

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

**In Re:**

**CASES UNDER CHAPTER 13  
OF THE BANKRUPTCY CODE**

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**GENERAL ORDER DIRECTING DISPOSITION OF CHAPTER 13 CASES IN WHICH  
11 U.S.C. SECTION 1328(f) IS INVOKED**

A proposal for a *sua sponte* order of the Court resolving certain issues relating to the debtor's ineligibility to receive a discharge in cases under Chapter 13 in which 11 U.S.C. Section 1328(f)(1) or 1328(f)(2) is invoked, having been reviewed by the Court, and the Court having recognized the statutory bar to its issuance of a discharge in such cases, and good cause having been shown,

**IT IS ORDERED that:**

1. After providing the debtor with notice and an opportunity to be heard, as defined in paragraph 2 below, at the conclusion of the Chapter 13 case, the Clerk shall close the case without issuance of a discharge, if the debtor has received a discharge-

a) in a case filed under Chapter 7, 11 or 12 during the 4 - year period preceding the date of the order for relief under Chapter 13,

or

b) in a case filed under Chapter 13, during the 2 - year period preceding the date of the order for relief under Chapter 13.

2. Upon the Clerk's evidence of the issuance of a discharge in a previous case commenced within the times frames set forth in paragraph 1 above, the docket entry in the case will reflect the Clerk's evidence of repeat filing and the debtor's ineligibility to receive a discharge pursuant

to 11 U.S.C. Section 1328(f)(1) or 1328(f)(2). The debtor will receive notice of the Clerk's evidence of repeat filing and statutory inability to receive a discharge. The notice will offer the debtor the opportunity to file an objection. If an objection is filed, a hearing in the matter will be scheduled.

3. Pursuant to Interim Rule 4006, upon the closing of a case without the entry of an order of discharge, the Clerk shall promptly give notice thereof to all parties in interest in the manner provided in Rule 2002.

4. This General Order does not modify or supercede the independent opportunity of the Office of the United States Trustee, the Chapter 13 Standing Trustee, or a creditor to act pursuant to 11 U.S.C. 1328(f)(1) or (f)(2).

5. This General Order becomes effective on December 14, 2006, upon which date this procedure will be implemented with respect to all Chapter 13 cases filed under the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCPA").

6. Notice to the Bar of this Order shall be provided on the Court's Website:

[www.njb.uscourts.gov](http://www.njb.uscourts.gov).

**Date: December 14, 2006**

/s/ Judith H. Wizmur  
**Hon. Judith H. Wizmur**  
**Chief Judge, United States Bankruptcy Court**  
**District of New Jersey**