

PROCEDURES FOR DISCHARGING DEBTORS IN COMPLETED CHAPTER 13 CASES

Debtors who complete their Chapter 13 plan must file additional documents to be eligible to receive a Chapter 13 Discharge. ***It is recommended that the debtor consult with his/her attorney to complete the required documents.*** The following procedures are to be followed for successful Chapter 13 cases:

1. After the plan payments are completed, the Standing Trustee will file with the court a document entitled “Notice of Completion of Plan”. The Trustee will serve a copy of this Notice on the debtor and debtor’s attorney along with the following forms:
 - Debtor’s Disclosure of Information Regarding Domestic Support Obligations (Exhibit 1)
 - Debtor’s Motion for Entry of Discharge, Certification Regarding Plan Completion, and Statement Regarding Bankruptcy Rule 1007 (b)(8) (Exhibit 2)
2. The Debtor(s) will complete the Motion form (Exhibit 2) and file it with the Court and serve a copy on the Trustee, all creditors and other parties in interest in the case. A certificate of service is to be filed with the Motion. **Each debtor must file a separate Motion.** [Note: In a **joint case**, when e-filing the motion for each debtor, use the event under the “Motion” menu entitled: ***Debtor’s Motion for Entry of Discharge for an individual Debtor in a Joint Case (Ch13 - BAPCPA Case)***]. In a **single debtor case**, use the event under the “Motion” menu entitled: ***Debtor’s Motion for Entry of Discharge (Ch13 - BAPCPA Case)***.
3. ***If*** the Debtor is required to pay Domestic Support Obligations, the Debtor(s) must complete the Disclosure form (Exhibit 1) and send it directly to the Trustee. **This will not be filed with the Court.**
4. If it appears from the Debtor’s Motion that
 - (a) the Debtor checked Box 5B indicating that the Debtor’s state exemptions for real property exceeded the value set forth in §522 (q)(1) (\$136,875 for cases filed before April 1, 2010; \$146,450 for cases filed on or before March 31, 2013, \$155,675 for cases filed on or after April 1, 2013 but before April 1, 2016, or \$160,375 for cases filed on or after April 1, 2016); **and**
 - (b) Boxes (i) - (ix) under 5B are **not** checked, indicating that the debtor has been or may be found guilty of a felony of the kind described in §522 (q)(1)(A) or liable for a debt of the kind described in §522 (q)(1)(B),a hearing will be scheduled on the Debtor’s Motion for Entry of Discharge; **otherwise**, the Clerks Office will prepare the Notice of Debtor’s Motion for Entry

of Discharge, providing parties 21 days to object or request a delay in the entry of the discharge. This notice will be sent to the Trustee, all creditors and parties in interest by the Clerks Office through BNC.

5. If no objections/requests are timely filed, the Clerks Office will enter an Order which (1) finds that there is no reasonable cause to believe that §522 (q)(1) is applicable to the debtor based upon the statements contained in the Debtor's Motion, and (2) directs the Clerks Office to enter the Order of Discharge. Within 10 days from the entry of this Order, the Clerks Office will enter the standard Order of Discharge and send it to all parties and creditors through BNC. To ensure compliance with Rule 4004 (c)(3), the Order of Discharge will not be entered earlier than 30 days after the filing of the Debtor's Motion.

If objections/requests are filed, a hearing will be held.

6. The Trustee will file the Chapter 13 Trustee's Final Report and Account and Trustee's Notice of filing of Final Report (Notice provides that parties have 30 days to object to Final Report). Notice of Filing of Final Report is served by Trustee on all creditors.
7. If no objections are timely filed to the Trustee's Final Report, and after all other matters in the case are completed, the Clerks Office will enter the Final Decree, which discharges the Trustee, and will administratively close the case.

If objections are filed, a hearing will be scheduled.

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA

In Re:)
)
DEBTOR XXX-XX-XXXX) Case No.:
)
)
)
Debtor(s))

DEBTOR'S DISCLOSURE OF INFORMATION REGARDING
DOMESTIC SUPPORT OBLIGATIONS

The Chapter 13 Debtor provides the following information to the Chapter 13 Trustee for the purpose of obtaining a discharge under 11 U.S.C. §1328.

