

UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

In re

GENERAL ORDER 07-05

GENERAL ORDER REGARDING PROCEDURE FOR ENTRY OF DISCHARGE  
IN CHAPTER 13 CASES FILED ON OR AFTER OCTOBER 17, 2005

The Court having determined that it is necessary to define procedures for the entry of a discharge in Chapter 13 cases filed on or after October 17, 2005, it is hereby

ORDERED that, in Chapter 13 cases filed on or after October 17, 2005, the Court shall follow the procedures set forth below.

**Discharge After Completion of Plan Payments, pursuant to 11 U.S.C. § 1328(a)**

Within thirty (30) days after the Trustee files a report that the Debtor has completed all payments under the Chapter 13 Plan, the Debtor shall file an Affidavit Requesting Entry of Discharge Order After Completion of Plan Payments that conforms to Exhibit A attached to this Order. The Affidavit Requesting Entry of Discharge After Completion of Plan Payments will be shown to be filed on the Court Docket Sheet, but its image on the CM/ECF/PACER system will not be subject to public inspection, copy or review, absent written request and Court order authorizing such inspection.

Upon the filing of the affidavit, the Clerk shall issue notice to all creditors and parties in interest in the case of the deadline to file written objections to the Affidavit Requesting Entry of Discharge Order After Completion of Plan Payments and the date, time and location of the discharge hearing, along with a copy of the Affidavit Requesting Entry of Discharge Order After Completion of Plan Payments. If no written objection to the Affidavit Requesting Entry of Discharge Order After Completion of Plan Payments is timely filed, the Debtor and counsel need not appear at the discharge hearing.

**Discharge Prior to Completion of Plan Payments, pursuant to 11 U.S.C. § 1328(b)**

Contemporaneously with the filing of a motion by the Debtor for entry of a discharge prior to completion of plan payments ("hardship discharge"), pursuant to 11 U.S.C. § 1328(b), the Debtor shall file an Affidavit Requesting Entry of Hardship Discharge Order that conforms to Exhibit B attached to this Order. The Affidavit Requesting Entry of Hardship Discharge will be shown to be filed on the Court Docket Sheet, but its image on the CM/ECF/PACER system will not be subject to public inspection, copy or review, absent written request and Court order authorizing such inspection.

Upon the filing of the motion and affidavit, the Clerk shall issue notice to all creditors, parties in interest in the case of the date, time and location of the hearing on the motion, along with a copy of the Motion for Hardship Discharge and the Affidavit Requesting Entry of Hardship Discharge.

ENTERED: **NOV 15 2007**



\_\_\_\_\_  
RONALD G. PEARSON, JUDGE

UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

In re

Case No. \_\_\_\_\_

\_\_\_\_\_,

Chapter 13

\_\_\_\_\_,

Adjustment of Debts

Debtor(s).

AFFIDAVIT REQUESTING ENTRY OF DISCHARGE ORDER  
AFTER COMPLETION OF PLAN PAYMENTS

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

The Chapter 13 Trustee has filed a report of Completion of Plan and Request for Discharge Hearing. 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.

1. My current address is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. The name, address and telephone number of my most recent or current employer is:

Employer's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

3. The following creditor(s) hold a claim that I have reaffirmed under 11 U.S.C. § 524(c), or a claim under 11 U.S.C. § 523(a)(2) or (a)(4) that has been determined to be nondischargeable by separate order:

Creditor's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Creditor's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Creditor's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

4. Completion of Financial Management Course (Debtor Education) Pursuant to 11 U.S.C. § 1328(g)(1)

*[check the appropriate box]*

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.

or

The Court, by Order entered \_\_\_\_\_, has determined that no Financial Management Course (Debtor Education) is required due to incapacity, disability or active duty in a military combat zone.

5. \_\_\_\_ I have not received a discharge in a Chapter 7, 11 or 12 bankruptcy case within four (4) years prior to the filing of this Chapter 13 case.

6. \_\_\_\_ I have not received a discharge in another Chapter 13 bankruptcy case within two (2) years prior to the filing of this Chapter 13 case.

