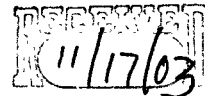


03-BK-003



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cc:

Subject: Comment on Proposed Amendment to Bankruptcy Rule 4008.

11/17/2003 10:11 AM

I applaud the Advisory Committee for its proposal to set a deadline for the filing of reaffirmation agreements, which I have long advocated. However, I do not agree that the deadline should be 30 days after the discharge. My experience is that cases are sometimes closed immediately after the discharge is entered and that clerks refuse to accept filings in closed cases. Since this practice is unlikely to change, it makes sense to make the discharge date the deadline for filing a reaffirmation agreement, an agreement which in any event must be made before the discharge. In fact, I understand that a number of courts currently have local rules requiring reaffirmation agreements to be filed before the discharge, and there have been few problems with such rules.

If the Committee believes that a later deadline for filing is necessary, which creditors and perhaps some debtors' counsel would probably prefer, it should probably also amend Rule 5009 to prohibit the clerk's closing of the case until 30 days after discharge.

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