

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:

Chapter 13

Debtor.

Bankruptcy No.

DEBTOR'S CERTIFIED MOTION
FOR ENTRY OF DISCHARGE ORDER AND
NOTICE OF DEADLINE TO OBJECT

The undersigned debtor moves for entry of discharge, and in support of debtor's motion certifies, under penalty of perjury, the following (a statement is checked only if it is true and accurate):

1. Plan Payments - 11 U.S.C. § 1328 (a) - (One statement must be checked or the motion will be denied without hearing):

_____ Debtor has completed all payments under the confirmed chapter 13 plan.

OR

_____ Debtor has not completed payments to trustee or a creditor holding a security interest in the principal residence of the debtor but qualifies under 11 U.S.C § 1328 (i) as acknowledged in Section 7.

2. Domestic Support Obligations - 11 U.S.C. § 1328 (a) - (Check (a), (b), or (c)):

(a) _____ Debtor has not been required by a judicial or administrative order or by statute to pay a domestic support obligation, as defined in 11 U.S.C. § 101(14A).

OR

(b) _____ Debtor is required by a judicial or administrative order or by statute to pay a domestic support obligation as defined in 11 U.S.C. § 101(14A). All amounts payable under such order or statute which were due on or before the date of this certification (including amounts due before the bankruptcy petition was filed, but only to the extent provided for by the confirmed plan) have been paid.

The name and address of each person to whom I owe a domestic support obligation is as follows:

OR

(c) _____ Debtor is required by a judicial or administrative order or by statute to pay a domestic support obligation as defined by 11 U.S.C. § 101(14A). Debtor has **NOT** made all payments which became due prior to the date of this certification.

The name and address of each person to whom I owe a domestic support obligation is as follows:

3. Financial Management Course - 11 U.S.C. § 1328 (g) - (If this statement is not checked, the motion will be denied without notice or hearing.)

_____ After filing the bankruptcy petition, Debtor completed an instructional course concerning personal financial management as described in 11 U.S.C. § 111. A copy of the certificate of completion has been separately filed with the court.

4. Prior Discharges - 11 U.S.C. § 1328 (f) - (One of these alternatives must be selected.)

_____ Debtor **HAS NOT RECEIVED** a discharge in a case filed under chapter 7, 11, or 12 of the Bankruptcy Code during the 4-year period preceding the date of the order for relief in this case (normally the date of the filing of the bankruptcy petition),

and Debtor **HAS NOT RECEIVED** a discharge in a case filed under chapter 13 of the Bankruptcy Code during the 2-year period preceding the date of the order for relief.

OR

_____ Debtor **HAS RECEIVED** a discharge in a case filed under chapter 7, 11, or 12 of the Bankruptcy Code during the 4-year period preceding the date of the order for relief in this case (normally the date of the filing of the bankruptcy petition),

OR

_____ Debtor **HAS RECEIVED** a discharge in a case filed under chapter 13 of the Bankruptcy Code during the 2-year period preceding the date of the order for relief in this case.

5. Homestead Exemptions - 11 U.S.C. § 1328 (h) and 11 U.S.C. § 522(q) - (One of these two alternatives must be selected.)

_____ Debtor has not claimed, under state law, exemption of an interest in the following kinds of property having an aggregate value in excess of \$170,350¹:

- A. real or personal property that Debtor or a dependent of the Debtor uses as a residence;
- B. a cooperative that owns property that the Debtor or a dependent of the Debtor uses as a residence;
- C. a burial plot for the Debtor or a dependent of the Debtor; OR,
- D. real or personal property that the Debtor or a dependent of the Debtor claims as a homestead.

OR

_____ Debtor has claimed, under state law, exemption of Debtor's interest in the following kinds of property having an aggregate value in excess of \$170,350¹:

- A. real or personal property that Debtor or a dependent of the Debtor uses as a residence;
- B. a cooperative that owns property that the Debtor or a dependent of the Debtor uses as a residence;

¹ Amounts are subject to adjustment on 04/01/2022 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment. Previous limits were \$160,375 if case filed on or after April 1, 2016 but before April 1, 2019; \$155,675 if case filed on or after April 1, 2013 but before April 1, 2016; \$146,450 if case was filed on or before April 1, 2103 but before April 1, 2010; and \$136,875 for case filed on or before March 31, 2010.

