

Index

ABANDONMENT

Estate property, § 5:19

ABSTENTION

Generally, § 4:6

ABUSE

Dismissal of case for abuse. **Liquidation** (this index)

ADEQUATE PROTECTION

Estate administrative powers, § 9:18
Superpriority, § 7:22

ADMINISTRATIVE EXPENSES

Allowance of claims, generally,
§ 7:10 to 7:15
Collective bargaining agreement,
employee claims under, § 7:11
Fees and mileage, § 7:15
Goods received within 20 days before
petition filed, § 7:15
Health care business, costs of closing,
§ 7:15
Lease rejections claims, § 7:14
Notice and hearing, § 7:10
Preservation of estate, § 7:11
Professional compensation, § 7:11,
7:12
Substantial contribution claims,
§ 7:12
Tax claims, § 7:13

ADMINISTRATIVE PROCEEDINGS

Estate administrative powers, com-
mencement or continuation of
proceedings, § 9:3

ADVERSARY PROCEEDINGS

Generally, § 6:1
Defaults and default judgments, § 6:7
Filing an answer, § 6:9
Initiating proceedings
generally, § 6:2 to 6:6

ADVERSARY PROCEEDINGS

—Cont'd

Initiating proceedings—Cont'd
complaint and summons, § 6:3
deadlines and statutes of limitation,
§ 6:2
proper service, § 6:4
removal or transfer of proceedings,
§ 6:6
venue, § 6:5
Objection to claim joined with
counterclaim, § 7:2
Pretrial proceedings, § 6:10
Trials, § 6:11
Voluntary dismissals, § 6:8

AFTER-ACQUIRED PROPERTY

Estate property, upon conversion to
Chapter 13, § 5:2

AMENDMENT

Proof of claim or interest, § 7:1

ANCILLARY PROCEEDINGS

Generally, § 4:4

ANNULMENT

Estate administrative powers, retroac-
tive annulment of automatic
stay, § 9:14

ANTI-DISCRIMINATION PROVISION

Prohibition of discrimination against
debtor after bankruptcy, § 6:26

APPEALS

Generally, § 4:14
Direct appeals, § 4:16
Notice of appeal, § 4:17
Orders and judgments subject to
review, § 4:15
Standing to appeal, § 4:18
Stay pending appeal, § 4:19

APPENDICES

- Author's forms, § **App. C**
- Director's procedural forms, § **App. B**
- Official bankruptcy forms, § **App. A**

APPOINTMENT

- Trustees, § **12:9**

ARBITRATION CLAUSES

- Bankruptcy proceedings, applicability in, § **4:10**

ASBESTOS RELATED CLAIMS

- Discharge injunction exception, § **6:24**

ASSIGNMENT

- Estate administrative powers, assignment of executory contracts and unexpired leases, § **9:21**

ASSUMPTION

- Estate administrative powers, assumption v. rejection of executory contracts and unexpired leases, § **9:20**

ATTACHMENTS

- Estate administrative powers, attachment of tax lien to property of estate as exception to automatic stay, § **9:9**
- Objections to claims, § **7:2**

ATTORNEYS

- Professional Persons** (this index)

ATTORNEYS' FEES

- Estate administrative powers, § **9:12**

AUDITS AND AUDITING

- United States Trustees, § **2:4**

AUTOMATIC STAY

- Avoidance of postpetition transfers, Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, § **5:16**
- Dismissal of case as terminating stay, § **8:14**
- Estate Administrative Powers** (this index)
- Violation of stay, § **5:9**

AVOIDANCE

- Generally, § **5:10**
- Fraudulent transfers, § **5:15**
- Hypothetical creditors, § **5:14**
- Limitations on trustee's avoidance powers, § **5:17**
- Objection to claim held by recipient of avoidable transfer, § **7:7**
- Post-petition transfers, § **5:16**
- Preferential transfers defenses, § **5:13**
 - trustee's prima facie case, § **5:12**
- Recovery of avoided transfers, § **5:18**
- Statutory liens, § **5:11**
- Strong arm powers, § **5:14**

BAD FAITH

- Liquidation** (this index)

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2005

- Avoidance of post-petition transfers, § **5:16**
 - Chapter 11, § **3:29**
 - Chapter 12, § **14:1 et seq.**
 - Chapter 13, § **13:1 et seq.**
- Discharge, § **6:12 et seq.**
- Exemptions, § **5:20 et seq.**
- Priorities, § **7:21**
- Reorganization, § **3:29**
- Trustees, expanded role, § **2:3 to 2:6**

BANKRUPTCY CODE

- Background of Code, § **1:1 to 1:4**

BANKRUPTCY COURTS

- Structure of, § **1:2**

BANKRUPTCY RULES

- Rules of Bankruptcy Procedure** (this index)

BOOKS

- Records** (this index)

BUDGET COUNSELING AGENCIES

- Debtor's duty to file certificate of briefing, § **3:3, 3:16**

INDEX

CASH COLLATERAL

Estate administrative powers, exception to transaction in ordinary course of business rule, § 9:16

CHANGE OF VENUE

Generally, § 3:6

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)

CLAIMS AND INTERESTS

Creditors and Claims (this index)

CLOSING OF CASE

Generally, § 8:15

CO-DEBTORS

Family farmer debt adjustment case, co-debtor stay in, § 14:6
Subrogation of co-debtor/surety claims, § 7:23

COERCION

Estate administrative powers, violation of automatic stay, § 9:7

COLLATERAL ESTOPPEL

Dischargeability of debt, § 6:23

COMMENCEMENT OF CASE

Chapter 13 cases, special requirements, § 3:17
Credit or budget counseling, duty to file certificate of briefing, § 3:3; 3:16
Creditors matrix, duty to file, § 3:13
Education IRA, evidence of, § 3:18
Eligibility requirements, § 3:1 to 3:4
Filing the Petition (this index)
First meeting of creditors, § 3:21
Ineligibility, effect, § 3:4

COMMENCEMENT OF CASE

—Cont'd

Intention, filing statement of, and performing stated intention, § 3:27

Liquidation (this index)

Monthly income statement, duty to file, § 3:15

Notices and deadlines, § 3:20

Order for relief, § 3:19

Postfiling Considerations and Duties (this index)

Section 521(a)(1), filing documents required by, § 3:14

Tax returns, duty to file, § 3:22

Venue (this index)

Verified petition and schedules, duty to file, § 3:12

COMPENSATION

Administrative expense claims, § 7:11, 7:12

Debtor's duty to file statement of monthly income, § 3:15

Estate officers

generally, § 10:14 to 10:16

interim allowance of compensation, § 10:16

limitations, § 10:15

Professional Persons (this index)

