

# LAW CLERK

## Bankruptcy PROJECTS

### POST-PETITION TRANSFER RESEARCH

**FLAT FEE**  
**\$400**

#### PROJECT DESCRIPTION

I represent a Chapter 7 Trustee in a bankruptcy case that was converted from Chapter 11 to Chapter 7. I am currently reviewing whether certain transfers can be avoided from American Express (AMEX). Specifically, preferential transfers, fraudulent transfers, and post-petition transfers. I need a memorandum analyzing the defenses raised by AMEX under 11 U.S.C. 363(c)(1), 364(a), and 1108. AMEX contends that these provisions allowed the Debtor to use the credit card without court authority. I would like to find some case law that would support an argument that these transfers were not authorized and can be avoided.

#### PROJECT DETAILS

I do not think that this project should take more than five hours.

#### COMMENTS



#### EXCEEDED EXPECTATIONS

Val was extremely responsive and wrote a thorough and detailed memorandum analyzing a complicated legal issue. I will definitely be referring future projects to him.

## DISALLOWANCE OF DEFAULT INTEREST IN BANKRUPTCY CASE SURVEY

### FLAT FEE PROJECT DESCRIPTION

**\$2,000**

In *In re Beltway One Development Group*, 547 B.R. 819 (9th Cir. B.A.P. 2016), the BAP confirmed the presumptive rule providing that an oversecured creditor is entitled to receive post-petition, pre-effective date interest (aka "pendency interest") at the default (vs. contract) rate. The BAP, however, also held that such presumption is rebuttable based on "equitable considerations."

The memo should identify every possible case since January 1, 2015 where a debtor has disputed paying a secured creditor's pendency default interest and provide a detailed description of the facts that the court considered in deciding whether to award all or part of the default interest and the legal basis for such determination.

To the extent that any court's discuss the allowance or disallowance of default interest in terms of "equitable considerations," the court's analysis should be highlighted and discussed in the memo as well.

### PROJECT DETAILS

I need a very thorough research memo analyzing published and unpublished opinions from all bankruptcy courts, federal district courts, BAPs, and circuit courts since January 1, 2015.

Westlaw or Lexis access is required.

As I need a deep dive and detailed factual analysis, including perhaps accessing the underlying pleadings to understand the facts if they are not clear from the opinions. I expect this project to take 20 or more hours.

### COMMENTS



#### EXCEEDED EXPECTATIONS

The memo was excellent. Very thorough. Great analysis.

## OBJECTIONS TO TRIAL EXHIBITS (3)

### FLAT FEE PROJECT DESCRIPTION

**\$800**

I need written objections to trial exhibits. Applicant will need to review the designated exhibits and identify proper objections and complete written objections for filing.

### PROJECT DETAILS

Applicant will need to review and sign additional case-specific confidentiality agreement prior to start. There are approximately 50 exhibits to review and determine which objections apply. Sample of format for written form will be provided.

### COMMENTS



#### EXCEEDED EXPECTATIONS

John is great to work with -- he always does a great job and is always ahead of schedule. He asks good questions to make sure he has the relevant information and appears to really take pride in getting the job done well.

## RESEARCH AND MEMO RE ELIGIBILITY TO FILE CHAPTER 7 BANKRUPTCY

### FLAT FEE PROJECT DESCRIPTION

**\$600**

I have an individual client that has significant tax liability and a somewhat unusual fact pattern. I need a detailed memo analyzing whether he is eligible to file chapter 7.

### PROJECT DETAILS

For someone with chapter 7 experience, I expect that this will take 4-6 hours.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Ben provided an excellent memo and was wonderful to work with. I recommend him!

## FORECLOSURE DEFENSE RESPONSE BASED UPON BANKRUPTCY LAW

### FLAT FEE PROJECT DESCRIPTION

\$500

Draft an Answer and possible simple counterclaim.

### PROJECT DETAILS

Debtor/Defendant who I represent filed a Chapter 13 in December 2011 and later converted the case matter to a Chapter 7. On August 14, 2012, she obtained an Order of Discharge and at the time she obtained the Order of Discharge she was responsible for the mortgage on the property. The mortgage company did issue a reaffirmation agreement. A few months later, the mortgage filed a foreclosure action and in response, Debtor filed a Chapter 13 to address the secured portion of the mortgage. The mortgage was in fact crammed down to the market value of the house and the Debtor paid the crammed down market amount at the current market interest rate for 60 months. The Debtor completed the plan and after the Trustee completed their audit they determined that the Debtor was not eligible for a discharge because the Debtor had received a discharge in 2012.

It is my position that the foreclosure was wrongfully revived in that the mortgage company did not have the right to proceed with foreclosure. I believe that the Discharge Order in the Chapter 7 issued in 2012 covered the Debtor's liability as it relates to any unsecured portion of the mortgage and that the completion of the confirmed plan satisfied any remaining any portion.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Tim is great and completes projects fast and efficiently.

## MOTION TO DETERMINE ESTATE PROPERTY

### FLAT FEE PROJECT DESCRIPTION

\$525

Draft a Motion to Determine that a Settlement is Not Property of the Bankruptcy Estate. Conduct case law research to support said Motion. The settlement at issue stems from a products liability class action. A faulty medical device that was inserted in the debtor several years prior to the debtor filing bankruptcy, but the debtor was unaware of the cause of action until several years after the bankruptcy case was closed. Our main adversary in this matter will be the Chapter 7 Trustee.

### PROJECT DETAILS

I have several cases to get you started on research and I also have a few forms you can review to assist in drafting the motion. This is a case of first impression for our judge while other bankruptcy courts appear to be split on the issue. There is no binding 11th circuit precedent that I am aware of. I anticipate the motion will be 4-5 pages and should take 4-5 hours to research and draft.

### COMMENTS



#### EXCEEDED EXPECTATIONS

James did an excellent job. He wrote a great brief that was exactly what I need, he completed the assignment well before the deadline, and he was extremely responsive throughout the process. I hope I get to work with him again in the near future.

## LUCKY SEVEN

### FLAT FEE PROJECT DESCRIPTION

\$400

Need a motion for reconsideration of the dismissal of a bankruptcy case. Need the corrected filing to be completed.

### PROJECT DETAILS

Need a motion for reconsideration of dismissal of bankruptcy filed by the court this morning. Need the corrected filing to be completed and uploaded.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Did what I needed within the short time frame I had to refile. I would definitely use again!

## LEGAL MEMO ANALYZING MONEY TRANSFERS FROM FATHER TO DAUGHTER AND WHETHER A BANKRUPTCY TRUSTEE COULD CLAW THE MONEY BACK

### FLAT FEE PROJECT DESCRIPTION

**\$350**

I have a client who needs to file Chapter 7, but he has made intermittent transfers to his daughter over the last two years and the sumtotal is substantial. I have concerns about the trustee being able to pursue the transfers under 11 usc 547/548 and GA state law. The memo should provide (1) analysis of the daughter's exposure; (2) analysis of potential defenses; and (3) a recommendation on what a good compromise (if any) with the trustee might be.

### PROJECT DETAILS

I will provide you with all of the relevant information and some case law. I like to start these assignments with a phone call to make sure we are on the same page. I think this should take 3-5 hours to do a good, thorough job.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Erin timely delivered a great memo with very little guidance from me. She is a talented attorney.

## OPPOSITION TO MOTION FOR SURCHARGE

### FLAT FEE PROJECT DESCRIPTION

**\$750**

I need an Opposition to a Limited Objection to a Motion for Stay Relief, which objection is really a request to surcharge under 506(c).

### PROJECT DETAILS

Need analysis of whether (1) a request to surcharge can be brought by way of a limited objection and (2) opposition to request to surcharge based on fact that creditor has demanded return of collateral for months and amounts sought to be surcharged are not reasonable and did not benefit creditor. Total time expected 6-10 hours.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Was able to turn around a bankruptcy pleading in a short period of time, on a weekend. Was receptive to making changes and updating the brief as needed.

## EMPLOYEE WAGE TREATMENT IN CHAPTER 11 BK RESEARCH

### FLAT FEE PROJECT DESCRIPTION

**\$1,500**

Memorandum re: treatment of employee bonuses and severance payments in chapter 11.

### PROJECT DETAILS

Company has several employees in various states that were awarded 2019 retention bonuses that have not yet been paid. Employees are located in New Jersey, North Carolina, Illinois, Texas, Nevada, and California. Additional bonuses are provided under employment contracts for other employees. They are calculated based on 2019 performance, but will not be due pre-petition. Finally, there are pre-petition agreements with severance payments. Some employees may be terminated pre-petition. Need research and memo regarding how each of these will be treated in chapter 11 bankruptcy case, company liability under state wage laws, and whether there is any officer and director liability under state wage laws.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Turned around well-researched memo in a short time frame.

