

NOT INTENDED FOR PUBLICATION.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)
)
RONALD G. MASON)
BARBARA F. MASON) CASE NO. 03-71931-MHM
)
Debtors)

O R D E R

This matter is before the court on Debtors' motion to reopen this case. Debtors seek to reopen this case to file a reaffirmation agreement that Debtors failed to file before the discharge was entered.

Debtors show that the reaffirmation agreement was executed October 14, 2003, but Debtors failed to file the reaffirmation agreement at or near that date. The Chapter 7 Trustee's No Distribution Report was filed October 15, 2003, but the order discharging was not entered until December 12, 2003. The reason for Debtors' delay in filing the reaffirmation agreement for approximately two months is not adequately explained.

Pursuant to 11 U.S.C. §350(b), a case may be reopened "to administer assets, to accord relief to the debtor, or for other cause." Bankruptcy Rule 5010 provides:

a case may be reopened on motion of the debtor or other party in interest pursuant to §350(b) of the Code. In a Chapter 7 or a Chapter 13 case a trustee shall be appointed unless the court determines that a trustee is not necessary to protect the interests of creditors and the debtor or to insure efficient administration of the case.

Pursuant to 11 U.S.C. §524(c) (2), to be enforceable, a reaffirmation agreement must

be "made" before entry of the discharge order. "Made" is not a synonym for "filed."

Therefore, it appears that, if the reaffirmation agreement was fully executed before the entry of the discharge order, but was not filed, the case may be reopened to allow the filing of the reaffirmation agreement. Accordingly, it is hereby

ORDERED that this case is REOPENED, without the necessity of reappointing a Trustee, to permit Debtors to file a reaffirmation agreement between Debtors and Georgia Banking Company, and to permit the transaction of such other business as is permitted by Title 11 of the United States Code. It is further

ORDERED that if no further action is taken in this case by Debtors or any party in interest within 90 days of the entry of this order, the Clerk, U.S. Bankruptcy Court is authorized to close this case in the usual manner without the necessity of a final report from the Trustee.

IT IS SO ORDERED, this the ____ day of March, 2004.

MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE