

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
ROGER DEAN MCDANNOLD) CASE NO. 08-14378
MAE JUNE MCDANNOLD)
)
Debtors)

DECISION AND ORDER

At Fort Wayne, Indiana, on March 11, 2009.

On March 9, 2009, the debtors filed a motion entitled Debtor’s Motion for Entry of Discharge. The motion asks for a waiver of the financial management course required by § 727(a)(11) for Mrs. McDonnold and also asks the she be granted a discharge once the deadline for objecting to discharge has passed. The motion suffers from a few deficiencies.

To begin with, the motion fails to comply with N.D. Ind. L.B.R. B-9013-1(a), which requires that “[e]very application, motion, or other request for an order from the court . . . shall be filed separately, except that requests for alternative relief may be filed together.” The present filing does not seek alternative relief, but rather asks for two different forms of relief.

Secondly, chapter 7 debtors do not need to file motions asking for the entry of discharge. See, Fed. R. Bankr. P. Rule 4004(c), N.D. Ind. L.B.R. B-4004-2 (outlining procedures for the entry of discharge in Chapter 13). To the extent the debtor is seeking a waiver of the requirement to complete a course in financial management otherwise required of individual debtors as a prerequisite to the entry of a discharge, see, 11 U.S.C. § 727(a)(11), § 1329(g), the debtor should file a separate motion specifically directed to that issue which the court will schedule for appropriate proceedings. See, 11 U.S.C. §§ 109(h)(4), 727(a)(11).

Debtors' motion is therefore DENIED, without prejudice.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court