

www.scholar.google.com

Cases are found under legal documents. Clicking on down arrow will lead to advance search box but it defaults to articles, not documents. Can achieve same results by using quotation marks "" for phrase searching.

Firefox | Google Scholar | "Chapter 20" strip lien - Google Scholar

scholar.google.com/scholar?hl=en&q="Chapter+20"+strip+lien&btnG=bas_sdt=2%2C14

how to print screen from second monitor

+You Search Images Maps Play YouTube News Gmail More - Sign in

Google "Chapter 20" strip lien

Scholar About 106 results (0.03 sec) My Citations

Articles

Legal documents

Federal courts

Illinois courts

Select courts

Any time

Since 2012

Since 2011

Since 2008

Custom range...

Sort by relevance

Sort by date

☒ Include citations

☒ Create alert

[Dewsnup v. Timm](#)
502 US 410, 112 S. Ct. 773, 116 L. Ed. 2d 903 - Supreme Court, 1992 - Google Scholar
... case with an issue concerning § 506(d) of the Bankruptcy Code, 11 USC § 506(d). [1] May 412 a debtor "strip down" a creditor's **lien** on real property to the value of the collateral, as judicially determined, when that value is less than the amount of the claim secured by the **lien**? I. ...
[Cited by 1668](#) - [How cited](#) - [Related articles](#) - [All 2 versions](#)

[Harmon v. US Through Farmers Home Admin.](#)
101 F. 3d 574 - Court of Appeals, 8th Circuit, 1996 - Google Scholar
... See Dewsnup, 502 US at 417, 112 S.Ct. at 778. The **lien** in Dewsnup remained on the property not because § 506(d) mandated that result, but because neither § 506(d) nor any other provision of the Code applicable in Chapter 7 gave the debtor the power to **strip** down the **lien**. ...
[Cited by 112](#) - [How cited](#) - [Related articles](#) - [All 2 versions](#)

[In re Jarvis](#)
390 BR 600 - Bankr. Court, CD Illinois, 2008 - Google Scholar
... NDIII 1997). In King, the requirements for the **strip** off of a totally unsecured **lien** were outlined. ... In addition to identifying the creditor and its claim specifically, the plan must provide "explanatory detail" to advise the creditor of the basis for the **lien** strip off. Id. at 649. ...
[Cited by 48](#) - [How cited](#) - [Related articles](#)

