ORDERED.

Dated: August 10, 2026

Grace E. Robson
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION
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In re	)	
	)	
Lisa Marie Coricelli,	)	Case No. 6:26-bk-03068-GER
	)	Chapter 7
Debtor.	)	
	)	

ORDER DENYING DEBTOR'S MOTION TO VACATE DISCHARGE TO REDEEM MOTOR VEHICLE

THIS CASE came before the Court upon the *Debtor's Motion to Vacate Discharge to Redeem Motor Vehicle* (Doc. No. 10) (the "Motion") filed by Lisa Marie Coricelli ("Debtor"). The *Order of Discharge* (Doc. No. 8) was entered on August 3, 2026. Debtor seeks to vacate the discharge so that she may redeem a vehicle pursuant to § 722 of the Bankruptcy Code.[1] The Motion is due to be denied.

Vacating an Individual's Chapter 7 Discharge

Vacating a chapter 7 discharge is possible only under § 727(d) or Rule[2] 60, as incorporated by Bankruptcy Rule 9024. Section 727(d) provides that a request to revoke a discharge can be made by "the trustee, a creditor, or the United States trustee"—therefore, it does not appear from

[1] Unless otherwise specified, all chapter and section references are to the Bankruptcy Code, 11 U.S.C. §§ 101-1532.
[2] Unless specified otherwise, all "Rule" or "Rules" references are to the Federal Rules of Civil Procedure and all "Bankruptcy Rule" or "Bankruptcy Rules" references are to the Federal Rules of Bankruptcy Procedure.

the text of the statute that a debtor can seek to revoke his or her discharge. As to Rule 60, there is a split of authority on whether a debtor can vacate his or her own discharge.[3] However, as explained below, the Court finds that vacating the discharge is unnecessary in this case in order to file a motion to redeem.

Redemption

Within thirty days after the filing of a bankruptcy petition, a debtor is required to state his or her intent to retain or surrender property and specify whether debtor intends to redeem such property.[4] A debtor who states an intention to redeem property must perform such intention within 30 days of the first date set for the meeting of creditors under § 341 (or such other time as the Court establishes for cause within such 30 day period).[5]

The Court agrees with those courts that hold that a debtor's failure to redeem within the time limits set forth in § 521, and the corresponding termination of the automatic stay under § 362(h), does not terminate a debtor's right to redeem under § 722. Section 722 and the Bankruptcy Rules do not contain any language requiring a redemption occur within the time frame established under § 521. Therefore, the Court holds that a debtor may file a motion to redeem even after entry of discharge.[6]

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[3] *Compare In re Starling*, 359 B.R. 901 (Bankr. N.D. Ill. 2007) (recognizing that it is within the court's discretion to vacate an order of discharge based on one of the reasons listed in Rule 60(b) (citing *Disch v. Rasmussen*, 417 F.3d 769 (7th Cir. 2005)), *with Markovich v. Samson (In re Markovich)*, 207 B.R. 909, 913 (B.A.P. 9th Cir. 1997) ("We agree with the bankruptcy court that it did not have the inherent equitable power to revoke a discharge outside the framework of § 727(d). The equity powers of the bankruptcy court cannot be used to override specific statutory provisions in the Code." (first citing *Norwest Bank Worthington v. Ahlers*, 485 U.S. 197, 205, 108 S. Ct. 963, 968, 99 L. Ed. 2d 169 (1988); and then citing *Hamilton v. Lumsden (In re Geothermal Res. Int'l, Inc.)*, 93 F.3d 648, 651 (9th Cir. 1996))).

[4] 11 U.S.C. § 521(a)(2)(A)

[5] 11 U.S.C. § 521(a)(2)(B).

[6] *See, e.g.*, *In re Bright*, No. 03-23032-BKC-RBR, 2005 WL 2452278, at *3 (Bankr. S.D. Fla. Jan. 11, 2005) (granting a motion to reopen a case to redeem pursuant to 11 U.S.C. § 722).

For these reasons, the Court does not need to make a ruling on whether Debtor can vacate her own discharge. Accordingly, it is

ORDERED that the Motion is **DENIED**.

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Attorney David A. Mann is directed to serve a copy of this Order on interested parties who are not CM/ECF users and file a proof of service within 3 days of entry of the Order.