

- ABA Journal*, 5
 Abandonment of assets, 211
 Accountants, 194
 Adversary proceeding, 50, 211
 Age factor, 34–35
 Alabama, trustees in, 159, 160
 Alimony, 129, 134, 149, 151. *See also*
 Divorce
 Amendments to paperwork. *See* Paperwork
 American Bankruptcy Institute, 9
 American Bar Association, 5
 American Express, 186
 Appeal, notice of, 210
 Appreciating assets, defined, 184
 Assets. *See also* Property
 amending lists of, 135–141, 174–176
 as bankruptcy consideration, 60
 defined, 16, 211
 depreciating versus appreciating, 184
 exempt items, 11, 53–54, 198–199
 fraudulent transfers, 202
 inventory of personal, 29–34, 223
 marital, 71–72
 nonexempt items, 15, 54
 postbankruptcy disclosure, 174–176
 property schedules, 82–94
 reaffirmation agreements, 141–143
 redeeming, 122, 143
 selling to repay debt, 39
 undervaluing, 170–172
 Attorneys:
 appealing judgments, 210
 business bankruptcies, 152
 legal advice, 26, 38, 129
 letters from, 204
 lien avoidance, 145
 need for, 5–6, 14–16, 198
 postdischarge problems, 176
 reaffirmation issues, 54, 142
 as trustees, 161
Automatic Millionaire, The (Bach), 181
 Automatic stay:
 activating, 19
 case study, 12
 defined, 16, 17, 203, 211
 objections to, 145–146
 protections under, 131–135
 Autos:
 Chapter 7 issues, 129, 141
 Chapter 13 issues, 56, 57
 postbankruptcy loans, 209
 repossession of, 199, 205
 Schedule B, 89
 Schedule C, 92
 Bach, David, 181
 Banking industry, 186–188
 Bankruptcy:
 advantages of, 20–24
 alternatives, 35–42, 44–45
 cautions, 49–51, 61–64
 checklist, 7
 complications of, 173–179

- Bankruptcy (*Continued*):
- defined, 197, 211
 - disadvantages of, 22–23
 - economics and, 9–10, 25–26
 - filing options, 3–6
 - legal framework, 13–17
 - personal, 9–13
 - process overview, 18–20
 - qualifications for, 25–29
 - recovery from, 173–179
 - types of, 47–48, 65, 197
 - voluntary dismissal, 139–141
- Bankruptcy Appellate Panel (BAP), 210
- Bankruptcy Basics* (fact sheets), 14
- Bankruptcy Code, U.S. *See also* U.S. Bankruptcy Courts
- history of, 13–14
 - qualifying under, 26–27
 - 341(A) meeting, 156
- Bankruptcy Court. *See* U.S. Bankruptcy Courts
- Bankruptcy Reform Act (1978), 13, 159
- Bankruptcy Rules, 13, 201
- Beneficial ownership, defined, 83
- Best Buy, 53, 170
- Better Business Bureaus, 191
- Bluebacks, 131
- Bradley, Tom, 4
- Budgeting. *See* Money management
- Bureau of Labor Statistics. *See* U.S. Bureau of Labor Statistics
- Businesses, liquidating, 151–153
- California bankruptcy system, 73–74, 204
- Case number, bankruptcy, 203
- Census Bureau. *See* U.S. Census Bureau
- Certificate of service, 209
- Certified financial advisors, 194–195
- Chapter 7 bankruptcy:
- amending paperwork, 135–141, 203
 - automatic stay, 131–135
 - cautions, 49–51, 61–64
 - versus Chapter 13, 41–42, 60, 62, 202
 - converting, 147–148
 - creditors' meeting, 145
 - defined, 211
 - discharge process, 148–151
 - FAQs about, 202–206
 - features of, 14, 16–17
 - fees, 19, 48, 209
 - goals of, 48–49
 - lien avoidance, 144–145
 - objections, 145–147
 - process, 51–54, 127–131
 - qualifications for, 26–27
 - reaffirmation agreements, 141–143
 - redemption agreements, 143
 - sequence of events, 7, 22
 - for small businesses, 151–153
 - surrendering property, 144
- Chapter 9 bankruptcy, 48
- Chapter 11 bankruptcy:
- converting to, 147–148
 - filing fee, 19
 - goals of, 64
- Chapter 12 bankruptcy, 64–65
- Chapter 13 bankruptcy:
- versus Chapter 7, 41–42, 60, 62, 202
 - converting to, 147–148
 - defined, 211
 - filing fee, 19, 42
 - nonpayment, 209–210
 - process, 55–60
- Charge cards, 186
- Child support:
- nondischargeable, 129, 149, 151, 200
 - wage garnishment for, 132–134, 177
- Circuit City, 53, 170
- Claims, defined, 211–212
- Codebtors:
- defined, 212
 - responsibilities of, 200, 202
 - Schedule G, 99, 103
- Collateral, 15, 143, 212
- Common law state, defined, 83
- Community property:
- defined, 71–72, 212
 - versus joint property, 83
 - responsibility for, 201
 - in Schedule A, 83
 - in Schedule B, 87

