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Bankruptcy and Related Law in a Nutshell, 8th Edition

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BANKRUPTCY
AND RELATED LAW
IN A NUTSHELL

Eighth Edition

By
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WEST
A Thomson Reuters business

Mat #41223885
This is a new version of a student text that I first wrote 40 years ago in Chapel Hill when I was a “baby” professor of law in the “Southern part of heaven.” Since then I have taught bankruptcy or creditors rights at sixteen other law schools and worked as a lawyer on the bankruptcy team of King and Spalding and then Haynes and Boone.

More important, since then there have been significant changes in what happens in law school classrooms and what happens in lawyer offices and courts. More people are doing bankruptcy more. Accordingly, more of this book is bankruptcy. Like the prior editions, this book attempts to summarize bankruptcy and state debtor-creditor law. It sets out the rules, the problems, and the answers to those problems that I can answer. It does not attempt to develop the history of the law, to evaluate the law critically or to propose reform of the law. In short, I have attempted to follow West’s statement that a nutshell is “a succinct exposition of the law to which a student or lawyer can turn for reliable guidance.”

Relatively few cases are mentioned by name. Essentially this book contains citations only to leading, recent or illustrative cases. Virtually no secondary sources are cited. There are, however, numer-
PREFACE

ous references to statutory provisions—particularly Article 9 of the Uniform Commercial Code and the Bankruptcy Code. Provisions in both the Bankruptcy Code and Article 9 are generally referred to as “section”; however, the different numbering schemes of the two acts should prevent your confusing the two.

This book reflects the helpful suggestions of law students, bankruptcy judge clerks, and lawyers who have used this book. Chris Towery, University of Richmond class of 2011, and Mona Railan, University of Richmond class of 2012, who worked as my research assistants, were particularly helpful.

I hope this book will help you review or learn bankruptcy law. Bankruptcy law is not always easy, and this is not always an easy book. However, doing bankruptcy law is—or at least should be—challenging, interesting and even enjoyable. Writing this nutshell has been all of these things. I hope that, to at least some extent, reading it is.

Richmond, Virginia
October 2012

DGE

Richmond, Virginia
October 2012

VI
OUTLINE

Page

PREFACE .................................................. V
TABLE OF CASES ...................................... XXIII

Chapter I. Introductory Material .......... 1
A. What Is This Book About—A Preview .... 1
B. Sources of Debtor—Creditor Law ......... 2

PART I. WHAT YOU NEED TO KNOW
ABOUT CREDITORS RIGHTS LAWS
OTHER THAN BANKRUPTCY (ASSUMING
YOUR PROFESSOR SPENT ONLY
TWO OR THREE CLASS PERIODS ON
LAWS OTHER THAN THE
BANKRUPTCY CODE)

Chapter II. An Overview of State Collection Law ................................... 7
A. What Can Creditors Do Outside of Bankruptcy? .................................. 7
B. What Can a Debtor Do Outside of Bankruptcy? .................................. 12
OUTLINE

PART II. WHAT YOU NEED TO KNOW ABOUT BANKRUPTCY

Chapter III. Bankruptcy: An Overview... 14
A. Bankruptcy Law ........................................... 16
B. Forms of Bankruptcy Relief ......................... 19
C. Bankruptcy Courts and Bankruptcy Judges .......... 22
   1. Under the Bankruptcy Act of 1898 ............. 22
   2. Under the Present Law ......................... 22
D. Trustees .................................................... 24
E. United States Trustees ................................ 27

Chapter IV. Commencement, Conversion and Dismissal of a Bankruptcy Case 29
A. Voluntary Cases ........................................... 29
B. Involuntary Cases ......................................... 33
C. Foreign Debtors .......................................... 36
D. Conversion of Cases ...................................... 37
E. Dismissal ................................................... 37
F. Back to the Beginning: Consequences of Commencement 43

Chapter V. Stay of Collection Actions and Acts ........................................... 44
A. Time Stay Arises ........................................... 45
B. Scope of the Stay ......................................... 45
   1. Section 362 ............................................. 45
   2. Section 1301 ............................................ 47
   3. Section 105 ............................................. 47
C. Termination of the Stay ................................. 48

