

Brad



Unhappily married

Angelina



Also unhappily married.

Brad & Angelina's 6 children



Angelina is pregnant with no. 7



Brad: Unsure about paternity



Brad and Angelina



Separated



Angelina obtains PFA



Major Custody Battle



Brad's Double Wide



Angelina's Mud Hut



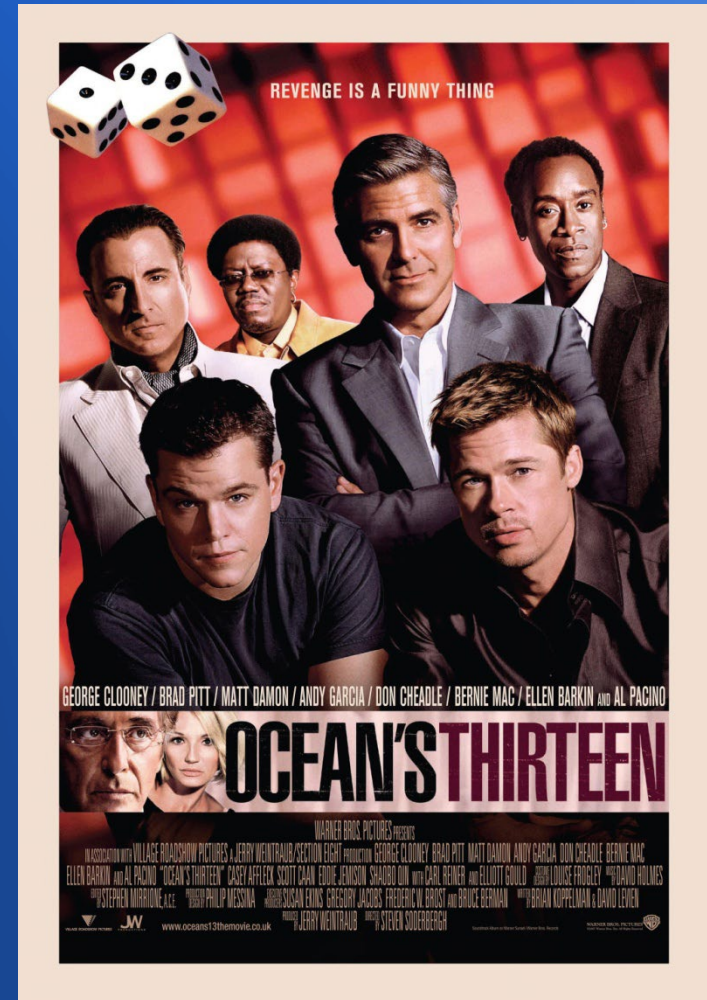
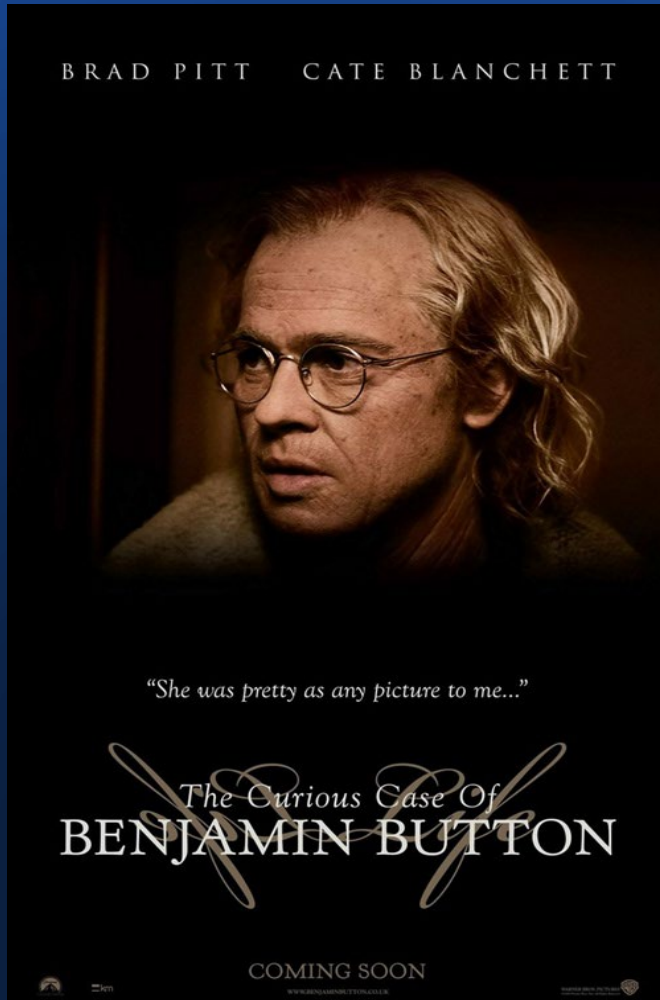
Angelina has custody of 5 minor children, Brad has partial custody.



