

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

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In re Timothy & Tina Boudrieau

Case No.: 99-23716

Chapter 7

Debtors.

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ORDER DENYING MOTION TO VACATE DISCHARGE TO FILE A REAFFIRMATION
AGREEMENT AND DIRECTING THAT THIS CASE BE CLOSED

Whereas, Timothy and Tina Boudrieau (the “Debtors”) filed under Chapter 7 on December 1, 1999; and

Whereas, the Debtors received their discharge on March 9, 2000 and the Debtors’ bankruptcy case was closed on March 21, 2000; and

Whereas, the Debtors signed a reaffirmation agreement with Conseco Finance Corporation (the “Creditor”) on March 30, 2000 after the entry of the Discharge Order; and

Whereas, the Creditor brought a motion to reopen the Debtors’ case and vacate the Debtors’ discharge filed on July 10, 2000, in order to validate the reaffirmation agreement (the “Motion”); and

Whereas, a hearing was held on August 2, 2000 to consider the Motion, and Leonard Relin, the Debtors’ attorney appeared, and David Ealy the Creditor’s attorney appeared.

It is **Ordered**, that the Motion is denied, due to the Creditor’s failure to demonstrate extraordinary circumstances as described by Judge Gerling in *In re Eccleston*, 70 B.R. 210 (Bankr. N.D.N.Y. 1986); and it is further

Ordered, that the Debtors’ case is closed.

Dated: Rochester, New York
August 2, 2000

_____/s/_____
Honorable John C. Ninfo, II
Chief United States Bankruptcy Judge