6-29/108.60 Actions by Debtor

The automatic stay applies to actions against the debtor, not to actions brought by the debtor. For example, the stay does not apply to a debtor's counterclaim. The stay “does not address actions brought by the debtor which would inure to the benefit of the bankruptcy estate.” (Shorr v Kind, 1 CA 4 249; In re Regal Const. Co., Inc., 28 BR 413) A claim of exemption or third party claim filed by the debtor should be processed as usual.