

**[SUGGESTED SAMPLE UNOFFICIAL FORM ORDER FOR USE UPON DEBTOR'S MOTION
TO REOPEN CLOSED CASE WHERE CHAPTER 7 CASE HAS BEEN PREVIOUSLY
CLOSED PRIOR TO DISCHARGE SOLELY FOR THE DEBTOR'S FAILURE TO FILE
OBF 23][PLEASE DISCARD PRIOR SUGGESTED ORDER DATED 5/9/06 AND USE THIS
SUGGESTED ORDER INSTEAD][CJ Kennedy; 1/18/07]**

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE**

In re

Case No.

Chapter 7

Debtor(s).

**ORDER RE DEBTOR'S MOTION TO REOPEN CLOSED CASE
COMBINED WITH RELATED ORDERS AND NOTICE OF THE ENTRY THEREOF**

The instant core proceeding before the court arises out of a motion filed by the above-named debtor, pursuant to 11 U.S.C. § 350(b) and FED. R. BANKR. P. 5010, seeking to reopen this closed chapter 7 case for further administration (*i.e.*, for the special and limited purpose of filing OBF 23 entitled *Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management*, if it has not already been filed, and for the granting and entry of an order of discharge).

It appears to the court that 11 U.S.C. § 727(a)(11), as a condition for receiving a discharge, requires the debtor, after filing the petition, to complete an instructional course concerning personal financial management described in 11 U.S.C. § 111 (except as otherwise provided in 11 U.S.C. § 109(h)(4)). Because the above-named debtor did not timely file with the court a statement regarding completion of a course in personal financial management (OBF 23) as required by Interim Bankruptcy Rule 1007(b)(7) and within the time fixed by Interim Bankruptcy Rule 1007(c), this case was ordered closed by the court without the entry of an order of discharge. *See also* Interim Bankruptcy Rule 4004(c)(1)(H) and amended FED. R. BANKR. P. 4006.

It now appears to the court that the above-named debtor has completed the required instructional course concerning personal financial management under § 727(a)(11) and has filed or is prepared to file a completed OBF 23 with the court. It also appears to the court that all the other requirements (*i.e.*, conditions for receiving a discharge) set forth in amended FED. R. BANKR. P. 4004(c)(1) have previously been met by the above-named debtor.

Based on all the foregoing and consideration of the case record as a whole and after notice and opportunity for a hearing, **IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN THAT:**

1. To accord relief to the above-named debtor and good cause otherwise having been shown, this previously closed case is reopened, conditioned upon the debtor paying the reopening filing fee required by the United States Judicial Conference amended Item (11) of the *Bankruptcy Court Miscellaneous Fee Schedule*, for the special and limited purpose of allowing the above-named debtor to file OBF 23 with the court, if it has not already been filed with the court.

Due to appropriate circumstances, the court shall waive the reopening filing fee required by the United States Judicial Conference amended Item (11) of the *Bankruptcy Court Miscellaneous Fee Schedule*, and grant the debtor's instant motion to reopen this closed case, for the special and limited purpose of allowing the above-named debtor to file OBF 23 with the court, if it has not already been filed with the court.

2. The Bankruptcy Court Clerk, if he has not already done so, is authorized to accept for filing and docketing OBF 23, if appropriate.

3. Pursuant to FED. R. BANKR. P. 5010, a Chapter 7 Trustee should NOT be reappointed by the United States Trustee for Region 8, as the court has determined that a trustee is not necessary to protect, at this stage of the administration, the interests of creditors and the debtor or to insure efficient administration of the case.

4. In accordance with ordering Clause No. 1 above, the court shall now forthwith grant the discharge of the debtor – *i.e.*, an order of discharge will be promptly entered in this reopened chapter 7 case.

5. The Bankruptcy Court Clerk is therefore authorized to docket the order of discharge, if appropriate.

6. By virtue of FED. R. BANKR. P. 4004(g), the Bankruptcy Court Clerk, once the order of discharge is entered, shall promptly cause a copy of the order of discharge to be sent to those entities specified in subdivision (a) of Rule 4004.

7. Once the requirement of FED. R. BANKR. P. 4004(g) has been met, the Bankruptcy Court Clerk is authorized to reclose this case without further order of the court.

8. If, within thirty days of entry of this Order, no action is taken by the Debtor in compliance herewith, the Bankruptcy Court Clerk is authorized to reclose this case without further order of the court.

cc: Debtor(s)
Attorney for Debtor(s)
U.S. Trustee
Chapter 7 Trustee
Attorney for Chapter 7 Trustee, if any
All Creditors
Other Known Parties in Interest, if any