CODOSSIER
5 NOVEMBER 2026
REF **LS-20261105-79D1B4**

Consumer Bankruptcy Intake: Chapter 13 Before a Foreclosure Sale, Prior Dismissal, Texas Chapter 7 and Pending PI Claim

Consumer Bankruptcy Law (Chapters 7 & 13) · intake · 97 turns · 157 nodes analysed

As of 2026-11-04, the case timeline's date (when the conversation happened, as the record establishes it). A soft clock is running: Rebuttal hearing completion, bad-faith presumption.

MERIT	CONFIDENCE	URGENCY	ROUTE
Moderate · 64	Moderate · 44 %	Now	Qualify
value-weighted likelihood of the claims	1 of 16 key facts documented	45 day(s) to the nearest running clock	with one urgent step (Next Moves A1)

1 · REALITY CHECK — WHAT WAS ASKED, WHAT IS LIKELY

QUESTION · WHAT THE PARTY EXPECTED	LIKELY ANSWER	SEE
Is this fileable on that timeline, and under which chapter? *Expected: Chapter 13 filed 2026-09-07, before the sale*	**Qualified:** Chapter 13 is the right vehicle, but only if no sale has been held; the planned dates precede the as-of date.	→ **I1** T1 …
Does this division force conduit for a delinquent debtor? *Expected: Conduit assumed at about $185 a month*	Unresolved. No local rule or trustee practice is in the record, and $185 a month rides on it.	→ **I2** T35 …

The conversation to avoid: Do not give Marcus a go or decline answer on the truck and tools triggers. Both rest on an unreconciled T72 cushion and a petition date that may already be fixed or moot.

2 · THE ISSUES THAT DECIDE IT

I1 Whether a petition is on file and the sale held **SETTLED** 11 U.S.C. §1322(c)(1); §362(c)(3)(A); §1328(f)(1) → **A1 · A2 · D1**
At stake: Whether cure is possible at all, and which stay, 910-day and discharge clocks govern every other workstream.
Likely: Unknown. The as-of date 2026-11-04 postdates the planned 2026-09-07 petition and the 2026-09-08 sale. T19-T21 treat both as future, and N:fbbc35b4 leaves the conflict unresolved. *Resolves it:* PACER docket and foreclosure counsel's written sale status T1 · T19 · T21 · T13 · T17 …

I2 Whether the plan cash flow actually works **SETTLED** 11 U.S.C. §1325(a)(6) → **A3 · D2**
At stake: Counsel's decline rule (T41, T79) and feasibility under §1325(a)(6) both turn on the cushion.
Likely: Untested. The T71 items total $4,501, not $9,690 (x4). T72 used gross income, and household living expenses were never asked. The $242 cushion is an assistant figure. *Resolves it:* Schedule I/J on net income with living expenses and confirmed conduit routing T23 · T29 · T35 · T43 · T71 …

I3 Liquidation floor: injury value, subrogation lien, exemptions **VERIFY** 11 U.S.C. §1325(a)(4); O.C.G.A. §44-13-100(a)(7) → **A4 · A6 · D3**
At stake: The $22,100 floor sets the unsecured payment, and Marcus's $60,000 net expectation (T55) cannot survive it.
Likely: The floor rises. N:e8aa4494 states a $1,500 tools cap against counsel's $5,000 (T61), which drains the wildcard (x10). Every lien dollar cut goes to the estate, not Marcus. *Resolves it:* PI counsel's written settlement posture and the subrogation lien's documented basis T53 · T55 · T61 · T65 · T69 …

I4 Whether the $58,900 HELOC is wholly unsecured **MAJORITY** In re Scantling, 754 F.3d 1323 (11th Cir. 2014); 11 U.S.C. §506(a),(d) → **A5 · D4**
At stake: A $58,900 lien removal turns on a $2,700 margin. The cure-side fee objection moves the same threshold.
Likely: Open and tilting against the strip. $315,000 is counsel's estimate, the $319,000 comparable clears $317,700, and disallowing the $4,200 fees puts the threshold below $315,000 (x8, x9). *Resolves it:* Petition-date appraisal and itemized servicer payoff T33 · T45 · T47 · T48 · T81 …