D. Relief From the Stay ...................................... 48
   1. Section 362(a) ......................................... 48
   2. Section 362(b) ......................................... 49
   3. Section 362(c) ......................................... 49
   4. Section 362(d) ......................................... 49
   5. Relationship to Section 362(e) ..................... 50
   6. Burden of Proof ........................................ 50

Chapter VI. Property of the Estate ......................... 51
A. Why Is Property Important Concept .................. 51
B. What Does Property Include? ......................... 51
   1. What Is Included in Estates of the Bankruptcy .... 51
      2. What Else Is Included In the Estate? ....... 51

Chapter VII. Estate of a Debtor ....................... 53
A. What Property Is a Debtor Owning Too Much? .... 53
   2. What Is the Amount Exempt? ................... 53
   3. What Is the Limit on Exempting Too Much? ... 53
OUTLINE

D. Relief From the Stay
   1. Section 362(d)(1) ........................................ 50
   2. Section 362(d)(2) ........................................ 55
   3. Section 362(d)(3) ........................................ 57
   4. Section 362(d)(4) ........................................ 58
   5. Relationship of Section 362(d)(1), Section 362(d)(2), Section 362(d)(3) and Section 362(d)(4) .......... 58
   6. Burden of Proof in Section 362(d) Litigation ........ 59

Chapter VI. Property of the Estate .......... 60
   A. Why Is Property of the Estate an Important Concept? .................................................. 60
   B. What Does Property of the Estate Include? .............................................................. 63
      1. What Is Included in the Phrase “Interests of the Debtor in Property as of the Commencement of the Case”? ...... 63
      2. What Else Is Included in Property of the Estate? .................................................. 65

Chapter VII. Exemptions .................. 69
   A. What Property Is Exempt? ........................................ 69
      1. What Law Determines What Property is Exempt in Bankruptcy? ........................................ 69
      2. What Is the Effect of a Debtor’s Contracting Away Her Exemptions? ............................ 71
      3. What Is the Effect of a Debtor’s Claiming Too Much Property as Exempt? .................... 72
### OUTLINE

#### A. What Property Is Exempt?—Continued
   4. What Is the Effect of a Debtor's Converting Non-Exempt Property to Exempt Property Before Filing for Bankruptcy? ........................................ 73

#### B. What Is the Significance in Bankruptcy of Exempt Property? .......................................................... 74
   1. General ........................................................................ 74
   2. Section 522(f) .................................................................. 75
   3. Section 722 .................................................................... 78

#### Chapter VIII. Avoidance of Prebankruptcy Transfers ................................................................. 80
   A. What Are the Consequences of Avoiding a Transfer? .............................................................. 83
   B. Preferences ..................................................................... 85
      1. Elements of a Preference ......................................... 86
      2. Applying Section 547(b) ........................................... 91
      3. Indirect Preferences ................................................ 94
      4. Exceptions (Section 547(c)) ................................. 97
   C. Setoffs .......................................................................... 107
   D. Fraudulent Transfers and Obligations ...................... 115
      1. Section 548 ................................................................ 115
         a. Foreclosure Sales ................................................. 117
         b. Intercorporate Guarantees ............................... 118
         c. Leveraged Buyouts ......................................... 119
         d. Remember Insolvency or .......................... 120
         e. Comparison of Fraudulent Transfers and Preferential Transfers ........................................ 120
         f. Comparison of Section 548 and State Law ........... 121
      2. Section 544(b) .......................................................... 122
      3. Comparison of Sections 548 and 544(b) ......... 124
   E. Transfers Not Touched ................................................. 73
      1. Section 545 ............................................................ 73
   F. Transfers Touched .............................................................. 74
      1. Section 547(b) ........................................................ 74
      2. Section 548(b) ...................................................... 76
      3. Section 544(b) ...................................................... 76
   G. Landlords' Liens .............................................................. 78
   H. Disguised Preferences ...................................................... 80

