

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
MARISSA R STALBAUM,) CASE NO. 12-21168 JPK
) Chapter 7
Debtor.)

ORDER CONCERNING MOTION TO HOLD CASE
OPEN ("MOTION")

The Motion, filed by the debtor on June 10, 2012 as record #20, apparently requests that the court not close this case for a period of 60 days following the entry of discharge on July 10, 2012, so that the debtor can seek to enter into a reaffirmation agreement. The Motion then states that the "reaffirmation agreement would be dated retroactively to a date prior to the entry of discharge".

The Motion entirely misperceives the requirements for a reaffirmation agreement. 11 U.S.C. § 524(c)(1) very clearly and explicitly provides that a reaffirmation agreement is enforceable only if the "agreement was made before the granting of the discharge", a phrase which means exactly what it says: the agreement had to be entered into prior to the granting of discharge, and it cannot be back-dated. It is now too late to enter into an effective reaffirmation agreement. However, the debtor is free to enter into whatever agreement she wishes with the creditor with respect to her indebtedness to the creditor – it just won't be a reaffirmation agreement approved by the court.

IT IS ORDERED that the Motion is denied.

Dated at Hammond, Indiana on July 18, 2012.

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

Distribution:
Debtor, Attorney for Debtor
Trustee, US Trustee