Trustees, § 10:7

CONSUMER PRIVACY

OMBUDSMAN

Generally, § 10:8, 10:13

CONTEMPT

Estate administrative powers, enforce automatic stay, § 9:12

Jurisdiction, contempt power, § 4:9

CONTEST OF PETITION

Liquidation, contesting involuntary petition, § 11:5

CONTINUATION OF PROCEEDINGS

Estate administrative powers, § 9:3

CONTINUING CONCEALMENT DOCTRINE

Liquidation, acts against property, § 11:19

CONTRACTS

Claims for payment or indemnification by entity liable with debtor, § 7:9

Debt relief agencies, attorneys as, § 10:12

Executory Contracts (this index)

CONTROL OF ESTATE PROPERTY

Estate administrative powers, § 9:5

CONVERSION OF CASE

Generally, § 8:3 to 8:8

From Chapter 7, § 8:4

From Chapter 11, § 8:5

From Chapter 12, § 8:6

From Chapter 13, § 8:7

Effects of conversion, § 8:8

Family farmer debt adjustment cases, § 14:8

Individual debt adjustment cases, § 5:6, 13:10

Liquidation (this index)

Reconversion, § 8:4

Reorganization, § 12:15

CORPORATE DEBTORS

Filing of petition, § 3:9

Liquidation, voluntary petition, § 11:3

COURTS

Bankruptcy courts, structure of, § 1:2

CRAM-DOWN

Reorganization plans, § 12:27

CREDIT CARD DEBT

Dischargeability of debt, § 6:14

CREDIT COUNSELING AGENCIES

Debtor's duty to file certificate of briefing, § 3:3, 3:16

United States Trustees, certification by, § 2:5

CREDITORS AND CLAIMS

Generally, § 7:1 to 7:24

Administrative Expenses (this index)

CREDITORS AND CLAIMS

—Cont'd

Allowance of claims

deemed allowance absent objections, § 7:2

individual debt adjustment cases, post-petition claims in, § 13:8

Objections (this index)

proof of claim, § 7:1

reduction of claim based on unsecured consumer debt, § 7:8

Avoidance of preferential transfers, § 5:12, 5:13

Contingent claims, § 7:9

Conversion of case, effect on claims of, § 8:8

Damages, generally, § 7:4 to 7:6

Definition of "claim," § 7:1

Double-dipping, § 7:9, 7:24

Hypothetical creditors, § 5:14

Individual debt adjustment cases, filing and allowance of post-petition claims in, § 13:8

Late-filed claims, objections to, § 7:3

Objections (this index)

Priority in payment of claims, § 7:21, 7:22

Proof of claim or interest, § 7:1

Reorganization (this index)

Secured Claims (this index)

Subordination of claims, § 7:24

Subrogation of co-debtor/surety claims, § 7:23

Tax liabilities, § 7:16

Unliquidated claims, § 7:9

CREDITORS' COMMITTEE

Liquidation, election of trustee or creditors' committee and duties of creditors' committee, § 11:6

CREDITOR'S EXPECTATION TEST

Estate administrative powers, transactions in ordinary course of business, § 9:16, 9:19

CREDITORS' MEETING

Meeting of Creditors and Equity Security Holders (this index)

INDEX

CUSTODIAN

Turnover of property to estate, § 5:9

DAMAGES

Claims allowance and objections,
§ 7:4 to 7:6

Estate administrative powers, punitive damages, § 9:12

DEADLINES

Liquidation, deadline for filing motion to dismiss, presumption of abuse and means testing, § 11:9

Postfiling considerations, § 3:20

DEBTOR-IN-POSSESSION

Duties and powers, § 12:7

Reorganization cases, § 3:29, 12:6

DEBTOR'S DUTIES AND BENEFITS

Books and records, turning over of, § 3:24

Chapter 13 cases, § 3:17, 13:5, 13:6

Commencement of case, § 3:12 to 3:18

Creditors matrix, filing, § 3:13

Discharge (this index)

Examination, availability for, § 3:25

Family farmer debt adjustment cases, § 14:5

Filing

budget and credit counseling briefing, certificate, § 3:16

creditors matrix, § 3:13

financial management course, statement of completion, § 3:28

intention, statement of, § 3:27

monthly income, statement of, § 3:15

petition. **Filing the Petition** (this index)

schedules, verified, § 3:12

tax returns, duty to file, § 3:22

Financial management course, duty to complete and file statement of completion, § 3:28

Individual debt adjustment cases, § 3:17, 13:5; 13:6

DEBTOR'S DUTIES AND BENEFITS—Cont'd

Intention, statement of, § 3:27

Meeting of creditors, duty to attend and identify self at appear as a witness, § 3:23

Monthly income, filing statement of, § 3:15

Property, turning over, § 3:24

Records, turning over, § 3:24

Self-incrimination, immunity from, § 3:26

Tax returns, duty to file, § 3:22

Trustee, cooperate with, § 3:24

Types of relief available to debtors, § 1:3

Verified petition and schedules, filing, § 3:12

DEFICIENCY

Liquidation, failure to explain deficiency, denial of discharge to debtor, § 11:22

DEFINITIONS

Cash collateral, § 9:16

DENIAL OF DISCHARGE TO DEBTOR

Liquidation (this index)

DIRECT APPEALS

Generally, § 4:16

DISCHARGE

Generally, § 6:12

Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, § 6:12 *et seq.*

Collateral estoppel, § 6:23

Credit card debt, § 6:14

Debtor's obligations not discharged, § 6:23

Debts from operation of motor vehicle, vessel, or aircraft while intoxicated, § 6:21

Discharge injunction, § 6:24

Dismissal of case, effect of, § 8:14

Divorce, non-support related debts, § 6:17

Domestic support obligations, § 6:17

DISCHARGE—Cont'd

- Effect of discharge
 - discharge injunction, § 6:24
 - reaffirmation of debt, § 6:25
- Embezzlement, § 6:16
- Exceptions, § 6:22
- Fines, penalties, and forfeitures, § 6:19
- Fraud of debtor, § 6:14
- Fraud or defalcation of debtor in fiduciary capacity, § 6:16
- Individual debt adjustment cases, § 13:20
- Larceny, § 6:16
- Liquidation** (this index)
- Prohibition of discrimination against debtor after bankruptcy, § 6:26
- Restitution obligations, § 6:19, 6:22
- Student loans, § 6:20
- Taxes, § 6:13
- Unscheduled debts, § 6:15
- Willful and malicious injury, § 6:18

