

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

In re:

RACHEL JANE JOHNSON,

Case No. 6:11-bk-17111-ABB

Chapter 7

Debtor.

_____ /

ORDER

This matter came before the Court on the Motion to Reopen Chapter 7 Case (Doc. No. 16) filed by the Debtor Rachel Jane Johnson. A hearing was held on April 23, 2012 at which counsel for the Debtor appeared. The Debtor, in open Court, made an *ore tenus* motion to vacate her Chapter 7 discharge. The Motion to Reopen and the *ore tenus* Motion to Vacate are due to be granted.

The Debtor filed the above-captioned Chapter 7 case on November 14, 2011. She received a Chapter 7 discharge pursuant to 11 U.S.C. Section 727 on February 22, 2012 (Doc. No. 12) and the case was closed. The Debtor seeks to reopen the case to convert it to Chapter 13 and then file an adversarial proceeding to determine the dischargeability of certain student loan debts.

Chapter 7 discharges are set aside only where the request to vacate is made in good faith and there are compelling facts. The Debtor's situation is unique. The Debtor filed her Motion to Reopen within days of the issuance of her Chapter 7 discharge. The discharge was issued on February 22, 2012 and she filed her Motion to Reopen on March 7, 2012. The Debtor is not seeking to vacate her discharge to pursue a lien strip or cramdown in Chapter 13. Allowing the Debtor to vacate her Chapter 7 discharge will not result in an abuse of the bankruptcy system or prejudice her creditors.

Cause exists to reopen the Debtor's case and to vacate her Chapter 7 discharge pursuant to 11 U.S.C. Sections 350(b) and 105(a). The Debtor's Motion to Reopen and her *ore tenus* Motion to Vacate the Chapter 7 discharge are due to be granted.

Accordingly, it is

ORDERED, ADJUDGED and DECREED that the Debtor's Motion to Reopen (Doc. No. 16) is hereby **GRANTED** and the above-captioned case is hereby **REOPENED** pursuant to 11 U.S.C. Section 350(b); and it is further

ORDERED, ADJUDGED and DECREED that the Debtor's *ore tenus* Motion to Vacate Discharge is hereby **GRANTED** and the Debtor's Chapter 7 discharge (Doc. No. 12) is hereby **VACATED**; and it is further

ORDERED, ADJUDGED and DECREED that this case is hereby **CONVERTED** to Chapter 13 pursuant to 11 U.S.C. Section 706(a).

Dated this 26th day of April, 2012.

/s/ Arthur B. Briskman
ARTHUR B. BRISKMAN
United States Bankruptcy Judge