

The most comprehensive and authoritative
source of **Bankruptcy Law**
information

**New
Sixteenth
Edition volumes
available**

**Cited by the
federal courts
more than
17,000 times
since 1979**

Collier on Bankruptcy

SIXTEENTH EDITION

ALAN N. RESNICK • HENRY J. SOMMER
Editors-in-Chief



LexisNexis



LexisNexis®

A Volume-by-Volume Guide

The new **Sixteenth Edition of Collier on Bankruptcy** contains the same comprehensive analysis of substantive and procedural law.

NEW

- ▶ **Volume 1** covers major updates including an entirely new overview of bankruptcy law; a new chapter on the history of bankruptcy legislation; plus revisions to the jurisdictional chapters. In addition, there is a new chapter about “Suits Against Trustees and Debtors in Possession Without Leave of the Bankruptcy Court, and Their Duty to Comply with State Law and to Pay Taxes”; and a rewritten chapter on fees.
- ▶ **Volume 2** covers the Code general provisions and case administration.
- ▶ **Volumes 3 through 8** cover Bankruptcy Code sections 101 through 1532, with chapters keyed sequentially to individual Code sections. Each chapter contains a complete discussion of the relevant law governing the applicable Code provision, along with its history and derivation.
- ▶ **Volumes 9 through 10** cover the Federal Rules of Bankruptcy Procedure, with chapters keyed sequentially to individual Rules.
- ▶ **Volumes 11 through 12A** are devoted to forms for commercial bankruptcies.
- ▶ **Volumes 13 and 13A** are devoted to forms for consumer bankruptcies. These volumes feature notes and suggestions for using the bankruptcy forms that are needed at various stages of each type of case.
- ▶ **Volume 14** is on state law exemptions of property in bankruptcy cases. Each chapter covers a different state or territory. Also addressed are federal non-Bankruptcy Code exemptions. The volume also contains case highlights summarizing exemption-related issues.
- ▶ **Volume 15** provides detailed treatment of bankruptcy taxation issues.
- ▶ **Appendix Volumes A through G** contain relevant primary source material.

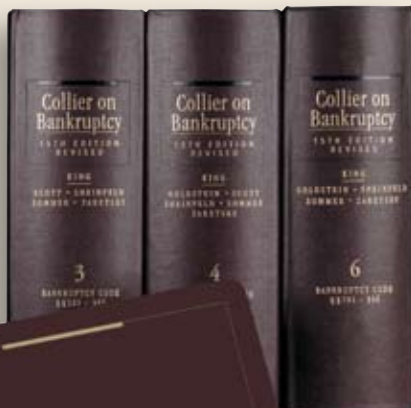
Collier on Bankruptcy®

15TH EDITION REVISED AND 16TH EDITION

The most trusted and respected bankruptcy research tool

For over 100 years, **Collier on Bankruptcy®** has been recognized as the most comprehensive and authoritative source of bankruptcy law information. Written and edited by leading scholars and practitioners in the field of bankruptcy, **Collier on Bankruptcy** meets the needs of today's practitioners with features that make it easier and faster to find critical information—making you more efficient, more effective, and more competitive.

- ▶ **The text focuses on the current state of the law**, with coverage of historical developments usually contained at the end of the chapter. The information you need most is the information you'll find first.
- ▶ **Each chapter is broken down** into detailed paragraphs and subparagraphs with descriptive captions, enabling you to find the specific information you need quickly.
- ▶ **Collier on Bankruptcy authors and editors** give you their expert opinions on issues that are unclear or unsettled, providing you with the authority you need to take a position.
- ▶ **The forms** are organized into three volumes of commercial bankruptcy forms and two volumes of consumer bankruptcy forms, making it easy to find the form you need for a specific situation.
- ▶ **The eight Appendix volumes** contain a thorough collection of primary source material, including bankruptcy legislation and relevant legislative history.