7. \_\_\_\_ I did not have, either at the time of filing this bankruptcy case or at the present time, equity in excess of \$125,000.00 in the type of property described in 11 U.S.C. § 522(p)(1) {generally the debtor's homestead}.

8. \_\_\_\_ 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).

9. Certification Regarding Domestic Support Obligations Pursuant to 11 U.S.C. § 1328(a).

*[check the appropriate box]*

- I have not been required by a judicial or administrative order or by statute to pay any domestic support obligation as defined by 11 U.S.C. §101(14A) either before this bankruptcy filing or at any time after the filing of this bankruptcy case.

or

- I am required by judicial or administrative order or by statute to pay a domestic support obligation as defined by 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.} If you checked this box, you must list the name, address, and telephone number for each holder of a domestic support obligation in the space provided below.

The name, address and telephone number of each holder of a domestic support obligation are:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

*[check the appropriate box]*

- I certify that as of the date of this affidavit I have paid all amounts required by a judicial or administrative order or by statute to be paid pursuant to any domestic support obligation as defined by 11 U.S.C. § 101(14A). Amounts due before this bankruptcy filing were paid to the extent provided for by the confirmed plan.

or

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

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 13 case. The Court may revoke my discharge if the statements relied upon are not accurate.

\_\_\_\_\_  
Signature of Debtor

Date: \_\_\_\_\_

UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

In re

Case No. \_\_\_\_\_

\_\_\_\_\_

Chapter 13

\_\_\_\_\_

Adjustment of Debts

Debtor(s).

AFFIDAVIT REQUESTING ENTRY OF HARDSHIP DISCHARGE ORDER

\*\*\* 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 ("hardship discharge"), pursuant to 11 U.S.C. § 1328(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.

1. My current address is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. The name, address and telephone number of my most recent or current employer is:

Employer's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

3. The following creditor(s) hold a claim that I have reaffirmed under 11 U.S.C. § 524(c), or a claim under 11 U.S.C. § 523(a)(2) or (a)(4) that has been determined to be nondischargeable by separate order:

Creditor's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Creditor's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Creditor's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

4. Completion of Financial Management Course (Debtor Education) Pursuant to 11 U.S.C. § 1328(g)(1)

*[check the appropriate box]*

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.

or

The Court, by Order entered \_\_\_\_\_, has determined that no Financial Management Course (Debtor Education) is required due to incapacity, disability or active duty in a military combat zone.

5. \_\_\_\_ I have not received a discharge in a Chapter 7, 11 or 12 bankruptcy case within four (4) years prior to the filing of this Chapter 13 case.

6. \_\_\_\_ I have not received a discharge in another Chapter 13 bankruptcy case within two (2) years prior to the filing of this Chapter 13 case.

7. \_\_\_\_ I did not have, either at the time of filing this bankruptcy case or at the present time, equity in excess of \$125,000.00 in the type of property described in 11 U.S.C. § 522(p)(1) {generally the debtor's homestead}.

8. \_\_\_\_ 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).



9. Certification Regarding Domestic Support Obligations Pursuant to 11 U.S.C. § 1328(a).

*[check the appropriate box]*

- I have not been required by a judicial or administrative order or by statute to pay any domestic support obligation as defined by 11 U.S.C. §101(14A) either before this bankruptcy filing or at any time after the filing of this bankruptcy case.

or

- I am required by judicial or administrative order or by statute to pay a domestic support obligation as defined by 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.} If you checked this box, you must list the name, address, and telephone number for each holder of a domestic support obligation in the space provided below.

The name, address and telephone number of each holder of a domestic support obligation are:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

*[check the appropriate box]*

- I certify that as of the date of this affidavit I have paid all amounts required by a judicial or administrative order or by statute to be paid pursuant to any domestic support obligation as defined by 11 U.S.C. § 101(14A). Amounts due before this bankruptcy filing were paid to the extent provided for by the confirmed plan.

or

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

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 13 case. The Court may revoke my discharge if the statements relied upon are not accurate.

\_\_\_\_\_

Signature of Debtor

Date: \_\_\_\_\_