105, 13:116

VETERANS DAY

Clerks holiday, § 4:43

VETO OF CONFIRMATION

Individual debt adjustment plans, § 31:26

VICTIM OF CRIME

Exemptions, § 13:110

VIDEOTAPES

Exemptions, § 13:159

VIRGINIA

Opt-out provision, § 13:6

VIRGIN ISLANDS

Opt-out provision, § 13:7

VOIDABLE TRANSFERS

Avoidance (this index)

VOLUNTARINESS

Payroll withholding taxes, § 3:61, 3:63
 Turnover of property, § 14:1, 14:4, 14:29, 14:36
 Voluntary Bankruptcy (this index)

VOLUNTARY BANKRUPTCY

Generally, § 8:1 to 8:121
 Abuse of process, § 8:23
 Adequacy of notice, § 8:42, 8:43
 Amendments, § 8:22, 8:46, 8:96 to 8:105
 Attorneys, § 8:22, 8:73
 Automatic stay, § 8:23, 8:29, 8:45, 8:90
 Avoidance, § 8:23, 8:32
 Captions, § 8:21, 8:46
 Change or modification, § 8:31, 8:66, 8:80
 Checklists, § 8:18, 8:71
 Children, § 8:47, 8:48
 Claims. Consumer claims and debts, below
 Clerk of court
 joint cases and joint plans, § 8:45
 lists, schedules, and statements, § 8:83, 8:85, 8:88, 8:99
 reorganization, § 8:40
 Consent or approval, § 8:4, 8:47
 Consolidation of Cases (this index)
 Constitutional Law (this index)
 Consumer claims and debts
 lists, schedules, and statements, § 8:72, 8:81, 8:84
 petitions, § 8:2
 timeliness of notice, § 8:41
 Copies
 lists, schedules, and statements, § 8:72, 8:88, 8:97, 8:99
 petition, § 8:20, 8:22, 8:44

INDEX

VOLUNTARY BANKRUPTCY

—Cont'd

- Corporations
 - interrelated corporate entities,
§ 8:59
 - joint cases and joint plans,
§ 8:50, 8:55
 - lists, schedules, and statements,
§ 8:68
 - officers and directors, § 8:7,
8:8, 8:34
 - petition for voluntary bank-
ruptcy, § 8:6 to 8:10
- Crimes and offenses, § 8:50, 8:75
- Death, § 8:80
- Defaults, § 8:84, 8:89
- Delays or laches, § 8:31, 8:101
- Discharge of indebtedness, § 8:83,
8:105
- Disclosure of security holders,
§ 8:76
- Distressed property, § 8:28, 8:30
- Due process, § 8:42, 8:43
- Eligibility to be a debtor. Quali-
fication or Eligibility (this
index)
- Equity security holders, § 8:36,
8:40
- Executory Contracts and
Unexpired Leases (this
index)
- Exemptions
 - joint cases, § 8:49
 - lists, schedules, and statements,
§ 8:63, 8:74, 8:80, 8:96,
8:104
- Extension of time, § 8:79, 8:81,
8:93
- Family farmer debt adjustment
plans, generally, § 33:24
- Family Farmer or Fisher Debt
Adjustment (this index)
- Fees and charges
 - filing fees, below

VOLUNTARY BANKRUPTCY

—Cont'd

- Fees and charges—Cont'd
 - lists, schedules, and statements,
§ 8:82
 - United States trustee system
fees, § 8:93
- Filing
 - fees. Filing fees, below
 - lists, schedules, and statements,
§ 8:62, 8:64, 8:66
 - Petitions (this index)
- Filing fees
 - generally, § 8:85 to 8:95
 - Petitions (this index)
 - United States trustee system
fees, § 8:93
- Foreclosure, § 8:27, 8:29
- Fraud and deceit, § 8:11, 8:35,
8:102
- Good faith
 - generally, § 8:23 to 8:32, 8:44
 - amendment to petitions, lists,
schedules and statements,
§ 8:101, 8:102
- Hearing. Notice and hearing,
below
- Husband and wife, § 8:21, 8:45 to
8:49, 8:80
- Impoundment of lists, § 8:77
- Indenture trustees, § 8:37, 8:77
- Indigents, § 8:89, 8:93, 8:94
- Individual Debt Adjustment (this
index)
- Injunctions, § 8:9, 8:90
- Installment Obligations and Pay-
ments (this index)
- Interested persons or parties,
§ 8:77, 8:100
- Interrelated corporate entities,
§ 8:59
- Joinder of parties, § 8:48
- Joint administration, § 8:50, 8:51
- Joint cases and joint plans
 - consolidation of cases, § 8:45 to
8:49, 8:53

