



*Divorce & Bankruptcy:
The Train Wreck
of the Law*

Randy Wilhite & Tom Kirkendall
8:30 a.m., Monday,
November 5, 2007

My niece Meg



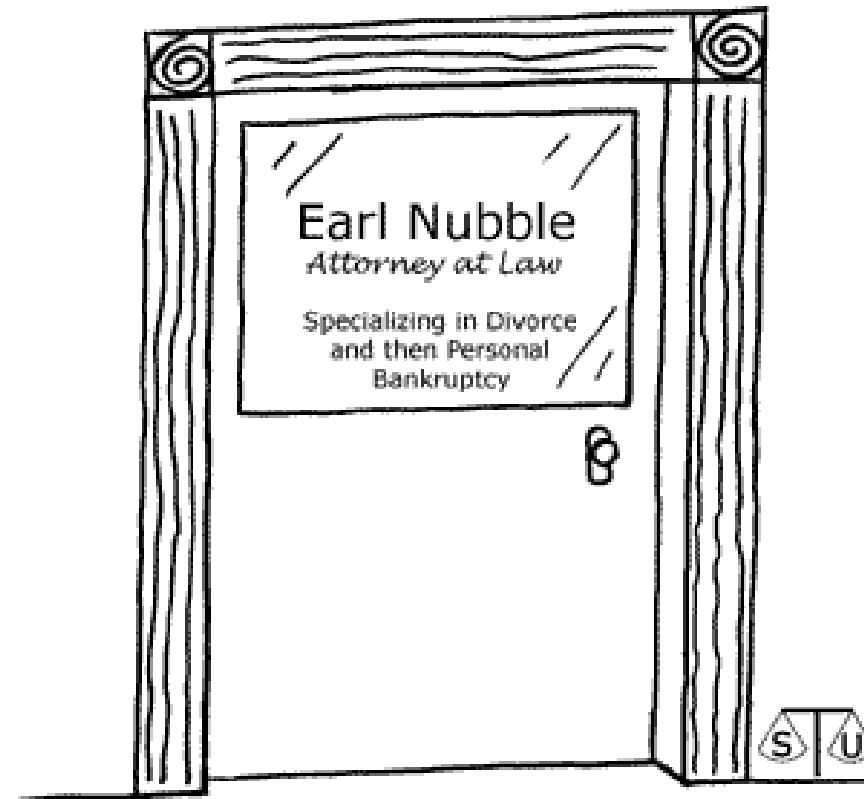
Why is an understanding of bankruptcy law important in handling a divorce case?



The Collision of Public Policies

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Pity the poor, non-debtor former spouse

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The Filing of a Bankruptcy Case



Do divorce obligations survive the discharge?

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Domestic support obligations
("DSO's")

11 U.S.C. § 522(c)(1)

11 U.S.C. §§ 523(a)(5) & (15)

Does the automatic stay enjoin the prosecution of divorce cases?

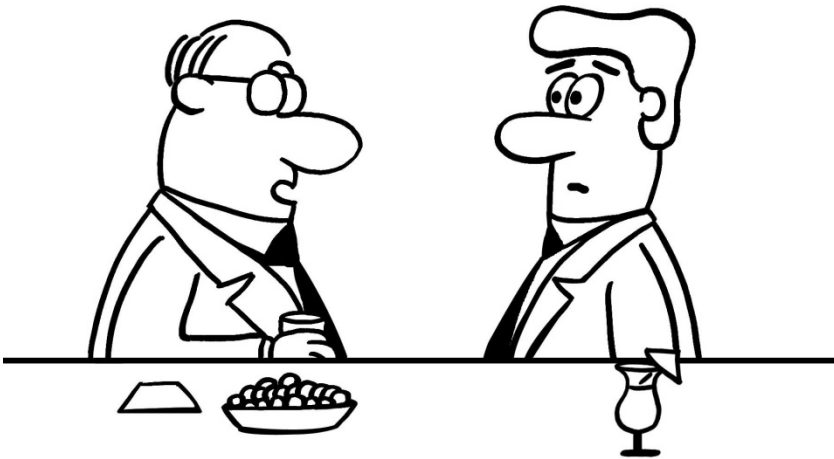
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11 U.S.C. §362(b)(2)

The New and Improved
Divorce Exception to the
Automatic Stay



"Sorry" is a word used by losers
who are afraid of divorce.

What's in and what's out of the debtor's estate?



Non-debtor spouse's
property?

11 U.S.C. § 541(a)(2)

Are post-petition earnings property of the estate?



Chapter 7

11 U.S.C. § 541(a)(6)

Chapter 11

11 U.S.C. § 1115

Chapter 13

11 U.S.C. § 1306

Is the Wilhite Family's Lake Travis Estate exempt property?



Planning Considerations

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Upper Class
Love



"Of course you can consult
with your attorney."

Concluding Thoughts

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"No, my husband and I never fight.
I'm a litigator and, frankly, he
can't afford my time."

Credits

- The Cartoons in this presentation are the work of the incomparable Stuart M. Rees of Stu's Views.