INSTITUTE FOR Law Teaching and Learning
UA LITTLE ROCK WILLIAM H. BOWEN SCHOOL OF LAW
GONZAGA School of Law
WASHBURN SCHOOL OF LAW

Exploring the Use of Technology in the Law School Classroom.

Workshop
2A

Using TWEN effectively

Julia Belian
University of Detroit Mercy School of Law

Julia Belian, an associate professor of law at University of Detroit Mercy School of Law, seldom leaves off her preoccupation with all things medieval, but when she does, it's usually for something gadget-related. Professor Belian earned her J.D. with distinction from Emory University School of Law in 1996 and was in practice for six years before starting her teaching career. Before the law, she worked as an editor at a mid-sized daily newspaper. She joined the Detroit Mercy Law faculty in 2008 and has since then focused on her primary love, the teaching of obscure and complex rules of law to unsuspecting victims. Outside of school, Professor Belian enjoys digging in her own dirt at home, where she and her lovely wife raise chickens and a large garden each year, as well as reading and watching murder mysteries that involve obscure and complex rules of law and unsuspecting victims.

A Pencil and a Pad
Effective use of iPad Pro and Apple Pencil in law teaching

Julia Belian, M.Div., J.D.
Associate Professor of Law
Detroit Mercy Law

SUPPLIED EQUIPMENT	
• iPad Pro 12.9” • Apple 12w USB power adapter (supplied with iPad Pro) • Lightning to USB cable (supplied with iPad Pro)	
• Apple Pencil • Lightning to USB cable (supplied with iPad Pro) • Lightning to Pencil adapter (supplied with Pencil)	
ADDITIONAL REQUIRED EQUIPMENT	
• Lightning to VGA adapter • 3.5mm audio cable	
ADDITIONAL RECOMMENDED EQUIPMENT	
• Protective cover *(Apple Smart Cover shown)* • Keyboard (must physically connect to iPad) *(Apple Smart Keyboard shown)* • 29w USB-C Power Adapter • USB-C to Lightning charging cable	

MORE OPTIONS TO CONSIDER	
• Lightning to HDMI adapter • Screen protector • Pencil sleeve • Pencil case • Pencil cap tether • Pencil nib cover	

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THE MEDIUM IS THE MESSAGE: Using Authentic Practice Technologies to Help Students Hone Problem-Solving Capacities that Elude Traditional Law School Pedagogy

Jennifer Spreng
St. Mary's University School of Law

Jennifer Spreng believes students learn best when they learn as lawyers do in authentic activities. She designed and teaches Experiential Legal Analysis, a litigation simulation-based upper-class writing course, and also teaches Legal Communication, Analysis, and Professionalism, a first-year writing and reasoning course, at St. Mary's University School of Law, where she also develops other curricular offerings in the new Law Success program. She was previously Associate Professor of Law at Arizona Summit Law School, where she taught Bankruptcy, Civil Procedure, and Constitutional Law for nine years in both traditional and experimental formats, including an original problem-based Bankruptcy course inspired by signal problems from her own practice experience. At Arizona Summit, she was also a leader in multiple curriculum reform activities, among them creating and teaching Introduction to Civil Litigation, an innovative ten-credit, year-long, first-year course integrating Torts, Civil Procedure, writing, and an original, year-long, drug product liability litigation simulation.

Jennifer writes and lectures extensively both here and abroad about innovative law school teaching, course design, and curriculum development, as well as other subjects. She earned her LL.M. degree in Biotechnology and Genomics from Arizona State University Sandra Day O'Connor College of Law, and prior to entering legal education, she practiced bankruptcy and civil litigation for nine years in Owensboro, Kentucky.

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SELECTED CHARTS

CHART ONE: STATE A CLAIM IN A CAR WRECK CASE

LAW	RELEVANT FACTS
Duty to exercise reasonable care to protect foreseeable persons from foreseeable harms	***Matter of law*** – but other drivers on the road (such as client) are foreseeable persons who might be harmed from foreseeable harms such as vehicle collisions on the roadway
Standard of care	***Newspaper article*** - flash storm started fifteen minutes before wreck; first storm in a month ***Expert report*** – vehicles proceeding more than 30 mph would be unsafe given the slickness of the roadway (due to oil residue) during rain after month of dry weather ***Witness interview transcript*** – says he saw cars hydroplaning on the roadway prior to the wreck
Breach of standard of care	***Police report*** – D told officer she was driving approximately 45 mph at the time of collision with client ***Witness interview transcript*** – says D was fastest car on the road leading up to the wreck, passing other cars

CHART TWO: ADDING AN OUTLINE COLUMN WHERE THE LAW IS COMPLICATED OR UNCLEAR

OUTLINE	LAW	RELEVANT FACTS
STANDARD OF CARE	*Gandalf v. Dumbledore* – Appropriate safe speed is usually speed limit, except where darkness, bad weather or unusual conditions exist.	***Newspaper article*** - Flash storm started fifteen minutes before wreck; first storm in a month
	Potter v. Voldemort – Rule of thumb in rainy weather is safe speed equals the speed limit minus 10 mph.	**Photo of signage** – Posted speed limit was 45 mph (so safe speed in rain would be 35 mph according to "rule of thumb")
	Frodo v. Mordor – Expert opinion of appropriate safe speed for rainy weather is admissible even if it deviates from rule of thumb, especially in unusual circumstances.	***Expert report*** – vehicles proceeding more than 30 mph would be unsafe for the slickness of the roadway (due to oil residue) during rain after month of dry weather
BREACH		***Police report*** – D told officer she was driving approximately 45 mph at the time of collision with client ***Witness interview transcript*** – says D was fastest car on the road leading up to the wreck, passing other cars

CHART THREE – SPACING IN AN OUTLINE CHART

OUTLINE	LAW	RELEVANT FACTS
CAUSATION	Fr. Civil Code 999(z) (2016) – Plaintiff must have expert medical testimony to show causation in medical malpractice claims *Hermione v. Ronald* (Fr. Ct. App. 2017) – Fr. Civil Code 999(z) should not be read to imply existence of a Franklin public policy to require expert medical testimony to show causation in personal injury cases other than for medical malpractice *Smith on Personal Injury Law in Franklin* (2010) – The plaintiff's testimony can be sufficient to show causation in a Franklin personal injury case if:	
	(1) the injury develops coincidentally with, or within a reasonable time after, the negligent act; or	***Plaintiff's deposition*** – I had terrible pain in my back and my leg for the first time immediately after the wreck ***Witness deposition*** – wreck occurred as witness finished lunch at restaurant across the street ***Emergency room record*** – plaintiff presented with a broken leg and lower back pain via an ambulance at 12:45 p.m.
	(2) the causal connection is clearly apparent from the injury and the circumstances surrounding it; or	***Plaintiff's deposition*** – I had no injury to my leg or back before the wreck
	(3) the cause of the injury relates to common experience, knowledge, or observation of laymen	

Outline	Law	Relevant Facts
Cause of action		
"Knowingly uses"		
"Another's photo"		
"Readily identifiable"		
Purpose		
"Without consent"		
Affirmative defense		

ELEMENT	THEORY	EVID/ ALLEG	INFERENCES

BANKRUPTCY INITIAL QUESTIONNAIRE

LAW OFFICES OF JENNIFER E. SPRENG

INITIAL BANKRUPTCY CONSULT QUESTIONAIRE

The purpose of this Questionnaire is to provide your attorney with sufficient information to counsel you about your financial problems and prepare the documents necessary to a case under the Bankruptcy Code. Please complete all portions of this Questionnaire in as much detail as you can. Attach additional sheets as necessary. If you are uncertain as to whether information should be included, or a certain question answered, indicate your response and we'll discuss it during our conference.

Be sure to bring the complete Questionnaire and list of creditors with you when you come for our conference

GENERAL INFORMATION:
Please bring to our conference your social security card, driver's license, passport, and if you have one, your tax identification number shown on a government-issued form. We will make copies and return them to you.

Your name and social security number: Ronald Gary Mathison, 123-45-6789

Your spouse's name and social security number:

Your address and your spouse's current street and mailing address:
111 Freedom Lane, Phoenix

Any street or mailing addresses you or your spouse have used for the past two years:

Have you or your spouse had any nicknames, a different last name, or any other form of name in the last six years? _____ If yes, please list each one:

Have you or your spouse filed bankruptcy before, either personally or on behalf of a business of which you owned all or part? _____ If yes, please answer the following for each case:
I have never filed bankruptcy before.

(i) Bankruptcy was personal _____ business _____

(ii) Year case filed: _____

(iii) Location of Bankruptcy Court: _____

(iv) Is case still pending? _____

If prior case was under Chapter 7 and it was for you or your spouse, did each of you receive a discharge from the court? _____ If yes, when? _____ If no discharge was granted, please explain why not. _____

If prior case was under Chapter 11, 12 or 13, was a plan of arrangement with creditors confirmed by the court? _____ If yes, please attach a copy of the plan and the court's order to this Questionnaire. Have all payments required by the plan been completed? _____

Have you filed bankruptcy before, either personally or on behalf of a business of which you owned all or part, where the case was dismissed? _____ If yes, describe why the case was dismissed. _____ Please attach a copy of the court's order of dismissal to this Questionnaire.

If you or your spouse were in a prior bankruptcy case within the prior year, did any creditor file a motion seeking stay relief in the previous case? _____ If yes, was there any court order on the motion? _____ If you have a copy of that order, please attach it to this Questionnaire.

If you have filed a personal bankruptcy before and received a discharge, was there any debt which you omitted from your list of debts in that case? If so, please be ready to discuss with the lawyer at the initial consult.

CONSULTATIONS WITH ATTORNEYS, BANKRUPTCY PETITION PREPARERS OR CREDIT COUNSELORS:

Have you consulted any other attorney during the preceding year? _____ If yes, please answer the following for each attorney consulted. Attach additional sheets as necessary.

