

United States Bankruptcy Court

_____ District Of _____

In re _____

Case No. _____

Debtor*

Address: _____

Chapter 11

Last four digits of Social-Security or Individual Taxpayer-
Identification (ITIN) No(s), (if any): _____

Employer Tax-Identification (EIN) No(s), (if any):

DISCHARGE OF INDIVIDUAL DEBTOR IN A CHAPTER 11 CASE

It appearing that the debtor is entitled to a discharge,

IT IS ORDERED:

The debtor is granted a discharge under section 1141(d) of title 11, United States Code, (the Bankruptcy Code).

BY THE COURT

Dated: _____

United States Bankruptcy Judge

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.

* Set forth all names, including trade names, used by the debtor(s) within the last 8 years. For joint debtors, set forth the last four digits of both social-security numbers or individual taxpayer-identification numbers.

EXPLANATION OF BANKRUPTCY DISCHARGE OF AN INDIVIDUAL IN A CHAPTER 11 CASE

This court order grants a discharge to the person named as the debtor. The discharge is issued after the debtor has completed all payments under the chapter 11 plan or the court has determined, after notice and a hearing, that the debtor is entitled to a discharge pursuant to section 1141(d)(5)(B) of the Bankruptcy Code without completing the chapter 11 plan payments. The discharge is not a dismissal of the case.

Collection of Discharged Debts Prohibited

The discharge prohibits any attempt to collect a discharged debt from the debtor. For example, a creditor is not permitted to contact a debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. *[In a case involving community property, there are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.]* A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

If a creditor has a lien, such as a mortgage or security interest, and the lien was not eliminated by the plan or by court order, the creditor may have the right to enforce the lien if the debtor fails to satisfy the lien claim as required by the plan. Also, a debtor may voluntarily pay any debt that has been discharged.

Debts that are Discharged and Debts that are Not Discharged

Except as otherwise specified in the chapter 11 plan, in the order confirming that plan, or in section 1141(d) of the Bankruptcy Code, the discharge eliminates the debtor's legal obligation to pay a debt which arose before confirmation of the plan.

Most, but not all, types of debts are discharged, but section 1141(d)(2) of the Code provides that certain types of debts are not discharged in an individual debtor's chapter 11 bankruptcy case. Some of the common types of debts which are not discharged are:

- a. Debts for most taxes and debts incurred to pay nondischargeable taxes;
- b. Debts that are domestic support obligations;
- c. Debts for most student loans;
- d. Debts for most fines, penalties, forfeitures, and criminal restitution obligations;
- e. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle, vessel, or aircraft while intoxicated;
- f. Some debts which were not properly listed on the bankruptcy schedules by the debtor;
- g. Debts that the bankruptcy court has specifically decided in this case are not discharged; and
- h. Debts owed to certain pension, profit sharing, stock bonus, other retirement plans, or to the Thrift Savings Plan for federal employees for certain types of loans from these plans.

This information is only a general summary. There are exceptions to the general rules. Because the law is complicated, you may want to consult an attorney concerning the effect of the discharge.