

## **Local Rule of Bankruptcy Procedure 4004. GRANT OR DENIAL OF DISCHARGE.**

### **(a) Motion for Extension of Time**

In addition to stating the justification for the requested extension, a motion for an extension of time to file a complaint objecting to the debtor's discharge pursuant to §727(a) of the Bankruptcy Code shall state the deadline for filing such a complaint in that case as established under Fed. R. Bankr. P. 4004(a) and the specific date to which an extension is requested.

### **(b) Discharge Process for Chapter 11 Individual Debtors**

1. Upon completion of all plan payments required of an individual debtor under a confirmed Chapter 11 plan, the individual debtor(s) shall file a "Notice of Plan Completion and §522(q) Statement By Individual Debtor in a Chapter 11 Case" (no service required) in a format substantially conforming to *TXEB Local Form 4004-b*.
2. Upon the filing of the Notice of Plan Completion, an opportunity to object to the entry of the discharge order shall be given by the Clerk to all parties on the master mailing list (matrix) as constituted by the Court on that date.
3. Upon the entry of a discharge order on behalf of an individual debtor, and in the absence of any unresolved administrative issue, a final decree closing the case shall be entered by the Clerk.

### **(c) Discharge Process in Chapter 12 or Chapter 13**

1. Upon receipt of all plan payments from the debtor, the Trustee shall file a Notice of Plan Completion which verifies to the Court that the debtor has completed all payments under the confirmed plan for which the Trustee served as the disbursing agent and that the process to determine the entitlement of the debtor to an order of discharge should be initiated pursuant to 11 U.S.C. §1228(a) or §1328(a).
2. Upon the filing of the Notice of Plan Completion, a 60-day opportunity to object to the entry of the discharge order shall be given by the Clerk to all parties on the master mailing list (matrix) as constituted by the Court on that date.
3. **If the case was filed on or after October 17, 2005**, within 30 days after the filing of the Notice of Plan Completion by the Trustee, the Debtor must file:
  - (A) a "Statement of Debtor(s) Regarding Applicability of 11 U.S.C. §522(q) in a Chapter 12 or 13 Case" in a format substantially conforming to *TXEB Local Form 4004-c*; and
  - (B) a "Certification of Debtor Regarding Status of Domestic

Support Obligations in a Chapter 12 or 13 Case” in a format substantially conforming to *TXEB Local Form 4004-d*.

**d) Motion for Hardship Discharge**

Any motion by an individual debtor for a discharge under §1111(d)(5)(B), §1228(b) or §1328(b) of the Bankruptcy Code must be accompanied by a proposed order which substantially conforms to the bankruptcy procedural form indicated:

- Chapter 11: adapt Bankruptcy Procedural Form B-318FH (Chapter 12 form) until one is actually promulgated for Chapter 11 cases
- Chapter 12: Bankruptcy Procedural Form B-318FH
- Chapter 13: Bankruptcy Procedural Form B-318WH.

In Chapter 13 cases, the proposed order shall also contain the following paragraph:

**“IT IS FURTHER ORDERED** that a complaint to determine the dischargeability of any debt pursuant to §523(a)(6) of the Bankruptcy Code shall be filed on or before [ **DATE** ], which is not later than 60 days from the date of the entry of this Order.”