

UNITED STATES BANKRUPTCY COURT

SOUTH CAROLINA

Clerk's Instruction: Reopening Cases (CI-5010-1)

(a) Pursuant to Federal Rule of Bankruptcy Procedure 5010, the debtor or other party in interest who desires to reopen a closed bankruptcy case must file a motion before the court where the case was closed requesting that it be reopened for cause shown. Section 350(b) of the Bankruptcy Code (11 U.S.C. §101, *et seq.*) provides: "A case may be reopened in the court in which such case was closed to administer assets, to accord relief to the debtor, or for other cause."

(b) Although a case has been closed, the court may act in certain circumstances without the case being reopened and, in those instances, a motion to reopen may not be required. Pursuant to Federal Rule of Bankruptcy Procedure 9024, clerical errors in judgments, orders or other parts of the record or errors therein caused by oversight or omission may be corrected. The court may also take the following actions: enter contempt; vacate, clarify, or interpret its orders; correct mistakes; hear related adversary proceedings; enforce the discharge injunction; enforce the bankruptcy discrimination section; examine the validity of reaffirmation agreements; hear an exception to discharge action (11 U.S.C. §523). The judges of this court have also determined that motions to avoid liens, the filing of reaffirmation agreements¹, and motions to redeem property do not require the reopening of the case.

¹ Reaffirmation agreements that are entered into after the date on which a discharge is granted are unenforceable by statute (11 U.S.C. §524(c)(1)) and therefore may be rejected by the court.