VOLUNTARY BANKRUPTCY

—Cont'd

- Joint cases and joint plans
 - Cont'd
 - corporations, § 8:50, 8:55
 - lists, schedules, and statements, § 8:69
 - notice and knowledge, § 8:47, 8:49
 - partnership, § 8:50, 8:55, 8:56, 8:58
 - reorganization, § 8:48, 8:57, 8:58
 - U. S. trustee system fees, § 8:92
- Judicial Conference, § 8:19, 8:61, 8:88
- Jurisdiction, § 8:11
- Liens and encumbrances, § 8:23, 8:44
- Liquidation (this index)
- Lists. Schedules, lists, and statement of affairs, below
- Mail and mailing, § 8:36
- Multiple debtors, § 8:54 to 8:61
- Municipal Debt Adjustment (this index)
- New debtor syndrome, § 8:26, 8:27, 8:30
- Notice and hearing
 - generally, § 8:36 to 8:43
 - consolidation of cases, § 8:60
 - joint cases and joint plans, § 8:47, 8:49
 - lists, schedules, and statements, generally, § 8:61, 8:79, 8:80, 8:83, 8:88, 8:100, 8:105
 - Petitions (this index)
 - reorganization, § 8:36, 8:40
 - security holders, disclosure of, § 8:76
 - time and date, § 8:39, 8:41
- Number of copies, § 8:72
- Objections and exceptions, § 8:63, 8:100, 8:102, 8:104

VOLUNTARY BANKRUPTCY

—Cont'd

- Optional statement of exempt property, § 8:63
- Orders
 - generally, § 8:33 to 8:44
 - show cause orders, § 8:66, 8:76
- Own motion of court, § 8:25, 8:82
- Partnership (this index)
- Petitions (this index)
- Pooling of assets, § 8:55
- Power of attorney, § 8:3, 8:47
- Preferences and preferential transfers, § 8:61
- President of corporation, § 8:8
- Presumptions and burden of proof, § 8:10, 8:26, 8:27, 8:57
- Proof of claim, § 8:36, 8:83, 8:105
- Publication, § 8:36, 8:39
- Receivers, § 8:9, 8:29
- Removal or transfer of cases, § 8:44, 8:52
- Reorganization (this index)
- Sale or transfer, § 8:30
- Schedules, lists, and statements of affairs
 - generally, § 8:62 to 8:84
 - amendments, § 8:96 to 8:105
 - checklists, § 8:71
 - clerk of court, § 8:83, 8:85, 8:88, 8:99
 - constitutional privilege, § 8:75, 8:90
 - consumer claims and debts, § 8:72, 8:81, 8:84
 - conversion or dismissal, § 8:89
 - copies, § 8:72, 8:88, 8:97, 8:99
 - defaults, § 8:84
 - disclosure of security holders, § 8:76
- Executory Contracts and Unexpired Leases (this index)

INDEX

VOLUNTARY BANKRUPTCY

—Cont'd

Schedules, lists, and statements of affairs—Cont'd
exemptions, § 8:63, 8:74, 8:80, 8:96, 8:104
extension of filing time, § 8:79, 8:81
Family Farmer Debt Adjustment, § 8:61, 8:68, 8:81, 8:82, 8:87
fees and charges, § 8:82
filing, § 8:62, 8:64, 8:66
impoundment of lists, § 8:77
inaccuracies or omissions, § 8:83
individual debt adjustment, § 8:69
liquidation, § 8:61 et seq.
municipal debt adjustment, § 8:64, 8:66, 8:77 to 8:79, 8:87
notice and knowledge, § 8:61, 8:79, 8:80, 8:83, 8:88, 8:100, 8:105
number of copies, § 8:72
partnership, § 8:68, 8:70
reorganization, § 8:61 et seq.
standard of compliance, § 8:74
statements, § 8:62 et seq.
supplemental schedules, § 8:80
time and date, § 8:62, 8:78, 8:79, 8:84, 8:97
trustees, § 8:77, 8:79, 8:100
U. S. trustees, § 8:72, 8:79, 8:82, 8:89, 8:97, 8:99
unsecured claims, § 8:64
verification, § 8:73
Secured or unsecured claims, § 8:64
Security holders, § 8:76
Show cause orders, § 8:66, 8:76
Signatures, § 8:22, 8:73
Statements, § 8:62 et seq.
Statute of limitations, § 8:35, 8:97

