

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA

**CONSOLIDATED APPROPRIATIONS ACT:  
ADDITIONAL PROCEDURAL CHANGES**

The Court earlier announced a supplement to the Presumed Reasonable Fee, in General Order 21-0003, for cases extending plan terms beyond five years pursuant to the CARES Act. The recently adopted Consolidated Appropriations Act (“CAA”) made additional changes impacting Chapter 13 procedure.

**1. Local Form Changes for Discharge Pursuant to §1328(i)**

This new subparagraph allows a debtor to receive a Chapter 13 discharge even if the debtor is up to three months in arrears on a mortgage. A debtor seeking discharge pursuant to §1328(i) should use the revised local forms Certification of Eligibility and Motion for Entry of Discharge. (The latter form changes only the certificate of service, to require service on the mortgage lender.)

**2. Correct ECF Event for Obtaining Discharge Pursuant to §1328(i)**

The Order of Discharge form for cases under §1328(i) is slightly different from the §1328(a) form. To ensure that the proper form is generated, the filer must use the new ECF event “Motion for Entry of Discharge Pursuant to 1328(i).”

**3. Supplemental Proof of Claim for CARES Forbearance Claim**

[Director's Form 4100S](#) is available for use to address the temporary amendments to sections 501, 502 and 1329 of the Bankruptcy Code made by the CAA. Director's Form 4100S can be filed to capture payments not received during the forbearance period and to provide information about any loan modification.

April 5, 2021

/s/ Kevin Dempsey  
Bankruptcy Clerk