



TOPIC: INSURANCE PROCEEDS

Panel Members:

- Alice Whitten
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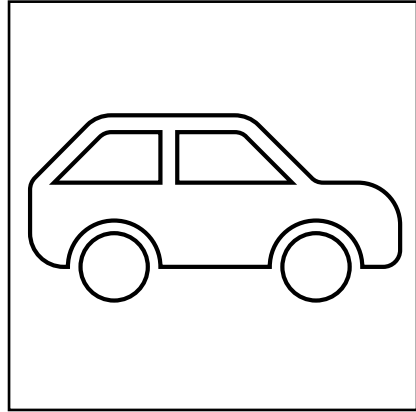
YOU ARE DEBTOR'S COUNSEL. DEBTOR CALLS AND SAYS THAT THEY HAVE BEEN IN A MOTOR VEHICLE ACCIDENT AND THAT THEIR CAR IS TOTALED.



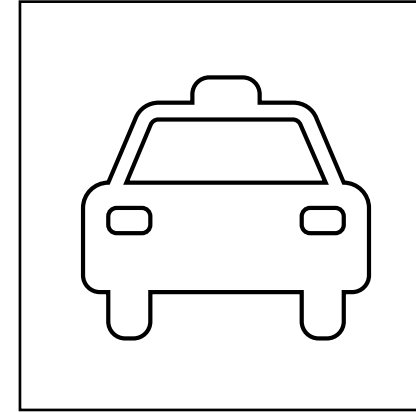
HOW DO YOU
RESPOND?



WHAT QUESTIONS DO
YOU NEED TO ASK?



In general, what are vehicle lenders looking for when the vehicle is damaged in an accident?

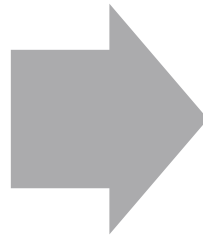


What actions should counsel for the vehicle lender take?



What is the result if the insurance proceeds have been received by the Debtor and spent when you learn of the accident?

What if the
vehicle is not
a total loss?



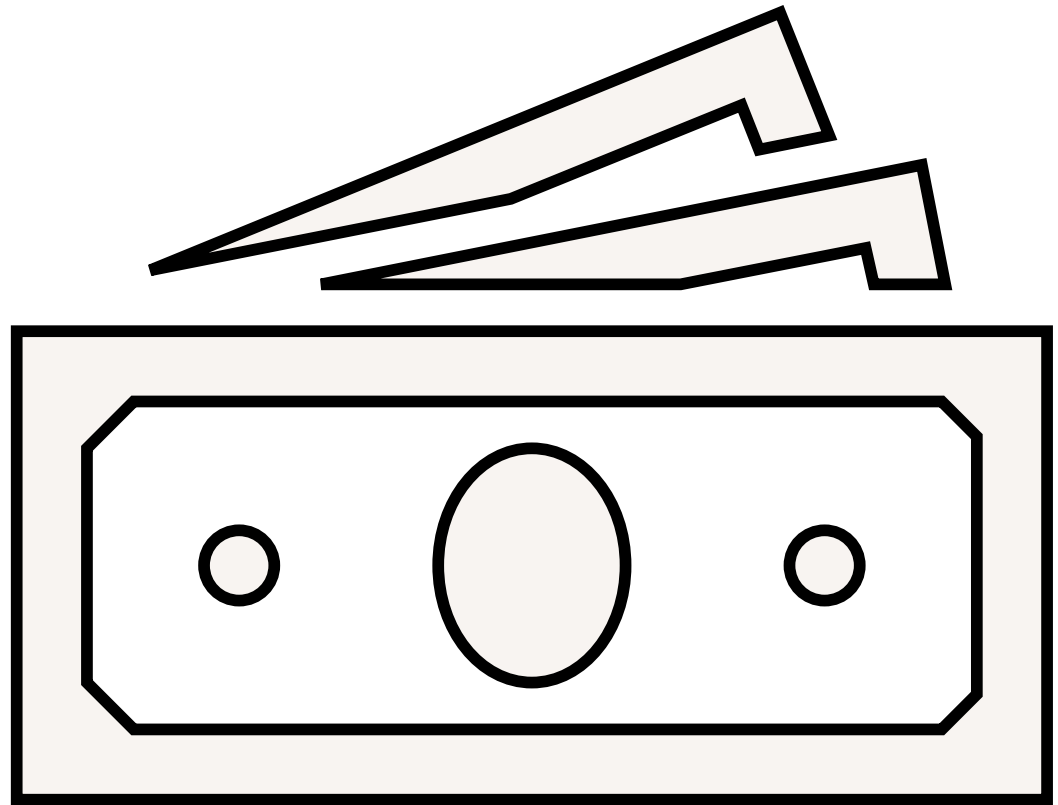
How does
that change
the dynamic?



WHAT IF THE AVAILABLE
INSURANCE PROCEEDS ARE
NOT ENOUGH TO PAY THE
VEHICLE LENDER'S ALLOWED
SECURED CLAIM?



What if the available insurance proceeds are enough to pay the vehicle lender's allowed secured claim, but not enough to pay the unsecured portion of the claim?



YOUR CLIENT RECEIVES AN INSURANCE CHECK, FOR VEHICLE REPAIRS, MADE PAYABLE TO YOUR CLIENT AND THE LENDER

What are the rights of the Debtor, the Lender and the Trustee in regards to these funds?

How should Debtor's counsel proceed?

LENDER'S COUNSEL RECEIVES AN INSURANCE CHECK MADE PAYABLE TO THEIR CLIENT AND THE DEBTOR



What are the rights of the Lender, the debtor and the Trustee with regards to these funds?



How should lender's counsel proceed?

**AFTER A HAILSTORM, THE DEBTOR GETS AN
INSURANCE CHECK FOR A NEW ROOF.**

What claims do the lender, Client and
Trustee have regarding the funds?



**WHAT IS THE
PROCESS FOR THE
DEBTOR TO GET
ANOTHER
VEHICLE?**

**WHAT SORT OF FACTORS
DOES A VEHICLE LENDER
CONSIDER WHEN
DECIDING WHETHER TO
WORK WITH THE
DEBTORS OR INSIST ON
GETTING THE PROCEEDS?**



QUESTIONS?

