

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

)  
) Case No. \_\_\_\_\_  
)

) NOTICE OF MOTION FOR HARDSHIP  
) DISCHARGE, AND FIXING TIMES FOR  
) FILING OBJECTIONS TO THE MOTION  
) AND COMPLAINTS TO DETERMINE  
) DISCHARGEABILITY OF CERTAIN DEBTS;  
**AND ORDER AND NOTICE THEREON**

Debtor(s) )

The undersigned, who is the debtor's attorney (or debtor, if no attorney), and whose name, address and phone number are: \_\_\_\_\_

\_\_\_\_\_ certifies that the debtor(s) has not completed payments under the plan, but instead filed the attached motion for a "hardship" discharge, under either 11 USC §1328(b) if a chapter 13 case or 11 USC §1228(b) if a chapter 12 case, supported by affidavit(s)/declaration(s) under penalty of perjury, executed by the debtor(s), and demonstrating that the debtor's failure to complete the plan payments is due to circumstances for which the debtor(s) should not justly be held accountable, unsecured creditors have received payments that equal or exceed the total payments which they would have received in a Chapter 7 liquidation, and modification of the plan is not practicable.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Signature      Soc. Sec./Tax I.D. # (if debtor)      OSB# (if attorney)

**NOTICE IS GIVEN THAT THE APPLICABLE SECTION CHECKED BELOW BY THE JUDGE, AFTER REVIEWING DEBTOR'S MOTION AND AFFIDAVIT(S)/DECLARATION(S), SHALL APPLY [The debtor bears the burden of serving this document and proving that the debtor meets the requirements for a hardship discharge regardless of the selection indicated below]:**

\_\_\_\_ a. The Court may enter a hardship discharge unless, within 30 days the service date below, BOTH: (1) a written objection to the debtor's motion for a hardship discharge is filed with the Clerk of Court (i.e., if the 5-digit portion of the Case No. begins with "3" or "4", mail to 1001 SW 5th Ave. #700, Portland OR 97204; OR if it begins with "6" or "7", mail to PO Box 1335, Eugene OR 97440), AND (2) a copy is served on the party named above.

\_\_\_\_ b. A hearing will be held on the motion **ON** \_\_\_\_\_ **AT** \_\_\_\_\_ **IN** \_\_\_\_\_, and testimony may be received.

**IT IS ORDERED AND NOTICE IS GIVEN THAT** complaints to determine the dischargeability of any debts under clauses (2), (4), (6) or, if the case was filed after 10/21/94, (15) of 11 USC §523(a) must be filed within 30 days of the service date below. If no complaint is timely filed, such debts may be discharged.

\_\_\_\_\_  
U.S. Bankruptcy Judge

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**STOP: BEFORE SERVING COPIES, FILE, WITH S.A.S.E., TO OBTAIN JUDGE'S SIGNATURE!**

On \_\_\_\_\_ copies of this Notice, the debtor's motion and affidavit(s)/declaration(s) were served on the debtor(s), the trustee, and all creditors.

\_\_\_\_\_  
Debtor's Attorney (or debtor, if no attorney)