

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document has been entered electronically in the record of the United States Bankruptcy Court for the Northern District of Ohio.



Dated: July 23 2010

Mary Ann Whipple
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

In Re:)	Case No. 10-30091
)	
Brian D. Pohorecki,)	Chapter 7
)	
Debtor.)	
)	JUDGE MARY ANN WHIPPLE

ORDER

This case came before the court for hearing on May 27, 2010, on Debtor’s Motion to Enlarge Time to Accept Reaffirmation Agreement for Ford Motor Credit Company, LLC [Doc. # 16].

Under Rule 4008(a) of the Federal Rules of Bankruptcy Procedure, reaffirmation agreements “shall be filed no later than 60 days after the first date set for the meeting of creditors under § 341(a) of the Code.” *But see In re Parker*, 372 B.R. 835 (Bankr. W.D. Tex. 2007)(court holds that Rule 4008 conflicts with the statute and must be disregarded, so statutory deadline for filing a reaffirmation agreement is any time before discharge). In this case, the first date set for the meeting of creditors was March 5, 2010, so the deadline for filing reaffirmation agreements in this case was May 4, 2010. The Reaffirmation Agreement was not filed by that deadline. However, pursuant to Rule 4008(a), “[t]he court may, *at any time* and in its discretion, enlarge the time to file a reaffirmation agreement.” (Emphasis added).

After the hearing, and at the request of the court, Debtor filed a status report on the timing of the Creditor’s signature on the document. [Doc. # 22]. The status report confirms that the Reaffirmation Agreement in issue was signed by the Creditor’s Representative prior to the entry of discharge at 5:05 p.m.

on May 12, 2010. Accordingly, the court finds that the Reaffirmation Agreement was entered into on a timely basis before discharge on May 12, 2010, in accordance with the statute. *See* 11 U.S.C. § 524(c)(1); *In re Golladay*, 391 B.R. 417, 421)(Bankr. C.D. Ill. 2008). The court will therefore grant the motion to enlarge the filing deadline to the date upon which the Reaffirmation Agreement was actually filed with the court, the agreement having been timely made and there being no further action the court would have taken on the document under 11 U.S.C. §524(m) had it been filed before discharge.

For good cause shown,

IT IS ORDERED that Debtor's Motion to Enlarge Time [Doc. # 16] is hereby **GRANTED** and the deadline set forth in Fed. R. Bankr P. 4008 is hereby enlarged *nunc pro tunc* to May 13, 2010.