So Ordered.

Frederick P. Corbit

Frederick P. Corbit
Bankruptcy Judge

Dated: August 5th, 2014

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re:	Case No. 09-03391-FPC7
JAMES LUKE DRIVER,	**ORDER DENYING DEBTOR'S MOTION TO REOPEN CASE TO VACATE DISCHARGE**
Debtor.	

THIS MATTER came before the court on the debtor's request to reopen his case in order to vacate his discharge and enter into a reaffirmation agreement (the "Motion") (ECF No. 19). Consistent with the reasoning contained in *In re Conner*, No. 09-42532, 2013 Bankr. LEXIS 4481 (Bankr. S.D. Ga. October 25, 2013) and *In re Parthemore*, No. 12-32574, 2013 WL 3049291 (Bankr. N.D. Ohio June 17, 2013), the court concludes that:

1.   The court possesses the discretion to reopen a bankruptcy case to administer assets, to accord relief to the debtor, or for other cause, however, a case should not be reopened if doing so would be futile;

2.   Reaffirmation agreements are enforceable only to the extent such agreements are executed prior to the granting of a discharge;

3.   Because of their effect on dischargeability, reaffirmation agreements interfere with affording a debtor a fresh start and, therefore, such agreements are enforceable only if they strictly comply with 11 U.S.C. § 524(c);

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4.   Where a reaffirmation agreement has not been executed prior to discharge, reopening a case would serve no purpose as the agreement would not be enforceable;

5.   The Bankruptcy Code does not contain any provisions authorizing vacation of a discharge under the circumstances presented here;

6.   The debtor's discharge did not occur by mistake and no extraordinary circumstances have been shown to justify vacation of the discharge order, thus, Fed. R. Bankr. P. 9024 provides no basis to vacate the debtor's discharge; and

7.   Because the debtor's execution of a new reaffirmation agreement would not comply with 11 U.S.C. § 524(c), reopening the debtor's case would be futile.

Therefore, it is ORDERED that the debtor's Motion (ECF No. 19) is **DENIED**.

///End of Order///

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