

# United States Bankruptcy Court

\_\_\_\_\_ District Of \_\_\_\_\_

In re

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

Debtors\*

Address:

Chapter 7

Social Security Nos.:  
Employer's Tax I.D. No(s). [if any]:

## DISCHARGE OF ONE JOINT DEBTOR

It appearing that \_\_\_\_\_ \*\* is entitled to a discharge,

**IT IS ORDERED:** \_\_\_\_\_ \*\* is granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code).

BY THE COURT

Dated: \_\_\_\_\_

\_\_\_\_\_  
United States Bankruptcy Judge

**SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.**

*\*Set forth all names, including trade names, used by the debtors within the last 6 years. (Federal Rule of Bankruptcy Procedure 1005). For joint debtors set forth both social security numbers.*

*\*\*When only one of the debtors in a joint case is discharged, state here the name of the individual debtor being discharged.*

EXPLANATION OF BANKRUPTCY DISCHARGE  
IN A CHAPTER 7 CASE

This court order grants a discharge to the person named in the order. It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

Collection of Discharged Debts Prohibited

The discharge prohibits any attempt to collect from the named debtor a debt that has been discharged. For example, a creditor is not permitted to contact a discharged debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the named debtor. A creditor who violates this order can be required to pay damages and attorney's fees to the discharged debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the discharged debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

Debts That are Discharged

The chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed. (If this case was begun under a different chapter of the Bankruptcy Code and converted to chapter 7, the discharge applies to debts owed when the bankruptcy case was converted.)

Debts that are Not Discharged.

Some of the common types of debts which are not discharged in a chapter 7 bankruptcy case are:

- a. Debts for most taxes;
- b. Debts that are in the nature of alimony, maintenance, or support;
- c. Debts for most student loans;
- d. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- e. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle while intoxicated;
- f. Some debts which were not properly listed by the debtor;
- g. Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged; and
- h. Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts.

**This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.**

## **DISCHARGE OF ONE JOINT DEBTOR**

### **Applicable Law and Rules**

See Form B 18J for a discussion of the law and rules which apply to both Form B 18J and Form B 18JO.

### **General Information for the Clerk**

This form may be used when only one of the debtors in a joint case is discharged. This can occur if the other debtor is dismissed from the case, converts to another chapter, signs a waiver of discharge, or is denied discharge.

Form B 18J may be used for the discharge of two joint chapter 7 debtors. Official Form B 18 is used for the discharge in a chapter 7 case filed by an individual debtor. See Form B 18J for additional information for the clerk.

Form B 18JO has been revised to conform to the 1997 revision of Official Form 18.