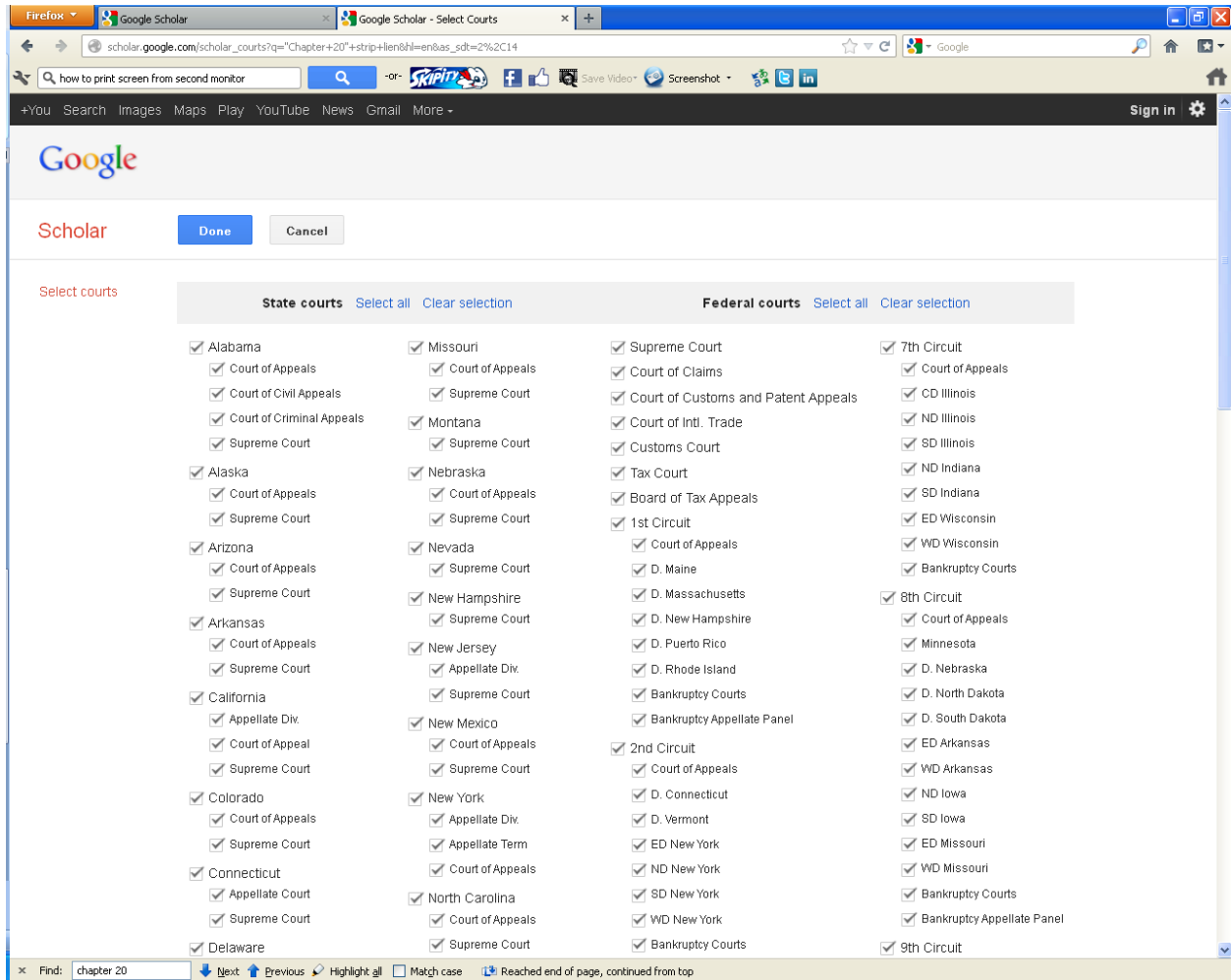
[In re Fenn](#)
428 BR 494 - Bankr. Court, ND Illinois, 2010 - Google Scholar
... In Nobelman where the **strip** down of a mortgage **lien** was not allowed because the **lien** enjoyed some collateral value, Justice Stevens noted "[a]t first blush it seems somewhat strange that the Bankruptcy Code should provide less protection to an individual's interest in ...
[Cited by 32](#) - [How cited](#) - [Related articles](#)

[In re Hill](#)
440 BR 176 - Bankr. Court, SD California, 2010 - Google Scholar
... In their **Chapter 20** case, the Debtors seek to confirm their Chapter 13 plan and **strip** [1] the junior **lien** of CIT/Vericrest Financial, Inc. ... 11 USC § 1328(f). [2]. The Debtors' **Chapter 20 lien strip** motion raises a number of issues that have been debated in the courts: ...
[Cited by 31](#) - [How cited](#) - [Related articles](#) - [All 2 versions](#)