Oldest son Maddox attends Mercyhurst University.



Brad was once an actor who starred in numerous forgettable films



Now works as a dishwasher



Brad

- Collecting \$1000 Social Security.
- SSA determined his disability from reviewing his aforementioned films

Brad

- Receives \$200/month rent from his roommate George.



Brad

- Receives \$17.00/month royalties from his last good movie.



Angelina

- “I married my first four husbands for their good looks, including my last husband, Billy Bob”



Brad's ex-wife Jennifer



Brad owes Jennifer \$18k as a property settlement which was due in a lump sum six months ago.

- Jennifer is bitter about the divorce, and Brad's affair with Angelina.



A hearing to enforce the property settlement has been scheduled and Jennifer is asking Brad be found in contempt for failure to pay.



Brad and Angelia obtain counsel

- Brad is represented by Attorney Penelope Page.
- Angelina is represented by Geraldine Marvie.

Angelina

- Wants to know what action to take if Brad declares bankruptcy.



Brad's Assets

- Doublewide worth \$35k.
- Rent from George - \$220/month
- \$3 in wallet
- \$461 in five different banks
- Ordinary furniture

Brad's Assets

- Autographed picture of “Friends” cast worth \$5.



Brad's Assets

- Wearing apparel – Angelina's dress – tailor ran out of thread when sewing it - which he wants appraised.



Brad's Assets

- Life insurance - \$10k w/no surrender
- Life insurance - \$100k with \$2800 surrender
- No stocks or bonds
- IRA worth \$12k, and a 401(k) worth \$17k



Brad's Assets

- \$800 past due rent from former tenant Matt.
(How do you like them apples)



Brad's Assets

- State of the art 1983 Yugo with a loan payoff in favor of Yugo Auto Finance of \$8000.



Brad's Debts



Brad's Debts

- Double-wide mortgage - \$30k
- Double-wide second mortgage - \$5k
- Yugo Finance - \$8k
- Internal Revenue Service \$1100 (year 2015) + \$5700 (year 2023) in past due income taxes
- Mercyhurst \$43k tuition for Maddox
- Victoria's Secret \$23k

Brad's Debts

- Medical bills \$73k – treatment for excessive narcissism.



Brad's Debts

- Recently paid his mother back \$3000.
- Pending divorce action
- Hoping for a personal injury award for car accident (he would really rather not inform his bankruptcy attorney)

One other thing about Brad...

- Had a 14k Gold shaver worth \$7k which he gave to his brother months ago as he was going for the Appalachian Trail look.



Brad's questions

- Is Brad eligible to file for bankruptcy?
- What are the different chapters of the U.S. Bankruptcy Code?
- If Brad is married, does he have to file jointly with his wife?
- Can Brad file for bankruptcy if his wife is unwilling to file?
- Does Brad have to be separated from his wife in order to file his own bankruptcy?

Brad's questions

- If Brad moved to California two months ago, can he file in Pennsylvania?
- Does Brad need to file an application to employ special counsel in connection with the custody battle?
- Does Brad need to file an application to employ special counsel in connection with support issues?
- Does Brad need to file an application to employ special counsel in connection with divorce action?

Brad's questions

- Does Angelia need to file an application to employ special counsel for divorce, custody or child support if she is not a debtor?
- What is the “automatic stay” of 11 U.S.C. § 362(a)?
- Can Brad challenge paternity without getting relief from automatic stay?
- Can Brad and Angelina proceed with the custody action without obtaining relief from the automatic stay?

Brad's questions

- Can Angelina file for spousal and child support without obtaining relief from the automatic stay?
- If Brad co-signed on the student loans for Maddox, are those debts dischargeable in a Chapter 7 bankruptcy?
- What is a “means test”?
- Does Brad's income at Ricardo's Restaurant count for the “means test”?
- Do Brad's Social Security disability payments count toward the “means test”?

Brad's questions

- Does the rent Brad receives count on the “means test”?
- Do Brad's royalty payments count on the “means test”?
- What is Schedule I of the bankruptcy petition?
- Does Brad need to report his Social Security income on Schedule I even if it does not count for the “means test”?
- If Brad files for bankruptcy, does that stop Jennifer's contempt action?

Brad's questions

- What are some examples of non-dischargeable debt?
- Is child support non-dischargeable?
- Is spousal support non-dischargeable?
- Is alimony non-dischargeable?
- Is equitable distribution non-dischargeable?
- What is a “domestic support obligation” under the bankruptcy code?

Brad's questions

- What are some of the exceptions to the automatic Stay under 11 U.S.C. §362(b) of the bankruptcy code?
- What types of debt are excepted from discharge under 11 U.S.C. § 523(a)(5) of the bankruptcy code?
- What effect does 11 U.S.C. § 523(a)(15) have on an equitable distribution payment?
- What is an exception to a Chapter 13 discharge under 11 U.S.C. § 1328(a)(2)?

