

Information to identify the case:

Debtor 1 _____ Last 4 digits of Social Security number or ITIN ____
First Name Middle Name Last Name EIN ____ - _____

Debtor 2 _____ Last 4 digits of Social Security number or ITIN ____
(Spouse, if filing) First Name Middle Name Last Name EIN ____ - _____

United States Bankruptcy Court for the: _____ District of _____
(State)

Case number: _____

Order of Discharge

IT IS ORDERED: A discharge under 11 U.S.C. § 1228(b) is granted to:

_____ [_____] _____
[include all names used by each debtor, including trade names, within the 8 years prior to the filing of the petition]

MM / DD / YYYY

By the court: _____

United States Bankruptcy Judge

Explanation of Bankruptcy Discharge Before Completion of a Chapter 12 Plan

The court has determined that the debtors are entitled to a discharge pursuant to 11 U.S.C. § 1228(b) without completing all of the requirements under the chapter 12 plan. A discharge pursuant to § 1228(b) is referred to as a “hardship discharge.”

This order does not close or dismiss the case.

Creditors cannot collect discharged debts

This order means that no one may make any attempt to collect a discharged debt from the debtors personally. For example, creditors cannot sue, garnish wages, assert a deficiency, or otherwise try to collect from the debtors personally on discharged debts. Creditors cannot contact the debtors by mail, phone, or otherwise in any attempt to collect the debt personally. Creditors who violate this order can be required to pay debtors damages and attorney’s fees.

However, a creditor with a lien may enforce a claim against the debtors’ property subject to that lien unless the lien was avoided or eliminated. For example, a creditor may have the right to foreclose a home mortgage or repossess an automobile.

This order does not prevent debtors from paying any debt voluntarily. 11 U.S.C. § 524(f).

Most debts are discharged

Most debts are covered by the discharge, but not all. Generally, a discharge removes the debtors’ personal liability for debts provided for by the chapter 12 plan.

In a case involving community property: Special rules protect certain community property owned by the debtor’s spouse, even if that spouse did not file a bankruptcy case.

Some debts are not discharged

Examples of debts that are not discharged are:

- debts that are domestic support obligations;
- debts for most student loans;
- debts for most taxes;

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- debts that the bankruptcy court has decided or will decide are not discharged in this bankruptcy case;
- debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- some debts which the debtors did not properly list;
- debts for certain types of loans owed to pension, profit sharing, stock bonus, or retirement plans;
- debts provided for under 11 U.S.C. § 1222(b)(5) or (b)(9) and on which the last payment or other transfer is due after the date on which the final payment under the plan was due; and
- debts for death or personal injury caused by operating a vehicle while intoxicated.

In addition, this discharge does not stop creditors from collecting from anyone else who is also liable on the debt, such as an insurance company or a person who cosigned or guaranteed a loan.

This information is only a general summary of a chapter 12 hardship discharge; some exceptions exist. Because the law is complicated, you should consult an attorney to determine the exact effect of the discharge in this case.