

Chapter 13 vs Chapter 7

42nd Annual Jay L. Westbrook
Bankruptcy Conference
November 15-17, 2023

**Death, Crypto,
Exemption,
Redemption and
3002.1 in between**

1

1

Anne Burns

Cavazos Hendricks Poirot, P.C.
CH 7 Trustee, NDTX – Dallas, Wichita Falls

Lisa Lambert

Assistant U.S. Trustee – Dallas

Yvonne V. Valdez

CH 13 Trustee, SDTX – Corpus Christi

The views expressed in this presentation do
not necessarily reflect the views of the United
States Trustee Program or the United States.

2

2

ZOOM 341 MEETINGS

Zoom initiative first piloted in Region 19 (Utah, Wyoming, and Colorado) with great success and minimal impact on court operations.

Expanded to Region 9 (Ohio and Michigan) and Region 15 (S.D. California, Hawaii, Guam and Northern Mariana Islands).

On its way to a region near you.

Best Practices for Debtors, Debtors' Attorneys, and Other Parties in Interest available on USTP website: <https://www.justice.gov/usdoj-media/ust/media/1304696/dl?inline>

3

3



DEATH

4

4



DEATH



7

Rule 1016. Death or Incompetency of Debtor

46

Death or incompetency of the debtor shall not abate a liquidation case under chapter 7 of the Code. In such event the estate shall be administered, and the case concluded in the same manner, so far as possible, as though the death or incompetency had not occurred. [11 U.S.C. 1016].

If an individual's debt adjustment case is pending under **chapter 13, the case may be dismissed; or if further administration is possible and in the best interest of the parties,** the case may proceed and be concluded in the same manner, so far as possible, as though the death or incompetency had not occurred.

5

5

DEATH – Chapter 7



Death before 341 Meeting

Court may need to excuse appearance. Caselaw points to PR of decedent's estate appearing (*see In re Lucio*, 251 B.R. 705 W.D. Tex. 2000).



Death before Financial Management Course

May need court to excuse deceased debtor from completion.



Death before Discharge

Courts are not consistent.
Possible where debtor appeared at 341 and filed financial management course certificate prior to death.

6

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Chapter 13 v. Chapter 7: Death, Crypto, Exemption, Redemption, and 3002.1 In Between

First appeared as part of the conference materials for the

42nd Annual Jay L. Westbrook Bankruptcy Conference session

"Chapter 13 v. Chapter 7: Death, Crypto, Exemption, Redemption, and 3002.1 In Between"