I have not consulted with any other attorney during the preceding year.

Name and Address of Attorney or Law Firm:_____

Reason for Consultation:_____

Date of Last Meeting:_____

Money or Property Promised:_____ Paid:_____

Have you consulted any person or entity for debt counseling or consolidation or any sort within the preceding twelve months? _____ If yes, please answer the following for each person or entity consulted.

Name and Address of Consultant:_____

Money Paid or Description and Value of Property Transferred or Promised:_____

Date of Payment or Transfer:_____

TAXES:

Do you have copies of your income tax returns (federal, state, and local, if applicable) filed by you or your spouse for the past three years? YES.

If yes, please attach copies of those tax returns by year to this form. If another person has copies of your tax returns, please give that person's name, address, and telephone number. They are attached.

NAME	ADDRESS	TELEPHONE (with area code)

Have you or your spouse received any federal, state, or other tax refunds or have any outstanding and unused tax credits or tax attributes for the preceding two taxable years preceding the current year? _____ If yes, please answer the following:

FEDERAL	PAYMENT	REFUND	CREDITS
2013		$200	
2012		$200	
STATE			
2013		$20	
2012		$20	
OTHER			
2013			
2012			

Do you or your spouse expect to receive any federal, state, or local tax refunds, or have any outstanding and unused credits or tax attributes, for the current tax year? Yes If yes, please indicate estimated amount and explain.

YEAR	REFUND	CREDITS	TAXING AUTHORITY
2014	$200		Federal
2014	$20		State

Please attach a copy of all local, state, and federal tax returns which have been filed for you or your spouse (unless your spouse is not filing bankruptcy with you) for the last three tax years for which such returns were filed. If you or your spouse have an outstanding extension, please include a copy of each application for such an extension.

PROPERTY:

Please provide a list of household goods and furniture, including audio, video and computer equity, showing your estimate of the current fair market value of each item alongside the description of that item.

ITEM	ITEM/DESCRIPTION	VALUE	CAN IT BE REPOSSESSED?	BY WHOM?
Real estate, including your home, buildings, time shares, condominiums, and burial plots	111 Freedom Lane, Phoenix 85003	$165,000	Yes – foreclosure	GMAC Mortgage Chase Washington Mutual
Cash on hand	Cash	$100	No	
Checking or savings accounts	Checking account – U.S. Bank	$100	No	

Furniture:				
Living room	Couch Two chairs Coffee table Two end tables Two lamps Carpet TV/DVD/VCR Bookshelf Stereo system	$100 $100 $30 $40 $20 $100 $600 $25 $700	 Yes Yes	Best Electronics – TV/VCR/DVD Euphoria Finance Co. – Stereo system
Kitchen	Kitchen table and chairs Stove Refrigerator Microwave Dishes, pots and pans	$100 $100 $100 $10 $50		
Dining room				

Bedroom 1	Master bed Night stand Dresser Lamp Television Bookshelf	$100 $50 $100 $10 $25 $10		
Bedroom 2	Double bed Nightstand Dresser Lamp Television Bookshelf Radio alarm clock	$100 $50 $100 $10 $25 $10 $5		
Bedroom 3	Guest bed Nightstand Dresser Lamp	$50 $50 $50 $10		

Family room				
Office/library	Desk Desk chair Filing cabinet Bookshelf Computer Printer Scanner	$100 $50 $25 $25 $500 $50 $25		
Bathrooms	Towels Bedding Small personal care appliances	$20 $40 $30		

Storage	Vacuum cleaner Mower	$50 $50		
Other rooms	Washer Dryer	$50 $50		
Other household goods				
Books, pictures, art objects, antiques, collectibles	Books	$100		
Clothing	Clothing Watch	$200 $25		

Furs and jewelry				
Firearms, sports equipment, camera, hobby equipment	Violin (really belongs to Leigh, but my father left it to me when he passed)	$2,000		
Interests in insurance policies				
Annuities				
Education IRA				
IRA, ERISA, Keogh, 401(k) or other pension or profit sharing plan	IRA 401(k)	$50,000 $50,000		

Stock and interests in incorporated and unincorporated businesses				
Interests in partnerships or joint ventures				
Accounts receivable	Invoice to Bob and Betty Buyer (for dining room table and chairs; $2K for table which is finished and $2K for chairs which are not)	$4,000 – amount of contract		
Alimony, maintenance, support, and property settlements to which you are entitled				
Other liquidated debts including tax refunds				

Equitable or future interests, life estates, rights and powers exercisable for your benefit				
Interests in an estate of a decedent, death benefit plan, life insurance policy or trust				
Other contingent and unliquidated claims, including tax refunds	Income tax refund for 2014	$200 approx.		
Patents, copyrights and intellectual property				
Licenses, franchises and other general intangibles				

Customer lists or compilations	Just the people I do carpentry for, but they are not repeat buyers that often.			
Automobiles, trucks, trailers, and other vehicles and accessories	2012 Toyota Corolla Ford truck	$15,000 (guess) $1,000	Yes Yes	Toyota Motor Credit Washington Mutual I am behind on both of these debts
Boats, motors and accessories				
Aircraft and accessories				
Office equipment, furnishings, and supplies	See furniture list above.			
Machinery, fixtures, equipment, and supplies used in business	Carpentry tools and supplies	$2,500	Yes	Washington Mutual I am behind on payments

Inventory				
Animals	Cat	$1 billion to us!		
Crops – growing or harvested				
Farming equipment or implements				
Farm supplies, chemicals and feed				
Other personal property of any kind	iPad iPhone iPod	$100 $50 $50		

DEPOSITS:

List any monies you or your spouse have on deposit at any bank, fraternal organization, public utility company, landlord, employer, brokerage house, pension fund, credit union, or other person or organization's accounts or instruments, alone or with and other person.

Name, Address of Bank, Credit Union, Etc.	Checking/ Savings/ Money Market	Name of each person authorized to sign/ withdraw	Open/ closed	Current balance if open	If closed describe what happened to the balance on closing
U.S. Bank	Checking	Only me	Open	$100	

(GO ON TO THE NEXT PAGE)

DEBTS AND CREDITORS:

Please list all of your debts and people to whom you owe money. These include house payments, vehicle payments, payments on other items of property you own, back child support or maintenance to a former spouse, back taxes, credit cards, signature loans, student loans, fines or other monies you must pay to the government, money you owe family and friends, judgments, payday loans, bounced checks, and any other person to whom you owe money or property.

Include debts other people think you owe even if you disagree.

TO WHOM ADDRESS	AMOUNT	PAY-MENT	WHEN DID YOU TAKE OUT THE LOAN?	CAN THE CREDITOR REPOSSESS SOMETHING? WHAT?	DID YOU PAY FOR IT WITH THE MONEY YOU BORROWED?	DO YOU WANT TO KEEP IT?	CO-DEBTOR
GMAC Mortgage I am behind by $2,508	$150,500	$1,000	Jan. 2009	House	Yes	Yes	No
Washington Mutual	$5,000	$115	March 2013	House	No	Yes	Yes – Mary Mathison

Chase Bank	$20,000	Not paying	2011 – Judgment lien	House	No	Yes	No
Best Electronics 999 Tech Street Phoenix 85003	$1,500	$100	Sept. 2013	Yes TV/DVD/ VCR	Yes	Yes	No
Euphoria Finance Co. 555 North Central Avenue Phoenix 85003	$1,500	Not paying on this	January 2014	Yes Stereo	No	Yes	No
Washington Mutual	$5,000	$125	2013	Yes Tools and truck	No	Yes	No
Bank of America	$30,000	Not paying	Credit card Over the years	No			

Capital One	$2,500	Not paying	Credit card Over the years	No			
Toyota Motor Credit I am behind by three months	$16,000	$413	Yes Car	May 2012	Yes	Yes	No
Emergency Medical Associates	$100			June 2014			

PRIORITY DEBTS:

Please bring any information you have about any of the debts below to the meeting with the lawyer.

TYPE OF DEBT	TO WHOM/ADDRESS	AMOUNT	PAY-MENT	WHEN DID YOU INCUR THE DEBT?	CAN THE CREDITOR REPOSSESS SOMETHING? WHAT?	CO-DEBTOR
Domestic support obligations (child support, maintenance, alimony, property you agreed or are subject to a court order to pay to a former spouse or other family member	Roberta Mathison 789 Mother's Mews Phoenix 85003	$700				
People who lent you money in an "involuntary" bankruptcy case.						
Wages, salaries, commissions, or other forms of pay to people who worked for you						
Money you were supposed to contribute to employee benefits plans for someone						

else.						
Security deposits other people paid to you.						
Taxes (income tax, social security tax, customs duties, penalties for non-payment)						
Other money you owe to the government (fines, repayments)						
Commits to maintain the capital of an insured depository institution						
Claims someone has against you for death or personal injuries. State whether you were intoxicated or under the influence of substances when the alleged event occurred.						

EXECUTORY CONTRACTS AND LEASES:

Do you have any contracts or other than debts with other people (leases, timeshares, other)? If yes, state the nature of your interest in the contract or if you are the lessor or lessee of a lease.

See the information about the invoice to the Buyers above. Their address is 999 The Price Is Right Circle, Phoenix 85003

BUSINESSES:

Please provide the information for the chart below for any partnership or business you or your spouse operated together or separately during the past two years. If you or your spouse did operate a business in the past two years, please contact our office so we can tell you what additional documents and information we may need to help you with your bankruptcy.

NAME OF BUSINESS	DATE STARTED	DATE SOLD	TYPE OF BUSINESS
My carpentry business			

INCOME AND EXPENSES:

Please complete the chart below based on your actual income and expenses for the month before your bankruptcy case was filed, unless the question says otherwise. Indicate if the amounts you spent were unusual for any reason.

Please bring your last six months paystubs or other evidence of your income with you to the meeting with the attorney.

INCOME		
What was your gross income from your job?		$5,000
	How much was overtime?	0
	Payroll taxes (including social security)	$1,200
	Insurance	$150
	Union dues	
	Other (specify)	
Regular income from operation of business or profession		$9,500 ann.
Social Security		
Pension and other retirement income		
Income from ownership of real or personal property		
Investment income (interest and dividends)		

Alimony or support payable to the debtor for the debtor's use		
Support payable to the debtor for the support of another (specify for whom, such as a child, an elderly relative, others)		
Money provided by debtor's spouse to the debtor (exclude support payable for the support of another)		
Other monthly income (specify) – gambling in April 2014		$2,000
Spouse's take-home pay		
Spouse's other income from any source		
EXPENSES		
Home mortgage		$1,000
	If real estate taxes are included, indicate the amount included:	$100
	If property insurance is included, indicate the amount included:	$64
Routine home maintenance		$100
Rent (include condominium fee or lot rental for trailer)		

Utilities:		
	Electricity	$150
	Heat	
	Water	$50
	Telephone -- together with cable and internet	$200
	Cable TV	
	Internet Provider	
	Other	
Food		$400
Clothing		$200
Laundry and cleaning		$50
Newspapers, periodicals, and books (including school books)		
Medical, dental, and drug expenses		$120

Insurance (not deducted from wages)		
	Auto	$150
	Life	
	Medical (and does it come out of your check)	
	Homeowners or renters	
	Other	
Transportation (not including auto payments; for example, gas, public transportation, vehicle maintenance)		$200
Recreation		$200
Cigarettes and tobacco products		
Hair care and personal grooming expenses		$20
Personal care products and services		$20
Bank service charges		
Money order fees		
Child care		
School equipment, books, pictures, trips Violin lessons		$100

Private school expenses	
Lawn/snow service	
Diapers	
Pet-related expenses	
Dues, union, professional, social or otherwise (not deducted from wages)	
Taxes (not deducted from wages or included in mortgage payments)	
Alimony, maintenance, or support payments	$200
Other payments for support of dependents not living at home	
Religious and other charitable contributions	
If you have regular expenses from the operation of a business, please itemize the expenses on a separate sheet, and include the total here:	
Other (explain) – Pet supplies	$40

Installment payments (to secured creditors, which are creditors who can repossess something if you do not pay)		
	Car payment (indicate which creditor)	$413
	Second car payment (indicate which creditor)	
	Furniture, household goods, other Best Electronics	$100
	Mortgages on land or buildings other than your primary residence	
	Payments for debts secured by property you use at work or in your business	$125
	Other Second mortgage	$115
	Other	

(SEE NEXT PAGE)

EMPLOYMENT:

Please provide the information for the chart below for each of yours and your spouse's employment for the past three years.

EMPLOYER/ ADDRESS	HOW LONG?	WORK YOU DO	MONTHLY WAGES/SALARY
Arnold Accountant 888 Bookkeeper Street Phoenix 85003	10 years	Accountant	$5,000 – 9 months $2,500 – 3 months

OTHER FINANCIAL AFFAIRS:

Please answer the following questions.

<table>
<tr><th>QUESTION</th><th colspan="4">ANSWER</th></tr>
<tr><td rowspan="3">List all of your income from employment or operation of a business so far this year and for the last two years.</td><td></td><td>2014</td><td>2013</td><td>2012</td></tr>
<tr><td>Empl.</td><td>$32,500</td><td>$52,500</td><td>$52,500</td></tr>
<tr><td>Business</td><td>$5,500</td><td>$5,000</td><td>$6,500</td></tr>
<tr><td rowspan="3">List all of your income other than that from employment or operation of a business so far this year and for the last two years and where you got it.</td><td>Source?</td><td>2014</td><td>2013</td><td>2012</td></tr>
<tr><td>Gambling</td><td>$2,000</td><td></td><td></td></tr>
<tr><td></td><td></td><td></td><td></td></tr>
<tr><td>Did you pay any of your creditors more than $600 in the past 180 days? If so, list those creditors and the amounts paid.</td><td colspan="4"></td></tr>
<tr><td>List all payments made in the prior year to creditors who are family members, business partners, employers or other insiders.</td><td colspan="4">Yes –
Mary Mathison – $2,500</td></tr>
</table>

List all lawsuits and administrative proceedings you are or have been a party to within the past year. Include the caption, nature of proceeding, court and status. (bring copies of your court papers to the meeting with the attorney)	
Have you ever had a judgment against you for personal injuries to someone else where you were or were alleged to be under the influence of alcohol or drugs when the injuries occurred? If yes, be ready to discuss at the consultation with the lawyer.	
List all property that was attached, garnished or seized in the prior year. State who took the property, the date and the value of the property	
List all property that was surrendered to a creditor or subject to a repossession, foreclosure or deed in lieu of foreclosure in the prior year.	
List any assignments you made to any creditor or for a creditor's benefit within the past 120 days.	

List all property you own that someone else is holding for you. State the value of the property and the person who is holding it.	
List all gifts or charitable contributions made within the prior year other than those for less than $100 to family and friends.	I transferred title from my name to my daughter's on a 2007 Volkswagen Beetle my mother was giving her on her 16th birthday. It was about five months ago, but my mother gave Leigh the vehicle two years ago.
Losses from fire, theft, other casualty or gambling in the past year.	
Payments made or property transferred by you or someone on your behalf to anyone, including attorneys, for debt counseling or bankruptcy-related services. State the amount, to whom it was paid, the date it was paid, and what you got for it.	
Other property transferred to someone else within the prior two years. Do not list your regular household bills or debt payments.	

Have you ever settled a trust or estate of which you were the beneficiary? If yes, be ready to discuss at the consultation with the lawyer.	
Financial accounts or instruments in your name or for your benefit that were closed, sold or transferred in the past year.	
Do you have a safe deposit box or did you have one in the past year? If yes, be ready to discuss at the consultation with the lawyer.	
Setoffs made by a creditor or bank against a debtor deposit of yours within the prior 90 days.	
Property owned by someone else that you have in your possession or that you are holding or controlling.	
Prior addresses in the past three years.	

List any current or former spouse within the past eight years and this person's current address.	Roberta Mathison 789 Mother's Mews Phoenix 85003
Businesses you have owned or operated – as a sole proprietor, corporation or other business form – have been a member of the board of directors, a partner, or officer within in the past six years. Be ready to discuss with the lawyer at the consultation.	Just carpentry
All bookkeepers and accountants you have employed or from which you have otherwise received help in the past two years	
All firms or individuals who have audited your books of account or records or prepared a financial statement for you in the past two years.	
All financial institutions, creditors or others to whom you issued a financial statement in the past two years.	
Has an inventory ever been taken of your property? If yes, be ready to discuss with the lawyer at the consultation.	

SELECTED BANKRUPTCY PROBLEMS

MEMORANDUM

TO: RED TEAM

FROM: PROFESSOR SPRENG

RE: UNIT FOUR PROBLEM – Ronald Mathison Bankruptcy

DATE: September 13, 2014

Ronald Mathison has set an appointment to visit us about a potential consumer bankruptcy filing. I asked him to provide us with information concerning his income this year to help determine if we should discuss a Chapter 7 or 13 filing with him.

BACKGROUND:

Ronnie's financial situation went downhill in 2009 when he got divorced from his now-ex-wife, Roberta, and he robs Peter to pay Paul to stay afloat. Given what he told me on the phone, I am somewhat impressed he has hung on without filing as long as he has. He is getting too far behind on his car and is other creditor pressure, however. He is at real risk of deeper trouble fairly soon, and he does not have many places left to cut expenses.

Ronnie's sixteen-year-old daughter, Leigh, is a friend of my nephew's from school. My sister knows both Ronnie and Roberta from school activities.

By court order, Roberta is Leigh's primary residential custodian, and Ronnie pays child support but also takes the tax exemption for Leigh. But Roberta allows Ronnie a lot more visitation than the court's order. Leigh is with Ronnie close to one-half of the time, so he has to maintain a true residence for her.

Ronnie has a somewhat odd work situation. He works for a small bookkeeping/payroll/ accounting service doing a lot of tax-related work. Unfortunately, his boss does not need two full time employees all year, so both Ronnie and his other co-worker each work only part-time for three months a year. That sounds worse than it is: it maintains his health insurance, which he must provide for Lee; allows him to spend a lot more time with Leigh during the summer; and cuts down on his travel expenses, because the business is quite close to where he lives.

Obviously, though, there are disadvantages. What lawyers learn is that you have to be a good money manager to even out your financial resources throughout the year when your income is

not truly regular. With all of his expenses, Ronnie is no longer making that work well, and though he used to be able to get some side and temp work, those opportunities have dried up with the economy.

Fortunately, he does have a little carpentry/woodworking business on the side, but while it helps, it is not as lucrative as it used to be.

Becky[1] says Ronnie brought in good payroll and business income records, and she made what should be a pretty accurate schedule:

MONTH	EMPLOYMENT INCOME	BUSINESS INCOME
January	5,000	0
February	5,000	0
March	5,000	0
April	5,000	0
May	5,000	0
June	2,500	500
July	2,500	1,000
August	2,500	2,000
September (through 15th)	2,500 (on September 15)	2,000 (as of September 13)
TOTAL	35,000	5,500

Ronnie is back to his usual $5,000 salary at work now; by the end of September, he will have earned that much. He does not know very much about bankruptcy but on my advice, he is not attempting to collect on carpentry work outstanding that could amount to $3,000 or more at this time.

Ronnie also gave me an estimate of his unsecured debt: $30,000.

PROBLEM FOR YOU:

In anticipation of our office visit with Ronnie, please answer Questions 1 and 2 below and be ready to discuss them with the other associates in the office and me. ***Use income information for 4/01/2014-4/30/2014, not current information***. See also the hints after the two Questions.

[1] Becky is our paralegal.