## RULE 12(B)(6) MOTION TO DISMISS

### FLAT FEE PROJECT DESCRIPTION

**\$250**

I have already filed a rule 12(b)(6) motion to dismiss, Plaintiff responded and then we filed a reply brief. The court ruled in our favor but gave the Plaintiff leave to file an amended complaint and we want to file another 12(b)(6) motion to dismiss the amended complaint. All of the previous briefs will be provided and will be helpful.

### PROJECT DETAILS

The original motion and supporting briefs will be helpful in drafting this motion and I have done additional research that I will share. The plaintiff has filed an adversary pleading opposing discharge in a chapter 7 bankruptcy. Initially, the plaintiff alleged at least 8 counts pursuant 11 usc 523 and 727 but the amended complaint took out the 727 claims and focuses on the 523 claims. I think this motion and brief should take you between 3-5 hours to adequately draft and should be from 8 - 12 pages.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Stephanie put together an excellent brief for me and did so in a timely manner. She was great at communicating throughout the project. I hope to work with her again in the near future.

## MOTION TO LIFT BANKRUPTCY STAY

### FLAT FEE PROJECT DESCRIPTION

**\$300**

I need a motion to lift the bankruptcy stay.

### PROJECT DETAILS

I represent a mother who has a pending action in Texas state court for past-due child support. The father (child support obligor) filed for bankruptcy in the Southern District of Texas bankruptcy court. I would like a motion to lift the stay in bankruptcy to allow the mother to proceed to hold the father in contempt/ seek jail time. The father is settling claims in bankruptcy with other debtors without paying child support, and has not paid in several years.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Great job!

## 11 U.S.C. 724(a) RESEARCH

### FLAT FEE PROJECT DESCRIPTION

**\$500**

I am representing a Chapter 7 Trustee in a bankruptcy case where the IRS has filed a proof of claim that asserts a blanket lien over all personal property of the Debtor. The lien appears to be properly perfected. The lien, however, is related to IRS penalties. There is a sizable amount of personal property held by a constable that is estate property, but the Debtor has asserted a keepsake exemption in some of this property. The Debtor has also claimed a homestead exemption in a property where the priority secured creditor is the IRS lien. My question involves whether the Trustee can avoid the IRS lien under 11 U.S.C. 724(a) and liquidate these items of property notwithstanding any exemptions claimed by the Debtor.

### PROJECT DETAILS

Please provide a memorandum addressing 11 U.S.C. 724(a) and whether it can be used by a Chapter 7 Trustee to liquidate exempt bankruptcy estate property. It would be great to be able to use portions of the memorandum in a brief that will be filed with the Court on this issue. I will upload a useful case that should provide a starting point for the research. Let me know if you have any questions.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Rinky finished the project early and was able to find several great cases on a new theory of recovering exempt property in a bankruptcy case. I will definitely use her services in the future.

## EQUITABLE SUBROGATION RESEARCH

### FLAT FEE PROJECT DESCRIPTION

**\$1,300**

I need a memorandum analyzing equitable subrogation. I represent a Chapter 7 Trustee in a bankruptcy case where the trustee is holding proceeds from the sale of a property in the approximate amount of \$3,000,000. The property was over encumbered by liens and the two dueling secured creditors allowed the property to be sold with their liens, if any, to attach to the proceeds. There is a pending adversary proceeding to determine the extent and validity of liens. The Trustee has agreed to accept a carve-out of \$100,000 from one of the secured creditors in exchange for pursuing claims against another creditor that the parties believe holds a perfected deed of trust in the property/sale proceeds. Essentially, this involves using the Trustee's strong-arm powers under 11 U.S.C. 544(a). The crux of the argument is that the wrong party granted the secured creditor a deed of trust. The wrinkle is that this secured creditor has asserted a claim for equitable subrogation. I would like you to research the elements for equitable subrogation and give me your thoughts on the merits of their claim. I'm interested to see if this is a remedy that the Trustee can defeat as a matter of law due to her status as a lien creditor. I will upload the relevant pleadings.

### PROJECT DETAILS

I am interested in a memorandum similar to the project on post-petition transfers that you prepared in a different matter. Let me know if the project becomes too involved and we can work out an additional payment.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Val is a fantastic asset to my law firm. I have worked with him on several projects and he has always exceeded my expectations. Val has found case law to support my legal theories, developed new arguments that I had not considered, and identified potential pitfalls. I cannot recommend him highly enough.