DISCOVERY

- Reorganization plan disclosures, § 12:22

DISCRIMINATION

- Prohibition of discrimination against debtor after bankruptcy, § 6:26

DISMISSAL OF CASE

- Generally, § 8:9 to 8:14
- Adversary proceedings, voluntary dismissals, § 6:8
- Automatic dismissal on failure to file required documents, § 8:9
- Bad faith as cause for dismissal, § 8:10, 8:11, 8:13
- “Cause” for dismissal, § 8:10 to 8:12
- Chapter 7, § 8:10
- Chapter 11, § 8:11
- Chapter 12, § 8:12
- Chapter 13, § 8:13
- Closing of case distinct matter, § 8:15
- Effects of dismissal, § 8:14
- Eligibility to be debtor after, § 8:14

DISMISSAL OF CASE—Cont'd

- Family farmer debt adjustment cases, § 14:8
- Filings and filing fees, effect of failure to make and pay, § 8:9
- Individual debt adjustment cases, § 13:10
- Liquidation** (this index)
- Reorganization, § 12:15
- Venue, improper, § 3:6

DISTRIBUTION

- Individual debt adjustment plan payments, § 13:16

DIVORCE, NON-SUPPORT RELATED DEBTS

- Dischargeability of debt, § 6:17

DOMESTIC RELATIONS

- Estate administrative powers, exceptions, § 9:9

DOMESTIC SUPPORT OBLIGATIONS

- Dischargeability of debt, § 6:17
- Objections to claims, § 7:8
- Priorities, § 7:21

EDUCATION IRA

- Estate property exclusion, § 5:7

ELECTION

- Liquidation, election of trustee or creditors' committee and duties of creditors' committee, § 11:6

ELIGIBILITY FOR RELIEF

- Family farmer debt adjustment cases, § 14:2
- General eligibility requirements, § 3:1 to 3:4
- Individual debt adjustment, § 13:1
- Ineligibility, effect, § 3:4
- Prior bankruptcy filings, § 3:2
- Reorganization cases, § 12:2

EQUITABLE SUBORDINATION

- Generally, § 7:24

EQUITY SECURITY HOLDERS

- Claims and interests of creditors' and equity security holders' committees, § 12:13

INDEX

EQUITY SECURITY HOLDERS

—Cont'd

- Meetings. **Meetings of Equity Security Holders** (this index)
- Reorganization, § **12:13, 12:14**

ESTATE

- Generally, § **5:1 to 5:25**
- Abandonment of estate property, § **5:19**
- Administrative powers. **Estate Administrative Powers** (this index)
- Administrative provisions, generally, § **8:1 to 8:16**
- Avoidance** (this index)
- Creation of estate, § **5:1**
- Money management by estate fiduciaries, § **8:1**
- Officers of estate
 - examiner, § **10:9**
 - ombudsman, § **10:8, 10:13**
 - Professional Persons** (this index)
 - Trustees** (this index)
- Property exempted from estate. **Exemptions** (this index)
- Property of estate
 - conversion of case, effect of, § **8:8**
 - creation of estate, § **5:1**
 - debtor holds only legal interest in property, § **5:8**
 - determination of when debtor's entitlement accrues under state law, § **5:4**
 - dismissal of case, effect of, § **8: 14**
 - excluded property, § **5:7**
 - family farmer debt adjustment cases, § **5:5, 14:7**
 - individual debt adjustment cases generally, § **5:5, 13:9**
 - case conversion, § **5:6**
 - interests owned at time of filing, § **5:2**
 - limitations on inclusion, § **5:4**
 - post-filing acquisitions by debtor, § **5:3**
 - proceeds and income generated by estate assets, § **5:4**
 - recovered property, § **5:9 to 5:10**

ESTATE—Cont'd

- Property of estate—Cont'd
 - turning over, § **3:24**
 - turnover actions, property recovered by trustee, § **5:9**
- Setoff, creditor's right of, § **5:9**
- Turnover, property recovered by trustee, § **5:9**

ESTATE ADMINISTRATIVE POWERS

- Adequate protection, § **9:18**
- Administrative proceedings, commencement or continuation of, § **9:3**
- Annulment of stay, retroactive, § **9:14**
- Assignment of executory contracts and unexpired leases, § **9:21**
- Assumption v. rejection, executory contracts and unexpired leases, § **9:20**
- Attachment of tax lien to property of estate, exceptions to automatic stay, § **9:9**
- Attorneys' fees, award of, § **9:12**
- Automatic stay
 - generally, § **9:1 to 9:15**
 - actions stayed, § **9:3 to 9:8**
 - attachment of tax lien to property of estate, exceptions to automatic stay, § **9:9**
 - attorneys' fees, award of, § **9:12**
 - cause for relief, § **9:13**
 - certain unavoidable transfers, § **9:9**
 - coercion, violation of automatic stay, § **9:7**
 - commencement or continuation of judicial or administrative proceedings, § **9:3**
 - control of estate property, § **9:5**
 - creation, perfection, and enforcement of liens, § **9:6**
 - criminal actions, exceptions, § **9:9**
 - domestic relations, exceptions, § **9:9**
 - effectiveness, § **9:2**
 - enforcement of judgment, § **9:4**

**ESTATE ADMINISTRATIVE
POWERS—Cont'd**

- Automatic stay—Cont'd
 - eviction from residential property, exceptions to automatic stay, § 9:9
 - exceptions, § 9:9
 - good faith filing, motion to extend or impose stay, § 9:11
 - governmental units regarding taxes, exclusion from automatic stay, § 9:9
 - harassment, violation of automatic stay, § 9:7
 - income tax liability for prepetition taxable period against income tax, exceptions to automatic stay, § 9:9
 - lack of adequate protection as cause for relief, § 9:13
 - lack of good faith, cause for relief, § 9:13
 - landlord/tenant matters, exceptions, § 9:9
 - leases of real property, exceptions to automatic stay, § 9:9
 - motion to extend or impose stay, § 9:11
 - objection to truth or legal sufficiency of the certification, exceptions to automatic stay, § 9:9
 - perfection of preparation liens, § 9:9
 - possession of estate property, § 9:5
 - prepetition debt, actions taken to collect, § 9:7
 - prepetition foreclosure, § 9:4
 - presentment of negotiable instrument, exceptions, § 9:9
 - punitive damages, award of, § 9:12
 - real property leases, exceptions to automatic stay, § 9:9
 - real property lien enforcement, exception, § 9:9
 - recoupment rights, determination of, § 9:8
 - relation back liens, exceptions, § 9:9
 - in rem relief, § 9:13

