

Proposed change to the local rules for the United States Bankruptcy Court for the Northern District of Indiana. New material is indicated by **redline**, and deleted material is indicated by **strikeout**.

B-4004-2
Discharge in Chapter 12 and 13 Cases

(a) In any case **under Chapter 12 or 13** ~~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~~. In a joint case a separate motion shall be filed for each debtor.

(b) (1) The Verified Motion for ~~the Entry of a Chapter 13 Discharge~~ shall **be filed on the corresponding local form – LBF-4004-2(a) (Chapter 13) or LBF-4004-2(b) (Chapter 12) – and** separately affirm, under penalties of perjury, that the debtor has fulfilled each of the statutory requirements for a discharge. **Those requirements are enumerated in the local form. A motion submitted in any other form may be denied without notice or hearing. If the debtor is represented by counsel, the motion shall also be signed by debtor’s counsel.** ~~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)).¹~~

(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. §§ 1202(c)(1)(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 Verified 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).

HISTORICAL AND REGULATORY NOTES

Pursuant to Order Amending Local Bankruptcy Rules dated December 1, 2009, this rule and associated local form were amended to conform to the statutory provisions of 11 U.S.C. § 1328.

Pursuant to Order Amending Local Bankruptcy Rules dated July 23, 2008, this rule was amended to add a sentence to the end of paragraph (a).

Pursuant to Order Amending Local Bankruptcy Rules dated April 25, 2008, this new rule became effective June 15, 2008, along with LBF-4004-2.

¹~~This requirement is applicable to cases filed on or after April 20, 2005.~~

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
DIVISION

IN THE MATTER OF:)
)
) CASE NO.
)
)
DEBTOR(S))

VERIFIED MOTION FOR ENTRY OF CHAPTER 13 DISCHARGE

Comes now the debtor, _____, (**hereinafter “Movant”**) and, pursuant to 11 U.S.C. § 1328(a), moves the court for the entry of a discharge in this Chapter 13 case. In support of this request, **Movant** ~~states~~ the following:

1. All of the payments required by the confirmed plan, whether made to the Chapter 13 trustee or made directly to creditors, have been completed.

2. *NOTE: Please select one of the following paragraphs and delete the other.*

[*Option 1*] **Movant is** ~~I am~~ required to pay a domestic support obligation, as defined by 11 U.S.C. § 101(14A), to:

name of entity to whom support is paid
mailing address

and all such amounts that are due on or before the date of this motion have been paid. The name and address of **Movant’s** ~~my~~ employer(s) ~~is/are~~:

employer’s name
mailing address

OR

[*Option 2*] **Movant is** ~~I am~~ not required to pay a domestic support obligation, as defined by

11 U.S.C. § 101(14A).

3. **Movant** ~~I~~ did not receive a discharge in a case filed 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 this case.

4. **Movant** ~~I~~ did not receive a discharge in a case filed 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 this case.

5. NOTE: *Please select one of the following paragraphs and delete the other.*

[*Option 1*] After filing the petition in this case, **Movant** ~~I~~ completed a course concerning personal financial management, and a copy of the certificate of completion of that course has been filed with the court.

OR

[*Option 2*] The court has exempted **Movant** ~~me~~ from completing a course concerning personal financial management.

6. There is no proceeding ~~pending~~ in which **Movant has been or may be** ~~I 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.

7. [*Available for additional explanation or information.*]

Wherefore, **Movant** ~~I~~ respectfully requests that, following notice and the opportunity for a hearing, the court enter a discharge pursuant to 11 U.S.C. § 1328(a).

I certify, under the penalty of perjury, that the foregoing statements are true and correct.

Signature of Debtor

Date: _____

Respectfully submitted,

Attorney for Debtor

Address:

Telephone:

Email:

U.S.C. § 101(14A).

3. There is no proceeding in which Movant has been or may 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.

4. *[Available for additional explanation or information.]*

Wherefore, Movant respectfully requests that, following notice and the opportunity for a hearing, the court enter a discharge pursuant to 11 U.S.C. § 1228(a).

I certify, under the penalty of perjury, that the foregoing statements are true.

Signature of Debtor (or Authorized Representative,
if the debtor is not an individual)

Date: _____

Respectfully submitted,

Attorney for Debtor

Address:

Telephone:

Email: