

UNITED STATES BANKRUPTCY COURT
Northern District of West Virginia

In Re: _____

Debtor(s)

Case No.:
Chapter: 13

**DEBTOR'S CERTIFICATE OF COMPLIANCE,
MOTION FOR ISSUANCE OF DISCHARGE AND
NOTICE OF DEADLINE TO OBJECT**

NOTICE OF TIME TO OBJECT

Any interested party who fails to file and serve a written response to this certificate and motion within 30 days after the date of filing hereof shall be deemed to have consented to the entry of an order of discharge.

The Debtor(s) [In the event that this is a "joint case", all further references to "Debtor" shall include and refer to both the Debtors, unless any information is noted as specifically applying to only one Debtor.] in the above captioned matter certifies as follows:

1. The Chapter 13 Trustee has filed a Report of Completion of Plan. The Debtor is requesting the Court to enter a discharge in this case.
2. The Debtor has completed an instructional course in personal financial management as described in 11 U.S.C. §111 and has filed Official Form 23.
3. Compliance with 11 U.S.C. §101(14A) (Check either A, B, or C, as applicable):

_____ A. The Debtor 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) either before this bankruptcy was filed or at any time after the filing of this bankruptcy; or,

_____ B. The Debtor certifies that as of the date of this certification, the Debtor has paid all amounts due under any and all domestic support obligations as defined in 11 U.S.C. §101(14A), required by a judicial or administrative order or by statute, including amounts due before this case was filed, to the extent provided for by the plan; or,

_____ C. The Debtor is not current on such obligation. (No discharge can be entered pursuant to §1328(a).)

4. Compliance with 11 U.S.C. §1328(h) (Check either A, B, or C, as applicable):

_____ A. The Debtor has not claimed an exemption under §522(b)(3) in an amount in excess of the allowable amount as stated in §522(q), that was in effect at the time the case was filed, in property that is:

1. real or personal property that the Debtor or a dependant of the Debtor the uses as a residence;
2. a cooperative that owns property that the Debtor or a dependant of the Debtor uses as a residence;
3. a burial plot for the Debtor or a dependant of the Debtor; or
4. real or personal property that the Debtor or a dependant of the debtor claims as a homestead;

OR

_____ B. The Debtor has claimed an exemption under §522(b)(3) in an amount in excess of the allowable amount as stated in §522(q), that was in effect at the time the case was filed, in property of the kind described in subparagraphs A.1., A.2., A.3., or A.4. of subsection 4, and the Court has not made a determination that the Debtor has been convicted of a felony (as defined in Section 3156 of Title 18), which under the circumstances, demonstrates that the filing of the case was an abuse of the provisions of Title 11, and the Debtor does not owe a debt arising from:

1. any violation of the Federal securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934), any State securities laws, or any regulation or order issued under Federal securities laws or State securities laws;
2. fraud, deceit, or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under section 12 or 15(d) of the Securities Exchange Act of 1934 or under section 6 of the Securities Act of 1933;
3. any civil remedy under section 1964 of title 18; or
4. any criminal act, intentional tort, or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding 5 years.

OR

_____ C. The Debtor has claimed an exemption under §522(b)(3) in an amount in excess of the allowable amount as stated in §522(q), that was in effect at the time the case was filed, in property of the kind described in subparagraphs A.1., A.2., A.3., or A.4. of subsection 4, and the Court has made a determination that the Debtor has been convicted of a felony (as defined in Section 3156 of Title 18), which under the circumstances, demonstrates that the filing of the case was an abuse of the provisions of Title 11, or the Debtor owes a debt arising from:

1. any violation of the Federal securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934), any State securities laws, or any regulation or order issued under Federal securities laws or State securities laws;
2. fraud, deceit, or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under section 12 or 15(d) of the Securities Exchange Act of 1934 or under section 6 of the Securities Act of 1933;
3. any civil remedy under section 1964 of title 18; or
4. any criminal act, intentional tort, or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding 5 years.

5. The Debtor has not received a discharge in a case filed under chapter 7, 11, or 12 during the 4 year period preceding the filing of the instant case.
6. More than 2 years have elapsed since the filing of an earlier Chapter 13 case that eventually resulted in the entry of a discharge order.

I declare under penalty of perjury that the information provided in this Certificate is true and correct.

/s/ _____
Debtor

/s/ _____
Debtor

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on _____, 20____, a true and correct copy of the Certificate Of Compliance and Request For Discharge was served upon all creditors and parties in interest listed on the attached service list by either first-class, U.S. mail or via the CM/ECF system of the United States Bankruptcy Court. If the debtor is appearing pro-se, the clerk's office will serve this Certificate and Motion on all creditors and parties in interest.

/s/ _____
Attorney for Debtor(s)