VOLUNTARY BANKRUPTCY

—Cont'd

Suspension, § 8:25
Taxation, § 8:5, 8:37, 8:40
Time and date
commencement of case, generally, § 8:1
delays or laches, § 8:31, 8:101
extension of time, § 4:106, 8:79, 8:81, 8:93
filings, § 8:93
notice, § 8:39, 8:41
schedules, lists, and statements of affairs, § 8:62, 8:78, 8:79, 8:84, 8:97
statute of limitations, § 8:35, 8:97
Title and ownership, § 8:66
Trustees (this index)
United States Trustees (this index)
Vacating and setting aside, § 8:34, 8:35, 8:48
Verification, § 8:22, 8:46, 8:73

VOTERS AND VOTING

Election or Vote (this index)

WAGE EARNERS

Attachment and Garnishment (this index)
Individual debt adjustment, § 1:61

WAGERING LOSSES

Fraudulent transfers and concealment of assets, § 19:40

WAGES, SALARIES, OR OTHER COMPENSATION

Compensation (this index)

WAIVER AND ESTOPPEL

Allowance of Claims or Interests (this index)
Appeals (this index)
Attorney-client privilege, § 5:56
Attorneys' fees, § 2:117

WAIVER AND ESTOPPEL

—Cont'd

- Automatic stay, § **16:3, 16:5, 16:132, 16:198**
- Avoidance (this index)
- Client's rights as "assisted person," § **2:55**
- Collateral Estoppel (this index)
- Counterclaims, waiver of sovereign immunity, § **6:80**
- Debtor discharge, § **35:34**
- Executory contracts and unexpired leases, § **20:54, 20:75, 20:86 to 20:89**
- Exemptions (this index)
- Family Farmer or Fisher Debt Adjustment Plans (this index)
- Family Farmer or Fisher Debt Adjustment (this index)
- Filing fees, § **1:111**
- Fraudulent transfers and concealment of assets, § **19:73**
- Indenture trustees, § **6:72**
- Individual Debt Adjustment Plans (this index)
- Intervention, § **6:82, 6:83**
- Involuntary Bankruptcy (this index)
- Judge's disqualification, § **4:37**
- Jurisdiction (this index)
- Jury trial, § **7:176**
- Liens, waiver of, § **13:35, 13:120, 13:142, 13:147, 13:167**
- Liquidation (this index)
- Municipal debt adjustment, waiver of sovereign immunity, § **6:83**
- Municipal debt adjustment plans, § **32:3**
- Petitions. Involuntary Bankruptcy (this index)
- Proof of claim, estoppel as to informal, § **22:32**
- Property of estate, § **6:9, 12:154**
- Redemption, § **12:115**

WAIVER AND ESTOPPEL

—Cont'd

- Reference of cases, § **7:42, 7:51**
- Reorganization Plans (this index)
- Reorganization (this index)
- Setoff right waivers, § **25:44**
- Sovereign Immunity (this index)
- Trustees, waiver of attorney-client privilege, § **5:56**
- Turnover of property, § **6:78, 14:32, 14:52, 14:55**
- U. S. trustees, § **4:101, 4:104, 4:105**
- Use, sale, or lease of property, § **15:37**
- Voluntary bankruptcy, § **8:4**

WAREHOUSE RECEIPTS

- Proof of claim, § **22:11**

WAREHOUSE SCALE TICKET

- Proof of claim, § **22:11**

WARRANTS

- Automatic stay, § **16:29, 16:103**
- Creditors' and equity security holders' committees, § **6:46**
- Indenture trustees, § **6:72**

WAR RISK HAZARDS

- Alternative nonbankruptcy exemptions, § **13:116**

WAR ZONES

- Taxation, § **3:84**

WASHINGTON

- Opt-out provision, § **13:7**

WASHINGTON DC

- District of Columbia (this index)

WASHINGTON'S BIRTHDAY

- Clerks holiday, § **4:43**

WASTES

- Hazardous Wastes (this index)

WATER AND WATERWAYS

- Priorities, § **34:75**

INDEX

WEAPONS

Exemptions, § 13:77

WEARING APPAREL

Exemptions
generally, § 13:76
avoidance of liens, § 13:154

WEATHER

Family farmer debt adjustment,
risk test, § 1:53
Family farmer debt adjustment
plans, § 33:41, 33:44

WELFARE RECIPIENTS

Aid to Families with Dependent
Children (this index)
Discharge, AFDC assignments,
§ 35:166
Exemptions, § 13:102, 13:104
Individual debt adjustment,
benefits as income, § 1:63

WEST VIRGINIA

Opt-out provision, § 13:6

WHEAT

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

WHOLESALE PRICES

Adequate protection, § 21:23
Redemption, § 12:106
Size and nature of claim, § 23:9

