

I am a few months behind in mortgage payments.

Can I file Chapter 7, not Chapter 13, and keep my home?

Only if you could pay all the mortgage arrears (back payments) at one time, which is very unlikely or else you wouldn't be in your current situation. If that's not possible, the mortgage holder could successfully ask the judge to remove the "stay" (protection) that prevents them from foreclosing on your home. In a Chapter 13, you get to include the arrears in the monthly payment plan and pay it off over three to five years.

For more information on this subject, see the following article that also links to later articles.

[Will they take my house if I file bankruptcy? \(Part 1\)](#)

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