

Chapter 13 Discharges (Post Reform Cases)

Overview

An Administrative Order Adopting Procedures for Closing Completed Cases in a Chapter 13 has been entered for cases filed on or after October 17, 2005. Two new Local Forms are required to be used along with several new deadlines and flags. An explanation of this procedure follows along with steps required for the Trustee, Debtor(s) Attorney and Court to follow.

A Ch. 13 case seeking a discharge that was filed on or after October 17, 2005 has additional disclosure requirements pursuant to BAPCPA and the Court's Administrative Order Adopting Procedures for Closing Completed Cases. The Trustee assigned to the Ch. 13 case will file with the Court a Report of Completion of Plan Payments once the final plan payment is received. The debtor is required to file within 60-days a Motion for Entry of Discharge and Certification Regarding Plan Completion with Notice of Opportunity for Hearing (**Local Form 8**). If applicable, the debtor is also obligated to file directly with the Trustee a Disclosure of Information Regarding Domestic Support Obligations (**Local Form 9**). Unless an objection is filed in a timely manner, and provided the debtor is otherwise entitled, the Court will enter a discharge.

If 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. The Trustee will not file a Report of Completion of Plan Payments.

The Trustee will file a Final Report and Account certifying that the case has been fully administered as soon as possible after the final distribution has been made and the checks are finalized. This report will request release from liability and bond on the case. The Court will enter a final decree closing the case. If the above Debtor Certification is incomplete or the debtor has failed to comply with the requirements to receive a discharge, the Court will enter a Notice of Case Closed Without Discharge and Final Decree.

The following procedures are to be followed regarding Post Reform Ch. 13 cases only. Cases filed prior to October 17, 2005 should continue to be processed following the standing discharge and closing procedures.

Procedure – Debtor(s) Attorney

The Attorney for the debtor will proceed to docket the Debtor's Motion for Entry of Discharge and Certification Regarding Plan Completion, Local **Form 8**. The local form includes the Notice of Opportunity for Hearing and Cert. of Service. Additionally, it includes two options to consider regarding any Domestic Support Obligations that may be applicable. One of these options should be selected. The document will be considered defective and the Court will issue a Notice of Defective filing if one of these options is not selected.

Event Location: Bankruptcy: Motions/Applications/Objections

- Enter Case Number. Click next.
- **Select Event:** Discharge and Certification
- Browse and attach PDF image of **Local Form 8**.

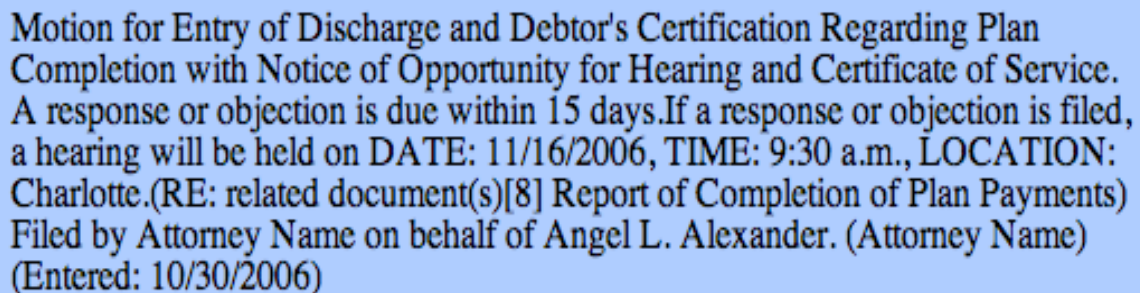
The next screen will display the hearing date, time and location fields. Complete these fields according to the Notice of Opport. For Hearing.

- Click Next.

The next screen will display the automatically calculated deadline for an Objection to the Debtor's Motion for Entry of Discharge.

- Click Next.

The Docket Text will display. The text will include the related document, which is the Trustee's Report of Completion of Plan Payments. Review the text. If Correct, click next. (See Fig. 3)



Motion for Entry of Discharge and Debtor's Certification Regarding Plan Completion with Notice of Opportunity for Hearing and Certificate of Service. A response or objection is due within 15 days.If a response or objection is filed, a hearing will be held on DATE: 11/16/2006, TIME: 9:30 a.m., LOCATION: Charlotte.(RE: related document(s)[8] Report of Completion of Plan Payments) Filed by Attorney Name on behalf of Angel L. Alexander. (Attorney Name) (Entered: 10/30/2006)

Figure 3

The Notice of Electronic Filing will display.

- The Attorney for the Debtor(s) or Debtor(s) is required to prepare the **Debtor's Disclosure of Information Regarding Domestic Support Obligations, (Local Form 9)**, if Domestic Support Obligations are specified in number 2 on Local Form 8. This Disclosure is required to be provided directly to the Trustee. It should not be filed with the Court.