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chapter 13 is sometimes called the wage earner s bankruptcy and for good reason chapter 13 is bankruptcy for people who are making money but have fallen desperately behind trying to keep up with payments for things bought on credit your debts are reorganized and a program is set up to pay them

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the best interest of creditors test calculates the minimum amount you must pay to your nonpriority unsecured creditors through your chapter 13 plan the test ensures that creditors won t be disadvantaged just because you filed for chapter 13 rather than chapter 7 bankruptcy

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bankruptcy by cara o neill attorney university of the pacific mcgeorge school of law

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you ll use chapter 13 means test forms to confirm your plan length we provide links at the end of the article your state s median income by family size is on the us trustee program s means testing page this article assumes you ll pay into a five year plan filers who qualify for a three year plan will have more payment leeway

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chapter 13 bankruptcy basics this chapter of the bankruptcy code provides for adjustment of debts of an individual with regular income chapter 13 allows a debtor to keep property and pay debts over time usually three to five years

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although chapter 13 bankruptcy can be a good option not everyone meets chapter 13 requirements find out what qualifies you for chapter 13 and why chapter 13 eligibility depends on up to date tax filings debt amounts and the ability to afford plan payments

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updated april 30 2024 published december 29 2022 table of contents most people think bankruptcy is all about liquidating assets to pay back

your debts before the remaining balances are discharged however a chapter 13 bankruptcy is about creating a court ordered plan to pay back your debts

steps in a chapter 13 bankruptcy case allaw

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in a chapter 13 case you make creditor payments to the bankruptcy trustee for three or five years you must file a lengthy set of official bankruptcy forms and attend at least two meetings when the case is over you ll receive a discharge of qualifying debts

the bankruptcy means test what it is why it matters

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for chapter 13 bankruptcy the test also plays a part in setting the repayment schedule step 1 the first part of the means test checks whether your household income is below your state s

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this test determines if you have the financial means to support the repayment plan that chapter 13 requires if the court determines you have enough money at the end of the month to pay down your debt then you ve failed the test and you re left with two realistic options chapter 13 or abandoning your pursuit of bankruptcy

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chapter 13 is called reorganization bankruptcy because the debtor must make payments on unsecured debts for three to five years most bankruptcy filers pick chapter 7 but if they can't pass

how the means test figures what you pay in chapter 13

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means test in chapter 13 the same means test that is supposed to determine whether you can file chapter 7 bankruptcy is used to decide what you must pay to creditors in chapter 13 the test is not identical but the principle is the same use a standardized formula to calculate how much bankruptcy relief is available to this debtor

liquidation test of chapter 13 bankruptcy meaning and

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what is the chapter 13 liquidation test when an individual files chapter 13 bankruptcy they have decided to voluntarily commit future income for paying certain debts this type of bankruptcy uses a court approved plan to determine which creditors are paid what and how much the debtor must pay to the trustee each month

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chapter 13 liquidation test best interest of the

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topic description the best interest of creditors test of 1325 a 4 also informally known as the liquidation test requires that unsecured creditors in a chapter 13 case be paid at least as much through confirmation of a proposed chapter 13 plan as they would receive if the debtor s case were liquidated under chapter 7 of the

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