CODOSSIER
November 5, 2026

Chapter 13 Cure, Stay, and Section 6672 Retirement for Wilmington Island Home

Prepared by counsel for the client's review

WHERE **United States Bankruptcy Court, Southern District of Georgia, Savannah Division (Chapter 13)**

- Days from truck signing (March 8, 2024) to planned petition 913
- Days from truck delivery (March 11, 2024) to planned petition 910
- Gross W-2 pay $7,400/month
- Take-home pay About $5,580/month
- Health insurance deduction $310/month
- 401(k) loan repayment $260/month; $9,140 remaining; 34 payments left
- 401(k) plan balance $41,300
- March 2026 gross deposits $27,300
- March 2026 equipment auction proceeds $19,500
- March 2026 final business expenses $6,100
- March 2026 operating receipts net (auction excluded) $1,700
- March 2026 if liquidation proceeds count as income $21,200
- April 2026 cash side work $1,850
- May 2026 unemployment compensation $2,480
- June through August 2026 monthly income $7,400 each
- Six-month income total (auction excluded) $28,230
- Monthly average (means-test figure used) $4,705
- Annualized current monthly income (excludes wife's contribution) $56,460
- Non-filing spouse gross pay $4,320/month
- Spouse contribution to household $2,900/month
- Spouse separate payments Car $445; student loan $310; card $160; plus personal spending
- Household size for plan 3
- Current child support $650/month
- Child support arrears $9,600
- Arrears portion assigned to Georgia DHS $2,100
- Planned plan payment on support arrears $160/month
- Ongoing mortgage payment incl. escrow $1,842/month
- Mortgage arrears $31,000
- Servicer foreclosure fees and costs inside arrears About $4,200
- Monthly arrears cure payment $517/month
- Trustee fee on ongoing mortgage (conduit assumed, unconfirmed) About $185/month
- Truck contract payment $612/month at 13.9%
- Truck balance $31,200
- Truck retail value About $19,000
- Negative equity rolled into truck contract $6,800
- Truck payment if crammed (client estimate) About $370/month
- Home working value (pre-appraisal) $315,000
- Home range (online) $312,000 to $328,000
- County assessed value 2026 $289,400
- Neighbor comparable sale, May $319,000
- First mortgage principal $286,700
- HELOC drawn balance (second position, recorded) $58,900
- Senior claim incl. arrears (strip threshold) $317,700
- Margin between working value and strip threshold $2,700
- Proposed section 6672 trust-fund penalty $26,400
- Monthly plan payment on trust-fund penalty $440/month
- PI counsel counter $285,000
- PI counsel verbal expectation 'somewhere in the middle, probably low six figures'
- Medical specials About $71,000
- Health-insurance subrogation lien (unnegotiated) Roughly $46,000
- PI contingency fee rate One-third
- Georgia homestead exemption $21,500
- Georgia tools-of-trade exemption $5,000
- Georgia motor-vehicle exemption $5,000
- Georgia wildcard exemption $1,200
- Unused homestead spillover to wildcard Up to $10,000
- Section 522(d)(11)(D) bodily-injury cap (fixed) $10,000
- Combined wildcard pool $11,200
- Wildcard left for claim after ordinary property $3,200
- Total claim exemption $13,200
- Ordinary non-exempt property (client estimate, assumes tools of trade holds) About $8,000
- Joint Wells Fargo account balance (commingled) $2,780
- 2025 tax refund (received April, spent) $4,660
- 2026 tax refund projection $3,900 to $4,200
- Estate share of 2026 refund (working figure) About $2,800
- HVAC tools $6,500 replacement; $3,500 to $4,000 actual
- 2011 Silverado (paid off, titled to Marcus) $6,800
- Silverado excess over motor-vehicle exemption $1,800
- Firearms $1,100
- Riding mower $900
- Gross listed personal property (values as stated) $20,880
- Best-interest floor (liquidation) $22,100
- Best-interest floor, monthly over 60 months $368
- Itemized monthly plan obligations (truck at $612) $4,501
- Stated monthly stack (does not reconcile to itemized total) $9,690
- Monthly income capacity (gross basis) $10,300
- Stated nominal headroom and cushion over floor $610 headroom; $242 cushion
- Monthly attorney fee through plan About $95
- Insider repayment to mother (from auction proceeds) $8,000

