

**Bankruptcy? I don't practice bankruptcy. I think I'll get
a cup of coffee and return some calls.**



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Like it or not, Bankruptcy affects EVERY area of the law.
We'll cover SOME of the basics you need to know.



Topics

1. New Bankruptcy Forms
2. Domestic Support Obligations: a(5) vs. a(15)
3. Same Sex Marriages
4. Tax Implications of Bankruptcies and Workouts
5. Farm Cases: When to Liquidate
6. Mortgage Claims in Chapter 13s
7. 547 Preference Defenses
8. Exemptions
9. Fair Debt Collection Practices Act
10. New Debt Collection Scams

341 Meeting



341 Meeting



Information to identify the case:			
Debtor 1	First Name _____	Middle Name _____	Last Name _____
	Last 4 digits of Social Security number or ITIN _____		
	EIN _____		
Debtor 2 (Spouse, if filing)	First Name _____	Middle Name _____	Last Name _____
	Last 4 digits of Social Security number or ITIN _____		
	EIN _____		
United States Bankruptcy Court for the _____ District of _____ (State)			
Case number:	_____		
	Date case filed for chapter 7 _____	MM/YY/YY	OR
	Date case filed in chapter _____	MM/YY/YY	
	Date case converted to chapter 7 _____	MM/YY/YY	

Official Form 309A (For Individuals or Joint Debtors)
Notice of Chapter 7 Bankruptcy Case — No Proof of Claim Deadline 12/15

For the debtors listed above, a case has been filed under chapter 7 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors, debtors, and trustees, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtors or the debtors' property. For example, while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from the debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although debtors can ask the court to extend or impose a stay.

The debtors are seeking a discharge. Creditors who assert that the debtors are not entitled to a discharge of any debts or who want to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadlines specified in this notice. (See line 9 for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records) at www.pacer.gov.

The staff of the bankruptcy clerk's office cannot give legal advice.

To help creditors correctly identify debtors, debtors submit full Social Security or Individual Taxpayer Identification Numbers, which may appear on a version of this notice. However, the full numbers must not appear on any document filed with the court.

Do not file this notice with any proof of claim or other filing in the case. Do not include more than the last four digits of a Social Security or Individual Taxpayer Identification Number in any document, including attachments, that you file with the court.

About Debtor 1:		About Debtor 2:	
1. Debtor's full name	_____	_____	_____
2. All other names used in the last 8 years	_____	_____	_____
3. Address	If Debtor 2 lives at a different address: _____		
4. Debtor's attorney Name and address	_____	Contact phone _____	Email _____
5. Bankruptcy trustee Name and address	_____	Contact phone _____	Email _____

For more information, see page 2 ▶

Debtor _____ Case number _____

<p>6. Bankruptcy clerk's office Documents in this case may be filed at this address. You may inspect all records filed in this case at the office or online at www.pacer.org.</p>	<p>Hours open _____ Contact phone _____</p>
<p>7. Meeting of creditors Debtors must attend the meeting to be questioned under oath. In a joint case, both spouses must attend. Creditors may attend, but are not required to do so.</p>	<p>Date _____ at _____ Time _____ Location: _____ The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.</p>
<p>8. Presumption of abuse If the presumption of abuse arises, you must have the right to file a motion to dismiss the case under 11 U.S.C. § 707(b). Debtors may rebut the presumption by showing special circumstances.</p>	<p>[The presumption of abuse does not arise.] [The presumption of abuse arises.] [Insufficient information has been filed to permit the clerk to determine whether the presumption of abuse arises. If more complete information is filed and shows that the presumption has arisen, the clerk will notify creditors.]</p>
<p>9. Deadlines The bankruptcy clerk's office must receive these documents and any required filing fee by the following deadlines.</p>	<p>File by the deadline to object to discharge or to challenge whether certain debts are dischargeable: You must file a complaint: If you assert that the debtor is not entitled to receive a discharge of any debts under any of the subdivisions of 11 U.S.C. § 727(a)(2) through (7), or If you want to have a debt excepted from discharge under 11 U.S.C. § 523(a)(2), (4), or (6), You must file a motion if you assert that the discharge should be denied under § 727(a)(8) or (9).</p> <p>Deadline to object to exemptions: _____ Filing deadline: _____</p>
<p>10. Proof of claim Please do not file a proof of claim unless you receive a notice to do so.</p>	<p>30 days after the conclusion of the meeting of creditors No property appears to be available to pay creditors. Therefore, please do not file a proof of claim now. If it later appears that assets are available to pay creditors, the clerk will send you another notice telling you that you may file a proof of claim and stating the deadline.</p>
<p>11. Creditors with a foreign address</p>	<p>If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.</p>
<p>12. Exempt property</p>	<p>The law allows debtors to keep certain property as exempt. Fully exempt property will not be sold and distributed to creditors. Debtors must file a list of property claimed as exempt. You may inspect that list at the bankruptcy clerk's office or online at www.pacer.org. If you believe that the law does not authorize an exemption that the debtors claim, you may file an objection. The bankruptcy clerk's office must receive the objection by the deadline to object to exemptions in line 9.</p>

What is Proof of Claim in Bankruptcy?



Proof of Claim Form 410

Proof of Claims (previously known as B10)

- Among other changes from its predecessor, 410 incorporates Rule 3001(c)(2) of the Federal Rules of Bankruptcy Procedure (which requires an itemized statement of the interest, fees, expenses or charges) by including a form payment history.
- A few other substantive changes: 410 also includes questions regarding whether the claim is based on a lease, is subject to a right of setoff, or has been acquired from someone else (and if so, from whom).
- Available at <http://www.uscourts.gov/forms/bankruptcy-forms/proof-claim-0>

Fill in this information to identify the case:

Debtor 1 _____
 Debtor 2 _____
 (Spouse, if filing)

United States Bankruptcy Court for the _____ District of _____

Case number _____

Official Form 410

Proof of Claim

12/15

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?

Name of the current creditor (the person or entity to be paid for this claim) _____
 Other names the creditor used with the debtor _____

2. Has this claim been acquired from someone else?

No
 Yes. From whom? _____

3. Where should notices and payments to the creditor be sent?

Where should notices to the creditor be sent?	Where should payments to the creditor be sent? (if different)
Name _____	Name _____
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g) _____	_____
Number Street _____	Number Street _____
City State ZIP Code _____	City State ZIP Code _____
Contact phone _____	Contact phone _____
Contact email _____	Contact email _____
Uniform claim identifier for electronic payments in chapter 13 (if you use one): -----	

4. Does this claim amend one already filed?

No
 Yes. Claim number on court claims registry (if known) _____ Filed on MM / DD / YYYY _____

5. Do you know if anyone else has filed a proof of claim for this claim?

No
 Yes. Who made the earlier filing? _____

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? No
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____

7. How much is the claim? \$ _____ Does this amount include interest or other charges?
 No
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as health care information.

9. Is all or part of the claim secured? No
 Yes. The claim is secured by a lien on property.
Nature of property:
 Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
 Motor vehicle
 Other. Describe: _____
Basis for perfection: _____
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)
Value of property: \$ _____
Amount of the claim that is secured: \$ _____
Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)
Amount necessary to cure any default as of the date of the petition: \$ _____
Annual Interest Rate (when case was filed) _____ %
 Fixed
 Variable

10. Is this claim based on a lease? No
 Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff? No
 Yes. Identify the property: _____

Official Form 410

Instructions for Proof of Claim

United States Bankruptcy Court

12/15

These instructions and definitions generally explain the law. In certain circumstances, such as bankruptcy cases that debtors do not file voluntarily, exceptions to these general rules may apply. You should consider obtaining the advice of an attorney, especially if you are unfamiliar with the bankruptcy process and privacy regulations.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157 and 321.

How to fill out this form

■ Fill in all of the information about the claim as of the date the case was filed.

■ Fill in the caption at the top of the form.

■ If the claim has been acquired from someone else, then state the identity of the last party who owned the claim or was the holder of the claim and who transferred it to you before the initial claim was filed.

■ Attach any supporting documents to this form. Attach redacted copies of any documents that show that the debt exists, a lien secures the debt, or both. (See the definition of redaction on the next page.)

Also attach redacted copies of any documents that show perfection of any security interest or any assignments or transfers of the debt. In addition to the documents, a summary may be added. Federal Rule of Bankruptcy Procedure (called "Bankruptcy Rule") 3001(c) and (d).

■ Do not attach original documents because attachments may be destroyed after scanning.

■ If the claim is based on delivering health care goods or services, do not disclose confidential health care information. Leave out or redact confidential information both in the claim and in the attached documents.

■ A Proof of Claim form and any attached documents must show only the last 4 digits of any social security number, individual's tax identification number, or financial account number, and only the year of any person's date of birth. See Bankruptcy Rule 9037.

■ For a minor child, fill in only the child's initials and the full name and address of the child's parent or guardian. For example, write *J.D., a minor child (John Doe, parent, 123 Main St., City, State)*. See Bankruptcy Rule 9037.

Confirmation that the claim has been filed

To receive confirmation that the claim has been filed, either enclose a stamped self-addressed envelope and a copy of this form or go to the court's PACER system (www.pacer.psc.uscourts.gov) to view the filed form.

Understand the terms used in this form

Administrative expense: Generally, an expense that arises after a bankruptcy case is filed in connection with operating, liquidating, or distributing the bankruptcy estate. 11 U.S.C. § 503.

Claim: A creditor's right to receive payment for a debt that the debtor owed on the date the debtor filed for bankruptcy. 11 U.S.C. §101 (5). A claim may be secured or unsecured.

Creditor: A person, corporation, or other entity to whom a debtor owes a debt that was incurred on or before the date the debtor filed for bankruptcy. 11 U.S.C. §101 (10).

Debtor: A person, corporation, or other entity who is in bankruptcy. Use the debtor's name and case number as shown in the bankruptcy notice you received. 11 U.S.C. § 101 (13).

Evidence of perfection: Evidence of perfection of a security interest may include documents showing that a security interest has been filed or recorded, such as a mortgage, lien, certificate of title, or financing statement.