**ESTATE ADMINISTRATIVE
POWERS—Cont'd**

- Automatic stay—Cont'd
 - repeat filings, termination by law, § 9:10
 - retirement loan repayment, exception, § 9:9
 - safe harbor, exceptions to automatic stay for eviction from residential property, § 9:9
 - small business debtor, exceptions to automatic stay, § 9:11
 - tax matters, exceptions, § 9:9
 - temporary refusal to pay debt to preserve setoff rights, § 9:8
 - termination by law, § 9:10
 - third case filed within a year, motion to extend or impose stay, § 9:11
 - third case within a year, filing of, motion to extend or impose stay, § 9:11
 - third party, actions taken to collect prepetition debt from, § 9:7
 - totality of circumstances test to determine good faith filing, § 9:11
 - violations, contempt, and actions to enforce automatic stay, § 9:12
- Cash collateral, exception to transaction in ordinary course of business rule, § 9:16
- Cause for relief from automatic stay, § 9:13
- Coercion, violation of automatic stay, § 9:7
- Commencement of judicial or administrative proceedings, § 9:3
- Contempt, enforce automatic stay, § 9:12
- Continuation of judicial or administrative proceedings, § 9:3
- Control of estate property, § 9:5
- Creation, perfection, and enforcement of liens, § 9:6

INDEX

ESTATE ADMINISTRATIVE POWERS—Cont'd

- Creditor's expectation test, transactions in ordinary course of business, § 9:16
- Damages, award of punitive damages, § 9:12
- Definition of cash collateral, § 9:16
- Domestic relations, exceptions, § 9:9
- Domestic support obligations, factors in determining, § 9:9
- Enforcement of judgment, § 9:4
- Eviction from residential property, exceptions to automatic stay, § 9:9
- Exceptions, automatic stay and criminal actions, § 9:9
- Executory contracts and unexpired leases
 - assignment, § 9:21
 - assumption v. rejection, § 9:20
- Ex parte relief from automatic stay, § 9:15
- Extensions
 - executory contracts and unexpired leases, extension of time for performance of duties, § 9:20
 - good faith filing of motion to extend or impose stay, § 9:11
- Governmental units regarding taxes, exclusion from automatic stay, § 9:9
- Harassment, violation of automatic stay, § 9:7
- Horizontal dimension test, § 9:16, 9:19
- Income tax liability for prepetition taxable period against income tax, exceptions to automatic stay, § 9:9
- Judicial or administrative proceedings, commencement or continuation of, § 9:3
- Lack of adequate protection as cause for relief, § 9:13
- Lack of good faith, cause for relief, § 9:13
- Landlord/tenant matters, exceptions, § 9:9

ESTATE ADMINISTRATIVE POWERS—Cont'd

- Leases of real property, exceptions to automatic stay, § 9:9
- Liens, creation, perfection, and enforcement of, § 9:6, 9:9
- Motion to extend or impose stay, § 9:11
- Objection to truth or legal sufficiency of the certification, exceptions to automatic stay, § 9:9
- Perfection of liens, § 9:6, 9:9
- Possession or control of estate property, § 9:5
- Postpetition credit, obtaining, § 9:19
- Prepetition debt, actions taken to collect, § 9:7
- Prepetition foreclosure, § 9:4
- Presentment of negotiable instrument, exceptions, § 9:9
- Punitive damages, award of, § 9:12
- Real property leases, exceptions to automatic stay, § 9:9
- Recoupment rights, determination of, § 9:8
- Rejection, executory contracts and unexpired leases, § 9:20
- Relation back liens, exceptions, § 9:9
- Relief from automatic stay
 - generally, § 9:13
 - ex parte relief, § 9:15
 - retroactive annulment of stay, § 9:14
- In rem relief, § 9:13
- Repayment of retirement loans, exception, § 9:9
- Repeat filings, termination by law, § 9:10
- Residential property, eviction from, exceptions to automatic stay, § 9:9
- Retirement loans, repayment of, exception, § 9:9
- Retroactive annulment of stay, § 9:14
- Safe harbor, exceptions to automatic stay for eviction from residential property, § 9:9
- Setoff rights, temporary refusal to pay debt to preserve, § 9:8

**ESTATE ADMINISTRATIVE
POWERS—Cont'd**

- Small business debtor, exceptions to automatic stay, § 9:11
- Tax matters, exceptions, § 9:9
- Temporary refusal to pay debt to preserve setoff rights, § 9:8
- Termination by law, § 9:10
- Third case filed within a year, motion to extend or impose stay, § 9:11
- Third case within a year, filing of, motion to extend or impose stay, § 9:11
- Third party, actions taken to collect prepetition debt from, § 9:7
- Time limitations, assumption or rejection of executory contracts and unexpired leases, § 9:20
- Totality of circumstances test to determine good faith filing, § 9:11
- Truth or legal sufficiency of the certification, objection to, exceptions to automatic stay, § 9:9
- Unavoidable transfers, automatic stay, § 9:9
- Use, sale, or lease of property of estate in ordinary course of business and use of cash collateral, § 9:16
- Use, sale, or lease of property of estate other than in ordinary course of business, § 9:17
- Utility services, § 9:22
- Vertical dimension/creditor's expectation test, transactions in ordinary course of business, § 9:16, 9:19

EVICITION

- Estate administrative powers, eviction from residential property, exceptions to automatic stay, § 9:9

EXAMINATION

- Availability of debtor for, § 3:25
- Reorganization cases, examiners in, § 12:12

EXAMINER

- Appointment in lieu of trustee, § 10:9, 10:13

EXCUSABLE NEGLECT

- Allowance of late filed claims, § 7:3

EXECUTORY CONTRACTS

- Collective bargaining agreements, rejection of, § 12:34
- Estate Administrative Powers** (this index)
- Extension of time for filing of rejection claim, § 7:3
- Objection to claim for damages for termination of employment contract, § 7:6
- Retiree benefits, protection of, § 12:35

EXEMPTIONS

- Property exempted from estate generally, § 5:20
- Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, § 5:20 *et seq.*
- choice of exemption law: federal v. state, § 5:21
- lien avoidance, § 5:25
- limitations, § 5:23
- nature of federal exemptions, § 5:22
- procedural considerations, § 5:24
- Reorganization case exemption from securities laws, § 12:32

EX PARTE RELIEF

- Estate administrative powers, ex parte relief from automatic stay, § 9:15

EXTENSIONS

- Estate Administrative Powers** (this index)

