



**IT IS ORDERED as set forth below:**

**Date: April 06, 2010**

A handwritten signature in black ink, appearing to read "W. H. Drake", is written over a horizontal line.

**W. H. Drake  
U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
NEWNAN DIVISION**

<b>IN THE MATTER OF:</b>	:	<b>CASE NUMBER</b>
	:	
WAYNE ANTHONY KRIELOW	:	08-12311-WHD
ELIZABETH ANN KRIELOW,	:	
	:	IN PROCEEDINGS UNDER
	:	CHAPTER 7 OF THE
Debtors.	:	BANKRUPTCY CODE

**ORDER**

Before the Court is the Debtors' Motion to Vacate Order Discharging Debtor for the Purpose of Filing a Reaffirmation Agreement. This Court lacks the authority to grant the relief sought by the Debtors. *See In re Owens*, 2010 WL 711240 (Bankr. E.D. Tenn. 2010); *In re Stewart*, 355 B.R. 636 (Bankr. N.D. Ohio 2006) ("Bankruptcy courts cannot 'use equitable principles to disregard unambiguous statutory language.'"); *In re Burgett*, 95 B.R. 524 (Bankr. S.D. Ohio 1988) ("The Court finds that 11 U.S.C. § 727(e) provides the exclusive grounds for revocation or rescission of a discharge order, absent obvious clerical errors or other errors subject to remedies provided by Federal Rule of Civil Procedure 60.").

Further, the validity of any reaffirmation agreement that may have been executed by the Debtors is determined by whether the agreement was "made" prior to the entry of the discharge. *See* 11 U.S.C. § 524(c)(1). If the Debtors did not make the reaffirmation agreement until after the discharge was entered, simply vacating the discharge order would not change the legal conclusion that the agreement is not valid under section 524(c)(1). If instead, the Debtors did make the reaffirmation agreement before the entry of the discharge, but simply failed to file the agreement before the entry of the discharge, there is nothing to prevent the Debtors from filing the agreement at this time<sup>1</sup> and, therefore, no need to vacate the discharge.

In either case, the Debtors' Motion must be, and hereby is, **DENIED**.

**END OF DOCUMENT**

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<sup>1</sup> Under the Federal Rules of Bankruptcy Procedure, a reaffirmation agreement "shall be filed no later than 60 days after the first date set for the meeting of creditors . . . [although t]he court may, at any time and in its discretion, enlarge the time to file a reaffirmation agreement." Fed. R. Bankr.P. 4008(a). If the Debtors "made" the agreement prior to the entry of the discharge, the Court hereby extends the time to file the agreement until May 31, 2010.