I5 Whether the truck falls inside the 910-day window **VERIFY** 11 U.S.C. §1325(a) hanging paragraph; acquisition-date authority not identified → **A2**
At stake: $12,200 of claim above value and about $242 a month (x2, T40). This is counsel's first decline trigger.
Likely: The issue is live only if the petition was filed 2026-09-07, which is day 910 from delivery (T40). Any later petition clears both anchors. *Resolves it:* Actual petition date; then Eleventh Circuit authority on 'acquired' T37 · T39 · T40 · T41 · F:f25 …

Every other finding of the review is folded into these issues.

3 · NEXT MOVES

DO NOW, IN THIS ORDER

A1 Pull the S.D. Ga. docket, Chatham deed records and foreclosure counsel's written sale status *Counsel · this week.* Every remedy and clock keys off these facts. I1

A2 Run the §362(c)(3), 910-day and §1328(f) clocks on the actual or proposed petition date *Counsel · before advising.* A later petition may remove three hazards. I1

A3 Rebuild the budget on net income, living expenses and confirmed conduit routing *Counsel · before advising.* Both decline triggers depend on a real cushion. I2

A4 Confirm the Georgia tools cap; rerun the floor at $40,000, $110,000 and $285,000 *Counsel · before advising.* The floor sets the payment and Marcus's net. I3

A5 Obtain the petition-date appraisal and a payoff itemizing the $4,200 fees *Counsel · before advising.* Both decide the strip and the fee objection. I4

A6 Advise Marcus in writing on the estate's share of the injury net and no discharge *Counsel · within 14 days.* His $60,000 expectation is wrong. I3

DO NOT

D1 Do not file a new petition until docket and sale status are confirmed. A duplicate or post-sale filing invites good-faith and serial-filer attack. I1

D2 Do not apply the decline triggers to the T72 $9,690 stack or $242 cushion. These are assistant figures that do not reconcile with T71. I2

D3 Do not let PI counsel settle or compromise the lien without bankruptcy court approval. The claim is estate property once a case is pending. I3

D4 Do not object to the $4,200 fees before the strip valuation is fixed. Cutting the senior claim lowers the threshold and can defeat the strip. I4

4 · CLOCKS — COUNTED BY CODE FROM THE RECORD'S DATES

CLOCK	STARTS	PERIOD	STATUS · LAST DAY	RULE
910-day purchase-money vehicle window *(added)*	Acquisition of truck (signing 2024-03-08 or delivery 2024-03-11) measured to petition	910 days	**May have passed** · 2026-09-04 (Fri)	11 U.S.C. §1325(a) hanging paragraph **VERIFY**

CLOCK	STARTS	PERIOD	STATUS · LAST DAY	RULE
	(2024-03-08)			
Chapter 13 discharge bar, four years	Filing of prior Chapter 7 (2022-12-19) measured to new petition date (2022-12-19)	4 years	**Running** · 2026-12-19 (Sat) weekend: check roll-forward	11 U.S.C. §1328(f)(1) **SETTLED**

Soft clocks (another party can move at any time): Foreclosure sale (may have passed); Rebuttal hearing completion, bad-faith presumption; Servicer enforcement or stay-relief motion.

Dormant until their trigger: Stay termination for debtor, day 30, 30 days from Filing of the new Chapter 13 petition; Plan filing, 14 days from Petition filing; First plan payment, 30 days from Earlier of plan filing or order for relief; §521(i) automatic dismissal, 45 days from Petition filing; Meeting of creditors window, 21 to 50 days from Order for relief; Non-governmental proof of claim, 70 days from Petition filing; Governmental proof of claim (IRS §6672), 180 days from Order for relief; Inheritance within estate, 180 days, 180 days from Petition filing; death of father as event; Insider preference reachback, 1 year from Date of the $8,000 transfer to mother (exact date not stated); Exemption objection period, 30 days from Conclusion of the §341 meeting.

