**UNITED STATES BANKRUPTCY COURT**

**MIDDLE DISTRICT OF ALABAMA**

In re Case No.

Chapter 13

Debtor(s)

**MOTION FOR DISCHARGE UNDER 11 U.S.C. § 1328(i) AND**

**DEBTOR’S CERTIFICATION OF COMPLIANCE WITH 11 U.S.C. § 1328**

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(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).

4. Certification Concerning Domestic Support Obligations (check one):

The debtor(s) has not been required by a judicial or administrative order or by statute to pay any domestic support obligation as defined in 11 U.S.C. § 101(14A);

The debtor(s) is required by judicial or administrative order or by statute to pay a domestic support obligation as defined in 11 U.S.C. § 101(14A) and has not completed payments as part of the plan or outside of the plan. The name of each holder of a domestic support obligation is as follows:

or

The debtor(s) certifies that all amounts payable under any domestic support obligation (required by a judicial or administrative order or by statute), that are due on or before the date of this certification (including amounts due before the petition was filed, but only to the extent provided for by the plan) have been paid. The name of each holder of a domestic support obligation is as follows:

5. The debtor(s) is not attempting to discharge debts owed to the following creditors:

6. Certification concerning 11 U.S.C. § 1328(h): The debtor(s) certifies that § 522(q)(1) is not applicable to the debtor(s), and there is not pending any proceeding in which the debtor(s) 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).

8. 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(i).

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.

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| Dated |  |

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Debtor

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Joint Debtor

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| --- |
| /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 Discharge was served upon all creditors and parties in interest as follows:

**by CM/ECF:**

Sabrina L. McKinney, Trustee

Danielle K. Greco, Bankruptcy Administrator

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

**Other:**

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

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| --- |
| /s/ |

(ASB) Attorney for Debtor(s)

Address

Phone

Email