

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:) CASE NO. BK05-80359
)
WALTER BENNETT, JR.,) CH. 13
)
Debtor(s).)

ORDER

Hearing was held in Omaha, Nebraska, on April 29, 2008, regarding Filing No. 84, Motion for Hardship Discharge, filed by the debtor. Walter Bennett, Jr., appeared on his own behalf.

The debtor, Walter Bennett, Jr., has filed a motion requesting a hardship discharge pursuant to 11 U.S.C. § 1328(b). Such a discharge may be entered if a debtor that has not completed payments under a Chapter 13 plan and the debtor's failure to complete such payments is due to circumstances for which the debtor should not justly be held accountable; the value of property actually distributed under the plan is not less than the amount that would have been paid on a claim if the estate of the debtor had been liquidated under Chapter 7; and modification of the plan under § 1329 is not practicable.

Trial was held on April 29, 2008. The debtor testified under oath. The debtor presented numerous exhibits which were admitted into evidence.

Based on the record made, I find that the debtor does meet the qualifications for a hardship discharge under 11 U.S.C. § 1328(b). Such a discharge does not discharge student loan debt or child support obligations.

IT IS ORDERED that the debtor's motion (Fil. #84) is granted and the Clerk may enter a discharge under 11 U.S.C. § 1328(b).

DATED: April 29, 2008

BY THE COURT:

/s/ Timothy J. Mahoney
Chief Judge

Notice given by the Court to:
*Walter Bennett, Jr.
Kathleen Laughlin
U.S. Trustee

Movant (*) is responsible for giving notice to other parties if required by rule or statute.