## DOCUMENT REVIEW 7-B

### FLAT FEE PROJECT DESCRIPTION

**\$1,500**

This is a document review project. I have approximately 10,000 pages broken into two batches of approximately 5,000 pages that need to be reviewed for subject matter. The reviewer will need to complete a spreadsheet that will be provided, which will require the reviewer to identify information responsive to 40 inquiries, like bates numbers, document title, authors, recipients, description of the document, and whether certain names, terms, and ideas are discussed.

The reviewer will be required to review the protective order entered in the case and sign an agreement providing that the reviewer has read and is bound by the protective order.

### PROJECT DETAILS

Some of the files include large spreadsheets that can be quickly reviewed, as well as documents that simply require being identified by bates number and that they have been withheld as non-responsive or privileged. However, there are other documents that will need to be closely reviewed and more substantive responses provided. My best estimate is that the project will take approximately 15-20 hours to complete the review and spreadsheet.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Great job on the project. Kept in constant communication regarding the status of the project and asked thoughtful and helpful questions.



## DRAFT A QUALIFIED WRITTEN REQUEST

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**FLAT FEE** **PROJECT DESCRIPTION**  
**\$75**

I have a former bankruptcy client who is having issues with his mortgage company. The bankruptcy was filed to catch up on an arrearage, which it did, and since filing, he is adamant that he has remained current on all payments.

However, the mortgage company is reporting negative information to the credit bureaus and also sent the client a "notice of foreclosure" letter. I want to send the lender a Qualified Written Request asking them to verify why they show the loan account as being in default.

**PROJECT DETAILS**

In addition to drafting the letter, this could require a small amount of independent research. I have a form for a Qualified Written Request, but I am not in love with it. If you have your own form or have general knowledge of this area of the law, that would certainly be a bonus. One way or the other, I do not see this project taking longer than 2-3 hours.

**COMMENTS**



**EXCEEDED EXPECTATIONS**

Deirdre delivered excellent work product well in advance of her deadline. I highly recommend her and hope I get a chance to work with her again in the near future.

## MOTION TO DISMISS 11 U.S.C. 523 COMPLAINT

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**FLAT FEE** **PROJECT DESCRIPTION**  
**\$1,000**

Draft Motion to Dismiss Non-Discharge Complaint filed by creditor for failure to state a claim.

**PROJECT DETAILS**

Creditor filed non-discharge claims under 523(a)(2) and (4). Need to file a MTD for, among other things, creditor suing the individual instead of the entity that obtained money and there being no basis for alter ego. Would also like additional analysis on other potential claims for dismissal.

Expect project would take 10-15 hours.

**COMMENTS**



**EXCEEDED EXPECTATIONS**

John is great to work with -- always goes above and beyond to get project completed and provide additional thoughts on potential arguments and strategy.

## BANKRUPTCY - INTEREST RATE RESEARCH FOR CONSUMER CHAPTER 13 CASES

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**FLAT FEE** **PROJECT DESCRIPTION**  
**\$800**

Issue – In bankruptcy cases that require the payment of interest to unsecured creditors based upon the present value consideration of 11 U.S.C. Sec. 1325(b)(1)(a), what should the appropriate interest rate be? I'm looking for statutes/cases that will recommend as low a rate as possible.

**PROJECT DETAILS**

Information needed in memo format (not just a list of cases) so that it can be incorporated into a brief. Estimated research/preparation time should be 10-12 hours.

**COMMENTS**



**EXCEEDED EXPECTATIONS**

Nicole did an exceptional job in not only compiling the research for me in a case of fairly new impression, but also crafting the argument in the most persuasive way possible. Her brief was thorough, well-organized, and the citations were immaculate!

## BRIEF MOTION TO EXTEND TIME FOR ASSUMPTION OF LEASE-CHAPTER 11

### FLAT FEE PROJECT DESCRIPTION

**\$300**

I need a brief in support of Debtor's Motion to Extend Time to Assume or Reject a Non-Residential Lease in a Chapter 11 to be filed with the bankruptcy court.

#### PROJECT DETAILS

I represent the Debtor in a Chapter 11 case that was filed on December 6, 2018. I filed a Motion to Extend Time to Assume or Reject the Lease on April 4, 2019. The 120 day period set forth in section 365(d) would run on April 5, 2019. It's been the practice throughout the East Tennessee Bar that if the Motion to Extend Time was filed prior to the time to assume or reject had expired, then the Motion was considered timely even though the order granting the motion would be entered after the time expired.

In this case, the Landlord supports the motion. The Court who is very "process oriented" raised the question of whether it has the authority to grant the motion because the Court is focused on the words "prior to" in 365(d)(4). No creditor will oppose the Motion. The US Trustee's attorney tells me that her practice has always been if the motion was filed before the 120 day expired, then it was timely. The "prior to" words were added in BAPCPA.

