

18-BK-B



Form B 3180W is incorrect

Travis Gagnier

to:

Rules_Support@ao.uscourts.gov

04/24/2018 12:21 PM

Cc:

"Gina_Zadra_Walton [REDACTED]"

Hide Details

From: Travis Gagnier <Travis.Gagnier@bestbk.com>

To: "Rules_Support@ao.uscourts.gov" <Rules_Support@ao.uscourts.gov>

Cc: "Gina_Zadra_Walton [REDACTED]" >

Dear Committee:

Former Form 18W, now 3180W, lists on 13s under "Debts That are Not Discharged", "c. Debtor for most fines, penalties . . .". That is an inaccurate statement of the law. Almost all Chapter 13 discharges are pursuant to 11 USC 1328(a). The only 13 discharge not pursuant to 1328(a) are hardship discharge (which are under 1328(b)). Hardship discharges are rare. 11 USC 523(a) (7) does NOT apply to discharges under 11 USC 1328(a)—almost all 13 discharges. Thus, non-criminal fines and penalties ARE discharged by a completed Chapter 13.

The reason this came up is that twice in two weeks discharged clients of mine have gotten collection letters from the City of Seattle seeking to collect, or turn to collection, non-criminal fines that were discharged by my clients' successful 13 case. When I called up there raising hay today, they pointed me to this notice they get from the Bankruptcy Court.

Anything we can do to correct the discharge notice for 13s? "c." should state something like "Debts for criminal restitution, criminal fines and/or criminal penalties". At the least the word "most" in the current form should be changed to "some" or "criminal".

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