Information that is entitled to privacy: A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, an individual's tax identification number, or a financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If a claim is based on delivering health care goods or services, limit the disclosure of the goods or services to avoid embarrassment or disclosure of confidential health care information. You may later be required to give more information if the trustee or someone else in interest objects to the claim.

Priority claim: A claim within a category of unsecured claims that is entitled to priority under 11 U.S.C. §507(a). These claims are paid from the available money or property in a bankruptcy case before other unsecured claims are paid. Common priority unsecured claims include alimony, child support, taxes, and certain unpaid wages.

Proof of claim: A form that shows the amount of debt the debtor owed to a creditor on the date of the bankruptcy filing. The form must be filed in the district where the case is pending.

Redaction of information: Masking, editing out, or deleting certain information to protect privacy. Filers must redact or leave out information entitled to *privacy* on the *Proof of Claim* form and any attached documents.

Secured claim under 11 U.S.C. §506(a): A claim backed by a lien on particular property of the debtor. A claim is secured to the extent that a creditor has the right to be paid from the property before other creditors are paid. The amount of a secured claim usually cannot be more than the value of the particular property on which the creditor has a lien. Any amount owed to a creditor that is more than the value of the property normally may be an unsecured claim. But exceptions exist; for example, see 11 U.S.C. § 1322(b) and the final sentence of 1325(a).

Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment may be a lien.

Setoff: Occurs when a creditor pays itself with money belonging to the debtor that it is holding, or by canceling a debt it owes to the debtor.

Uniform claim identifier: An optional 24-character identifier that some creditors use to facilitate electronic payment.

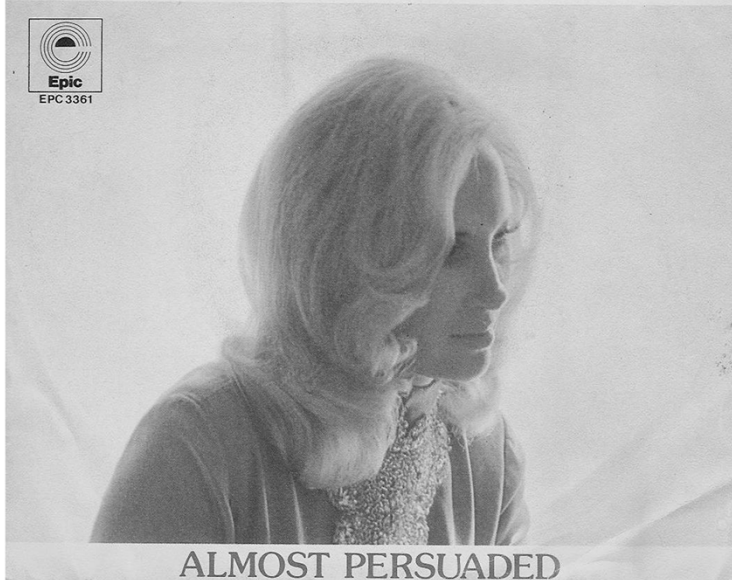
Unsecured claim: A claim that does not meet the requirements of a secured claim. A claim may be unsecured in part to the extent that the amount of the claim is more than the value of the property on which a creditor has a lien.

Offers to purchase a claim

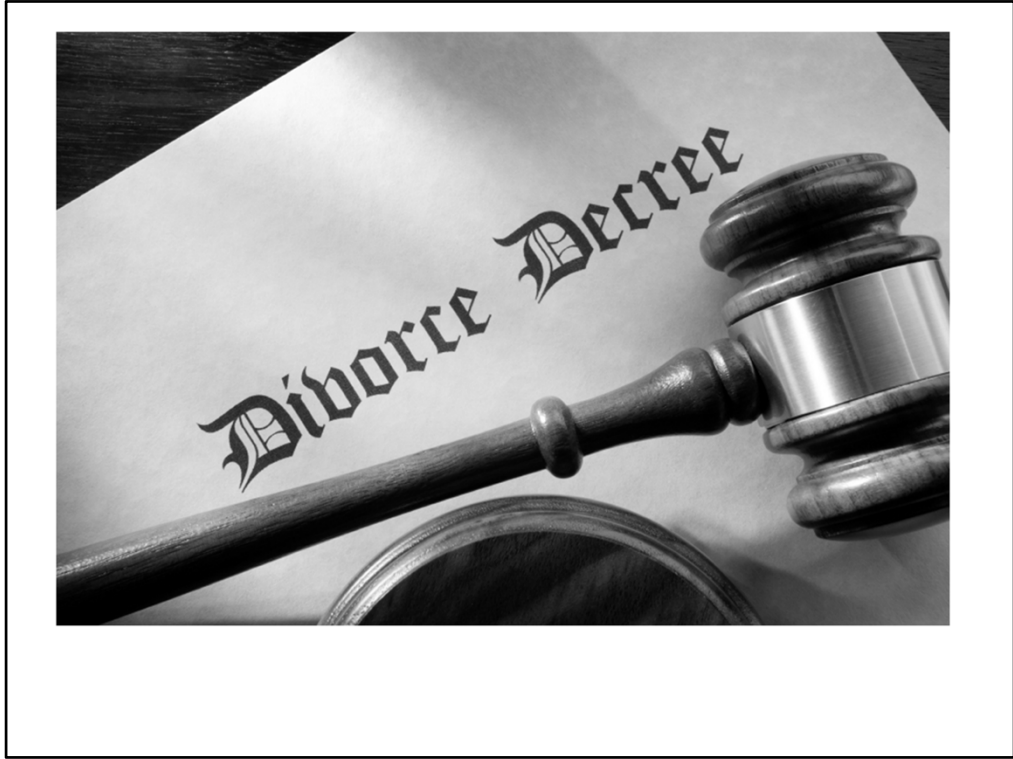
Certain entities purchase claims for an amount that is less than the face value of the claims. These entities may contact creditors offering to purchase their claims. Some written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court, the bankruptcy trustee, or the debtor. A creditor has no obligation to sell its claim. However, if a creditor decides to sell its claim, any transfer of that claim is subject to Bankruptcy Rule 3001(e), any provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.) that apply, and any orders of the bankruptcy court that apply.

Do not file these instructions with your form.

TAMMY WYNETTE
D.I.V.O.R.C.E



ALMOST PERSUADED







Domestic Support Obligations

- Not dischargeable.
- 11 U.S.C. 523
 - (a) A discharge under section 727, 1141, 1228(a), 1228(b), or 1328(b) of this title does not discharge an individual debtor from any debt—

(5) for a domestic support obligation;

Domestic Support Obligations

- Not dischargeable.

(14A) The term “domestic support obligation” means a debt that accrues before, on, or after the date of the order for relief in a case under this title, including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of this title, that is—

(A) owed to or recoverable by—

(i) a spouse, former spouse, or child of the debtor or such child’s parent, legal guardian, or responsible relative; or

(ii) a governmental unit;

(B) in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child of the debtor or such child’s parent, without regard to whether such debt is expressly so designated;

Domestic Support Obligations

- Not dischargeable.

(14A) The term “domestic support obligation” means a debt that accrues before, on, or after the date of the order for relief in a case under this title, including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of this title, that is—

(C) established or subject to establishment before, on, or after the date of the order for relief in a case under this title, by reason of applicable provisions of—

(i) a separation agreement, divorce decree, or property settlement agreement;

(ii) an order of a court of record; or

(iii) a determination made in accordance with applicable nonbankruptcy law by a governmental unit; and

(D) not assigned to a nongovernmental entity, unless that obligation is assigned voluntarily by the spouse, former spouse, child of the debtor, or such child’s parent, legal guardian, or responsible relative for the purpose of collecting the debt.



"Let's play house. I'll be the mommy and twice a month you can be daddy."

(NOT) Domestic Support Obligations

- Not dischargeable??

- 11 U.S.C. 523

(a) A discharge under section 727, 1141, 1228(a), 1228(b), or 1328(b) of this title does not discharge an individual debtor from any debt—

(15) to a spouse, former spouse, or child of the debtor and not of the kind described in paragraph (5) that is incurred by the debtor in the course of a divorce or separation or in connection with a separation agreement, divorce decree or other order of a court of record, or a determination made in accordance with State or territorial law by a governmental unit.

Discharge

11 U.S.C. 727

(b) Except as provided in section 523 of this title, a discharge under subsection (a) of this section discharges the debtor from all debts that arose before the date of the order for relief under this chapter

Discharge

11 U.S.C. 1328

(a) Subject to subsection (d), as soon as practicable after completion by the debtor of all payments under the plan,

the court shall grant the debtor a discharge of all debts provided for by the plan or disallowed under section 502 of this title, except any debt—

(2) of the kind specified in section 507(a)(8)(C) or in paragraph (1)(B), (1)(C), (2), (3), (4), (5), (8), or (9) of section 523(a);

Discharge

523 (a) 5

Not discharged at all

523 (a) 15

Not discharged in Chapter 7

Discharged in Chapter 13

© Cartoonbank.com



"For a divorce case, that went smoothly."

