

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE: )  
 )  
ZAKARY LEE ZIVKOVICH and ) CASE NO. 13-21206  
HEATHER N ZIVKOVICH, ) Chapter 7  
Debtors. )

ORDER DENYING MOTION TO VACATE DISCHARGE [“MOTION”]

The Motion was filed by the debtors as Record No. 27 on January 14, 2014. The Motion requests that the Court vacate the order of discharge entered on January 13, 2014, so that the debtor may process a reaffirmation agreement with Ford Motor Credit. There is no indication in the Motion as to whether or not a reaffirmation agreement has in fact been entered into with the creditor.

11 U.S.C. § 524(c) requires that in order to be enforceable, reaffirmation agreements must be “made before the granting of the discharge under section 727.” If the debtors’ reaffirmation agreement with Ford Motor Credit was actually entered into (“made”) prior to the entry of discharge on January 13, 2014, the agreement may still be submitted to the court for approval. However, if the reaffirmation agreement was not entered into prior to January 13, 2014, there is no specific statutory authority upon which the court may set aside an order of discharge in order to process a reaffirmation agreement in those circumstances, and the court will not utilize 11 U.S.C. § 105(a) for that purpose. Entry of discharge triggers a number of significant consequences, including providing creditors and parties in interest with notice of the entry of the discharge – a process which the court will not undo.

It is ordered that the Motion is denied.

Dated at Hammond, Indiana on January 29, 2014.

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

Distribution:

Debtor, Attorney for Debtor

Trustee, US Trustee

All creditors and parties-in-interest