

Is Dewsnap Unravelling Due to Lien-Stripping Cases under § 1322(b)(2)?

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The law of lien-stripping in consumer bankruptcy cases continues to evolve in two opposite directions. The anti-lien-stripping precedent of *Dewsnap v. Timm*, a chapter 7 case, is frequently disregarded in chapter 13 cases notwithstanding the specific directive of § 1322(b)(2), which states that a mortgage secured by a debtor's home cannot be modified. This evolution continues even though chapter 7 and 13 cases are interpreting the same statute applicable in both chapters: § 506. This has created a crescendo of confusion as to fundamental bankruptcy concepts.

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