

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA**

PUBLIC NOTICE

**INVITATION FOR COMMENTS ON NEW LOCAL BANKRUPTCY RULE
4008-2**

Comments are invited on a proposed revision to the Local Bankruptcy Rules of the United States Bankruptcy Court for the Eastern District of Virginia, as follows:

New Local Bankruptcy Rule 4008-2 – Chapter 13 Discharge and
Certification of Compliance; Duty of Debtor to Cooperate
with Chapter 13 Trustee

Appended to this Public Notice are the two forms referenced in Local Bankruptcy Rule 4008-2: (1) Notice to Debtor(s) and Creditors Concerning Issuance of Discharge; and (2) Debtor's(s') Certification of Compliance with 11 U.S.C. §1328. The proposed new Local Bankruptcy Rule and referenced forms are available at the Alexandria, Norfolk, Richmond and Newport News divisions of the Court and may be accessed at the Court's Internet web site at:

<http://www.vaeb.uscourts.gov> under "Local Rules" > "Public Notice".

Comments regarding the new Local Bankruptcy Rules and forms may be submitted, by mail, to:

Local Rule Change
c/o William C. Redden
U.S. Bankruptcy Court
1100 E. Main Street, Room 310
Richmond, VA 23219-3515

or, by e-mail, at:

Localrules@vaeb.uscourts.gov

Comments will be received by mail or at the Court's web site until 5:00 p.m., Monday, September 24, 2007.

Dated: September 11, 2007

William C. Redden
Clerk of Court

Attachments

PROPOSED REVISION

To the

**LOCAL BANKRUPTCY RULES
(Version 09/07/07)**

**UNITED STATES BANKRUPTCY COURT
For the
EASTERN DISTRICT OF VIRGINIA**



Effective Date: October 15, 2007

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA

RULE 4008-2 CHAPTER 13 DISCHARGE AND CERTIFICATION OF
COMPLIANCE; DUTY OF DEBTOR TO COOPERATE WITH CHAPTER 13
TRUSTEE

(A) **Certification of Compliance with 11 U.S.C. §1328**: The debtor(s) shall file the form of Debtor's(s') Certification of Compliance with 11 U.S.C. §1328 within forty-five (45) days of the mailing of the Notice to Debtor(s) and Creditors Concerning Issuance of Discharge. The failure to timely file this certification may result in the case being closed without the entry of a discharge order.

(B) **Debtor's Duty to Cooperate with Chapter 13 Trustee Upon Completion of Plan Payments**: Upon completion of Chapter 13 plan payments, the debtor shall comply within 15 days with any requirement of the Chapter 13 trustee for information needed to provide the notices required by 11 U.S.C. §1302(d). Further, if the trustee determines that the debtor has failed to timely provide the trustee with such information, the trustee shall within 30 days of completion of Chapter 13 plan payments, file a certification of non-compliance wherein the Clerk shall issue a show cause order to the debtor and the debtor's attorney, if any, why sanctions, including dismissal of the case without a grant of discharge, should not be imposed. The Clerk shall set the show cause order for a hearing.

Comments

4008-2 This rule is new and is applicable in all Chapter 13 cases filed on or after October 17, 2005. [New Rule effective 10/15/07.]

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA**

_____ **Division**

In re:

Case No. _____
Chapter 13

Debtor(s)

**NOTICE TO DEBTOR(S) AND CREDITORS
CONCERNING ISSUANCE OF DISCHARGE**

The Trustee has filed a report of completion of plan payments. Unless an order has been previously entered denying a discharge, a discharge will be granted if the Court determines that all the requirements for issuance of a discharge are satisfied.

TO THE DEBTOR(S):

In order to receive a discharge, you must

Complete and File with the Court the Debtor's(s') Certification of Compliance with 11 U.S.C. §1328 as required by Local Bankruptcy Rule 4008-2(A). A copy of this form may be obtained from the Clerk's Office or from the Bankruptcy Forms button on the Court's Internet web site at www.vaeb.uscourts.gov. Unless this Certificate is filed with the Court within 45 days of the mailing of this notice, your case may be closed without issuance of a discharge.

TO CREDITORS:

The debtor(s), if otherwise entitled, will be issued a discharge without further notice or hearing unless, within 20 days of the mailing of this notice a creditor or party in interest files with the Court a request for a hearing asserting that the debtor(s) has/have claimed exempt under state or local law property (such as a residence or homestead) of the type described in §522(p)(1) of the Bankruptcy Code that exceeds \$125,000 in value for cases filed before April 1, 2007, or \$136,875 for cases filed on or after that date and there is pending a proceeding in which the debtor may be found guilty of a felony of the kind described in §522(q)(1)(A) or liable for a debt of the kind described in §522(q)(1)(B) of the Bankruptcy Code. If a timely request for hearing is filed, you will be notified of the date, time, and place of the hearing.

Date: _____

WILLIAM C. REDDEN
Clerk of Court

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA**

_____ **DIVISION**

In re:

Case No. _____
Chapter 13

Debtor(s)

DEBTOR'S(S)' CERTIFICATION OF COMPLIANCE WITH 11 U.S.C. §1328

The Trustee has filed a notice of completion of payments in my/our case and I/we hereby request that the Court issue a discharge. I/We certify, under penalty of perjury, to the following:

1. I/We have completed an instructional course concerning personal financial management as described in 11 U.S.C. §111.
2. I/We have not received a discharge in another Chapter 7, 11, or 12 bankruptcy case that was filed within 4 years prior to the filing of this Chapter 13 Bankruptcy.
3. I/We have not received a discharge in another Chapter 13 bankruptcy case that was filed within 2 years prior to the filing of this Chapter 13 Bankruptcy.
4. I/We did not have, either at the time of filing this bankruptcy or at the present time, equity in excess of \$125,000 if the case was filed before April 1, 2007, or \$136,875 if the case was filed on or after that date, in the type of property described in 11 U.S.C. §522(p)(1) [generally the debtor's homestead].
5. There is not currently pending any proceeding in which I/we 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).
6. If applicable, I/we certify that as of the date of this certification that I/we have paid all amounts due 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 either (i) before this bankruptcy case was filed and provided for in the Plan, or (ii) due any time after the filing of this bankruptcy case.

I/We certify under penalty of perjury that the foregoing is true and correct.

Debtor: _____

Date: _____

Debtor: _____

Date: _____