

IMPORTANT ANNOUNCEMENT

To All Filers:

In an effort to facilitate debtor compliance with 11 U.S.C. 1328 and ensure the timely issuance of discharges in post-BAPCPA chapter 13 bankruptcy cases, the Court has instituted the following practice:

Upon receipt of the of the Standing Trustee's Final Report in a completed, confirmed, ch.13 case (originally filed on or after October 17, 2005) the Clerk will prepare and send a notice to the debtor and debtor's attorney. This notice will act to notify the debtor that they have 30 days (from the date of the notice) to file with the court the "Debtor's Affidavit Demonstrating Entitlement to Discharge" and the Form B23 "Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management," if not already filed.

Both of these forms can be found on the Court's website at:

<https://www.nynb.uscourts.gov/usbc/cmecf/FillableForms/LocalForms/01328C.pdf>

and at:

https://www.nynb.uscourts.gov/usbc/cmecf/FillableForms/OfficialForms/Form_23_1207.pdf

They can also be obtained at all three Clerk's Office locations.

The above-referenced notice will also state that if *either* the affidavit or the B23 are not timely filed, the Clerk (absent a motion to extend the time for filing) may close the case without a discharge and notify creditors of same. If a case is closed without discharge, a fee equal to the chapter 13 filing fee will need to be paid to reopen the case.

When electronically filing the "Debtor's Affidavit Demonstrating Entitlement to Discharge" please use the CM/ECF menu selection found at:

Bankruptcy<>Other<>Affidavit Demonstrating Entitlement to Chapter 13 Discharge

Upon receipt of a timely filed affidavit, the Court will schedule a hearing on the debtor's request for discharge and provide notice of same to all creditors and parties in interest.

The matter will be placed on the Court's default calendar. If no objections are filed, the Court may instruct the Clerk to issue the debtor's discharge, assuming the debtor's B23 has been filed.

Please also see related Administrative Order (07-05)