WIDE REACH

Bankruptcy, § 1:1

WIDOWS

Lighthouse Service personnel,
federal nonbankruptcy
exemptions, § 13:116

WIFE

Husband and Wife (this index)

WILD CARD EXEMPTIONS

Generally, § 13:113, 13:115,
13:153

WILLFULNESS

Automatic stay, § 16:1, 16:142,
16:209 to 16:214
Crimes and offenses, § 12:149
Definition, § 35:89, 35:169
Discharge (this index)
Payroll withholding taxes, § 3:61

WINDING UP

Core proceedings, § 7:105

WINDOWS

Avoidance of unperfected lien or
security interest, § 17:25

WIRE TRANSFER OF FUNDS

Avoidability of preferences, pay-
ments in ordinary course of
business, § 18:66, 18:67

WISCONSIN

Opt-out provision, § 13:7

WITHDRAWAL

Claims and interests, § 1:154
Employment of professional
persons, § 2:7
Involuntary proceedings, § 9:34
Judges, § 4:3, 4:24
Municipal debt adjustment plans,
§ 32:13 to 32:16
Proof of claim, § 22:37
Reference of Cases (this index)
Small business reorganization
election, § 26:56
Trusts, § 12:21

WITHHOLDING TAXES

Generally, § 3:59 to 3:64
Allocation of payment doctrine,
§ 3:63
Allowance of claims or interest,
§ 24:47, 24:64
Bonds and undertakings, § 3:62,
3:64
Distribution, see lines throughout
this topic
Fines and penalties, § 3:59 to 3:63

WITHHOLDING TAXES

—**Cont'd**

- Officer of corporation, § **3:59**,
3:60
- Priorities, § **34:76**, **34:77**
- Sales, § **34:77**
- State and local taxes, § **3:64**
- Staying collection, § **3:62**
- Trustees, § **3:64**, **3:70**, **3:73**
- Trust fund taxes, personal liability
for, § **3:59 to 3:62**, **12:22**
- Voluntariness, § **3:61**, **3:63**

WITNESSES

- Change of venue, § **7:196**
- Clerks, § **4:55**
- Convenience of Parties or Wit-
nesses (this index)
- Credibility, jurisdiction,
constitutional questions,
§ **7:147**
- Discharge objection hearings,
§ **35:49**
- Examination under Rule 2004
(this index)
- Expert Testimony (this index)
- Fees Witness' Fees (this index)
- Judges, § **4:35**
- Mileage (this index)
- Privileges and Immunities (this
index)
- Self-Incrimination (this index)
- Subpoenas (this index)
- Turnover of property, § **14:14**

WITNESS' FEES

- Allowance of claims or interest,
§ **24:77**

WORD PROCESSING

- Computers (this index)

WORDS AND PHRASES

- Abstention, distinctions between
types of abstention, § **7:20**
- Accountants, § **2:18**
- Actual intent, § **19:22**

WORDS AND PHRASES—Cont'd

- Adequate protection, § **21:1**
- Administrative expenses, § **34:19**
- Advertisement, § **2:57**
- Affected air carrier, § **20:27**,
20:51
- After notice and a hearing, § **1:87**,
5:26, **23:35**
- Antecedent debt, § **18:17**
- Assisted person, § **2:54**
- Attorneys, § **2:17**
- Bankruptcy assistance, § **2:54**
- Bankruptcy Court, § **4:1**
- Bankruptcy petition preparer,
§ **2:48**, **2:53**
- Cash collateral, § **15:44**
- Claim, § **22:2**
- Claim against the debtor, § **22:3**
- Claims, § **9:16**
- Clerk, § **4:40**
- Clerk of court, § **4:40**
- Consumer creditor, § **6:36**
- Consumer debt, § **18:92**
- Cost of comparable services,
§ **2:69**
- Court, § **4:1**
- Creditor, § **6:14**
- Creditors, § **2:31**
- Cross-collateralization, § **15:72**
- Custodian, § **6:75**, **9:78**
- Customer name security, § **17:86**
- Customer property, § **15:8**
- Customers, § **6:74**
- Debtor, § **6:4**, **8:6**, **13:26**, **33A:3**
- Debt relief agency, § **2:54**
- Dependent, § **8:63**
- Disinterested persons, § **2:30**, **5:4**
- Disposable income, § **31:47**
- Document for filing, § **2:48**, **2:53**
- Earliest practicable time, § **9:62**
- Earmarked, § **18:9**
- Equipment, § **15:25**
- Equity cushion, § **21:39**

