

United States Bankruptcy Court

_____ District Of _____

In re

Case No. _____

Debtor*

Address:

Chapter 13

Social Security No(s):

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

DISCHARGE OF DEBTOR AFTER COMPLETION OF CHAPTER 13 PLAN

It appearing that the debtor is entitled to a discharge,

IT IS ORDERED:

The debtor is granted a discharge under section 1328(a) 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.

EXPLANATION OF BANKRUPTCY DISCHARGE
IN A CHAPTER 13 CASE

This court order grants a discharge to the person named as the debtor after the debtor has completed all payments under the chapter 13 plan. It is not a dismissal of the case.

Collection of Discharged Debts Prohibited

The discharge prohibits any attempt to collect from the debtor a debt that has been discharged. For example, a creditor is not permitted to contact a 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 debtor. *[In a case involving community property:]* [There are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.] A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the 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 13 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 is provided for by the chapter 13 plan or is disallowed by the court pursuant to section 502 of the Bankruptcy Code.

Debts that are Not Discharged.

Some of the common types of debts which are not discharged in a chapter 13 bankruptcy case are:

- a. Debts that are in the nature of alimony, maintenance, or support;
- b. Debts for most student loans;
- c. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- d. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle while intoxicated;
- e. Debts provided for under section 1322(b)(5) of the Bankruptcy Code and on which the last payment is due after the date on which the final payment under the plan was due; and
- f. Debts for certain consumer purchases made after the bankruptcy case was filed if prior approval by the trustee of the debtor's incurring the debt was practicable but was not obtained.

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.

**ORDER DISCHARGING DEBTOR AFTER COMPLETION
OF CHAPTER 13 PLAN**

Applicable Law and Rules

1. Section 1328(a) of the Bankruptcy Code (11 U.S.C. § 1328(a)) states:

As soon as practicable after completion by the debtor of all payments under the plan, unless the court approves a written waiver of discharge executed by the debtor after the order for relief under [chapter 13], the court shall grant the debtor a discharge of all debts provided for by the plan or disallowed under section 502 of [the Bankruptcy Code], except any debt--

(1) provided for under section 1322(b)(5) of [the Bankruptcy Code];

(2) of the kind specified in paragraph (5), (8), or (9) of section 523(a) or 523(a)(9) of [the Bankruptcy Code]; or

(3) for restitution, or a criminal fine, included in a sentence on the debtor's conviction of a crime.

2. Exceptions to a chapter 13 discharge are described in greater detail on Form B 18W.
3. Section 524 of the Code sets out the effect of a discharge in a chapter 13 case.
4. Fed. R. Bankr. P. 4004(f) provides for the registration of a certified copy of the discharge in another district.

General Information for the Clerk

This form is for use in a chapter 13 case in which the debtor has completed payments under the confirmed plan. Form B 18WH may be used if the debtor receives a so-called "hardship" discharge pursuant to section 1328(b) of the Bankruptcy Code before completing the plan payments.

It is contemplated that the discharge will be prepared by the clerk, rather than by a party in interest. The caption of a discharge for joint debtors should include all names used by the each of the joint debtors within the last six years and the Social Security number of each debtor.

While Fed. R. Bankr. P. 2002 permits the court to order a person other than the clerk to give a number of types of notices, Fed. R. Bankr. P. 4004(g) requires the clerk to promptly mail to the debtor, all creditors, and parties in interest a copy of the final order granting discharge. The 1983 Advisory Committee Note to Rule 4004 states that notice of the discharge should be mailed promptly after the order becomes final "so that creditors may be informed of the entry of the order and of its injunctive provisions."

This form was previously designated as Form B 242A. Form B 18W has been revised to conform to the 1997 revision of Official Form 18.