

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
JAMES MICHAEL GRIMM and) CASE NO. 07-11387 JPK
DAWN RENEE GRIMM,) Chapter 12
)
Debtors.)

ORDER REGARDING MOTION FOR DISCHARGE\
(RECORD #160 ("MOTION"))

The Motion was filed on July 27, 2012. The record reflects that the Chapter 12 Trustee filed a motion requesting entry of discharge for the debtors as record #150 on May 11, 2012, which the court denied by its record #157 order entered on June 20, 2012. The Motion differs from the record #159 motion filed by the Trustee in that it has been signed by counsel for the debtors. However, it is deficient in other respects noted in the record #157 order: the present Motion fails to establish that the debtors have no domestic support obligations subject to 11 U.S.C. § 1228(a), and further fails to establish that the debtors have satisfied the requirements of 11 U.S.C. § 1228(f).

The court notes that the rules of the United States Bankruptcy Court for the Northern District of Indiana do not provide a procedure for requesting entry of a discharge in a Chapter 12 case. The requirements for entry of discharge are very much similar to those with respect to a Chapter 13 case. While certain requirements with respect to a Chapter 13 discharge do not apply to granting of a discharge in a Chapter 12 case, the foregoing provisions for which the Motion does not provide do mirror the requirements for a Chapter 13 discharge. It may be helpful for counsel to refer to Form LBF 4004-2 in N.D.Ind.L.B.R. B-4004-2 with respect to these required provisions. There is also no definitive procedure for noticing the motion to creditors and parties-in-interest in the case, but one thing is certain: a form of drop dead notice provided by the movant is not within the scope of notices authorized by N.D.Ind.L.B.R. B-2002-

2(a).

An amended motion is necessary. Upon the filing of the motion in proper form, the court will itself provide a "drop dead" notice with respect to the motion, by utilization of its M-8 procedure.

IT IS ORDERED that the debtors are granted a period of 28 days from the date of entry of this order to file an amended motion in proper form. If such motion is not timely filed, the present record #160 motion will be denied without prejudice, and as a consequence, the case may be closed without the entry of discharge.

Dated at Hammond, Indiana on August 13, 2012.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor
Trustee, US Trustee
All Creditors
All Parties-in-Interest