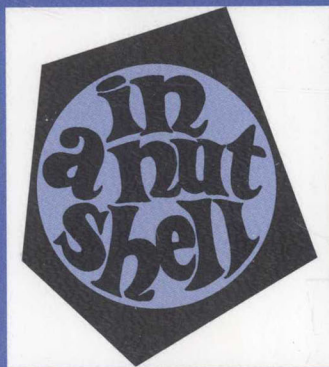


Bankruptcy and Related Law in a Nutshell



®

DAVID G. EPSTEIN

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BANKRUPTCY AND RELATED LAW IN A NUTSHELL

Seventh Edition

(Successor to
Debtor-Creditor Law
In A Nutshell)

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To: Judge Conrad Duberstein
of Brooklyn and
Judge W. Homer Drake, Jr.,
of Newnan –

Two of my heroes and heroes for anyone
who does bankruptcy law work and is
Jewish or Southern or,
best of all,
both.

PREFACE

This is the post-2005 bankruptcy legislation version of a student text that I first wrote more than 30 years ago in Chapel Hill when I was an assistant professor of law in the “Southern part of heaven.” Since then I have taught bankruptcy or creditors rights at fifteen other law schools and worked as a lawyer on the bankruptcy team of a large law firm.

More importantly, since then there have been significant changes in what happens in law school classrooms and what happens in lawyer offices and courts. More people are doing bankruptcy more. Accordingly, more of this book is bankruptcy. Like the prior editions, this book attempts to summarize bankruptcy and state debtor-creditor law. It sets out the rules, the problems, and the answers to those problems that I can answer. It does not attempt to develop the history of the law, to evaluate the law critically or to propose reform of the law. In short, I have attempted to follow West’s statement that a nutshell is “a succinct exposition of the law to which a student or lawyer can turn for reliable guidance.”

Relatively few cases are mentioned by name. Essentially this book contains citations only to leading, recent or illustrative cases. Virtually no secondary sources are cited. There are, however, numerous references to statutory provisions—particularly the 2001 versions of Article 9 of the Uniform Commercial Code and the 2005 Bankruptcy Code. Provisions in both the 2005 Bankruptcy Code and Article 9 are generally referred to as “section”;

however, the different numbering schemes of the two acts should prevent your confusing the two.

I hope this book will help you review or learn bankruptcy law. Bankruptcy law is not always easy, and this is not a very easy book. However, doing bankruptcy law is—or at least should be—challenging, interesting and even enjoyable. Writing this nutshell has been all of these things. I hope that, to at least some extent, reading it is.

DGE

Dallas, Texas
June, 2005

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