

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re )  
 ) Case No. \_\_\_\_\_  
 )  
 ) Notice of Motion for Hardship Discharge; Statement  
 ) Re 11 USC §522(q)(1) Applicability; and Fixing  
 ) Times for Filing Objections, Complaints, and Motions  
Debtor(s) )

1. The undersigned certifies the debtor(s) has not completed all plan payments, but instead filed the attached motion for a "hardship" discharge under either 11 USC §1328(b) if a Chapter 13 case, 11 USC §1228(b) if a Chapter 12 case or 11 USC §1141(d)(5) if a Chapter 11 case, supported by affidavit(s)/declaration(s) executed by the debtor(s) under penalty of perjury, and demonstrating, when applicable, that: (1) the debtor's failure to complete the plan payments is due to circumstances for which the debtor(s) should not justly be held accountable, (2) unsecured creditors have received payments that equal or exceed the total payments which they would have received in a Chapter 7 liquidation, and (3) modification of the plan is not practicable.

2. The undersigned also certifies that there  IS  IS NOT (**CHECK ONE**) a pending proceeding in which the debtor(s) may be found guilty of a felony or liable for a debt of a kind described in 11 USC §522(q)(1).

3. The name/service address for debtor copies are: \_\_\_\_\_  
\_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
Signature **AND** Debtor's Taxpayer I.D.# (last 4 digits)

\_\_\_\_\_  
Debtor's Address

**STOP: BEFORE SERVING COPIES, FILE THE NOTICE AND ATTACHMENTS TO OBTAIN A JUDGE'S SIGNATURE!**

### **CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_ copies of this motion and order thereon, any Notice of Hearing prepared by the court per the judge's order, and the debtor's motion and affidavit(s)/declaration(s), were served on the debtor(s), trustee, U.S. Trustee and all creditors.

\_\_\_\_\_  
Signature & Relation to Debtor

**IMPORTANT: *After service, complete the "Certificate of Service" above using a copy of this document that includes the court's order, and then promptly file the Certificate (WITHOUT any attachments).***