1. Assuming that the schedule of income is correct as Becky prepared it, if we file a Chapter Seven bankruptcy petition for Ronnie on or about September 15, could his bankruptcy trustee file a motion to dismiss or convert the case to Chapter Thirteen based on abuse? See 11 U.S.C. § 707(b)(7)(A).

2. UPDATE!! Becky just came back to the office with some new information from Ronnie:

   - As to the $2,000 payment for carpentry work in September: Ronnie actually received the check on August 31 when he delivered the furniture to the customer, but he did not deposit the check until the next day, September 2, after Labor Day. Later we can do the research to confirm, but for now, assume that the month Ronnie received the check is the month he received the income.

   - In the very early hours of April 16 he and some other colleagues who do tax returns got a bit crazy and ended up at a casino. He got extremely lucky for what he bet and won $2,000.

   Taking the information in the two bullets into account, could Ronnie's bankruptcy trustee file a motion to dismiss or convert the case to Chapter Thirteen based on abuse?

HINTS – You may find the following helpful in answering BOTH of these questions:

- Census Bureau and IRS Data on the United States Trustee's website to find the median incomes for the state of Arizona.

- The United States Trustee's legal opinion about how to calculate "Applicable Median Family Income"; look for the small link just below the drop-down menu for the Census Bureau and IRS Data on median incomes.

MEMORANDUM

TO: BLUE TEAM

FROM: PROFESSOR SPRENG

RE: UNIT FIVE PROBLEM – Ronald Mathison Bankruptcy

DATE: Afterbankruptcyfiling 3, 2014

As you know, we filed Ronald Mathison's Chapter Seven bankruptcy petition three days ago. It was not ideal timing, but we had no choice: five days ago, Toyota Motor Credit repossessed Ronnie's Toyota Corolla, which is his primary vehicle for daily activities.

He is driving his old Ford truck that he uses in the business to work. He pretends his car is in the shop! He is certainly after me to get that Toyota back!

First thing in the morning the day after we filed the petition, I contacted Toyota Motor Credit to request that they return Ronnie's vehicle. I spoke to a supervisor in the collections department, who told me he would have his boss call me back later in the day. His boss did call two hours later, and she said:

> I do not have notice of Mr. Mathison's bankruptcy filing at this time; I will need to see that. But returning the vehicle would only cost us money we cannot recover in a sale and Mr. Mathison will never pay. Before we do that, our attorneys are going to file an emergency motion for relief from the automatic stay. We won't take any action to sell the vehicle, and we will preserve it just in case the judge does not order the stay terminated. Oh, and did you know that the insurance has lapsed on the vehicle?

She told me that Toyota Motor Credit was being represented by Morgan Pottinger of Big, Bad & Debt-Collectors, P.C.

I faxed over the Notice of Meeting of Creditors to Toyota Motor Credit and Mr. Pottinger.

I played phone tag with Mr. Pottinger yesterday; he did not return my phone calls. Ronnie also contacted his car insurance company. The insurance company representative told him that the policy had just lapsed but that the insurance company would reinstate it for a month if Ronnie would remit payment immediately, which he did.

This morning at approximately 10:00 a.m., a runner delivered the attached motion to the office.

Ronnie says he wants to redeem the Corolla (*see* 11 U.S.C. § 722). If the amount owing and the valuation in the motion are actually correct, however, redemption is probably not feasible or wise. I did consult Kelley Bluebook and Edmunds, however, and Toyota Motor Credit's valuation is the highest of the three.

QUESTIONS

Please answer the following questions for me and provide me with the best arguments for Ronnie so that I can write a response to Toyota Motor Credit's motion. Remember that whether Toyota Motor Credit violated the automatic stay; whether Ronnie is entitled to get the vehicle back at some point; and whether the Bankruptcy Judge will terminate the stay after notice and a hearing are three separate issues.

1. Has Toyota Motor Credit violated the automatic stay and if so, what specific acts should we identify as the violation or violations? (read *In re Cordle* first)

2. If Toyota Motor Credit has violated the stay, is Ronnie entitled to any relief?

3. Is Ronnie entitled to a hearing before the Bankruptcy Judge terminates the stay? [Note: You will have to determine if the Bankruptcy Judge would have a basis to deny the motion to terminate immediately or there is no need for a hearing.] *See also* 11 U.S.C. § 362(f).

4. Is Ronnie entitled to get the vehicle back before a hearing?

5. Will the Bankruptcy Judge just terminate the stay after a hearing anyway? Is there anything we can do between now and then to put Ronnie in a better position?

** Some of the subsection letters used in our cases changed due to numbers changing. What was section 362(h) is now 362(k), for example.

MEMORANDUM

TO: RED TEAM

FROM: PROFESSOR SPRENG

RE: UNIT SIX PROBLEM – Ronald Mathison Bankruptcy

DATE: Afterbankruptcyfiling 36, 2014

Ronald Mathison's Meeting of Creditors got a bit contentious.

Ronnie's trustee, Martha Dunlap, disagreed with my opinion about which of several of Ronnie's assets are property of the estate and which are excluded.

"Leigh's Car":

In response to Question 10 on Ron's Statement of Financial Affairs, we indicated that approximately five months ago, he transferred legal title to a 2007 Volkswagen Beetle Hatchback vehicle to Leigh on her sixteenth birthday. The value of the vehicle is probably $5,000 or so, and Ms Dunlap wants Leigh to turn over the vehicle to her. She is relying on 11 U.S.C. § 548(a)(1)(B), and 550(a). You will want to give these some attention.

Our position is based on an odd situation in the Mathison family.

In 2011, Ronnie's father, Fred, suffered an unexpected heart attack and passed away. The 2007 Volkswagen Beetle now titled in Leigh Mathison's name was Fred's car at the time of his death.

Ron's mother, Mary, thought the Beetle would be a very nice vehicle for Leigh when she turned sixteen. Ron was going through a financial pinch at that time and was without a vehicle other than the old Ford truck at that point. Mary suggested that she give the vehicle to Leigh right away, but with the understanding that Ron could drive it until he was in a position to purchase a good vehicle of his own. Mary insisted that Ron buy a vehicle within a year in order to preserve the vehicle for Leigh.

It all happened as Mary planned. A few weeks later, Mary transferred title to Ron. He drove it for about nine months and paid the insurance and maintenance (including new tires), until he bought his Corolla. Then Ron parked the Volkswagen. In the year and a half between when Ron bought the Toyota in 2012 and Leigh's sixteenth birthday, the only time the Volkswagen was meaningfully on the road was a two-month period when Roberta was without a vehicle,

and Ron "loaned" it to her so she could transport Leigh to school and after-school activities. Roberta paid the insurance during that period.

On Leigh's sixteenth birthday, five months ago, she and Ronnie went to the DMV and transferred the title to the Volkswagen to Leigh's name. Ron says that finalizing Mary's gift was the reason for transferring title to Leigh. I also talked to Mary Mathison, and she confirms that. She insisted that she wanted the title changed to be very clear that the car was a really Leigh's; that it was something special from her grandfather.

But even though Leigh pays the insurance from her afterschool job and help from her mother when needed, she pays more than she would if Ron still had the title in his name, which does not make much sense in a household where money is tight. I do not know whether if a judge would believe neither Ron nor Mary were thinking that with Ron's financial situation, the vehicle was at risk as long as his name was on the title.

Our position is that Mary just killed two birds with one stone: she gave the car to Leigh when Lee was thirteen with the condition that Ron be able to drive it for a while. It was best for the vehicle to be technically in his name if that was her purpose, and it made sense for the formal transfer to occur on Leigh's sixteenth birthday. If Lee was always the "true" owner, transferring the formal title from Ron's name to her name cannot be a fraudulent transfer, because Ron never truly owned the car at all.

<u>The "$4,000 for the Dining Room furniture"</u>:

When we filed Ron's bankruptcy, he was working on one of his biggest carpentry jobs ever for some good friends of his: a gorgeous dining room table and chairs. He told me it was great fun: "I probably used every tool and every skill I have on this one! Loved it!"

Ron had already finished the table when we filed his bankruptcy, and he was about to start on the chairs. The contract Ron and the client signed is clear that the table is $2,000 and the six chairs are $2,000.

Ronnie finished the project and received the entire $4,000 for the dining room set after we had filed the bankruptcy.

We had listed as property on Ron's Schedule B the $2,000 for the table and took the position that the chairs were post-petition earnings. Ms Dunlap asked if Ron used property of the estate, such as his carpentry tools, to finish the chairs. Of course, he had.

Therefore, Ms Dunlap demands that Ron turn over the entire $4,000 under 11 U.S.C. § 541(a)(6). She supports her position with *United States v. Whiting Pools*. The only reason, she

says, that no turnover to a trustee occurred in *Whiting Pools* is that the debtor *was* the trustee in a Chapter Eleven case; therefore, the debtor simply retained the proceeds of the property.

Unfortunately, Ron was planning on using the $2,000 attributable to the chairs to assist with keeping other assets.

QUESTIONS:

1. ALEXANDER – DONALDSON: How strong is our legal position that Ron never had an equitable interest in the Beetle; that the Beetle was always "Leigh's car"; and therefore the Beetle could never have come into Ronnie's bankruptcy estate regardless of the title change? You may want to look at the authorities for Problem 3-10. I also wonder about the impact of *In re Daugherty*, 261 B.R. 735 (M.D. Fla. 2000) from one of the same jurisdictions. Don't worry about the fraudulent transfer part yet; if we convince Ms Dunlap the car was always Leigh's car, we may never get to that issue. You will need to understand how this part of the problem fits into the bigger one, however, and why.

2. HANGER – LACKEY: Does Ronnie have to turn over the entire $4,000 payment on the dining room set? Could *Delightful Music LTD v. Taylor*, 913 F.2d 102 (1990) suggest another way of looking at this question that is more favorable to our client than *Whiting Pools*? The amount of money involved is not as large as that in either *Taylor* or *Whiting Pools*. Is there a better way to resolve the dispute than a court hearing?