THE SHORT ANSWER

The chapter answer is Chapter 13: it is the only vehicle in this matter that cures the $31,000 arrears, supports a truck reduction and funds the $26,400 penalty under stay, with no discharge in this case because of the December 19, 2022 filing [signed law L13]. Whether it was fileable on the timeline cannot be answered from the record, because the planned Monday, September 7 petition and the September 8 sale are both past on today's calendar and no petition or sale status is established. If the sale ran first, the §1322(c)(1) cure right is gone; if a petition posted, day thirty ran on October 7 and whether an extension order was entered is unknown [signed law L05]. The earliest open date on the clock is the November 16, 2026 claims window (claims_bar_date_3002c_70_days_from_this_petition), which exists only if a September 7 petition was filed. The blockers are: the petition and sale status; the stay-extension ruling; whether the truck is anchored at the March 8, 2024 signing (outside 910 days under [signed law L03]) or the March 11 delivery (day 910 under [signed law L10]), with no authority in the record; the appraisal against the $317,700 threshold, where the strip is permanent on completion under Scantling [signed law L02] but a $2,700 margin is thin; the unset settlement value behind the $22,100 floor; the $5,000 versus $1,500 tools cap; and whether this division requires conduit. Start with the docket and the sale status, then the stay, plan and first-payment checks, and keep the second case aimed at December 19, 2026 or later [signed law L13].

WHERE EACH BUCKET STANDS

BUCKET 1 **Estate assets, disclosure, exemptions, and liquidation floor** ESTATE EXPOSURE — floor swings
The injury claim, the $8,000 paid to the mother, the non-exempt property and the exemption pool ($13,200 total claim exemption) together set a working liquidation floor of $22,100 that swings with settlement value and the tools cap.

BUCKET 2 **Plan feasibility: secured claims, income, and personal debts** THIN CUSHION — numbers don't reconcile
The plan has to cure $31,000 of arrears at $517 a month, hold the $1,842 payment, reduce the truck toward about $19,000, retire the $26,400 penalty at $440 a month and pay the HELOC question, all against itemized obligations of $4,501 that do not reconcile to the stated $9,690.

BUCKET 3 **Stopping the sale: stay, timing, and no-discharge posture** STAY OR SALE — docket decides
The planned Monday, September 7 petition ahead of the September 8 sale is already past on today's calendar, so the docket and the sale status must be read before anything else is assumed about the stay, the cure right or the discharge bar.

WHAT TO DO, IN ORDER

01 **Pull the docket and the sale status today to learn which situation you are in.** Read CM/ECF for any Chapter 13 petition for Marcus on or around Monday, September 7, and get foreclosure counsel's written status on the September 8 sale. This leads because a completed sale ends the §1322(c)(1) cure right and cannot be undone, and everything else depends on it. Branches: (a) if no petition exists and no sale ran, file the full package at once, since filing is the duty and not a timing choice, with written notice to the servicer and foreclosure counsel the moment it posts; ask whether the one-year §362(c)(3) window measured from the October 14, 2025 dismissal still applies to a filing made now; (b) if a petition is on file, go to the stay and dismissal checks; (c) if the sale was conducted before any petition, the cure purpose of this case is gone and the matter must be re-scoped before any further filing [signed law L05].

02 **If a petition is on file, check the stay, the 45-day package, the plan and the first payment.** Read the docket for whether the §362(c)(3)(B) extension motion was filed, heard and ruled on before day thirty (October 7 on a September 7 petition) [signed law L05]; if no order issued, the stay ended as to Marcus personally while estate property stays covered on the majority view [signed law L06], and the house is estate property only if Marcus held title, which is unconfirmed. Confirm the §521(a)(1) documents were filed inside 45 days [signed law L15], the plan was filed within 14 days [signed law L04] and the first plan payment was made within 30 days [signed law L19]. These hazards harden with time: each missed deadline is a dismissal ground, so fix them before anything that merely gathers documents.

03 **Use the November 16, 2026 claims window to test the servicer's claim and obtain the guaranty balances.** The position is claims_bar_date_3002c_70_days_from_this_petition: on a September 7 petition non-governmental claims are due by November 16, 2026 [signed law L07], and the IRS has 180 days. Pull the claims register, obtain the servicer's itemization of the $31,000 and the roughly $4,200 fees and the full transaction history, and get the equipment lease and SBA balances. Before attacking fees, remember that lowering the senior claim narrows the $2,700 HELOC strip margin. Conduit and the $185 fee stay a question for the trustee's office.

04 **Get the appraisal in hand and decide the HELOC strip only on its number.** If the petition-date appraisal is below $317,700, file the §506/Rule 3012 request before confirmation, served on the HELOC lienholder, and tie avoidance to plan completion [signed law L02]; if it is at or above that figure, amend the plan before confirmation to leave the HELOC in place. Ask chambers and the trustee's office whether plan-level avoidance is enough or a separate valuation motion is also required, and whether a checked lien-avoidance box with valuation pending is acceptable when the strip is not pleaded before the appraisal.

05 **Resolve the truck acquisition date before relying on the cramdown.** Pull the retail installment contract, T-7 and the 'we owe' slip, and research Eleventh Circuit and Southern District of Georgia authority on whether acquisition is signing (March 8, 2024) or delivery (March 11). Signed law counts from the contract [signed law L03] and names delivery as the alternative anchor [signed law L10]. Ask whether the actual petition date, if later than the planned Monday, September 7, puts both anchors outside 910 days. If the hanging paragraph applies, size the plan at $612 and the full $31,200 and test whether the cushion survives. Get GMAC's written no-repossession confirmation, and research the district's Till rate before using the $370 estimate.

06 **Rebuild the plan budget on net income and settle the floor.** Replace the gross-based $10,300 capacity with Schedule I and J built from about $5,580 take-home, reconcile the stated $9,690 with the itemized $4,501, and establish household expenses. Obtain PI counsel's and the carrier's current position to set a settlement value, the subrogation lien's negotiated amount and any made-whole limit, because the $22,100 floor moves with them. Reconcile the ordinary non-exempt estimate of about $8,000 to the $20,880 gross list, and resolve the tools cap ($5,000 against $1,500) before filing Schedule C. Confirm conduit with the trustee's office before sizing the first payment.

07 **Confirm PI counsel knows, the §327(e) application is filed, and the claim is scheduled.** Verify from the docket and PI counsel that the injury claim is on Schedule A/B and the SOFA, that PI counsel has been told of the bankruptcy before the warehouse defendant, and that the §327(e) application is filed. If any piece is missing, cure it now by amendment, since amendment as of right runs until closing. This is a duty to do now, not a strategic choice.

08 **Disclose the $8,000 and the father's contingency in writing.** Confirm the $8,000 is on SOFA question 7 and in the floor, and get the exact transfer date, funding trail and any other insider transfers from bank records. Give Marcus written advice that an inheritance within 180 days is estate property under §541(a)(5), that Rule 1007(h) requires a supplemental schedule within 14 days of learning of it, and covering the strip risk and no-discharge consequences. If that advice was meant to go out before the planned Monday filing and did not, send it now.

09 **Confirm the §6672 figure and read the decree.** Get the IRS notices showing whether the $26,400 is proposed or assessed and whether it is trust-fund or employer share; if the figure changes, $440 a month no longer pays the priority claim in full. Reread the decree for whether the first-marriage card is support or property settlement, because a support label makes it a domestic support obligation payable in full, and get Georgia DHS's claimed amount on the $2,100 assigned arrears.

10 **Calendar the second case and decide the no-discharge posture.** Under discharge_bar_1328f1_4_years_from_the_prior_chapter7_filing, no Chapter 13 discharge is available before December 19, 2026 (practice target December 18, 2026) [signed law L13] [signed law L14]; any case filed earlier, including this one, yields none. Decide whether a second case is intended, document the purpose and timeline in this plan's narrative, and keep completion of this plan the priority, since dismissal before completion would reinstate a stripped HELOC lien.

