

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.

The screenshot displays the Lexis website interface within a web browser. The address bar shows a URL from www.lexis.com. The main navigation bar includes links for Search, Get a Document, Shepard's®, and More. Below this, a subtab bar is visible with tabs for All, By Topic or Headnote, Bankruptcy (which is highlighted), Wisconsin, and an Add/Edit Subtabs link. The Bankruptcy subtab is active, showing a list of sources under the heading 'Bankruptcy'. The sources are organized into several categories: Find Cases, Find Statutes, Court Rules and Regulations, Search Forms & Drafting Instructions, Search Analysis, Law Reviews & Journals, and Emerging Issues. Each category contains a list of relevant legal resources, such as US Supreme Court cases, Collier's Bankruptcy Practice Guide, and various bankruptcy forms. On the right side of the interface, there are several utility panels: 'Recently Used Sources' with a dropdown menu, 'Quick Tools' with buttons for 'Get a Doc', 'Shepardize®', 'Find a Source', and 'Lexis® We', and 'Search by Bankruptcy Task' with a list of tasks like 'Bankruptcy Practice Center Main Page', 'Track Emerging Issues', 'Interview and Counsel Client', 'Manage Client Relationship', 'Perform Due Diligence', 'Research Bankruptcy Issues', 'Draft Schedules, Motions, and Plans', 'File', and 'Litigation'. At the bottom right, there is a 'Find Forms' button. The browser's status bar at the bottom indicates a zoom level of 130%.

https://www.lexis.com/research/self?chgTab=3001023&_m=69b6a9a82ab668097e2da1aa0fa9e42a8wchp=dGLzVzk-zSkAz&_md5=b152c023d3efa92f7964e49748e0f12e

(2819 unread) - melissablair - ... Riverwalk Boat Tours & Rental... Search by Source

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State Specific Forms

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- Mega News, Bankruptcy Law [i](#)
- Mega News, Business Insolvency & Bankruptcy [i](#)
- Mega News, US, 2010 Wall Street & Banking Reform [i](#)
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- Martindale-Hubbell(R) Listings, All [i](#)
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Financial Regulatory Reform Subprime Lending Bankruptcy-Related Legislation and Rulemaking

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Deal Type
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Form
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Jurisdiction
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- OR -

Form #

Don't see the form you need?
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Pending Bankruptcy Legislation

- Bankruptcy Related Bills and Bill Tracking Current Congress
- Bankruptcy Legislation-Related News

Drafting Tools: Precedent Search

Related Bankruptcy Sites and Tools

Quick Case Law Search by Chapter, Code Section or Rule Number

Search for Recent Bankruptcy Cases: Collier Bankruptcy Case Update

Search All Collier Commercial Titles

Use checkboxes to select sources for searching across categories, pages, and tabs. **Search Selected**

*Category Id: 3001023

130%

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

The screenshot shows the Lexis search interface in a web browser. The address bar displays the URL: https://www.lexis.com/research/form/search?m=839aae92a44cc0594d9a52343b5a156c8&src=4503.30010248_cat=3001023&wchp=dGLzVzk-zSkAz8_md5=3ac72da152f16833220a9d0434b6f. The Lexis logo is at the top left, and navigation links like 'Switch Client', 'Preferences', 'Help', 'LiveSupport', and 'Sign Out' are at the top right. The main navigation bar includes 'Search', 'Get a Document', 'Shepard's', and 'More'. Below this, there are tabs for 'All', 'By Topic or Headnote', 'Bankruptcy', and 'Wisconsin'. The 'Bankruptcy' tab is selected, and the breadcrumb trail reads 'Bankruptcy > Find Cases > US Supreme Court, USAPP, DIST and Bankruptcy Courts Cases'. The search area is titled 'Search' and includes a link to 'View Tutorial | Help'. Under 'Broaden this search with additional sources', there is a list of sources with checkboxes. The first source, 'US Supreme Court, USAPP, DIST and Bankruptcy Courts Cases', is checked and marked as '(Source you selected)'. Other sources include 'Collier on Bankruptcy, Sixteenth Edition', 'Collier Commercial Practice Plus Mega', 'Collier Consumer Practice Plus Mega', 'Collier Bankruptcy Practice Guide', and 'Collier Bankruptcy Manual, Fourth Edition'. A link 'View all sources' is provided. Below this, the 'Select Search Type and Enter Search Terms' section shows 'Terms & Connectors' selected, with a text input field containing '"chapter 20" w/p lien w/p strip!'. There are buttons for 'Natural Language' and 'Easy Search™'. To the right of the input field are links for 'Suggest terms for my search' and 'Check spelling', and a 'Search' button. At the bottom, the 'Restrict by Document Segment' section has a dropdown menu labeled 'Select a Segment' and an 'Add' button.

