

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA

NOTICE TO THE BAR

**Procedures for Closing Post-BAPCPA
Chapter 13 Cases**

The Bankruptcy Abuse and Consumer Protection Act of 2005 changed the procedures required for closing and for entering discharges in Chapter 13 cases.

The attached forms (5 pages), regarding Chapter 13 closing procedures must be used for all Chapter 13 cases filed on or after October 17, 2005 that will be closed on or after the date below.

Counsel should also note that Exhibit A to Standing Order 2007-1, dealing with the fixed fee agreement in Chapter 13 cases, was amended so as to add the following additional duty to attorneys representing Chapter 13 debtors:

“Prepare and file the necessary pleadings to obtain the entry of a discharge, if appropriate.”

May 23, 2008

R. Marla Hamilton, Clerk

[To be filed by the Chapter 13 Trustee if debtor appears eligible for a discharge.]

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA**

IN RE: DEBTOR(S)

CASE NO. xx-xxxxx

**NOTICE OF PLAN COMPLETION, FILING OF FINAL ACCOUNT
AND NOTICE OF PROCEDURES REGARDING
THE DISCHARGE ORDER AND CASE CLOSING**

NOTICE IS GIVEN that the debtor(s) have completed the payments due under their confirmed plan. The Chapter 13 Trustee believes the estate has been fully administered, has filed a final account, and is prepared to close the case pursuant to 11 U.S.C. §350(a), 11 U.S.C. §1302(b) and Federal Rule of Bankruptcy Procedure 5009.

NOTICE IS FURTHER GIVEN that any party opposing the Trustee’s final account must object and must file the objection with the clerk of court, with service on the Chapter 13 Trustee, S.J. Beaulieu, Jr., at 433 Metairie Road, Suite 307, Metairie, LA 70005, the debtor, and the debtor’s counsel, no later than eight days before the scheduled hearing. If no objection is received, the Court may, without the necessity for hearing or further notice, grant the relief requested.

Objections, if any filed, will be heard on **(DATE & TIME)** at the United States Bankruptcy Court, for the Eastern District of Louisiana, Hale Boggs Federal Building, 500 Poydras Street, Courtroom B-**(insert number)**, New Orleans, Louisiana, 70130.

NOTICE IS FURTHER GIVEN that the debtor(s) must file under penalty of perjury the DEBTOR(S) CERTIFICATION OF PLAN COMPLETION AND MOTION FOR ENTRY OF DISCHARGE OR MOTION FOR ENTRY OF DISCHARGE in the form attached hereto, which must be signed, filed, and served on all creditors and parties in interest included on the court's mailing matrix within 60 days of the date the Chapter 13 Trustee certifies he mailed this notice (see Certificate of Service below for date). **The DEBTORS FAILURE TO COMPLY WILL RESULT IN THE CLOSING OF THIS CASE WITHOUT THE ENTRY OF A DISCHARGE. IF THE DEBTORS THEREAFTER DESIRE A DISCHARGE, THE CASE WILL HAVE TO BE REOPENED AND THE DEBTOR(S) MUST PAY THE FULL FEE DUE FOR THE FILING OF THE MOTION TO REOPEN.**

CERTIFICATE OF SERVICE

I certify that a copy of this Notice was served on _____, 200__, by ELECTRONIC FILING through the court’s electronic filing system upon: _____

and by first class mail, postage prepared upon: _____.

Office of the Chapter 13 Trustee

[(1) To be attached to the Chapter 13 Trustee's notice of plan completion, AND (2) filed by the debtor(s) and served on all creditors and parties in interest included on the court's mailing matrix within 60 days of the date the Chapter 13 Trustee certifies he mailed the notice of plan completion.]

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA**

IN RE: DEBTOR(S)

CASE NO. xx-xxxxx

**DEBTOR(S) CERTIFICATION OF PLAN COMPLETION
AND MOTION FOR ENTRY OF DISCHARGE
OR
MOTION FOR ENTRY OF DISCHARGE**

____ Debtor(s) certifies under penalty of perjury that the following is true and correct, and based on this certification moves for the entry of a discharge pursuant to 11 U.S.C. §1328(a):

1. All plan payments have been completed and the debtor(s) is/are otherwise entitled to a discharge under 11 U.S.C. §1328(a).
2. Debtor does not have any liability for domestic support obligations due on or before the date this certificate is signed, including any pre-petition amounts to the extent provided for by the plan, or the debtor has paid such obligations to:
Payee:
Address:
3. Debtor has successfully completed an approved instruction course concerning personal financial management described in 11 U.S.C. §111 if a waiver is not currently in effect.
4. The provisions of 11 U.S.C. § 522(q) are not applicable to this case, pursuant to 11 U.S.C. § 1328(h). There are no proceedings pending against the debtor of the kind described in 11 U.S.C. § 522(q)(1)(A) or § 522(q)(1)(B), pursuant to § 1328(h).
5. The debtor is not ineligible to receive a discharge in this case by reason of obtaining a prior discharge in accordance with § 1328(f)(1) or (2).

