

## Consumer Bankruptcy

Our consumer bankruptcy lawyers have been representing clients since 1985, including both debtors and creditors. Our attorneys bring years of collective insight and experience to the table and have helped debtors save their homes and businesses, resolve consumer debt, and obtain tax relief. Their expertise has also helped clients avoid bankruptcy by negotiating workouts with creditors.

If bankruptcy is inevitable, we assist our clients in planning for it with an eye towards maximizing what they can keep after filing. Our bankruptcy creditor clients receive the legal advice necessary to determine the extent and timing of any distribution in a bankruptcy case, as well as exploring ways to ensure that the dividend to creditors is as large as legally possible.

### OUR ADVANTAGE

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We understand the complex process of bankruptcy, which is why hiring our firm means you get more than legal counsel—you get an informed and well-versed advocate to walk you through the process as well as a compassionate ear. Our lawyers have represented both consumer and business bankruptcy clients throughout the years and enjoy the respect of the legal community.

### AREAS OF FOCUS

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#### Chapter 7

At Sussman Shank, we understand the importance of protecting your assets and preventing prolonged financial distress. With extensive experience in consumer bankruptcy, our professionals are equipped to guide you through this process efficiently. We can schedule clients quickly to ensure timely assistance when you need it most. When

#### Practice Area Chair

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#### [Request a Consult](#)

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bankruptcy is the best option, we are here to help you achieve a fresh start.

## **Chapter 13**

Sussman Shank's Chapter 13 bankruptcy practice offers comprehensive legal support for individuals facing the threat of foreclosure, tax garnishment, repossession, or entry of a judgment. Our skilled attorneys are dedicated to helping clients navigate the complexities of Chapter 13, where a successful filing initiates an automatic stay, halting foreclosure or repossession and providing you the time needed to catch up on payments that are typically a fraction of what creditors could demand outside of bankruptcy. With a court-approved repayment plan, our attorneys work closely with you to consolidate and manage debt over three to five years, enabling you to sometimes make reduced payments while retaining most of your possessions as well as continuing pension contributions. We are committed to safeguarding your home, vehicle, and your financial future.

## **Debt Relief**

With nearly seventy years of collective experience, our debt relief lawyers are adept at guiding clients through the complexities of debt reorganization, bankruptcy, and other relief options. We work closely with clients to explore all available avenues for financial recovery, developing tailored strategies that enable them to move forward with confidence. Whether you're considering bankruptcy or seeking alternative debt relief solutions, Sussman Shank is committed to helping you regain control of your financial future.

## **Tax Debt Relief**

Our experienced tax debt relief attorneys specialize in navigating the complex rules surrounding tax debt in bankruptcy filings. We have helped clients find effective solutions to stop IRS calls and resolve their tax debt issues. Our deep knowledge and proven strategies ensure that each client receives personalized guidance tailored to their unique situation, with the goal of achieving complete debt relief. Our attorneys are respected leaders in debt and bankruptcy law, dedicated to putting their expertise to work for you.

## **REPRESENTATIVE WORK**

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### **Debtor Retains Home and Business Through Negotiation and Strategic Payment Plan Amid \$1.8 Million Lawsuit**

The debtor was facing a lawsuit from his construction lender seeking damages in excess of \$1.8 million dollars after his business struggled

after COVID-19. He owned his home with his wife which was owned free and clear. He was behind in payment of his property taxes on his house for almost three years. After filing a plan, dealing with the objections of the construction lender, and much negotiation, the debtor was able to retain his business and his home, pay a fixed sum of less than \$250,000 to all creditors by making a monthly payment and refinancing his home at the end of his plan.

### **Debtor Resolves Business Fraud and Lawsuits While Protecting Home and Pensions Through Reorganization Plan**

The debtor purchased a business borrowing money from the SBA and later learned he had been defrauded by the seller of the business regarding its value. He was unable to save the business and was facing a lawsuit by the buyer he had purchased the business from as well as the bank he had borrowed funds from to purchase the business. He was able to file a reorganization plan and proposed a plan that enabled him to wind down the business, including the landlord whom he rented space of the business to operate, resolve the bank's debt, as well as all the debt of the failed business while keeping the substantial equity in his home and pensions.

### **Ex-Wife Secures Early Payment After Exposing Debtor's Deception in Bankruptcy Case**

The creditor was the ex-wife of a Debtor who filed a Chapter 7 bankruptcy. She had a lien against the Debtor's home but was in second position behind a \$500,000 mortgage. After convincing the bankruptcy trustee to sell his home, the Debtor converted his case to a Chapter 13 bankruptcy where he could delay payment to her for several years. After filing objections to his plan and taking the Debtor's deposition, it turned out he had lied about a number of things which forced him to settle after a mediation, resulting in payment to our client years earlier than contemplated.

### **Strategic Bankruptcy Planning Results in Discharge of Debtor's IRS Tax Debt Without Payment**

The debtor had a substantial tax problem and owed several thousand dollars to the IRS. After careful analysis, it was determined that if bankruptcy could be delayed for another 18 months, most of the income taxes could be discharged in bankruptcy. After guiding the debtor on how to manage his financial affairs during this waiting period including negotiating with the IRS on an installment plan, once the timing was right, a bankruptcy was filed and these income taxes were discharged without payment to the IRS.

### **Debtor Avoids Foreclosure and Keeps Car Through Chapter 13 After Health Recovery While Managing Debt and Student Loans**



Debtor owed student loans, consumer debt, and had a car loan. She was ill for several months and wasn't able to keep up on payments even after receipt of disability payments and was facing foreclosure of her home. She planned to file a Chapter 7 and hope for a loan modification so she could keep the house but was going to have to give up her car. Just as she was about to file a Chapter 7, her health improved and she was able to get back to work so she could instead file a Chapter 13, keep her car, and pay only a small dividend on her consumer debt. She proposed the cure of the arrearages on her house and was able to continue small payments on her student loan even during bankruptcy after qualifying for an income-contingent repayment plan. She was able to make 401(k) contributions while she was in Chapter 13.

## Related People

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