

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) CHAPTER 7
)
KIM S. FARRIS,) CASE NO. 08-82709 - MHM
)
Debtor.)

ORDER GRANTING MOTION TO REOPEN

On February 23, 2009, the discharge order in this case was entered and the case closed. On March 3, 2009, Debtor filed a motion to reopen this case to file reaffirmation agreements. In response to the order entered March 25, 2009, Debtor filed a supplement to her motion to reopen April 9, 2009 [Doc. No. 20], and Mazda American Credit (“Mazda”) filed a response to the same order April 22, 2009 [Doc. No. 23].

Debtor seeks to reopen to file a reaffirmation agreement with Mazda that was executed the day after Debtor’s discharge was entered, but the parties had agreed to all the material terms of the agreement prior to entry of the discharge. Similarly, a reaffirmation agreement between Debtor and Bank of America was filed the same day as, but after, entry of the discharge. Although this court is without jurisdiction to approve post-discharge reaffirmation agreements, *In re Gibson*, 256 B.R. 786 (Bankr. W.D. Mo. 2001), a reaffirmation agreement may be *filed* after entry of discharge if the agreement was *made* prior to the discharge. *In re LeBeau*, 247 B.R. 537 (Bankr. M.D. Fla. 2000); *In re Davis*, 273 B.R. 152 (Bankr. S.D. Ohio 2001); *In re Mason*, 2004 WL 5364003 (Bankr.

N.D.Ga. 2004). Therefore, as both the above-described reaffirmation agreements were *made* before entry of the discharge, reopening is appropriate. Accordingly, it is hereby

ORDERED that Debtor's motion to reopen is *granted*: this case is reopened to permit Debtor to file a reaffirmation agreement and to permit the transaction of such other business as is permitted by Title 11 of the United States Code. Because this case is not being reopened to administer assets and because Debtor does not seek any further relief under the Bankruptcy Code, reappointment of a trustee is unnecessary. Additionally, the reopening of this case reverts no property of the debtor in the estate and imposes no automatic stay pursuant to § 362 of the Bankruptcy Code or otherwise. It is further

ORDERED that, unless an unresolved motion or application is pending, the Clerk, U.S. Bankruptcy Court, is authorized to close this case 90 days from the date of entry of this order, in the usual manner without the necessity of a final report from the Trustee.

The Clerk, U.S. Bankruptcy Court, is directed to serve a copy of this order upon Debtor, Debtor's attorney, the Chapter 7 Trustee, and attorney for Mazda American Credit.

IT IS SO ORDERED, this the _____ day of July, 2009.

MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE