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| **IN RE:**  **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,**  **Debtor(s).** | **)**  **)**  **)**  **)**  **)** | **Case No. \_\_\_\_\_\_\_\_\_\_\_\_\_** |
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**MOTION FOR CHAPTER 13 HARDSHIP DISCHARGE**

COMES NOW \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Debtor(s) in the above-styled case, and moves the Court for entry of a hardship discharge under 11 U.S.C. § 1328(b). In support of this Motion, Debtor(s) shows:

1. Debtor(s) filed a petition for relief under Chapter 13 of the Bankruptcy Code, and the Court entered an order confirming the Plan.

2. Since confirmation, circumstances for which the Debtor(s) should not justly be held accountable have changed such that Debtor(s) cannot complete payments under the confirmed Chapter 13 Plan. The changed circumstances are as follows:

[List SPECIFIC facts why a hardship discharge should be granted that are sufficient to satisfy the requirements of the Code.]

Debtor(s) attaches an affidavit in support of this Motion herein.

[ATTACH AFFIDAVIT FROM DEBTOR]

3. Modification of the Plan is not practicable.

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 Debtor(s) had been liquidated under Chapter 7. The amount which creditors would have received had this been a Chapter 7 case is approximately $\_\_\_\_\_\_\_\_\_\_. The amount which has been paid to unsecured creditors in this case to date is $\_\_\_\_\_\_\_\_\_\_.

5. To satisfy the requirement to complete an instructional course on personal financial management, Debtor(s) has *(check one)*:

Completed an instructional course concerning personal financial management described in 11 U.S.C. § 111 and has filed a certificate of completion with the Court; or

Filed a motion requesting a waiver of the requirement for an instructional course regarding personal financial management.

6. 11 U.S.C. § 521(q)(1) is not applicable to Debtor(s), and there is no pending proceeding in which Debtor(s) may be found guilty of a felony of the kind described in § 521(q)(1)(A) or liable for a debt of the kind described in § 521(q)(1)(B).

7. Debtor(s) has not received a discharge under Chapter 7, 11, or 12 in a case filed within four years of the filing of this case and has not received a discharge under Chapter 13 in a case filed within two years of the filing of this case.

WHEREFORE, the above premises considered, Debtor(s) moves this Honorable Court for a hardship discharge pursuant to 11 U.S.C. §1328(b).

Respectfully submitted this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attorney for Debtor(s)

Law Firm

Attorney Name

Attorney Address

Attorney Phone

Attorney Email

**CERTIFICATE OF SERVICE**

I hereby certify that on this Motion for Hardship Discharge was served upon all creditors and parties in interest as follows:

**by CM/ECF:**

Sabrina L. McKinney, Chapter 13 Trustee

Danielle K. Greco, Bankruptcy Administrator

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

**Other:**

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

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

Attorney for Debtor(s)

Address

Address