MEMORANDUM

TO: BLUE TEAM

FROM: PROFESSOR SPRENG

RE: UNIT SEVEN PROBLEM – Ronald Mathison Bankruptcy

DATE: Twomonthsafterbankruptcyfiling, 2014

Today, I received the attached letter from Ronald Mathison's trustee, Martha Dunlap.

The letter raises many issues we will deal with over the next few weeks. I would like to take them one and a time, starting our exemption claims on Ron's behalf.

For now, I want to make sure we are maximizing the impact of the *Arizona exemptions* in Ronnie's case so he can keep as much of his property as possible for the least amount of money. Yet as you will see, I am curious about how Ron could exempt property under the federal exemptions.

You will find Ronnie's original Initial Questionnaire in the Course Materials folder below the Units subfolder. Please use the information you see there for your analysis. If you do not see sufficient information, please let me know so that we can follow up with Ron.

There are two questions – the second question is located after the "GENERAL HINTS" that apply to both.

QUESTION ONE:

Note – apply Arizona exemption law only and do not assume every one of the Arizona exemption statutes was assigned for this unit; you may need to look more carefully.

Please review Ronnie's Initial Questionnaire where he lists his real and personal property and the second on "Other Financial Affairs at the back. It is possible he missed an item or two, but the list looks fairly complete to me.

Then do the following:

1. Review Arizona exemption law and determine what items of property are exempt from property of the estate, which are not exempt, and which may be partly exempt. Review the definition of property of the estate in 11 U.S.C. § 541(a) before you begin. Remember that Ron may only have bare legal title to some of the property on the list, because a creditor's lien is securing a debt in an amount greater than the value of the property. Ronnie might be entitled to claim an exemption (and in some cases, we will do so later) if he had equity in the property. You will be able to identify those items by referring to his list of debts.

   FIRST HINT: THIS QUESTION WILL BE RADICALLY LESS DIFFICULT IF YOU NOW BEGIN USING BESTCASE TO START PREPARING THE PETITION. BestCase cues you as to appropriate possible exemptions for property of the type you indicate. It does NOT tell you the answer, and in many cases we will find that its cues are not correct for Ron's situation or we have to override its suggestions for other reasons. Check the statute(s) BestCase cues to be sure if it/they apply. But there is no reason to make this task more difficult than it would be for most lawyers.

   HINT: Whether Ron can claim an exemption may depend on how he uses the property. We know much about his activities and he has provided us with considerable information on the form itself (I love accountant/bookkeeper clients!!).

2. Look specifically at the items of Ms Dunlap lists in her letter. Assume all are property of the estate and none are securing debt (this assumption will be incorrect as to some items, but I want to start with the worst case scenario).

   How much of the value of this property may Ron exempt from the estate by claiming the exemptions for each item that maximize the amount of equity he can protect? How much equity would he have to turn over to the trustee? Do not consider the items in the bullet at the bottom of her list at this time.

   HINT: It may be advantageous to use multiple different exemptions on some items. Bear in mind that BestCase will not always cue you to the most advantageous combinations of exemptions, but it will get you started.

3. One week is not very long!! Would Ms Dunlap be willing to give us an extension in order to be sure we have all of the information we need? (*see Taylor v. Freeland & Kronz* to get you started)

GENERAL HINTS:

- Consider using the "browse" option on Westlaw instead of doing searches. When you sign on, look for the "browse" icon and click. For the Arizona exemptions, for example, choose the option for statutes and then Arizona. Observe that you get to the table of contents for the entire Arizona Code. The exemption statutes are located in the Property title. You will have an entire list and you can search the code from this point as well.

- A useful resource to help with this problem is the "Bankruptcy Exemption Manual" on Westlaw. Probably the best way to use it is to "Browse" secondary sources instead of searching straight away. Then look for Bankruptcy secondary sources (after statutes/cases, etc.). Click the option to reveal the list for all of them and you will see a long list of treatises and practice aids. Choose the one for the Bankruptcy Exemption Manual, and look for Chapter three.

  The most revered treatise is Norton Bankruptcy Law and Practice, which also provides state-by-state interpretive guidance in an Appendix after Chapter 56 about Exemptions. It is somewhat more unwieldy, however; I would not look there unless you really cannot find the information you need from Arizona statutes, federal statutes, notes of decision and the Bankruptcy Exemption Manual.

- A Debtor is permitted to claim that part of the equity in property is exempt under one exemption and part of the equity in property is exempt under another exemption. In some cases, you may need to use two exemptions to maximize the value of the permitted exemptions.

- Again, do not make this Problem harder than it has to be: Use BestCase to help you identify the exemptions that could apply. The way to do this is to fill out Schedule A and B, indicate if the property is securing debt, and then choose an exemption for any equity Ron may have in the property.
  (GO ONTO THE NEXT PAGE)

  Remember again, however, that often BestCase is "wrong" about the correct exemption for a particular item of property, because whether an exemption applies depends on facts a computer program obviously cannot know! <u>You MUST check the language of the Arizona exemption statutes to be sure it applies</u>.

QUESTION TWO:

Note – apply the exemptions in 11 U.S.C. § 522(d) for this question. Assume that Ron lacks equity in his house and think about how that affects the value of equity he can exempt under § 522(d)(5).

1. We are now going to play "let's pretend" that Arizona changed its exemption law so that bankruptcy filers could choose to claim the federal exemptions in 11 U.S.C. § 522(d). Determine which exemptions Ron would be able to claim under federal law based on the directions in Question One, parts 1 and 2 above. Which exemptions apply to whch items of property where we are trying to maximize the benefits Ron receives from the exemptions? Are the federal exemptions more or less favorable than the Arizona exemptions and why?

2. Suppose Ron did not have the judgment lien on his house or the second mortgage. What would be the impact on how much equity in property he could exempt?

HINT: Again, use BestCase for this question. I think the wisest way to do this is as follows:

a. Enter Ron's property and debt information into the main file you created in response to Question One.
b. Exit Ron's bankruptcy petition file and go back to the Client list.
c. Copy Ron's bankruptcy petition file to another file by choosing the "Copy Client" button at the bottom of the Client List.
d. Name the new file something like "Mathison sandbox" or something equivalent so you do not confuse the two files later!
e. Choose the "Voluntary Petition" file in the copied file and then the "Filing Information tab" at the top.
f. On that page at the bottom left, choose "Federal Exemptions."
g. A pop-up box will tell you you cannot do this. Never fear!
h. Click "OK" at the bottom of the pop-up box.
i. Lo and behold, BestCase will have the "federal exemptions" option indicated.
j. Go to Schedule A or B.
k. When you choose exemptions for the items of property, the choices provided will be federal rather than state exemptions!

MEMORANDUM

TO: RED TEAM

FROM: PROFESSOR SPRENG

RE: UNIT EIGHT PROBLEM – Ronald Mathison Bankruptcy

DATE: Twomonthsafterbankruptcyfiling, 2014

Our effort to maximize the value of Ronald Mathison's exemptions continues.

One of Ronnie's big problems is that he has more payments on secured debts than he can afford. He needs to keep some of these items, partly so that he can earn income. Unfortunately, he cannot afford to make payments on all of the secured debts after the bankruptcy (therefore, he cannot "reaffirm" all of the debts), and he does not have enough cash either to "redeem" all of the property or to buy it from the trustee if the law permitted her to take it for the estate.[2]

Therefore, we should begin looking at other possible ways he could maximize the value of the property he can keep. I would like to explore the possibility that he may avoid liens on some of the property securing his debts so that he can leave bankruptcy with that property free and clear of liens.

I am particularly interested in whether we can do anything for him on the Washington Mutual debt secured by the Ford truck and some carpentry tools and supplies. Ronnie originally borrowed $2,500 from Washington Mutual and gave Washington Mutual a purchase money security interest in the Ford truck. A year later, in early 2014, Ronnie had paid the loan on the truck down to $1,500 and needed some new tools and extra cash. To keep the interest rates and payments down, Washington Mutual refinanced the loan on the truck, added $4,500 to it, and took a security interest in his carpentry tools and supplies. He has paid the principle amount of the loan down to approximately $5,000.

I have my doubts about the value of the carpentry tools and supplies. The value Ron gave us is what he paid for them. They would not be worth so much used.

[2] Leave aside for this problem "how" she might do that. You'll see a few units down the road.

QUESTIONS:

Please refer to the information you would have put on Ronnie's Schedules A, B and D and 11 U.S.C. § 522(f) to answer these questions. Ignore § 522(f)(3), but make sure to consider (f)(1), (2) and (4) and the material at pages 139-40 in the Casebook. Assume there is nothing in Arizona law that would interfere with Ronnie's ability to avoid liens in bankruptcy.

1. May Ronnie avoid the liens on the Ford truck and carpentry tools/supplies to Washington Mutual?

2. Which other liens on Ronnie's property may be avoided under § 522(f)?

3. In particular, consider whether the judicial lien on Ronnie's house may be avoided. Is it even worth doing given the second mortgage to Washington Mutual? If it can be done, how much equity would Ronnie have in the house after bankruptcy? Consider *In re Land*, 400 B.R. 749 (Bankr. D. Arizona 2008).

4. Should we amend the bankruptcy petition to claim any additional exemptions based on your analysis above?

5. Suppose this bankruptcy was not occurring in Arizona and neither the case nor authorities cited in *Land* applied. Could the judicial lien on Ronnie's house be avoided then? I have heard that the legislative history of § 522(f) provides evidence of Congress's intent concerning judicial liens when it enacted the 1994 Amendments. Search for House Report No. 103-835 on Westlaw and read § 303.

