**IN THE UNITED STATES BANKRUPTCY COURT**

**SOUTHERN DISTRICT OF GEORGIA**

|  |  |  |  |
| --- | --- | --- | --- |
| **In re** |  | **CASE NO.** |  |
|  |
|  **Debtor** | **CHAPTER** | **12** |

**MOTION FOR HARDSHIP DISCHARGE UNDER 11 U.S.C.** §**1228(b) AND DEBTOR’S CERTIFICATION OF COMPLIANCE WITH 11 U.S.C.** §**1228**

COMES NOW the debtor(s)[[1]](#footnote-1), and moves this Honorable Court for entry of a hardship discharge under §1228(b) of the Bankruptcy Code and in support of said motion certifies and states as follows:

1. That on , the debtor filed a petition for relief under Chapter 12 of the Bankruptcy Code, and on  this Court entered an order confirming the debtor’s plan.
2. That subsequent to confirmation, circumstances have changed whereby debtor is unable to complete payments under this confirmed Chapter 12 plan. Describe circumstances:
3. Debtor’s failure to complete payments under the plan is due to circumstances for which debtor should not justly be held accountable.
4. The value, as of the effective date of the plan, of property actually distributed under the plan on account of each allowed unsecured claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under Chapter 7. The dividend which creditors would have received had this been a Chapter 7 case is %. The dividend which has been paid to unsecured creditors in this case is approximately %.
5. Modification of debtor’s plan is not practicable.
6. The debtor is not attempting to discharge debts owed to the following creditors:
7. Certification concerning 11 U.S.C. §1228(f): The debtor certifies that 11 U.S.C. §522(q)(1) is not applicable to the debtor, and there is not pending any proceeding 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).
8. Certification Concerning Domestic Support Obligations:

**[ ]**  A. The debtor has not been required by a judicial or administrative order or by statute to pay any domestic support obligation as defined in 11 U.S.C. §101(14A);

Or

 **[ ]**  B. The debtor certifies that all amounts payable under any domestic support obligation (required by a judicial or administrative order or by statute), that are due on or before the date of this certification (including amounts due before the petition was filed, but only to the extent provided for by the plan) have been paid. The name of each holder of a domestic support obligation is as follows:

WHEREFORE, debtor respectfully prays that this Court will enter discharge under 11 U.S.C. §1228(b).

By signing this motion/certification, I/we acknowledge that all of the statements contained herein are true and accurate and that the Court may rely on each of these statements in determining whether to grant me/us a discharge in this Chapter 12 case. The Court may revoke my/our discharge if the statements relied upon herein are proven to be inaccurate.

|  |  |
| --- | --- |
| Dated: |  |

|  |
| --- |
|  |

Debtor

|  |
| --- |
|  |

Joint Debtor

|  |
| --- |
| s/ |

|  |  |
| --- | --- |
| Attorney for Debtor  |  |
| Bar Number |  |
| Address |  |
| Phone |  |
| Email |  |
|  |

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, a true and correct copy of the foregoing Motion for Hardship Discharge was served upon the United States Trustee, the trustee, all domestic support obligation recipients, and all parties in interest as follows:

**by CM/ECF:**

**by First Class Mail, postage prepaid:**

**Other:**

|  |  |
| --- | --- |
| Dated: |  |

|  |
| --- |
| s/ |

Attorney for Debtor

1. All further references to “debtor” shall include and refer to both of the debtors in a case filed jointly by two individuals, unless any information is noted as specifically applying to only one debtor. [↑](#footnote-ref-1)