

Michigan Judicial Institute

United States Bankruptcy Court  
Western District of Michigan  
Presentation

presented by  
The Honorable  
Jeffrey R. Hughes  
&  
Clerk of the Bankruptcy Court,  
Daniel M. LaVille  
February, 2010

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U.S. Constitution

Article I

Section 8: The Congress shall have Power to . . .  
“establish . . . uniform Laws on the subject of  
Bankruptcies throughout the United States”

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Bankruptcy Court is a Federal Court  
State Court “receiverships” are not  
bankruptcy cases.

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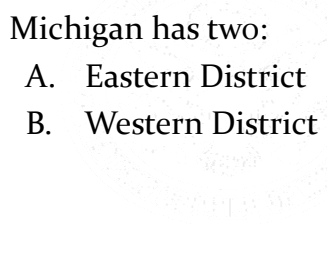
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## 93 Federal Districts in United States

Michigan has two:

- A. Eastern District
- B. Western District




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## Eastern District of Michigan

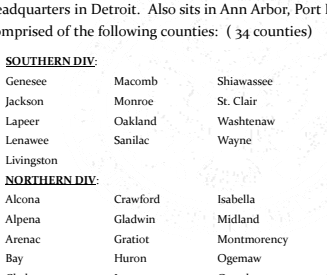
- Headquarters in Detroit. Also sits in Ann Arbor, Port Huron, Flint & Bay City
- Comprised of the following counties: ( 34 counties)

**SOUTHERN DIV:**

Genesee	Macomb	Shiawassee
Jackson	Monroe	St. Clair
Lapeer	Oakland	Washtenaw
Lenawee	Sanilac	Wayne
Livingston		

**NORTHERN DIV:**

Alcona	Crawford	Isabella	Otsego
Alpena	Gladwin	Midland	Presque Isle
Arenac	Gratiot	Montmorency	Roscommon
Bay	Huron	Ogemaw	Saginaw
Cheboygan	Iosco	Oscoda	Tuscola
Clare			




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## Bankruptcy Judges for the Eastern District of Michigan:

- Hon. Phillip J. Shefferly, Chief Judge (313) 234-0040
- Hon. Marci B. McIvor (313) 234-0010
- Hon. Steven W. Rhodes (313) 234-0020
- Hon. Thomas J. Tucker (313) 234-0030
- Hon. Walter Shapero (313) 234-2640
- Hon. Daniel S. Opperman (810) 235-3220

• Clerk of Court:  
Katherine B. Gullo (313) 234-0068




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## Western District of Michigan

- Headquarters in Grand Rapids
- Also sits in Kalamazoo, Lansing, Traverse City and Marquette
- West half of Lower Peninsula and all of Upper Peninsula

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## Bankruptcy Judges for the Western District of Michigan:

- Hon. James D. Gregg, Chief Judge (616) 456-2264
- Hon. Jeffrey R. Hughes (616) 456-2233
- Hon. Scott W. Dales (616) 456-2949
- Clerk of Court:  
Daniel M. LaVille (616) 732-2751

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## Counties in Western District of Michigan – Southern Division

- At Grand Rapids: (34 Counties)

Allegan	Grand Traverse	Mecosta
Antrim	Hillsdale	Missaukee
Barry	Ingham	Montcalm
Benzie	Ionia	Muskegon
Berrien	Kalamazoo	Newaygo
Branch	Kalkaska	Oceana
Calhoun	Kent	Osceola
Cass	Lake	Ottawa
Charlevoix	Leelanau	St. Joseph
Clinton	Manistee	Van Buren
Eaton	Mason	Wexford
Emmet		

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## Counties in Western District of Michigan – Northern Division

- At Marquette: (15 Counties)

Alger	Keweenaw
Baraga	Luce
Chippewa	Mackinac
Delta	Marquette
Dickinson	Menominee
Gogebic	Ontonagon
Houghton	Schoolcraft
Iron	

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## PACER SYSTEM

- Allows user to access electronic court records for a fee.
- Must be a registered user with a password.