#### Chapter IX. Postbankruptcy Transfers ...................................................................................... 83
   A. When Do Postbankruptcy Transfers Happen? ................................................................ 83
   B. How Does a Postbankruptcy Transfer Happen? .......................................................... 85
   C. How Does a Postbankruptcy Transfer Happen by the Debtor? ....................................... 87
   D. How Does a Postbankruptcy Transfer Happen by Third Parties? ............................. 89

#### Chapter X. Effect of Avoidance on Secured Claims ............................................................ 91
   A. What Is a Secured Claim? ............................................................................. 91
   B. Invalidation of Secured Claims ............................................................... 93
   C. Overview of Invalidation of Secured Claims ................................................... 95
### OUTLINE

<table>
<thead>
<tr>
<th>E. Transfers Not Recorded or Otherwise Per­fected</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Section 544(a) [a/k/a “strong arm clause”]</td>
<td>129</td>
</tr>
<tr>
<td>2. Section 545(2)</td>
<td>133</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>F. Transfers Not Timely Recorded or Otherwise Per­fected</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Section 547(e)</td>
<td>135</td>
</tr>
<tr>
<td>2. Section 548(d)</td>
<td>140</td>
</tr>
<tr>
<td>3. Section 544(b) [not]</td>
<td>142</td>
</tr>
</tbody>
</table>

| G. Landlords' Liens                                    | 143  |
| H. Disguised Priorities                                 | 143  |
| I. Seller’s Reclamation and Return Rights               | 144  |

### Chapter IX. Postbankruptcy Transfers

| A. When Do Postbankruptcy Transfers Happen?            | 148  |
| B. How Does a Postbankruptcy Transfer Happen?         | 149  |
| C. How Does Section 549 Affect Postbankruptcy Transfers of Property of the Estate by the Debtor? | 150  |
| D. How Does Section 542 Affect Postbankruptcy Transfers of Property of the Estate by Third Parties? | 153  |

### Chapter X. Effect of Bankruptcy on Secured Claims

| A. What Is a Secured Claim?                            | 155  |
| B. Invalidation of Liens                              | 158  |
| C. Overview of Impact of Bankruptcy on Secured Claims | 159  |
OUTLINE

D. What Can Happen to Secured Claims During Bankruptcy? 159
1. Delay in Realizing on Collateral 160
2. Debtor’s Use, Lease or Sale of Collateral 160
3. Nonaccrual of Interest 161
4. Loss of Priority 162
5. Limitations on Floating Liens 163
6. Return of Repossessed Property 165
7. Effect of Discharge on Secured Claims 166

E. Satisfaction of Secured Claims 167
1. Recovery of Collateral 167
2. Payments of Amount Equal to the Value of the Collateral in Chapter 7 Cases and Chapter 11 Cases 169
   a. Chapter 7 169
   b. Chapter 11 172
3. Cars and Houses in Chapter 13 Cases and Chapter 11 Cases With Individual Debtors 177

F. Postponement of Tax Liens in Chapter 7 Cases 179

Chapter XI. Claims 181
A. Why Is “Claim” an Important Bankruptcy Concept? 181
B. What Is a Claim? (And, Who Cares?) 182
C. What Is an Unsecured Claim? 185
D. Collection of Unsecured Claims From the Debtor 185

E. What Property of Unsecured Claims? 186
1. What Property of Unsecured Claims in Chapter 12 Cases, Chapter 13 Cases, and Chapter 11 Cases? 186
2. What Property of Unsecured Claims in Chapter 12 Cases, Chapter 13 Cases, and Chapter 11 Cases? 189
3. What Property of Unsecured Claims in Chapter 12 Cases, Chapter 13 Cases, and Chapter 11 Cases? 190

F. Which Holders Eligible to Participate in Unsecured Claims Distribution? 192
1. Proof of Claim 192
2. Allowance
   a. Grounds and 502(b)(2)
   b. Contingent, Unliquidated, and 502(e)
   c. Time of (507)

G. What Is the Order of Priority? 195
1. Treatment of Secured Claims 195
2. Treatment of Unsecured Claims
   a. Chapter 7 195
   b. Chapter 11 198
3. 507 Priority
4. Section 510
5. Classification

