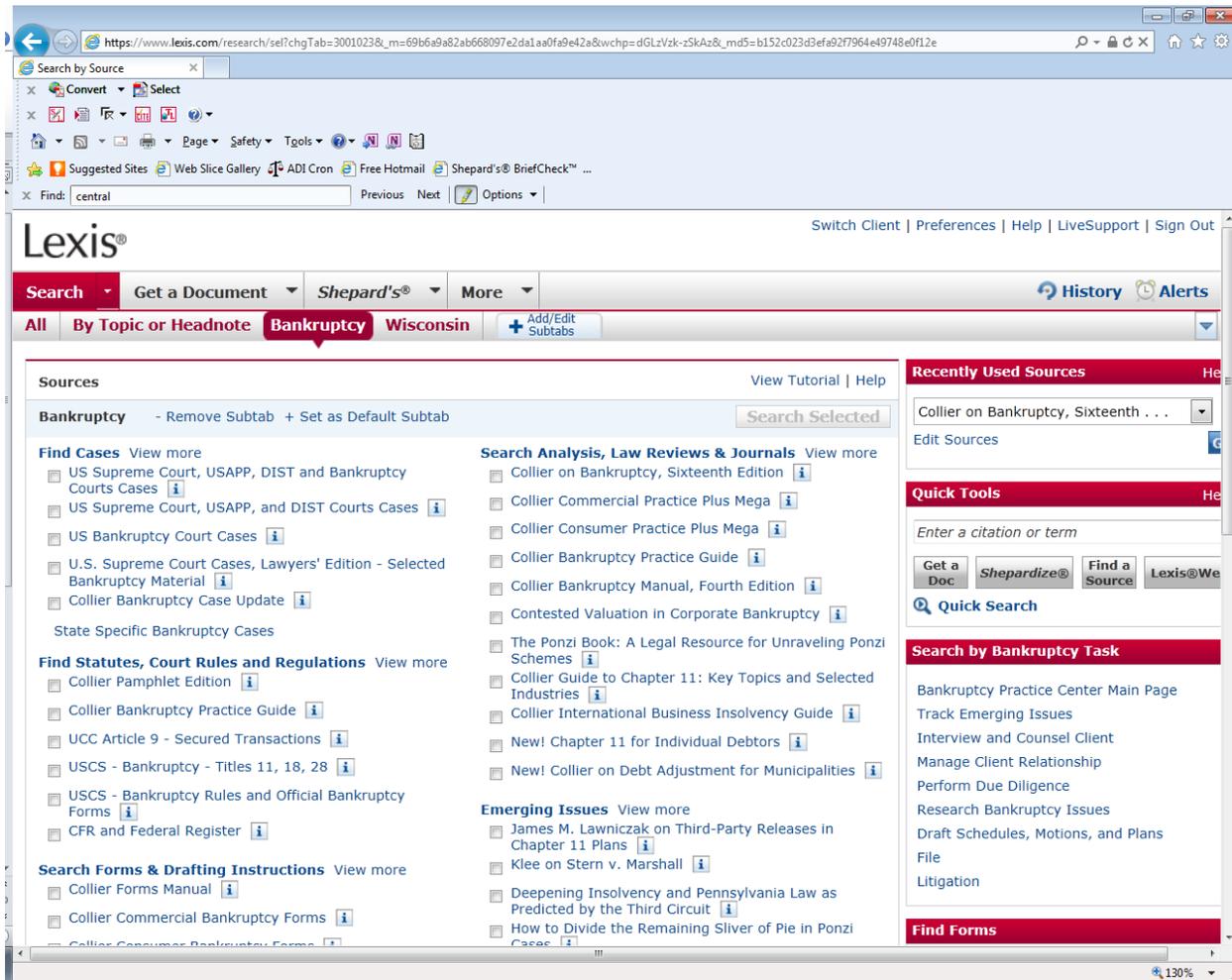


# Lexis Search

Issue: whether mandatory authority speaks to the issue of whether a debtor who does not qualify for a Chapter 13 discharge, having received a Chapter 7 discharge within four years of the Chapter 13 petition (i.e. a “Chapter 20” debtor), is entitled to strip the lien of an undersecured mortgage creditor.

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Note the Bankruptcy Tab that can be added to your main page. To do so, click on Add/Edit Subtabs link on main bar and customize to your preference.



