

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA

IN RE )  
 )  
LOCAL RULES OF PRACTICE )  
 )

**ORDER AMENDING LOCAL BANKRUPTCY RULES**

Notice of proposed amendments to the local rules of this court was given to the bar and the public on March 17, 2008. The last date for submitting comments concerning the proposed amendment was April 16, 2008, and the court has considered all comments received. Effective June 15, 2008, the local bankruptcy rules of this court are amended by adding a new rule B-4004-2, which reads as follows.

**B-4004-2**  
**Discharge in Chapter 13 Cases**

(a) In any case filed on or after October 17, 2005, in order to receive a discharge after completing all the payments under a confirmed plan, the debtor shall file a Verified Motion for the Entry of a Chapter 13 Discharge.

(b) (1) The Verified Motion for the Entry of a Chapter 13 Discharge shall separately affirm under penalties of perjury that the debtor has fulfilled each of the statutory requirements for a discharge. At the time of the adoption of this rule, those requirements are:

(A) that the debtor has completed all the payments required by the confirmed plan, whether made to the Chapter 13 trustee, or made directly to creditors (11 U.S.C. § 1328(a));

(B) if the debtor is required by any judicial or administrative order, or any statute, to pay a domestic support obligation, as defined by 11 U.S.C. § 101(14A), that the debtor has paid all amounts payable under such order or such statute that are due on or before the date of the certification (including amounts due before the petition was filed to the extent payment of such amounts was provided for by the plan (11 U.S.C. § 1328(a));

(C) that the debtor did not receive a discharge under Chapter 7, 11, or 12 of the United States Bankruptcy Code during the four years prior to the date of the order for relief under Chapter 13 in the case (11 U.S.C. § 1328(f)(1));

(D) that the debtor did not receive a discharge under Chapter 13 of the United States

Bankruptcy Code during the two years prior to the date of the order for relief under Chapter 13 in the case (11 U.S.C. § 1328(f)(2));

(E) that, after filing the petition, the debtor completed a course concerning personal financial management, and that a copy of the certificate of completion of that course has been filed with the court, or that the court has exempted the debtor from completing such a course (11 U.S.C. § 1328(g)); and

(F) that there is no proceeding pending in which the debtor might be found guilty of a felony of the kind described in 11 U.S.C. § 522(q)(1)(A), or liable for a debt of the kind described in 11 U.S.C. § 522(q)(1)(B), and there is no reason to believe that 11 U.S.C. § 522(q)(1) might apply to the debtor (11 U.S.C. § 1328(h)).<sup>1</sup>

(2) In the event the debtor is required to pay a domestic support obligation, the verified motion shall also contain the name and address of the entity to whom such payments are to be made and the name and address of the debtor's employer. (See, 11 U.S.C. § 1302(d)(1)(C)).

(3) Local Bankruptcy Form LBF-4004-2 shall be used to file a motion for discharge, and any other form of motion may be subject to summary denial without notice or hearing. If the debtor is represented by counsel, the motion shall also be signed by debtor's counsel.

(c) The clerk will issue notice of a Motion for the Entry of a Chapter 13 Discharge and give all creditors and parties in interest at least thirty (30) days notice of the opportunity to object thereto. Absent timely objection, the motion may be granted and a discharge issued, without a hearing.

(d) If a Motion for the Entry of a Chapter 13 Discharge is not filed within thirty (30) days after the filing of the trustee's final report, the court may close the case without issuing a discharge, but doing so shall not prejudice the debtor's right to file a motion to reopen under 11 U.S.C. § 350(b).

SO ORDERED.

Dated: April 25, 2008

/s/ Harry C. Dees, Jr.  
Harry C. Dees, Jr., Chief Judge  
United States Bankruptcy Court

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

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

/s/ Kent Lindquist  
Kent Lindquist, Judge  
United States Bankruptcy Court

---

<sup>1</sup>This requirement is applicable to cases filed on or after April 20, 2005.