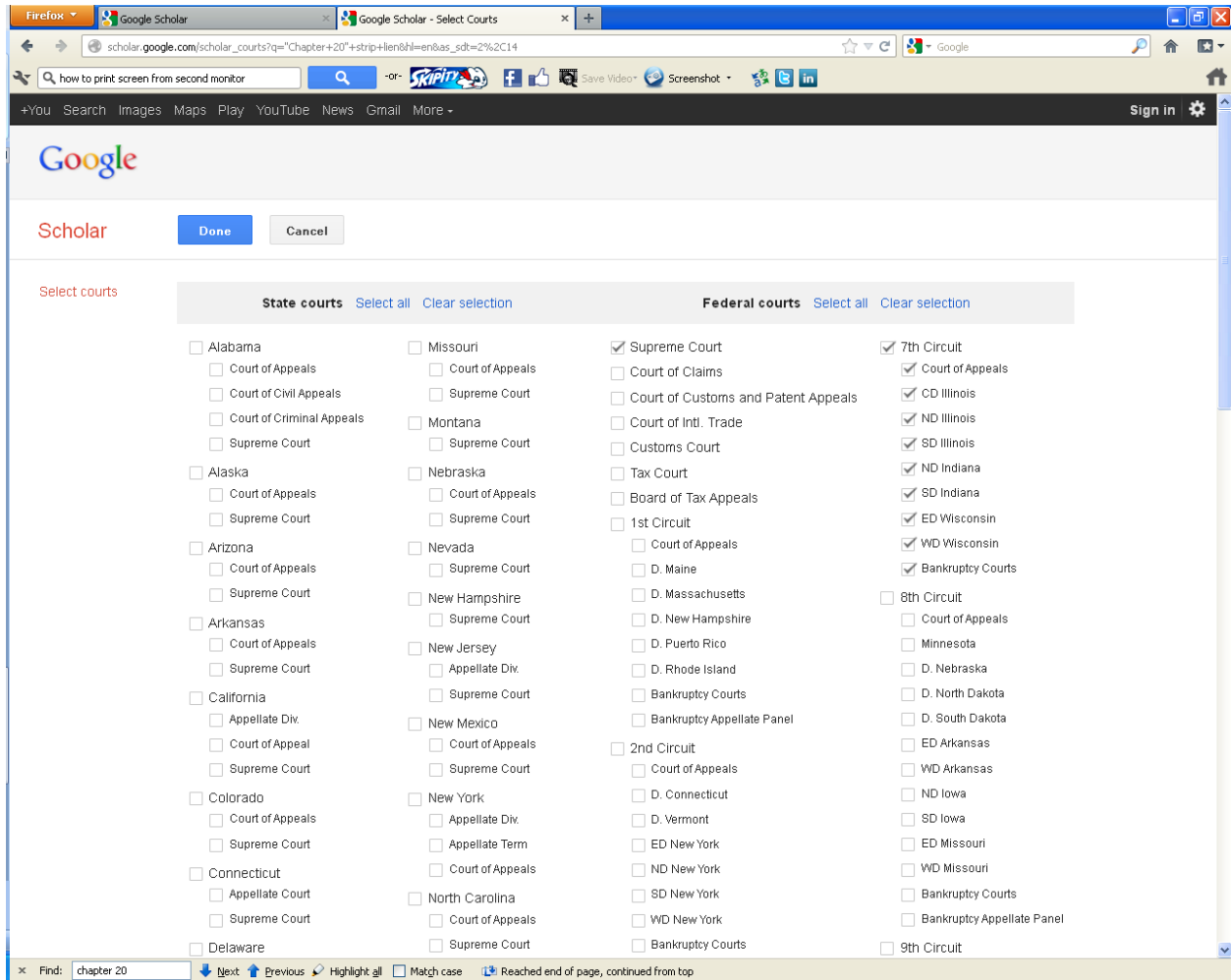
[In re Tran](#)
431 BR 230 - Bankr. Court, ND California, 2010 - Google Scholar
... The Winitzky court also reasoned that "[i]f a court could **strip** a **lien**, with res judicata effect, without issuing a discharge, it would create a special 'lien discharge' where a debtor would still be liable