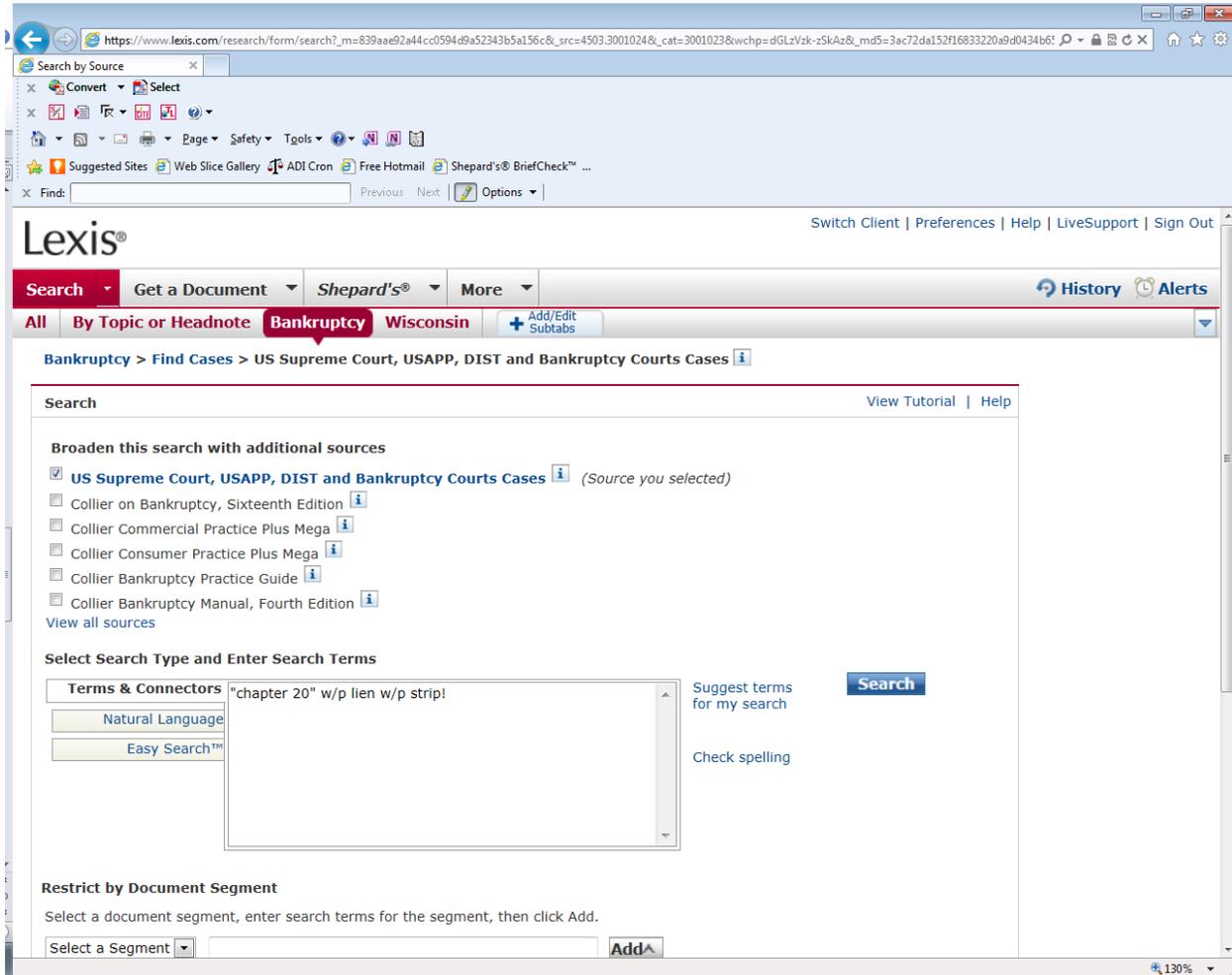
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Began search under the US Supreme Court, USAPP, DIST, and Bankruptcy Court Cases. Note option to include Collier in search.



This resulted in 36 hits. I then wanted to see if there were any U.S. Supreme Court, 7th Circuit cases, or Eastern District cases on this issue. I looked for a narrow-by-court function similar to the one on Westlaw, and did not find one. So, I live chatted with my friendly Lexis rep.

