6-29/100.00 Bankruptcy

The bulk of bankruptcy law is found in Title 11 of the United States Code (11 USC). Bankruptcy procedures are also governed by the Federal Rules of Bankruptcy Procedure (FRBP), Official Bankruptcy Forms and local bankruptcy court rules. Bankruptcy is a complex, specialized area of civil law that impacts the sheriff when serving process, executing civil warrants or performing levies. The U.S. Constitution places bankruptcy within the jurisdiction of the federal court system. However, California law may also play a role, e.g., debtor exemptions, lien avoidance, attachment levies. While Departmental procedures are usually based on statutory and decisional law, some procedures are predicated on policy, especially when the sheriff's duties and liabilities are not clearly delineated by statute.

Bankruptcy is intended to:

- give creditors some payment on their debts if a debtor can afford to pay them and
- give debtors a fresh start by canceling many of their debts

An individual (natural person) may file a Chapter 7, 11, 12, or 13.

A partnership or corporation can only file a Chapter 7 or 11.

A municipality can only file a Chapter 9.

A stockbroker or commodity broker can only file a Chapter 7.

A railroad can only file a Chapter 11.

(11 USC 109)

Chapter 15 involves insolvency cases in foreign countries. (11 USC 1501)