- Compound interest, 181–182
- Confirmation hearing, 58
- Consolidation loans, 39–40
- Consumer Credit Counseling Service, 38
- Consumer Federation of America, 37
- Consumers:
- FTC as advocate for, 190–191
 - spending habits of, 9–10, 26, 183–184
- Contingent interest, defined, 82–83, 212
- Contracts, Schedule G, 99
- Courts, bankruptcy. *See* U.S. Bankruptcy Courts
- Credit, reestablishing, 179–186, 208
- Credit card companies:
- objections by, 170
 - role in consumer debt, 28–29
 - targeting debtors, 182–184
- Credit Card Nation* (Manning), 28
- Credit cards:
- abuse of, 182–183
 - choosing, 185–186
 - postbankruptcy, 208
 - seizure of, 168
- Credit counseling services, 36–38
- Creditors. *See also* Creditors' meeting;
- Schedules
 - defined, 15, 212
 - mailing matrix, 73–74, 125–126
 - notifying, 132–134
 - objections by, 145–147, 148, 207
 - postbankruptcy issues, 175–177
 - preferential treatment of, 203
 - repaying, 55–60
 - secured claims, 94–96
 - unsecured claims, 96–101
 - working with, 35–36
- Creditors' meeting, 155–172. *See also*
- Trustees
 - absence from, 165–166
 - attendance at, 200
 - attire for, 166
 - cast of characters, 157–161, 168–170
 - Chapter 7 bankruptcy, 128, 145
 - Chapter 13 bankruptcy, 56–57, 58
 - defined, 212
 - FAQs about, 207
 - questions asked at, 164–165, 170–172
 - recording of, 164
 - tax issues, 164
 - what to bring, 166–168
- Credit repair services, 208
- Credit reports, 42–44, 200
- Credit Union National Association, 188
- Credit unions, 188
- Crime issues, 129, 134, 149–150, 206
- Debt:
- consolidating, 39–40
 - defined, 15, 212
 - expansion of personal, 9–10
 - freedom from, 179–195
 - inventory of personal, 29–34, 222
 - types of, 17, 55–57
- Debt management firms, 38–39
- Debtors. *See also* Schedules
- defined, 15, 212
 - with disabilities, 164
 - non-English-speaking, 164
 - rights of, 40–41
 - as scam targets, 189–191
- Debtors Anonymous, 182
- Deed of trust, 212
- Deficiency notice, 131
- Depreciating assets, defined, 184
- Discharge of debt. *See also*
- Nondischargeable debt
 - in Chapter 7, 20, 148–151
 - in Chapter 13, 59
 - defined, 15, 212
 - exemptions from, 47–54
 - notice of, 128–129
 - objections to, 50–51, 59, 145–147
 - postbankruptcy issues, 177
- Disclosure:
- amending paperwork, 135–141, 174–176
 - of assets, 204
 - Chapter 11, 213
 - of compensation, 124, 126
 - at creditors' meeting, 155–156, 170–172
 - importance of, 71, 80
- Discrimination issues, 56, 173, 177–179

- Dismissal, defined, 213
Disputed claim, defined, 213
Distenfield, Ira, vii, 4–5
Distenfield, Linda, vii, 4–5
Divorce, 198, 201. *See also* Alimony
Documents, legal. *See* Legal documents;
 Paperwork
- Easement holder, defined, 82
EBay (Internet auction), 39
Economy, U.S.:
 effect on bankruptcies, 9–10, 25–26
 government monetary policy, 183
 and small businesses, 151
Education-related debt, 59, 129, 149. *See also* Student loans
E-mail credit scams, 36–37
Emergency filing, 134
Employers:
 discrimination, 56, 173, 177–179, 200
 small-business bankruptcies, 151–153
Employment Retirement Income Security Act. *See* ERISA
Equifax (credit reports), 42–44
Equity:
 defined, 15, 213
 home ownership, 40, 199
ERISA, 153, 201–202
Estate, as legal entity, 51
Eviction proceedings, 135, 201
Excess income, 105, 206
Executory contracts, 213
Exemptions:
 for assets, 11, 53–54, 198–199
 defined, 11, 15, 122, 213
 federal versus state, 72–73
 filing for, 52–54, 204
 objections to, 146–147
 Schedule C, 90–94
Expenses:
 budgeting for, 180–182
 defined, 16, 213
 inventory of personal, 29–34, 222
 Schedule J, 105–107
Experian (credit reports), 42–44
Fair, Isaac and Company. *See* FICO scores
Fair Credit Reporting Act (FCRA), 208
Fair Debt Collection Practices Act (FDCPA), 40–41, 203
FAQs, bankruptcy, 197–210
Farmers, bankruptcy protection, 64–65
Federal Bankruptcy Code:
 bankruptcy rights, 10–14
Federal Rules of Bankruptcy Procedure, 13, 201
Federal Trade Commission (FTC):
 consumer protection, 190–191
 on credit repair services, 208
 as information source, 38, 43
Federal versus state rules, 72–73
Fees:
 banking, 186–187
 conversion, 147–148
 credit card, 185–186
 debt management, 37, 38
 filing, 19, 42, 48, 78, 199, 209
 miscellaneous, 205
 trustee compensation, 161
 We The People, 165
Fee simple, defined, 82
FICO scores, 42–44
Fifth Amendment privilege, 163
Filings, bankruptcy:
 categories of, 13–14
 fees for, 19, 42, 48, 78, 209
 joint (married couples), 71–72
Financial assessment, 27–34, 221–224. *See also* Money management
Financial planning resources, 194–195
Foreclosure, 199, 201, 213
Forms, official. *See* Legal documents;
 Paperwork
Forty percent club, 184–185
401(k) plans, 39, 201–202
Fraud:
 abuse of bankruptcy, 170–172, 203
 avoiding, 189–191
 credit card, 147, 170
 denial of discharge, 129, 148
 indications of, 63, 129
 nondischargeable debt, 149

- penalties for, 64, 129, 198, 200
- revocation of discharge, 174
- Future interest, defined, 82

- Garnishment. *See* Wages
- Giuliani, Rudolph, 4–5
- Giuliani Partners, 4–5
- Governmental discrimination, 179
- Gross national product (GNP), 183

- Hardship discharge, 59
- Health insurance:
 - purchasing, 192–193
 - relative costs of, 25
- Home Depot, 52, 170
- Home equity:
 - debt consolidation loans, 40
 - as foreclosure factor, 199
- Homestead:
 - defined, 213
 - exemptions, 93, 134, 199
- Housing. *See also* Home Equity;
Mortgages
 - boom cycle, 9–10
 - foreclosure issues, 199, 205
 - ownership issues, 132, 134–135
 - postbankruptcy loans, 209
 - reaffirming ownership, 143
 - rental issues, 135, 199
 - rising costs of, 25

- Identity theft, 36, 43, 166, 189–190
- Income. *See also* Money management
 - as bankruptcy consideration, 60
 - business, 224
 - declining, 25
 - defined, 16, 213
 - excess, 105, 206
 - personal, 29–34
 - retirement, 39, 153
 - Schedule I, 104–105
 - trustee fees as, 161
- Individual retirement accounts. *See* IRAs

- Individual Tax Identification Number (ITIN), 162
- Inheritance issues, 205, 209
- Insider, defined, 205, 213
- Insolvency, 10, 15, 213
- Insurance, 174, 191–193, 209
- Interest (cost of money):
 - compound, 181–182
 - and credit card debt, 27–28
 - economic impact of, 9–10
- Interest (ownership), 213
- Internal Revenue Service (IRS):
 - and ID confirmation, 162
 - negotiating with, 41
 - wage garnishment, 177
- Internet services. *See* Web sites
- IRAs, 39, 188, 201–202

- J. D. Power and Associates, 193
- Joint petition:
 - defined, 204
 - fee for, 128
 - options, 71–72
- Joint property, 83, 87
- Joint tenancy, 213–214

- Kmart, 48

- Lawsuits, 204, 208–209
- Lawyers. *See* Attorneys
- Leases:
 - Schedule G paperwork, 99, 102
 - unexpired, 213
- Legal documents. *See also* Paperwork
 - for creditors' meeting, 166–167
 - defined, 1
 - downloading, 219
 - examples of, 1–2
 - preparation of, 2–7
- Lienholders, 82, 143
- Liens:
 - defined, 214
 - eliminating, 144–145, 201

- Life estate, defined, 82, 214
Liquidation, 16, 214. *See also* Chapter 7
 bankruptcy
LLCs, liquidating, 151–153
Local courts, 122–126. *See also* State courts
Local Loan v. Hunt, 23
Lockyer, Bill, vii
Los Angeles Port Authority, 4
Luxury items, 49–50
- Macy's, 52
Mailing matrix:
 in California, 73–74
 defined, 204, 214
 notification lag, 203
 sample form, 125–126
Manning, Robert D., 28
Market value, defined, 215
Married couples, 71–72, 83, 87, 201
Medical insurance. *See* Health insurance
Meeting of creditors, 56–57, 58, 128, 145
Microsoft Money (software), 180
Money management:
 banking wisely, 186–188
 budgeting, 180–182, 193–194
 insurance protection, 191–193
 postdischarge problems, 173–179
 rebuilding credit, 179–186
 resources for, 191, 194–195
 scam avoidance, 189–191
Montgomery Ward, 48
Mortgages:
 in Chapter 7, 132, 134–135, 143
 in Chapter 13, 56, 57, 134
 foreclosures, 199
Motion, defined, 209
- National Consumer Law Center, 37–38
National Credit Union Administration, 188
National Foundation for Consumer Credit
 (NFCC), 189
National Foundation for Credit Counseling,
 36, 38
New York Stock Exchange, 4
- No-asset cases:
 defined, 34
 omitted creditors, 176
 trustee fees, 161
Nonbankruptcy exemptions, 73
Nondischargeable debt, 52–54, 129. *See also* Discharge of debt
 alimony, 129, 134, 149, 150
 child support, 129, 134, 149, 150
 crime-related, 129, 134, 149–150, 206
 postbankruptcy issues, 177
 student loans, 59, 129, 149
 taxes, 52, 57, 99, 129, 149, 150
Non-English-speaking debtors, 164
Nonexempt assets:
 defined, 15, 215
 retaining ownership, 54, 94
Nonpossessory nonpurchase-money security
 interest, 214
Nonpriority debt, 99, 100–101
Nordstrom's, 170
North Carolina, trustees in, 159, 160
Not applicable (N/A) designation,
 75
Notice of Discharge, 20
- Objections:
 in Chapter 13 filing, 59
 to discharge, 50–51
 responding to, 145–147
 at 341 meeting, 168–172
Offer in Compromise, 41
Order for Relief, 16, 131. *See also*
 Automatic stay
Ownership, beneficial, 83
- Paperwork, preparing
 accessing forms, 67–70
 amending, 135–141, 174–176,
 203
 checklist, 130–131
 declaration of truthfulness, 107
 Disclosure of Compensation, 124
 forms required, 73–75

- Form 21, 107, 108
- local forms, 122–126
- Schedule A, 80–83
- Schedule B, 84–89
- Schedule C, 90–94
- Schedule D, 94–96
- Schedule E, 96–99
- Schedule F, 99, 100–101
- Schedule G, 99, 102
- Schedule H, 99, 103
- Schedule I, 104–105
- Schedule J, 105–107
- Statement of Financial Affairs, 107–120
- Statement of Intention, 120–122
- Summary of Schedules, 107
- tips for, 70–73
- Verification of Creditor Matrix, 125–126
- voluntary petition, 75–80
- Personal property. *See* Property
- Petition, bankruptcy:
 - amending, 135–141
 - defined, 19, 215
 - filing of, 128, 129–131
- Photo identification, 162–163
- Possessory nonpurchase-money security interest, 214
- Power of appointment, 83
- Priority debt:
 - defined, 17, 215
 - repayment of, 55–57
 - Schedule E, 96–99
- Proof of claim, 215
- Property. *See also* Assets
 - amending paperwork, 136, 174–176
 - defined, 215
 - exempt items, 90–94
 - personal, 84–89
 - real, 80–87
- Pro se debtors:
 - defined, 14, 215
 - at 341 meeting, 167–168, 172
- Public Information Series, 14
- Purchase-money security interest, 214
- Quicken (software), 180
- Reaffirmation agreements:
 - for credit card debt, 206
 - defined, 22, 122, 205, 215
 - legal counsel for, 54, 122
 - process, 141–143
 - qualifying for, 128
- Real property, defined, 82, 215. *See also* Property
- Redeeming assets, 122, 143, 205, 215
- Rented housing:
 - eviction from, 135, 199
 - Schedule G paperwork, 99, 102
 - unexpired leases, 213
- Reorganization, defined, 216
- Residence, defined, 216
- Retirement savings:
 - and debt amelioration, 39
 - protecting, 153
- Savings accounts, 187, 202
- Schedules (Form 6):
 - Declaration, 107–110
 - defined, 19, 51, 216
 - Form 21 (SSN), 107, 108
 - Summary, 107, 109
 - A. Real Property, 80–87
 - B. Personal Property, 84–89
 - C. Property Claimed as Exempt, 90–94
 - D. Creditors Holding Secured Claims, 94–96
 - E. Creditors Holding Unsecured Priority Claims, 96–99
 - F. Creditors Holding Unsecured Nonpriority Claims, 99, 100–101
 - G. Executory Contracts and Unexpired Leases, 99, 102
 - H. Codebtors, 99, 103
 - I. Current Income of Individual Debtor(s), 104–105
 - J. Current Expenditures of Individual Debtor(s), 105–107
- Sears, 52–53, 170