FALSE OATH

- Liquidation, false oath by debtor, § 11:21

**FAMILY FARMER DEBT
ADJUSTMENT**

- Generally, § 14:1 to 14:10
- Co-debtor stay, § 14:6
- Code provisions applicable to Chapter 12, § 14:3
- Conversion of case, § 14:8

INDEX

FAMILY FARMER DEBT

ADJUSTMENT—Cont'd

Debtor's rights, powers, and duties,
§ 14:5

Dismissal of case, § 14:8

Eligibility for Chapter 12 relief,
§ 14:2

Estate property, § 5:5, 14:7

Officers, § 14:4; 14:5

Plan, § 14:9

Special tax provisions, § 14:10

Standing trustee, § 14:4

FEES

Dismissal of case for nonpayment of
filing fees, § 8:9

Filing fee, § 3:11

Oversecured claims, § 7:18

FILING THE PETITION

Generally, § 3:7 to 3:11

Corporate debtors, § 3:9

Fee, § 3:11

Improper filings, § 3:2

Involuntary filings, § 3:10

Married debtors, § 3:8

Partnership debtors, § 3:9

**Postfiling Considerations and
Duties** (this index)

Verified petition, § 3:12

FINAL DISTRIBUTION

Liquidation, priority of payments,
§ 11:16

FINANCIAL MANAGEMENT COURSES

Debtor's duty to complete and file
statement of completion, § 3:28

United States Trustees, certification
by, § 2:5

529 ACCOUNT

**Qualified Tuition Program (529
Account)** (this index)

FOREIGN PROCEEDINGS

Ancillary Proceedings (this index)

FORMS APPENDICES

Author's forms, § App. C

FORMS APPENDICES—Cont'd

Director's procedural forms, § App.
B

Official bankruptcy forms, § App. A

FRAUD

Dischargeability of debt

fraud of debtor, § 6:14

fraud or defalcation of debtor in
fiduciary capacity, § 6:16

Liquidation, denial of discharge to
debtor for fraud, § 11:21

FRAUDULENT TRANSFERS

Trustee avoidance of transfers, § 5:15

HARASSMENT

Estate administrative powers, viola-
tion of automatic stay, § 9:7

HEALTH CARE BUSINESSES

Costs of closing as administrative
expenses, § 7:15

Ombudsman, § 10:8, 10:13

HEARINGS

Administrative expense claims,
§ 7:10

Conversion of case, § 8:4 to 8:7

Dismissal of case, § 8:9 to 8:13

Individual debt adjustment plan
confirmation hearing, § 13:14

Liquidation, hearing on discharge,
§ 11:27

Objections to claims, § 7:2

Professional persons' compensation,
court approval of, § 10:13,
10:17

Reorganization case, plan confirma-
tion hearing, § 12:25

Trustee, appointment of, § 10:2

HORIZONTAL DIMENSION TEST

Estate administrative powers, § 9:16,
9:19

HUSBAND AND WIFE

Domestic support obligations,
dischargeability of debt, § 6:17

Filing petition, married debtors, § 3:8

Liquidation, voluntary petition by
married debtors, § 11:3

HYPOTHETICAL CREDITORS

Avoidance of transfers and obligations, § 5:14

IDENTIFICATION

Meeting of creditors, debtor's duty to attend and identify self
appear as a witness, § 3:23

IMMUNITY

Self-incrimination, debtor's immunity from, § 3:26

IMPROPER PURPOSE TEST

Liquidation, improper purpose test to determine bad faith, involuntary petition, § 11:5

INCOME TAX

Estate administrative powers, income tax liability for prepetition taxable period against income tax, exceptions to automatic stay, § 9:9

INDIVIDUAL DEBT ADJUSTMENT

Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, § 13:1 *et seq.*

Code provisions applicable to Chapter 13, § 13:3

Confirmation of plan, § 13:14 to 13:17

Conversion of case, § 5:6, 13:10

Debtor's rights, powers, and duties, § 3:17, 13:5

Discharge of debts, § 13:20

Dismissal of case, § 13:10

Effect of plan confirmation, § 13:19

Eligibility for Chapter 13 relief, § 13:1, 13:2

Estate property, § 5:5, 5:6, 13:9

Filing case, § 3:17, 13:3

Modification of plan. Plan, below
Officers, generally, § 13:4 to 13:6

Payments under plan, § 13:16

Plan

generally, § 13:11 to 13:17

confirmation of plan, § 13:14 to 13:17

contents of plan, § 13:12

INDIVIDUAL DEBT ADJUSTMENT

—Cont'd

Plan—Cont'd

effect of plan confirmation,
§ 13:19

eligibility to file, § 13:11

hearing on plan confirmation,
§ 13:14

modification of plan

after confirmation, § 13:21

before confirmation, § 13:13

payments under plan, § 13:16

post-confirmation matters, § 13:18,
13:19

requirements for plan confirmation,
§ 13:15

revocation of plan, § 13:22

Post-petition claims, filing and allowance of, § 13:8

Revocation of plan, § 13:22

Secured claims, requirements regarding, § 13:16

Standing trustee, § 13:4

Stay of action against codebtor,
§ 13:7

Unsecured claims and projected disposable income test, requirements regarding, § 13:17

INFORMAL CLAIMS

Allowance of late files claims, § 7:3

IN REM RELIEF

Estate administrative powers, § 9:13

INSIDERS

Liquidation, acts in case of insider, denial of discharge to debtor,
§ 11:24

Objection to claim for services of,
§ 7:8

INTENT

Commencement of case, filing and performance of statement of intention, § 3:27

INVOLUNTARY PETITION

Filing, § 3:10

Liquidation (this index)

Reorganization case, § 12:4

INDEX

IRA

Education IRA
estate property exclusion, § 5:7

ISSUE PRECLUSION DOCTRINE

Dischargeability of debt, § 6:23

JOINT CASE

Liquidation, voluntary petition,
§ 11:3

JUDICIAL OR ADMINISTRATIVE PROCEEDINGS

Estate administrative powers, § 9:3

JURISDICTION

Generally, § 4:1; 4:2
Abstention, § 4:6
Adversary proceedings, § 6:1
Ancillary proceedings, § 4:4
Arbitration clauses, applicability in
bankruptcy proceedings, § 4:10
Contempt power, § 4:9
Core proceedings, § 4:3
Postconfirmation jurisdiction, § 4:7
Sovereign immunity, § 4:8
Withdrawal of reference, § 4:5

JURY TRIAL

Generally, § 4:11
Adversary proceedings, § 6:11
Authority of bankruptcy court to
conduct jury trial, § 4:12
Waivers of right to jury trial, § 4:13

