

BANKRUPTCY ^{UP}DATE

January 11, 2024

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LKA Decision

You can use the link in the "Links" section below to view the following decision:

Richard v. Oahe Federal Credit Union (In re Richard)

Issue: Whether either party was entitled to summary judgment concerning the plaintiffs' complaint seeking damages resulting from the defendant's alleged violation of the automatic stay and the discharge injunction due to its post-discharge repossession of a vehicle?

Ruling: The Court denied the plaintiffs' motion for summary judgment and granted the defendant's motion. The defendant's post-discharge repossession of the vehicle did not violate the stay of any acts against the plaintiffs because that stay was already terminated under 11 U.S.C. §362(c)(2) since the debtors had already received their discharge. Nor did it violate the stay with respect to the vehicle under 11 U.S.C. §362(h)(1)(B) or 11 U.S.C. §521(a)(6) because the plaintiffs failed to take any action towards reaffirming their debt with the defendant after filing a statement of intention indicating their intent to reaffirm the debt secured by the vehicle. Because the

repossession was an *in rem* action against the vehicle and the defendant did not attempt to collect any money from the plaintiffs, the defendant did not violate the discharge injunction under 11 U.S.C. §524(a)(2).

Links

[Richard v. Oahe Federal Credit Union \(In re Richard\)](#)

[Previous Bankruptcy^{UP} dates](#)

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