

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
Lynchburg Division**

In re CHARLES WILLIAM FERGUSON,) Case No. 04-63797-LYN
)
) Debtor,)
_____)

MEMORANDUM AND ORDER

On October 6, 2004, Charles William Ferguson (“the Debtor”) filed a petition initiating the above-styled individual chapter 13 case. Ford Motor Credit filed an unsecured proof of claim in the amount of \$9,836.30. The Debtor’s plan provided for the claim in the full amount of the principal but did not provide for the payment of any interest that may have accrued during the pendency of the case. The Debtor made all payments due under the plan and received a discharge. The case was closed in the normal course.

On February 24, 2008, the Debtor filed a motion to reopen the case so that he could prevent Ford Motor Credit (and its counsel) from garnishing his wife’s wages. A hearing was set on the motion to reopen the case.

The motion to reopen will be denied on the grounds that the Debtor cannot obtain the relief requested on the facts as alleged. The discharge injunction that became effective upon the entry of the order of discharge in the Debtor’s case enjoined any creditor holding a dischargeable claim from commencing acts to collect any unpaid portion thereof *from the Debtor*. The discharge injunction did not enjoin or stay any creditor from commencing acts to collect any unpaid portion of such claim *from any other person who is also liable on the claim*. See, generally, 11 U.S.C. § 524(a)(2).

Since the Debtor’s plan provided only for the payment of the principal, any interest that may

have accrued during the pendency of the case could still remain due. While Ford Motor Credit is now enjoined from commencing any act to collect any such residual amount from the Debtor, it is not enjoined from commencing any act to collect that amount from his wife, *if* she is also liable for the debt. Whether she is also liable for the debt is not a matter that falls within the jurisdiction of this Court.


ORDER

The motion of Charles Ferguson to reopen this case is denied.

So ORDERED.

Upon entry of this Memorandum and Order the Clerk shall forward a copy to Charles W. Ferguson and Randolph, Cherry, Boyd, and Vaughan, counsel for Ford Motor Credit.

Entered on this 27th day of March, 2008.



William E. Anderson
United States Bankruptcy Judge