XII
OUTLINE

E. What Property Is Distributed to Holders of Unsecured Claims? .......................... 187
   1. What Property Is Distributed to Holders of Unsecured Claims in Chapter 7 Cases? 187
   2. What Property Is Distributed to Holders of Unsecured Claims in Chapter 12 Cases, Chapter 13 and Individual Chapter 11 Cases? 188
   3. What Property Is Distributed to Holders of Unsecured Claims in Other Chapter 11 Cases? 189

F. Which Holders of Unsecured Claims Are Eligible to Participate in the Bankruptcy Distribution? ...................................... 190
   1. Proof of Claim .................................................. 190
   2. Allowance .......................................................... 191
      a. Grounds for Disallowance in 502(b) and 502(d) ........................................ 192
      b. Contingent Claims and 502(c) and 502(e) ........................................... 196
      c. Time of Claim .................................................. 197

G. What Is the Order of Distribution? ............................................................. 198
   1. Treatment of Priority Claims in 7 ................................................. 199
   2. Treatment of Priority Claims in 11, 12, 13 ............................................. 201
   3. 507 Priorities .......................................................... 201
   4. Section 510 Treatment of Subordination ................................................. 205
   5. Classification of Claims ......................................................... 206
### OUTLINE

<table>
<thead>
<tr>
<th>A. Which Debtors Receive a Discharge?—Continued</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Chapter 13</td>
<td>235</td>
</tr>
<tr>
<td>4. Chapter 11 Cases: Individual Debtors</td>
<td>236</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. Which Obligations Are Affected by a Bankruptcy Discharge?</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Chapter 7</td>
<td>237</td>
</tr>
<tr>
<td>2. Chapter 11</td>
<td>238</td>
</tr>
<tr>
<td>3. Chapter 13</td>
<td>246</td>
</tr>
<tr>
<td>4. Procedure for Asserting an Exception to Discharge</td>
<td>247</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C. Effect of a Discharge</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. What a Discharge Does</td>
<td>249</td>
</tr>
<tr>
<td>2. What a Discharge Does Not Do</td>
<td>249</td>
</tr>
<tr>
<td>a. No Protection of Co-Debtors</td>
<td>249</td>
</tr>
<tr>
<td>b. No Effect on Liens</td>
<td>249</td>
</tr>
<tr>
<td>3. Reaffirmation</td>
<td>250</td>
</tr>
<tr>
<td>4. Protection From Discriminatory Treatment</td>
<td>253</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter XIV. Chapter 13</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Commencement of the Case</td>
<td>255</td>
</tr>
<tr>
<td>B. Co-Debtor Stay</td>
<td>257</td>
</tr>
<tr>
<td>C. Trustees</td>
<td>258</td>
</tr>
<tr>
<td>D. Preparation of the Chapter 13 Plan</td>
<td>261</td>
</tr>
<tr>
<td>E. Confirmation of the Chapter 13 Plan</td>
<td>264</td>
</tr>
<tr>
<td>F. Cramdown (or Cram Down) of Secured Claims in Chapter 13</td>
<td>268</td>
</tr>
<tr>
<td>G. Treatment of Home Mortgages in Chapter 13 Plans</td>
<td>272</td>
</tr>
<tr>
<td>H. Classification of Unsecured Claims</td>
<td>275</td>
</tr>
<tr>
<td>I. Discharge</td>
<td>277</td>
</tr>
<tr>
<td>J. Dismissal and Conversion</td>
<td>278</td>
</tr>
<tr>
<td>K. Comparison of Chapters 7 and 13</td>
<td>280</td>
</tr>
<tr>
<td>L. Comparison of Chapters 11 and 13</td>
<td>282</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>xv</th>
<th>Page</th>
</tr>
</thead>
</table>
OUTLINE