Find: Next Previous Highlight all Match case

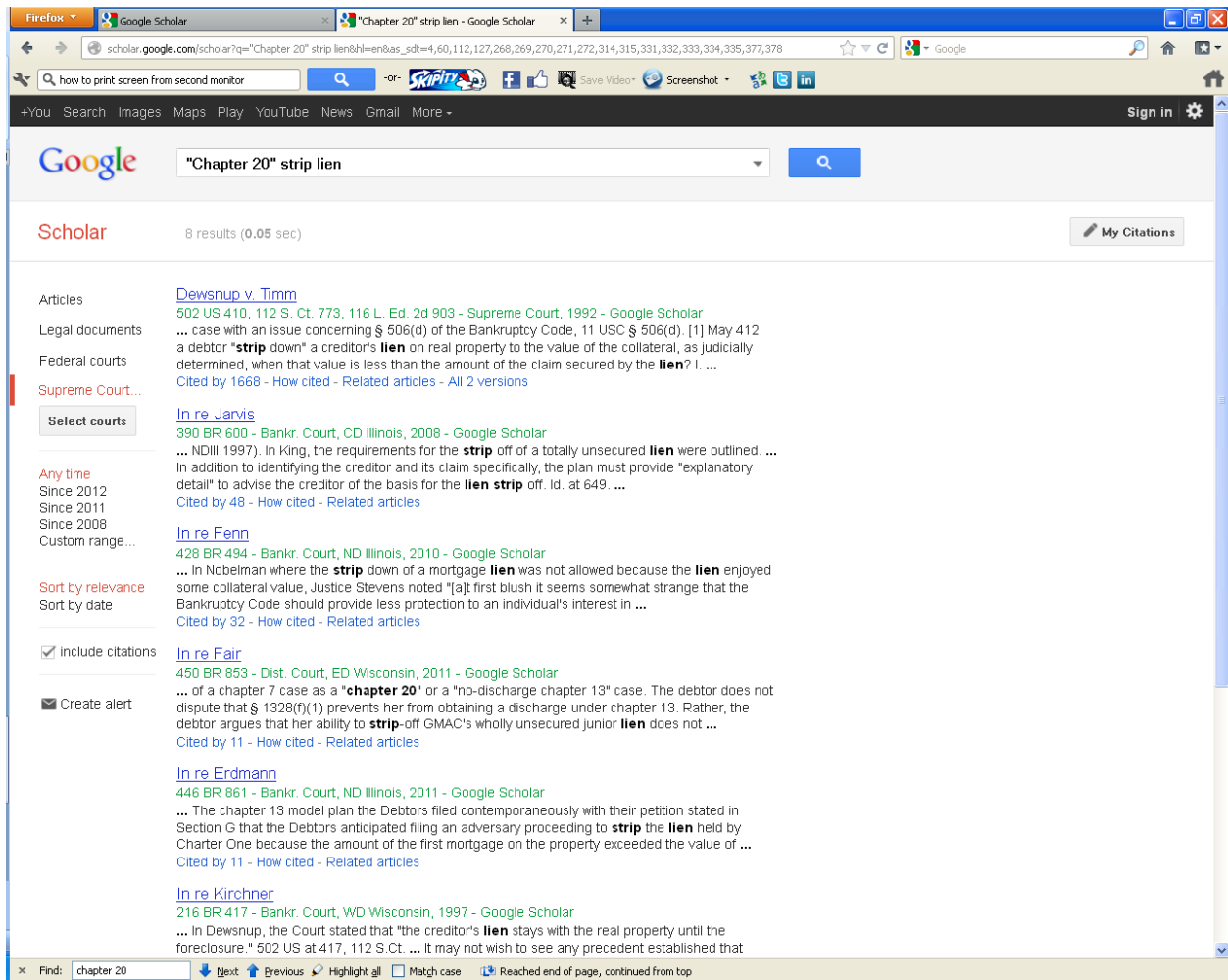
First results page. Notice returns 106 results. Automatically searches all cases. Click on "select courts" box to narrow to specific jurisdictions. Note you do not have the option to limit it to types of practices, just courts and dates.



When clicked on select courts box, this appears. Since we are interested in mandatory authority, clear all courts on both sides (clear selection). Click on Supreme Court and 7th Circuit. See screen below.



Note: When clicking on the 7th Circuit, it will automatically include all the courts below it.



Results of Supreme Court and 7th Circuit searching. Down from 106 to 8 cases.

Note: *Dewsnup v. Timm* does not apply—does not include the phrase “Chapter 20” but the algorithm still brought up. No mandatory authority. Picked *In re Fair* since it came from WI ED and would be highly persuasive authority.

Firefox Google Scholar In re Fair, 450 BR 853 - Dist. Court, ED Wisconsin 2011

scholar.google.com/scholar_case?case=167318435573806175728q="Chapter+20"+strip+lien&hl=en&as_sdt=4,60,112,127,268,269,270,271,272,314,315,; Google

how to print screen from second monitor

In re Fair, 450 BR 853 - Dist. Court, ED Wisconsin 2011

Read How cited Search Highlighting "Chapter 20" strip lien

450 B.R. 853 (2011)

In re Sandra Lee FAIR, Debtor-Appellant.

[No. 10-C-1128.](#)

United States District Court, E.D. Wisconsin.

April 19, 2011.

854 *854 Jared M. Nusbaum, Rolie R. Hanson, Law Office of Rolie R. Hanson SC, West Alhs, WI, for Debtor-Appellant.

DECISION AND ORDER

RUDOLPH T. RANDA, District Judge.

The issue in this bankruptcy appeal arises from a familiar scenario after the recent collapse of the housing market: whether a chapter 13 debtor can "strip-off" a wholly unsecured secondary or junior lien on the debtor's principal residence when the debtor is ineligible for discharge because of a prior chapter 7 discharge pursuant to 11 U.S.C. § 1328(f)(1) (no chapter 13 discharge if the debtor obtained a chapter 7 discharge within the past 4 years). The bankruptcy court (Hon. Pamela Pepper) said no,

855 dismissing the *855 debtor's adversary proceeding against GMAC Mortgage, LLC, the secondary mortgage holder.

