

**INTERSECTION OF:  
CONSTRUCTION &  
{ BANKRUPTCY LAW**

**Presented by:**  
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- ⊗ Notice of Bankruptcy
- ⊗ Automatic Stay
- ⊗ Proof of Claim
- ⊗ Dischargeability Litigation

**Bankruptcy Filing**

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*“Under the Bankruptcy Code, the filing of a bankruptcy petition has certain immediate consequences.”*

{ City of Chicago, Illinois v. Fulton, 592 U.S. 154, 156 (2021)

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**Official Form 2008 For Individuals or Joint Debtors**  
**Notice of Chapter 7 Bankruptcy Case - Proof of Claims Deadline Set**

This notice has important information regarding your rights to creditors, debtors, and trustees. It includes information about the filing of claims and the deadline for filing claims. It also includes information about the trustee and the court.

**Section 1. Debtor**  
 Section 2. Trustee  
 Section 3. Chapter 7 Bankruptcy Case

**Notice of Bankruptcy | Official Form**

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**Official Form 2008 For Individuals or Joint Debtors**  
**Notice of Chapter 7 Bankruptcy Case - 341 Meeting of Creditors**

This notice has important information regarding your rights to creditors, debtors, and trustees. It includes information about the 341 meeting of creditors and the deadline for filing claims. It also includes information about the trustee and the court.

**Section 1. 341 Meeting of Creditors**  
 Section 2. Proof of Claim  
 Section 3. File Complaint Challenging Dischargeability of Debt

**Notice of Bankruptcy | Official Form**

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⊗ Scope & Purpose  
 ⊗ Stay Violations  
 ⊗ Additional Considerations

**Automatic Stay | 11 U.S.C. § 362**

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<p><b>{ Scope Includes:</b></p> <p>⌘ "[W]ith certain exceptions, the petition 'operates as a stay, applicable to all entities,' of efforts to collect from the debtor outside of the bankruptcy forum."</p>	<p><b>{ Purpose</b></p> <p>⌘ "The automatic stay serves the debtor's interests by protecting the estate from dismemberment, and it also benefits creditors as a group by preventing individual creditors from pursuing their own interests to the detriment of the others."</p>
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**Scope & Purpose**  
 City of Chicago, Illinois v. Fulton, 592 U.S. 154, 156-57 (2021) (internal quotation omitted)

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⌘ Subject to exception, "an individual injured by any willful violation of a stay provided by this section shall recover actual damages, including costs and attorneys' fees, and, in appropriate circumstances, may recover punitive damages." (11 U.S.C. § 362(k)(1))

⌘ Void

**{ Stay Violations**

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⌘ Lifting or Modifying Stay

⌘ Non-Debtors

⌘ Trust Fund

**Automatic Stay: Additional Considerations**

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FRBP 3001:  
Proof of Claim

**Proof of Claim |  
Official Form 410**

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**Litigation under Bankruptcy Code Sections:**  
 ☒ **523(a)(2)(A)**  
     ☐ *"false pretenses, a false representation, or actual fraud, other than a statement respecting the debtor's or an insider's financial condition"*  
 ☒ **523(a)(2)(B)**  
     ☐ *Materially false statement in writing respecting debtor's or an insider's financial condition.*  
 ☒ **523(a)(4)**  
     ☐ *"fraud or defalcation while acting in a fiduciary capacity, embezzlement, or larceny"*  
 ☒ **523(a)(6)**  
     ☐ *"willful and malicious injury by the debtor to another entity or to the property of another entity."*

**Dischargeability Litigation**

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**THANK YOU**

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