

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
SHIRLEY A. HAVENS,) CASE NO. 02-65847 JPK
) Chapter 7
) Debtor.)
*****)
STACIA L. YOON, TRUSTEE,)
)
Plaintiff,)
)
v.) ADVERSARY NO. 04-6040
)
SHIRLEY A. HAVENS,)
)
Defendant.)

ORDER GRANTING PLAINTIFF'S MOTION TO SET ASIDE
JUDGMENT REVOKING DISCHARGE ("MOTION")

The Motion, filed on February 14, 2008, requests that the Court set aside its judgment entered on September 23, 2004 with respect to revocation of the debtor's/defendant's discharge in case number 02-65847. The Motion was accompanied on the same date by a Satisfaction of Judgment. Combination of the Motion and the Satisfaction indicates to the Court that the debtor has paid the monetary judgment included in the judgment entered on September 23, 2004, and that the debtor should now be entitled to the discharge which was revoked by that order solely due to her failure to pay the Chapter 7 Trustee monies to which creditors of her estate were entitled.

This manner of handling adversary proceedings for revocation of discharge is a time-honored custom in this Division, and frankly, this is the oldest judgment of revocation of discharge which the Court remembers reviewing under this procedure. There is actually something to be said for determining that once a discharge is revoked for failure to comply with a Court's order – whatever the subject matter of that order might be – that judgment is irrevocable because setting it aside literally does not fall within any of the provisions of

Fed.R.Bankr.P. 9024/Fed.R.Civ.P. 60(b), with the possible exception of Rule 60(b)(5), and that is the ground which the Court adopts as that upon which the Motion should be granted.

IT IS ORDERED that the Motion is granted.

IT IS FURTHER ORDERED that the judgment entered on September 23, 2004 is vacated, and that the debtor's discharge entered on March 11, 2003 is reinstated.

IT IS FURTHER ORDERED, however, that the reinstatement of the discharge by this order shall have no effect on any proceedings undertaken by any creditor or party-in-interest with respect to the debtor in reliance upon the revocation of discharge granted by the Court's September 23, 2004 judgment, and that any such proceedings shall not in any manner provide the debtor with a remedy for violation of the discharge revoked by the September 23, 2004 judgment.

IT IS FURTHER ORDERED that the Clerk shall give notice of this order to all creditors and parties-in-interest in this case.

IT IS FURTHER ORDERED that the monetary judgment provided in the September 23, 2004 judgment is deemed satisfied.

Dated at Hammond, Indiana on February 28, 2008.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor
Trustee, US Trustee
All Creditors
All Parties-in-Interest