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Discharge in Bankruptcy

The Bankruptcy Court has issued your *Discharge* in bankruptcy. The Discharge cancels or nullifies your legal obligation to pay most, if not all, of your debts. Insofar as you are concerned, this ends your bankruptcy case *with a few limited exceptions*.

This Brochure will provide basic information to ensure that you gain the maximum benefit from your Discharge. Even though you have been Discharged, you should be aware of certain things.

Discharge Order

The Discharge is represented by the *Discharge Order* issued by the Bankruptcy Judge. The Discharge Order is the sheet of paper you received from the Bankruptcy Court. Our office provided you with a duplicate copy. The signed original of the Discharge Order is in your bankruptcy file in Oklahoma City.

This Discharge Order is important and you should keep a copy of it available to deal with discharged creditors. Although you may obtain a duplicate from the Bankruptcy Court, with the passage of time that becomes much more difficult.

Reaffirmed Debts

Occasionally a Debtor will want to pay a Creditor after the bankruptcy; this is known as *Reaffirming* a debt.

There are many reasons to Reaffirm: A person in a small town with only one doctor may want to Reaffirm their bill with that doctor to ensure continued medical care. Or, someone wanting to keep an asset like an automobile subject to a lien may be required to Reaffirm to be able to keep the asset.

If you reaffirmed any debts, those obligations survive your Discharge and you must pay those debts as though you had never filed for bankruptcy.

Debts You Still Owe

Some debts are *not* Discharged. We have provided you detailed written information and discussed these debts with you at length. Such debts include:

- Most but Not All Taxes;
- Student Loans with very limited exceptions;
- Fines and Penalties Ordered by a Court;
- Child Support Ordered by a Court;
- Alimony for Support Ordered by a Court;
- Certain Debts found to be Non Dischargeable; and
- Debts You Agree to Reaffirm.

All of your questions should have been answered by now; if not, let us know. Regardless, make sure you pay these creditors on time.

"If you receive a summons or document that appears to be a lawsuit. . . contact our office immediately. . . ."

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Objections and Exceptions

Early on we discussed Objections to your Discharge and Objections to the Dischargeability of a particular debt. Absent fraud on your part the time has expired for these Objections to be filed by Creditors you listed in your bankruptcy.

On those rare occasions when a Trustee objects to a Discharge or a Creditor objects to the Dischargeability of a particular debt, the court may still issue a Discharge Order. However, in those instances the Discharge Order *excludes* from the Discharge those issues that remain unresolved. Said another way, if such an objection has been timely filed, you still must deal with it.

Calls from Creditors

If you receive any calls from a Creditor whose debt was Discharged, I recommend that you politely but firmly tell them their debt was Discharged in bankruptcy and to not call you again.

To give credibility to your request, tell the Creditor your bankruptcy was filed in Oklahoma City and give them your Bankruptcy Case number shown on the Discharge Order. If the Creditor calls you again, get their name and address and report this to our office. We will see that they stop.

Correspondence from Creditors

If you receive a bill or letter from a Creditor whose debt was Discharged, I recommend that you mail them a photocopy of your Discharge Order with a copy of their bill or letter. If the Creditor writes you again, report this to our office. We will see that they stop.

Lawsuits

If you receive a summons or document that appears to be a lawsuit filed by a Discharged Creditor, contact our office immediately with copies of the suit papers.

What's Next

Nothing. Your case is over.

Referrals

We appreciate the opportunity to help you during this difficult time in your life. We hope we have been helpful and thoughtful and that you are pleased with our services. If you have been, we hope you will recommend us to your friends and neighbors who may need legal services.

The Author

Larry D. Lahman, the author of this publication, was born in Carmen, Oklahoma. He attended Northwestern Oklahoma State University receiving a Bachelor of Science in Chemistry, Mathematics and Physics in 1965.

Lahman subsequently attended graduate school at OSU and later received a Juris Doctorate Degree from the OU Law School. He is admitted to practice before all state and local federal courts including the United States Supreme Court.

Lahman served as President of the Garfield County Bar Association and other organizations. He was a parachute officer with the U.S. Army Special Forces – the Green Berets – in Vietnam and retired as a Lieutenant Colonel in the Army Reserves.

“ . . . when a Trustee objects to a Discharge or a Creditor objects to the Dischargeability of a particular debt, the court may still issue a Discharge Order. . . . Said another way, if such an objection has been timely filed, you still must deal with it.”