<http://pacer.psc.uscourts.gov>

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The screenshot shows the PACER SYSTEM homepage. At the top, it says "PACER SYSTEM" and "Administrative Office of the U.S. Courts PACER Service Center". Below this is a navigation bar with links for Home, Register, Links, U.S. Courts Case Index, CM/ECF, Information, Statistics, Contact, and Help. The main content area features a "PACER Overview" section with a list of links: Register for PACER, Links to PACER Web Sites, U.S. Party-Case Index, Account Information, PACER Documents, Frequently Asked Questions, and PACER Announcements. To the right is a "Featured Links" section with a list of updates and notices, including "PACER User Survey Underway (12/18/2009)", "Notice for Fee Exempt PACER Customers", "General Motors Bankruptcy Filing", "Chrysler Bankruptcy Filing", "Appellate ECF Filer Registration (12/02/2009)", "CM/ECF Release Notes (12/09/2009)", "Digital Audio Recordings Pilot", "Credit Card Security Code Required in CM/ECF", "New Resurgence Address", and "EPA Fee Schedule Update". At the bottom, there is a "CM/ECF" logo and a link to "Click Here for CM/ECF Information". Contact information for the PACER Service Center is provided at the very bottom.

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**PACER SYSTEM**

- PACER can be found on court's web page  
"Other Online Services"

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**Filing a Proof of Claim:**

- Go to court's web page:  
[www.miwb.uscourts.gov](http://www.miwb.uscourts.gov)
- click "Court Forms and Rules"
- click "Official Forms"
- click "B-10 Proof of Claim"
- Complete and sign the Proof of Claim form

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**Send Completed Proof of Claim Form to:**

US Bankruptcy Court  
Western District of Michigan  
One Division Avenue, North, Suite 200  
Grand Rapids, MI 49503-3132

**OR**

US Bankruptcy Court  
Eastern District of Michigan  
211 West Fort Street  
Detroit, MI 48226

**INCLUDE CASE NAME AND NUMBER ON ALL CLAIMS!**

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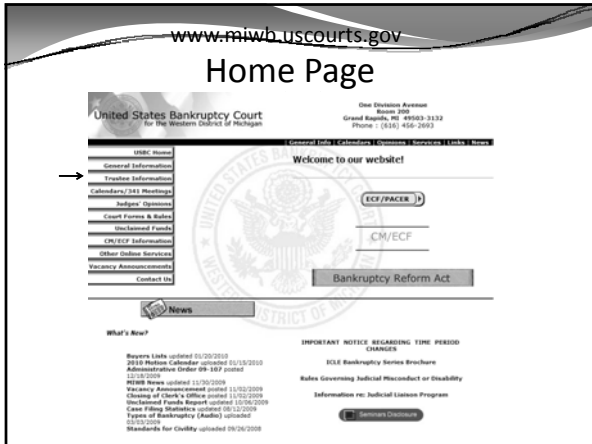
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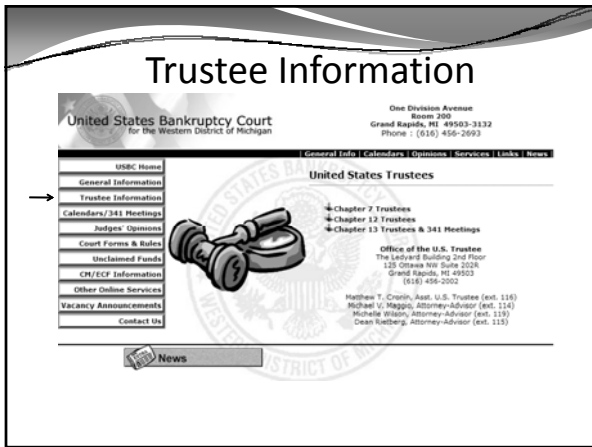
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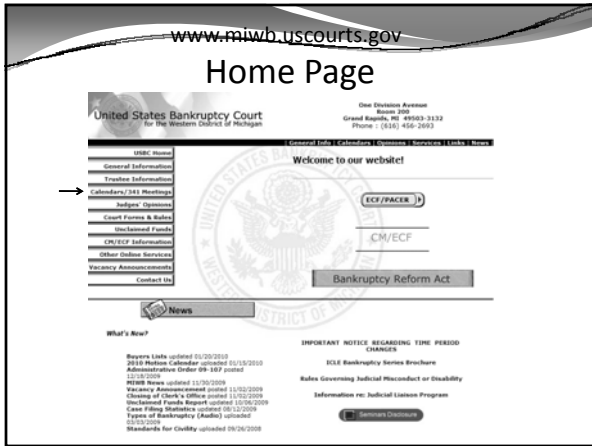
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# Calendars/341 Meetings

**United States Bankruptcy Court**  
for the Western District of Michigan

One Division Avenue  
Room 200  
Grand Rapids, MI 49503-3132  
Phone : (616) 456-2693

General Info | **Calendars** | Opinions | Services | Links | News

## Motion Day Calendars/341 Meetings

[MIWB Motion Calendar for 2010](#)  
[341 Meeting Calendars](#)

Display Calendars for:

- [Hon. James D. Gregg](#)
- [Hon. Jeffrey R. Hughes](#)
- [Hon. Scott W. Dales](#)
- [All Calendars](#)

Note:  
Our online documents are provided in the PDF format. See our website requirements.

← **News**

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www.miwb.uscourts.gov

# Home Page

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[CM/ECF](#)  
[Bankruptcy Reform Act](#)

← **News**

**What's New?**

[Recent Links updated 01/08/2010](#)  
[2010 Motion Calendar 08/20/09](#)  
[Administrative Order 08/20/09](#)  
[12/18/2009](#)  
[MIWB News updated 11/30/2009](#)  
[Vacancy Announcement posted 11/02/2009](#)  
[Change of Clerk's Office posted 11/02/2009](#)  
[Unclaimed Funds Report updated 10/26/2009](#)  
[Case Filing Statistics updated 09/12/2009](#)  
[Types of Bankruptcy \(Assets\) updated 05/13/2009](#)  
[Wardship for Childy updated 09/24/2008](#)

**IMPORTANT NOTICE REGARDING TIME PERIOD CHANGES**

[ECF Bankruptcy Series Brochure](#)  
[Rules Governing Judicial Placoduct or Disability](#)  
[Information re: Judicial Liaison Program](#)

[Return to Home](#)

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# Judges' Opinions

**United States Bankruptcy Court**  
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One Division Avenue  
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## Judges' Opinions

[Searchable Index & Subscription Service](#)

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← **News**

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Unclaimed Funds Report updated 10/26/2009  
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Standards for Civility updated 09/24/2008

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SOLE Bankruptcy Series Brochure  
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Information re: Judicial Liaison Program

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**Court Forms & Rules**

United States Bankruptcy Court  
for the Western District of Michigan

One Division Avenue  
Room 200  
Grand Rapids, MI 49503-3132  
Phone : (616) 456-2693

General Info | Calendars | Opinions | Services | Links | News

Court Forms and Local Rules

Local Forms  
Official Forms  
Local Rules and Administrative Orders  
ECF Administrative Procedures  
Standards for Civility in Professional Conduct

Select a link to continue.

Note:  
The Official Forms are maintained by our Administrative Office in Washington D.C.

News

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[www.miwb.uscourts.gov](http://www.miwb.uscourts.gov)  
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## Unclaimed Funds

**United States Bankruptcy Court**  
for the Western District of Michigan

One Division Avenue  
Room 200  
Grand Rapids, MI 49503-3132  
Phone : (616) 456-2693

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### Unclaimed Funds

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[Judges' Opinions](#)

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[Unclaimed Funds](#)

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[Vacancy Announcements](#)

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We've temporarily disabled our searchable Unclaimed Funds index, but a newer version will arrive with our updated website later this year. You can still access the full reports (in PDF) here and there.