Debtor's Current Address: _____

Debtor's Current Employer: _____

Debtor's Current Employer's Address: _____

Name and Address of Each Holder of a Domestic Support Obligation is as follows:

| Name | Address |
|-------|---------|
| _____ | _____ |
| _____ | _____ |

List of debts not discharged under Paragraph 2 or 4 of 11 U.S.C. §523(a): _____

List of debts reaffirmed under 11 U.S.C. §524(c): _____

I declare under the penalty of perjury that the information provided in this disclosure is true and accurate:

Dated: _____

Debtor

Mail to: Chapter 13 Trustee, (address).

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA

)
) Chapter 13
)
) Case No.
Debtor)

**DEBTOR’S MOTION FOR ENTRY OF DISCHARGE,
CERTIFICATION REGARDING PLAN COMPLETION, and
STATEMENT REGARDING BANKRUPTCY RULE 1007(b)(8)**

The Debtor makes the following statements and certifications:

- 1. I have completed making all payments under the Plan.
- 2. I have completed an instructional course concerning personal financial management and a certificate regarding my attendance has been filed with the Court.
- 3. I have not received a Chapter 7, 11, or 12 discharge in a prior case filed within four years preceding the filing of the current Chapter 13 case.
- 4. I am not required to pay any Domestic Support Obligations required by judicial or administrative order, or by statute.
 I am required to pay Domestic Support Obligations required by judicial or administrative order, or by statute, and all amounts payable under such obligations are paid as of this date, including amounts that were due before the petition was filed, to the extent provided for by the plan, and I have filed the Debtor’s Disclosure of Information Regarding Domestic Support Obligations with the Chapter 13 Trustee’s Office.
- 5A. I did not elect to use my State exemptions to exempt any amount of an interest in real property with a value exceeding \$146,450 if this case was filed on or before March 31, 2013, \$155,675 if this case was filed on or after April 1, 2013 but before April 1, 2016, or \$160,375 if this case was filed on or after April 1, 2016.

IF YOU CHECKED BOX 5A, OMIT 5B.

- 5B. I elected to use my State exemptions to exempt any amount of an interest in real property with a value exceeding \$146,450 if this case was filed on or before March 31, 2013, \$155,675 if this case was filed on or after April 1, 2013 but before April 1, 2016, or \$160,375 if this case was filed on or after April 1, 2016. (Please check the appropriate boxes for statements (i) - (ix)).
 - (i) I have not been convicted of a felony nor is there pending any proceeding in which I may be found guilty of a felony as defined in 18 U.S.C. § 3156.

- (ii) I do not owe a debt arising from violation of the Federal securities law, any State securities laws, or any regulation or order issued under Federal securities laws or State securities law.
- (iii) There is no pending proceeding in which I may be found liable for a debt arising from violation of the Federal securities law, any State securities laws, or any regulation or order issued under Federal securities laws or State securities law.
- (iv) I do not owe a debt arising from fraud, deceit, or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under section 12 or 15(d) of the Securities Exchange Act of 1934 or under section 6 of the Securities Act of 1933.
- (v) There is no pending proceeding in which I may be found liable for a debt arising from fraud, deceit, or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under section 12 or 15(d) of the Securities Exchange Act of 1934 or under section 6 of the Securities Act of 1933.
- (vi) I do not owe a debt arising from any civil remedy under 18 U.S.C. § 1964.
- (vii) There is no pending proceeding in which I may be found liable for a debt arising from any civil remedy under 18 U.S.C. § 1964.
- (viii) I do not owe a debt arising from any criminal act, intentional tort, or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding 5 years.
- (ix) There is no pending proceeding in which I may be found liable to owe a debt arising from any criminal act, intentional tort, or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding 5 years.

I declare under penalty of perjury that the information provided in this certification and motion is true and correct and move the Court to enter a discharge in this case.

Dated: _____

Debtor

CERTIFICATE OF SERVICE

I _____ hereby certify that a copy of the foregoing Motion for Entry of Discharge, Certification Regarding Plan Completion, and Statement Regarding Rule 1007(b)(8) has been served on the Chapter 13 Trustee, all creditors, and parties in interest in this case.

Date