Professor Davis Creditors’ Remedies and Bankruptcy

Fall 2019

SYLLABUS

Hour

1 53-75 Problem Set 3

2,3 40-51. Do Prob 2.6; Handout. Florida’s Judgment Lien on Personal Property.

4 Ch 7 Liquidation 77, 79-80 (Ignore Tex. & Wyo. Statutes); 88-90; Fla. Const. Art X §4; FS Ch 222.; 96-104; Omit Prob 4.1. Treat Probs 4.2-4.4 as though parties live in Florida..

5,6 105-128; P.S. 5, catch up.

7,8 129-151; P.S. 6

9 153-154; P.S. 7

10,11 155-183; P.S. 8

12. 185-202; P.S. 9

13,14 Chapter 13 Repayment 205-227; P.S. 10

15 229-249; P.S. 11

16 Consumer Bkcy System 251-280, P.S. 12

17 Chapter Choice 281-304; P.S. 13

18 305-329; P.S. 14

19,20 Catch up

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Hour Pages

21 331-357 P.S. 15 (Omit 15.6)

22 359-389 P.S. 16

23, 24 381-410 P.S. 17, catch up

25 413-434 P.S. 18

26 435-451 P.S. 19 (Prob 19.4 covered by lecture)

27 453-468 P.S. 20

28, 29 469-490 P.S. 21, catch up

30 491-510 P.S. 22

31 511-534 P.S. 23

Omit Assignment 24

32 561-576 P.S. 25

Omit Assignment 26

33,34 Sample Problems, catch up

35 597-622 P,S. 27 (Omit 27.4)

36 623-638 P.S. 28

37 639-664 P.S. 29

38 665-690 P.S. 30

39 691-712 P.S. 31

40-42 Catch up, possible guest speaker

## Academic honesty:

Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

## Grading information and grading scale:

The Levin College of Law’s mean and mandatory distributions are posted on the College’s website and this class adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent in place:

|  |  |
| --- | --- |
| Letter Grade | Point Equivalent |
| A (Excellent) | 4.0 |
| A- | 3.67 |
| B+ | 3.33 |
| B | 3.0 |
| B- | 2.67 |
| C+ | 2.33 |
| C (Satisfactory) | 2.0 |
| C- | 1.67 |
| D+ | 1.33 |
| D (Poor) | 1.0 |
| D- | 0.67 |
| E (Failure) | 0.0  |

The law school grading policy is available at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

## Accommodations:

Students requesting accommodation for disabilities must first register with the Disability Resource Center (<http://www.dso.ufl.edu/drc/>). Once registered, students will receive an accommodation letter which must be presented to the Assistant Dean for Student Affairs (Dean Mitchell) when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

Attendance

Per ABA requirements, please attend all classes, unless you e-mail me in advance with a legitimate excuse. Requirements for class attendance and make-up exams, assignments, and other work in this course are consistent with university policies that can be found at: <https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>.

Class Preparation

It is anticipated that you will spend approximately 2 hours out of class reading and/or preparing for in class assignments for every 1 hour in class.

Learning Outcomes

After completing the class, students should be able to:

1. Describe the various remedies available to creditors under state law in seeking to collect a debt, and describe the various defenses available to debtors in seeking to resist a creditor’s efforts to collect a debt.

2. Describe the differences between the various forms of bankruptcy, including Chapters 7, 11, and 13, to describe the advantages and disadvantages of each of the chapters from the point of view of both creditors and debtors, and the requirements for eligibility for each of these chapters.

3. Demonstrate an understanding of the Federal Bankruptcy Code, including in particular an understanding of the property of the estate, the automatic stay, property exempt from bankruptcy, availability and risks of involuntary bankruptcy, Trustee avoiding powers, eligibility for discharge, exceptions from discharge, grounds for avoiding discharge, and the effects of discharge.

4. Apply strategic and practical considerations throughout the process of filing, documenting, litigating, opposing and completing a bankruptcy case.