

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA

)
) Chapter 13
)
) Case No.
) Debtor.

DEBTOR’S MOTION FOR ENTRY OF DISCHARGE UNDER 11 U.S.C. § 1328(i) AND STATEMENT REGARDING BANKRUPTCY RULE 1007(b)(8)

The Debtor makes the following statements and certifications:

1. I have not completed payments to the Chapter 13 Trustee or a creditor holding a security interest in my principal residence, but (check applicable box and explain below):

I have defaulted on not more than three monthly payments due on a residential mortgage under 11 U.S.C. § 1322(b)(5) on or after March 13, 2020. The defaults were caused by a material financial hardship due, directly or indirectly, to the COVID-19 pandemic. The months of default and reasons for default are as follows:

OR

My plan provides for the curing of a default and maintenance of payments on a residential mortgage under 11 U.S.C. § 1322(b)(5), and I have entered into a forbearance agreement or loan modification agreement with the holder or servicer of the mortgage. The terms are as follows:

2. I have not made the following payments required by the terms of my confirmed plan:

<u>Payment Due Date</u>	<u>Payee</u>	<u>Payment Amount</u>

3. I have completed an instructional course concerning personal financial management and a certificate regarding my attendance has been filed with the Court.
4. 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.
5. I have not received a Chapter 13 discharge in a prior case filed within two years preceding the filing of the current Chapter 13 case.
6. I am not required to pay any Domestic Support Obligations required by judicial or administrative order, or by statute.

OR

- 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.
- 7A. I did not elect to use my State exemptions to exempt any amount of an interest in real property with a value exceeding \$155,675 if this case was filed on or after April 1, 2013 but before April 1, 2016, \$160,375 if this case was filed on or after April 1, 2016 but before April 1, 2019, or \$170,350 if this case was filed on or after April 1, 2019.

IF YOU CHECKED BOX 7A, OMIT 7B. PROCEED TO 8.

- 7B. I elected to use my State exemptions to exempt any amount of an interest in real property with a value exceeding \$155,675 if this case was filed on or after April 1, 2013 but before April 1, 2016, \$160,375 if this case was filed on or after April 1, 2016 but before April 1, 2019, or \$170,350 if this case was filed on or after April 1, 2019. (If this box is checked, 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.

8. I understand that a discharge under 11 U.S.C. § 1328(i) does not discharge the mortgage debt described in numbered paragraph 1 of this motion, but it does allow me to receive a discharge of other debts dischargeable under 11 U.S.C. § 1328(a).

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 under 11 U.S.C. § 1328(i) 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
