

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA

In re: )  
)  
**REAFFIRMATION AGREEMENT** )  
**PROCEDURES UNDER BAPCPA** )  
)  
)  
\_\_\_\_\_ )

JUDGMENT ENTERED ON JUN 30 2006  
JUN 30 2006  
David E. Welch, Clerk  
Charlotte Division  
ASW

**FILED**  
U.S. Bankruptcy Court  
Western District of NC

**ADMINISTRATIVE ORDER ADOPTING PROCEDURES  
FOR CHAPTER 7 REAFFIRMATION AGREEMENTS**

In cases filed after October 16, 2005, the 2005 BAPCPA amendments to 11 U.S.C. § 524 alter the requirements by which a Chapter 7 debtor may reaffirm a consumer debt. Pursuant to the changes made by BAPCPA, this administrative order establishes district standards for reaffirmation agreements.

1. **OFFICIAL FORM B240.** Parties are directed to file Official Form B240. If the form contents do not comply with Official Form B240, the court will set the matter on for hearing.

2. **PRO SE DEBTORS.** All reaffirmation agreements involving pro se debtors will be set for hearing. The debtor must appear in person at the hearing.

3. **DEBTORS REPRESENTED BY COUNSEL.** Because reaffirmations are routine in Chapter 7 cases, the court expects debtor's counsel to represent their clients regarding reaffirmation agreements. This representation includes advising debtors about reaffirmation agreements, completing the necessary paperwork, and if the attorney can do so in good conscience and within the bounds of Rule 9011, making the attorney certifications required by 11 U.S.C. § 524(k)(5).

a. If a debtor is represented by counsel, the court will consider the proposed reaffirmation agreement on the pleadings and no hearing will be necessary, provided:

(1). The debtor has filed a reaffirmation agreement which has been completed in its entirety and meets the requirements of 11 U.S.C. § 524(k);

(2). All necessary attorney certifications have been made pursuant to § 524(k)(5); and

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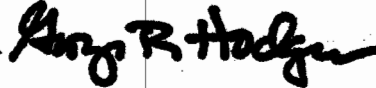
(3). No presumption of undue hardship exists under § 524(m).

b. In all other cases in which a debtor is represented by counsel, the court will conduct a hearing. Both the debtor and debtor's counsel are required to attend that hearing. Counsel for the debtor shall promptly submit an order to the court following the hearing on the reaffirmation agreement. The court will not await entry of the order on the reaffirmation agreement to issue the discharge and close the case.



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**J. Craig Whitley**  
Chief United States Bankruptcy Judge



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**George R. Hodges**  
United States Bankruptcy Judge



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**Marvin R. Wooten**  
United States Bankruptcy Judge