U.S. BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI
FILED

DEC 0 1 2009

DANNY L. MILLER, CLERK
BY C. McIntosh DEPUTY CLERK

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI

SECOND AMENDED STANDING ORDER ADOPTING PROCEDURES FOR OBTAINING DISCHARGE IN COMPLETED CHAPTER 13 CASES

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCPA") requires certain disclosures and certifications to be made by the debtor before a discharge may be entered in cases commenced on or after October 17, 2005. This Standing Order establishes the standards and procedure whereby the debtor may comply with the disclosure requirements and obtain a discharge in chapter 13 cases. The requirements of this Standing Order must be met in order to receive a discharge from and after May 1, 2009. This Standing Order does not apply to cases commenced prior to October 17, 2005, nor does it apply in those cases where a discharge has been waived or denied.

1. Unless the debtor is not entitled to a discharge, the filing of the *Notice of Completion of Plan Payments* by the Chapter 13 Trustee will constitute notice that each debtor must file a *Debtor's Certification and Motion for Entry of Chapter 13 Discharge Pursuant to 11 U.S.C. §1328(a) and (h),* (the "Motion") (form attached hereto). The Motion must be signed by the debtor(s) and the attorney of record and filed with the Court. A copy of the Motion must be served by the debtor(s) on all creditors and parties in interest included on the Court's mailing matrix within thirty (30) days of the filing date of the Chapter 13 Trustee's *Notice of Completion of Plan Payments.*

2. The Motion will include verifications by the debtor(s) regarding satisfaction of plan requirements, entitlement to a discharge, and the status of domestic support obligations ("Domestic Support Obligation" as defined at 11 U.S.C. §101(14A)). The Motion also will include verification that the debtor is not disqualified by the provisions of 11 U.S.C. §1328(h) from receiving a discharge.

3. If a response or objection to the Motion is not filed within twenty-one (21) days of the date of service as reflected on the Certificate of Service, and provided the debtor is otherwise entitled, the Court will enter a discharge order. Entry of the discharge order constitutes a finding that 11 U.S.C. §1328(h) has been satisfied and that there is no reasonable cause to believe that the entry of discharge should be delayed. If a response or objection is filed to the Motion, the matter will be set for hearing.

4. If the Motion is not timely filed by the debtor(s), the case may be closed without the entry of discharge.

5. If the debtor(s) is/are unable to certify as to the truth and correctness of the assertions on the form Motion but believe(s) that a discharge is warranted nevertheless, the debtor(s) should draft and file a motion for discharge explaining why the assertions in the form Motion cannot be certified and further explaining why a discharge should be granted.

6. In the event the debtor(s) seek(s) a hardship discharge pursuant to 11 U.S.C. §1328(b), the debtor's motion for hardship discharge shall include certification regarding the status of domestic support obligations (as defined at 11 U.S.C. §101(14A)) and that the debtor(s) is/are not disqualified by the provisions of 11 U.S.C. §1328(h) from receiving a discharge.

SO ORDERED, this the 1st day of December, 2009.

Edward Ellington
United States Bankruptcy Judge

Edward R. Gaines
United States Bankruptcy Judge

Neil P. Olack
United States Bankruptcy Judge

Form M13-1

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI

In re: Case No.
Chapter 13

DEBTOR'S CERTIFICATION AND
MOTION FOR ENTRY OF CHAPTER 13 DISCHARGE
PURSUANT TO 11 U.S.C. §1328 (a) and (h)

THIS MOTION SEEKS AN ORDER DISCHARGING THE DEBTOR(S) PURSUANT TO §1328(a) OF THE BANKRUPTCY CODE. IF YOU OPPOSE THIS MOTION, YOU MUST FILE A RESPONSE WITH THE COURT WITHIN TWENTY-ONE (21) DAYS FROM THE DATE LISTED BELOW IN THE CERTIFICATE OF SERVICE. YOUR RESPONSE MUST SET FORTH THE SPECIFIC FACTUAL ALLEGATIONS WITH WHICH YOU DISAGREE, AND A COPY OF YOUR RESPONSE MUST BE SERVED ON THE DEBTOR(S) AND DEBTOR'S(S') ATTORNEY. IF NO TIMELY RESPONSE IS FILED, THE COURT MAY GRANT THIS MOTION WITHOUT HOLDING A HEARING. A TIMELY RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.

1. By signing below, the debtor(s) certify under penalty of perjury that the following statements are true and correct:

   A. For cases filed on or after March 10, 2008, I/we have completed a personal financial management instructional course provided through an agency approved by the United States Trustee and have filed a statement, prepared as prescribed by Official Form 23, regarding completion of said course. (In a joint case, both husband and wife must each complete the course and file an Official Form 23.). **11 U.S.C. §1328(g)**

   B. All pre-petition amounts owed by me on a domestic support obligation ("Domestic Support Obligation" as defined at 11 U.S.C. §101(14A)), if any, have been paid to the extent provided by the plan. All post-petition amounts owed by me on a domestic support obligation, if any, have been paid. **11 U.S.C. §1328(a)**

   C. I/We have not received a discharge under chapter 7, 11 or 12 of the Bankruptcy Code in a prior case filed during the four-year period preceding the date that the petition was filed in this case. **11 U.S.C. §1328(f)(1)**

   D. I/We have not received a discharge under chapter 13 of the Bankruptcy Code in a prior case filed during the two-year period before the date that the petition was filed in this case. **11 U.S.C. §1328(f)(2)**

   E. I/we have not been convicted of a felony, the circumstances of which would demonstrate that the filing of this bankruptcy case constituted an abuse of the provisions of the Bankruptcy Code. **11 U.S.C. §1328(h)(1) and §522(q)(1)(A)**

   F. If I/we owe a debt arising from: (i) any violation of any State or Federal securities laws, regulations or orders, (ii) fraud, deceit or manipulation in a fiduciary capacity or in

connection with the purchase or sale of any security, (iii) a civil remedy under §1964 of Title 18 of the United States Code, or (iv) that caused serious injury or death to another individual in the preceding five (5) years, then I/we have not claimed an exemption for my/our residence in an amount in excess of the statutory cap as prohibited by §522(q)(1) of the Bankruptcy Code. **11 U.S.C. §1328(h)(1) and §522(q)(1)(B)**

G. No proceeding is pending in which I/we may be found guilty of a felony of the kind described in §522(q)(1)(A) or in which I/we may be found liable for a debt of the kind described in §522 (q)(1)(B). **11 U.S.C. §1328(h)(2)**

H. I/We have made all payments required by my confirmed Chapter 13 plan.

2. Debtor(s) hereby move the Court for the entry of a discharge order in this case.

Signed:_____ _____
Debtor's Signature Date

_____ _____
Spouse's Signature (in Joint Cases only) Date

_____ _____
Attorney for the Debtor(s) Date
Bar No. _____
Address
Telephone Number

3. Mailing address for filing responses: *{change address as appropriate}*

Jackson Office:
Danny L. Miller, Clerk
United States Bankruptcy Court
P . O. Box 2448
Jackson, Mississippi 39225-2448

Gulfport Divisional Office:
Danny L. Miller, Clerk
United States Bankruptcy Court
Dan M. Russell, Jr. U.S. Courthouse
2012 15th Street, Suite 244
Gulfport Mississippi 39501

CERTIFICATE OF SERVICE

On _____, a copy of this pleading was served on each of the persons listed on the attached service list either by prepaid United States mail or via electronic service through the Court's CM/ECF system at the mailing addresses and/or email addresses indicated.

_____
Signature