MEMORANDUM

TO: RED AND BLUE TEAMS

FROM: PROFESSOR SPRENG

RE: UNIT NINE PROBLEM – Ronald Mathison Bankruptcy

DATE: Twomonthsafterbankruptcyfiling, 2014

Ronald Mathison and his mother, Mary Mathison, came to the office to receive some general bankruptcy advice. Ronnie also mentioned some facts that may have an impact on his case.

BLUE TEAM:

Mary Mathison has an Individual Retirement Fund account worth $500,000. She has two children, Ronald and Constance. She plans to leave one-half of the balance to each. She does not want those funds eaten up by a creditors or a bankruptcy trustee in the future.

Ronnie also just happened to mention that he had contributed some funds to his IRA right before filing bankruptcy.

Connie is also considering filing a Chapter Seven bankruptcy petition after Christmas. She and her mother live in the same residence in Phoenix. Connie receives the maximum Earned Income Tax Credit every year. It is a substantial portion of her yearly income, and she must have it to support her children.

QUESTIONS:

1. BLUE TEAM – Mary Mathison wants to know if after she passes, either Ronnie or Connie files for bankruptcy protection, could a trustee take and liquidate the IRA account she plans to leave to them? Does it matter where the filing sibling lives at the time of filing?

2. BLUE TEAM -- What could suggest Mrs. Mathison do to make sure the account is protected? Try James Boring et al., *Protection of Inherited IRAs*, 36 ACTEC L.J. 577 (2010).

3. BLUE TEAM – Could any of the funds in Ronnie's own IRA be within the reach of the trustee right now?

4. RED TEAM – Could a bankruptcy trustee reach any of the Earned Income Tax Credit portion of Connie's income tax refund in the spring if she files a Chapter Seven bankruptcy petition? Does it matter if Connie files a petition before or after receiving the refund? Consider Arizona's exemptions. What advice could you give to Connie to preserve the benefit from as much of the credit as possible?

5. RED TEAM – Suppose that in January 2015, Connie moves to a state that has "opted-in" to the federal exemptions under 11 U.S.C. § 522(b). Then, she files a Chapter Seven bankruptcy petition on October 1, 2015. Would § 522(d)(10) help preserve the credit? How much or any of the tax refund that she would receive in 2016 would the trustee be entitled to take for the estate? *See also In re Orndorf*, 100 B.R. 516 (Bankr. E.D. Cal. 1989).

MEMORANDUM

TO: RED AND BLUE TEAMS

FROM: PROFESSOR SPRENG

RE: UNIT ELEVEN PROBLEM – Ronald Mathison Bankruptcy

DATE: Notlongafterbankruptcyfiling, 2014 (note that we have taken a step back in time!)

We must prepare a Statement of Intentions for Ron Mathison's bankruptcy petition. Pull up a copy on BestCase to look at or find it in the Official Forms to start.

We must indicate an intention for each of the items of property securing Ron's debts.

We have already determined that some of the liens on Ron's property should be avoided, but that leaves the following:

- First mortgage on the house
- Second mortgage on the house
- TV/DVD/VCR
- 2012 Toyota Corolla (this vehicle has 50,000 miles on it)

As you will know from the reading, Ron essentially has four options, the "3 Rs" and surrender. (Ignore a fifth, lien stripping, for now; I already know it will not help Ron.) Of course, Ron would prefer not to surrender any of his property, but that does not mean we may not wish to give him that advice. Plus, Ron's decisions about one item of property may influence his decisions about other items. Remember, these options all require that Ron pay the creditors money either now or later. He will have to have that money!

Further, there are some very special, practical circumstances concerning some of this property; Ron's decisions must be influenced by the law and how it applies to his specific circumstances but that result is not necessarily the solution to each of the problems this property creates. Always remember that we must determine how the law applies and then use that result as a platform from which we craft practical solutions.

With that introduction, please answer the following three questions.

QUESTION ONE – for both teams (it will push you in good directions for the subsequent questions)

For now, let's not get too hung up on the value of the TV/VCR/DVD while considering the questions below.

1. What should/must Ron do if he wishes to keep the TV/DVD/VCR? Consider Casebook pages 240-43, 253 and the problems along with the McCann & Penley reading to get a quick feel for the issues and relevant authorities.

2. When must he do these things? Be sure to consult 11 U.S.C. §§ 362(h), 521(a)(2), (6) and In re Alvarez.

3. What must we do (filings, etc.) to achieve Ron's goals? Should we do them, and if not, will Ron be able to keep the TV/DVD/VCR? Read and consider 11 U.S.C. §§ 524(c)(3), (6), 722, the Bankruptcy Rules and other readings assigned for the Unit.

QUESTION TWO – for the Blue Team, about Ron's house

1. What should/must Ron do if he wishes to keep his house? Bear in mind that the house is securing two liens if the judicial lien is avoided. From his Initial Questionnaire, Ron appears to be current on his second mortgage but behind on his first.

2. When must he do these things?

3. What must we do (filings, etc.) to achieve Ron's goals? Should we do them, and if not, will Ron be able to keep the house? Remember, there is "the law" and then there are the debtor's and creditor's best interests. Does In re Jones give you any ideas?

4. Suppose Washington Mutual says it is not willing to accept a reaffirmation of the second mortgage loan unless Ron reaffirms the debt on the Ford truck and carpentry tools. How should we advise Ron to proceed? See In re Jamo.

QUESTION THREE – For the Red Team, about Ron's 2012 Toyota Corolla

Having done a lot of Chapter 7 bankruptcies, I am not sure about the value Ron gave us for his car. The position a bankruptcy debtor should take as to the value of a vehicle – and certainly the "value" the debtor should use to make practical decisions – may not be the same as what a car dealer or lay person would think of as the "fair market value." In fact, a vehicle valuation can range widely depending on the purpose of the valuation both in and out of bankruptcy.

1. We will try to make a more precise "valuation" of Ron's vehicle later, but for now, start by using the Edmund's link on TWEN to get a possible rough value of the Corolla. That will inform your thinking about the rest of the questions here.

2. What should/must/may Ron do if he wishes to keep his 2012 Toyota Corolla? From his Initial Questionnaire, Ron appears to be behind on the debt to Toyota Motor Credit, but he says he can catch that up quickly if needed. How might that make a difference to your reasoning? Do we need to review Ron's loan documents to consider their precise terms? See In re Jones.

3. When must he do what is needed/desirable to keep the Corolla?

4. What must we do (filings, etc.) to achieve Ron's goals? Should we do them, and if not, will Ron be able to keep the car?

MEMORANDUM

TO: RED AND BLUE TEAMS

FROM: PROFESSOR SPRENG

RE: UNIT TWELVE PROBLEM – Ronald Mathison Bankruptcy

DATE: Notlongafterbankruptcyfiling, 2014 (note that we have taken a step back in time!)

We must determine the value of Ron's 2012 Toyota Corolla (50K miles). I would also like to know the value of Leigh's car (2007 Volkswagen Beetle, 50K miles). There are many different valuation methods. Each of you is assigned to one method as represented by the cases below. Please do the following:

- Create a detailed, step-by-step set of instructions for valuing a vehicle based on the method in your case; remember that you will have to explain this method to others. Make sure you take account of the following in your instructions and be able to answer questions about them:

  - ✓ The impact of 11 U.S.C. § 506.
  - ✓ The methodology's basis in the law.
  - ✓ If the reason for valuing the vehicle matter to the methodology.
  - ✓ How the procedural posture of the case affected the methodology and outcome.
  - ✓ What evidence the parties used to support their proposed valuations and whether/why the court found it persuasive.

- Determine the value of both the 2012 Toyota Corolla and the 2007 Volkswagen Beetle according to the method in your case.

Case assignments are as follows:

ALEXANDER – DONALDSON – *In re Henry*, 457 B.R. 402 (Bankr. E.D. Pa. 2011)
HANGER – LACKEY – *In re Clark*, 2007 WL 671346 (Bankr. N.D. Ohio 2007)
LENZNER – SOKABI – *In re Ayres*, 2010 WL 652825 (Bankr. N.D. Cal. 2010)
TENCZA – YOUNG – *In re Airhart*, 473 B.R. 178 (Bankr. S.D. Tex. 2012)

MEMORANDUM

TO: RED AND BLUE TEAMS

FROM: PROFESSOR SPRENG

RE: UNIT SEVENTEEN PROBLEM – Ronald Mathison Bankruptcy

DATE: GoshIDontKnowTheDate, 2014

I received the attached letter in the office today from Taylor Septtimous.

The letter must refer to 11 U.S.C. § 523(a)(2)(C).

I had not heard about any of this until now, either. Take a look at Ron's Initial Questionnaire. There are any number of places I would have anticipated he would mention the information in the letter from Mr. Septtimous, and he did not. Do you see where?

Please consult the Bankruptcy Code and other relevant authorities. How much non-dischargeable liability does Ron face? Can we help? What can we expect procedurally if Mr. Septtimous files an adversary proceeding?

Oh, for purposes of this assignment, Ron's bankruptcy was filed on October 1, 2014.

SEPTTIMOUS & HAWES, P.S.
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November 10, 2014

Jennifer E. Spreng, Esquire
Law Offices of Jennifer E. Spreng
One North Central Avenue
Suite 1885
Phoenix, Arizona 85003

RE: *In re Mathison*, case no. 14-8675309; filing date October 1, 2014

Dear Ms Spreng:

Our firm has been retained to represent Bank of America, N.A. in this bankruptcy proceeding. Based upon an initial review of this account and our recommendation, our client is considering filing an adversary proceeding pursuant to 11 U.S.C. § 523 objecting to discharge of this debt.

A brief review of this account reveals the following:

- Between July 11 and August 18, 2014, your client accumulated $1,709.56 in retail charges.
- Between July 11 and August 18, 2014, your client accumulated $1,972.00 in cash advance and/or convenience check charges.

We believe that there is evidence and a sufficient basis to object to the discharge of our client's claim in this matter. As you are aware, once we bring a successful nondischargeability action against your client, all or a portion of your client's debt may survive the bankruptcy.