DATES THAT MATTER

DATE	TIME LEFT	WHAT
Nov 16, 2026	11 days	Claims bar date 3002C 70 days from this petition
Dec 18, 2026	43 days	Discharge bar 1328F1 4 years from the prior CHAPTER7 filing
Dec 19, 2026	44 days	Second case filed for discharge
Dec 19, 2026	44 days	Discharge bar 1328F1 4 years from the prior CHAPTER7 filing
Sep 6, 2028	671 days	Truck cramdown 910 delivery
Sep 7, 2031	1767 days	Commitment period 1325B4

WHAT WE STILL NEED

- Status of the planned September 7, 2026 petition and September 8, 2026 sale. AS OF is November 5, 2026, which is after both dates, yet the record treats them as upcoming. Whether the sale has occurred, whether any petition is on file, and the actual petition timestamp all drive the stay, the 910-day count, the 1328(f) bar and the 362(c)(3) clock — client; PACER/CM-ECF docket; foreclosure counsel's sale status
- Documentation of the wife's separate payments and a documented split of the commingled Wells Fargo account, supporting the marital adjustment — joint account statements; wife's pay records; her loan and card statements
- Net (take-home) income basis for plan feasibility. The $10,300 capacity uses gross $7,400 while take-home is about $5,580; feasibility must rest on Schedule I/J net income — pay stubs; Schedule I and J worksheet
- Payoff statement and proof of claim itemizing the $31,000 arrears, including the roughly $4,200 foreclosure fees and costs, and whether each item is proper — servicer payoff statement and filed proof of claim
- Itemized non-exempt property computation supporting the about $8,000 ordinary non-exempt figure, reconciled to the $20,880 gross listed property — client asset inventory; trustee's valuation of listed items
- Negotiated amount of the health-insurance subrogation lien and whether Georgia's made-whole statute limits it — carrier and health-plan subrogation correspondence; Georgia made-whole statute research
- Basis for the stated $9,690 monthly stack. The itemized obligations total $4,501 (with truck at $612), so the stated figure does not reconcile — firm's plan budget worksheet
- Household size for the means test and plan (three vs. a different dependent count) under district practice — district decisions; Form 122C-2 instructions; trustee guidance
- PI counsel has been told of the bankruptcy and whether the section 327(e) special-counsel application has been filed — firm action record; PI counsel confirmation; docket
- Status of the section 6672 penalty: proposed vs. assessed, whether challenged, and any responsible-person interview or appeal — IRS notices and assessment record; client
- Appraised value of the Wilmington Island home relative to the $317,700 senior-claim threshold (controls the HELOC strip) — licensed appraiser retained this week
- Record title holder of the Wilmington Island home (Marcus alone or jointly with wife) and any co-owner's interest — recorded deed; Chatham County title search
- Exact date and funding trail of the $8,000 repayment to mother (insider, one-year look-back) — client bank records; auction settlement paperwork
- Any other transfers to insiders or family in the look-back period beyond the $8,000 — client bank statements; sworn client statement
- Georgia DHS claimed amount for the assigned arrears and whether DHS has filed a claim — Georgia DHS / Georgia child support records
- Written notice of the petition has been sent to foreclosure counsel and the servicer — firm action record; delivery confirmations
- Total attorney fee, fee agreement, and Rule 2016(b) disclosure — firm engagement terms and fee application
- Balance and terms of the guaranteed equipment lease — lessor statement; lease agreement; guaranty

QUESTIONS FOR THE CLIENT

? What are the balances of the guaranteed equipment lease and SBA loan, and has the IRS assessment status of the §6672 penalty been confirmed?

? Does the decree label the credit card obligation as support or as a property settlement?

? Are the servicer's arrears and fees accurate?

POINTS RAISED THAT THIS BRIEF DOES NOT YET ANSWER

- Decree credit card nondischargeability

Citations and dates in this brief are confirmed by counsel before you rely on them.