Same Sex Marriages



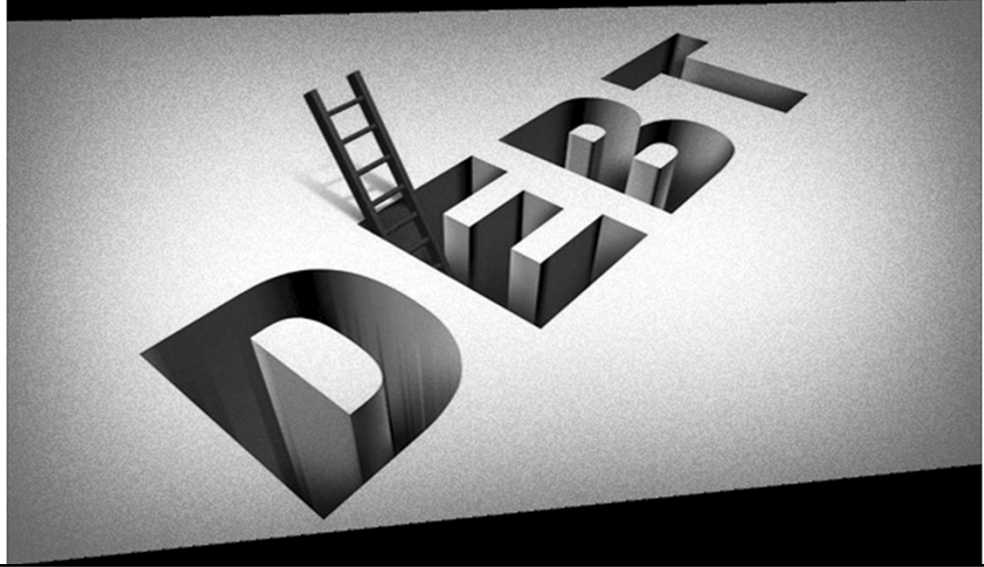
Same Sex Marriages

- *In Re Matson 2014 WL 1678989 (Bankr. E.D. Wis. 2014).*
- *The debtors were legally married in Iowa but resided in Wisconsin, which does not recognize same-sex marriages*
- *Upon the filing of the case, a creditor moved to dismiss the bankruptcy case or, in the alternative, to bifurcate the case*
- *The court held that a same-sex couple who filed for bankruptcy as joint debtors were “spouses” for the purpose of the Bankruptcy Code even though the petition was filed in a state that did not recognize their same-sex marriage*

Domestic Partners

- *In re Villaverde, 2015 Bankr. LEXIS 3561 (Bankr. C.D. Cal. 2015).*
- *Domestic partners cannot be considered "spouses" for bankruptcy*
- *Two women in a same-sex relationship registered their domestic partnership with the California Secretary of State's Domestic Partners Registry in June 2004, before California recognized same-sex marriage in 2013. Notwithstanding California's subsequent recognition of same-sex marriage, the couple never married.*

Tax Implications of Bankruptcies and Workouts



Example

A debtor wants to avoid bankruptcy

For months you work to settle his credit cards

You settle a \$25,000 card for \$6,500

Others are settled for significant discounts.

8585 VOID CORRECTED

CREDITOR'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no.		1 Date of identifiable event	OMB No. 1545-1424
		2 Amount of debt discharged \$	2016 Form 1099-C
		3 Interest if included in box 2 \$	
CREDITOR'S federal identification number	DEBTOR'S identification number	4 Debt description	
DEBTOR'S name			
Street address (including apt. no.)		5 Check here if the debtor was personally liable for repayment of the debt <input type="checkbox"/>	
City or town, state or province, country, and ZIP or foreign postal code			
Account number (see instructions)		6 Identifiable event code	7 Fair market value of property \$

Cancellation of Debt

Copy A
For
Internal Revenue Service Center
File with Form 1096.
For Privacy Act and Paperwork Reduction Act Notice, see the **2016 General Instructions for Certain Information Returns.**

Form **1099-C** Cat. No. 26280W www.irs.gov/form1099c Department of the Treasury - Internal Revenue Service
Do Not Cut or Separate Forms on This Page — Do Not Cut or Separate Forms on This Page

Instructions for Debtor

You received this form because a Federal Government agency or an applicable financial entity (a creditor) has discharged (canceled or forgiven) a debt you owed, or because an identifiable event has occurred that either is or is deemed to be a discharge of a debt of \$600 or more. If a creditor has discharged a debt you owed, you are required to include the discharged amount in your income, even if it is less than \$600, on the "Other income" line of your Form 1040.

However, you may not have to include all of the canceled debt in your income. There are exceptions and exclusions, such as bankruptcy and insolvency. See Pub. 4681, available at irs.gov, for more details. If an identifiable event has occurred but the debt has not actually been discharged, then include any discharged debt in your income in the year that it is actually discharged, unless an exception or exclusion applies to you in that year.

Debtor's identification number. For your protection, this form may show only the last four digits of your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN). However, the creditor has reported your complete identification number to the IRS.

Account number. May show an account or other unique number the creditor assigned to distinguish your account.

Box 1. Shows the date the earliest identifiable event occurred or, at the creditor's discretion, the date of an actual discharge that occurred before an identifiable event. See the code in box 6.

Box 2. Shows the amount of debt either actually or deemed discharged. **Note:** If you do not agree with the amount, contact your creditor.

Box 3. Shows interest if included in the debt reported in box 2. See Pub. 4681 to see if you must include the interest in gross income.

Box 4. Shows a description of the debt. If box 7 is completed, box 4 also shows a description of the property.

Box 5. Shows whether you were personally liable for repayment of the debt when the debt was created or, if modified, at the time of the last modification. See Pub. 4681 for reporting instructions.

Box 6. Shows the reason your creditor has filed this form. The codes in this box are described in more detail in Pub. 4681. A—Bankruptcy; B—Other judicial debt relief; C—Statute of limitations or expiration of deficiency period; D—Foreclosure election; E—Debt relief from probate or similar proceeding; F—By agreement; G—Decision or policy to discontinue collection; H—Expiration of nonpayment testing period; or I—Other actual discharge before identifiable event.

Box 7. If, in the same calendar year, a foreclosure or abandonment of property occurred in connection with the cancellation of the debt, the fair market value (FMV) of the property will be shown, or you will receive a separate Form 1099-A. Generally, the gross foreclosure bid price is considered to be the FMV. For an abandonment or voluntary conveyance in lieu of foreclosure, the FMV is generally the appraised value of the property. You may have income or loss because of the acquisition or abandonment. See Pub. 4681 for information about foreclosures and abandonments. If the property was your main home, see Pub. 523 to figure any taxable gain or ordinary income.

Future developments. For the latest information about developments related to Form 1099-C and its instructions, such as legislation enacted after they were published, go to www.irs.gov/form1099c.

Tax Implications

- 1099-C
- 982: Reduction of Tax Attributes Due to Discharge of Indebtedness

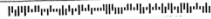
1099-C

Cancellation of Debt

- Forgiven debt is considered taxable income. 1099-C is used by the Debtor to report the amount forgiven to the IRS.
- Available at <https://www.irs.gov/pub/irs-pdf/f1099c.pdf>

This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if taxable income results from this transaction and the IRS determines that it has not been reported.

Debtor's Information



Creditor's Information

Federal ID Number:

Form 1099-C Questions
Phone Support: 866-576-2555

Debtor's ID Number:

Original

Summary of Form 1099-C Cancellation of Debt				(OMB No. 1545-1424)	
Box	Description	Amount	Box	Description	Amount
1.	Date of identifiable event		5.	If yes, the debtor was personally liable for repayment of the debt	Yes
2.	Amount of debt discharged		6.	Identifiable event code	G
3.	Interest if included in box 2	\$0.00	7.	Fair market value of property	\$0.00
4.	Debt description	(See Details)			

Details of Form 1099-C Cancellation of Debt						(OMB No. 1545-1424)	
Account Number	Box #1 Identifiable event date	Box #2 Amt of debt discharged	Box #3 Interest if included in Box 2	Box #4 Debt description	Box #5 If yes, the debtor was personally liable for repayment of the debt	Box #6 Identifiable event code	Other Boxes
WHEN AN UNPAID PRINCIPAL BALANCE OF \$600 OR MORE IS CANCELLED, THE IRS REQUIRES IT MUST BE REPORTED ON FORM 1099C			\$0.00	84 Debt description	85 If yes, the debtor was personally liable for repayment of the debt		CREDIT CARD ACCOUNT

Instructions for Debtor

You received this form because a Federal Government agency or an applicable financial entity (a creditor) has discharged (cancelled or forgiven) a debt you owed, or because an identifiable event has occurred that either is or is deemed to be a discharge of a debt of \$600 or more. If a creditor has discharged a debt you owed, you are required to include the discharged amount in your income, even if it is less than \$600, on the "Other income" line of your Form 1040. However, you may not have to include all of the cancelled debt in your income. There are exceptions and exclusions, such as bankruptcy and insolvency. See Pub. 4681, available at IRS.gov, for more details. If an identifiable event has occurred but the debt has not actually been discharged, then include any discharged debt in your income in the year that it is actually discharged, unless an exception or exclusion applies to you in that year.

Debtor's identification number. For your protection, this form may show only the last four digits of your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN). However, the creditor has reported your complete identification number to the IRS.

Account number. May show an account or other unique number the creditor assigned to distinguish your account.

Box 1. Shows the date the earliest identifiable event occurred or, at the creditor's discretion, the date of an actual discharge that occurred before an identifiable event. See the code in box 6.

Box 2. Shows the amount of debt either actually or deemed discharged. Note, if you do not agree with the amount, contact your creditor.

Box 3. Shows interest if included in the debt reported in box 2. See Pub. 4681 to see if you must include the interest in gross income.

Box 4. Shows a description of the debt. If box 7 is completed, box 4 also shows a description of the property.

Box 5. Shows whether you were personally liable for repayment of the debt when the debt was created or, if modified, at the time of the last modification. See Pub. 4681 for reporting instructions.

Box 6. Shows the reason your creditor has filed this form. The codes in this box are explained in more detail in Pub. 4681. A—Bankruptcy; B—Other judicial debt relief; C—Status of limitations or expiration of deficiency period; D—Foreclosure election; E—Debt relief from probate or similar proceeding; F—By agreement; G—Debtors' or policy to discontinue collection; H—Expiration of nonpayment testing period; or I—Other actual discharge before identifiable event.

Box 7. If in the same calendar year, a foreclosure or abandonment of property occurred in connection with the cancellation of the debt, the fair market value (FMV) of the property will be shown, or you will receive a separate Form 1099-A. Generally, the gross foreclosure bid price is considered to be the FMV. For an abandonment or voluntary conveyance in lieu of foreclosure, the FMV is generally the appraised value of the property. You may have income or loss because of the acquisition or abandonment. See Pub. 4681 for information about foreclosures and abandonments. If the property was your main home, see Pub. 529 to figure any taxable gain or ordinary income.

Future developments. For the latest information about developments related to Form 1099-C and its instructions, such as legislation enacted after they were published, go to www.irs.gov/form1099.



