

USFN VIDEO TRAINING SERIES
— FUNDAMENTALS OF BANKRUPTCY — ©2000

- I. INTRODUCTION

- II. BACKGROUND/CONTEXT
 - A. Bankruptcy Code/Bankruptcy Rules (Federal Law)
 - B. District/Bankruptcy Courts
 - C. Court of Equity -- Broad Powers under Section 105
 - D. Policy Considerations – Fresh Start for Debtor

- III. EFFECT OF BK -- AUTOMATIC STAY
 - A. Scope of Stay [what happens + what the servicer should do]
 - i. Debtor
 - ii. Debtor's property/bankruptcy estate
(Explain pre- and post-petition distinction)
 - B. Violations
 - i. Void vs. voidable acts
 - ii. Sanctions

- IV. COMMON GROUND AMONG CHAPTERS
 - A. Meeting of Creditors
 - B. Proof of Claim
 - C. Discharge
 - D. Reaffirmation [What is it? When used? Not used?]

- V. TYPES OF BK CASES FILED BY MORTGAGORS
 - A. **Chapter 7 [overview eligibility and objective only – details later in video]**
 - i. Asset
 - ii. No Asset
 - B. Chapter 11
 - C. Chapter 12
 - D. **Chapter 13 [overview eligibility and objective only – details later in video]**

- VI. CHAPTER 7 CASES
 - A. Liquidation
 - i. Chapter 7 Trustee
 - ii. Claims (secured and unsecured)
 - a. Procedure/Deadline -- Proof of Claim/Asset Case
 - b. Payment -- Priority
 - B. Discharge Timing

VII. CHAPTER 13 CASES

- A. Pay-per-Plan Jurisdiction
- B. Pay-per-Proof of Claim Jurisdiction
- C. Plan
 - i. Objections
 - ii. Confirmation
- D. Payment within confirmed Plan
 - i. Pre-petition claims (secured and unsecured)
 - ii. Post-petition claims (secured and unsecured)
- E. Payment outside confirmed Plan
- F. Discharge Timing

VIII. SEEKING RELIEF FROM STAY

- A. Procedure – Motion/evidence
 - (documentary vs. testimony/declaration)
 - i. Secured claim/collateral
 - ii. Other; e.g., claim determination in state court
- B. Grounds

IX. AUTOMATIC TERMINATION OF STAY

- A. BK case dismissal
- B. BK case closure
- C. Property abandonment by trustee
- D. Discharge [warns of the discharge injunction]
 - i. Grant
 - ii. Denial

X. CLOSING