

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF OHIO
FRANK T. BOW FEDERAL BUILDING
201 CLEVELAND AVE. S.W.
CANTON, OHIO 44702

RUSS KENDIG
UNITED STATES BANKRUPTCY JUDGE

TELEPHONE: (330) 458-2440
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MEMORANDUM

To: Canton chapter 7 trustees

Date: December 31, 2008

Re: Reinstatement of discharge following revocation

Recently, the Court has reviewed two orders to reinstate a discharge following entry of an order of revocation due to a debtor's non-payment and/or failure to comply with a turnover order. The decision to reinstate a discharge involves consideration of the conflicting goals of allowing a fresh start with preserving the finality of judgments.

The Court will consider motions to reinstate discharges which have been revoked, but only upon presentation of a verified factual premise for vacating the order of discharge. In order to have a revocation order set aside, the Court must be informed of the "story" behind the revocation and the reason for the proposed reinstatement of the discharge, typically involving extenuating circumstances. A mere recitation of facts will not be sufficient: some verification must be provided. Additionally, upon successful reinstatement of the discharge, the court costs associated with the action must be paid by the debtor(s) absent truly unusual circumstances. The motion should also set forth the amount of any expenses that will not be paid to the estate, e.g. attorney fees.

Please call if you have any questions.