IRS Form 982

Reduction of Tax Attributes Due to Discharge of Indebtedness

- Used to determine and report the amount of discharged indebtedness that can be excluded from gross income.
- Available at <https://www.irs.gov/pub/irs-pdf/f982.pdf>

Part I General Information (see instructions)

- 1 Amount excluded is due to (check applicable box(es)):
- a Discharge of indebtedness in a title 11 case
 - b Discharge of indebtedness to the extent insolvent (not in a title 11 case)
 - c Discharge of qualified farm indebtedness
 - d Discharge of qualified real property business indebtedness
 - e Discharge of qualified principal residence indebtedness
- 2 Total amount of discharged indebtedness excluded from gross income **2**
- 3 Do you elect to treat all real property described in section 1221(a)(1), relating to property held for sale to customers in the ordinary course of a trade or business, as if it were depreciable property? Yes No

Part II Reduction of Tax Attributes. You must attach a description of any transactions resulting in the reduction in basis under section 1017. See Regulations section 1.1017-1 for basis reduction ordering rules, and, if applicable, required partnership consent statements. (For additional information, see the instructions for Part II.)

- Enter amount excluded from gross income:**
- 4 For a discharge of qualified real property business indebtedness applied to reduce the basis of depreciable real property **4**
 - 5 That you elect under section 108(b)(5) to apply first to reduce the basis (under section 1017) of depreciable property **5**
 - 6 Applied to reduce any net operating loss that occurred in the tax year of the discharge or carried over to the tax year of the discharge **6**
 - 7 Applied to reduce any general business credit carryover to or from the tax year of the discharge **7**
 - 8 Applied to reduce any minimum tax credit as of the beginning of the tax year immediately after the tax year of the discharge **8**
 - 9 Applied to reduce any net capital loss for the tax year of the discharge, including any capital loss carryovers to the tax year of the discharge **9**
 - 10a Applied to reduce the basis of nondepreciable and depreciable property if not reduced on line 5. *DO NOT use in the case of discharge of qualified farm indebtedness.* **10a**
 - b Applied to reduce the basis of your principal residence. *Enter amount here ONLY if line 1e is checked.* **10b**
 - 11 For a discharge of qualified farm indebtedness applied to reduce the basis of:
 - a Depreciable property used or held for use in a trade or business or for the production of income if not reduced on line 5 **11a**
 - b Land used or held for use in a trade or business of farming **11b**
 - c Other property used or held for use in a trade or business or for the production of income **11c**
 - 12 Applied to reduce any passive activity loss and credit carryovers from the tax year of the discharge **12**
 - 13 Applied to reduce any foreign tax credit carryover to or from the tax year of the discharge **13**

Part III Consent of Corporation to Adjustment of Basis of Its Property Under Section 1082(a)(2)

Under section 1081(b), the corporation named above has excluded \$ _____ from its gross income for the tax year beginning _____ and ending _____.

Under that section, the corporation consents to have the basis of its property adjusted in accordance with the regulations prescribed under section 1082(a)(2) in effect at the time of filing its income tax return for that year. The corporation is organized under the laws of _____.

(State of incorporation)

Note: You must attach a description of the transactions resulting in the nonrecognition of gain under section 1081.

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form 982 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/form982.

Purpose of Form

Generally, the amount by which you benefit from the discharge of indebtedness is included in your gross income. However, under certain circumstances described in section 108, you can exclude the amount of discharged indebtedness from your gross income.

You must file Form 982 to report the exclusion and the reduction of certain tax attributes either dollar for dollar or 33 1/3 cents per dollar (as explained below).

How To Complete the Form**IF the discharged debt you are excluding is . . .****THEN follow these steps . . .**

<p>Qualified principal residence indebtedness</p>	<ol style="list-style-type: none"> Be sure to read the definition of qualified principal residence indebtedness in the instructions for line 1e on page 4. Part of all of your debt may not qualify for the exclusion on line 1e but may qualify for one of the other exclusions. Check the box on line 1e. Include on line 2 the amount of discharged qualified principal residence indebtedness that is excluded from gross income. Any amount in excess of the excluded amount may result in taxable income. See Pub. 4681 for more information. If you disposed of your residence, you may also be required to recognize a gain on its disposition. For details, see Pub. 523, <i>Selling Your Home</i>. If you continue to own your residence after the discharge, enter on line 10b the smaller of (a) the amount of qualified principal residence indebtedness included on line 2 or (b) the basis (generally, your cost plus improvements) of your principal residence. <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <p>CAUTION If the discharge occurs in a title 11 case, you can't check box 1e. You must check box 1a and complete the form as discussed below under A nonbusiness debt. If you are insolvent (and not in a title 11 case), you can elect to follow the insolvency rules by checking box 1b instead of box 1e and completing the form as discussed below under A nonbusiness debt.</p> </div>
<p>A nonbusiness debt (other than qualified principal residence indebtedness, such as a car loan or credit card debt)</p>	<p>Follow these instructions if you don't have any of the tax attributes listed in Part II (other than a basis in nondepreciable property). Otherwise, follow the instructions for Any other debt below:</p> <ol style="list-style-type: none"> Check the box on line 1a if the discharge was made in a title 11 case (see Definitions, later) or the box on line 1b if the discharge occurred when you were insolvent (see Line 1b, later). Include on line 2 the amount of discharged nonbusiness debt that is excluded from gross income. If you were insolvent, don't include more than the excess of your liabilities over the fair market value of your assets. Include on line 10a the smallest of (a) the basis of your nondepreciable property, (b) the amount of the nonbusiness debt included on line 2, or (c) the excess of the aggregate bases of the property and the amount of money you held immediately after the discharge over your aggregate liabilities immediately after the discharge.
<p>Any other debt</p>	<p>Use Part I of Form 982 to indicate why any amount received from the discharge of indebtedness should be excluded from gross income and the amount excluded.</p> <p>Use Part II to report your reduction of tax attributes. The reduction must be made in the following order unless you check the box on line 1d for qualified real property business indebtedness or make the election on line 5 to reduce basis of depreciable property first.</p> <ol style="list-style-type: none"> Any net operating loss (NOL) for the tax year of the discharge (and any NOL carryover to that year) (dollar for dollar); Any general business credit carryover to or from the tax year of the discharge (33 1/3 cents per dollar); Any minimum tax credit as of the beginning of the tax year immediately after the tax year of the discharge (33 1/3 cents per dollar); Any net capital loss for the tax year of the discharge (and any capital loss carryover to that tax year) (dollar for dollar); The basis of property (dollar for dollar); Any passive activity loss (dollar for dollar) and credit (33 1/3 cents per dollar) carryovers from the tax year of the discharge; and Any foreign tax credit carryover to or from the tax year of the discharge (33 1/3 cents per dollar). <p>Use Part III to exclude from gross income under section 1081(b) any amounts of income attributable to the transfer of property described in that section.</p>

TIP Certain individuals may need to complete only a few lines on Form 982. For example, if you are completing this form because of a discharge of indebtedness on a personal loan (such as a car loan or credit card debt) or a loan for the purchase of your principal residence, follow the chart earlier. To see which lines you need to complete, also, see Pub. 4681, Canceled Debts, Foreclosures, Repossessions, and Abandonments, for additional information.

Definitions

Title 11 Case

A title 11 case is a case under title 11 of the United States Code (relating to bankruptcy), but only if you are under the jurisdiction of the court in the case and the discharge of indebtedness is granted by the court or is under a plan approved by the court.

Discharge of Indebtedness

The term discharge of indebtedness conveys forgiveness of, or release from, an obligation to repay.

When To File

File Form 982 with your federal income tax return for a year a discharge of indebtedness is excluded from your income under section 108(a).

The election to reduce the basis of depreciable property under section 108(b)(5) and the election made on line 1d of Part I regarding the discharge of qualified real property business indebtedness must be made on a timely filed return (including extensions) and can be revoked only with the consent of the IRS.

If you timely filed your tax return without making either of these elections, you can still make either election by filing an amended return within 6 months of the due date of the return (excluding extensions). Write "Filed pursuant to section 301.9102-2" on the amended return and file it at the same place you filed the original return.

Specific Instructions

Part I

CAUTION The time for making a section 108(a) election has passed. If you made an election under section 108(b) to defer income from the discharge of business debt arising from the reacquisition of a debt instrument in 2009 or 2010, don't report the amount deferred under the election in lines 1a through 1d and line 2.

Line 1a

The insolvency exclusion doesn't apply to any discharge that occurs in a title 11 case. It also doesn't apply to a discharge of qualified principal residence indebtedness (see the instructions for line 1e on page 4) unless you elect to have the insolvency exclusion apply instead of the exclusion for qualified principal residence indebtedness.

Check the box on line 1b if the discharge of indebtedness occurred while you were insolvent. You were insolvent to the extent that your liabilities exceeded the fair market value (FMV) of your assets immediately before the discharge. For details and a worksheet to help calculate insolvency, see Pub. 4681.

Example. You were released from your obligation to pay your credit card debt in the amount of \$5,000. The FMV of your total assets immediately before the discharge was \$7,000 and your liabilities were \$10,000. You were insolvent to the extent of \$3,000 (\$10,000 of total liabilities minus \$7,000 of total assets). Check the box on line 1b and include \$3,000 on line 2.

Line 1c

Check this box if the income you exclude is from the discharge of qualified farm indebtedness. The exclusion relating to qualified farm indebtedness doesn't apply to a discharge that occurs in a title 11 case or to the extent you were insolvent.

Qualified farm indebtedness is the amount of indebtedness incurred directly in connection with the trade or business of farming. In addition, 50% or more of your aggregate gross receipts for the three tax years preceding the tax year in which the discharge of such indebtedness occurs must be from the trade or business of farming. For more information, see sections 108(g) and 1017(b)(4).

The discharge must have been made by a qualified person. Generally, a qualified person is an individual, organization, etc., who is actively and regularly engaged in the business of lending money. This person can't be related to you, be the person from whom you acquired the property, or be a person who receives a fee with respect to your investment in the property. A qualified person also includes any federal, state, or local government or agency or instrumentally thereof.

If you checked line 1c and didn't make the election on line 5, the debt discharge amount will be applied to reduce the tax attributes in the order listed on lines 6 through 9. Any remaining amount will be applied to reduce the tax attributes in the order listed on lines 11a through 13.

You can't exclude more than the total of your (a) tax attributes (determined under section 108(g)(3)(B)) and (b) basis of property used or held for use in a trade or business or for the production of income. Any excess is included in income.