LANDLORD AND TENANT

Estate administrative powers, excep-
tions, § 9:9

LATE FILED CLAIMS

Administrative claims, § 7:10
Objections, § 7:3

LEASES

Estate administrative powers, leases
of real property as exception to
automatic stay, § 9:9
Unexpired Leases (this index)

LEGISLATION

**Bankruptcy Abuse Prevention and
Consumer Protection Act of
2005** (this index)

LEGISLATION—Cont'd

Family farmer debt adjustment cases,
other Code provisions applicable
to, § 14:3
Individual debt adjustment cases,
other Code provisions applicable
to, § 13:3

LIENS

Estate administrative powers, cre-
ation, perfection, and enforce-
ment of liens, § 9:6, 9:9
Liquidation, distribution of estate
property subject to certain liens,
§ 11:15
Oversecured claims arising from
statutory lien, interest rate on,
§ 7:18
Property exempted from estate, lien
avoidance, § 5:25
Relation back liens, exceptions, § 9:9
Strip down or strip off of liens,
§ 7:20

LIQUIDATION

Generally, § 11:1 to 11:28
Abuse. Dismissal of case for abuse,
below
Acts against property, denial of dis-
charge to debtor, § 11:19
Authority for trustee to operate busi-
ness, § 11:11
Bad faith and totality of circum-
stances, dismissal of case for
abuse, § 11:10
Bad faith filing, involuntary petition,
§ 11:5
Commencement
bankruptcy proceeding, § 11:1
involuntary cases, § 11:4
Contesting involuntary petition,
§ 11:5
Continuing concealment doctrine,
acts against property, § 11:19
Conversion of case. Dismissal of
case, below
Corporate and partnership debtors,
voluntary petition, § 11:3
Court, failure to cooperate with,
denial of discharge to debtor,
§ 11:23

LIQUIDATION—Cont'd

- Deadline for filing motion to dismiss, presumption of abuse and means testing, § 11:9
- Deficiency, failure to explain, denial of discharge to debtor, § 11:22
- Denial of discharge to debtor generally, § 11:17 to 11:25
 - acts against property, § 11:19
 - acts in the case of an insider, § 11:24
 - continuing concealment doctrine, acts against property, § 11:19
 - debtor's fraud, § 11:21
 - debtor's records, § 11:20
 - failure to cooperate with court, § 11:23
 - failure to explain deficiency, § 11:22
 - false oath, debtor's fraud, § 11:21
 - previous discharge, § 11:25
 - procedural considerations, § 11:18
- Discharge
 - denial of discharge to debtor, above
 - hearing, § 11:27
 - revocation, § 11:28
 - waiver, § 11:26
- Dismissal of case
 - generally, § 11:7
 - abuse. Dismissal of case for abuse, below
- Dismissal of case for abuse
 - generally, § 11:8
 - bad faith and totality of circumstances, § 11:10
 - deadline for filing motion to dismiss, presumption of abuse and means testing, § 11:9
 - presumption of abuse and means testing, § 11:9
- Distribution of estate property subject to certain liens, § 11:15
- Election of trustee or creditors' committee and duties of creditors' committee, § 11:6
- Eligibility for relief, § 11:2
- False oath, debtor's fraud, § 11:21
- Final distribution, § 11:16

LIQUIDATION—Cont'd

- Fraud by debtor, denial of discharge to debtor, § 11:21
- General partners, rights of partnership trustee against, § 11:14
- Hearing on discharge, § 11:27
- Improper purpose test to determine bad faith, involuntary petition, § 11:5
- Insider, acts in case of, denial of discharge to debtor, § 11:24
- Involuntary cases
 - commencement, § 11:4
 - disposition of involuntary petition, § 11:5
- Joint case, voluntary petition, § 11:3
- Levels of priority of distribution, final distribution, § 11:16
- Local tax provisions, § 11:12
- Married debtors, voluntary petition, § 11:3
- Partnerships
 - general partners, rights of partnership trustee against, § 11:14
 - voluntary petition by partnership debtors, § 11:3
- Presumption of abuse and means testing, deadline for filing motion to dismiss, § 11:9
- Previous discharge, denial of discharge to debtor, § 11:25
- Priority of payments, final distribution, § 11:16
- Procedural considerations, denial of discharge to debtor, § 11:18
- Records of debtor, denial of discharge to debtor, § 11:20
- Redemption by debtor of certain personal property, § 11:13
- Replacement value, defined for purposes of redemption by debtor of certain personal property, § 11:13
- Revocation of discharge, § 11:28
- State and local tax provisions, § 11:12
- Tax provisions, § 11:12
- Totality of the circumstances test, involuntary petition, § 11:5

INDEX

LIQUIDATION—Cont'd

- Trustee or creditors' committee and duties of creditors' committee, election of, § 11:6
- Voluntary petition, § 11:3
- Waiver of discharge, § 11:26

LOCAL TAX PROVISIONS

- Liquidation, § 11:12

LODESTAR

- Compensation of professional persons, § 10:13

MARRIED PERSONS

- Husband and Wife** (this index)

MEANS TESTING

- United States Trustees, § 2:3

MEETING OF CREDITORS AND EQUITY SECURITY HOLDERS

- Debtor's duty to attend and identify self
 - appear as a witness, § 3:23
- First meeting of creditors, commencement of case, § 3:21
- Reorganization, § 12:5

NOTICE

- Administrative expense claims, § 7:10
- Appeal, notice of, § 4:17
- Conversion of case, § 8:4 to 8:7
- Debt relief agencies, attorneys as, § 10:12
- Dismissal of case, § 8:9 to 8:13
- Postfiling considerations, § 3:20
- Professional persons' compensation, court approval of, § 10:13, 10:17
- Trustee, appointment of, § 10:2

OBJECTIONS

- Claims
 - generally, § 7:2 to 7:8
 - avoidable transfer, claims held by recipient of, § 7:7
 - damages, § 7:4 to 7:6
 - deemed allowance absent objection, § 7:2

OBJECTIONS—Cont'd

- Claims—Cont'd
 - late filed claims, § 7:3
 - substantive objections, § 7:4
 - tax claims, § 7:8
 - unmatured interest, claim for, § 7:8

OFFICERS OF ESTATE

- Professional Persons** (this index)
- Trustees** (this index)

