

### **Death of a Debtor**

Although a chapter 13 case need not necessarily be dismissed upon the death of a debtor, see Fed. R. Bankr. P. 1016, the options for continuing a case are limited. Although not binding in front of other judges in the district, you are encouraged to review Judge Waites' opinions regarding options for chapter 13 debtors after death. *In re Mitchell*, Bankr. Case. No. 16-3557 (Bankr. D.S.C. Oct. 9, 2020); *In re Quint*, Bankr. Case. No. 11-04296-jw (Bankr. D.S.C. Augst 16, 2021). Generally, the debtor's options are (1) payoff from proceeds from the deceased debtor's estate, (2) a hardship discharge, or (3) dismissal. If the case is to continue, a motion to continue administration must be filed.

Upon notification of the death of a debtor, the Trustee will file a motion to dismiss if no action has been taken in the case approximately 14 days after notification.