Line 1d

If you check this box, the discharge of qualified real property business indebtedness is applied to reduce the basis of depreciable real property on line 4. The exclusion relating to qualified real property business indebtedness doesn't apply to a discharge that occurs in a title 11 case or to the extent you were insolvent.

Qualified real property business indebtedness is indebtedness (other than qualified farm indebtedness) that (a) is incurred or assumed in connection with real property used in a trade or business, (b) is secured by that real property, and (c) with respect to which you have made an election under this provision. This provision doesn't apply to a corporation (other than an S corporation).

Indebtedness incurred or assumed after 1992 isn't qualified real property business indebtedness unless it is either (a) debt incurred to refinance qualified real property business indebtedness incurred or assumed before 1993 (but only to the extent the amount of such debt doesn't exceed the amount of debt being refinanced) or (b) qualified acquisition indebtedness.

Qualified acquisition indebtedness is (a) debt incurred or assumed to acquire, construct, reconstruct, or substantially improve real property that is secured by such debt and (b) debt resulting from the refinancing of qualified acquisition indebtedness to the extent the amount of such debt doesn't exceed the amount of debt being refinanced.

You can't exclude more than the excess of the outstanding principal amount of the debt (immediately before the discharge) over the net FMV (as of that time) of the property securing the debt reduced by the outstanding principal amount of other qualified real property business indebtedness secured by that property (as of that time). The amount excluded is further limited to the aggregate adjusted basis (as of the first day of the next tax year or, if earlier, the date of disposition) of depreciable real property (determined after any reductions under sections 108(b) and (g)) you held immediately before the discharge (other than property acquired in contemplation of the discharge). Any excess is included in income.

Line 1e

Check this box if the income you exclude is from discharge of qualified principal residence indebtedness. Also, be sure you complete line 2 (and line 10b) if you continue to own the residence after discharge. However, if the discharge occurs in a title 11 case, you must check the box on line 1a and not this box. If you are insolvent and not in a title 11 case, you can elect to follow the insolvency rules by checking box 1b instead of checking this box. For more information, see Pub. 4681.

Principal residence. Your principal residence is your main home, which is the home where you ordinarily live most of the time. You can have only one main home at any one time.

Qualified principal residence indebtedness. This indebtedness is a mortgage you took out to buy, build, or substantially improve your main home. It also must be secured by your main home. If the amount of your original mortgage is more than the cost of your main home plus the cost of any substantial improvements, only the debt that is not more than the cost of your main home plus improvements is qualified principal residence indebtedness. Any debt secured by your main home that you use to refinance qualified principal residence indebtedness is treated as qualified principal residence indebtedness, but only up to the amount of the old mortgage principal just before the refinancing. Any additional debt you incurred to substantially improve your main home is also treated as qualified principal residence indebtedness.

Amount eligible for the exclusion. The exclusion applies only to debt discharged after 2008. The maximum amount you can treat as qualified principal residence indebtedness is \$2 million (\$1 million if married filing separately). You can't exclude from gross income discharge of qualified principal residence indebtedness if the discharge was for services performed for the lender or on account of any other factor not directly related to a decline in the value of your residence or to your financial condition.

Ordering rule. If only a part of a loan is qualified principal residence indebtedness, the exclusion applies only to the extent the amount discharged exceeds the amount of the loan (immediately before the discharge) that is not qualified principal residence indebtedness. For example, assume your main home is secured by a debt of \$1 million, of which \$800,000 is qualified principal residence indebtedness. If your main home is sold for \$700,000 and \$300,000 of debt is discharged, only \$100,000 of the debt discharged can be excluded (the \$300,000 that was discharged minus the \$200,000 of nonqualified debt). The remaining \$200,000 of nonqualified debt may qualify in whole or in part for one of the other exclusions, such as the insolvency exclusion.

Line 2

Enter the total amount excluded from your gross income due to discharge of indebtedness under section 108. If you checked any box on lines 1a through 1e, don't enter more than the limit explained in the instructions for those lines. If you checked line 1a, 1b, or 1c, this amount won't necessarily equal the total reductions on lines 5 through 13 (excluding line 10b) because the debt discharge amount may exceed the total tax attributes. If you checked line 1e, this amount won't necessarily equal the total basis reduction on line 10b (which is required only if you continue to own the residence after the discharge).

See section 182(b)(6) for a special rule regarding a reduction of a corporation's tax attributes after certain ownership changes.

Line 3

You can elect under section 1017(b)(3)(E) to treat all real property held primarily for sale to customers in the ordinary course of a trade or business as if it were depreciable property. This election doesn't apply to the discharge of qualified real property business indebtedness. To make the election, check the "Yes" box.

Part II**Basis Reduction**

If you check any of the boxes on lines 1a through 1c, you can elect, by completing line 5, to apply all or a part of the debt discharge amount to first reduce the basis of depreciable property (including property you elected on line 3 to treat as depreciable property). Any balance of the debt discharge amount will then be applied to reduce the tax attributes in the order listed on lines 6 through 13 (excluding line 10b). You must attach a statement describing the transactions that resulted in the reduction in basis under section 1017 and identifying the property for which you reduced the basis. If you don't make the election on line 5, complete lines 6 through 13 (excluding line 10b) to reduce your attributes. See section 1017(b)(2) and (c) for limitations of reductions in basis on line 10a.

Line 7

If you have a general business credit carryover to or from the tax year of the discharge, you must reduce that carryover by 33 1/3 cents for each dollar excluded from gross income. See Form 3800, General Business Credit, for more details on the general business credit, including rules for figuring any carryforward or carryback.

Line 10a

In the case of a title 11 case or insolvency, the reduction in basis is limited to the aggregate of the basis of your property immediately after the discharge over the aggregate of your liabilities immediately after the discharge. However, this limit doesn't apply to a reduction in basis reported on line 5 pursuant to section 108(b)(5).

Line 10b

If box 1e is checked and you continue to own the residence after discharge, enter the smaller of:

- The part of line 2 that is attributable to the exclusion of qualified principal residence indebtedness, or
- The basis of your main home.

Part III**Adjustment to Basis**

Unless it specifically states otherwise, the corporation, by filing this form, agrees to apply the general rule for adjusting the basis of property (as described in Regulations section 1.1082-3(b)).

If the corporation desires to have the basis of its property adjusted in a manner different from the general rule, it must attach a request for variation from the general rule. The request must show the precise method used and the allocation of amounts.

Consent to the request for variation from the general rule will be effective only if it is incorporated in a closing agreement entered into by the corporation and the Commissioner of Internal Revenue under the rules of section 7121. If no agreement is entered into, then the general rule will apply in determining the basis of the corporation's property.

Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

You aren't required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated burden for individual taxpayers filing this form is approved under OMB control number 1545-0047 and is included in the estimates shown in the instructions for their individual income tax return.

The estimated burden for all other taxpayers who file this form is shown as follows: **Recordkeeping**, 5 hr., 58 min.; **Learning about the law or the form**, 2 hr., 34 min.; **Preparing and sending the form to the IRS**, 2 hr., 48 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. See the instructions for the tax return with which this form is filed.

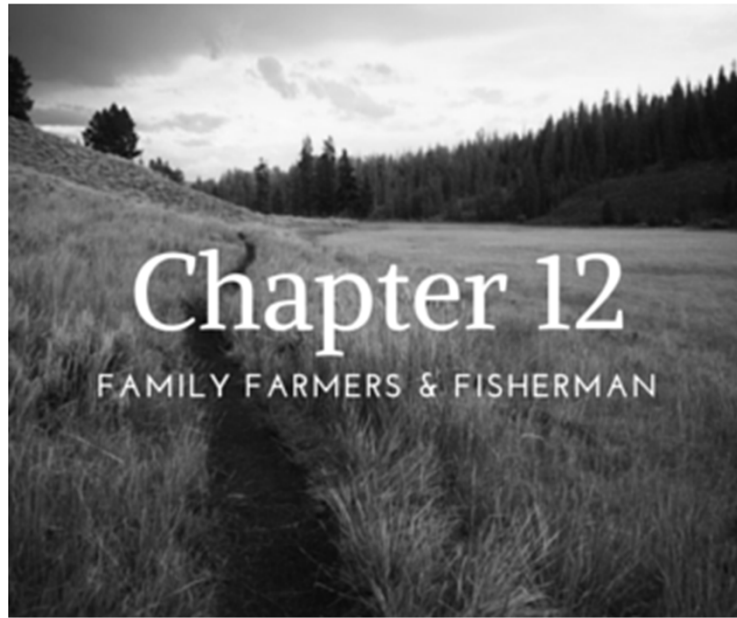
Farm Troubles



Farm Troubles



Solutions



Farm Cases

- When to liquidate:

11 USC 1222 (a) The plan shall—

(2) provide for the full payment, in deferred cash payments, of all claims entitled to priority under section 507, unless—

(A) the claim is a claim owed to a governmental unit that arises as a result of the sale, transfer, exchange, or other disposition of any farm asset used in the debtor's farming operation, in which case the claim shall be treated as an unsecured claim that is not entitled to priority under section 507, but the debt shall be treated in such manner only if the debtor receives a discharge;

Farm Cases

- **When to liquidate:**

In re: Hall

In an opinion authored by Justice Sotomayor and joined by Chief Justice Roberts, and Justices Scalia, Thomas and Alito, the Court agreed with the Ninth Circuit that the statutory construct was clear.

The Court noted that 11 U.S.C. §1222(a)(2)(A) allowed non-priority treatment for claims entitled to priority under 11 U.S.C. §507, and that 11 U.S.C. §507(a)(2) covers administrative expenses that are allowed by 11 U.S.C. §503(b)(B) which includes any tax that the bankruptcy estate incurs. So, for nonpriority treatment to apply, the bankruptcy estate must incur tax. For that to happen, there must be a bankruptcy estate in existence to incur tax that exists separately from the debtor. On that point, the Court held that the statutory phrase “incurred by the estate” clearly means a tax for which the bankruptcy estate is liable.

Farm Cases

- When to liquidate:

In re: Hall

The Court stated that the phrase “incurred by the estate” “bears a plain and natural reading.”

