

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA

In re:)
)
CASE CLOSING PROCEDURES)
IN CHAPTER 13 CASES UNDER)
BAPCPA)

FILED
U.S. Bankruptcy Court
Western District of NC

NOV 02 2006

David E. Weich, Clerk
Charlotte Division
ASW

JUDGMENT ENTERED ON NOV 02 2006

ADMINISTRATIVE ORDER ADOPTING PROCEDURES FOR
CLOSING COMPLETED CASES IN CHAPTER 13

In cases filed after October 16, 2005, there are new disclosure requirements for debtors seeking a Chapter 13 discharge. Pursuant to the changes made by BAPCPA, this Administrative Order establishes district standards for debtor certifications to obtain a discharge.

1. Upon payment by the debtor of the final plan payment to the Chapter 13 Trustee, the Chapter 13 Trustee will file with the court a Chapter 13 Trustee's Report of Completion of Plan Payments (the "Chapter 13 Trustee's Report"). The Trustee will serve copies of the Chapter 13 Trustee's Report on the debtor and the debtor's attorney.

2. Unless the debtor is not entitled to a discharge, the filing of the Chapter 13 Trustee's Report will constitute notice that each debtor must file under penalty of perjury Local Form 8, Debtor's Motion for Entry of Discharge and Certification Regarding Plan Completion. Local Form 8 must be signed, filed, and served on all creditors and parties in interest included on the court's mailing matrix within 60 days of the file date of the Chapter 13 Trustee's Report. Interim Bankruptcy Rule 2002(f)(11). Failure to file Local Form 8 timely could result in the closing of the case without a discharge. A form copy of Local Form 8 is attached hereto.

3. Within the same 60-day period, if applicable, the debtor must also mail to the Trustee Local Form 9, Debtor's Disclosure of Information Regarding Domestic Support Obligations, which provides the Trustee with the necessary information to give notice of discharge to holders of Domestic Support Obligations pursuant to 11 U.S.C. § 1302(d). A form copy of Local Form 9 is attached hereto. Local Form 9 should not be filed with the court.

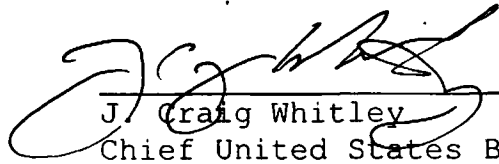
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4. Local Form 8 will include verifications by the debtor regarding satisfaction of plan requirements, entitlement to a discharge, and the status of Domestic Support Obligations. Local Form 8 will also verify that the debtor is not disqualified by the provisions of 11 U.S.C. § 1328(h) from receiving a discharge.

5. Notice of Local Form 8 shall be given in accordance with F.R.B.P 9006 and 9007 and Local Rule 9013-1. Unless an objection is filed in a timely manner, and provided the debtor is otherwise entitled, but not less than 18 days after service of Local Form 8, the court will enter a discharge. Entry of the discharge without objection constitutes a finding that 11 U.S.C. § 1328(h) has been satisfied by the debtor. If the provisions of 11 U.S.C. § 522(q) are applicable to the debtor, notice of Local Form 8 shall be given in accordance with Interim Bankruptcy Rules 107(b)(8) and 4004(c)(3).

6. In the event the debtor seeks a hardship discharge pursuant to 11 U.S.C. § 1328(b), the debtor's motion shall include certifications regarding the status of Domestic Support Obligations and that the debtor is not disqualified by the provisions of 11 U.S.C. § 1328(h) from receiving a discharge. Notice shall be given as set forth in paragraph 5 above. The Trustee will not file the Chapter 13 Trustee's Report.

7. As soon as possible after the final distribution has been made and checks finalized, the Chapter 13 Trustee will file a Final Report and Account which certifies that the case has been fully administered and requests release from liability and bond on the case. Thereafter, the Clerk of the Bankruptcy Court will enter a final decree.



J. Craig Whitley
Chief United States Bankruptcy Judge



George R. Hodges
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA

IN RE: _____)
_____))
_____))
_____))
Debtor(s) _____)
_____)

Chapter 13

Case No.

DEBTOR'S MOTION FOR ENTRY OF DISCHARGE and
CERTIFICATION REGARDING PLAN COMPLETION,
and
Interim Rule 1007(b)(8) Statement

The debtor makes the following certifications regarding the completion of the plan:

1. I have satisfied all plan requirements.
2. _____ I am not required to pay any Domestic Support Obligations.

_____ I am required to pay Domestic Support Obligations and all amounts payable under such obligations are paid as of this date, including amounts that were due before the petition was filed, to the extent provided for by the plan.
3. The provisions of 11 U.S.C. §522(q)(1) are not applicable to me.
4. There is not pending a proceeding in which I may be found guilty of a felony of the kind described in Section 522(q)(1)(A) or liable for a debt of the kind described in Section 522(q)(1)(B).
5. I am entitled to a discharge under 11 U.S.C. §1328.

I declare under penalty of perjury that the information provided in this certification and motion is true and correct and move the Court to enter a discharge in this case.

Dated: _____

Debtor

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA

IN RE: _____)
)
)
) Chapter 13
)
 Debtor(s)) Case No.
_____)

NOTICE OF OPPORTUNITY FOR HEARING on
DEBTOR'S MOTION FOR ENTRY OF DISCHARGE and
CERTIFICATION REGARDING PLAN COMPLETION,
[Notice of Interim Bankruptcy Rule 1007(b)(8) Statement
Given Pursuant to Interim Bankruptcy Rule 2002(f)(11)]

To: [all creditors on the Court's mailing matrix]:

PLEASE TAKE NOTICE that the debtor has filed a Motion for Entry of Discharge and Certification Regarding Plan Completion. A copy of said pleading is attached hereto.

Any objection must be filed in writing with the Bankruptcy Court and a copy served on the debtor and the attorney for the debtor within 15 days of the date of this notice. If no objections are filed and served in a timely manner, the Court will enter a discharge.

A hearing on any objections filed and served in a timely manner will be held on _____,
the _____ day of _____, 2006 at 9:30 a.m. in _____

Dated:

Attorney Name or Pro Se Debtor
Attorney Address Debtor address
Attorney Tel. No. (if debtor has
Attorney Bar No. no attorney)

CERTIFICATE OF SERVICE

This is to certify that I have this day served each party or counsel of record in the foregoing matter with a copy of this pleading. Parties were served by depositing in the United States mail a copy of same in a properly addressed envelope with first class postage thereon. Attorneys were served electronically.

Dated:

Attorney for Debtor / Pro Se Debtor

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA

IN RE: _____)
)
)
)
 Debtor(s))
_____)

Chapter 13

Case No.

**DEBTOR'S DISCLOSURE OF INFORMATION REGARDING
DOMESTIC SUPPORT OBLIGATIONS**

Pursuant to 11 U.S.C. §1302(d), the Chapter 13 debtor provides the following information to the Chapter 13 Trustee:

Debtor's Current Address: _____

Debtor's Current Employer: _____

Debtor's Current Employer's Address: _____

List of debts not discharged under Paragraph 2 or 4 of 11 U.S.C. §523(a): _____

List of debts reaffirmed under 11 U.S.C. §524(c): _____

I disclose under the penalties of perjury that the information provided in this disclosure is true and accurate.

Dated: _____

Debtor

Mail to: Chapter 13 Trustee, [address].