26 volumes, loose-leaf, updated 4 times per year,
ISBN 9781422475126

Through 2011, the complete set of *Collier on Bankruptcy* will consist of both the Sixteenth Edition and Fifteenth Edition Revised volumes. As each new volume is issued, the corresponding Fifteenth Edition Revised volume will be retired. As appropriate, the Fifteenth Edition Revised volumes will continue to be updated until they are superseded by the new edition volume.

Also available on CD-ROM and online.

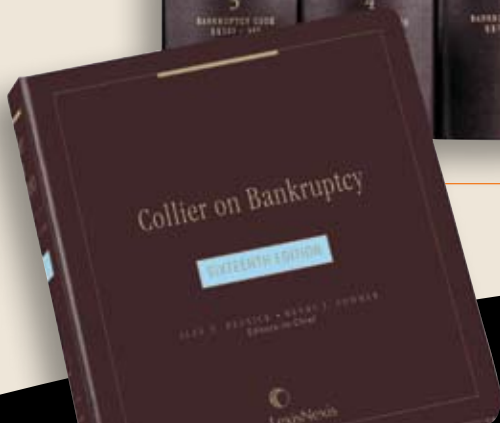


TABLE OF CONTENTS

VOLUME 1 — JUST RELEASED

- Ch. 1 Overview of the Bankruptcy Code
- Ch. 2 Bankruptcy Courts
- Ch. 3 Jurisdiction and Powers of District Courts and Bankruptcy Courts
- Ch. 4 Venue of Cases and Proceedings
- Ch. 5 Appeals
- Ch. 6 The United States Trustee System
- Ch. 7 Bankruptcy Crimes
- Ch. 8 Professional Responsibility
- Ch. 9 Filing and Administrative Fees
- Ch. 10 Suits Against Trustees and Debtors in Possession Without Leave of the Bankruptcy Court, and the Duty to Comply with State Law and to Pay Taxes
- Ch. 11 Mediation in Bankruptcy
- Chs. 12 – 19 [RESERVED]
- Ch. 20 History of United States Bankruptcy Legislation

VOLUME 2 — JUST RELEASED

Code Ch. 1 GENERAL PROVISIONS

- Ch. 101 Definitions
- Ch. 102 Rules of Construction
- Ch. 103 Applicability of Chapters
- Ch. 104 Adjustment of Dollar Amounts
- Ch. 105 Power of Court
- Ch. 106 Waiver of Sovereign Immunity
- Ch. 107 Public Access to Papers
- Ch. 108 Extension of Time
- Ch. 109 Who May Be a Debtor
- Ch. 110 Bankruptcy Petition Preparers
- Ch. 111 Nonprofit Budget and Credit Counseling Agencies; Financial Management Instructional Courses
- Ch. 112 Prohibition on Disclosure of Name of Minor Children

Code Ch. 3 CASE ADMINISTRATION

Subchapter I Commencement of a Case

- Ch. 301 Voluntary Cases
- Ch. 302 Joint Cases
- Ch. 303 Involuntary Cases
- Ch. 304 [RESERVED]
- Ch. 305 Abstention
- Ch. 306 Limited Appearance
- Ch. 307 United States Trustee
- Ch. 308 Debtor Reporting Requirements

VOLUME 3

Case Administration

- Officers
(Bankruptcy Code Sections 321 – 333)
- Administration
(Bankruptcy Code Sections 341 – 350)
- Administrative Powers
(Bankruptcy Code Sections 361 – 366)

VOLUME 4

Creditors, the Debtor, and the Estate

- Creditors and Claims
(Bankruptcy Code Sections 501 – 511)
- Debtor's Duties and Benefits
(Bankruptcy Code Sections 521 – 528)

VOLUME 5

Creditors, the Debtor, and the Estate

- (Continued)*
- The Estate
(Bankruptcy Code Sections 541 – 562)

VOLUME 6

Liquidation

- General Analysis of Bankruptcy Code Chapter 7
- Officers and Administration
(Bankruptcy Code Sections 701 – 707)
- Collection, Liquidation, and Distribution of the Estate
(Bankruptcy Code Sections 721 – 728)
- Stockbroker Liquidation
(Bankruptcy Code Sections 741 – 753)
- Commodity Broker Liquidation
(Bankruptcy Code Sections 761 – 767)
- Clearing Bank Liquidation
(Bankruptcy Code Sections 781 – 784)

