

UNITED STATES BANKRUPTCY COURT **FILED** WESTERN DISTRICT OF WISCONSIN

IN RE:

IN BANKRUPTCY NO.:

LAURIE D. WIMMER,

MM13-90-03462

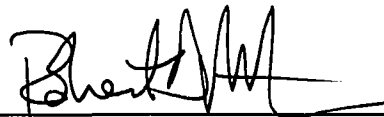
Debtor.

REASON FOR DECISION

OCT - 4 1993  
CLERK, U.S.  
BANKRUPTCY COURT  
CASE NO.

After reviewing all documents filed including the debtor's late-filed brief, this court will deny the motion for discharge under 11 USC § 1328(b). Section 1328(b) of the Bankruptcy Code allows for early discharge if the debtor's inability to complete the plan meets a three prong test. The first prong states that the debtor's failure to pay must be "due to circumstances for which the debtor should not justly be held accountable." 11 USC 1328(b)(1). Ms. Wimmer chose to move from the family home and incur larger expenses. Her current difficulty in meeting plan payments does not satisfy the first prong in 11 USC § 1328(b). See also In re Nelson, 135 BR 304 (Bankr ND Ill 1991); In re White, 126 BR 542 (Bankr ND Ill 1991). The motion must be denied.

Dated October 4, 1993.



ROBERT D. MARTIN  
UNITED STATES BANKRUPTCY JUDGE

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ORDER

CLERK, U.S.  
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IT IS HEREBY ORDERED that the motion for discharge under 11 USC § 1328(b) is denied.

Dated October 4, 1993.



ROBERT D. MARTIN  
UNITED STATES BANKRUPTCY JUDGE