Chapter XV. Chapter 11 ........................................... 284
A. Commencement of the Case .................................... 287
  1. Filing the Petition ............................................. 287
  2. Consequences of Commencing a Chapter 11 Case ........ 288
  3. Notifying and Organizing the Creditors .................. 288
  4. First Day Orders ................................................ 290
B. Operation of the Business ..................................... 291
  1. Who Operates the Business? ................................. 292
     a. Debtor in Possession (DIP) ............................... 292
     b. Trustee ..................................................... 292
     c. Examiner .................................................. 294
  2. Use of Encumbered Property Including Cash Collateral .... 295
     a. In Bankruptcy Most Property Is Subject to Liens .. 295
     b. But 362 Stay Stops Creditor From Repossessing ... 296
     c. And 363 Allows DIP to Use Collateral—With Conditions 296
  3. Basics of Funding a Debtor in Chapter 11 Bankruptcy Cases 302
     a. Possible Sources of Funding ............................... 302
     b. Comparison of Use of Cash Collateral With Debtor-In-Possession Financing (a/k/a DIP Financing) .... 304
     c. Obtaining Additional Unsecured Credit From Vendors in the Ordinary Course of Business 305
     d. Obtaining Unsecured Credit Not in the Ordinary Course of Business 305

B. Operation of the Business ..................................... 291
  e. Obtain it ......................................................... 291
  f. Obtain it ......................................................... 291
  g. Proceed ......................................................... 292
  h. Safe Harbor .................................................... 292
  i. Cross-Examination ........................................... 294
  j. DIP Loan ......................................................... 294
C. Section 363 S sourc e ............................................ 295
D. Preparation of Plans ............................................ 295
  1. Exclusivity ..................................................... 295
  2. Contents of Plans ............................................. 296
  3. Funding for Plans ............................................. 296
  4. Classification .................................................. 296
E. Acceptance of Plans ............................................ 296
  1. Disclosure ..................................................... 296
  2. Who Votes ..................................................... 296
     a. Impairment ................................................... 296
     b. 1111(b) ....................................................... 296
  3. Needed Modifications ......................................... 296
F. Confirmation ...................................................... 296
  1. Standards ..................................................... 296
     a. Plans A ....................................................... 296
     b. Plans A ....................................................... 296
     c. Class ......................................................... 296
  2. Effect of Confirmation ......................................... 296
G. Special Forms .................................................... 296
  1. Prepackaged Bankruptcy ....................................... 296
  2. Small Business ............................................... 296
  3. Single Asset ................................................... 296
  4. Individual Consumer Creditors .................................. 296
OUTLINE

B. Operation of the Business—Continued
   e. Obtaining Priority or Secured Credit .......................... 306
   f. Obtaining Priming Secured Credit ......................... 306
   g. Procedure for Obtaining Credit ............................ 307
   h. Safe Harbor ............................................... 307
   i. Cross-Collateralization .................................... 308
   j. DIP Lender “Control” of Chapter 11 cases ............... 309

C. Section 363 Sales .................................................. 310

D. Preparation of the Chapter 11 Plan ............................. 316
   1. Exclusivity .................................................. 316
   2. Contents of the Plan ....................................... 318
   3. Funding for the Plan ....................................... 318
   4. Classification of Claims .................................... 319

E. Acceptance of the Plan ........................................... 323
   1. Disclosure .................................................. 323
   2. Who Votes? .................................................. 324
      a. Impairment of Claims .................................... 325
      b. 1111(b) Elections ....................................... 326
   3. Needed Majorities ......................................... 327

F. Confirmation of the Plan .......................................... 328
   1. Standards for Confirmation ................................. 328
      a. Plans Accepted by Every Class ...................... 328
      b. Plans Accepted by Less Than Every Class ....... 331
   2. Effect of Confirmation .................................... 337

G. Special Forms of Chapter 11 Cases ............................ 339
   1. Prepackaged .................................................. 339
   2. Small Business Cases ...................................... 341
   3. Single Asset Real Estate Cases ......................... 343
   4. Individual Chapter 11 Cases ............................. 344

