

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT**

In re:

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

STANDING ORDER # 07-08

**MOTION FOR ENTRY OF CHAPTER 13
DISCHARGE UNDER 11 U.S.C. § 1328
FOR CASES FILED ON OR AFTER
OCTOBER 17, 2005**

IT IS HEREBY ORDERED that, with respect to all chapter 13 cases filed on or after October 17, 2005, a discharge shall not be entered unless 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 entitled "Motion for Entry of Discharge."
2. 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 on or before the date of the motion, including all payments due under the plan for amounts due before the petition was filed; and
 - (ii) any domestic support obligations that arose after the filing of the petition;
 - (B) the debtor has completed a financial management course pursuant to §1328(g)(1) and filed a certification of completion with the Court; and
 - (C) 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 of \$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).

3. 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).

IT IS FURTHER ORDERED that the debtor shall serve the Motion for Entry of Discharge upon the beneficiary(ies) of the debtor's domestic support obligations, if any, the Chapter 13 Trustee, the United States Trustee, and any parties who have appeared in the case; the debtor may file and serve the motion using the Court's default procedure. See Vt. LBR 9013-4.

IT IS FURTHER ORDERED that if no Motion for Entry of Discharge is filed, no discharge shall be entered, and 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.

IT IS FURTHER ORDERED that this Standing Order supersedes and replaces Standing Order #05-10, entered on October 20, 2005; the only change is to reduce the scope of notice required.

IT IS FURTHER ORDERED that this standing order is effective immediately.

April 9, 2007
Rutland, Vermont



Colleen A. Brown
United States Bankruptcy Judge