Judge Pepper's decision is part of a mounting split of authority among bankruptcy courts across the country. [In re Jarvis](#), 390 B.R. 600 (Bankr.C.D.Ill.2008) (no strip-off pursuant to § 1328(f)); [In re Fenn](#), 428 B.R. 494 (Bankr.N.D.Ill.2010) (same); [In re Gerardin](#), 447 B.R. 342 (Bankr.S.D.Fla.2011) (same); ^[1] [In re Tran](#), 431 B.R. 230 (Bankr.N.D.Cal. 2010) (§ 1328(f) does not preclude strip-off); [In re Hill](#), 440 B.R. 176 (Bankr.S.D.Cal.2010) (same); [In re Casey](#), 428 B.R. 519 (Bankr.S.D.Cal.2010) (same). ^[2] For the reasons that follow, the Court agrees with the latter group of

Find: chapter 20 Next Previous Highlight all Match case Reached end of page, continued from top

Note the "how cited" feature.

Firefox | Google Scholar | In re Fair, 450 BR 853 - Dist. Court, ED Wisconsin 2011

scholar.google.com/scholar_case?about=167318435573806175728q="Chapter+20"+strip+lien&hl=en&as_sdt=4,60,112,127,268,269,270,271,272,314,315

how to print screen from second monitor

In re Fair, 450 BR 853 - Dist. Court, ED Wisconsin 2011

Read How cited Search

How this document has been cited

“ The courts utilizing the third approach allow **chapter 20 lien** stripping because nothing in the Bankruptcy Code prevents it ”
- in [In re Jennings, 2011](#) and 4 similar citations

“ A growing number of courts have taken the opposite position, finding that the **lien** is removed upon completion of the plan payments in the Chapter 13 case, regardless of whether the debtor is entitled to a discharge. ”
- in [In re Orkows, 2011](#) and 2 similar citations

“ —finding” Congress did not intend to prevent **lien** stripping through [Section] 1328 (f)(1), and it is inaccurate to characterize **lien** stripping as a de facto discharge under the bankruptcy code ”
- in [In re Okosisi, 2011](#)

“ There is an accruing split of authority among courts across the country regarding the permissibility of **chapter 20 lien** stripping ”
- in [In re Jennings, 2011](#)

“ This court agrees that “[a] creditor who [does] not hold a secured claim pursuant to [Section] 506 (a) does not have the “right to other benefits of “secured status in the bankruptcy proceeding.”Id ”
- in [In re Okosisi, 2011](#)

“ But that section in no way limits any other rights available to the debtor under the Bankruptcy Code, such as the right to **strip** off unsecured junior liens under § 506 (a) and § 1322 ”
- in [IN RE SCANTLING, 2012](#)

Cited by

[In re Lepe](#)
470 BR 851 - Bankr. Appellate Panel, 9th Circuit 2012

[IN RE WATERMAN](#)
469 BR 334 - Dist. Court, D. Colorado 2012

[SOUTH BEACH MORTGAGE & INVESTMENT, CORP. v. Avila](#)
Dist. Court, SD Florida 2012

[IN RE SCANTLING](#)
Bankr. Court, MD Florida 2012

[In re Jennings](#)
454 BR 252 - Bankr. Court, ND Georgia 2011

[all 11 citing documents »](#)

Related documents

[In re Jennings](#)
454 BR 252 - Bankr. Court, ND Georgia 2011

[In re Erdmann](#)
446 BR 861 - Bankr. Court, ND Illinois 2011

[In re Okosisi](#)
451 BR 90 - Bankr. Court, D. Nevada 2011

[In re Davis](#)
447 BR 738 - Bankr. Court, D. Maryland 2011

[In re Lindskog](#)
451 BR 863 - Bankr. Court, ED Wisconsin 2011

[all related documents »](#)

About Google Scholar All About Google Privacy & Terms Give us feedback

Find: chapter 20 Next Previous Highlight all Match case Reached end of page, continued from top

This is the “how cited” screen for *In re Fair*. Related documents can be other cases that may not directly cite your case or briefs.

