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MAY 2015 BULLETIN

## DEAR FRIENDS AND COLLEAGUES: LATE-FILED I.R.S. TAXES NOT ALWAYS DISCHARGED IN CHAPTER 13

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### TWO SITUATIONS WHERE YOU MAY GET AN I.R.S. BILL LATER

Congress amended the Bankruptcy Code in 2005 and made changes that do not benefit consumers. One of the changes did away with what had been known as the chapter 13 “super-discharge” as it relates to late-filed or unfiled I.R.S. income taxes.

It used to be, if someone had not filed I.R.S. tax returns in a number of years, we could file the chapter 13 then file all the delinquent tax returns. If they completed their case, all the taxes that weren't paid were discharged or cancelled. This really helped people that had gone through some kind of life crisis and had stopped filing taxes for a while or had filed their taxes late.

Now, chapter 13 discharges no longer cancel income taxes for which the tax return was filed late and within two years of the bankruptcy filing date. If you owe taxes like this and are in chapter 13, at the conclusion of your case you will be billed by the I.R.S. for the amounts still due.

If the tax years in question are also priority taxes (generally speaking, the last 3 years of tax returns due before the bankruptcy filing) what was owed on the bankruptcy filing date will be paid in full in your plan, but you will still owe the interest that accrues on the taxes during your case.

Also, if you failed to file your taxes on time, and so much time went by that the I.R.S. filed taxes for you (a so-called “substitute for return” or SFR), then those taxes will never be able to be discharged in bankruptcy. You will be billed for any amounts still due after your chapter 13 is discharged.

If the I.R.S. has done SFRs for you, you may then file your own return, which usually reduces the amount that you owe, and the I.R.S. as a matter of policy will accept your return and accept the reduced amount as the amount that you owe.

But since the I.R.S. prepared the SFRs first, whatever amount you owe will not be able to be discharged in bankruptcy.

If you need help dealing with the I.R.S. for taxes or interest that were not discharged, you can contact our office and hire us to help you. Or if it is a manageable amount, you may just want to contact the I.R.S. and request to be put on an Installment Agreement (payment plan). ■

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*Mr. Black attended the 23<sup>rd</sup> Annual Convention of the National Association of Consumer Bankruptcy Attorneys (NACBA) in Chicago in April. Shown is one of the speakers, Jake Halpern, author of the book “Bad Paper.” U.S. Senator Richard “Dick” Durbin (D. Ill.) was the keynote speaker.*

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### Quotes:

It isn't where you came from, it's where you're going that counts.

--Ella Fitzgerald

Do the right thing. It will gratify some people and astonish the rest.

--Mark Twain

Good judgment comes from experience, and a lot of that comes from bad judgment.

--Will Rogers

*We are a federally designated Debt Relief Agency under the United States Bankruptcy Laws. We help people find answers to their debt and credit problems, including, when necessary, helping them file bankruptcy under the U.S. Bankruptcy Code.*

## A LITTLE HUMOR – the “Missing wife” edition

Husband went to the sheriff’s department to report that his wife was missing....

Husband: My wife is missing. She went shopping yesterday and has not come home...

Sergeant: What is her height?

Husband: Gee, I'm not sure. A little over five feet tall.

Sergeant: Weight?

Husband: Don't know. Not slim, not really fat.

Sergeant: Color of eyes?

Husband: Sort of brown I think. Never really noticed.

Sergeant: Color of hair?

Husband: Changes a couple times a year. Maybe dark brown now. I can't remember.

Sergeant: What was she wearing?

Husband: Could have been pants, or maybe a skirt or shorts. I don't know exactly.

Sergeant: What kind of car did she go in?

Husband: She went in my truck.

Sergeant: What kind of truck was it?

Husband: A 2015 Ford F150 King Ranch 4X4 with eco-boost 5.0L V8 engine special ordered with manual transmission and climate controlled air conditioning. It has a custom matching white cover for the bed, which has a matching aftermarket bed liner. Custom leather 6-way seats and "Bubba" floor mats. Trailering package with gold hitch and special wiring hook-ups. DVD with full GPS navigation, satellite radio receiver, 23-channel CB radio, six cup holders, a USB port, and four power outlets. I added special alloy wheels and off-road Michelins. It has custom running boards and indirect wheel well lighting. At this point the husband started choking up.

Sergeant: Don't worry buddy. We'll find your truck.

■

## Wise words to share on Mother’s Day

Looking for something profound to put on your Mother’s Day card? Try some of these pithy sayings:

• Dorothy C. Fisher: “A mother is not a person to lean on but a person to make leaning unnecessary.”

• Mark Twain: “My mother had a great deal of trouble with me, but I think she enjoyed it.”

• Anna Quindlen: “The world is full of women blindsided by the unceasing demands of motherhood, still flabbergasted by how a job can be terrific and torturous.”

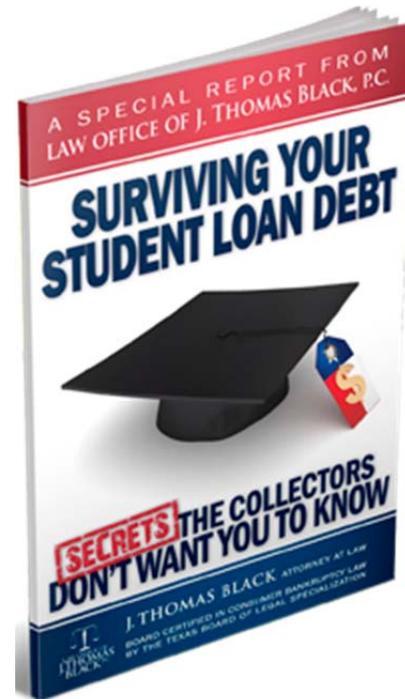
• Marilyn French: “To nourish children and raise them against odds is any time, any place, more

valuable than to fix bolts in cars or design nuclear weapons.”

• Joan Rivers: “My mother could make anybody feel guilty—she used to get letters of apology from people she didn’t even know.”

• Dorothy Parker: “The best way to keep children home is to make the home atmosphere pleasant—and let the air out of the tires.”

• Diana, Princess of Wales: “A mother’s arms are more comforting than anyone else’s.” ■



**New Special Report: Surviving Your Student Loan Debt** – Available for instant download at [jthomasblack.com](http://jthomasblack.com) or pick one up at the office!

**Thank you for your referrals! We accept cases in the following areas-**

Bankruptcy.  
Debt Collection Defense.  
Debt Collector Harassment.  
I.R.S. Collection Defense.  
Stop Foreclosure and Repossession.  
Student Loan Help.

### ARE YOU IN CHAPTER 13 NOW?

Always keep the law office updated with your current address, telephone numbers, and email address. We may need to reach you quickly. You can check on the status of your Trustee payments, how much you still owe on your case, etc., by going to [www.ndc.org](http://www.ndc.org) to set up your user ID and password. Lose job or overtime? Expenses increase? Want to give up property to lower payments? Call the office for a Motion to Modify worksheet. Complete it and email it or fax it to the office at 713-772-5058. We'll review it and contact you if a change to your plan is possible.

J. Thomas Black was licensed as an attorney in Texas by the Texas Supreme Court in May, 1982. Mr. Black is Board Certified in Consumer Bankruptcy Law by the Texas Board of Legal Specialization.

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