

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI

IN: RE

CASE NO.
Chapter 13

DEBTOR'S CERTIFICATION AND
MOTION FOR ENTRY OF CHAPTER 13 DISCHARGE

THIS MOTION SEEKS AN ORDER DISCHARGING THE DEBTOR(S) PURSUANT TO §1328(a) OF THE BANKRUPTCY CODE. IF YOU OPPOSE THIS MOTION , YOU MUST FILE A RESPONSE WITH THE COURT WITHIN 21 DAYS FROM THE DATE LISTED BELOW IN THE CERTIFICATE OF SERVICE. YOUR RESPONSE MUST SET FORTH THE SPECIFIC FACTUAL ALLEGATION WITH WHICH YOU DISAGREE AND A COPY OF YOUR RESPONSE MUST BE SERVED ON THE DEBTOR(S) AND DEBTOR'S(S') ATTORNEY. IF NO TIMELY RESPONSE IS FILED, THE COURT MAY GRANT THIS MOTION WITHOUT HOLDING A HEARING. A TIMELY RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.

1. By signing below, the Debtor(s) certify under penalty of perjury that the following statements are true and correct:

A. I/we have completed a personal financial management instructional course provided through an agency approved by the United States Trustee and have filed a statement, prepared as prescribed by Official Form 23, regarding completion of said course. (In a joint case, both husband and wife must each complete the course and file an Official Form 23).
11 U.S.C. §1328(g)

B. All pre-petition amounts owed by me on a domestic support obligation, if any, have been paid to the extent provided by the plan. All post-petition amounts owed by me on a domestic support obligation, if any, have been paid. ("Domestic support obligation" is defined at 11 U.S.C. §101(14A)). 11 U.S.C. §1328(a)

C. I/we have not received a discharge under chapter 7, 11 or 12 of the Bankruptcy Code in a prior case filed during the four-year period preceding the date that the petition was filed in this case. 11 U.S.C. §1328(f)(1)

D. I/we have not received a discharge under chapter 13 of the Bankruptcy Code in a prior case filed during the two-year period before the date that the petition was filed in this case.
11 U.S.C. §1328(f)(2)

E. I/we have not been convicted of a felony, the circumstances of which would demonstrate that the filing of this bankruptcy case constituted an abuse of the provisions of the Bankruptcy Code. 11 U.S.C. §1328(h)(1) and §522(q)(1)(A)

F. If I/we owe a debt arising from: (i) any violation of any State or Federal securities laws, regulations or orders, (ii) fraud, deceit or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security, (iii) a civil remedy under §1964 of Title 18 of the United States Code, or (iv) that caused serious injury or death to another individual in the preceding five years, then I/we have not claimed an exemption for my/our residence in an amount in excess of the statutory cap as prohibited by §522(q)(1) of the Bankruptcy Code. 11 U.S.C. §1328(h)(1) and §522(q)(1)(B)

G. No proceeding is pending in which I/we may be found guilty of a felony of the kind described in §522(q)(1)(A) or in which I/we may be found liable for a debt of the kind described in §522 (q)(1)(B). 11 U.S.C. §1328(h)(2)

H. I/we have made all payments required by my confirmed Chapter 13 plan or have, by separate motion, moved for the entry of a hardship discharge pursuant to 11 U.S.C. §1328(b).

2. Debtor(s) hereby move the Court for the entry of a discharge order in this case.

Signed: _____

Debtor's Signature

Date

Spouse's Signature (in Joint Cases only)

Date

Attorney for the Debtor(s)

Date

State Bar No.

Address

Telephone Number

3. Mailing address for filing responses: David J. Puddister, Clerk
U.S. Bankruptcy Court
703 Highway 145 North
Aberdeen, MS 39730

CERTIFICATE OF SERVICE

On _____, a copy of this pleading was served on each of the persons listed on the attached service list either by prepaid United States mail or via electronic service through the Court's CM/ECF system at the mailing addresses and/or email addresses indicated.

Signature