

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:

Debtor.

§ CASE NO. _____-TMD
§
§ CHAPTER 7
§
§

ORDER GRANTING MOTION TO DELAY ENTRY OF DISCHARGE

Before the Court is the Debtor's Motion to Delay Entry of Discharge (ECF No. ____). In the Motion, the Debtor asks the Court to delay entry of discharge until ____ (Date Requested). Under Bankruptcy Rule 4004(c)(2), the Court may defer entry of the discharge order for up to 30 days on motion of the debtor. On an additional motion filed within that period, the Court may extend the deadline to a date certain after the expiration of the initial 30 days. Based on Debtor's motion, the Court considers the initial 30 day delay insufficient to accomplish the purposes for which the deferral is requested. In order to administer the bankruptcy case in a just, expeditious and consistent manner, the Court will defer entry of discharge to a date certain more than 30 days

in the future.¹ This delay of entry of discharge is granted without prejudice to secured creditors seeking relief from stay. Upon an additional motion to delay entry of discharge, the Court may grant an additional delay.

Therefore, the Court finds that the entry of discharge should be delayed to **(Date Requested)**.

ACCORDINGLY, IT IS THEREFORE ORDERED that the entry of discharge is delayed until **(Date Requested)**.

#

¹ *In re Broderick*, 425 B.R. 556 (Bkrcty.E.D.Cal. 2010). “Although the Bankruptcy Rule [4004(c)(2)] provides for only an initial 30-day deferral of entry of debtor’s discharge and a potentially longer, further deferral only on motion by debtor within that initial 30-day period, bankruptcy court has discretion, if it appears from the start that 30-day deferral will be insufficient to accomplish the purposes for which the deferral is requested, to defer entry of discharge to a date certain more than 30 days in the future; interpreting Rule [4004(c)(2)] to require two separate motions in such circumstances would be an excessive formalism and would be inconsistent with court’s obligation to construe Bankruptcy Rules to secure a just, speedy and inexpensive determination of every case and proceeding.”