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.

Live Research Help - Windows Internet Explorer
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Live Research Help
1-800-45-LEXIS (1-800-455-3947)

Eastern District or VVI bankruptcy court cases that came up in the search. what's the best way to do that?

System: Connection established.

System: Initiating Call, Please Wait.

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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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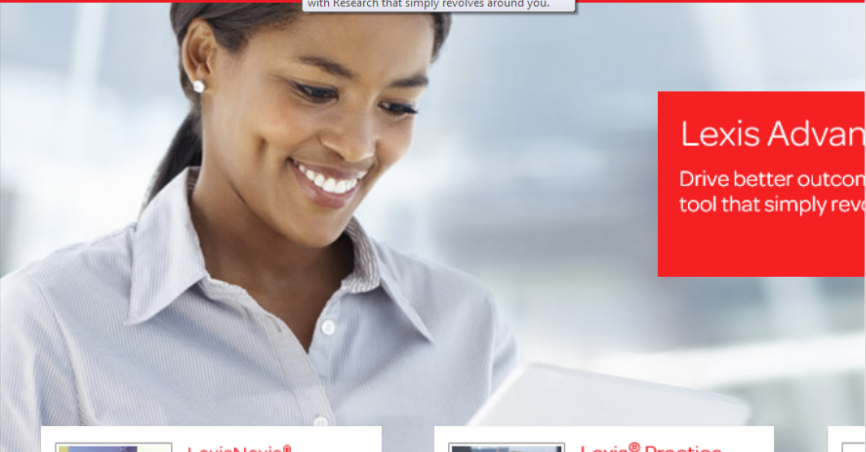
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CatharineK advised me that the best way to restrict the results is to run the following FOCUS search: court(supreme or seventh circuit or wis!)

Search - 36 Results - "chapt..."

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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,⁵ 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&form=searchForm&fmtstr=FULL&docnum=1&startdoc=1&wchp=dGLzVzk-zSkAz&mds=

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Case File

Prior and Subsequent Proceedings

Appellate History (1)

Dockets (1)

Issue Analysis

ALR® (2) Modification, in chapter 13 proceeding, of undersecured 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

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

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 a web browser window with the Lexis website. The address bar displays a URL from https://w3.lexis.com/research2/citators/retrieve/shep/full.do?shepState=0_1471391625&startCite=1&bgKey=ols_dev%2Fpsc1827%2F001-2628%7Bproxy%7Dpsc1827_TafeCitorator_prod_0028_. The browser has multiple tabs open, including 'Facebook' and 'Check a Citation - Shepard...'. The Lexis website header includes the Lexis logo and navigation links like 'Switch Client', 'Preferences', 'Live Support', 'Help', and 'Sign Out'. Below the header is a search bar with the text 'Shepardize@:' and a 'Go' button. To the right of the search bar are links for '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'. A red banner reads 'Shepard's® In re Fair, 450 B.R. 853 (TOA)'. Below this, a signal icon and text state 'Signal: ⚠ Caution: Possible negative treatment' and 'Trail: Unrestricted'. The main content area shows the case title 'In re Fair, 450 B.R. 853, 2011 U.S. Dist. LEXIS 43025 (E.D. Wis. 2011)' and a section titled 'SHEPARD'S SUMMARY' with a 'HIDE' button. Under 'Unrestricted Shepard's Summary', it states 'No subsequent appellate history.' and 'Citing References:'. A table lists 'Cautionary Analyses: Criticized (1), Distinguished (1)', 'Positive Analyses: Followed (6)', and 'Other Sources: Law Reviews (1), Statutes (4), Treatises (2), Court Documents (1)'. It also lists 'LexisNexis Headnotes: HN3 (4), HN4 (3), HN5 (5), HN6 (2), HN7 (6), HN8 (2), HN9 (4)' with a link to 'Show full text of headnotes'. A section titled 'PRIOR HISTORY (0 citing references) Hide Prior History' contains a link to '(CITATION YOU ENTERED): In re Fair, 450 B.R. 853, 2011 U.S. Dist. LEXIS 43025 (E.D. Wis. 2011)'. The bottom of the page shows a 'Trail | Summary | Legend' bar and a 'Cites' bar with 'Total (22)' and a '90 of 22' indicator.

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In re Fair, 450 B.R. 853, 2011 U.S. Dist. LEXIS 43025 (E.D. Wis. 2011)

SHEPARD'S SUMMARY HIDE

Unrestricted Shepard's Summary

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)
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▶ (CITATION YOU ENTERED):
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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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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
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