Adjustment of Debts of a Municipality

- General Analysis of Bankruptcy Code Chapter 9
- General Provisions
(Bankruptcy Code Sections 901 – 904)
- Administration
(Bankruptcy Code Sections 921 – 930)
- The Plan
(Bankruptcy Code Sections 941 – 946)

VOLUME 7

Reorganization

- General Analysis of Bankruptcy Code Chapter 11
- Officers and Administration
(Bankruptcy Code Sections 1101 – 1116)
- The Plan
(Bankruptcy Code Sections 1121 – 1129)

VOLUME 8

Reorganization

- (Continued)*
- Postconfirmation Matters
(Bankruptcy Code Sections 1141 – 1146)
- Railroad Reorganization
(Bankruptcy Code Sections 1161 – 1174)

Adjustment of Debts of a Family Farmer with Regular Annual Income

- General Analysis of Bankruptcy Code Chapter 12
- Officers, Administration, and the Estate
(Bankruptcy Code Sections 1201 – 1208)
- The Plan
(Bankruptcy Code Sections 1221 – 1231)

Adjustment of Debts of an Individual with Regular Income

- General Analysis of Bankruptcy Code Chapter 13
- Officers, Administration, and the Estate
(Bankruptcy Code Sections 1301 – 1308)
- The Plan
(Bankruptcy Code Sections 1321 – 1330)

Ancillary and Other Cross-Border Cases

- Purpose and Scope of Application
(Code Section 1501)
- General Provisions
(Code Sections 1502 – 1508)
- Access of Foreign Representative and Creditors to the Court
(Code Sections 1509 – 1514)
- Recognition of a Foreign Proceeding and Relief
(Code Sections 1515 – 1524)
- Cooperation with Foreign Courts and Foreign Representatives
(Code Sections 1525 – 1527)
- Concurrent Proceedings
(Code Sections 1528 – 1532)

VOLUME 9

Bankruptcy Rules

- Scope of Rules and Forms (Rule 1001)
- Commencement of Case; proceedings Relating to Petition and Order for Relief (Rules 1002 – 1021)
- Officers and Administration; Notices; Meetings; Examination; Elections; Attorneys and Accountants (Rules 2001 – 2020)
- Claims and Distribution to Creditors and Equity Interest Holders; Plans (Rules 3001 – 3022)
- The Debtor; Duties and Benefits (Rules 4001 – 4008)
- Courts and Clerks (Rules 5001 – 5011)

VOLUME 10

Bankruptcy Rules

- (Continued)*
- Collection and Liquidation of the Estate (Rules 6001 – 6011)
- Adversary Proceedings (Rules 7001 – 7087)
- Appeals to District Court or Bankruptcy Appellate Panel (Rules 8001 - 8020)
- General Provisions (Rules 9001 – 9036)

VOLUME 11

Commercial Forms

- Part 1 Abandoning Property of the Estate
- Part 2 Establishing the Attorney-Client Relationship
- Part 3 Disclosure of Attorney's Fees
- Part 4 Modifying, Maintaining and Enforcing the Automatic Stay
- Part 5 Filing and Responding to Claims and Interests

(continued next page)

TABLE OF CONTENTS *(continued)*

- Part 6 Closing the Case: Continuing Jurisdiction
- Part 7 Collective Bargaining Agreements
- Part 8 Commencement of the Voluntary Case
- Part 9 Creditors' and Equity Security Holders' Committees
- Part 10 Compensation

VOLUME 12

Commercial Forms *(Continued)*

- Part 11 Conversions
- Part 12 Employment of Professional Persons
- Part 13 Executory Contracts and Unexpired Leases
- Part 14 Fraudulent Transfers
- Part 15 Involuntary Petitions
- Part 16 Preparing for the Meeting of Creditors; Examination of Debtor
- Part 17 Municipalities
- Part 18 Operation of Debtor's Business
- Part 19 Plans: Disclosure Statements

