

# Chapter 13 vs Chapter 7

42<sup>nd</sup> Annual Jay L. Westbrook  
Bankruptcy Conference  
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**Death, Crypto,  
Exemption,  
Redemption and  
3002.1 in between**

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The views expressed in this presentation do  
not necessarily reflect the views of the United  
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# 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>

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## DEATH

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# DEATH



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## Rule 1016. Death or Incompetency of Debtor

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**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.

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## 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.

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

Also available as part of the eCourse

[2023 Hot Topics in Consumer Bankruptcy: Chapter 13 v. 7; Tax Liabilities; Student Loan Litigation; and Deceased Debtors or Clients with Diminished Capacity](#)

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42<sup>nd</sup> Annual Jay L. Westbrook Bankruptcy Conference session

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