

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
at**

IN RE:

*

Case No. _____
Chapter 13

*

*

Debtor

*

DEBTOR'S AFFIDAVIT REQUESTING DISCHARGE

***IN JOINT FILINGS, A SEPARATE AFFIDAVIT MUST BE COMPLETED BY
EACH DEBTOR IN ORDER TO BE ELIGIBLE FOR A DISCHARGE***

The Chapter 13 Trustee has filed a notice of completion in my case and I am hereby requesting that the Court issue a discharge. I testify under penalty of perjury to the following: (Complete all sections and provide all required information.)

1. The following creditors hold a claim that is not discharged under 11 U.S.C. § 523 (a)(2) or (a)(4) or a claim that was reaffirmed under 11 U.S.C. § 524(c): (provide name, address, and telephone number of each such creditor)

2. I have not received a discharge in a Chapter 7, 11 or 12 bankruptcy case that was filed within 4 years prior to the filing of this Chapter 13 Bankruptcy.
3. I have not received a discharge in another Chapter 13 bankruptcy case that was filed within 2 years prior to the filing of this Chapter 13 bankruptcy.
4. A. _____ I did not have, either at the time of filing this bankruptcy or at the present time, equity in excess of \$125,000 if the case was filed before April 1, 2007, or \$136,875 if the case was filed on or after April 1, 2007 and before April 1, 2010, or \$146,450 for a case filed on or after April 1, 2010 and before April 1, 2013, or \$155,675 if the case was filed on or after April 1, 2013 in the type of property described in 11 U.S.C. §522(p)(1) [generally the debtor's homestead].

B. _____ There is not currently pending any proceeding in which I may be found guilty of a felony of the kind described in 11 U.S.C. § 522(q)(1)(A) or liable for a debt of the kind described in 11 U.S.C. § 522(q)(1)(B).

5. COMPLETION OF INSTRUCTIONAL COURSE CONCERNING PERSONAL FINANCIAL MANAGEMENT PURSUANT TO 11 U.S.C. § 1328(g)(1)

[Complete one of the following statements]

I, _____, the debtor in the above-styled
(printed name of debtor)
case hereby certify that on _____ I completed an instructional
(date)
course in personal financial management provided by _____,
(name of provider)
by an approved personal financial management instruction provider.

_____ Official Form 23 was filed previously with the court; OR

A document attesting to my completion of the personal financial management instruction course is attached.

I, _____, the debtor in the above-styled
(printed name of debtor)
case, hereby certify that no personal financial management course is required
because: [check the appropriate box.]

- ☐ I am incapacitated or disabled, as defined in 11 U.S.C. § 109(h)(4);
- ☐ I am on active military duty in a military combat zone; or
- ☐ I reside in a district in which the United States Trustee has determined that the approved instructional courses are not adequate at this time to serve the additional individuals who would otherwise be required to complete such courses.
- ☐ CERTIFICATION REGARDING DOMESTIC SUPPORT OBLIGATIONS PURSUANT TO 11 U.S.C § 1328(a)

[Complete one of the following statements]

I, _____, the debtor in the above-styled case,
(printed name of debtor)
hereby certify that I am not currently required, nor at any time during the period of this bankruptcy have I been required, by a judicial or administrative order, or by statute, to pay a domestic support obligation.

I, _____, the debtor in the above-styled
(printed name of debtor)
case am required by judicial or administrative order, or by statute, to pay a domestic support
obligation as defined in 11 U.S.C. § 101(14A). (This refers to a debt owed to or recoverable
by a spouse, former spouse or child of the debtor or such child's parent, legal guardian or
responsible relative or a governmental unit in the nature of alimony, maintenance or
support.) The name and address of each holder of a domestic support obligation follows:

[check the appropriate box.]

____ I hereby certify that all amounts payable under such order or such statute that
are due on or before the date of this affidavit (including amounts due before the
petition was filed, but only to the extent provided for by the plan) have been paid;
or

I have executed, and the court has approved, a written waiver of discharge
pursuant to 11 U.S.C. § 1328(a).

My current address is:

The name and address of my most recent/current employer is:

I declare under penalty of perjury that all of the above statements are true and correct to the best of my knowledge, information, and belief, and that the Court may rely on the truth of each statement in determining whether to grant me a discharge in this case. I further understand that the court may revoke my discharge if such order of discharge was procured by fraud.

Signature of Debtor: _____ Date: _____

NOTICE OF OPPORTUNITY TO OBJECT

Any objections to the accuracy of this affidavit must be filed within fourteen (14) days of the date of service of this Affidavit. If no objection is filed, the Court will consider entering a discharge order in this case without further notice or hearing.