Unclaimed Funds Report  
October 6, 2009

Related Forms :

→ App for Release of Unclaimed Funds (Claimant)

→ App for Release of Unclaimed Funds (Locator)

News

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- 2010 Refree Calendar 08/20/09
- Administrative Order 08/03/09 dated 02/28/2009
- MIWB News updated 11/30/2008
- Vacancy Announcement posted 11/02/2008
- Change of Clerk's Office posted 11/02/2008
- Unclaimed funds report updated 08/06/2009
- Case Filing Statistics updated 03/10/2009
- Types of Bankruptcy (Bank) updated 03/10/2009
- Standards for Creditor updated 05/26/2008

**IMPORTANT NOTICE REGARDING TIME PERIOD CHANGES**

ECF Bankruptcy Series Brochure

Rules Governing Judicial Placoduct or Disability

Information re: Judicial Liaison Program

[E- Services Database](#)

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## CM/ECF Information

**United States Bankruptcy Court**  
for the Western District of Michigan

Phone : (616) 456-2693  
FAX : (616) 456-2919

General Info | Calendars | Opinions | Services | Links | News

### USBC WDMI CM/ECF Home

**Check out the Court's CM/ECF Informer.** A newsletter designed to give e- filers updated information about filing electronically as well as tips to help make electronic filing easier.

Issues: September 2009  
January 2007  
November 2006

[ECF Live](#)

[ECF Training](#)

Electronic case filing is mandatory. The Case Management/Electronic Case File (CM/ECF) system is a project started by the Administrative Office of the United States Courts. CM/ECF allows authorized users to securely file documents electronically via the Internet 24 hours a day, 7 days a week. All case information is available for examination or printing electronically, immediately upon filing, through the Internet.

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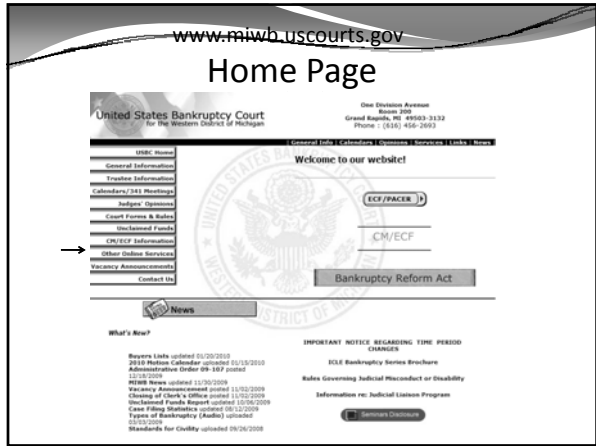
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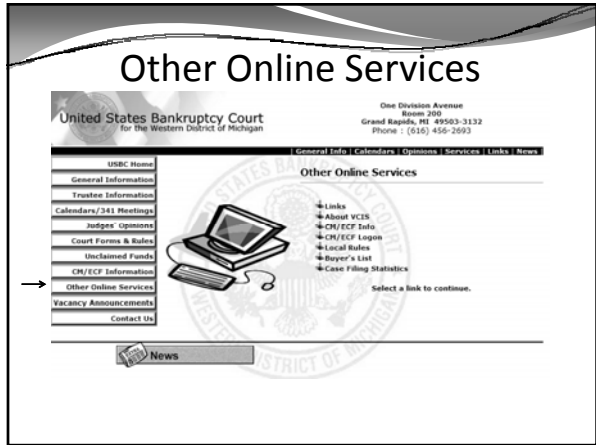
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# Bankruptcy

- A procedure to relieve debtors of their obligations and to address creditors' claims in an organized fashion.

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**Types of bankruptcy proceedings**

- Chapter 7 – Straight liquidation.
- Chapter 13 – Wage earner reorganization.
- Chapter 11 – Business reorganization.
- Chapter 12 – Farmer reorganization.

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**Section 301-303**

Commencement of case

- Requires petition.
- Voluntary/Involuntary.
- Estate created when petition filed.