VOLUME 12A

Commercial Forms *(Continued)*

- Part 20 Plans: Drafting and Filing the Plan
- Part 20A Sample Plans and Disclosure Statements
- Part 21 Plans: Modification
- Part 22 Plans: Obtaining Acceptance of Plans
- Part 23 Plans: Obtaining Confirmation of Plans
- Part 24 Preferential Transfers
- Part 25 Trustees and Examiners
- Part 26 Turnover
- Part 27 Continuation of Utility Services
- Part 28 Using, Selling or Leasing Property of the Estate
- Part 29 Procedure
- Part 30 Appointment of Ombudsman

VOLUME 13

Consumer Forms

- Part CS1 Abandoning Property of the Estate
- Part CS2 Adversary Proceedings
- Part CS3 Appeals
- Part CS4 Establishing the Attorney-Client Relationship
- Part CS5 Attorney's Fees
- Part CS6 Modifying, Maintaining and Enforcing the Automatic Stay
- Part CS7 Trustee's Avoiding Powers
- Part CS8 Filing and Responding to Claims and Interests
- Part CS9 Codebtor Stay
- Part CS10 Commencement of the Case
- Part CS11 Compensation

VOLUME 13A

Consumer Forms *(Continued)*

- Part CS12 Conversions
- Part CS13 Dischargeability of Debt
- Part CS14 Discharge
- Part CS15 Discrimination
- Part CS16 Executory Contracts and Unexpired Leases
- Part CS17 Exemptions and Lien Avoidance
- Part CS18 Meeting of Creditors
- Part CS19 Plans
- Part CS20 Reaffirmation
- Part CS21 Redemption
- Part CS22 Reopening the Case
- Part CS23 Trustees
- Part CS24 Turnover
- Part CS25 Utilities
- Part CS26 Procedure

VOLUME 14

State Exemptions

- Introduction
- State Exemptions—Alabama through Wyoming
- States Recognizing Tenancy by the Entireties Exemption
- Federal Non-Bankruptcy Code Exemptions
- Research Guide to Legislative History of 11 U.S.C. § 522(b)
- Case Highlights

VOLUME 15

Tax Guide

- Chapter TX1 Policies and History
- Chapter TX2 Federal Taxation of the Non-Corporate Bankruptcy Estate
- Chapter TX3 Tax Reporting Requirements
- Chapter TX4 Priority and Dischargeability of Tax Claims
- Chapter TX5 Litigation With the IRS in Bankruptcy Court
- Chapter TX6 Discharge of Indebtedness and I.R.C. Section 108 Relief
- Chapter TX7 Tax Treatment of Creditors
- Chapter TX8 Exchange of Corporate Stock for Debt
- Chapter TX9 Debt for Debt Exchanges
- Chapter TX10 Tax-Free Reorganization of Debtor Corporations
- Chapter TX11 Preservation and Use of Net Operating Losses and Other Corporate Tax Attributes
- Chapter TX12 State and Local Tax Aspects of Bankruptcy
- Chapter TX13 Financially Troubled Partnerships
- Chapter TX14 Tax Consequences of Disputed Claims Reserves and Creditors' Trusts
- Chapter TX15 Miscellaneous Tax Issues

- Chapter TX16 Tax Disclosure in a Bankruptcy Disclosure Statement
- Chapter TX17 Checklist: Tax Planning and Practice Strategies for Individuals
- Chapter TX18 Tax Planning Checklist and Practice Strategies for Corporate Chapter 11 Debtors

VOLUME A

APPENDICES

- Part 1 Bankruptcy Code
- Part 2 Federal Rules of Bankruptcy Procedure & Official Forms
- Part 3 Bankruptcy Act of 1898
- Part 4 Bankruptcy Reform Act of 1978