I've got a 6th circuit BAP panel opinion that I believe is still good law. It would need to be shephardized to be sure it's not been reversed. I use Fast Case and found 5 cases citing it but nothing overruling it.

I need a short brief with authority and argument to persuade the judge. The Motion is set for hearing on 4/25. I need to file the brief on 4/23.

I can upload cases and the motion.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Good experience. Very easy to work with. I'm thankful for Mona's assistance on this.

## SECURED CREDITOR CLAIM WESTERN DISTRICT OF TEXAS

### FLAT FEE PROJECT DESCRIPTION

**\$500**

I need assistance drafting a secured creditor proof of claim (it's a matured interim construction loan, but's basically the mortgage on a house) to be filed in the U.S. BK Court for the WD of Texas, SA Division. Short version of facts: W filed bankruptcy in 2017. We obtained lift-stay in 2018 but before foreclosure, W got TRO in State Court. TRO dissolved, but before foreclosure H filed bankruptcy in 2019. H BK got dismissed 30 days later b/c he did not file tax returns. Then H and W refiled BK (jointly this time) before foreclosure sale. I need to ensure POC is filled out correctly.

#### PROJECT DETAILS

I have a complete loan history, with attorney's fees and expenses (appraisal and taxes) built in. No assignment of the note. The holder is the same as the original mortgagee. I need to ensure information is properly presented on the 410 Form.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Responsive and genuinely excited about the work. A great resource!



## BANKRUPTCY CASE STRATEGY

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**FLAT FEE** **PROJECT DESCRIPTION**  
**\$2,500**

Hi John. I have a chapter 11 that had to be filed to stop an execution on less than 24 hours notice so there was no time for the typical bankruptcy planning. The company has revenue of over \$9M but is operating at a loss currently; however, that is standard as the business model requires about a 10 year ramp up to become profitable. The company expects to be profitable by early next year.

### PROJECT DETAILS

I am hoping you would be interested in reviewing the schedules, pleadings and preparing a detailed memo of the potential exit strategies and risks that I can use to discuss with the client. It seems to me the options are a 363 sale and a traditional restructuring of the debt. The primary creditor is the parent, who technically has a secured claim, but there are preference challenges to the validity of the security interest that may not withstand scrutiny when challenged by the primary unsecured creditor, who is also a competitor.

### COMMENTS



#### EXCEEDED EXPECTATIONS

John's knowledge and experience are invaluable.

## BANKRUPTCY EMPLOYMENT ISSUE

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**FLAT FEE** **PROJECT DESCRIPTION**  
**\$500**

I need a memo that answers the following question:

Does a pre-petition agreement for a success fee, which agreement was entered into pre-petition, render an attorney that will serve as bankruptcy counsel not disinterested?

### PROJECT DETAILS

The success fee was agreed to pre-petition and is payable by the contemplated debtor post-petition if certain events occur in the bankruptcy case within a set time period. The success fee will be disclosed to the bankruptcy court in connection with seeking approval of the bankruptcy attorney's employment under Section 327(a). The attorney will not have any outstanding obligation (i.e. will have been paid in full for all pre-petition services) other than the success fee obligation prior to the petition date.

I want all pertinent cases uploaded, as well as the memo.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Once again, James provided a succinct, well-researched and well-written, memo. His work is excellent.

## DRAFT REPLY BRIEF IN SUPPORT OF MSJ AND A REPLY BRIEF TO A MOTION TO STRIKE AFFIDAVITS IN SUPPORT

### FLAT FEE PROJECT DESCRIPTION

**\$450**

I have already filed a motion for summary judgment on behalf of the defendant in this bankruptcy adversary proceeding, and I just received the plaintiff's response. Plaintiff also filed a motion to strike our supporting affidavits which I will explain. I would like to file a thorough reply to both of these pleadings.

### PROJECT DETAILS

The plaintiff has filed an adversary pleading opposing a chapter 7 discharge pursuant to 11 usc 523. Originally, they also had four claims under 11 usc 727 but did not bring those claims in the amended complaint the court forced plaintiff to file due to a motion to dismiss that we filed. Between the current brief in support of motion for summary judgment and previous briefs we filed in support of our motion to dismiss, you will have a lot of material to work with. I would expect this to take you 5-7 hours.

### COMMENTS



#### EXCEEDED EXPECTATIONS

This lawyer consistently delivers excellent work!!