Firefox | Google Scholar | Plessy v. Ferguson, 163 US 537 - Supreme Court 1896

scholar.google.com/scholar_case?about=160387515155552157178q=plessy+v.+ferguson&hl=en&as_sdt=4,60,112,127,268,269,270,271,272,314,315,331

how to print screen from second monitor

Plessy v. Ferguson, 163 US 537 - Supreme Court 1896

Read How cited Search

How this document has been cited

“He reasoned that badges of slavery encompassed all practices that continued to label blacks as inferior because of their race.”
- in [Williams v. City of New Orleans, 1984](#) and 64 similar citations

“The State has sought to fulfill that obligation by furnishing equal facilities in separate schools, a method the validity of which has been sustained by our decisions.”
- in [Missouri ex rel. Gaines v. Canada, 1938](#) and 89 similar citations

“Thus, detrimental racial classifications by government always violate the Constitution, for the simple reason that, so far as the Constitution is concerned, people of different races are always similarly situated.”
- in [Michael M. v. Superior Court, Sonoma Cty., 1981](#) and 64 similar citations

“—in relation to a Louisiana statute which required railway companies to” provide equal but separate accommodations for the white, and colored races, by providing two or more passenger coaches for each passenger train, or by dividing the passenger coaches by a partition so as to secure separate accommodations.”
- in [Banks v. HOUSING AUTHORITY OF CITY AND CTY. OF SF, 1953](#) and 66 similar citations

“—in 1896 the Supreme Court expressly declared that under the Fourteenth Amendment no person was denied any of his rights if the States provided separate but equal public facilities.”
- in [The Supreme Court: politicians in robes](#) and 101 similar citations

“Although speaking only for himself at the time, Justice Harlan vigorously dissented: “Our Constitution is color-blind, and neither knows nor tolerates classes among citizens.”
- in [Hi-Voltage Wire Works, Inc. v. City of San Jose, 2000](#) and 66 similar citations

“We consider the underlying fallacy of the plaintiff’s argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it.”
- in [University of California Regents v. Bakke, 1978](#) and 432 similar citations

“—case stated that every exercise of the police power must be reasonable and extend only to such laws as are enacted in good faith for the promotion of the public good and not for the annoyance or oppression of a particular class.”
- in [Segregation in public education: The decline of Plessy v. Ferguson](#) and 88 similar citations

“Money is short in all school districts, but allocating school funds to the detriment of minority schools is unconstitutional.”
- in [Price v. Austin Independent School Dist., 1991](#) and 32 similar citations

Cited by

[Ayers v. Allain](#)
893 F. 2d 732 - Court of Appeals, 5th Circuit 1990

[GRANITE VALLEY v. Jackpot Junction](#)
559 NW 2d 135 - Minn: Court of Appeals 1997

[Cohen v. Little Six, Inc.](#)
543 NW 2d 376 - Minn: Court of Appeals 1996

[Parents Involved in Community Schools v. Seattle School Dist. No. 1](#)
Supreme Court 2007

[State ex rel. Hawkins v. Board of Control](#)
83 So. 2d 20 - Fla: Supreme Court 1955

[all 15,512 citing documents »](#)