XVII
<table>
<thead>
<tr>
<th>OUTLINE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter XVI. Allocation of Judicial Power Over Bankruptcy Matters .......................................................... 347</td>
</tr>
<tr>
<td>A. History ................................................................. 348</td>
</tr>
<tr>
<td>1. 1898 Act ............................................................. 349</td>
</tr>
<tr>
<td>2. 1978 Code ............................................................ 350</td>
</tr>
<tr>
<td>3. Marathon Pipeline Decision ......................... 351</td>
</tr>
<tr>
<td>B. Operation of Present Law ................................. 353</td>
</tr>
<tr>
<td>1. Bankruptcy Court as Part of the District Court, Section 151 ................................................................. 354</td>
</tr>
<tr>
<td>2. Grants of Jurisdiction to the District Court, Section 1334(a) and (b) .................................................. 354</td>
</tr>
<tr>
<td>3. Role of the Bankruptcy Court, Section 157 ............. 356</td>
</tr>
<tr>
<td>4. Abstention Under Section 1334(c) ....................... 360</td>
</tr>
<tr>
<td>5. Jury Trials ............................................................ 362</td>
</tr>
<tr>
<td>6. Foreign Cases ......................................................... 363</td>
</tr>
<tr>
<td>PART III. WHAT YOU NEED TO KNOW ABOUT CREDITORS RIGHTS LAW OTHER THAN BANKRUPTCY (ASSUMING YOUR PROFESSOR SPENT MORE THAN TWO OR THREE CLASS PERIODS ON LAWS OTHER THAN THE BANKRUPTCY CODE)</td>
</tr>
<tr>
<td>Chapter XVII. Extrajudicial Collection Devices .......... 366</td>
</tr>
<tr>
<td>A. Common Law Limitations ......................................... 367</td>
</tr>
<tr>
<td>B. Debt Collection Practices Legislation .................. 369</td>
</tr>
<tr>
<td>Chapter XVIII. Judicial Debt Collection .................. 372</td>
</tr>
<tr>
<td>A. Exempt Property ..................................................... 373</td>
</tr>
<tr>
<td>B. Prejudgment Remedies ........................................... 367</td>
</tr>
<tr>
<td>1. Attachment .......................................................... 368</td>
</tr>
<tr>
<td>2. Prejudgment Liens .................................................. 368</td>
</tr>
<tr>
<td>3. Replevin ............................................................... 370</td>
</tr>
<tr>
<td>4. Receivership Terminology ........................................ 371</td>
</tr>
<tr>
<td>C. Obtaining a Judgment ............................................. 372</td>
</tr>
<tr>
<td>1. Judgment Liens ...................................................... 373</td>
</tr>
<tr>
<td>a. Mechanics ............................................................. 373</td>
</tr>
<tr>
<td>b. Scope of the Lien .................................................... 373</td>
</tr>
<tr>
<td>c. Enforcement .......................................................... 374</td>
</tr>
<tr>
<td>d. Duration ............................................................... 374</td>
</tr>
<tr>
<td>2. Execution Liens ...................................................... 375</td>
</tr>
<tr>
<td>3. Comparison Between the Debtors' and Creditors' Postjudgment Remedies .................................................. 376</td>
</tr>
<tr>
<td>4. Creditor's Bills of Sale ............................................. 377</td>
</tr>
<tr>
<td>5. Supplemental Jurisdiction ........................................ 378</td>
</tr>
<tr>
<td>6. Execution Sales ....................................................... 379</td>
</tr>
<tr>
<td>7. Postjudgment Remedies .......................................... 380</td>
</tr>
<tr>
<td>Chapter XIX. Frauds and Deceits ......................... 381</td>
</tr>
<tr>
<td>A. What Is Fraudulent Conveyance? ............................. 382</td>
</tr>
<tr>
<td>1. Statute of 13 ................................................................ 382</td>
</tr>
<tr>
<td>2. “Badges of Fraud” ................................................... 382</td>
</tr>
<tr>
<td>3. UFCA ................................................................. 383</td>
</tr>
<tr>
<td>4. UFTA ................................................................. 383</td>
</tr>
<tr>
<td>B. Which Transfer? ...................................................... 384</td>
</tr>
</tbody>
</table>
OUTLINE

