

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA

IN THE MATTER OF:)
)
LOCAL RULES OF PRACTICE)
)

ORDER AMENDING LOCAL BANKRUPTCY RULES

Notice of a proposed amendment to the local rules of this court was given to the bar and the public on November 1, 2018. The last date for submitting comments concerning the proposed amendment was December 2, 2018, and the court did not receive any comments. Effective immediately, the local rules of the court are amended as follows.

Local Bankruptcy Rule B-4004-2, Discharge in Chapter 13 Cases, is amended, to update the rule and related forms, and make it applicable to both chapter 12 and 13 cases, and now reads:

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

(a) In any case under Chapter 12 or 13, in order to receive a discharge after completing all the payments under a confirmed plan, the debtor shall file a Verified Motion for Entry of Discharge. In a joint case a separate motion shall be filed for each debtor

(b) (1) The Verified Motion for Entry of 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.

(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)).

(c) The clerk will issue notice of a Motion for Entry of 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 Entry of 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: February 28, 2019

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

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

/s/ _____
James R. Ahler, Judge
United States Bankruptcy Court

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