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**Automatic Stay – Section 362**

- Applies in all cases; applies immediately upon commencement of case; no order needed.
- Purpose – to give debtor interim protection from creditor demands.

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**What is stayed – Section 362(a)  
(non-inclusive)**

- Commencement or continuation of a prepetition action against the debtor.
- Enforcement of prepetition judgment against debtor or property of the estate.
- Any act to obtain possession or control of property of the estate.
- Any act to enforce lien against property of the estate or the debtor
- Any act to collect or recover a prepetition claim against debtor.

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**Exceptions to stay – Section 362(b)  
(non-inclusive)**

- Criminal proceedings against debtor.
- Civil proceeding regarding paternity, domestic support obligations, child custody/visitation, domestic violence or divorce (other than property division involving property of the estate).
- Collection of domestic support obligation.
- Suspension or restriction of driver's license.
- Governmental unit's enforcement of its police and regulatory powers.
- Eviction of debtor from rented residence if judgment of possession obtained prepetition unless debtor meets certain criteria.
- Eviction of debtor from leased commercial space if lease had expired prepetition.

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**Relief from automatic stay –  
Section 362(d)**

- Cause – e.g. uncompensated asset depreciation, lack of insurance, personal injury claim limited to insurance limits.
- No equity / not necessary for effective reorganization.

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### Termination of Automatic Stay – Section 362(c)

- Stay is not indefinite.
- Stay terminates with respect to estate property when property is no longer “property of the estate”.
- Terminates when case is dismissed or closed or when individual debtor receives discharge.
- Discharge and exemption stay replaces automatic stay.

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### Exemptions – Section 522

- Individual debtor may keep some property for a “fresh start”.
- State v. federal scheme of exemptions
- Typical exempt property – home, car, household furnishings, retirement accounts.
- Many exemptions subject to maximum values (e.g. \$20,200 max. on residence under federal scheme).

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### Discharge – Chapter 7 – Section 727

- Granted only to individual debtor; typically granted 120-180 days after case filed.
- Applies to all nondischargeable debts that arose before the order for relief, which is the petition date.

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### Exception to discharge – Section 727(a)

- Established by objection/court proceeding.
- Examples (non-inclusive).
  - Prepetition or postpetition destruction/concealment of property with intent to defraud.
  - False oath with intent to defraud.
  - Refusal to obey lawful court order.
  - Prior Chapter 7 case commenced within 8 years of current petition date.
  - Prior Chapter 13 case commenced within 6 years of current petition date.

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### Effect of discharge – Section 524

- Voids any judgment that establishes the debtor's personal liability with respect to prepetition debt.
- Enjoins all acts, including litigation, to collect any debt that arose prepetition.

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### Non-dischargeable debts – Section 523 (non-inclusive)

- Applies to Chapter 7, 11, & 12 discharges and Chapter 13 hardship discharges.
- Only specific debt is excepted / otherwise, discharge is granted.
  - Taxes – Section 523(a)(1).
  - Money or other property obtained by fraud – Section 523(a)(2).
  - Money or other property taken by embezzlement, larceny, or breach of trust – 523(a)(4).
  - Domestic support obligations – Section 523(a)(5).
  - Willful and malicious injuries against persons or property – Section 523(a)(6).

Continued.....

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• Only specific debt is excepted / otherwise, discharge is granted.  
.....Continued

- Fine or penalty payable to governmental unit – Section 523(a)(7).
- Student loans unless an undue hardship is imposed – Section 523(a)(8).
- Death or personal injury caused by debtor's intoxicated operation of motor vehicle or vessel – Section 523(a)(9).
- Federal restitution orders – Section 523(a)(13).
- Other obligations arising from judgment of divorce or settlement – Section 523(a)(15).
- Court fees imposed upon a prisoner – Section 523(a)(17).

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**Non-dischargeable debts – Section 1328(a) (non-inclusive)**

- Any criminal restitution order.
- Debts that are non-dischargeable under Sections 523(a)(2), (3), (4), (5), (8), or (9).
- Willful or malicious injury causing personal injury or death to an individual.

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