

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

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

DEBTOR’S MOTION FOR ENTRY OF CHAPTER 13 DISCHARGE UNDER 11 U.S.C. SECTION 1328(i) 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(i) despite the debtor’s failure to complete payments under the confirmed plan. In support thereof, the debtor states as follows (complete Paragraph 1 or 2 as applicable):

1. Pursuant to 11 U.S.C. §1328(i)(1), the debtor, under a confirmed plan, defaulted on not more than three monthly payments due on a residential mortgage under §1322(b)(5) on or after March 13, 2020. The defaults were caused by a material financial hardship due, directly or indirectly, to the COVID-19 pandemic. The debtor states the months of default and reason for default as follows:

2. Pursuant to 11 U.S.C. §1328(i)(2)(A) and (B), the debtor has a confirmed plan which provides for curing the defaults and maintaining payments on a residential mortgage and has a qualifying loan modification or forbearance agreement with the lender. The debtor states the terms as follows:

3. 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.

4. 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.

5. 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. §522(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).

6. The debtor understands that a discharge under 11 U.S.C. §1328(i) does not discharge the mortgage debt but allows the debtor to receive a discharge of other debts dischargeable under 11 U.S.C. §1328(a) even though the debtor did not pay all mortgage payments when due under the plan.

Date: _____

Debtor/Debtor's Attorney

NOTICE OF OPPORTUNITY AND DEADLINE TO OBJECT TO MOTION FOR ENTRY OF CHAPTER 13 DISCHARGE UNDER 11 U.S.C. SECTION 1328(i)

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/Debtor's 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