Before the parties incur the costs of fully pursuing a section 523 action, our client is willing to provide your client the option of settling the account pursuant to one of the following alternatives:

- Reaffirmation of the sum of $3,681.00; or
- One-time cash settlement in the sum of $2,900

Please convey this offer to your client and contact me at your earliest convenience to convey your client's intentions. I trust we will be able to resolve this matter without unnecessary expense and delay. However, we are prepared to and will take all appropriate action.

Finally, we recognize that there are instances in which there may be a satisfactory explanation for evidence that otherwise appears to constitute misuse of a credit card. If you disagree with our conclusion based upon the evidence, please provide us with sufficient evidence or an explanation concerning the transactions to alter our view.

This letter is to be used for settlement purposes only.

Very truly yours,

Taylor X. Septtimous IV

Taylor X. Septtimous IV

Enclosure
TXS/rm

Credit Card Statement – Bank of America

Statement Date: November 1, 2014

Ronald G. Mathison
111 Freedom Lane
Phoenix, AZ 85003

Account No.: 2222-4444-6666-8888
SSN#: 123-45-6789
Credit Line: $32,000
Current Balance: $30,219.45

POSTING DATE	REFERENCE NUMBER	TRANS DATE	DESCRIPTION	CR	AMOUNT
10/19/14	0004807	10/19/14	Late fee for payment	D	$29.00
9/21/14	0004717	9/21/14	Late fee for payment	D	$29.00
9/20/14	0004639	8/20/14	Late fee for payment	D	$29.00
8/18/14	74717053260110212164701	9/18/14	Bank of Am 0871	C	($500.00)
8/13/14	7471705325513255892299	8/12/14	Bank of Am 0871	D	$500.00
8/13/14	7471705325513255892299	8/12/14	Bank Trans Fee	D	$10.00
8/12/14	65329043255000147262017	8/8/14	Check Chec	D	$500.00
8/12/14	65329043255000147262017	8/8/14	Bank Trans Fee	D	$10.00
8/9/14	7471705325112251949 4245	8/5/14	Bank of Am 0871	D	$500.00
8/9/14	7471705325112251949 4245	8/5/14	Bank Trans Fee	D	$10.00
7/29/14	24307923239900000142668	7/28/14	Bargain Barn	D	$1,709.56
7/22/14	85417343233132336562626	7/21/14	Bank of Am 0876	D	$472.35
7/22/14	85417343233132336562626	7/21/14	Bank Trans Fee	D	$9.44
7/15/14	22752113695		PAYMENT – THANK YOU	C	($28.00)
6/17/14	19852212066		PAYMENT – THANK YOU	C	($20.00)
6/14/14	24073143194999115000050	6/11/14	Don Moore Toyota	D	$619.55
5/23/14	24387753173004016283541	5/21/14	Macy's Men's Store	D	$90.07
5/17/14	2444500316761940735 3039	5/14/14	Hobby-Lobby #0165	D	$251.34
5/6/14	15752232379		PAYMENT – THANK YOU	C	($15.00)

BANKRUPTCY FINAL PROJECT MATERIALS

PHOENIX SCHOOL OF LAW
BANKRUPTCY
Professor Jennifer Spreng
FINAL PROJECT
FALL 2014

DUE: Friday, December 19, 2014 at NOON in the Assignment Drop Box with a date stamp indicating the time submitted. Please do the following:

- Turn in your paper inside a white or manila envelope with your BGN number on the envelope.
- "Sign" the Honor Code form on the page after these directions with your BGN.
- Put your and your BGN number on every page of the answer. It is fine to handwrite or type your BGN.

PERCENTAGE OF CLASS GRADE: 50 percent

CONTENTS: Please be aware that the following documents are posted in the "FINAL PROJECT" folder on TWEN with this paper and should be considered to be incorporated by reference for your use. They are as follows:

- This project assignment paper ("Final Project Assignment Paper")
- PNC Bank's Motion to Modify the Automatic Stay as to Debtor's Chevrolet Cavalier ("Motion to Modify Stay by PNC Bank")
- Exhibit "A" to PNC Bank's Motion to Modify ("Exhibit A PNC Bank claim") (assume all required documentation is appropriately attached per the Federal Rules of Bankruptcy Procedure)
- Letter from Taylor X. Septtimous, IV to Evan Eager dated December 8, 2014 with attachment ("Taylor Letter")

Mr. Plan's Bankruptcy Trustee's motion is NOT attached.

DIRECTIONS: Answer the questions at the end of the fact pattern using the documents attached. If you feel you lack necessary information, please make and state appropriate assumptions, and I will grade your answer accordingly.

LENGTH REQUIREMENT – WORD COUNT: DO NOT WRITE MORE THAN 3,500 words, double spaced (demonstrations of calculations may be single-spaced). You may find it useful to put some information in charts, and you should feel free to do so. Charts you create other than as explained below count as part of the length requirement.

LENGTH REQUIREMENT – USE OF BESTCASE PRINTOUTS: You may use Bestcase or other petition preparation software to do calculations and attach them as part of your answer, but in no way should you consider this a requirement. You must decide how best to illustrate the reasoning supporting your answers.

Please know the following if you do decide to use Bestcase printouts or printouts from other petition preparation software:

- The contents of Bestcase printouts are not part of your 3,500 words, so you may turn in a typed or handwritten paper of 3,500 words plus Bestcase printouts and your paper will comply with the length requirement.

- Make sure I know you are referring to contents in a Bestcase printout when I am reading your answer. (e.g., "See Bestcase Printout of Schedule A" as a citation or other reference in the text such as "As the Bestcase Printout of Schedule A shows . . .").

- Explain the significance of the information contained in any Bestcase printouts if it is not apparent from the form itself. For example, many of your decisions about exemptions will be clear from a printout. In other cases, you may have made legal decisions about the significance of some facts and applied exemptions accordingly. I may not understand your decisions and application of exemptions unless you explain in your paper. You accept the risk that I may not understand, but in many cases using a printout will save you valuable time and space.

- If you use a different petition preparation software, you do so at your own risk but as long as the software (1) presents schedules consistent with the Official Forms, and (2) the information is presented substantially similarly to Bestcase, please feel free to do so.

N.B.: THIS PROJECT MAY NOT BE DISCUSSED WITH YOUR CLASSMATES OR LEGAL PROFESSIONALS. YOU MAY USE ANY OTHER RESEARCH MATERIALS YOU CHOOSE. THE HONOR CODE IS IN FORCE.

REMEMBER: SIGN THE HONOR CODE ON THE NEXT PAGE WITH YOUR BGN NUMBER AND PUT IT IN THE ENVELOPE YOU TURN IN.

HONOR CODE

All students are bound by the Student Honor Code and must explicitly acknowledge that they are so bound by completing the honor code statement (next page), stating that they have neither given nor received unauthorized help on this exam/work. Note that the Honor Code also explicitly requires students to report any apparent honor code violations that they witness.

HONOR CODE

Semester & Year: _____

Course Name: _____

Instructor's Name: _____

On my honor, I pledge that I have neither given nor received unauthorized help on this exam/work, and that I have followed and will continue to observe the Student Honor Code.

_____
Print your Student Grade Number (SGN) – Do not use your name, SS#, student ID or other identifiable information.

_____
Date

FACT PATTERN:

You are the senior associate in Spreng & Associates, PSC. Our newly minted lawyer colleague, Evan Eager, is representing Philip Plan in a Chapter 7 bankruptcy case under our supervision. Today, Evan rushed into my office, because he received TWO disturbing motions and ONE disturbing letter.

- Trustee's Motion to Dismiss for Ineligibility of the Debtor and Abuse
- PNC Bank's Motion to Modify the Automatic Stay as to Debtor's Chevrolet Aveo
- A letter from Bank of America threatening to object to the dischargeability of a portion of Philip's debt to them

Evan filed Philip's Chapter 7 bankruptcy on December 5, few days after Philip got paid.

When I reviewed Evan's Chapter 7 petition and schedules, I wondered if Philip might not be better served in Chapter 13, even if his Chapter 7 case would not be dismissed for ineligibility or abuse. I also was not absolutely sure in some cases that the information on the schedules was as favorable to Philip as it could be. I also caught at least one thing I thought was clearly incorrect.

Therefore, I would like you to review this memorandum and the attached schedules. Then, please answer the questions at the end of the memorandum.

Here is information you may need in addition to the schedules.

Philip is a lawyer and a victim of the downturn in the legal market place. His former employer was a small firm that was forced to lay-off lawyers near the end of June 2014. Unfortunately Philip was one of them.

In August 2013, Philip had filed a Chapter 13 bankruptcy case. He subsequently fell behind on payments on his first mortgage loan to Mortgage Lender. In December 2013, Philip was three months behind on his payments and Mortgage Lender filed a motion to terminate the automatic stay.

Philip and Mortgage Lender were able to agree to a payment plan that would allow Philip to catch up the payments over five months and if he did not succeed, the automatic stay would terminate upon notice to the court. The bankruptcy judge signed an Agreed Order containing the terms of the agreement on January 20, 2014.

Philip did succeed in catching up his payments on the first mortgage by May 20 in compliance with the court's order. A month later, he was laid off. Philip voluntarily dismissed the Chapter 13 case on August 2, 2014 after missing a plan payment. He was current on his payments to Mortgage Lender when he dismissed the Chapter 13 case and is current today.

By the end of September, Philip was hired at his current firm for a $7,000 per month salary. But he still has the financial problems that had forced him into bankruptcy last year as well as new ones as a result of his months without a job.

Philip had four sources of income in the past year: (1) his salary from his old firm; (2) his salary from his current firm; (3) unemployment compensation; and (4) regular monthly compensation from his parents' and brother's family business, because Philip sits on the board of directors and gives occasional legal advice.

