

**Administrative Procedures  
for the Request and Issuance of a Discharge  
in a Chapter 13 Case**

Exhibit #2  
to Standing Order No. 07-04  
05/24/07

1. **General**

Debtors seeking entry of a discharge under 11 U.S.C. § 1328(a) in a case filed on or after April 20, 2005, are required to file the local form “Debtor’s Certified Motion for Discharge and Notice of Deadline to Object” (IANB1328). This form is to be filed with the Court upon completion of all payments under the plan, and will provide a 15-day bar date for objections to the recipients of initial service.

2. **Initial Service of Motion (Limited)**

The attorney for the debtor is required to serve a copy of “Debtor’s Certified Motion for Discharge and Notice of Deadline to Object” on the Chapter 13 Trustee, the United States Trustee, the U.S. Attorney and the Iowa Department of Human Services/Child Support Division, and file a certificate of service with the court. If the debtor(s) is pro se, the clerk of court shall serve a copy of the aforementioned Certified Motion on the Chapter 13 Trustee, the United States Trustee, the U.S. Attorney and the Iowa Department of Human Services/Child Support Division, and docket a certificate of service.

3. **Chapter 13 Trustee Responsibilities**

The Chapter 13 Trustee shall review the contents of the “Debtor’s Certified Motion for Discharge and Notice of Deadline to Object” and prior to the conclusion of the 15-day bar date for objections, take one of the following actions:

- a. **Plan Payments Complete:** If the trustee believes the motion is accurate and complete, and all plan payments have been made, the Chapter 13 trustee will file a Statement of No Objections. This action will facilitate the future filing of the Chapter 13 Final Report and Notice of Completion.
- b. **Plan Payments Incomplete:** If the trustee believes the motion is not accurate or complete, or the debtor has failed to complete his/her plan payments prior to the filing of the Certified Motion, the Chapter 13 trustee will file an Objection to the motion, and the Clerk’s Office shall set the matter for hearing. Notice of hearing will be provided (by the Clerk’s Office) to all recipients of initial service of the motion. Until a cure of all deficiencies necessitating the objection(s), or the Court’s overruling of objections, the Chapter 13 trustee need not file his/her Final Report and Notice of Completion.

4. **Objections from the U.S. Attorney and/or the Iowa Department of Human Services/Child Support Division**

The U.S. Attorney and the Iowa Department of Human Services/Child Support Division shall review the contents of the “Debtor’s Certified Motion for Discharge and Notice of Deadline to Object” and, in those cases in which either agency has an objection to the motion, it shall file its objection prior to the conclusion of the 15-day bar date. The Clerk’s Office will set the matter for hearing, providing notice of hearing to all recipients of the initial service of the motion.

5. **Chapter 13 Trustee's Final Report** - Upon resolution of any outstanding objection to the "Debtor's Certified Motion for Issuance of Discharge and Notice of Deadline to Object," and in the normal course of Chapter 13 case administration, the Chapter 13 Trustee will file his/her Final Report and Notice of Completion in the case, attaching thereto a copy of said debtor's certified motion (and any amendments/modifications filed with the court). This final report will provide a 25-day bar date for objections to the Final Report and/or Debtor's Certified Motion for Issuance of Discharge. The Clerk's Office will provide notice of the Chapter 13 Trustee's final report, the debtor's certified motion, and the 25-day bar date to all creditors and parties in interest.
6. **No Objection to the Final Report** - In the absence of any timely filed objections to the Chapter 13 Trustee's Final Report or to Debtor's Certified Motion for Discharge, and providing the debtor is otherwise eligible to receive a discharge, the court will issue a discharge in the case, within ten (10) days of the conclusion of the 25-day bar date for objections to the Chapter 13 Trustee's Final Report and Notice of Completion.
7. **Objections to Final Report** - If an objection to the Chapter 13 Trustee's Final Report or the Debtor's Certified Motion for Discharge is timely filed by a creditor or party in interest, the Clerk's Office will set the matter for hearing, and provide notice of said hearing to the debtor/debtor's attorney, any objecting parties, the Chapter 13 Trustee, and the United States Trustee.