

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS

In re: \_\_\_\_\_ )  
 )  
 )  
Debtor(s). \_\_\_\_\_ )

*Electronically Filed*  
Case no.  
Chapter 13

**DEBTOR(S)' MOTION FOR ENTRY OF HARDSHIP DISCHARGE AND  
CERTIFICATION OF COMPLIANCE UNDER 11 U.S.C. § 1328(b)**

COMES NOW, the Debtor(s) in the above captioned case, by and through counsel, and move this Court for an Order granting discharge. In support hereof, Debtor(s) state:

1. This Court has jurisdiction pursuant to 28 U.S.C. § 157 and 11 U.S.C. § 1328.
2. Debtor(s) filed a voluntary petition for relief under Chapter 13 of Title 11.
3. Debtor(s) Chapter 13 Plan was confirmed on \_\_\_\_\_.

Further, the Debtor(s) in the above-captioned bankruptcy case certify:

**PART I:**  
*(to be completed by all Debtor(s) seeking hardship discharge)*

- I have **not** completed all payments required by my confirmed plan, and am seeking a hardship discharge pursuant to 11 U.S.C. §1328(b). My failure to complete payments under my plan is due to the following circumstances, for which I should not justly be held accountable:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- I have paid to each allowed unsecured claim is not less than the amount that would have been paid on such claim, if I had filed a Chapter 7 bankruptcy as of the effective date of my Chapter 13 Plan.

- My Chapter 13 Plan cannot be modified for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- I have not received a discharge in a case filed under Chapter 7, 11, or 12 during the 4-year period preceding the date of the order for relief under Chapter 13 in the present case.

- I have not received a discharge in a case filed under Chapter 13 during the 2-year period preceding the date of the order for relief under Chapter 13 in the present case.

Since the filing of this case:

IN THE UNITED STATES BANKRUPTCY COURT  
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Chapter 13, Case No.

Debtor(s) Motion for Entry of Hardship Discharge and Certification of Compliance Under 11 U.S.C. § 1328(b)

- I have completed an instruction course concerning personal financial management approved by the United States Trustee.
- I have been excused from compliance with the requirement to complete an instructional course concerning financial management approved by the United States Trustee.
- I have **not** exempted more than \$160,375 in any of the following:
  - Real or personal property used as a residence by me or any of my dependents, OR
  - In a cooperative that owns property used as a residence by me or any of my dependents, OR
  - In a burial plot for me or any of my dependents, OR
  - In any real or personal property in which I or any of my dependents has claimed as a homestead.

**You must answer the following inquiries ONLY if you have exempted more than \$160,635 in property as described above:**

- The property exempted by me for more than \$160,635 is reasonably necessary for my support and the support of my dependents.
- I was not convicted of a felony before the filing of this case.
- I was convicted of a felony before the filing of this case.
- I have been convicted of a felony during the pendency of this case.
- I am not aware of any pending proceeding in which I may be found guilty of a felony.

I owe a debt arising from one or more of the following:

- A violation of federal or state securities laws or regulations or orders issued under federal or state securities laws;
- Fraud, deceit or manipulation in connection with the sale or purchase of any registered security;
- A civil remedy under section 1964 of title 18; or
- A criminal act, intentional tort, or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding 5 years.
- I am not aware of any pending proceeding in which I may be found liable for a debt of the kind described above.

**PART II:**

***(to be completed only by Debtors seeking hardship discharge who also owe a domestic support obligation as defined in 11 U.S.C. § 101(14A))***

- I am required by either a pre-petition or post-petition judicial or administrative order, or by statute to pay a domestic support obligation and **have** paid all amounts due before and after my bankruptcy filing, including amounts due to the extent provided by my Chapter 13 Plan.

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- I am required by either a pre-petition or post-petition judicial or administrative order, or by statute to pay a domestic support obligation and **have not** paid all amounts due before and after my bankruptcy filing, including amounts due to the extent provided by my Chapter 13 Plan.
- The following creditors hold debts which have been determined to be non-dischargeable under 11 U.S.C. § 523(a)(2) or (a)(4):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- My current address is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- My most recent employer's name and address are:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**CERTIFICATE OF SERVICE**

I hereby certify that on February 9, 2018, a true and correct copy of the foregoing **Motion for Entry of Hardship Discharge and Certificate of Compliance** was electronically filed with the United States Bankruptcy Court for the District of Kansas CM/ECF system, which gave notice to all parties participating therein and was sent via U.S. Mail, first class postage prepaid to the Creditor Matrix attached hereto.

s/\_\_\_\_\_  
Attorney Name, S. Ct. Bar No.