**UNITED STATES BANKRUPTCY COURT**

**MIDDLE DISTRICT OF ALABAMA**

In re Case No.

Chapter 13

Debtor(s)

**MOTION FOR HARDSHIP DISCHARGE UNDER 11 U.S.C. § 1328(b) AND  
DEBTOR’S CERTIFICATION OF COMPLIANCE WITH 11 U.S.C. § 1328**

COMES NOW the debtor(s), and moves this Honorable Court for entry of a hardship discharge under U.S.C. § 1328(b) and in support of said motion certifies and states as follows:

1. That on      , the debtor(s) filed a petition for relief under chapter 13 of the Bankruptcy Code, and on       this court entered an order confirming the debtor’s plan.

2. That subsequent to confirmation, circumstances have changed whereby debtor is unable to complete payments under this confirmed chapter 13 plan. Describe circumstances:

3. Debtor’s failure to complete payments under the plan is due to circumstances for which debtor(s) should not justly be held accountable.

4. 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(s) had been liquidated under chapter 7. The dividend which creditors would have received had this been a chapter 7 case is      %. The dividend which has been paid to unsecured creditors in this case is approximately      %.

5. Modification of debtor’s plan is not practicable.

6. The debtor(s) has completed an instructional course concerning personal financial management described in 11 U.S.C. § 111 and has filed either the PFMI certificate or Official Form 423 with this Court (or an order has entered waiving this requirement).

7. The debtor is not attempting to discharge debts owed to the following creditors:      

8. Certification concerning 11 U.S.C. § 1328(h): The debtor certifies that § 522(q)(1) is not applicable to the debtor(s), and there is not pending any proceeding in which the debtor may be found guilty of a felony of the kind described in § 522(q)(1)(A) or liable for a debt of the kind described in § 522(q)(1)(B).

9. The debtor(s) has not received a discharge under chapter 7, 11, or 12 in a case filed during the 4-year period preceding the filing of the instant case and has not received a discharge under chapter 13 in a case filed during the 2-year period preceding the filing of the instant case.

WHEREFORE, debtor(s) respectfully prays that this Court will enter discharge under 11 U.S.C. § 1328(b).

By signing this motion/certification, I/we acknowledge that all of the statements contained herein are true and accurate and that the court may rely on each of these statements in determining whether to grant me/us a discharge in this chapter 13 case. The court may revoke my/our discharge if the statements relied upon herein are proven to be inaccurate.

|  |  |
| --- | --- |
| Dated |  |

|  |
| --- |
|  |

Debtor

|  |
| --- |
|  |

Joint Debtor

|  |
| --- |
| /s/ |

(ASB) Attorney for Debtor(s)

Address

Phone

Email

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, a true and correct copy of the foregoing motion for hardship discharge was served upon all creditors and parties in interest as follows:

**by CM/ECF:**

Sabrina L. McKinney, Acting Trustee

Danielle K. Greco, Bankruptcy Administrator

**by First Class Mail, postage prepaid:**

**Other:**

|  |  |
| --- | --- |
| Dated: |  |

|  |
| --- |
| /s/ |

Attorney for debtor(s)