

Fill in this information to identify the case:

Debtor 1

First Name Middle Name Last Name

Debtor 2

First Name Middle Name Last Name

United States Bankruptcy Court for the: Middle District of Tennessee

Case number:

Judge:

Hardship Discharge Form (06/22)

**MOTION FOR DISCHARGE BEFORE COMPLETION OF PLAN PAYMENTS
PURSUANT TO 11 U.S.C. § 1328(b)**

A. Movant Information

The Debtor/Debtors move(s) the court for an order granting the Debtor/Debtors a discharge before completion of plan payments pursuant to 11 U.S.C. § 1328(b). For cause, the Debtor asserts / Debtors assert, as follow(s):

1. A Chapter 13 case was filed on [insert filing date] and confirmed on [insert confirmation order date]. The current plan base is set at \$[insert amount] and provides a minimum guaranteed dividend of [insert percentage amount] to general, unsecured creditors. There is a general unsecured pool of [\$_____] in this case.

2. As of the date of the filing of this Motion, the Debtor/Debtors has/have paid approximately \$[insert amount] into the plan and the balance on the Debtor's/Debtors' base is approximately \$[insert amount]. The Debtor/Debtors has/have paid approximately [insert current percentage amount] percent of allowed, unsecured claims.

3. The plan was confirmed as a XX month plan and the plan is currently in month XX. The applicable commitment period is [36/60] months.

4. The Debtor/Debtors believe(s) they [have/have not] paid all administrative claims. [explain if necessary]

5. The Debtor/Debtors believe(s) they [have/have not] paid all outstanding priority claims provided for in the plan. [explain if necessary]

6. The Debtor/Debtors believe(s) that all long-term continuing debt being paid through the plan [is/is not] current. [explain if necessary]

7. The Debtor's/Debtors' failure to complete plan payments is due to circumstances for which the Debtor/Debtors should not justly be held accountable. Specifically, [explanation/circumstances that warrant a finding of undue hardship]. See 11 U.S.C. § 1328(b)(1).

8. The value, as of the effective date of the plan, of property actually distributed under the plan on account of each unsecured claim is not less than the amount that would have been paid on such a claim if the estate had been liquidated under Chapter 7. See 11 U.S.C. § 1328(b)(2). See, paragraphs 1 & 2 above.

9. Modification of the plan under 11 U.S.C. § 1329 is not practicable because [insert detailed explanation]. See 11 U.S.C. § 1328(b)(3).

B. Certification by Movant (*Pro Se Filer*) or Attorney for Debtor(s)

(This portion of the form must be completed in its entirety for the motion to be processed)

7. The Debtor has / Debtors have met all requirements pursuant to 11 U.S.C. § 1328 to receive a discharge before completion of plan payments pursuant to 11 U.S.C. § 1328(b) as evidenced by the CM/ECF filing of (*check all applicable boxes and provide complete information*):

- The Certificate of Completion of Financial Management Course (FMCC) is filed at docket entry # [insert docket entry # where the FMCC is filed for the Debtor] and [insert docket entry # where the FMCC is filed for the Joint Debtor, if applicable].
- The Domestic Support Obligation (DSO) certification document is filed at docket entry # [insert docket entry # where the DSO certification is filed for the Debtor] and [insert docket entry # where the DSO certification is filed for the Joint Debtor, if applicable].
- The Motion for 11 U.S.C. § 522(q) Order is filed at docket entry # [insert docket entry # where a § 522(q) Motion has been filed for the Debtor and/or Joint Debtor].
- Debtor/Debtors [insert Debtor's name(s)] is exempted / are exempt from the filing of a Financial Management Instructional Course Certificate by entry of an Order Granting Motion for Exemption from Financial Management Instructional Course at docket entry #[insert docket entry number of Order signed by Judge granting the exemption].
- Debtor/Debtors [insert Debtor's name(s)] is exempted / are exempt from the filing of a DSO certificate and/or § 522(q) Motion by entry of an Order Granting Motion for Exemption from filing a DSO Certificate and/or § 522(q) Motion at docket entry #[insert docket entry number of order signed by judge granting the exemption].
- In addition, the Debtor has/the Debtors have paid the filing fee in full.

C. Relief Requested

Based on the foregoing, the Debtor requests / Debtors request that the Court grant the Debtor's or Debtors' Motion for Discharge Prior to the Completion of Payments Under the Plan, pursuant to 11 U.S.C. § 1328(b).

D. Supporting Documentation

An Amended Monthly Family Budget is attached. [Attach any other applicable or necessary documentation].

E. Notice (Certificate of Service)

I hereby certify, under penalty of perjury, that a copy of this motion has been either mailed and/or that notice of electronic filing (as applicable) has been sent to all creditors and parties-in-interest, the Chapter 13 trustee, and the U.S. Trustee's Office by U.S. Mail, postage pre-paid, on [insert date motion mailed] as evidenced by the mailing list attached to this motion.

/s/ [type in name as applicable]
[Insert Movant's Information] TNBPR # [provide, if applicable]