



**SO ORDERED.**

**SIGNED this 21st day of November, 2008.**

  
LEIF M. CLARK  
UNITED STATES BANKRUPTCY JUDGE

**United States Bankruptcy Court**  
Western District of Texas  
San Antonio Division

IN RE

WILLIAM DOUGLAS SELF & CARRIE  
SCHUELING SELF

*DEBTORS*

BANKR. CASE NO.

08-52687-C

CHAPTER 7

**ORDER DENYING REAFFIRMATION BUT CLARIFYING EFFECT OF DISCHARGE  
INJUNCTION WITH REGARD TO 21<sup>ST</sup> MORTGAGE CORPORATION**

CAME ON for hearing the foregoing matter, on notice. The debtor appeared, but the creditor did not. After consideration of the reaffirmation agreement and the circumstances of the debtor, the court concludes that the reaffirmation agreement is an undue hardship, and is not approved. In the interests of clarification, the court further rules that, while the unsecured claim of 21<sup>st</sup> Mortgage Corporation, if any, is discharged, the secured *in rem* claim is not. By this order, 21<sup>st</sup> Mortgage is expressly authorized to enforce the indebtedness of the debtors to the extent it is secured, and that such permitted enforcement includes notification of payment defaults, demand for payment of unpaid payments, notice of acceleration of indebtedness and demand therefor, repossession of

collateral to the extent allowed by the loan documents and by applicable nonbankruptcy law, and sale of collateral in satisfaction of the indebtedness. In addition, 21<sup>st</sup> Mortgage is authorized to take such steps as are necessary (and as are permitted under the loan documents and under applicable nonbankruptcy law) to evict the debtors in order to effectuate repossession of the collateral for the purpose of sale or satisfaction of the *in rem* liability, and to hold the debtors personally liable for any damage to 21<sup>st</sup> Mortgage's collateral inflicted post-discharge. 21<sup>st</sup> Mortgage is barred from taking any action to enforce any deficiency liability under the note against the debtors, including the institution of suit therefor.

The terms of this order shall apply to the debtors, their successors and assigns, and to 21<sup>st</sup> Mortgage, its successors and assigns, and their respective agents, employees, and representatives.

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