

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

(12/2010)

In re

Case No.

_____,
_____,

Chapter 11

Reorganization

Debtor(s).

AFFIDAVIT REQUESTING ENTRY OF DISCHARGE ORDER
PRIOR TO COMPLETION OF PLAN PAYMENTS

***** IN A JOINT CASE, EACH DEBTOR MUST COMPLETE A SEPARATE AFFIDAVIT TO BE ELIGIBLE FOR A DISCHARGE *****

The Debtor having filed a motion for entry of a discharge order prior to completion of the plan payments, pursuant to 11 U.S.C. § 1141(d)(5)(B), the undersigned Debtor testifies under penalty of perjury to the following (*complete all sections and provide all required information*) and requests that the Court enter a discharge order pursuant to 11 U.S.C. § 1141(d).

1. The value, as of the effective date of the plan, of property actually distributed under the plan on account of each allowed unsecured claim is not less than the amount that would have been paid on such claim if the estate of the debtor has been liquidated under chapter 7 on such date; and modification of the plan under 11 U.S.C. § 1127 is not practicable.
2. ___ 11 U.S.C. § 1141(d)(3) does not apply and a Financial Management Course (Debtor Education) is not required to be completed for a discharge.

Or

___ The provisions of 11 U.S.C. § 1141(d)(3)(A) and (B) do apply; however, I would not be denied a discharge under 11 U.S.C. § 727(a) if this case were a case under Chapter 7, and

___ I have completed a Financial Management Course (Debtor Education) and have previously filed a certificate of completion (Form 23).

Or

___ I have completed a Financial Management Course (Debtor Education) and a certificate of completion (Form 23) is attached hereto.

3. _____ I did not have, either at the time of filing this bankruptcy case or at the present time, equity in the type of property described in 11 U.S.C. § 522(p)(1) {generally the debtor's homestead} in excess of the aggregate value specified therein.

Or

_____ 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).

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 a discharge in this Chapter 11 case. The Court may revoke my discharge if the statements relied upon are not accurate.

Date:

Signature of Debtor