

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

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In re:

**MODIFICATION OF  
LOCAL RULES OF PRACTICE AND  
PROCEDURE IN BANKRUPTCY COURT,  
DISTRICT OF VERMONT**

**STANDING ORDER # 06-10**

**SUPERSEDING STANDING ORDER # 05-10 AND  
DESCRIBING THE NEW PROCEDURES REGARDING  
MOTIONS FOR ENTRY OF CHAPTER 12 & 13 DISCHARGES  
IN CASES FILED ON OR AFTER OCTOBER 17, 2005**

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IT IS HEREBY ORDERED that Standing Order # 05-10 is superseded and no longer in effect.

IT IS HEREBY ORDERED that, with respect to all Chapter 12 or Chapter 13 cases filed on or after October 17, 2005, a discharge shall not be entered until the following requirements are met.

1. Upon completion of a Chapter 13 plan, the debtor shall file a motion for entry of discharge. The motion shall set forth, at a minimum, all of the averments included in the Court's local form #06-10(13) entitled "Motion for Entry of Discharge in Chapter 13 Case."
2. Upon completion of a Chapter 12 plan, the debtor shall file a motion for entry of discharge. The motion shall set forth, at a minimum, all of the averments included in the Court's local form #06-10(12) entitled "Motion for Entry of Discharge in Chapter 12 Case."
3. In the Motion for Entry of Discharge, the debtor shall certify that:
  - a. all domestic support obligations payable under any judicial or administrative order, or required by statute, have been paid including but not limited to
    - i. child support and spousal maintenance and alimony that were due through the date of the motion, including all payments due under the Confirmed Plan for amounts due before the bankruptcy petition was filed; and
    - ii. any domestic support obligations that arose after the filing of the bankruptcy petition;
  - b. the debtor has
    - i. not claimed a homestead exemption in excess of the \$125,000 cap described in §522(q)(1), or
    - ii. claimed a homestead exemption in excess \$125,000 but there is no proceeding pending in which the debtor may be found guilty of a felony of the kind described in §522(q)(1)(A) or liable for a debt of the kind described in §522(q)(1)(B); and
  - c. in a Chapter 13 case, the debtor has completed a financial management course required pursuant to §§ 111, 1328(g)(1) and filed a certification of completion with the Court.
4. If the debtor was represented by an attorney during the course of the Chapter 13 case, the debtor's attorney shall certify that the attorney has explained the requirements for a discharge to the debtor and to the best of the attorney's knowledge, the debtor qualifies for a discharge under §§ 521, 1308, and 1328(a), (g)(1) and (h).

5. If the debtor was represented by an attorney during the course of the Chapter 12 case, the debtor's attorney shall certify that the attorney has explained the requirements for a discharge to the debtor and to the best of the attorney's knowledge, the debtor qualifies for a discharge under §§ 521 and 1228(a), and (f)
6. The debtor shall serve the Motion for Entry of Discharge upon the parties to whom the debtor is or was obligated to make the domestic support payments described in paragraph 3 above, if any, as well as the Chapter 12 or 13 Trustee, the United States Trustee, and all of the debtor's creditors. The debtor may serve the motion and schedule a hearing using the default procedure described in Vt. LBR 9013-4.
7. If no Motion for Entry of Discharge is filed, the Court will not issue a discharge in the debtor's case. If no Motion for Entry of Discharge is filed within a reasonable time after completion of the payments due under the Confirmed Plan, the case may be closed without entry of a discharge order. If the debtor later files a Motion for Entry of Discharge the debtor will be required to pay the reopening fee unless the debtor can demonstrate cause for a waiver of that fee.

IT IS FURTHER ORDERED that this Order shall take effect immediately and apply to all cases filed on or after October 17, 2005.

SO ORDERED.

Rutland, Vermont  
December 11, 2006



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Colleen A. Brown  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

**In re:** \_\_\_\_\_

**Chapter 13  
Case No.**

**Debtor(s)**  
\_\_\_\_\_

**MOTION FOR ENTRY OF DISCHARGE**

Now comes the above named debtor, and moves this Court for the entry of an Order of Discharge.

