



IT IS ORDERED as set forth below:

Date: July 12, 2010

**Paul W. Bonapfel
U.S. Bankruptcy Court Judge**

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

IN THE MATTER OF:	:	CASE NUMBER: 10-72796-PWB
	:	
RUBY JEWEL BARNES,	:	
	:	IN PROCEEDINGS UNDER
	:	CHAPTER 7 OF THE
Debtor.	:	BANKRUPTCY CODE

ORDER EXTENDING TIME TO FILE REAFFIRMATION AGREEMENT

Automobile Acceptance Corporation seeks entry of an Order delaying the Debtor's discharge by thirty days in order for the parties to file a reaffirmation agreement. The motion states, "Upon information and belief, the Debtor has signed the proposed reaffirmation agreement, and is in the process of returning it to the office of Creditor's counsel." The record reflects that the Debtor has filed with the Court a reaffirmation agreement with Automobile Acceptance Corporation, but, because it has been executed only by her, the Court has taken no action.

A reaffirmation agreement is not enforceable unless made prior to the entry of discharge. 11 U.S.C. § 524(c)(1). Because Bankruptcy Rule 4004(c)(2) permits only *the debtor* to file a motion

to defer the entry of a discharge order for thirty days, the Court construes this as a motion to enlarge the time to file a reaffirmation agreement pursuant to Bankruptcy Rule 4008(a). In any event, the result is the same. Bankruptcy Rule 4004(c)(1)(J) provides that upon the expiration of the deadlines for objecting to discharge or filing a motion to dismiss, the court shall grant a discharge unless a motion to enlarge the time to file a reaffirmation agreement under Rule 4008(a) is pending. The Debtor's filing of an incomplete reaffirmation agreement reflects a present intent to reaffirm the debt and, thus, an extension of time is appropriate, though the Debtor is free to change her mind and any reaffirmation agreement will be subject to court approval. Accordingly, it is

ORDERED that the deadline for filing a reaffirmation agreement is extended to **August 9, 2010**. Pursuant to Rule 4004(c)(1)(J), the Clerk is directed to defer entry of discharge until this date.

End of Order

Distribution List

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