

I filed bankruptcy before, so I can't do it again. Wrong!

Someone said that to me at a dinner party recently as if it were an established fact. But the truth is that it's completely wrong. Let's look at the truth of about that.

What the person really meant: **"I got a discharge (got rid) of debts in a bankruptcy before, so I can't get rid of my debts again in bankruptcy."**



The fact is that you can get rid of your debts again through bankruptcy if enough time has gone by since your first one.

If your first bankruptcy with discharge of debts was a Chapter 7 (the usual type, the one that gets rid of your debts quickly), you must wait ...

- Eight years after filing the first one before filing a Chapter 7.
- Four years after filing the first one before filing a Chapter 13 (a payment-plan bankruptcy).

If your first bankruptcy with discharge of debts was a Chapter 13 (the payment-plan type), you must wait ...

- Six years after filing the first one before filing a Chapter 7. But that waiting period does not apply if, in the prior Chapter 13, you paid all of your unsecured (credit card, etc) debts or at least 70% of your unsecured debts and your plan was proposed in good faith and your best effort. Discuss these exceptions with your bankruptcy attorney.
- Two years after filing the first one before filing a Chapter 13. But a Chapter 13 almost always takes longer than that to get a discharge of debts, so you can usually file another Chapter 13 quickly after your first discharge of debts.

As usual, "don't try this at home". An experienced bankruptcy attorney can guide you through the process.

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



Click [bankruptcy](#) for more information from [Malcolm Ruthven](#)