It is a tax for which the estate itself is liable

Farm Cases

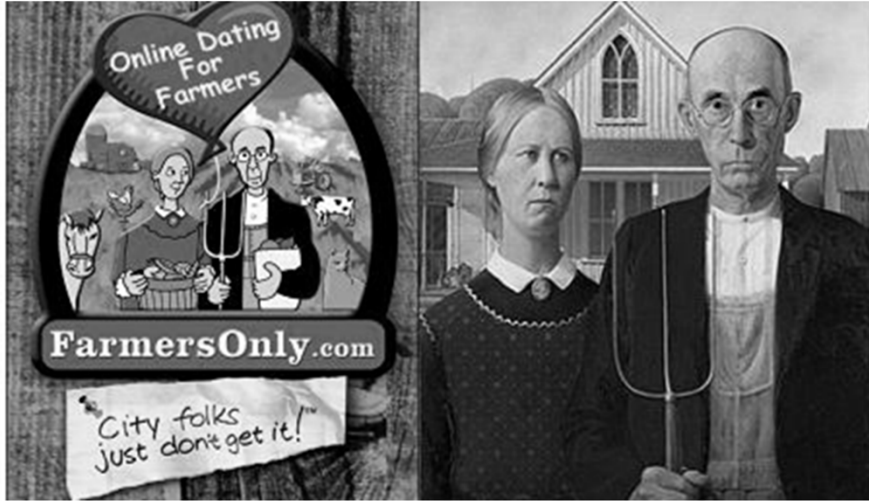
- When to liquidate:

In re: Hall

Liquidate tax assets first (low basis land, depreciated machinery, raised cattle)

“Reorganize” after liquidation.

City Folks Just Don't Get It!



MISSING MORTGAGE PAYMENTS?



It's not too late...



Mortgage Claims in Chapter 13s

- Mortgage Payments in Chapter 13

General Rule 11 U.S.C. § 1322(b)(5)

- (b) Subject to subsections (a) and (c) of this section, the plan may—
- (5) notwithstanding paragraph (2) of this subsection, provide for the curing of any default within a reasonable time and maintenance of payments while the case is pending on any unsecured claim or secured claim on which the last payment is due after the date on which the final payment under the plan is due;

Mortgage Claims in Chapter 13s

- Mortgage Payments in Chapter 13
 - General Rule
 - 11 U.S.C. 1326(c) permits debtors to act as their own disbursing agents by making payments directly to creditors. However, courts are given discretion to decide whether to allow debtors to make their ongoing mortgage payments directly, or instead require the the standing trustee to make the payments through the Chapter 13 plan.
 - Kansas Rule
 - If in default when case is filed, requires debtors to make ongoing mortgage payments through the trustee to avoid defaults due to additional charges of which debtors are often unaware.

-Exhibit D-

ADDENDUM TO CHAPTER 13 PROOF OF CLAIM
FOR RESIDENTIAL HOME MORTGAGE DEBT
PAID THROUGH CHAPTER 13 TRUSTEE

1. Creditor Information

Loan Number: _____
Creditor Name: _____
Servicer Name: _____
Address: _____
Contact Person: _____
Phone Number: _____
Fax Number: _____
E-Mail Address: _____

Payments should be made payable to: _____

Address to which payments are to be sent: _____

Creditor's Attorney's Name: _____

Address: _____

Contact: _____

Phone Number: _____

Fax Number: _____

E-Mail Address: _____

2. Loan Information

Type of loan and rate as of Petition date: _____

Fixed Rate: _____% (State interest rate as of date of Petition.)

Adjustable Rate: _____% (State interest rate as of date of Petition.)

Last Adjustment Date: _____

Next Adjustment Date: _____

Date of Month Payment Due: _____

Date of Month Payment Considered Late Under Note: _____

Amount of Late Fee: \$ _____

Post-Petition Payments

Principal & Interest: _____

Taxes: _____

Insurance: _____

Other: _____

Total Post-Petition Payments: _____

– Advantages of Payments by Trustees

- More accurate accounting of payments.
 - Trustees maintain a reliable, comprehensive system of records to track payments from debtors, payments to creditors, and any other relevant information. These records are essential to monitoring the status of the loan throughout the bankruptcy, tracking and handling penalties, and resolving disputes over payments.

- Fewer Motions to Lift Stay
 - Trustees meticulously monitor and address missed plan payments. When mortgage payments are made by a trustee, in the event of a missed payment, the mortgage servicer can be assured that the trustee is already aware of the problem. Thus, there is less of a need for stay motions, which reduces the debtor's legal fees as well as the burden on the court.





**"...if you have already sent us your payment,
please accept our apology for the death threat
and warm wishes for the holiday season."**

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
WINCHESTER DIVISION

In re:)
SAMUEL E. AND MELINDA R. WOMACK) Case No. 16-42229
)
) Chapter 13
)
Debtors.)

STATE OF TENNESSEE, *et al.*)
ROBERT E. COOPER, JR.,)
ATTORNEY GENERAL AND)
REPORTER,)
Plaintiff,)
v.) Adversary Proceeding
No. _____)
SAMUEL EVINS WOMACK,)
MELINDA RAMSEY WOMACK,)
Defendants.)

ADVERSARY COMPLAINT OF THE STATE OF TENNESSEE TO DETERMINE
DISCHARGEABILITY OF DEBT UNDER 11 U.S.C. § 523(a)(2) and (4)

Comes now the State of Tennessee, by and through the Office of the Tennessee Attorney General, at the request of the Division of Consumer Affairs of Tennessee's Department of Commerce and Insurance (hereinafter "State of Tennessee" or "State") by and through undersigned counsel, and petitions the Court, pursuant to 11 U.S.C. § 523(a)(2) and (4) for the limited purpose of determining that the contingent debt owed to the State of Tennessee on behalf of consumers for consumer resolution is nondischargeable. In support thereof, the State of Tennessee submits as

547 Preferences

- **(b) Except as provided in subsections (c) and (i) of this section, the trustee may avoid any transfer of an interest of the debtor in property—**
- **(1) to or for the benefit of a creditor;**
- **(2) for or on account of an antecedent debt owed by the debtor before such transfer was made;**
- **(3) made while the debtor was insolvent;**
- **(4) made—**
- **(A) on or within 90 days before the date of the filing of the petition; or**
- **(B) between ninety days and one year before the date of the filing of the petition, if such creditor at the time of such transfer was an insider; and**
- **(5) that enables such creditor to receive more than such creditor would receive if—**
- **(A) the case were a case under chapter 7 of this title;**
- **(B) the transfer had not been made; and**
- **(C) such creditor received payment of such debt to the extent provided by the provisions of this title.**



547 Defenses

- **Contemporaneous Exchange of New Value, 547(c)(1)**
- **Transfers in the Ordinary Course of Business, 547(c)(2)**

Contemporaneous Exchange of Value

- 547(c)(1): The trustee may not avoid under this section a transfer to the extent that such transfer was—
 - (A) intended by the debtor and the creditor to or for whose benefit such transfer was made to be a contemporaneous exchange for new value given to the debtor; and
 - (B) in fact a substantially contemporaneous exchange.

In Account with
Liberty Law Corporation
 Attorneys at Law EIN 38-2123191
 145 E. 35th St.
 Seattle, Washington 98450
 Phone: (212) 291-9211 Fax: (212) 291-9221

Statement Date: **November 23, 2010**
 File Number: **GREENH**

To: **Harold Green**
 151 West Esplanade
 Renton WA 98356

Matter: Motor Vehicle Accident

Attorney: Maurice H. Levy

Date	Particulars	Folio	Invoices ✓	Payments	Balance
Jun 30, 2010	For Professional Services Re...	20100005	854.24		854.24
Jul 15, 2010	Payment - 20100005	20100002		500.00	354.24
Jul 31, 2010	For Professional Services Re...	20100006	1,478.10		1,832.34
Aug 14, 2010	Payment - 20100006	20100003		1,000.00	832.34
Aug 31, 2010	For Professional Services Re...	20100007	2,522.96		3,355.30
Sep 30, 2010	For Professional Services Re...	20100008	456.30		3,811.60
Nov 2, 2010	For Professional Services Re...	20100001	260.00		4,071.60
	Interest on Outstanding Account		179.89		4,251.49
PLEASE NOTE THAT THIS ACCOUNT IS OVERDUE					
				Balance Due:	\$4,251.49

*Invoices are payable when rendered.
 Interest on outstanding accounts at
 1.5% per month, 18% per annum.*

Please make Check(s) payable to: "Liberty Law Corporation"

Transfers in the Ordinary Course of Business

- 547(c)(2): The trustee may not avoid under this section a transfer to the extent that such transfer was in payment of a debt incurred by the debtor in the ordinary course of business or financial affairs of the debtor and the transferee, and such transfer was—
 - (A) made in the ordinary course of business or financial affairs of the debtor and the transferee; or
 - (B) made according to ordinary business terms;

Exemptions



Exemptions



Exemptions



Exemptions



Exemptions



Exemptions

- Wages
- IRA
- Tax Refund

Exemptions

123 - John R. Doe Pay Period 06/02/06 to 06/16/06				Required Deductions		
Earnings				Federal Income Tax	00.00	00.00
Hours	Rate	This Period	YTD	FICA - Medicare	06.06	12.16
50	9.00	450.00	900.00	WI State Income Tax	00.00	00.00
Gross Pay				FICA - Social Security	25.92	51.84
				Other Deductions		
				Health Insurance	00.00	00.00
				401k	00.00	00.00
				Parking	00.00	00.00
				NET PAY	\$418.00	\$836.00

Your Employer 1234 Some Street Milwaukee, WI ZIPCODE	Check Number: XXXXXX Pay Date: 06/19/06
PAY ***Four hundred eighteen dollars and 00 cents*****\$418.00	
To the Order of John R. Doe 555 Some Street Milwaukee, WI ZIP CODE	

Exemptions

- Wage Exemption
 - *In re Urban*, 262 B.R. 865 (Bankr. D. Kan. 2001)
 - *Dillon Cos. V. Davis*, 39 Kan. App. 2d 444 (2008)
- IRA Exemption
 - *In re Mosby*, Case No. 14-22981 (Bankr. D. Kan. June 17, 2015)
 - *Clark v. Rameker*, 134 S. Ct. 2242 (2014) .
- Tax Refund Exemption
 - *In re Jones*, Case No. 14-40876 (Bankr. D. Kan. May 7, 2015)

Wage Exemption

- *In re Urban*, 262 B.R. 865 (Bankr. D. Kan. 2001)
 - Held that 75% of debtor's wages are exempt from garnishment under K.S.A. 60-2310 until they are commingled or become untraceable.