OR

____ Debtors(s) cannot attest affirmatively to the above certifications because debtor(s) cannot attest to fill in number above or give explanation . Debtor(s) moves for the entry of a Chapter

13 discharge in accordance with the Notice of Hearing sent out contemporaneously herewith.

Debtor's signature

Date

Co-debtor's signature

Date

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **DEBTOR(S) CERTIFICATION OF PLAN COMPLETION AND MOTION FOR ENTRY OF DISCHARGE OR MOTION FOR ENTRY OF DISCHARGE** was served on _____, 200__, by ELECTRONIC FILING through the court's electronic filing system upon: _____

and by first class mail, postage prepared upon:

_____.

[Type counsel's name, address, phone #, and e-mail address here].

[Note: If the debtor(s) are pro se, the debtor(s) must file the motion and notice in the form set forth above and the Chapter 13 Trustee will send out the notice.]

[To be filed by the debtor(s) along with certification of plan completion and motion.]

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA**

IN RE: DEBTOR(S)

CASE NO. xx- xxxx

NOTICE OF HEARING

NOTICE IS GIVEN that the debtor(s) have filed a CERTIFICATION OF PLAN COMPLETION AND MOTION FOR ENTRY OF DISCHARGE OR MOTION FOR ENTRY OF DISCHARGE and has requested that a Chapter 13 discharge be entered.

NOTICE IS FURTHER GIVEN that any party opposing the Debtor's Certification of Plan Completion and Motion for Entry of Discharge or Motion for Entry of Discharge must file the objection with the clerk of court, and serve the Chapter 13 Trustee, S.J. Beaulieu, Jr., at 433 Metairie Road, Suite 307, Metairie, LA 70005, the debtor, and the debtor's attorney no later than eight days before the scheduled hearing. If no objection is received, the Court may, without the necessity for hearing or further notice, grant the relief requested.

Objections, if any filed, will be heard on **(DATE & TIME)** at the United States Bankruptcy Court, for the Eastern District of Louisiana, Hale Boggs Federal Building, 500 Poydras Street, Courtroom B-**(insert number)**, New Orleans, Louisiana, 70130.

[Type counsel's name, address, phone #, and e-mail address here].

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing CERTIFICATION OF PLAN COMPLETION AND MOTION FOR ENTRY OF DISCHARGE OR MOTION FOR ENTRY OF DISCHARGE and the above NOTICE OF HEARING were served on _____, 200__, by ELECTRONIC FILING through the court's electronic filing system upon: _____

and by first class mail, postage prepared upon:
_____.

[Type counsel's name, address, phone #, and e-mail address here].

[To be filed by the Chapter 13 Trustee if debtor is ineligible for a discharge.]

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA**

In re: DEBTOR(S)

CASE NO. xx-xxxxx

**NOTICE OF PLAN COMPLETION, FILING OF FINAL ACCOUNT
AND NOTICE OF PROPOSED CLOSING OF THE CASE
WITHOUT A DISCHARGE DUE TO DEBTOR(S)
INELIGIBILITY FOR A CHAPTER 13 DISCHARGE**

NOTICE IS GIVEN that the debtor(s) have completed the payments due to the trustee under the confirmed plan. The Chapter 13 Trustee believes the estate has been fully administered, has filed a final account, and is prepared to close this case pursuant to 11 U.S.C. § 350(a), U.S.C. § 1302(b)(1) and Federal Rule of Bankruptcy Procedure 5009. The record in this case reflects that a **NOTICE OF INELIGIBILITY FOR A CHAPTER 13 DISCHARGE HAS BEEN FILED**. Accordingly,

NOTICE IS FURTHER GIVEN that the Trustee's Final Account will be approved, the Trustee discharged, and the case closed without the debtor receiving a discharge, as set forth above, unless written objection is filed with the Clerk of Court, and notice thereof is served upon the debtor, the debtor's counsel, the Chapter 13 Trustee, S.J. Beaulieu, Jr., at 433 Metairie Road, Suite 307, Metairie, LA 70005. If no objection is received, the Court may, without the necessity for hearing or further notice, grant the relief requested.

Objections, if any filed, will be heard on **(DATE & TIME)** at the United States Bankruptcy Court, for the Eastern District of Louisiana, Hale Boggs Federal Building, 500 Poydras Street, Courtroom B-**(insert number)**, New Orleans, Louisiana, 70130.

NOTE: Only persons objecting need attend.

CERTIFICATE OF SERVICE

I certify that a copy of this Notice was served on _____, 200__, by
ELECTRONIC FILING through the court's electronic filing system upon: _____

and by first class mail, postage prepared upon: _____.

Office of the Chapter 13 Trustee