

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

In Re:)
) Case No.
)
Debtor(s))

**DEBTOR’S MOTION FOR ENTRY OF CHAPTER 13 DISCHARGE DUE TO
HARDSHIP AND NOTICE OF DEADLINE AND OPPORTUNITY TO OBJECT**

Comes now the debtor and moves for the entry of an Order of Discharge pursuant to 11 U.S.C. §1328(b) despite the debtor’s failure to complete payments under the confirmed plan. In support thereof the debtor states:

1. “The debtor’s failure to complete such payments is due to circumstances for which the debtor should not justly be held accountable” in that _____

_____. 11 U.S.C. §1328(b)(1).

2. “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 had been liquidated under chapter 7 of this title on such date.” 11 U.S.C. §1328(b)(2).

3. “Modification of the plan under section 1329 of this title is not practicable” in that

_____. 11 U.S.C. §1328(b)(3).

4. The debtor has completed, after the filing of this case, the Personal Financial Management course required by 11 U.S.C. §1328(g)(1) and has filed the requisite certification (Official Form 23) or, alternatively, the debtor is aware that the Personal Financial Management course is required by 11 U.S.C. §1328(g)(1) and the certification (Official Form 23) shall be filed before the court enters an order of discharge.

5. Pursuant to 11 U.S.C. §1328(f), the debtor has not received a discharge in a case filed under chapter 7, 11, or 12 in the 4-year period preceding the date of the order for relief under this chapter and has not received a discharge in a case filed under chapter 13 in the 2-year period preceding the date of such order.

6. If the debtor has claimed a homestead exemption in excess of \$125,000, there is no proceeding pending in which the debtor may be found guilty of a felony as described in 11 U.S.C. s522(q)(1)(A) and the debtor is not liable for a debt of the kind described in 11 U.S.C. §522(q)(1)(B).

Date: _____

Debtor/Debtors Attorney

NOTICE OF OPPORTUNITY AND DEADLINE TO OBJECT TO MOTION FOR ENTRY OF CHAPTER 13 DISCHARGE DUE TO HARDSHIP

PLEASE TAKE NOTICE THAT WITHIN TWENTY-ONE (21) DAYS AFTER THE DATE OF THIS NOTICE you must file and serve a written objection to the motion. The objection must be filed electronically with the Bankruptcy Court at www.ecf.mowb.uscourts.gov. If you are a pro se creditor, you may file a written objection with the Clerk, United States Bankruptcy Court, Western District of Missouri, 400 East 9th Street, Room 1510, Kansas City, MO 64106. Debtor's attorney and the trustee will receive electronic notice when the objection is filed. If the debtor is pro se, you must serve your objection on the debtor.

Date: _____

Debtor/Debtors Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion and Notice has been served by first class mail on all creditors and parties requesting notice.

Date: _____

Debtor/Debtor's Attorney

Instructions: Fill in all required information and serve on all creditors
ECF Event: Bankruptcy>Motions/Applications/Requests>Chapter 13 Discharge - Hardship