Wage Exemption

- *Dillon Cos. v. Davis*, 39 Kan. App. 2d 444 (2008).
 - Held that wages lose their partial exemption from garnishment after they are deposited into any type of bank account, whether or not commingled or untraceable.

Wage Exemption

- Takeaway
 - *Urban* interpreted Kansas law, but may be confined to a bankruptcy case.
 - Under *Davis*, when wages are deposited into a debtor's bank account, they are no longer exempt, regardless of whether they have been commingled or become untraceable.

Exemptions



IRA Exemption

- *In re Mosby*, Case No. 14-22981 (Bankr. D. Kan. June 17, 2015)
 - “Retirement plans” are exempt under K.S.A. 60-2308(b). However, Judge Somers held that inherited IRA’s are not “retirement plans” within the meaning of K.S.A. 60-2308(b) because contributions to inherited IRA’s are forbidden, holders of inherited IRA’s are often required to withdraw from such accounts well before retirement, and the entire amount of an inherited IRA may be withdrawn at any time without penalty. Thus, inherited IRA’s are not exempt in bankruptcy in Kansas.

IRA Exemption

- *Clark v. Rameker, 134 S. Ct. 2242 (2014)* .
- US Supreme Court held inherited IRAs also not exempt under 11 U.S.C. §522(b)(3)(c)

IRA Exemption

- Takeaway
 - If your client has received an inherited IRA and wants to file for Chapter 7 bankruptcy, think long and hard before you advise him to do so. Unless the IRA was inherited from a deceased spouse, the *entire* IRA is may be subject to creditors' claims.

Exemptions

Taxes	59	Additional tax on IRAs, other qualified retirement plans, etc. Attach Form 5329 if required	59		
	60a	Household employment taxes from Schedule H	60a		
	b	First-time homebuyer credit repayment. Attach Form 5405 if required	60b		
	61	Health care individual responsibility (see instructions) Full-year coverage <input type="checkbox"/>	61		
	62	Taxes from: a <input type="checkbox"/> Form 9959 b <input type="checkbox"/> Form 9960 c <input type="checkbox"/> Instructions; enter code(s)	62		
	63	Add lines 59 through 62. This is your total tax	63	730	00
Payments	64	Federal income tax withheld from Forms W-2 and 1099	64	1,010	00
	65	2014 estimated tax payments and amount applied from 2013 return	65		
	66a	Earned income credit (EIC)	66a	1,751	00
	b	Noncombatable combat pay election <input type="checkbox"/> 66b			
	67	Additional child tax credit. Attach Schedule 8812	67		
	68	American opportunity credit from Form 8863, line 8	68		
	69	Net premium tax credit. Attach Form 8962	69		
	70	Amount paid with request for extension to file	70		
	71	Excess social security and tier 1 RRTA tax withheld	71		
	72	Credit for federal tax on fuels. Attach Form 4136	72		
	73	Credits from: a <input type="checkbox"/> 5459 b <input type="checkbox"/> 5460 c <input type="checkbox"/> 5461 d <input type="checkbox"/>	73		
	74	Add lines 64, 65, 66a, and 67 through 73. These are your total payments	74	2,761	00
Refund	75	If line 74 is more than line 63, subtract line 63 from line 74. This is the amount you overpaid	75	2,031	00
	76a	Amount of line 75 you want refunded to you. If Form 8888 is attached, check here <input type="checkbox"/>	76a	2,031	00
Direct deposit? <input type="checkbox"/>	b	Routing number			
See instructions.	c	Account number			
	d	Type: <input type="checkbox"/> Checking <input type="checkbox"/> Savings			
	77	Amount of line 75 you want applied to your 2015 estimated tax	77		

Tax Refund Exemption

- *In re Jones*, Case No. 14-40876 (Bankr. D. Kan. May 7, 2015).
 - Debtor filed a chapter 7 bankruptcy in August 2014, not claiming an EIC exemption. Debtor filed her 2014 tax returns in January 2015. Her tax refund was intercepted by the Trustee shortly thereafter. In late February, Debtor filed an amended Schedule C, finally claiming her 2014 EIC as exempt. The Trustee objected, arguing Debtor waived her exemption based on her delay in claiming it.

Tax Refund Exemption

- *In re Jones*, Case No. 14-40876 (Bankr. D. Kan. May 7, 2015)
 - Judge Karlin disagreed. Noting that Kansas law determines when a state-created exemption may be denied, Judge Karlin held that Kansas law would not support the denial of Debtor’s EIC exemption under those circumstances. Although a Debtor may affirmatively waive a personal property exemption, waiver requires more than a minor delay in claiming the exemption. In the case of EICs, Federal Rule of Bankruptcy Procedure 1009(a) allows a debtor to amend exemptions on a Schedule C “as a matter of course at any time before the case is closed.” Thus, the Trustee’s objection was overruled.

Tax Season:

Making broke
people feel rich
for 48 hours



someecards
user card

Fair Debt Collection Practices Act



FDCPA

- What is covered by the FDCPA?
 - Consumer debt; i.e., any obligation arising from a transaction that is primarily for personal, family, or household purposes.

FDCPA

- Who must abide by the FDCPA?
 - Anyone who regularly engages in debt collection activity.
 - No bright line rule, but if you regularly practice in collections, the more likely the FDCPA applies.
 - Takeaway. Try to comply.

FDCPA

- What is required by the FDCPA?
 - Don't contact the debtor at unusual times or places. Generally, any contact must be between 8 a.m. and 9 p.m.
 - If you know the debtor is represented, you may only communicate with the debtor through his or her attorney.
 - If the debtor's employer prohibits communication pertaining to debt at work, you may not contact the debtor at work.
 - If the debtor has informed you in writing that he or she refuses to pay the debt or wants you to cease further communications, you must cease communication. However, you are permitted to inform the debtor that specific legal action will be taken.
 - Within 5 days of initial communication with the debtor regarding collection of the debt, you must send a "validation notice" or "initial demand letter" advising the debtor:
 - The amount owed;
 - The name of the creditor to whom the debt is owed;
 - That the debtor has thirty days to dispute the validity of the debt;
 - That if the debtor disputes the debt in writing within the 30 day period, the creditor will obtain verification of the debt; and
 - If the debt has been assigned, the name of the original creditor.

**AM I A "DEBT
COLLECTOR"**



"COLLECTING A DEBT?"

meme-generator.net

FDCPA

- Communication with Third Parties Under the FDCPA
 - Except for communication regarding the debtor's location, you are only permitted to contact:
 - The debtor's attorney;
 - Another creditor or debt collector's attorney;
 - A consumer reporting agency (e.g., Experian, Trans Union);
 - An entity as authorized by the court;
 - Any person whom you reasonably believe is necessary to effectuate a post-judgment remedy; or
 - Any person the debtor has given you express permission to contact.

FDCPA

- Communication with Third Parties Under the FDCPA
 - In any communication with a third party regarding the debtor's location, you must:
 - Identify yourself and state that you are confirming location information;
 - Not mention that a debt is owed;
 - Not communicate with that third party more than once unless requested to do so, or you believe the information given may have been erroneous;
 - Not contact the third party by post card;
 - Make sure that the envelope does not provide any indication that the communication is from a debt collector; and
 - Communicate only with the debtor's attorney, unless the attorney fails to communicate with you after a reasonable period of time.

 You have a friend request.



Debt Collector

“ We need to talk...”

Confirm

Ignore

[Send a Message](#) | [Report this Person](#)

Example FDCPA Demand Letter

Owen U. Money
1000 Bob Billings Pkwy
Lawrence, Kansas 66047

Re: Debt Owed to Ty Tass
~ Security agreement pertaining to credit purchase of 2016 Lamborghini
Diablo
~ **Outstanding Balance: \$675,538.38**

Dear Owen:

The law firm of Landon R. Cash, L.L.P. has been retained by Ty Tass to collect the deficiency balance you owe for the above-referenced debt. As of January 1, 2016, the outstanding balance owed for unpaid principal, interest, and fees is \$675,538.38. The creditor's name to whom the debt is owed is Ty Tass.

Federal law gives you thirty (30) days after you receive this letter to dispute the validity of the debt or any part of it. If you do not dispute it within that period, we will assume that it is valid. If you do dispute it by notifying me in writing to that effect, I will, as required by law, obtain and mail to you proof of the debt. And if, within the same period, you request in writing the name and address of your original creditor, if the original creditor is different from the current creditors (Ty Tass), I will furnish you with that information as well.

Pursuant to the terms of the Retail Sales Contract and Security Agreement, Ty Tass is accelerating the debt as a result of your default. To resolve this matter without a lawsuit, you must pay Ty Tass the entirety of the balance due, plus any interest, costs, and attorneys' fees you owe, within ten (10) days from the date of this letter. If you do not, we will file a lawsuit against you and foreclose on the collateral securing the debt.

Very truly yours,
Landon R. Cash, L.L.P.

Mel Practiss
Direct Dial - 1-800-LETS-REPO
MelPractiss@LandonRCash.com

This communication is an attempt to collect a debt, and any information obtained will be used for that purpose.

SCAMS

TARGET YOU

PROTECT YOURSELF

Arrest Warrant Scam



New Debt Collection Scams

– **Arrest Warrant Scam**

- **“Send money or you’re going straight to the slammer!”**
- **Here’s the warrant to prove it!”**



Published on *United States Courts* (<http://news.uscourts.gov>)

[Third Branch News](#) > Warning! Arrest Warrant Scam

Warning! Arrest Warrant Scam

(June 02, 2014)

You've received a warrant by fax or email saying a federal law enforcement officer or an attorney for the government wants to arrest you. Charges may be for money laundering or bank fraud, or missed jury duty. To avoid arrest, the warrant says, send money.