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Eastern District or VII bankruptcy court cases that came up in the search. what's the best way to do that?  
**System:** Connection established.  
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**System:** Welcome to Lexis.com. Chat is not encrypted, sensitive information could be intercepted in transit, do not enter passwords, proprietary information, or anything else sensitive.  
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CatharineK advised me that the best way to restrict the results is to run the following FOCUS search: court(supreme or seventh circuit or wis!)

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Source: **Bankruptcy > Find Cases > US Supreme Court, USAPP, DIST and Bankruptcy Courts Cases**

Terms: **"chapter 20" w/p lien w/p strip!** (Suggest Terms for My Search)

Select for FOCUS™ or Delivery

1. **Zeman v. Waterman (In re Waterman)**, Civil Action No. 11-cv-00929-CMA, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO, 469 B.R. 334; 2012 U.S. Dist. LEXIS 33854, March 13, 2012, Decided, March 13, 2012, Filed

**OVERVIEW:** Court affirmed the bankruptcy court's order confirming the debtor's amended Chapter 13 plan because a Chapter 20 debtor could strip off a wholly unsecured lien against his primary residence when the debtor was ineligible for discharge under 11 U.S.C.S. § 1328(f)(1) by virtue of a prior Chapter 7 bankruptcy discharge.

**CORE TERMS:** stripping, strip, junior lien, principal residence, holder, secured claims, ineligible, personal liability, unsecured claims, good faith ...

... a discharge of personal liability on his debts, i.e., a **Chapter 20** debtor,<sup>5</sup> can **strip** off a wholly unsecured second **lien** on his home. Because the issue presented is a legal ...

... this chapter." Although § 1328(f)(1) expressly makes a **Chapter 20** debtor ineligible for discharge, courts disagree as to whether it also precludes a **Chapter 20** debtor from **stripping** off wholly unsecured **liens** from his primary residence. See *Jennings*, 454 B.R. at 256 n.7 ...

... listing cases splitting on the issue of whether to allow **Chapter 20** debtors to **strip** off wholly unsecured **liens**). Some bankruptcy courts hold that a **Chapter 20** debtor's ineligibility for discharge bars him from **stripping** off wholly unsecured **liens**. See, e.g., *In re Gerardin*, 447 B.R. 342, 347-48 (Bankr. S.D. Fla. 2011) ...

... *In re Mendoza*, No. 09-22395, 2010 Bankr. LEXIS 664, 2010 WL 736834, at \*4 (Bankr. D. Colo. Jan. 21, 2010) (unpublished). Other courts have held that a **Chapter 20** debtor may **strip** off a wholly unsecured **lien** from his principal residence, despite being ineligible for discharge by ...

... emphasize that nothing in the Bankruptcy Code expressly requires a **Chapter 20** debtor to be eligible for discharge in order to **strip** off a creditor's wholly unsecured **lien**. See, e.g., *In re Gloster*, 459 B.R. 200, 205 (Bankr. D.N.J. 2011) ...

Outline Page Select a Reporter Doc 1 of 36 Term 60 of 60 130%

This resulted in one hit –

<https://www.lexis.com/research/retrieve?m=19f65293bb4aa7562b393e73e5050a99&csvc=fo&cform=searchForm&fmtstr=FULL&docnum=1&startdoc=1&wchp=dGLzVzk-zSkAz&mds=>

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 1 of 1  
 In re Fair, 450 B.R. 853 (Copy w/ Cite) Pages: 10

**Case File**  
 Prior and Subsequent Proceedings  
 Appellate History (1)  
 Dockets (1)

**Issue Analysis**  
 ALR® (2)  
 Modification, in chapter 13 proceeding, of unsecured portion of creditor's claim secured by debtor's principal residence under 11 U.S.C.A. § 506(a), 1322(b)(2) (104 A.L.R. Fed. 699) Special

Source: **Bankruptcy > Find Cases > US Supreme Court, USAPP, DIST and Bankruptcy Courts Cases**  
 Terms: "chapter 20" w/p lien w/p strip! (Suggest Terms for My Search)  
 Focus: court(supreme or seventh circuit or wis!) (Feedback on Your Search | Exit FOCUS™)