A summary of Philip's income for the past year is as follows:

MONTH	SALARY - NEW FIRM	SALARY – OLD FIRM	BOARD OF DIRECTORS	UNEMPLOY-MENT
Dec. 2014	$3,500	0	n/a	0
Nov. 2014	$7,000	0	$250	0
Oct. 2014	$7,000	0	$250	0
Sept. 2014	$2,000	0	$250	$1,700
Aug. 2014	0	0	$250	$1,700
July 2014	0	0	$250	$1,700
June 2014	0	$5,000	$250	$500
May 2014	0	$6,000	$250	0
April 2014	0	$6,000	$250	0
March 2014	0	$6,000	$250	0
Feb. 2014	0	$6,000	$250	0
Jan. 2014	0	$6,000	$250	0

Philip is divorced with two children. His daughter, Polly, who is almost eighteen and a senior in high school, lives with him. His son, Perry, who is thirteen and an eighth grader, lives with Philip's ex-wife, Patricia Plan.

Polly and Perry are both very talented young people. Polly could almost be called a prodigy on the trumpet. She is a member of the Phoenix Symphony Youth Orchestra and the Phoenix City Honors Band. Philip went on and on at the initial consult about how much Polly misses marching with her high school band at football games, but she does not have time now that she plays with all of these elite musical groups (*smiles*).

Polly's trumpet is valuable. Philip's father, who was an excellent trumpet player, left his trumpet to Philip in his will. Philip does not play a musical instrument, but Polly was already quite accomplished when her grandfather passed. Polly and her grandfather had even played professionally together.

Perry plays the usual sports at school, but when he was ten, he tried some painting classes at the Phoenix Art Museum, and he found his calling. Perry frequently has at least one painting hanging at a gallery during the Phoenix "First Fridays" Art Walk. A few months ago, Perry actually sold one for more than $1,000! In June, Perry gave Philip a painting for Philip's birthday.

To pay for Perry's activities, Philip and Patricia entered into an agreed child support order in Family Court two years ago. Philip must pay Patricia $300 per month, which is roughly what Patricia spends for Perry's extracurricular activities each month. In return, Philip is entitled to take the tax exemption for Perry. Philip is behind on his child support payments.

In November 2012, Philip bought a 2009 Chevrolet Aveo for Polly to drive to school and music activities. The vehicle is titled in his name, but both he and Patricia are signed on the loan. Philip pays the loan and Patricia pays the insurance. Philip has not kept up the payments in recent months.

Now, PNC Bank has filed a motion to terminate the automatic stay. Philip says losing the car would be very inconvenient. Not only does Polly have a semester of music activities in front of her, she may want to take the car with her when she goes to college next year, depending on the parking policies at the school of her choice.

Philip did scrape together $3,000 in March 2014 to pay his mother back from when she helped him through a tough spot in 2013 before he filed his Chapter 13 case. She is apparently now paid in full.

As for the Bank of America motion – sometimes, creditors do the durndest things. When Philip filed his Chapter 13 bankruptcy case, Bank of America forgot to close his account! See Bank of America's letter. Of course, Philip did not use the card while he was in his Chapter 13 case.

Philip did put charges on the card in October, however. See, Philip was fairly sure he would end up back in bankruptcy again after he dismissed the Chapter 13 case. He figured it was "now or never," so he decided he had better get some pressing and expensive matters taken care of before then.

The most expensive matter was dental work for Polly, because Philip's insurance with his new firm does not cover dental. Philip decided to have Polly's dental work done in Mexico and make a long father-daughter weekend of it. Their last splurge!

Philip and Polly arrived in Mexico on a Thursday morning, and Polly had the surgery that afternoon. The dentist told Polly she might need a day or so to recover and that she should take it easy for at least twenty-four hours. Philip and Polly checked into a resort hotel Philip had booked a week earlier that evening. Polly was in significant pain and stayed in bed on Friday after the surgery, and Philip stayed in the room with her to take care of her. Polly felt

better on the Saturday, so she and Philip had fun at the beach. Philip enjoyed himself all too well in the resort's bar on Saturday evening.

The dentist charged $1,500, which Philip paid in cash.

QUESTIONS:

I need for you to make an independent assessment of this case so we can advise Evan (and through him, Philip) how to proceed. To make sure your assessment is truly independent, I have not attached all of the schedules; I have only attached the information necessary for you to make your analysis. As I said, at least one thing is incorrect legally, and I think we can improve Evan's presentation of the facts.

1. Please give me your reasoned opinion, with appropriate explanation based on bankruptcy law and the facts of this case (applying your good practical judgment where appropriate) about how a bankruptcy judge will rule on the following:

    - TEN POINTS: Trustee's Motion to Dismiss for Ineligibility of the Debtor and Abuse

    - FIVE POINTS: PNC Bank's Motion to Terminate the Automatic Stay as to Debtor's Chevrolet Aveo (see attached claim)

    - FIVE POINTS: Bank of America's Objection to Dischargeability of Debt (see letter and attachments)

2. THIRTY POINTS: Please give me your reasoned opinion, with appropriate explanation based on bankruptcy law and the facts of this case (applying your good practical judgment where appropriate) about whether it would be more financially/legally favorable for Philip to convert to Chapter 13.

    In your evaluation memorandum, please include an outline of a financially favorable Chapter 13 plan similar to ones you have seen me outline in the office (read: "in class") that we might present to Philip and supports your opinion about why Philip would be better off converting to Chapter 13 or remaining in Chapter 7.

    If it is useful to refer to a Bestcase printout, please attach the relevant pages, but please be sure to explain anything I may not understand merely from reading the printout.

    GO ONTO THE NEXT PAGE!!

Make sure your evaluation memorandum also explains the following so I understand your reasoning. It is not necessary write an answer to each individual matter separately, but make sure your answer addresses these concerns:

- Which items of property Philip could keep in Chapter 13 and how. Compare the disposition of each item of property in a possible Chapter 13 case to the likely disposition of each item in Chapter 7.

- The most advantageous treatment of each debt in Chapter 13 and whether those debts would be discharged in Chapter 7.

- Any other plan provisions or other actions that would be necessary to achieve Philip's goals in Chapter 13, if any.

- How you have calculated Philip's most advantageous Chapter 13 plan payment and why the payment is appropriate.

- Whether there is any risk that your plan would not be confirmed and why or why not.

Your EXPLANATION of your answers is vital!!

For purposes of this assignment, assume the following:

- ***The Arizona exemptions as amended in 2013 apply in this case***.
- There are no interest payments to take into account.
- The Chapter 13 attorney and trustee fees would total $5,800.
- The claims have appropriate documentation attached.

B1 (Official Form 1)(04/13)

United States Bankruptcy Court
District of Arizona

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle):	Name of Joint Debtor (Spouse) (Last, First, Middle):
Plan, Phillip P. * E D U *	
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN)/Complete EIN (if more than one, state all) **xxx-xx-6789**	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)
Street Address of Debtor (No. and Street, City, and State): **123 Debt Trouble Way Phoenix, AZ** ZIP Code **85003**	Street Address of Joint Debtor (No. and Street, City, and State): ZIP Code
County of Residence or of the Principal Place of Business: **Maricopa**	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address): ZIP Code	Mailing Address of Joint Debtor (if different from street address): ZIP Code
Location of Principal Assets of Business Debtor (if different from street address above):	

Type of Debtor (Form of Organization) (Check one box)
- ■ Individual (includes Joint Debtors) *See Exhibit D on page 2 of this form.*
- ☐ Corporation (includes LLC and LLP)
- ☐ Partnership
- ☐ Other (If debtor is not one of the above entities, check this box and state type of entity below.)

Nature of Business (Check one box)
- ☐ Health Care Business
- ☐ Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B)
- ☐ Railroad
- ☐ Stockbroker
- ☐ Commodity Broker
- ☐ Clearing Bank
- ☐ Other

Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box)
- ■ Chapter 7
- ☐ Chapter 9
- ☐ Chapter 11
- ☐ Chapter 12
- ☐ Chapter 13
- ☐ Chapter 15 Petition for Recognition of a Foreign Main Proceeding
- ☐ Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding

Chapter 15 Debtors
Country of debtor's center of main interests:

Each country in which a foreign proceeding by, regarding, or against debtor is pending:

Tax-Exempt Entity (Check box, if applicable)
- ☐ Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).

Nature of Debts (Check one box)
- ■ Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."
- ☐ Debts are primarily business debts.

Filing Fee (Check one box)
- ■ Full Filing Fee attached
- ☐ Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A.
- ☐ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.

Chapter 11 Debtors
Check one box:
- ☐ Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D).
- ☐ Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).

Check if:
- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than $2,490,925 *(amount subject to adjustment on 4/01/16 and every three years thereafter).*

Check all applicable boxes:
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with [illegible] § 11[illegible]

Statistical/Administrative Information — THIS SPACE IS FOR COURT USE ONLY
- ☐ Debtor estimates that funds will be available for distribution to unsecured creditors.
- ■ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

Estimated Number of Creditors	1-49	50-99	100-199	200-999	1,000-5,000	5,001-10,000	10,001-25,000	25,001-50,000	50,001-100,000	OVER 100,000
	■	☐	☐	☐	☐	☐	☐	☐	☐	☐

Estimated Assets	$0 to $50,000	$50,001 to $100,000	$100,001 to $500,000	$500,001 to $1 million	$1,000,001 to $10 million	$10,000,001 to $50 million	$50,000,001 to $100 million	$100,000,001 to $500 million	$500,000,001 to $1 billion	More than $1 billion
	☐	☐	■	☐	☐	☐	☐	☐	☐	☐

Estimated Liabilities	$0 to $50,000	$50,001 to $100,000	$100,001 to $500,000	$500,001 to $1 million	$1,000,001 to $10 million	$10,000,001 to $50 million	$50,000,001 to $100 million	$100,000,001 to $500 million	$500,000,001 to $1 billion	More than $1 billion
	☐	☐	■	☐	☐	☐	☐	☐	☐	☐