INDEX

WORDS AND PHRASES—Cont'd

Equity security holders, § 2:33,
6:14
Excusable neglect, § 8:93
Executory contracts, § 20:1 to
20:6
Extends to, § 23:35
Fair valuation, § 17:77
Family farmers, § 9:8
Farmer, § 9:6
Farming operation, § 1:52 to 1:54,
9:9
Farmout agreement, § 12:94
Fiduciary, § 35:136
Financial interest, § 4:36
Fraudulent transfers, § 19:3
Gap creditors, § 6:14
Good faith, § 15:61
Governmental unit, § 6:78
Grain, § 17:85
Grain storage facility, § 17:85
Gross value, § 15:35
Household goods, § 13:142
Hypothetical reasonable investor,
§ 27:7
Impair an exemption, § 13:126
Improper, § 5:5
Improvement, § 17:72
Incurring of debt, § 18:102
Individual, § 1:39
Insider, § 2:34, 18:70
Insolvency, § 17:77, 18:21
Insolvent, § 19:60, 19:65
Inventory, § 18:85
Jingle rule, § 24:23
Judge, § 4:1
Judgment, § 1:101
Judicial lien, § 13:142
Jurisdiction, distinction between
case and proceeding, § 7:9
Knowledge, § 17:67
Lease, § 7:168, 15:25
Legal holiday, § 1:90
Lessee, § 20:62

WORDS AND PHRASES—Cont'd

Lien, § 23:3, 23:23
Liens, § 13:142
Malice, § 35:170
Margin payment, § 17:60
New value, § 18:37
Noncore proceedings, § 4:7
Notice and hearing, § 5:87
Objection, § 24:7
Order for relief, § 11:79
Ordinary, § 18:59
Person, § 1:37, 9:1, 13:26
Possession, § 18:76, 20:63
Preference, § 18:1
Proceeds, § 23:35, 23:39
Producer, § 17:85
Production payment, § 12:94
Professional associations, § 2:59
Professional persons, § 2:16
Property, § 18:7
Property of estate, § 12:4
Racketeering activity, § 12:150
Receivable, § 18:85
Regular associate, § 2:26
Relative, § 2:43
Repo participant, § 17:61
Repurchase agreement, § 17:61
Right to payment, § 22:2
Rolling stock equipment, § 7:168
Settlement payment, § 17:60
Similar instrument, § 26:10
Single asset real estate, § 16:189
Small business, § 26:56, 27:11
Statutory lien, § 13:143
Student loan program, § 6:31
Swap agreement, § 16:105, 20:23
Swap participant, § 16:105, 17:62
Termination event, § 20:51
Term overriding royalty, § 12:94
Timeshare plan, § 20:66
Transfer, § 18:6, 18:120, 19:6
Transferee, § 17:65
Unexpired lease, § 20:9

WORDS AND PHRASES—Cont'd

Value, § **13:124, 17:67, 19:32, 23:8, 23:9**
Value of collateral, § **23:7**
Value of creditor's interest, § **23:7**
Willfulness, § **35:89, 35:169**

WORKERS' COMPENSATION

Automatic stay, § **16:92**
Disposable income for Chapter 13 plan, § **31:47**
Exemption of benefits, § **13:108**
Reorganization plans, § **26:9, 26:39**

WORKOUTS

Alternatives to bankruptcy, § **1:35**

WORK PRODUCT

Compensation, § **2:80**

WRITING

Municipal debt adjustment plans, § **32:17**
Proof of claim, § **22:28, 22:31**
Signatures (this index)
Statute of frauds, § **6:9, 12:154**
Waiver and Estoppel (this index)

WRITS

All Writs Act, generally, § **7:149**
Executions (this index)

WRITS—Cont'd

Habeas corpus, jurisdiction, § **7:172**
Service of Petitions, Process, and Papers (this index)

WRONGFUL DEATH

Abstention, § **7:29**
Change of venue, § **7:198**
Exemptions, § **13:111**
Jurisdiction, generally, § **7:53**
Jury trial, § **7:173**
Reference of cases, § **7:45, 7:53**

WRONGFUL DISCHARGE

Allowance of claims or interest, § **24:29, 24:44 to 24:46**

WYOMING

Opt-out provision, § **13:6**

YOUNGER DOCTRINE

Jurisdiction, § **7:19, 7:166**

ZERO REPAYMENT TO UNSECURED CREDITORS

Family farmer debt adjustment plans, § **33:28**
Individual debt readjustment plans, § **31:9, 31:10**

ZONING LAWS

Automatic stay, § **16:27**