

Objections to a Bankruptcy Discharge

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A [Chapter 7 or Chapter 13](#) filing typically allows an individual to discharge the majority of his or her debts. However, a discharge is not guaranteed. There are certain rules and procedures a debtor must follow and the filing must be done in good-faith.

Under [Section 727](#) of the Bankruptcy Code, the trustee or a creditor is allowed to object to a debtor's discharge. Often objections are based on the failure of the debtor to make honest or full disclosures about assets. Bankruptcy law requires a you to disclose all of your assets, debts, income and expenses when you file your bankruptcy case.

Section 727 provides that the trustee or a creditor may file an objection to your discharge based on the following:

- **Fraud.** An objection to discharge can be filed if, within one year prior to the bankruptcy filing, the debtor has attempted to defraud a creditor.
- **Records.** If the debtor destroys, hides, or fails to provide adequate records, an objection to discharge is valid.
- **Lies.** The debtor's schedules, statements of financial affairs, and testimony at the meeting of creditors are all done under oath. If a debtor is caught lying under oath, he may be prevented from receiving a discharge.
- **Suspicious Activity.** If the debtor has suspicious activity in his case (unexplained loss of property or missing assets), an objection to discharge can be filed.

Obtaining a discharge of your debt is the primary reason for filing a bankruptcy case. Thus, it is important to be honest and forthcoming in your disclosures. Take every action necessary to protect your ability to discharge your debt.

The attorneys at [The Koplen Law Firm](#) provide Rockland County and New York City residents with experienced legal representation in bankruptcy matters. We assist individuals seeking relief from their overwhelming debt in filing Chapter 7 or Chapter 13 bankruptcy. If you are considering filing for bankruptcy protection, or you want to discuss options for dealing with your debt, please contact us at [\(845\) 623-7070](tel:8456237070). In addition to handling all types of bankruptcy cases, our law firm can provide legal assistance with matters involving divorce and family law, personal injury, criminal defense, sexual harassment, and employment discrimination as well.