OFFSET

- Creditor's right of, § 5:9

OMBUDSMAN

- Generally, § 10:8, 10:13

OMNIBUS OBJECTIONS

- Claims, § 7:2

ORDERS

- Appeal, orders and judgments subject to review, § 4:15
- Conversion of case, order for relief upon, § 8:8
- Dismissal of case, effect of, § 8:14
- Postfiling considerations, order for relief, § 3:19

PARTNERSHIP

- Filing of petition, partnership debtors, § 3:9
- Liquidation** (this index)

PATIENT CARE OMBUDSMAN

- Generally, § 10:8, 10:13

PETITIONS

- As to filing. **Filing the Petition** (this index)
- Involuntary petition, reorganization case, § 12:4
- Voluntary petition, reorganization case, § 12:3

POSTFILING ACQUISITIONS

- Property of estate, § 5:3

POSTFILING CONSIDERATIONS AND DUTIES

- Generally, § 3:19 to 3:29
- Avoidance of post-petition transfers, § 5:16

**POSTFILING CONSIDERATIONS
AND DUTIES—Cont'd**

Deadlines, § 3:20
Notices, § 3:20
Order for relief, § 3:19

POSTPETITION CREDIT

Estate administrative powers, § 9:19

PREFERENCES

Trustee avoidance of transactions
defenses against trustee's powers,
§ 5:13
secured and unsecured creditors,
§ 5:12

PREPETITION MATTERS

Estate Administrative Powers (this
index)

PRESUMPTIONS

Liquidation, presumption of abuse
and means testing, deadline for
filing motion to dismiss, § 11:9

PRIORITIES

Administrative Expenses (this
index)
Bankruptcy Abuse Prevention and
Consumer Protection Act of
2005, § 7:21
Claims payment, § 7:21, 7:22
Liquidation, priority of payments,
final distribution, § 11:16

PROFESSIONAL PERSONS

Generally, § 10:10 to 10:18
Administrative expenses, § 7:11,
7:12
Attorney obligations, sanctions, and
disciplinary actions, § 10:18
Committee, employment by, § 10:11
Compensation and its limitations
generally, § 10:13 to 10:17
application requirements, § 10:10,
10:15
approval by court, § 10:13
disgorgement, § 10:17
interim compensation, § 10:14
section 328(a), § 10:16
Debtor's dealings with estate
attorneys, § 10:13

**PROFESSIONAL PERSONS
—Cont'd**

Debt relief agency, professionals as,
§ 10:12
Disinterestedness, § 10:10, 10:11,
10:13
Estate, employment by, § 10:10
Objection to claim for services of
debtor's attorney, § 7:8

**PROJECTED DISPOSABLE
INCOME TEST**

Individual debt adjustment, require-
ments regarding unsecured
claims and projected disposable
income test, § 13:17

PROOF OF CLAIM OR INTEREST

Generally, § 7:1

PROPERTY OF ESTATE

Estate (this index)

PUNITIVE DAMAGES

Estate administrative powers, § 9:12

**QUALIFIED TUITION PROGRAM
(529 ACCOUNT)**

Estate property exclusion, § 5:7

REAFFIRMATION OF DEBT

Discharge, § 6:25

RECORDS

Debtor's duty to turn over property
and books, § 3:24
Liquidation, records of debtor, denial
of discharge to debtor, § 11:20

RECOUPMENT

Estate administrative powers, § 9:8

REJECTION

Estate administrative powers, execu-
tory contracts and unexpired
leases, § 9:20

RELATION BACK LIENS

Estate administrative powers, excep-
tions, § 9:9

REOPENING OF CASE

Generally, § 8:16

INDEX

REORGANIZATION

- Generally, § 12:1 to 12:35
- Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, § 3:29
- Claims and interests
 - generally, § 12:16
 - classification in plan, § 12:19
 - creditors' and equity security holders' committees, § 12:13
 - impaired claims, § 12:21
- Collective bargaining agreements, rejection of, § 12:34
- Commencement of bankruptcy proceeding, § 12:1
- Committee of creditors, powers and duties of, § 12:14
- Confirmation of plan. Plan, below
- Conversion of case, § 12:15
- Cram-down rules for dissenting, impaired classes, § 12:27
- Creditors' and equity security holders' committees, § 12:13
- Debtor-in-possession, generally, § 3:29, 12:6
- Disclosure and solicitation of plan acceptances, § 12:22
- Dismissal of case, § 12:15
- Eligibility for relief, § 12:2
- Equity security holders, powers and duties of, § 12:14
- Estate property, individual Chapter 11 cases, § 5:5
- Examiner, § 12:12
- Executory contracts
 - collective bargaining agreements, rejection of, § 12:34
 - retiree benefits, protection of, § 12:35
- Hearing on plan confirmation, § 12:25
- Impaired claims, § 12:21
- Involuntary cases, § 12:4
- Meeting of creditors or equity security holders, § 12:5
- Officers
 - appointment of a trustee, § 12:9
 - debtor-in-possession, generally, § 12:6

REORGANIZATION—Cont'd

- Officers—Cont'd
 - duties and powers of debtor-in-possession, § 12:7
 - duties and powers of trustee, § 12:10
 - examiner, § 12:12
 - termination of trustee's appointment, § 12:11
 - trustee, appointment, § 12:9
- Petition, voluntary and involuntary, § 12:3, 12:4
- Plan
 - generally, § 12:17 to 12:19
 - acceptance of plan, § 12:22, 12:23
 - classification of claims and interests, § 12:19
 - confirmation of plan
 - generally, § 12:25 to 12:31
 - cram-down rules, § 12:27
 - effect of confirmation, § 12:28
 - hearing on confirmation, § 12:25
 - post to confirmation matters, § 12:29 to 12:31
 - requirements for confirmation, § 12:26, 12:27
 - revocation of confirmation, § 12:31
 - contents of plan, § 12:20
 - disclosure and solicitation of acceptances, § 12:22
 - distribution under plan, § 12:30
 - eligibility to file, § 12:18
 - impaired claims, § 12:21
 - modification of plan, § 12:24
 - revocation of confirmation, § 12:31
- Revocation of plan confirmation, § 12:31
- Securities laws, exemption from, § 12:32
- Small business cases, additional duties of, § 12:8
- Small business debtors electing to proceed under subchapter V, § 12:36
- Special tax provisions, § 12:33
- Tax provisions, special, § 12:33
- US trustee functions, § 2:8

REORGANIZATION—Cont'd

Voluntary and involuntary cases,
§ 12:3, 12:4

REPEAT FILINGS

Estate administrative powers,
termination by law, § 9:10

REPLACEMENT VALUE

Liquidation, definition of replacement value for purposes of redemption by debtor of certain personal property, § 11:13

