

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:)	
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AMENDMENT OF LOCAL RULE 5009)	ADMINISTRATIVE ORDER 2012-04
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)	
_____)	

Pursuant LR 1001(c), the bankruptcy judges of the District of Nevada hereby adopt this administrative order and amend the following local rule:

Local Rule 5009 is hereby amended to read as follows:

LR 5009. CHAPTER 13 DISCHARGE AND CLOSING CASE.

(a) For Cases Filed on or Before October 16, 2005.

(1) In a completed case, within fourteen (14) days after the final distribution to the creditors, the trustee must file with the court the Chapter 13 Final Account and Report. The trustee must provide at least thirty-five (35) days' notice to all creditors and the Report must set a date for objections.

(A) If no objection is timely filed to the Report, a discharge may be issued if the debtor is otherwise eligible to receive a discharge.

(B) If an objection to the Chapter 13 Final Account and Report is timely filed, the trustee will schedule a hearing and provide at least twenty-one (21) days' notice to the objecting creditor. The discharge of the debtor may be withheld until the court resolves the matter.

(2) A hardship discharge is requested through a motion for hardship discharge filed by the debtor under 11 U.S.C. Section 1328(b). Upon the filing of the motion, the clerk will enter an order under Fed. R. Bankr. P. 4007(d) fixing the time to file a complaint to determine the dischargeability of any debt under Section 523© and give no less than thirty (30) days' notice to all creditors of the time fixed to file an objection in the manner provided in Fed. R. Bankr. P. 2002. If no objection is filed to the motion for hardship discharge, the court may enter a hardship discharge. If an objection to the motion for hardship discharge is filed, the objection must be resolved before the granting of a hardship discharge.

(b) For Cases Filed On or After October 17, 2005.

(1) In a completed case, within fourteen (14) days after the final distribution to the

creditors, the trustee must file with the court the Chapter 13 Final Account and Report. The trustee must provide at least thirty-five (35) days' notice to all creditors and the Report must set a date for objections.

(A) If no objection is filed to the Report, a discharge may be issued if the debtor is otherwise eligible to receive a discharge.

(B) If an objection to the Report is timely filed, the trustee will schedule a hearing and provide at least twenty-one (21) days' notice to the objecting creditor. The discharge may be withheld until the court resolves the matter.

(C) Any debtor seeking entry of a discharge under 11 U.S.C. § 1328, in a case filed on or after October 17, 2005, must complete and file the local Certificate of Compliance form within thirty (30) days after receiving the court's notice of the requirement to file the Certificate of Compliance. This notice will be sent to the debtor after the objection period to the Trustee's Final Account & Report has passed. The Certificate of Compliance form is available on the court's website. In a joint case, both debtors must complete this form.

(i) The attorney for the debtor (or clerk, if the debtor is pro se) must serve a copy of the Certificate of Compliance form on all creditors.

(ii) If no objection is filed within twenty-one (21) days after the service of the Certificate of Compliance, a discharge may be issued if the debtor is otherwise eligible to receive a discharge.

(iii) If an objection is timely filed to the Certificate of Compliance, the discharge may be withheld until the objection is resolved by the court.

(iv) If the debtor fails to timely file Certificate of Compliance, the case may be closed without entry of a discharge.

(2) A hardship discharge is requested through a motion for hardship discharge filed by the debtor under 11 U.S.C. Section 1328(b). Upon the filing of the motion, the clerk will enter an order under Fed. R. Bankr. P. 4007(d) fixing the time to file a complaint to determine the dischargeability of any debt under Section 523(a)(6) and give no less than thirty (30) days' notice to all creditors of the time fixed to file an objection in the manner provided in Fed. R. Bankr. P. 2002. If no objection is filed to the motion for hardship discharge, the debtor is eligible for hardship discharge subject to the conditions set forth in subsection (B) below.

(A) If an objection to the motion for hardship discharge is filed, the objection must be resolved before the granting of a hardship discharge.

(B) When the motion for a hardship discharge is filed under 11 U.S.C. § 1328(b), the debtor must complete and file the local Certificate of Compliance form. This form is available on the court's website. In a joint case, both debtors must complete this form.

(i) The attorney for the debtor (or clerk, if the debtor is pro se) shall serve a copy of the Certificate of Compliance form on all creditors.

(ii) If no objection is filed within fourteen (14) days after the service


of the Certificate of Compliance, a discharge may be issued if the debtor is otherwise eligible to receive a discharge.

(iii) If an objection is timely filed to the Certificate of Compliance, it may be considered at the hearing on the debtor's motion for hardship discharge.

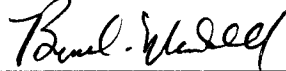
It is FURTHER ORDERED that this Administrative Order shall become effective on January 1, 2012.

IT IS SO ORDERED.

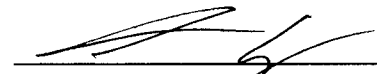
DATED: _____



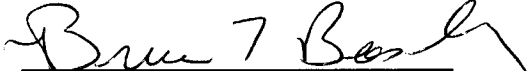
Mike K. Nakagawa, Chief Judge
United States Bankruptcy Court
District of Nevada



Bruce A. Markell, Judge
United States Bankruptcy Court
District of Nevada



Linda B. Riegler, Judge
United States Bankruptcy Court
District of Nevada



Bruce T. Beesley, Judge
United States Bankruptcy Court
District of Nevada