- C. a burial plot for the Debtor or a dependent of the Debtor; OR,
- D. real or personal property that the Debtor or a dependent of the Debtor claims as a homestead.

6. Proceedings Relating to Delay in the Entry of Discharge - 11 U.S.C. § 1328 (h) and 11 U.S.C. § 522(q) - (One of these two alternatives must be selected):

_____ There **IS** currently pending a proceeding in which the Debtor may be convicted of a felony (defined in 18 U.S.C. § 3156(a)(3) as an offense punishable by a maximum term of imprisonment of more than one year) **OR** a proceeding in which Debtor may be found liable for a debt:

- (1) arising from any violation of federal securities laws, any state securities laws, or any regulations or orders issued under federal or state securities laws;
- (2) arising from fraud, deceit, or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under § 12 or 15(d) of the Securities Exchange Act of 1934 or under § 6 of the Securities Act of 1933;
- (3) arising from any civil remedy under § 1964 of Title 18 of the United States Code (Racketeer Influenced and Corrupt Organizations Act (RICO)); or
- (4) arising from any criminal act, intentional tort, or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding five (5) years.

OR

_____ There **IS NOT** currently pending a proceeding in which the Debtor may be convicted of a felony (defined in 18 U.S.C. § 3156(a)(3) as an offense punishable by a maximum term of imprisonment of more than one year) **OR** a proceeding in which Debtor may be found liable for a debt:

- (1) arising from any violation of federal securities laws, any state securities laws, or any regulations or orders issued under federal or state securities laws;
- (2) arising from fraud, deceit, or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under § 12 or 15(d) of the Securities Exchange Act of 1934 or under § 6 of the Securities Act of 1933;
- (3) arising from any civil remedy under § 1964 of Title 18 of the

United States Code (Racketeer Influenced and Corrupt Organizations Act (RICO)); or

- (4) arising from any criminal act, intentional tort, or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding five (5) years.

- 7. Proceedings related to Entry of Discharge of Security Interest - 11 U.S.C. § 1328 (i) – (One of these alternatives must be selected):

_____ As stated in Section 1, Debtor has completed all payments under the confirmed chapter 13 plan.

OR

_____ Debtor **HAS NOT** defaulted on more than three monthly payments on or after March 13, 2020 **AND** the default was caused by a material financial hardship due to the COVID-19 pandemic

OR

_____ The plan cures the default, provides for maintenance of payment under § 1322(b)(5) **AND** the Debtor has entered into a forbearance or modification agreement with the holder or servicer of the mortgage.

- 8. Current Address:

My most recent address is as follows, and, if applicable, I have filed the required change of address notification with the Clerk of Court:

_____ (address)

- 9. The name and address of my current employer(s) is as follows:

Name: _____

Address: _____

10. **NOTICE OF TIME TO OBJECT TO MOTION FOR DISCHARGE OR TO SEEK DELAY:**

Pursuant to Local Rule 4004-3, the parties served with this motion shall have to and including _____ to object to the motion for discharge or to seek delay in the entry of discharge.

I declare under penalty of perjury that the facts stated in this motion are true and accurate.

Date Signed

Debtor

Attorney's Certification

I certify that I am the attorney for the Debtor in this bankruptcy case, and that prior to the execution and filing of this motion, I have explained to Debtor the meaning of the allegations contained herein.

Date Signed

Attorney

Certificate of Service

The undersigned hereby certifies that on _____, 20__, a true and correct copy of this Certified Motion and Notice of Deadline to Object was served on the standing trustee, the U.S. trustee, the U.S. attorney, and the Iowa Department of Human Services/Child Support Division, by either first-class U.S. mail or via the CM/ECF system of the United States Bankruptcy Court for the Northern District of Iowa. If the debtor is appearing pro se, the clerk's office will serve this Motion and a notice of time to object.

Date Signed

Attorney