

The Clark County Bar Association is pleased to announce its

Fourteenth Nuts and Bolts Lecture:

THE NUTS AND BOLTS OF BANKRUPTCY

by Attorney Stan Horak

Wednesday, November 9th, 3:00 – 5:00 PM, at the Red Lion at the Quay

The cost is \$50 for CCBA members, \$70 for non-member attorneys, and \$25 for non-attorneys. This will get you 2 CLE credits and the speakers' prepared materials to download. There is an extra fee if you want to pick up the materials at the door.

→ *Don't miss the snacks and beverages.* ←

To register: Call the CCBA, (360) 695-5975, OR email: CLE@ccbawashington.org, OR

FAX this flyer back to the CCBA at (360) 737-6891 with your

NAME _____,

PHONE # _____, BAR NUMBER _____,

and EMAIL ADDRESS _____.



Stan Horak earned his B.S. in Economics from the University of Wisconsin in 1973 and his J.D., cum laude, from William Mitchell College of Law in 1977. Stan is the owner of The Law Office of Stanley F. Horak, and recently relocated his office to 78th Street in Hazel Dell. Stan is passionate about helping his clients find a fresh start and has been practicing bankruptcy and personal injury law for over 25 years.

An outline appears on the next page.

THE NUTS AND BOLTS OF BANKRUPTCY

By Stan Horak

- I. Chapter 7 vs. Chapter 13**
 - A. What is a Chapter 7
 - B. What is a Chapter 13
- II. Who is eligible to file Bankruptcy**
 - A. Time limitations on filing
 - B. Must take Consumer education classes
 - C. Debt limitations for Chapter 13
 - D. Means Test
 - E. Totality of Circumstances
- III. Pre-filing investigation**
 - A. Attorney investigation requirements
 - B. Prior filings
 - C. Disclosure of assets
 - D. Valuation of Assets
 - E. Use the internet
- IV. Goals of Client**
 - A. Discharge
 - B. Restraining Order
 - C. Curing defaults
 - D. Mortgage modifications.
 - E. Time out from Creditor's Actions
- V. Exemptions**
 - A. State of Washington
 - B. Federal
 - C. Not property of the estate (community vs. individual and spent thrift trust)
 - D. Buy back non-exempt property
- VI. Trustees**
 - A. Chapter 7 Trustee
 - B. Chapter 13 Trustee
 - C. United State Trustee
- VII. ECF Filing**
 - A. Electronic filing required by Federal Court
 - B. Classes on line and Clerk will assist
- VIII. Date of Filing**
 - A. Determines property of the Bankruptcy Estate
 - B. Starts Restraining Order
 - C. Determines Means Test income
 - D. Time table for eligibility determination
- IX. First Meeting of Creditors**
 - A. Client testifies under oath to questions of trustee and creditors
 - B. Starts deadlines for objections
 - C. Secured debts
 - D. Agreement survive bankruptcy with approval of Court
 - E. Credit Reports
- X. Objections to discharge**
 - A. Must be filed within 60 days of 1st Meeting of Creditors
 - B. Basis is fraud, 523
 - C. Creditor files an lawsuit within the bankruptcy and service by mail on client and time limit to answer
 - D. Just like lawsuit with discovery, etc
- XI. Relief from Stay**
 - A. Permission of bky court to foreclose
 - B. Permission of bky court to repossession
- XII. Discharge**
 - A. Order from Bky Court Debtor has no personal objection to pay debts that are discharged.
 - B. Must take financial management classes
 - C. Certain debtors survive bky, such as, child support. Student loans. Etc
 - D. Discharge not same as closing case
- XIII. Closing case**
 - A. Restraining Order exists until case is closed
 - B. Trustee continues to administer property of estate until abandoned, sold or closing of estate