

Comment

This local rule is revised to conform to the amendments to the Federal Rules of Bankruptcy Procedure regarding computing time.

Rule 2015-5 Trustee's Procedures Upon Chapter 13 Plan Completion

(a) Procedure Leading to Entry of the Debtor's Discharge. As promptly as practicable after the completion of plan payments by the debtor to the trustee, the trustee shall file and serve on the debtor and all holders of allowed claims a notice stating that:

- (1) The debtor's payments to the trustee under the plan have been completed.
- (2) The order of discharge will include findings that:
 - (A) All allowed claims have been paid in accordance with the plan, and
 - (B) With respect to any secured claim that continues beyond the term of the plan, any prepetition or post-petition defaults have been cured and the claim is in all respects current, with no escrow balance, late charges, costs or attorney fees owing.
- (3) The order of discharge will direct that:
 - (A) Any creditor who held a secured claim that was fully paid shall execute and deliver to the debtor a release, termination statement, discharge of mortgage or other appropriate certificate suitable for recording; and
 - (B) Any creditor who holds a secured claim that continues beyond the term of the plan shall take no action inconsistent with the above findings.
- (4) Any party may file an objection: to the trustee's notice under subparagraph (a)(1); to assert that the debtor is not current in the payments that the debtor was authorized to make directly to a creditor; to the proposed findings as stated in subparagraph (a)(2); or to the proposed terms of the order of discharge as stated in subparagraph (a)(3).
- (5) The deadline to file an objection is 28 days after service of the notice. If no objection is timely filed, the court may enter an order of discharge containing the provisions of subparagraphs (a)(2) and (a)(3) without a hearing. If a timely objection is filed, the court will delay entry of the order of discharge until it resolves the objection and a hearing will be scheduled with notice to the objecting party, the debtor and the trustee.

(6) To avoid defaulting on any continuing secured debt obligation, the debtor must immediately begin making the required payments on that obligation.

(7) The chapter 13 discharge does not discharge the debtor from any obligation on any continuing secured debt payments that are due after the date of the debtor's last payment under the plan.

The trustee shall file a certificate of service of this notice.

(b) Additional Notice in a Case Filed on or after October 17, 2005. In a case filed on or after October 17, 2005, the notice under paragraph (a) shall also state that unless a party timely objects under subparagraph (a)(4), the court may find without a hearing that there is no reasonable cause to believe that:

(1) Section 522(q)(1) may be applicable to the debtor; and

(2) There is pending any proceeding in which the debtor may be found guilty of a felony of the kind specified in § 522(q)(1)(A) or liable for a debt of the kind described in § 522(q)(1)(B).

(c) Application. Subparagraphs (a)(2)(B) and (a)(3)(B) shall not apply to the extent that the court has entered an order providing otherwise.

(d) Trustee's Final Report and Account. Within 120 days after the trustee files the notice required under paragraph (a), the trustee shall file the final report and account and serve it or a summary thereof on all holders of allowed claims and file a certificate of service.

(1) The final report shall state the allowed amount of each claim and the amount paid thereon.

(2) The report and any summary thereof that is served shall also state that the deadline to file an objection to the trustee's final report and account is 28 days after service of the final report; that if no objection is timely filed, the trustee may be discharged and the case may be closed without a hearing; and that if a timely objection is filed, a hearing will be scheduled with notice to the objecting party, the debtor and the trustee.

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