## MOTION TO STRIKE JURY DEMAND (BANKRUPTCY ADVERSARY)

### FLAT FEE PROJECT DESCRIPTION

**\$600**

I need a straightforward motion to strike a jury demand. The adversary is a 523 nondischargeability action and there is no right to a jury trial in such actions.

### PROJECT DETAILS

I have pulled a few cases on point, however, research needs to be done on whether the numerous affirmative defenses somehow create a right to a jury trial. I am fairly confident they do not.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Shawn drafted a great motion to strike a jury demand in a bankruptcy adversary. I made a few minor tweaks and sent it off to the client! I will work with Shawn again and highly recommend!

## BANKRUPTCY EVALUATIONS

### FLAT FEE PROJECT DESCRIPTION

**\$500**

Process client provided data and compute plan payments and legal and administrative costs of a chapter 13 or chapter 11 plan.

### PROJECT DETAILS

You will receive 1-2 intake forms used by a local bankruptcy practitioner for evaluating schedules and will be allowed to seek followup data as needed. Client and his spouse each have significant debt but significant incomes. Client has a six figure deficiency judgment on a foreclosed mortgage and ~\$130,000 annual income from government employment, so he is above median standards for chapter 7. Spouse is a recovering addict with significant debt from multiple problems and a large income, as well. I need to know -- in actual numbers: 1) how chapters 11 or 13 can help client and how large and how long his payments would be in the plan, including trustee and legal fees; and 2) whether this should be pursued as married or separately. End result may not be a filing. I need to evaluate how much better I can do by negotiating with the plaintiff and whether I should accept spouse as a client and solve both problems in bankruptcy.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Excellent work, timely provided. Very useful.

## PENNSYLVANIA DIVORCE MATTER BANKRUPTCY - RELIEF FROM STAY

### FLAT FEE PROJECT DESCRIPTION

**\$250**

I need an Answer to a Petition for Rule to Show Cause for Direct Criminal Contempt in a Pennsylvania Court of Common Pleas Family Law Matter as well as a short Memorandum in support of the Reply.

### PROJECT DETAILS

Wife filed a divorce complaint in Common Pleas Court in Pennsylvania, and she raised equitable distribution of marital property in the divorce complaint. The marital residence is the only asset. This is a debt ridden marriage. Husband was directed by Order of Court to pay the mortgage, taxes, homeowner's insurance and utilities at the marital residence for as long as he resided there. Husband did not pay, and Wife filed a Petition for Contempt in Common Pleas Court. There was a hearing scheduled; however Husband filed a Chapter 13 Voluntary Bankruptcy. Wife's attorney appeared at the Common Pleas hearing and requested a stay pending further Order of the Bankruptcy Court. Husband had decided to surrender his interest in the marital interest as he had determined that he could not afford to maintain the marital residence. He has continued to reside in the marital residence. Wife in May, 2018, filed pro se a Petition for Rule to Show Cause for Direct Criminal Contempt in Common Pleas Court. The Bankruptcy Court has allowed Wife to proceed with the pending divorce action for the limited purpose of obtaining a final divorce decree. The Bankruptcy Court has also allowed Wife to proceed with the direct criminal contempt proceedings related to Husband being direct to pay the mortgage, taxes, homeowner's insurance, and utilities, however the Bankruptcy Court retains jurisdiction for enforcement of any monetary award except as to the payment of rent and to vacate the residence.

### COMMENTS



#### EXCEEDED EXPECTATIONS

Yet again Jillian's work product exceeded expectations. She was able to analyze a twisted fact pattern - apply the facts to the law - and provide our client with a great defense. Jillian also provided a memorandum in support which we will be able to rely on at the hearing.

## STUDENT LOAN BASIS FOR NON-CONSUMER TREATMENT IN BANKRUPTCY FOR PURPOSES OF AVOIDING THE MEANS TEST

### FLAT FEE PROJECT DESCRIPTION

**\$350**

Memorandum of Law including Title 11 and case law, controlling basis for using student loans (where a majority of the debt scheduled) to classify bankruptcy debtor as non-consumer for purposes of avoiding the Means Test in Chapter 7 - 9th Circuit Law applies.

### PROJECT DETAILS

Using student loans (where a majority of the debt scheduled) to classify bankruptcy debtor as non-consumer for purposes of avoiding the Means Test in Chapter 7 - 9th Circuit Law applies

### COMMENTS



#### EXCEEDED EXPECTATIONS

Extremely helpful and professional work product!