Brad's questions

- If Angelina wants to monitor Brad's bankruptcy proceeding, what form should her bankruptcy attorney file?
- What is a motion for relief from the automatic stay and how are hearings scheduled?
- If Brad wants to employ a realtor to sell the real estate, does he need court approval?
- If Brad wants to employ an accountant to calculate the present fair market value of his royalties, does he need court approval?

Brad's questions

- If Brad and Angelina enter into a marital settlement agreement, does the marital settlement agreement need court approval?
- What document, if any, should Brad file in the state court litigation to indicate he has filed for bankruptcy?
- If Jennifer believes that she is owed money by Brad, what form should she file?
- If Brad finds a buyer for the real estate that he owns in just his name, does he need to file a motion?

Brad's questions

- If Brad and Angelina find a buyer for jointly owned real estate, do they need to file a complaint?
- Why does Brad need to file a complaint for jointly owned real estate and only file a motion if he owns the real estate in just his own name?
- If Brad has past due child support, which schedule of the bankruptcy petition should he list it on?
- If Brad owes an equitable distribution payment to Jennifer, what schedule of the bankruptcy petition should he list it on?

Brad's questions

- Does Angelina need court approval for any attorney's fees that she incurs with her attorney if she is not a debtor?
- Does Brad's bankruptcy attorney need to file a fee application?
- What is a “no look fee” in Chapter 13?
- What is Schedule A/B of the bankruptcy petition?
- Should the mobile home be listed on Schedule A/B of the bankruptcy petition?

Brad's questions

- What is Schedule C of the bankruptcy petition?
- Where would Brad list the cash surrender value of the whole life insurance policy?
- What value would Brad put on Schedule B of his bankruptcy petition for the term life insurance policy?
- In general, is the individual retirement account exempt from execution by creditors?

Brad's questions

- In general, is Brad's 401(k) exempt from execution by creditors?
- Does Brad need to list the past due rent on his bankruptcy petition? If so, where?
- What is Schedule D of the bankruptcy petition?
- Where would Brad list the Yugo Auto Finance Corporation and its vehicle loan on his bankruptcy petition?

Brad's questions

- If Brad is behind on his mortgage, what are the problems with filing a Chapter 7 bankruptcy?
- If Brad is behind on his mortgage, what benefit does a Chapter 13 bankruptcy provide for him?
- Does Brad need to list the second mortgage with his father-in-law on the bankruptcy petition if it is just a relative who he wants to pay back anyway?
- In general, are Brad's 2023 or 2015 federal income taxes dischargeable?

Brad's questions

- What is Schedule H of the bankruptcy petition?
- If Brad has a tenant, where would he list the lease obligation on his bankruptcy petition?
- If Brad co-signed student loans with Maddox, where would he list the student loan on the bankruptcy petition?
- In general, is credit card debt dischargeable?

Brad's questions

- In general, are medical bills dischargeable?
- Does it matter if Brad used his credit cards three weeks before filing for bankruptcy?
- Does it matter if Brad took large cash advances on his credit cards just prior to filing for bankruptcy?
- Does Brad need to list his mother as a creditor if he paid her back three weeks prior to filing for bankruptcy?

Brad's questions

- If Brad has pending lawsuits, where does he list those lawsuits on his bankruptcy petition?
- If Brad repaid his mother in the last year, where does he list that on his bankruptcy petition?
- If Brad repaid his mother 15 months ago, where does he list that on his bankruptcy petition?
- If Brad wants to retain personal injury counsel, does he need to employ that person as special counsel?

Brad's questions

- Why does Brad need court approval for his personal injury attorney if the attorney is handling it on a contingency fee basis?
- If Brad settles the personal injury action, what, if anything, should he do?
- If Brad has a personal injury claim but no lawsuit was filed, does he need to list it on his petition?
- Does the requirement for listing a personal injury lawsuit depend upon whether a lawsuit has already been filed or not?

Brad's questions

- Since Brad no longer has the 14k gold shaver, does he need to list it on his bankruptcy petition?
- If he already gave the gold shaver away within the last year, does he need to disclose that on his bankruptcy petition?
- Brad intends to list all of his current bank accounts, however, does he need to disclose bank accounts which he closed on his bankruptcy petition?
- If Brad's limited liability company has no assets, does he need to list that on the bankruptcy petition?

Brad's questions

- What is the probability that the bankruptcy judge will determine the custody battle?
- What is the probability that the bankruptcy judge will conduct a support hearing in order to determine Brad's support obligation?
- What is the probability that the bankruptcy court will conduct a three week Master's hearing in order to equitably divide the marital property?

Brad's questions

- Brad has a particularly high interest rate on his mortgage. Is there any sort of program available through the bankruptcy court to possibly get relief from the high interest rate on his mortgage?