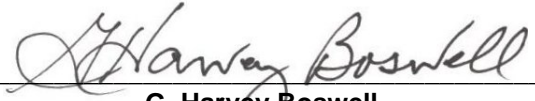




Dated: April 01, 2004
The following is SO ORDERED.


G. Harvey Boswell
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

IN RE

Wanda K. Autry,

debtor.

Case No. 00-12340

Chapter 7

ADDENDUM TO MARCH 25, 2004
“MEMORANDUM OPINION AND ORDER RE
(1) DEBTOR’S MOTION FOR CONTEMPT AND TO ENFORCE DISCHARGE and
(2) FIRST CITIZENS NATIONAL BANK’S OBJECTION THERETO”

On March 25, 2004, this Court entered a “Memorandum Opinion and Order re (1) Debtor’s Motion for Contempt and to Enforce Discharge and (2) First Citizens National Bank’s Objection thereto.” In this opinion, the Court found that a reaffirmation agreement entered into by the debtor and First Citizens National Bank encompassed two notes the debtor had with First Citizens. Following her chapter 7 discharge, the debtor paid First Citizens in full pursuant to the reaffirmation agreement. Despite this satisfaction of the debt, First Citizens was refusing to turn over the title to the car to the debtor. After analyzing the reaffirmation agreement under Tennessee law on contracts, the Court ordered First Citizens to release its lien and to turn the title to the car over to the debtor.

When the Court issued its March 25th Memorandum Opinion and Order, it failed to address the debtor's request for attorney's fees in this matter. A bankruptcy court has the power to award damages to a debtor when a creditor violates the 11 U.S.C. § 524 discharge injunction. *Summers v. Anderson (In re Summers)*, 213 B.R. 825, 829 (Bankr. N.D. Ohio 1996). These damages include the attorneys fees in bringing the action to enforce the discharge. *Id.*

As a result of this authority, the Court finds that the debtor, Wanda K. Autry, is entitled to recover her attorneys fees incurred in bringing her motion to enforce discharge. Autry's attorney shall have 20 days from entry of this order to file a request for fees and expenses. The request for fees will be set on the Court calendar for a hearing. Should any party feel such request is unreasonable, it may file an objection to the request. Such objection will be set on the calendar for the same day as the fee request.

It is therefore **ORDERED** that Wanda K. Autry's attorney, Gerald Ketchum, shall have 20 days from the date of entry of this order to file a request for fees and expenses.

Mailing Information:

Gerald Ketchum, Attorney for Debtor
Mark Johnston, Attorney for Creditor
Chapter 7 Trustee