

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

In re:	CASE NO. CHAPTER 13
--------	----------------------------

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

The Chapter 13 Trustee has filed a notice of completion of payments in my case and I am hereby requesting that the court issue a discharge. To that end, I/we certify as follows:

1. I/We have completed an instructional course concerning personal financial management as described in 11 U.S.C. §111 and filed evidence of completion of the same with the Court.
2. I/We have not received a discharge in a Chapter 7, 11, or 12 bankruptcy case that was filed within 4 years prior to the filing of this Chapter 13 Bankruptcy or in another Chapter 13 bankruptcy case that was filed within 2 years prior to the filing of this Chapter 13 bankruptcy.
3. I/We did not have, either at the time of filing this bankruptcy or at the present time, equity in excess of the statutory amount (see Page 2 at #2) in the type of property described in 11 U.S.C. §522(p)(1) [generally the debtor's homestead].
4. There is not currently pending any proceeding in which I 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. I/We ____ have made (or ____ have not made) all payments required under the provisions of my/our confirmed Plan which have accrued as of the date below, including any payments to be made by me/us directly to creditors, subject to any agreed deferral of any such payments otherwise due with the consent of the affected creditor.
6. I/We (initial the applicable clause or clauses)
____ (a) did not have at the time this case was filed or at any time since then any domestic support obligation as defined by 11 U.S.C. §101(14A); OR
____ (b) (i) have been (and/or am now) obliged to pay such a domestic support obligation to _____, whose current mailing address, or if that address is not known to me, the address used for legal notice purposes, is _____, and whose attorney or other designated agent for the receipt of legal notice is _____, whose last mailing address known to me is _____; AND
____ (ii) that all amounts due on that obligation at the time this case was filed have been paid in full and all payments that have accrued since that time upon such obligation have also been paid; OR
____ (iii) that I am not fully current as to all such obligations.

To the best of my/our information and belief the above certifications are correct.

Debtor: _____

Date: _____

Debtor: _____

Date: _____

1. A personal financial management course pursuant to 11 U.S.C. §111 is an instructional course approved by the United States Trustee for this District.
2. Pursuant to 11 U.S.C. § 522(p)(1), the statutory amount referred to in paragraph 3 above is \$125,000 if the case was filed before April 1, 2007, \$136,875 if the case was filed April 1, 2007 through March 31, 2010, \$146,450 if the case was filed April 1, 2010 through March 31, 2013, and \$155,675 if the case was filed after April 1, 2013.
3. 11 U.S.C. § 101(14A): The term ‘domestic support obligation’ means “a debt that accrues before, on, or after the date of the order for relief in a case under this title, including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of this title, that is —
 - (A) owed to or recoverable by--
 - (i) a spouse, former spouse, or child of the debtor or such child's parent, legal guardian, or responsible relative; or
 - (ii) a governmental unit;
 - (B) in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child of the debtor or such child's parent, without regard to whether such debt is expressly so designated;
 - (C) established or subject to establishment before, on, or after the date of the order for relief in a case under this title, by reason of applicable provisions of--
 - (i) a separation agreement, divorce decree, or property settlement agreement;
 - (ii) an order of a court of record; or
 - (iii) a determination made in accordance with applicable nonbankruptcy law by a governmental unit;and
 - (D) not assigned to a nongovernmental entity, unless that obligation is assigned voluntarily by the spouse, former spouse, child of the debtor, or such child's parent, legal guardian, or responsible relative for the purpose of collecting the debt.”
4. The type property referred to in 11 U.S.C. §522(p)(1) includes “(A) real or personal property that the debtor or a dependent of the debtor uses as a residence; (B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; (C) a burial plot for the debtor or a dependent of the debtor; or (D) real or personal property that the debtor or a dependent of the debtor claims as a homestead.”
5. 11 U.S.C. §522(q)(1)(A) refers to “a felony(as defined in section 3156 of title 18), which under the circumstances, demonstrates that the filing of the case was an abuse of the provisions of this title.”

18 U.S.C. § 3156 defines “felony” as “an offense punishable by a maximum term of imprisonment of more than one year.”
6. 11 U.S.C. §522(q)(1)(B) refers to any “debt arising from –
 - (i) any violation of the Federal securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934), any State securities laws, or any regulation or order issued under Federal securities laws or State securities laws;
 - (ii) fraud, deceit, or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under section 12 or 15(d) of the Securities Exchange Act of 1934 or under section 6 of the Securities Act of 1933;
 - (iii) any civil remedy under section 1964 of title 18; or
 - (iv) any criminal act, intentional tort, or willful or reckless misconduct that caused serious physical injury to death to another individual in the preceding 5 years.”