

## 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 counsel 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 the debtor's attorney (if any), along with: (1) "Debtor's Disclosure of Information Regarding Domestic Support Obligations," (Exhibit 1) and (2) for pro se debtors only, a copy of the "Motion for Entry of Discharge, Certification Regarding Plan Completion, and Statement Regarding Bankruptcy Rule 1007(b)(8)," located on the Court's website under Forms & Procedures--> Local Forms.
2. The debtor(s) will complete Debtor's Motion for Entry of Discharge, Certification Regarding Plan Completion, and Statement Regarding Bankruptcy Rule 1007(b)(8), file the motion 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 (Chapter 13)***. In a **single debtor case**, use the event under the "Motion" menu entitled: ***Debtor's Motion for Entry of Discharge –Single Debtor (non-joint) Cases Only (Chapter 13)***].
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 6B indicating that the debtor's state exemptions for real property exceeded the value set forth in § 522(q)(1) (\$160,375 for cases filed on or after April 1, 2016, but before April 1, 2019; \$170,350 for cases filed on or after April 1, 2019, but before April 1, 2022; \$189,050 for cases filed on or after April 1, 2022, but before April 1, 2025; or \$214,000 for cases filed on or after April 1, 2025); ***and***
  - (b) boxes (i) - (ix) under 6B are **not** checked, indicating that the debtor has been or may be found guilty of a felony of the type described in § 522(q)(1)(A) or liable for a debt of the type described in § 522(q)(1)(B), a hearing will be scheduled on the Debtor's Motion for Entry of Discharge.

**Otherwise**, the Clerk's 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 Clerk's Office through BNC.

5. If no objections/requests are timely filed, the Clerk's 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 Clerk's Office to enter the "Order of Discharge." Within 10 days from the entry of this order, the Clerk's 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 "Notice of Filing of Final Report" (the notice provides that parties have 30 days to object to the Final Report). The Notice of Filing of Final Report is served by the 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 Clerk's 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	)	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).