

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:)
)
GLENN C. JEFFERIES)
)
)
)
)
Debtor(s)

CASE NO. 06-11059
CHAPTER 7
REG/tb

DECISION AND ORDER
DENYING MOTION TO APPROVE REAFFIRMATION

At Fort Wayne, Indiana, on November 29, 2006.

The debtor in this chapter 7 case received his discharge on October 18, 2006. On November 2, 2006, the debtor and Dell Financial Services filed a reaffirmation agreement and then, on November 8, 2006, the debtor filed a motion asking the court to approve that agreement. The motion has been signed by the debtor, but it has not been signed by debtor's counsel, as required by both the Federal Rules of Bankruptcy Procedure and the local rules of this court. See, Fed. R. Bankr. P. Rule 9011(a); N.D. Ind. L.B.R. B-4008-1(a). Although the absence of counsel's signature could very well prompt the court to strike the motion, see, Fed. R. Bankr. P. Rule 9011(a), the motion has a more fundamental deficiency which cannot possibly be remedied through the simple addition of counsel's signature to the document.

When it comes to the approval or disapproval of reaffirmation agreements, the court is required to conclude its inquiry "before the entry of the debtor's discharge." 11 U.S.C. § 524(m)(1). In this instance, the debtor was discharged three weeks before the court was ever asked to approve the reaffirmation of the debt with Dell Financial Services. Consequently, it is impossible for the court to conclude proceedings on the motion before the entry of the debtor's discharge and the motion to approve the reaffirmation is therefore DENIED.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court