

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

Case No. 6:08-bk-06457-ABB
Chapter 7

DANIEL A. LABONTE,

Debtor.

_____ /

ORDER

This matter came before the Court on the Motion for Reconsideration (Doc. No. 30) and Amended Motion for Reconsideration (Doc. No. 33) filed by Daniel A. LaBonte, the Debtor herein, seeking to rescind the Reaffirmation Agreement executed by the Debtor and Chase Home Finance LLC ("Chase") on October 10, 2008 and filed on October 20, 2008 (Doc. No. 11) relating to a first priority mortgage held by Chase on real property located at 5230 Shale Ridge Trail, Orlando, Florida. The Reaffirmation Agreement was approved by the Order entered on December 15, 2008 (Doc. No. 23).

Section 524(c)(4) of the Bankruptcy Code provides a debtor may rescind a reaffirmation agreement:

at any time prior to discharge or within sixty days after such agreement is filed with the court, whichever occurs later, by giving notice of rescission to the holder of such claim.

11 U.S.C. § 524(c)(4). The Debtor has not been granted a discharge. The rescission period has not closed. The Debtor provided notice of rescission of the Reaffirmation Agreement to Chase on February 13, 2009 (Doc. No. 33 at p. 2). The Motion is due to be granted pursuant to 11 U.S.C. Section 524(c)(4).

Accordingly, it is

ORDERED, ADJUDGED and DECREED that the Debtor's Amended Motion for Reconsideration (Doc. No. 33) is hereby **GRANTED**; and it is further

ORDERED, ADJUDGED and DECREED that the Reaffirmation Agreement between the Debtor and Chase (Doc. No. 11) is hereby **RESCINDED** and the Order entered on December 15, 2008 (Doc. No. 23) is **VACATED**.

Dated this 19th day of February, 2009.

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