

I filed bankruptcy but forgot to list a debt I owe!

If you filed a Chapter 7 bankruptcy, the one that gets rid of your debts quickly, but forgot to list a debt you owe, what happens? Will you have to pay that debt? Let's take a look...

- 1. If you have received your discharge of debts and your Chapter 7 case is closed,** what happens depends on whether or not the bankruptcy trustee was able to pay your creditors anything from your assets. In most Chapter 7 cases, there are no assets to go to creditors and those cases are called "No Asset" cases. If anything was paid to your creditors from your assets, that's an "Asset" case.
 - **No-Asset Chapter 7 cases** - In California and other states in the 9th Federal Circuit, if you forgot to list a debt or creditor in your case, and it would have been discharged if you had listed it, the debt is discharged anyway. The reason is that even if it had been listed, the creditor wouldn't have received anything. If someone tries to collect that debt, send them a copy of your bankruptcy discharge. If the creditor needs more persuading, contact your bankruptcy attorney to send them a proper lawyer letter.
 - **Asset Chapter 7 cases** - That debt was not discharged in your bankruptcy and you still owe it.
- 2. If you have not received your discharge of debts and your Chapter 7 case is still open,** you should add that creditor and debt to your filing by amending the proper schedule. Tell your bankruptcy attorney and he/she will do this as well as "serve" the additional creditors with your notice of bankruptcy. Note that there is a filing fee for this as well as extra work for your attorney.

As you can see, in most Chapter 7 cases, forgetting to list a debt and creditor is not a serious problem. In any event, be sure to tell your bankruptcy attorney as soon as you realize that you forgot to list a debt or creditor.

Malcolm Ruthven
Attorney at Law
San Francisco Bay Area
415.342.4666 Fax 415.869.6645
mruthven@mruthvenlaw.com
ca-bklaw.com



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