450 B.R. 853, \*; 2011 U.S. Dist. LEXIS 43025, \*\*  
 In re SANDRA LEE FAIR, Debtor-Appellant.  
 Case No. 10-C-1128  
 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF WISCONSIN  
 450 B.R. 853; 2011 U.S. Dist. LEXIS 43025  
 April 19, 2011, Decided

**CASE SUMMARY**  
**OVERVIEW:** Appellant Chapter 13 debtor was permitted to strip-off a wholly unsecured secondary or junior lien on a principal residence, even though she was ineligible for discharge because of a prior Chapter 7 discharge, pursuant to 11 U.S.C.S. § 1328(f)(1). There was nothing that tied the modification of an unsecured lien to obtaining a discharge under Chapter 13.

Related Content Outline Page Select a Reporter Doc 1 of 1 Term 1 of 1 130%

I then used the Shepard's function, which listed the case as being "criticized" one time, "distinguished" one time, and "followed" six times.

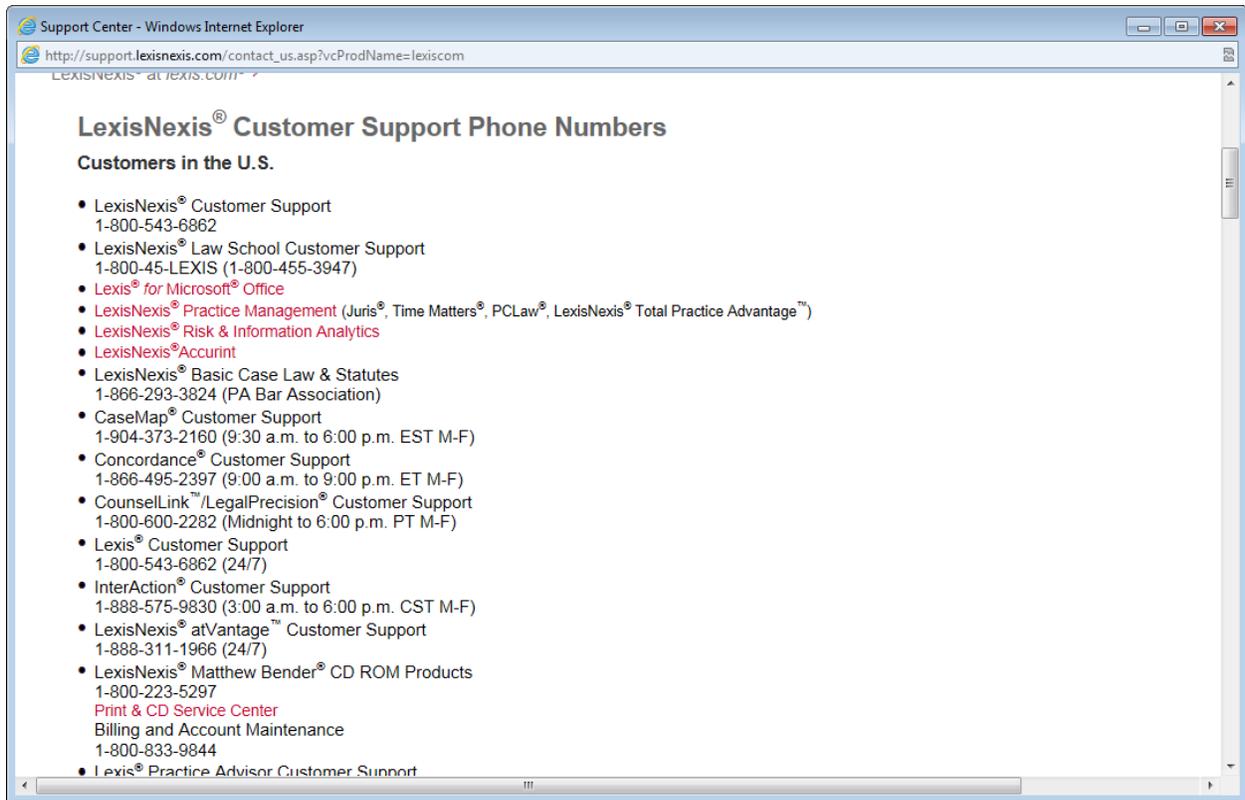
The screenshot shows the LexisNexis website interface. At the top, there is a search bar with the text "Shepardize@:" and a "Go" button. Below the search bar, there are navigation options: "View: KWIC | Full" and "Display Options". A status bar indicates "1 - 22 of 22 Total Cites" and "Save As Shepard's Alert® | Unrestricted | All Neg | All Pos | FOCUS™ - Restrict By". The main content area displays the case name "In re Fair, 450 B.R. 853 (TOA)" and a signal: "Signal: ⚠ Caution: Possible negative treatment" and "Trail: Unrestricted". Below this is the "SHEPARD'S SUMMARY" section, which includes an "Unrestricted Shepard's Summary" box. This box contains the following information: "No subsequent appellate history.", "Citing References:", "Cautionary Analyses: Criticized (1), Distinguished (1)", "Positive Analyses: Followed (6)", "Other Sources: Law Reviews (1), Statutes (4), Treatises (2), Court Documents (1)", "LexisNexis Headnotes: HN3 (4), HN4 (3), HN5 (5), HN6 (2), HN7 (6), HN8 (2), HN9 (4)", and "Show full text of headnotes". Below the summary is the "PRIOR HISTORY ( 0 citing references ) Hide Prior History" section, which lists "( CITATION YOU ENTERED ): In re Fair, 450 B.R. 853, 2011 U.S. Dist. LEXIS 43025 (E.D. Wis. 2011)". At the bottom of the page, there is a "Trail | Summary | Legend" section and a "Cites Total (22)" section with a "Go of 22" button and a "125%" zoom level.