In support of this motion, I certify and state as follows:

1. I have made all of the payments required under the confirmed Chapter 13 Plan in this case and I have fully complied with the terms of that Plan.
2. I have completed an instructional course concerning personal financial management described in 11 U.S.C. §111 and have filed a copy of the Certification of Completion, either prior to the filing of this motion or with this motion.
3. *Check the box that applies; one box MUST be checked.*
  - I am not required by any judicial or administrative order or law to pay a domestic support obligation (child support or spousal support). OR
  - I was required to pay a domestic support obligation during this case, and I certify that I have paid all domestic support due through today, under the order or law requiring support payments.
4. I have not received a discharge in any prior Chapter 7, 11 or 12 bankruptcy case in which I was a debtor during the four year period prior to the date that I filed this Chapter 13 bankruptcy case and I have not received a discharge in any previous Chapter 13 bankruptcy case during the two year period before I filed this Chapter 13 bankruptcy case.
5. I have no reason to believe that there is any pending investigation or proceeding in which I may be found guilty of:
  - (i) a felony involving the abuse of bankruptcy law;
  - (ii) any violation of federal or state securities law;
  - (iii) fraud, deceit or manipulation in a fiduciary capacity (where I am responsible for managing someone else's money, property or affairs) involving the purchase or sale of any securities;
  - (iv) any civil offense under §1964 of Title 18 U.S. Code (federal criminal laws); or
  - (v) any criminal act, any intentional harm to another or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding five (5) years.

I certify under oath that the foregoing is true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Debtor

\_\_\_\_\_  
Signature of Co-Debtor

*If the Debtor is represented by an attorney, an attorney certification should be attached and filed.*

**ATTORNEY CERTIFICATION**  
**in Support of Debtor's Motion for Chapter 13 Discharge**

I represent the above captioned Debtor(s) and hereby certify that I have explained to the Debtor(s) the averments set forth above, and to the best of my knowledge and belief each Debtor identified above is in compliance with the provisions of 11 U.S.C. §§ 521, 1308, and 1328(a), and meets the eligibility requirements for a Chapter 13 discharge pursuant to 11 U.S.C. §§ 1328(g)(1) and 1328(h)..

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

Signed: \_\_\_\_\_

Attorney for Debtor(s)  
*[insert attorney's mailing address,  
telephone number, fax number,  
and e-mail address here]*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

**In re:** \_\_\_\_\_

**Chapter 12  
Case No.**

**Debtor(s)**

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**MOTION FOR ENTRY OF DISCHARGE**

Now comes the above named debtor, and moves this Court for the entry of an Order of Discharge.

In support of this motion, I certify and state as follows:

1. I have made all of the payments required under the confirmed Chapter 12 Plan in this case and I have fully complied with the terms of that Plan.
2. *Check the box that applies; one box MUST be checked.*
  - I am not required by any judicial or administrative order or law to pay a domestic support obligation (child support or spousal support). OR
  - I was required to pay a domestic support obligation during this case, and I certify that I have paid all domestic support due through today, under the order or law requiring support payments.
3. I have no reason to believe that there is any pending investigation or proceeding in which I may be found guilty of:
  - (i) a felony involving the abuse of bankruptcy law;
  - (ii) any violation of federal or state securities law;
  - (iii) fraud, deceit or manipulation in a fiduciary capacity (where I am responsible for managing someone else's money, property or affairs) involving the purchase or sale of any securities;
  - (iv) any civil offense under §1964 of Title 18 U.S. Code (federal criminal laws); or
  - (v) any criminal act, any intentional harm to another or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding five (5) years.

I certify under oath that the foregoing is true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Debtor

\_\_\_\_\_  
Signature of Co-Debtor

*If the Debtor is represented by an attorney, an attorney certification should be attached and filed.*

**ATTORNEY CERTIFICATION**  
**in Support of Debtor's Motion for Chapter 12 Discharge**

I represent the above captioned Debtor(s) and hereby certify that I have explained to the Debtor(s) the averments set forth above, and to the best of my knowledge and belief each Debtor identified above is in compliance with the provisions of 11 U.S.C. §§ 521 and 1228(a), and meets the eligibility requirements for a Chapter 12 discharge pursuant to 11 U.S.C. § 1228(f).

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

Signed: \_\_\_\_\_

Attorney for Debtor(s)  
*[insert attorney's mailing address,  
telephone number, fax number,  
and e-mail address here]*