

7.29.11

First Circuit

In re: Scannell, 2011 BNH 9; 2011 Bankr. LEXIS 2827 (Bankr. D.N.H. 7/27/11)(J. Michael Deasy, Bankruptcy Judge)(When performing the lien avoidance calculation under § 522(f)(2), the Debtor may use the amount the Debtor could have claimed on Schedule C but did not, i.e., the statutory maximum under the exemption scheme chosen by the Debtor)

(In re MBAZIRA) MBAZIRA v. LITTON LOAN SERVICING, LLP, 2011 U.S. Dist. LEXIS 85271 (D. Mass. 7/27/11)(F. Dennis Saylor IV, District Judge) (District Court affirmed the Bankruptcy Court's finding that a confirmed Chapter 13 plan that provided for treatment of mortgagee as a secured creditor to be paid in full cannot then be changed post-confirmation, due to judicial estoppel, where the post-confirmation change was to attack the secured status of the claim)

(In re MONIZ; CAMARA), Debtor, 2011 Bankr. LEXIS 2913 (Bankr. D. Mass. 7/27/11)(Frank J. Bailey, Bankruptcy Judge) (Stay relief appropriate where the bankruptcy filings were intended to hinder, delay or defraud the affected secured creditor; also, the property had no equity and was not needed for an effective reorganization).

In re: DAMON MASSEY, Debtors, 2011 Bankr. LEXIS 2877 (Bankr. D. Mass. 7/25/11)(Melvin S. Hoffman, Bankruptcy Judge) (Trustee's objection to exemption comes too late; Court urges all trustees to carefully review any exemptions listed as "100% FMV").

(In re: HOLLINGWORTH)(HOLLINGWORTH v. BENEFICIAL MASSACHUSETTS, INC. and HSBC MORTGAGE CORPORATION (USA), 2011 Bankr. LEXIS 2829 (Bankr. D. Mass. 7/27/11)(Melvin S. Hoffman, Bankruptcy Judge)(TILA pre-empts state regulation on predatory lending and disclosures relevant to the percentage threshold defining when a loan qualifies a high cost home loan, the TILA percentage of 8% pre-empting the Massachusetts state law percentage of 5%).

Submitted By:

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