UNITED STATES BANKRUPTCY COURT
for the
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

ORDER RE: DELAYED DISCHARGES OF INDIVIDUALS IN CHAPTER 13 CASES

(a) Chapter 13 debtors who have claimed exemptions in excess of the adjusted amount set forth in 11 U.S.C. §522(q)(1) must file a statement pursuant to Rule 1007(b)(8), not earlier than the date of the last payment under the plan or the date of filing a motion for a discharge under 11 U.S.C. §1328(b).

(b) Unless otherwise ordered, upon plan completion:

(1) All Chapter 13 debtors must file a certification in support of discharge stating whether or not the debtor:

(A) has completed an instructional course concerning personal financial management described in 11 U.S.C. §111 prior to making the last plan payment and has filed a certificate of completion of that course;

(B) has been required to pay, and has paid, a domestic support obligation as that term is defined in 11 U.S.C. §101(14A);

(C) has received a discharge in a Chapter 7, 11, 12 bankruptcy case filed within four years prior to filing the present Chapter 13 case, or in a Chapter 13 case filed within two years prior to filing the present Chapter 13 case.

(2) If a Chapter 13 debtor has been required to pay a domestic support obligation as that term is defined in 11 U.S.C. §101(14A), the debtor's certification in support of discharge shall be served by the Chapter 13 Trustee on all domestic support obligation payees for whom the Chapter 13 Trustee has an address, including those payees who have filed a proof of claim.

(c) (1) The Clerk shall serve the statement required in Subparagraph (a) by mail on all parties in interest.

(2) Any party requesting a delay in the entry of the discharge must file a written response no later than twenty (20) days from the date of service of the debtor's statement and the response must be served by mail on the Chapter 13 Trustee, the debtor and the debtor's attorney.

(3) If the delay request is timely filed, the debtor must schedule a hearing on the request and advise the Chapter 13 Trustee, and the party requesting the delay, of the date and time of the hearing. The hearing must be held not more than ten (10) days before the date of the entry of the discharge order.

(4) If either no delay request is filed or if the delay request is not timely filed, the Court may enter a discharge order in the case, but not earlier than thirty (30) days after the filing of the statement.

(d) Debtors shall make the statements and certifications required by this order on forms approved by the Court in accordance with B.L.R. 1007-1. Those forms shall be available on the Court's website and at the offices and on the websites of the district's Chapter 13 Trustees.

IT IS SO ORDERED.

Dated:

UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY JUDGE