

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
_____ DIVISION

In re:

DEBTOR'S NAME,

Case No. xx-xxxxx-xxx

Debtor.

Chapter 13

_____/

**MOTION FOR ISSUANCE OF DISCHARGE TO A
DECEASED DEBTOR AND NOTICE OF DEADLINE TO OBJECT**

Any party in interest that objects to granting the debtor a discharge under 11 U.S.C. § 1328(a) must file and serve an objection within 21 days of service of this document. Failure to timely file and serve an objection may result in entry of a discharge without further motion, notice, or hearing.

Counsel for [name], the debtor¹ in this chapter 13 case, requests the Court issue a discharge under 11 U.S.C. § 1328(a), for the following reasons:

1. The chapter 13 trustee has issued a *Notice of Completion of Plan Payments* on [date].
2. The debtor is deceased. Attached hereto is a redacted copy of the death certificate. In addition to redacting the information listed in Fed. R. Bankr. P. 9037(a), the cause of death has also been redacted.
3. Compliance with 11 U.S.C. § 1328(a) (check one):

_____ a. To the best of my knowledge, the debtor has not been required by a judicial or administrative order, or by statute, to pay any domestic support obligation, as that term is defined in 11 U.S.C. § 101(14A), either before this bankruptcy case was filed or at any time after this bankruptcy case was filed.

_____ b. To the best of my knowledge, the debtor has paid all amounts payable under any domestic support obligation, as that term is defined in 11 U.S.C. § 101(14A), required by a judicial or administrative order, or by statute (including amounts due before

¹ All references to the “debtor” include both debtors in a joint case under 11 U.S.C. § 302.

the petition was filed, but only to the extent provided for by the plan).

4. Statement under Fed. R. Bankr. P. 1007(b)(8) (check one):

- _____ a. The debtor has not claimed an exemption under 11 U.S.C. § 522(b)(3)(A) in property described in subparagraphs (A), (B), (C), and (D) of 11 U.S.C. § 522(p)(1) that exceeds \$214,000.²
- _____ b. The debtor has claimed an exemption under 11 U.S.C. § 522(b)(3)(A) in property described in subparagraphs (A), (B), (C), and (D) of 11 U.S.C. § 522(p)(1) that exceeds \$214,000,² but there is no pending proceeding in which the debtor may be found guilty of a felony of the kind described in 11 U.S.C. § 522(q)(1)(A) or liable for a debt of the kind described in 11 U.S.C. § 522(q)(1)(B).

5. The debtor has not received a discharge in a case filed under chapter 7, 11, or 12 of the Bankruptcy Code during the 4-year period preceding the date of the order for relief under chapter 13 of the Bankruptcy Code in this case, or in a case filed under chapter 13 of the Bankruptcy Code during the 2-year period preceding the date of such order.

WHEREFORE, counsel for the debtor respectfully requests the Court grant the debtor a discharge under 11 U.S.C. § 1328(a) and grant such other relief as justice and equity require.

[Signature and signature block]

[Certificate of service]

² Under 11 U.S.C. § 104(a), this amount will next be adjusted as of April 1, 2028, and then every three years thereafter.