It's a scam.

The warrants may display a bogus logo of an unspecified "United States District Court," a case number, and various charges. Typically, recipients are instructed to call a number to get a "settlement" or to wire money to avoid arrest.

The warrant is phony. A valid warrant would not be served by fax or e-mail. It would be served in person by a U.S. Marshal or other law enforcement officer.

Anyone receiving a fake arrest warrant should contact the [FBI](#) [1] or the district U.S. [Marshals Office](#) [2]. If there is any question regarding the authenticity of a warrant, contact your [district clerk of court](#) [3].

The fake arrest warrants have been reported across the country, including in the District Courts for the Southern District of Ohio, Southern District of Illinois, New Mexico, Western District of Kentucky, Utah, the District of Columbia, and throughout Florida. Anyone demanding or obtaining money or anything of value while impersonating an officer or employee of the United States may be fined and/or imprisoned up to three years.

Source URL: <http://news.uscourts.gov/warning-arrest-warrant-scam>

Links:

- [1] <http://www.fbi.gov/>
- [2] <http://www.usmarshals.gov/district/index.html>
- [3] http://www.uscourts.gov/court_locator.aspx



Jason Scott
State Attorney Office
Topeka, KS 66603
United States
(913) 937 6608

AO 93 (Rev. 12/09) Arrest Warrant

UNITED STATES DISTRICT COURT

In the Matter of Arrest For,
NON-PAID LOAN AND CHECK FRAUD

Case Number: - CA/PA/271127

ARREST WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requested to arrest the following person.

Charges Pressed against the name are:-

- Count 1: Violation of federal banking regulation
- Count 2: Collateral Cheque Fraud (According to act no 76)
- Count 3: Theft By The deception (According to act no 48)

PS: If you fail Respond within 48 hours this Legal Action will be activated. You be Entitled for an OOCR, so Please Call on (913) 937 6608 and listed this document.

I find that the affidavit (S) or any recorded testimony, establish probable cause to arrest the person.



Jason Scott
(JUDGE'S SIGNATURE)

Jason Scott : - (913) 937 6608



FEDERAL TRADE COMMISSION
CONSUMER INFORMATION
consumer.ftc.gov

There is no Bureau of Defaulters

March 6, 2015
by Amy Hebert
Consumer Education Specialist, FTC

The email says it's a court notice from the Bureau of Defaulters Agency-FTC with your arrest warrant record attached. It says you've ignored their efforts to contact you, so now your Social Security number is on hold by the federal government, you'll be prosecuted for fraud, and you'll owe all kinds of money when you're found guilty. You've got just 24 hours to respond.

It's not true.

There is no Bureau of Defaulters, and the FTC doesn't send emails like this to people. Read [Government Imposter Scams](#) to learn more about spotting imposters.

If you get an email like this, forward it to spam@uce.gov, then delete it. Don't click on any attachments or links. Scammers send convincing-looking [fake emails](#) with links or attachments they want you to click. When you do, you could download [malware](#) onto your computer. If you're not sure whether an email is real, you can always look up a phone number yourself and contact the court, company, or agency the email claims to be from.

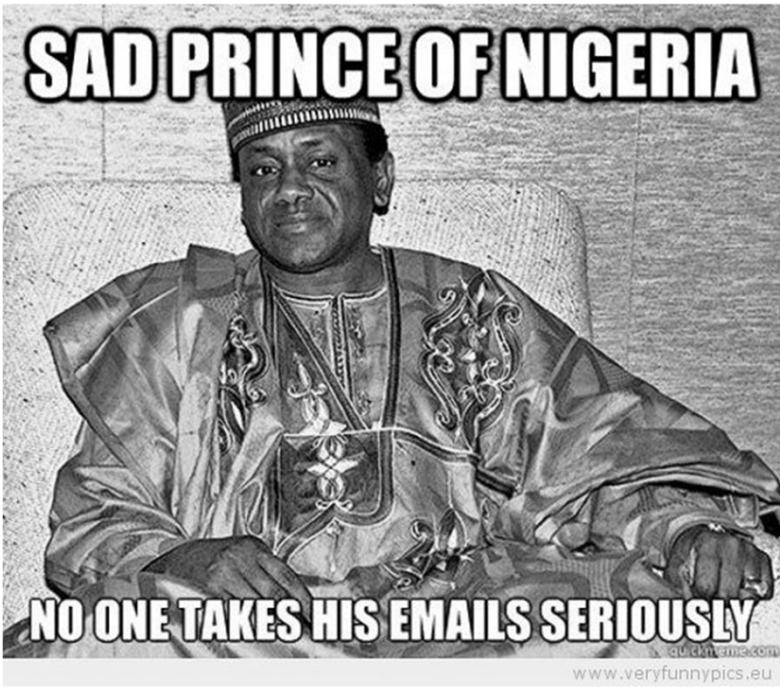
What if you already clicked on the attachment? Follow [these steps](#) to get rid of malware. You also can file a complaint with the FTC at ftc.gov/complaint, then visit the [FTC's Identity Theft website](#). Victims of [phishing emails](#) like this could become victims of identity theft, and there are steps you can take to minimize your risk.

The FTC has scam alerts you can sign up for to find out about the latest scams. Go to consumer.ftc.gov and click on [Scam Alerts](#), which include a category for imposter scams like these.

Blog Topics: [Privacy & Identity](#)

Other Scams







Extortion Scam Related to Delinquent Payday Loans

Washington, D.C.
December 07, 2010

If you are receiving payday loan scam calls, which are described in the below press release, do not follow the caller's instructions. Rather, you should:

- Notify your banking institutions.
- Contact the three major credit bureaus and request an alert be put on your file.
- Contact your local law enforcement agencies if you feel you are in immediate danger.
- File a complaint at www.FIC.gov.

The Internet Crime Complaint Center has received many complaints from victims of payday loan telephone collection scams. Callers claim the victim is delinquent in a payday loan and must repay the loan to avoid legal consequences. The callers purport to be representatives of the FBI, Federal Legislative Department, various law firms, or other legitimate-sounding agencies. They claim to be collecting delinquent payments such as United Cash Advance, USA Cash Advance, U.S. Cash Net, and other Internet check-cashing services.

According to complaints received from the public, the callers have accurate data about victims, including Social Security numbers, dates of birth, addresses, employer information, bank account numbers, and the names and telephone numbers of relatives and friends. However, the fraudsters obtained the personal information stolen, but in some cases victims have reported they completed online applications for other loans or credit cards before the calls started.

The fraudsters relentlessly call the victim's home, cell phone, and place of employment. They refuse to provide any details about the alleged payday loans and become abusive when questioned. The callers have threatened victims with legal action, arrest, and, in some cases, physical violence if they do not pay. In many cases, the callers harass victims' relatives, friends, and employers.

Some fraudsters have instructed victims to fax a statement agreeing to pay a certain amount, on a specific day, via a prepaid Visa card. The statement further declares the victim will never dispute the debt.

If you receive these calls, do not follow the caller's instructions. Rather, you should:

- Notify your banking institutions.
- Contact the three major credit bureaus and request an alert be put on your file.
- Contact your local law enforcement agencies if you feel you are in immediate danger.
- File a complaint at www.FIC.gov.

Tips to avoid becoming a victim of this scam:

- Never give your Social Security number or personal information of any kind—over the telephone or online unless you initiate the contact.
- Be suspicious of any e-mail with urgent requests for personal financial information. The e-mail may include spelling or writing but false statements to get you to react immediately.
- Avoid filling out forms in e-mail messages that request personal information.
- Ensure that your browser is up-to-date and security patches have been applied.
- Check your bank, credit, and debit card statements regularly to make sure that there are no unauthorized transactions. If anything looks suspicious, contact your bank and all card issuers.
- When you contact companies, use numbers provided on the back of cards or statements.

Accessibility | #NoSpamming | Freedom of Information Act | Legal Notices | Legal Policies and Disclosures | Links | Privacy Policy | USA.gov | White House
FBI.gov is an official site of the U.S. government, U.S. Department of Justice

Clear

Recent National Press Releases

- 03/11/11 8th Anniversary of the FBI's Ten Most Wanted Fugitives Program
- 02/09/11 Thomas M. Clegg, Sr. Named Special Agent in Charge of Dallas Division
- 02/24/11 Reward Announced for Cyber Fugitive
- 02/24/11 Federal Officials Close Investigation into Death of Trayvon Martin
- 02/23/11 Angela L. Byers Named Special Agent in Charge of Cincinnati Division
- 02/13/11 FBI, Secret Service to Meet Industry Leaders in Connection with White House Summit
- 02/09/11 Eric K. Jackson Named Special Agent in Charge of the Kansas City Field Office
- 02/09/11 Richard M. Frankel Named Special Agent in Charge of Newark Division
- 02/09/11 John S. Adams Named Special Agent in Charge of Norfolk Division
- 01/26/11 Former CIA Officer Convicted for Unauthorized Disclosure of National Defense Information and Obstruction of Justice

More National Press Releases

 **Card Check**

Has your credit card number been **STOLEN** on the Internet?

/

card number expires

SEEMS LEGIT

Get More Funny Stuff @ funnyasduck.net

**Wesley F. Smith, *Stevens & Brand, LLP,*
*Lawrence/Topeka, KS***

Wes is a graduate of Oklahoma State University and the University of Kansas School of Law. He is the past-president of the Bankruptcy and Insolvency Section of the Kansas Bar Association. He is a partner at Stevens & Brand, LLP in Lawrence and Topeka, and primarily represents debtors and creditors in bankruptcy cases. Wes has been an adjunct professor of law at the University of Kansas teaching commercial law, and is frequently a lecturer on bankruptcy and commercial law for continuing education classes. Since 2009 Smith has been selected to the Kansas Super Lawyers list in the area of bankruptcy & creditor/debtor rights. Since 2008 he has been chosen by his peers for inclusion in *The Best Lawyers in America*® in the area of bankruptcy. Wes was recently named the *Best Lawyers*® 2017 Topeka, Kansas Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law "Lawyer of the Year." He lives in Lawrence with his wife Lisa and their three over-scheduled kids. He still plays with cars....