B. Prejudgment Remedies ........................................ 377
1. Attachment .................................................. 377
2. Prejudgment Garnishment ................................. 379
3. Replevin ...................................................... 381
4. Receivership ................................................ 383
C. Obtaining a Judgment ....................................... 386
D. Postjudgment Collection Concerns ..................... 387
1. Judgment Liens ............................................ 387
   a. Mechanics of Obtaining a Judgment Lien ........... 388
   b. Scope of the Judgment Lien ......................... 389
   c. Enforcement of Judgment Lien ...................... 390
   d. Duration of Judgment Lien .......................... 391
2. Execution Liens ............................................ 393
3. Comparison of Postjudgment Liens on the Debtor’s
   Real Property With Postjudgment Liens on the Debtor’s
   Personal Property .......................................... 397
4. Creditor’s Bill .............................................. 398
5. Supplementary Proceedings .............................. 400
6. Execution Sales ............................................ 402
7. Postjudgment Garnishment ................................ 405

Chapter XIX. Fraudulent Transfers .......................... 410
A. What Is Fraudulent Transfer Law? ....................... 411
1. Statute of 13 Elizabeth .................................. 411
2. “Badges of Fraud” ......................................... 412
3. UFCA .......................................................... 414
4. UPTA .......................................................... 414
B. Which Transfers Are Fraudulent Transfers? ........... 414
### OUTLINE

<table>
<thead>
<tr>
<th>C. What Are the Consequences of Determining That a Transaction Is a Fraudulent Transfer?</th>
<th>417</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Who Has a Remedy?</td>
<td>418</td>
</tr>
<tr>
<td>2. What Are the Remedies?</td>
<td>419</td>
</tr>
<tr>
<td>3. Against Whom Can a Recovery Be Had?</td>
<td>421</td>
</tr>
</tbody>
</table>

| D. Looking Back: Fraudulent Transfer and Garnishment | 421 |

<table>
<thead>
<tr>
<th>Chapter XX. Creditors With Special Rights</th>
<th>423</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Consensual Liens</td>
<td>423</td>
</tr>
<tr>
<td>1. Security Interests</td>
<td>424</td>
</tr>
<tr>
<td>a. Terminology and Organization of Article 9</td>
<td>424</td>
</tr>
<tr>
<td>b. Section 9-317</td>
<td>425</td>
</tr>
<tr>
<td>c. Part 6 of Article 9</td>
<td>426</td>
</tr>
<tr>
<td>2. Mortgages</td>
<td>431</td>
</tr>
<tr>
<td>B. Liens by Operation of Law</td>
<td>433</td>
</tr>
<tr>
<td>1. Common Law Liens</td>
<td>433</td>
</tr>
<tr>
<td>2. Equitable Liens</td>
<td>435</td>
</tr>
<tr>
<td>C. State Statutory Liens</td>
<td>436</td>
</tr>
<tr>
<td>D. Federal Claims</td>
<td>437</td>
</tr>
<tr>
<td>1. Federal Priority Provision</td>
<td>438</td>
</tr>
<tr>
<td>2. Federal Tax Lien</td>
<td>440</td>
</tr>
<tr>
<td>a. When Does the Federal Tax Lien Arise?</td>
<td>441</td>
</tr>
<tr>
<td>b. What Property Is Covered by a Federal Tax Lien?</td>
<td>443</td>
</tr>
<tr>
<td>c. How Can the Tax Lien Be Enforced?</td>
<td>443</td>
</tr>
</tbody>
</table>

| D. Federal Claims- | 440 |
| d. What Are the Taxpayer’s Other Rights? | 441 |
| e. What Are the Taxpayer’s Other Rights? | 443 |

| 3. Circuity of Priority | 443 |
| 4. Other Federal Claims | 444 |

| E. Setoff and Recoupment | 445 |

| Chapter XXI. Debtor Dies A/K/A Cessation | 446 |
| A. Assignments for the Benefit of Creditors | 446 |
| B. Workouts A/K/A Cessation | 447 |

| INDEX | 448 |
OUTLINE

D. Federal Claims—Continued
   d. What Are the Rights of a Third Party Who Buys Property From the Taxpayer After the Tax Lien Arises? 444
   e. What Are the Rights of the Taxpayer’s Other Creditors? 446

3. Circuity of Priority Problems 451

4. Other Federal Claims 452

E. Setoff and Recoupment 454

Chapter XXI. Debtor’s State Law Remedies A/K/A Collective Creditor Action 456

A. Assignments for the Benefit of Creditors 456

B. Workouts A/K/A Composition and Extension 462

INDEX 469