

Chapter 13 Superdischarge

Currently, there are approximately 25 types of debts that can't be discharged in Chapter 7 and six types of debts that can't be discharged under Chapter 13 (thus the term "superdischarge").

The debts that can be discharged under this "superdischarge" provision are debts incurred on the basis of fraud, debts from willful and malicious injury to another or another's property, debts from larceny, breach of trust, or embezzlement, and non-support debts arising out of a marital settlement agreement or divorce decree.

With the new bankruptcy law in effect, individuals will no longer be able to take advantage of the "superdischarge" for five types of debts that are currently dischargeable in a Chapter 13. Below is a list of debts you will no longer be able to discharge with a Chapter 13 "superdischarge:"

1. **Debts Incurred Through Fraud or Misrepresentation.** Including credit card debts arising from providing false information on a loan application.
2. **Debts Incurred by Embezzlement or Breach of Fiduciary Duty.**
3. **Taxes.** "Superdischarge" would still apply to unpaid, but timely filed taxes, but would not apply to taxes that should have been withheld, trustfund taxes, unfilled or late-filed tax obligations. Fraudulent tax returns would also be non-dischargeable.
4. **Debts Arising from Death or Personal Injury Caused by Debtor's Wilful or Malicious Conduct.** However, the "superdischarge" will still include debts for willful and malicious injury to property.
5. **Debts to Creditors who were not Notified in time for the Creditor to file a Proof of Claim.**