- Secured credit cards, 208
- Secured debt:
 defined, 17, 216
 repayment of, 55–57
 surrender of, 206
 versus unsecured, 148
- Seizure of assets, 161
- Simpson, O.J., 65
- Single asset real estate, 216
- Social Security number:
 and identity theft, 189–190
 proof of, 162–163, 166
 Schedule 21, 107, 108
- Software, money management, 180
- Sole proprietorships, liquidating, 151–153
- Solvency. *See* Insolvency
- Spam scams, 36
- State courts. *See also* Local courts
 California, 72–73
 downloading forms, 67–68
 exemptions and, 93
 listing of, 225–239
 variations in, 70
- Statement of Financial Affairs (Form 7):
 defined, 19, 216
 preparing, 107–120
- Statement of Intention (Form 8), 120–122
- Straight bankruptcy, defined, 16, 27, 197
- Student loans:
 hardship discharge, 59, 206
 obligations for, 129, 149
 postbankruptcy, 177, 200–201
- Surrender of property, 122, 144, 206, 216
- Taxes:
 bankruptcy obligations, 41
 in Chapter 7, 52, 129
 in Chapter 13, 57
 exceptions to discharge, 149–150, 200
 protecting refunds, 164
 refund issues, 206
 Schedule E paperwork, 97–99
 and wage garnishment, 177
 341 meeting. *See* Creditors' meeting
- Tower Records, 48
- TransUnion (credit reports), 42–44
- Trustees, 155–172
 appointment of, 128, 159
 Chapter 13 role, 56–57
 creditors' advocate, 200
 defined, 16, 216
 duties of, 157–159
 objections by, 146–147, 148
 relationship with debtor, 153, 168
 “Twenty Minute Test,” 37
- United Airlines, 48
- Unliquidated claim, 216
- Unsecured debt:
 defined, 17, 216–217
 repayment of, 55–58
 versus secured, 148
- Upside-down condition, defined, 10
- U.S. Bankruptcy Courts:
 accessing official forms, 67–69
 listing, by state, 225–239
 nature of, 127, 153
 role of, 51–54
 statistics analysis, 9
 web site, 49, 67–68, 130
- U.S. Bureau of Labor Statistics, 5
- U.S. Census Bureau, 9
- U.S. Constitution, 10–14
- U.S. Department of Justice, 157, 171
- U.S. Trustee Program (USTP), 157–159
- U.S. Trustee's Office, 157. *See also* Trustees
- Verification of Creditor Matrix, 73, 125–126
- Voluntary bankruptcy, 198
- Voluntary dismissal request, 139–141
- Voluntary Petition (Form 1), 74, 75–80, 215, 217
- Wages, garnishment of. *See also* Income
 automatic stay, 17, 19, 132–133
 case study, 12
 FAQs about, 201, 203, 204
 for nondischargeable debt, 177

-
- Washout, defined, 16
- Wealth building. *See* Money management
- Web sites:
- Bankruptcy Basics*, 14
 - Bankruptcy Courts, 49, 67–68, 130, 219, 225–239
 - bankruptcy rules, 201
 - counseling services, 38, 189
 - credit card interest rates, 185
 - credit reports, 42–44
 - credit union, 188
 - Debtors Anonymous, 182
 - exemptions lists, 11, 34, 72
 - FTC, 38, 43, 190
 - insurance companies, 193
 - money management, 181–182, 188, 191, 194–195
 - official forms, 14, 18, 67, 68, 219
 - We The People, 6
- We The People:
- for bankruptcy help, 198
 - fees for services, 165
 - founders of, vii, 2–5
 - locations, by state, 241–245
 - web site, 6
- Wildcard exemptions, 93, 217
- Worksheets, financial, 29–34, 221–224

