

So Ordered.

Dated: August 28th, 2017



Frederick P. Corbit

Frederick P. Corbit
Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

In re:

DANETTE SCOTT,

Debtor.

Case No. 17-00982-FPC7

**ORDER DENYING DEBTOR'S
MOTION TO REOPEN CASE**

THIS MATTER came before the court on the debtor's Motion to Reopen her chapter 7 case to sign a reaffirmation agreement with Horizon Credit Union on a 2010 Sea Ray Sport ("Motion") (ECF No. 24). After reviewing the record and evidence presented, the court finds:

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. To be enforceable, reaffirmation agreements must be both made and filed prior to entry of order of discharge; reaffirmation agreements entered into after grant of debtor's discharge are unenforceable, and have no legal significance; *see* 11 U.S.C. § 524(c);
3. Because reaffirmation agreement must be "made" prior to entry of discharge to be enforceable and satisfy the statutory requirements of § 524(c), where a reaffirmation agreement has not been executed prior to discharge,

reopening a case would serve no purpose as the proposed reaffirmation agreement would not be enforceable;

4. The Bankruptcy Code does not contain any provisions authorizing vacation of a discharge under the circumstances presented here¹;

5. The debtors' 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 debtors' discharge;

6. 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; and

7. Any fee for the filing of the debtor's Motion is waived.

Therefore, it is ORDERED that the debtors' Motion (ECF No. 24) is **DENIED**.

///End of Order///

¹ Although Fed. R. Bankr.P. 4008(a) permits the court to "enlarge the time to file a reaffirmation agreement," this ability is circumscribed by the statutory requirements found in § 524.