

14-400 HARRIS V. VIEGELAHN

DECISION BELOW: 757 F.3d 468

LOWER COURT CASE NUMBER: 13-50374

QUESTION PRESENTED:

Chapter 13 of the Bankruptcy Code allows debtors to repay their creditors by turning a portion of their monthly income over to a Chapter 13 trustee for distribution to those creditors. At any time, however, a debtor may convert a Chapter 13 bankruptcy case to one under Chapter 7. Congress has provided that "[e]xcept" where the conversion is made in bad faith, the resulting Chapter 7 estate is limited to the debtor's property "as of the date" the original Chapter 13 petition was filed; it does not include wages or property that the debtor acquired *after* the petition date. 11 U.S.C. § 348(f).

The question presented is:

Whether, when a debtor in good faith converts a bankruptcy case to Chapter 7 after confirmation of a Chapter 13 plan, undistributed funds held by the Chapter 13 trustee are refunded to the debtor (as the Third Circuit held in *In re Michael*, 699 F.3d 305 (2012) or distributed to creditors (as the Fifth Circuit held below).

CERT. GRANTED 12/12/2014