VOLUME B

- Part 4 *(Continued)*
Bankruptcy Reform Act of 1978

VOLUME C

- Part 4 *(Continued)*
Bankruptcy Reform Act of 1978

VOLUME D

- Part 4 *(Continued)*
Bankruptcy Reform Act of 1978—Legislative History

VOLUME E-1

- Part 5 Bankruptcy Tax Act of 1980
- Part 6 Bankruptcy Amendments and Federal Judgeship Act of 1984
- Part 7 Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986
- Part 8 Retiree Benefits Bankruptcy Protection Act of 1988
- Part 9 Bankruptcy Reform Act of 1994

VOLUME E-2

- Part 10 Bankruptcy Abuse Prevention and Consumer Protection Act of 2005
- Parts 11 - 40 [RESERVED]

VOLUME F

- Part 41 Miscellaneous Amendments to the Bankruptcy Code
- Part 42 Related Statutes and Regulations
- Part 43 Appropriations Acts

VOLUME G

- Part 44 National Bankruptcy Review Commission Final Report

VOLUME *

- Indices and Tables

Collier on Bankruptcy[®], written and edited by leading scholars and practitioners in the field, brings breadth of experience and depth of expertise by this distinguished group. These contributions to *Collier* are why so many—including the courts—have come to rely on this work as the leading authority, making it by far the most frequently cited treatise on bankruptcy. LexisNexis is committed to ensuring that *Collier on Bankruptcy*[®] will continue its longstanding tradition of excellence with its publication of a **Sixteenth Edition**.

EDITORS-IN-CHIEF

Alan N. Resnick

Hofstra University School of Law
Hempstead, New York
Fried, Frank, Harris, Shriver &
Jacobson LLP, New York, New York

Henry J. Sommer

Consumer Bankruptcy Assistance
Project, Philadelphia, Pennsylvania

BOARD OF EDITORS

Donald S. Bernstein

Davis Polk & Wardwell LLP
New York, New York

Richard F. Broude

New York, New York

Carl M. Jenks

Jones Day
New York, New York

Richard B. Levin

Cravath, Swaine & Moore LLP
New York, New York

Hon. Bruce Markell

United States Bankruptcy Court
Las Vegas, Nevada

Randy Rogers

Winston & Strawn
San Francisco, California

Hon. Mary Davies Scott

United States Bankruptcy Court
Langley, Washington

Myron M. Sheinfeld

King & Spalding LLP
Houston, Texas

Hon. A. Thomas Small

United States Bankruptcy Court
Raleigh, North Carolina

CONTRIBUTING AUTHORS

Mark I. Bane

Ropes & Gray LLP
New York, New York

Gerald C. Bender

O'Melveny & Myers LLP
New York, New York

Mark A. Broude

Latham & Watkins LLP
New York, New York

Robert T. Brousseau

Stutzman, Bromberg, Esserman
& Pliifka, PC, Dallas, Texas

Hon. Colleen A. Brown

United States Bankruptcy Court
Rutland and Burlington, Vermont

G. Erik Brunstad, Jr.

Dechert LLP
Hartford, Connecticut

Hon. Kevin J. Carey

United States Bankruptcy Court
Wilmington, Delaware

Hon. Leif M. Clark

United States Bankruptcy Court
San Antonio, Texas

John. J. Dilenschneider

Bailey Cavaleri LLC
Columbus, Ohio

Dennis F. Dunne

Milbank, Tweed, Hadley & McCloy LLP
New York, New York

Bonnie Glantz Fatell

Blank Rome LLP
Wilmington, Delaware

Hon. Eric L. Frank

United States Bankruptcy Court
Philadelphia, Pennsylvania

Elliot G. Freier

Irell & Manella LLP
Los Angeles, California

Jack Gallagher

Paul, Hastings, Janofsky & Walker LLP
Washington, D.C.

Jon Geier

Paul, Hastings, Janofsky & Walker LLP
Washington, D.C.

Michael A. Gerber

Brooklyn Law School
Brooklyn, New York

Hon. Robert E. Gerber

United States Bankruptcy Court
New York, New York

Theodore Gewertz

Wachtell, Lipton, Rosen & Katz
New York, New York

S. Elizabeth Gibson

University of North Carolina School
of Law, Chapel Hill, North Carolina

Daniel M. Glosband

Goodwin Procter LLP
Boston, Massachusetts

Michael H. Goldstein

Greenberg Traurig LLP
Santa Monica, California

Hon. Allan L. Gropper

United States Bankruptcy Court
New York, New York

Daniel C. Hagen

Jones Day
Cleveland, Ohio

Jean E. Hanson

Fried, Frank, Harris, Shriver &
Jacobson LLP, New York, New York

Grover Hart III

U.S. Department of Justice Tax Division
Dallas, Texas

Hon. Barbara J. Houser

United States Bankruptcy Court
Dallas, Texas

Milton B. Hyman

Irell & Manell LLP
Los Angeles, California

Gary L. Kaplan

Fried, Frank, Harris, Shriver &
Jacobson LLP
New York, New York

Hon. Duncan W. Keir

United States Bankruptcy Court
Baltimore, Maryland

Brian A. Kilmer

Okin Adams & Kilmer LLP
Dallas, Texas

Jonathan M. Kushner

Deloitte Tax LLP
New York, New York

David A. Lander

Thompson Coburn LLP
St. Louis, Missouri

James M. Lawniczak

Calfee, Halter & Griswold LLP
Cleveland, Ohio

Vincent E. Lazar

Jenner & Block LLP
Chicago, Illinois

Deanne Loonin

National Consumer Law Center
Boston, Massachusetts

William H. Lyons

University of Nebraska College of Law
Lincoln, Nebraska

Ralph R. Mabey

Stutman Treister & Glatt, PC
Salt Lake City, Utah

Hon. Margaret Mahoney

United States Bankruptcy Court
Mobile, Alabama

Samuel R. Maizel

Pachulski Stang Ziehl & Jones LLP
Los Angeles, California

Hon. Robert A. Mark

Miami, Florida

Marvin S. Michelman

Deloitte Tax LLP
New York, New York

Gerald F. Munitz

Butler Ruben Saltarelli & Boyd LLP
Chicago, Illinois

George R. Nelson

Houston, Texas

Hon. Randall J. Newsome

United States Bankruptcy Court
Oakland, California

Harold S. Novikoff

Wachtell, Lipton, Rosen & Katz
New York, New York

Jan S. Ostrovsky

Anchorage, Alaska

Thomas E. Patterson

Klee, Tuchin, Bogdanoff & Stern LLP
Los Angeles, California

John Rao

National Consumer Law Center
Boston, Massachusetts

Frederick B. Rosner

Duane Morris, LLP
Wilmington, Delaware

Luis Salazar

Greenberg Traurig LLP
Miami, Florida

Brad Eric Scheler

Fried, Frank, Harris, Shriver &
Jacobson LLP, New York, New York

Hon. Barry S. Schermer

United States Bankruptcy Court
St. Louis, Missouri

Hon. Brendan L. Shannon

United States Bankruptcy Court
Wilmington, Delaware

Edwin E. Smith

Bingham McCutchen LLP
Boston, Massachusetts

George B. South III

King & Spalding LLP
New York, New York

Adam P. Strochak

Weil, Gotshal & Manges LLP
Washington, D.C.

Linda Z. Swartz

Cadwalader, Wickersham
& Taft LLP
New York, New York

Hon. Maureen A. Tighe

United States Bankruptcy Court
Woodland Hills, California

Jane Lee Vris

Vinson & Elkins LLP
New York, New York

Mary Jo Wiggins

University of San Diego School of Law
San Diego, California

Fred T. Witt, Jr.

Deloitte Tax LLP
Phoenix, Arizona

Hon. Judith H. Wizmur

United States Bankruptcy Court
Camden, New Jersey



For more information, contact your LexisNexis representative

Call 1.800.223.1940

Or visit the LexisNexis store at www.lexisnexis.com/collier16