Use "History" to access your search history.

The screenshot shows a web browser window displaying the Lexis search history page. The browser's address bar shows a URL from [https://w3.lexis.com/research2/history.do?\\_m=ecc4a35f964b30dfc664cabeccd908049&wchp=dGLzVzV-zSkAb8\\_md5=0c280a622650df3f3a73b50e09d05dea](https://w3.lexis.com/research2/history.do?_m=ecc4a35f964b30dfc664cabeccd908049&wchp=dGLzVzV-zSkAb8_md5=0c280a622650df3f3a73b50e09d05dea). The Lexis logo is visible at the top left, and navigation links like 'Switch Client', 'Preferences', 'Live Support', 'Help', and 'Sign Out' are at the top right. Below the navigation bar, there are tabs for 'Search', 'Get a Document', 'Shepard's®', and 'More'. A 'History' icon is highlighted in the top right corner. The main content area is titled 'History' and includes a 'View Printable History' link. There are three tabs: 'Unopened Results', 'Recent Results', and 'Archived Activity'. A pagination control shows '1-11 of 11'. Below this is a table with the following data:

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wis stat 815.18	1	Get a document by citation		09/04/2012 16:25:53	Re-Run/Edit
Shepard's report for 450 B.R. 853, In re Fair	1	Shepard's report by link from: 450 B.R. 853, In re Fair		09/04/2012 16:22:02	Re-Run/Edit
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"chapter 20" w/p lien w/p strip!	36	US Supreme Court, USAPP, DIST and Bankruptcy Courts Cases		09/04/2012 16:21:27	Re-Run/Edit
wis stat 75.36	1	Get a document by citation		09/04/2012 16:17:24	Re-Run/Edit
FOCUS™: 11 w/s 105	1	US Bankruptcy Court Cases		09/04/2012 12:51:06	Re-Run/Edit
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name(neill) and date(geq (1/1/11) and leq (1/31/11))	0	Get a document by party name		09/04/2012 12:50:41	Re-Run/Edit
2012 Bankr. LEXIS 2899, In re Garduno	1	Get a document link from: 2012 Bankr. LEXIS 3331, In re Merino		09/04/2012 11:48:22	Re-Run/Edit
"3002.1"	26	US Bankruptcy Court Cases		09/04/2012 11:42:53	Re-Run/Edit

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The screenshot shows a Windows Internet Explorer browser window with the address bar displaying [http://support.lexisnexis.com/contact\\_us.asp?vcProdName=lexiscom](http://support.lexisnexis.com/contact_us.asp?vcProdName=lexiscom). The page title is "Support Center - Windows Internet Explorer". The main content of the page is titled "LexisNexis® Customer Support Phone Numbers" and is specifically for "Customers in the U.S.". It lists various support services with their respective phone numbers and operating hours.

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