

**FILED**  
UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

1999 DEC 10 PM 12:11  
U.S. BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

IN RE:

Sharon Lynn Kest,

Debtor.

C/A No. 99-06864-W

**ORDER**

Chapter 7

**ENTERED**

DEC 13 1999

**J.G.S.**

THIS MATTER comes before the Court upon Debtor's Motion, filed with the Court on October 13, 1999, for approval of assumption pursuant to 11 U.S.C. §365 of a lease of a 1998 Ford Mystic entered into between Debtor and Ford Motor Credit. A timely objection was filed by the United States Trustee.

Debtor filed for relief under Chapter 7 of the Bankruptcy Code on August 16, 1999. Debtor asserts that she is current with her obligations pursuant to the lease agreement. The Court has not been requested to nor has it determined whether the subject vehicle lease is a true lease or a security document.

In a Chapter 7 case, a debtor has no authority to exercise the option of assuming or rejecting leases. It is solely the trustee's prerogative to be utilized for the benefit of the estate. In re Knight, 211 B.R. 747, 747 (Bankr. D. Or. 1997), In re Rodall, 165 B.R. 506, 507 (Bankr. M.D. Fla. 1994).

If the Debtor remains current under the lease agreement and continues to comply with its terms, she retains her rights under the lease. See Home Owners Funding Corp. v Belanger (In re Belanger), 962 F.2d 345, 346 (4th Cir. 1992). Alternatively, if a debtor is in default under such a lease or otherwise chooses to, she may reaffirm the indebtedness or redeem or surrender the

vehicle. See id.

For these reasons, the Debtor's motion to assume is denied.

**AND IT IS SO ORDERED.**

Columbia, South Carolina,  
December 10, 1999.

  
UNITED STATES BANKRUPTCY JUDGE

CLERK OF THE DISTRICT COURT  
COUNTY OF ... STATE OF ...

CLERK OF THE DISTRICT COURT, JUSTICE  
JAMES R. STANTON  
Deputy Clerk

Rest  
Arthur  
Ford  
K.C.  
W. S. K.