REPORTS

United States Trustees, § 2:4

RESIDENTIAL PROPERTY

Estate administrative powers, eviction from residential property, exceptions to automatic stay, § 9:9

RESTITUTION OBLIGATIONS

Dischargeability of debt, § 6:19, 6:22

RETIREMENT

Estate administrative powers, exception of repayment of retirement loans, § 9:9

RETROACTIVE ANNULMENT

Estate administrative powers, automatic stay, § 9:14

REVIEW

Appeals (this index)

REVOCAION

Individual debt adjustment plan confirmation, § 13:22
Liquidation, revocation of discharge, § 11:28
Reorganization plan confirmation, § 12:31

**RULES OF BANKRUPTCY
PROCEDURE**

Generally, § 1:4
Property exempted from estate, § 5:24

SAFE HARBOR

Estate administrative powers, exceptions to automatic stay for evic-

SAFE HARBOR—Cont'd

tion from residential property,
§ 9:9

SECURED CLAIMS

Conversion of case, effect on claims of, § 8:8
Interest, fees, and charges on oversecured claims, § 7:18
Interest rate, default, § 7:18
Lien stripping, § 7:20
Surcharge collateral, trustee's right to, § 7:19
Valuation, § 7:17

SECURITIES

Discharge of claims relating to securities law violations, § 6:22
Reorganization case exemption from securities laws, § 12:32

SELF-INCRIMINATION

Debtor's immunity from, § 3:26

SETOFF

Creditor's right of, § 5:9
Estate administrative powers, temporary refusal to pay debt to preserve setoff rights, § 9:8

SMALL BUSINESSES

Additional duties, small business cases, § 12:8
Estate administrative powers, exceptions to automatic stay, § 9:11
Subchapter V, small business debtors electing to proceed under, § 12:36
United States Trustees, increased oversight of small business cases, § 2:6

SOVEREIGN IMMUNITY

Jurisdiction, § 4:8

SPOUSE

Liquidation, voluntary petition by married debtors, § 11:3

STANDING

Appeal, standing to bring, § 4:18

INDEX

STATE TAXES

Liquidation, § 11:12

STATUTES

Legislation (this index)

Liens, trustee avoidance of statutory,
§ 5:11

STAY

Appeal, stay pending, § 4:19

Automatic stay (this index)

Individual debt adjustment, stay of
action against codebtor, § 13:7

STRONG ARM POWERS

Trustee avoidance of transfers and
obligations, § 5:14

STUDENT LOANS

Dischargeability of debt, § 6:20

Prohibition of discrimination against
debtor after bankruptcy, § 6:26

SUBORDINATION

Claims, subordination of, § 7:24

SUBROGATION

Co-debtor/surety claims, § 7:23

SUPERPRIORITY

Claims payment, § 7:22

TAXATION

Administrative expense claims,
§ 7:13

Allowance of claims, § 7:16

Dischargeability of claims, § 6:13

Estate administrative powers, excep-
tions, § 9:9

Family farmer debt adjustment case,
special tax provisions for,
§ 14:10

Liquidation, state and local taxes,
§ 11:12

Priorities, § 7:21

Reorganization case, special tax pro-
visions for, § 12:33

Returns

conversion or dismissal of Chapter
13 case, § 8:7, 8:13

debtor's duty to file or provide,
§ 2:23

TERMINATION BY LAW

Estate administrative powers, § 9:10

THIRD PARTY

Estate administrative powers, actions
taken to collect prepetition debt
from third party, § 9:7

TOTALITY OF THE

CIRCUMSTANCES TEST

Estate administrative powers, § 9:11

Liquidation, involuntary petition,
§ 11:5

TRUSTEE COMMITTEE

Liquidation, election of trustee or
creditors' committee and duties
of creditors' committee, § 11:6

TRUSTEES

Generally, § 10:1 to 10:7

Appointment, § 10:2, 12:9

Avoidance (this index)

Compensation, § 10:7

Conversion of case, effect of, § 8:8

Duties and powers, § 10:4; 12:7,
12:10

Election, § 10:2

Eligibility, § 10:2

Family farmer debt adjustment cases,
standing trustee in, § 14:4

Individual debt adjustment cases,
standing trustee in, § 13:4

Interim trustee, appointment of,
§ 10:2, 10:6

Money management by estate
fiduciaries, § 8:1

Powers and duties, § 10:1, 10:4

Qualification, § 10:3

Removal, § 10:5

Role and capacity, § 10:4

Successor trustee, § 10:6

Surcharging collateral, § 7:19

Termination of trustee's appointment,
§ 12:11

United States Trustees (this index)

Vacancy in office, § 10:2, 10:6

TUITION

Education IRA, estate property exclu-
sion, § 5:7

TUITION—Cont'd

Qualified tuition program (529 account), estate property exclusion, § 5:7

Student loans (this index)

TURNOVER

Property recovered by trustee, § 5:9

UNAVOIDABLE TRANSFERS

Estate administrative powers, automatic stay, § 9:9

UNCLAIMED PROPERTY

End of case, unclaimed property at, § 8:2

UNEXPIRED LEASES

Administrative expenses, § 7:14

Assignment, § 9:21

Assumption v. rejection, § 9:20

Extension of time for filing of rejection claim, § 7:3

Objection to claim for damages for termination of real property lease, § 7:5

UNIFORM FRAUDULENT TRANSFER ACT

Trustee avoidance of transfers and obligations under strong arm powers, § 5:14

UNITED STATES TRUSTEES

Generally, § 2:1 to 2:6

Audits, § 2:4

Certification of credit counseling agencies and providers of financial management courses, § 2:5

UNITED STATES TRUSTEES

—Cont'd

Functions, § 2:2 to 2:6

Means testing, § 2:3

Modifications to trustee functions, § 2:3 to 2:6

Purpose, § 2:1

Reporting, § 2:4

Small business cases, increased oversight, § 2:6

USE, SALE, OR LEASE

Avoidance of post-petition transfers, § 5:16

UTILITY SERVICES

Estate administrative powers, § 9:22

VENUE

Generally, § 3:5

Adversary proceedings, § 6:5

Motion to transfer venue or dismiss case for improper venue, § 3:6

Pending case, proceedings arising under or related to, § 4:4

VERTICAL

DIMENSION/CREDITOR'S EXPECTATION TEST

Estate administrative powers, transactions in ordinary course of business, § 9:16, 9:19

WAIVER

Jury trial right, § 4:13

Liquidation, waiver of discharge, § 11:26

WITHDRAWAL

Jurisdiction, withdrawal of reference, § 4:5