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Bankruptcy - Conversion from Chapter 7 to Chapter 13 by [Joseph Githuku](#)

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A debtor in Maryland has the right to convert from chapter 7 to chapter 13 at any time during the case as long as the debtor is eligible for relief under chapter 13 and the case was not previously converted from another chapter.

To be eligible for chapter 13 bankruptcy, a debtor must have less than \$336,900.00 in unsecured debt such as credit cards and less than \$,010,650.00 dollars of non-contingent, liquidate, secured debt such as mortgages. Therefore, a debtor who meets these requirements is eligible to file chapter 13.

But this does not necessarily mean that the debtor would be eligible for a chapter 13 discharge. Our Maryland bankruptcy lawyers know that the right to a discharge would depend on the time between prior bankruptcy filings and the current case. Specifically, to receive a discharge in chapter 13 four years must have passed between the filing date of a prior chapter 7 cases in which the debtor obtained a discharge and the current case. Secondly, if there was a prior chapter 13 case in which debtor obtained a discharge then debtor has to wait six years after the filing of the first case.

Our Baltimore bankruptcy lawyers know that the finding that debtor has debts that are nondischargeable in chapter 7 does not preclude conversion to chapter 13. This may result from a determination that a specific debt is nondischargeable or a debtor may not be eligible for discharge because eight years have not elapsed between the new case and the filing date of a prior chapter 7.

One exception to note is that if the debtor had previously converted the case from another chapter of the bankruptcy code, a second conversion can only occur with the court's permission.

As discussed the need to convert from chapter 7 to chapter 13 because some debts are deemed nondischargeable. Other instances may include a situation where something changes such as a debtor's desire to save their home or other asset such as a car and a chapter 13 plan would allow the debtor to pay off the debt over a period of time.

As always please consult a knowledgeable bankruptcy lawyer in your area to discuss the specifics of your case.

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