

Cross-references:

- Motion Practice—Contested Matters - [LBR 9013-1](#).
- Proposed Order if No Objection Filed Timely - [LBR 2002-1\(h\)](#).
- Proposed Order or Judgment - [LBR 9021-1\(a\)](#).

Rule 4003-1. [Reserved]**Rule 4003-2. Lien Avoidance Under §§506(d)/1322 or 522(f).**

- (a) A motion to value property and avoid a wholly unsecured lien under [§506\(d\)](#) and [1322](#) in a chapter 13 case must be filed under LBFs [#1317](#) and [#1317.3](#). Any default order arising from such a motion must be lodged under [LBF #1317.5](#).
- (b) If not addressed as part of a chapter 12 or 13 plan, a motion to avoid a lien under [§522\(f\)](#), and any objection, must be filed under [LBF #717.15](#).

Rule 4004-1. Grant or Denial of Discharge.

- (a) **Hardship Discharge.** A debtor moving for a hardship discharge under [§1141\(d\)](#), [§1228\(b\)](#), or [§1328\(b\)](#) must file and serve a notice of the motion on [LBF #1378](#).
- (b) **Chapter 11 Discharge for Individual.** To obtain a discharge, upon completion of all payments under the plan a debtor must file a motion for entry of discharge on [LBF #1191.3](#), and, if the case is closed, contemporaneously file a motion to reopen the case and pay the required reopening fee.
- (c) **Determination of [§522\(q\)\(1\)](#) Applicability.** A motion to determine that a discharge should not be granted under [§727\(a\)\(12\)](#), [§1228\(f\)](#), or [§1328\(h\)](#) must be filed either: (1) no later than 60 days after the first date set for the meeting of creditors in a chapter 7 case, or (2) as required by order or notice in a chapter 11, 12, or 13 case.
- (d) **Effect of Failure to Timely File a Certification or Obtain an Order Determining that [§522\(q\)\(1\)](#) Applies.** A debtor's case may be closed without entry of a discharge if either: (1) the debtor is required, but fails, to timely file a certification required under [LBRs 1007-1\(c\)\(4\)](#) or [\(5\)](#), or (2) the court enters an order determining a debtor's discharge not be entered in the ordinary course because [§522\(q\)\(1\)](#) is applicable. If the debtor either subsequently