5 · VALUE — WHAT IS AT STAKE, AND AGAINST WHOM

ASSET OR CLAIM	AT STAKE	THE CLAIM	OUTLOOK	EXPECTED	AGAINST
Slip-and-fall claim, Chatham State Court *swing*	$40k–$285k	Personal injury settlement; estate property net of exemptions **VERIFY**	**Better than even**	$20k–$242k	Warehouse defendant and carrier
HELOC lien strip: $58,900 second lien *swing*	$0–$59k	§506(a)/(d) valuation, no-discharge Chapter 13 (Scantling, 754 F.3d 1323, holding not verified by me) **VERIFY**	**Even**	$0–$32k	HELOC lender
Wilmington Island house: first-mortgage foreclosure sale and $31,000 arrears cure *exposure swing*	$287k–$318k	Loss of home if stay fails or cure plan is not confirmed **SETTLED**	**Unlikely**	$43k–$127k	First mortgage servicer and foreclosure counsel
§6672 trust-fund penalty, proposed *exposure*	$26k	Personal responsible-person liability, priority claim **SETTLED**	**Likely**	$16k–$24k	IRS
Estate's claim on injury net via liquidation floor *exposure*	$8,000–$22k	§1325(a)(4) best-interest test **SETTLED**	**Likely**	$4,800–$20k	Chapter 13 trustee and unsecured creditors
Child-support arrears $9,600 (about $2,100 to Georgia DHS) *exposure*	$9,600	Domestic support priority claim paid in full **SETTLED**	**Likely**	$8,640–$9,600	Ex-wife and Georgia DHS
Truck lien: GMAC claim not crammable if 910-day window applies *exposure*	$0–$12k	Hanging paragraph; acquisition by delivery date **VERIFY**	**Even**	$0–$6,100	GMAC
$8,000 repayment to mother *exposure*	$0–$8,000	Insider preference, §547(b)(4)(B), one-year reach **SETTLED**	**Better than even**	$0–$6,400	Chapter 13 trustee (against mother)
Total recoverable	**$192k**			**$20k–$275k**	

Not sized on this record: Business guaranties (equipment lease, SBA) and decree credit card (against Equipment lessor, SBA lender, card creditor or ex-wife), exposure, likely. Missing pieces (7) says what sizes them.

Exposure: $72k–$193k expected against the client.

T71 itemized monthly obligations: `mortgage + trustee_fee + arrears_cure + truck + support + support_arrears + trust_fund_tax + attorney_fee =` **$4,501**

T72 nominal headroom on gross income and stated stack: `marcus_gross + wife_contribution - stated_stack =` **$610**

Net available before household living expenses: `take_home + wife_contribution - itemized_obligations =` **$3,979**

Liquidation floor per month over 60 months: `floor / months =` **368**

Senior claim if the $4,200 foreclosure fees are disallowed: `principal + arrears - fees =` **$314k**

Working value above the fee-reduced senior claim: `working_value - reduced_senior =` **$1,500**

Tools value above a $1,500 cap (high end): `tools_high - tools_cap =` **$2,500**

6 · WHO ELSE IS ON THE OTHER SIDE

Health-insurance subrogation claimant. Asserts a lien of about $46,000 against the recovery, un-negotiated; Georgia made-whole limits not verified. *Next:* Likely asserts the lien on any settlement; timing unknown. T55 · T56

7 · MISSING PIECES — RANKED BY WHAT THEY MOVE

#	WHAT TO GET	MOVES	STATE
1	Prior Chapter 13 history; Petition and sale status as of now; His house has a foreclosure sale 'a week from Tuesday' and he wants to keep it; Counsel's planned filing date is Monday, September 7, 'the day before the sale.'; Notice is not yet arranged. Counsel will file electronically first thing Monday and notify the foreclosure counsel and servicer at once.	$76k	Claimed · Not asked
2	Injury claim settlement value.	$61k · 2 claims	Claimed
3	Subrogation lien and client expectation; PI counsel is a Savannah firm on one-third contingency, costs advanced. The carrier opened at $40,000 in June, and PI counsel countered at $285,000; PI counsel told Marcus verbally last month he expects 'somewhere in the middle, probably low six figures.'.	$57k	Claimed · Not asked
4	Section 6672 exposure.	$7,920 · 2 claims	Claimed
5	6672 status.	$7,920	Not asked