Related documents

[Brown v. Board of Education](#)
347 US 483 - Supreme Court 1954

[Dred Scott v. Sandford](#)
60 US 393 - Supreme Court 1857

[University of California Regents v. Bakke](#)
438 US 265 - Supreme Court 1978

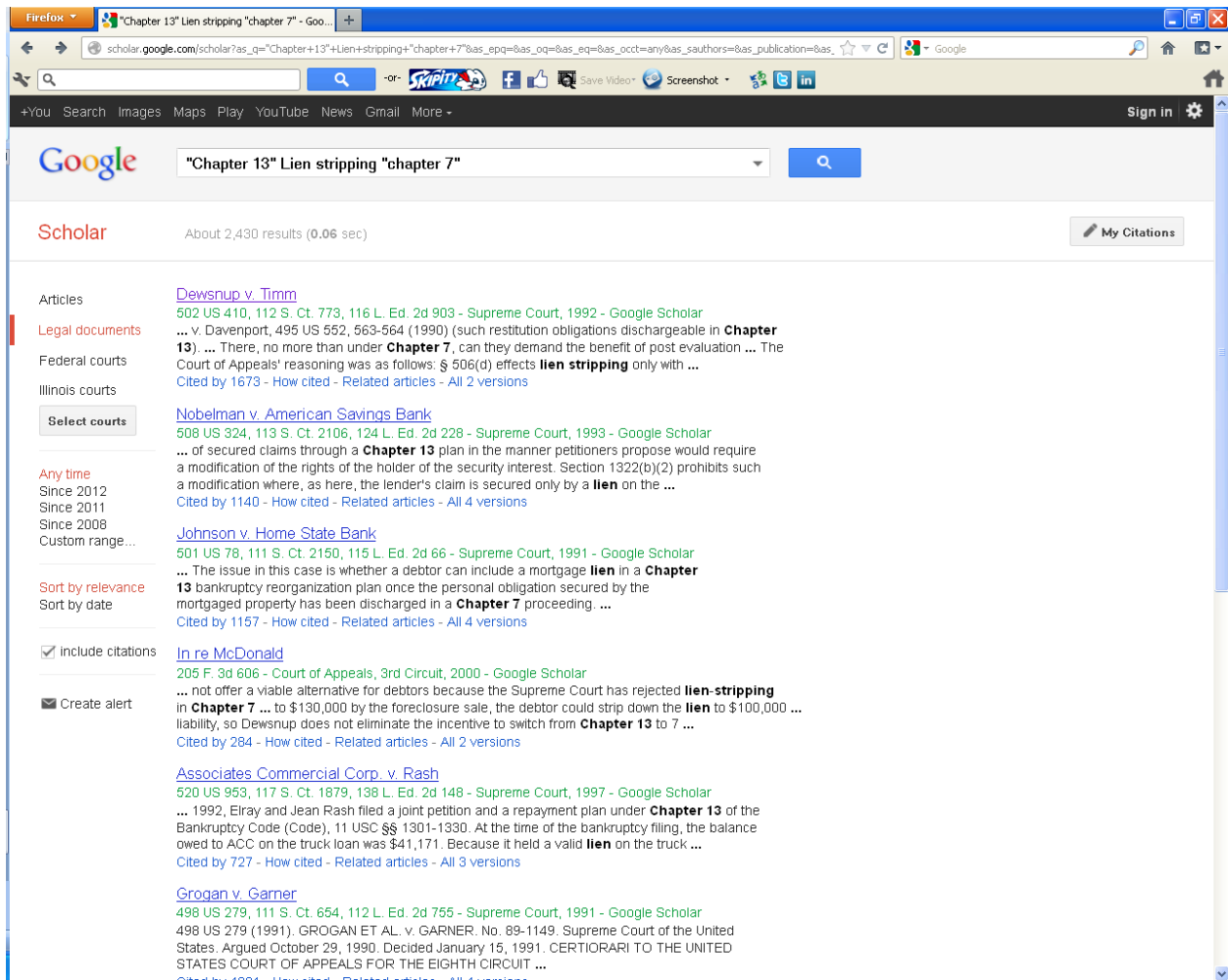
[Roe v. Wade](#)
410 US 113 - Supreme Court 1973

[Civil Rights Cases](#)
109 US 3 - Supreme Court 1883

[all related documents »](#)

Find: chapter 20 | Next | Previous | Highlight all | Match case | Reached end of page, continued from top

Okay, *Plessy v. Ferguson* isn’t a bankruptcy case. Note, there is nothing in the “how cited” feature that will indicate that it has been overruled. *Brown v. Board of Education* is listed as a related document. The “how cited” feature may help you find other case law but cannot be used in place of Keycite or Shepards.



Notice how changing the search query changes the results. Without the Chapter 20 language, now have 2,430, instead of 160 results. Limiting the results to Supreme Court and 7th Circuit results in 199 results instead of 8

General notes about Google Scholar (direct from one of the Google Scholar engineers)

There are only six engineers working on this project. Heavily driven by the algorithm--no human intervention.

They are seeking the lowest common denominator for searching so that someone who is not trained in the law will find something. Recommend "advance" search for attorneys.

They deal only in "static" materials so they will not be adding rules, statutes or things that change. That is why they don't follow case history, just how cited.

Have all federal cases. State cases go back to 1923. Probably will not go back further than that.

Not designed to work with natural language—don't use a sentence as a query—"Can someone who files a chapter 20 in bankruptcy strip a lien off a mortgage?"

