

Debtor-Creditor Law and Bankruptcy (BUS 6327 01) - Fall 2021

Oakes Room 210
Tuesdays 2:10 - 3:55 p.m.

Class Number	Date	Topics	Primary Text	Assigned Statute/Code Sections	Additional Readings plus some to be posted to TWEN
TEXT ->			Warren, et al.		The Law of Debtors and Creditors, 8th Ed. Recommended: Nutshell, Secured Transactions
Class 1	Aug. 31, 2021	Consumer debt - How it originates How it goes bad; Judgment basics; pre and post judgment; Exemptions; Consumer Protections, FDCPA	Casebook 21-44 pp Problems 2.1, 2.2	12 V.S.A. §§ 2740, 2901, 2904	Note: For those who have not taken Secured Transactions, required reading includes Appendix B “Secured Credit Basics”, in the Casebook, page 931.
Class 2	Sept. 07, 2021	Secured and Unsecured Interests; Mortgages/liens; Creating Security Interests; Perfecting; effectiveness	Casebook 317-328 pp	UCC § 1-201(27); §§ 9102(a)(7),(12); §§ 9-201 to 9-208; §§ 9-301 to 9-316 §§ 9-501, 502, 512, 515	Official Form 106D; Form UCC-1
Class 3	Sept. 14, 2021	Priority and Subordination of Claims; Default Enforcement; Resolution of state law debtor-creditor issues in bankruptcy	Casebook 333-336 pp Problems 15.1, 15.2	UCC §§ 9-317 to 9-342; §§ 9-601 to 9-612	

Class 4	Sept. 21, 2021	Bankruptcy Intro – Different Chapters (7, 13, 11, 12); Chapter choice; Means Test; Role of Trustee & Judge (ct. of equity)	Casebook 1-19 pp 71-95 pp Problems 1.2, 1.3,13.1,3.2	11 U.S.C. § 707(b)(2) 11 U.S.C. § 109(e) 11 U.S.C. §§ 704, 1202, 1302	Form B122A-1; B122A-2 Form 122C-1; 122C-2 Form B106I (“Schedule I”) Form B106J (“Schedule J”)
Class 5	Sept. 28, 2021	Estate Property; Claims; Exemptions; Turnover of Property; Chapter Choice	Casebook 243-264 pp 267-289 pp Problems 6.1–6.3, 7	11 U.S.C. §§ 502, 503, 506, 507, 522, 542, 726 27 V.S.A. § 101 12 V.S.A. § 2740	<u>In re Mead</u> (Bankr. D. Vt. 2013) Form B106C <u>Law v. Siegel</u> , 571 U.S. 415 (2014)
Class 6	Oct. 5, 2021	The Automatic Stay; Relief from Stay; Violations of Stay and Discharge; Reaffirmations; Discharge and D’s Position after Bk	Casebook 61-67, 71 pp 293-305 pp Problems 6.4, 4.5	11 U.S.C. §§ 362(a),(b),(k); 523(a); 524, 365(p), 525, 727(a), 1141(d), 1328	<u>Taggart v. Lorenzen</u> , 587 U.S. ____ (2019) <u>Kirby v. 21st Mortg. Corp.</u> , 599 B.R.427 (2019) <u>Chicago v. Fulton</u> , 141 S.Ct. 585 (2020)
NO CLASS	Oct. 12, 2021	VLS Fall Recess			
Class 7	Oct. 19, 2021	Guest Lecture: Lisa M. Penpraze , Assistant United States Trustee NDNY [tentative]	Casebook 435-446 pp 453-466 pp 475-486 pp Problems 21.4; 24.2	Bankruptcy Rules 7001, 7004,	<u>Lamar v. Appling</u> , 138 S. Ct. 1752 (2018)

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		Chapter 7 Generally; Adversary Proceedings; Avoiding Powers; Preferences and Fraudulent Transfers			
Class 8	Oct. 26, 2021	Ch 13 Intro – differences from ch 7; sec'd and unsec'd claims; home mortgages and car payments; motions to determine value of sec'd claim/allow sec'd claim; embedded motions	Casebook 195-216 pp Problems 10.2, 10.4	11 U.S.C. §§ 1302(a) and (b), 1304, 1305, 1306, 1321, 1328, 362(d), 361, 506(a)(1),(2) 11 U.S.C. § 1322, especially (a)(2), (b)(2), (b)(5) 11 U.S.C. § 1325, especially (a)(4), (a)(5), and (b).	Form 113 (chapter 13 plan)
Class 9	Nov. 2, 2021	Guest Lecture: Hon. Colleen A. Brown, U.S. Bankruptcy Judge District of Vermont	Jurisdiction of the Bankruptcy Courts		<u>Event not to be missed under any circumstances</u>
Class 10	Nov. 9, 2021	Court Hearings – US Bk. Court, Rutland, Vermont	Court day- Hours to be set Post hearings visit with Judge Brown.	341 Meetings and Ch. 13 Confirmation Hearings to be observed	<u>Event not to be missed under almost any circumstances</u> <u>Details to follow. Plan for a long day.</u> If any scheduling conflicts, please advise.

Class 11	Nov. 16, 2021	The Ch 13 Plan; conf standards; confirmation; role of non-Debtor spouse; plan modification	Casebook 219-238 pp Problems 11.2; 11.3,11.5	11 U.S.C. §§ 512(f)(4), 1306, 1307, 1322(a), 507, 1328 1325(a)(3), (a)(4), (b)(1)(B),(b)(2)(b)(3)	Sample Adequate Protection Motion, Objection, & Order <u>United Student Aid Funds, Inc. v. Espinosa</u> , 559 U.S. 260 (2010) Form 113 (chapter 13 plan)
Class 12	Nov. 23, 2021	Ch 12 Overview; history & policy considerations; comparison to other chapters		11 U.S.C. §§ 1205, 1222, 1225, 1227 11 U.S.C. §§ 1206, 1208	Aiken, Chapter 12 Family Farmer Bankruptcy (1987) Peiffer, Thirty Years of Asking, ‘Are we there Yet?’(2017)
Class 13	Nov. 30, 2021	Guest Lecture: Rebecca A. Rice, Esq. Ch 12 Continued: timing; filing & contents of a plan; adequate protection; plan confirmation; feasibility; plan modification			Sample Chapter 12 Plan Van Patten, Chapter 12 in the Courts (1993), p. 71-90
Class 14	Dec. 7, 2021	Executory Contracts DSO’s Discharges. Post Bankruptcy Debtors	Casebook 543-555 pp 171-190 pp		
Note: If time allows or as makeup or review session		Ch 11 – SBRA	Casebook 365-387 pp 597-617 pp 617-619 pp 625-626 pp		Judge Paul Bonapfel – SBRA Analysis & Materials Judge Robert Drain, <i>A Brief Summary of Ch 11</i> <u>Mission Product Holdings v. Tempnology</u> , 139 S.Ct. 951 (2018)

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		Intro, Debtor-in-Possession; Comparison of forms (small biz, smaller biz; single asset real estate, individuals; review) Running the Business, Ch 11 – Negotiating, Confirming Plan, Adequate Protection; Cramdown			
Exam	TBA				