#	WHAT TO GET	MOVES	STATE
6	Home value; Senior claim; The HELOC is $58,900 drawn, opened in 2021, and unpaid for fourteen months. It is in second position, recorded, with perfection not disputed; Counsel believes Scantling permits a strip in a chapter 20 because §506(d) doesn't require a discharge, and wants it confirmed; counsel is '$2,700 from the wrong side.'; Appraisal.	$7,363	Claimed · Not asked
7	Counsel states the (a)(11)(D) cap is $10,000 fixed, bodily injury only, and the wildcard pool is $11,200. Ordinary non-exempt property is about $8,000 assuming tools of trade holds, leaving $3,200 for the claim; His HVAC tools are $6,500 replacement but $3,500 to $4,000 actual, still in use at the W-2 job; The claim goes on A/B at PI counsel's own range, is exempted on Schedule C under (a)(11)(D) plus spillover, and is disclosed on the SOFA. Counsel calls PI counsel today and files a §327(e) application. The $8,000 to his mother goes on SOFA question 7 and into the liquidation floor; Tools exemption.	$4,515	Not asked
8	Counsel has the signed RISC in hand, executed March 8, 2024. Delivery was March 11; the dealer held the truck three days for a bed liner and window tint, and there is a 'we owe' slip. The Georgia T-7 bill of sale and odometer statement are dated March 8; Counsel counted from September 8. If it's 910 on a Monday filing under the delivery reading, the cramdown fails, the cushion halves, and counsel declines rather than file a plan known to fail; Acquisition authority.	$1,220	Not asked
9	Complications: a prior Chapter 13 he says he 'dropped,' and $8,000 repaid to his mother this spring from the equipment auction; Repayment date; Insolvency.	$1,200	Not asked
10	Child support is $650 a month current, $9,600 behind. About $2,100 of the arrears were assigned to Georgia DHS when the ex briefly took TANF.	$960	Not asked
11	Prior Chapter 7 discharge.	gates all	Claimed

4 further undocumented fact(s) move no claim's value and gate nothing.

8 · THE RECORD AND THE AUTHORITIES

The file rests on 16 key facts: 1 documented, 11 claimed, 1 inferred, 3 not asked.

Documented or corroborated: RISC executed 2024-03-08, delivery 2024-03-11; $31,200 balance at 13.9%, worth about $19,000; this decides the 910-day hanging paragraph. (T37,T39).

Inferred, never stated: Itemized obligations at T71 do not sum to the $9,690 stack stated at T72; the $242 cushion rests on that stack. (T71,T72).

Read from the governing text in this run: **11 U.S.C. §1325(a), unnumbered hanging paragraph following (a)(9)** **SETTLED** (www.law.cornell.edu) The text keys on the date the debt was incurred, not delivery. It also requires a purchase money security interest. Treating the hanging paragraph as a hanging paragraph at the end of (a) is the usual convention. The acquisition-date question therefore turns on when the debt was incurred; **11 U.S.C. §362(a)** **SETTLED** (www.law.cornell.edu) The stay arises on filing of the petition and does not depend on clerk hours or a hearing. The text does not address filing on a closed-clerk day.

Also relied on, from memory: 11 U.S.C. §362(c)(3); 11 U.S.C. §547(b)(4)(B), §547(f); 26 U.S.C. §6672; 11 U.S.C. §507(a)(8)(C); 11 U.S.C. §523(a)(5), (a)(15); 11 U.S.C. §101(14A); 11 U.S.C. §507(a)(1); 11 U.S.C. §362(c)(3)(C); 11 U.S.C. §362(d); Eleventh Circuit void-act rule; 11 U.S.C. §362(c)(3)(B)-(C); 11 U.S.C. §1325(a)(3),(a)(7); 11 U.S.C. §§541(a)(1), 327(e), 547(b); Fed. R. Bankr. P. 3012; local practice; 11 U.S.C. §541(a)(5).

Scores and dates are code's arithmetic on the record and the ranges above, not calibrated against outcomes. Only authorities marked read were read from their text in this run; confirm every other citation before reliance.