

Question:
**Can You Pick and Choose
the Bills You Pay and the Property You Keep?**

Answer:
Yes, No, and Maybe.

Yes, you can voluntarily pay any or all of your bills, even though you file Chapter 7 bankruptcy. A bankruptcy discharge prevents most of your creditors from collecting their debts from your post-bankruptcy earnings and /or your subsequently acquired property; it does not prevent you from paying the debts if you choose to do so for moral, religious, or other reasons.

No, you cannot pick and choose which creditors you list in your bankruptcy papers. You must list each and every one of them, even the ones to family and friends, and even the ones you intend to pay (such as the mortgages on your house and the loans on your car or truck).

Maybe the trustee will try to take your property, and maybe he will let you keep it. There's no guarantee as to what a trustee will try to do in a specific case, but the general rule is that the trustee will NOT try to take your property if it is exempt under the law, if it is encumbered in excess of value, or if administering the property would be a burden to the bankruptcy estate.

But even if the trustee does not take your property, that does not mean that you will be able to keep it. A creditor might be able to take your property if the property has a lien on it or if you put it up as collateral. In such a case, if a "consumer debt" is involved, you will either have to 1) surrender the property to the creditor or 2) redeem the property from the lien by paying the creditor the cash value of the property or 3) reaffirm (re-sign) the debt . You cannot reaffirm a debt unless the creditor is willing to continue to maintain a business relationship with you, i.e., you cannot force a creditor to allow you to reaffirm a debt.