

N.D.W.V. LBR 4008-1

Reaffirmations.

(a) Time For Filing - Court Approval Not Required.

To be effective, a reaffirmation agreement must be filed before the discharge is granted.

A discharge is granted upon entry of the order of discharge.

(b) Contents of Agreement.

The reaffirmation agreement should include, at a minimum, the following:

1. The amount of the debt reaffirmed;
2. The interest rate, or, if applicable, the starting rate and variable modification schedule;
3. The amount of period payment;
4. The number of payments remaining;
5. A statement which reveals that the debtor(s) understand(s) that the agreement may be rescinded prior to entry of the discharge order or within sixty (60) days of filing of the agreement, whichever occurs later.

(c) Court Approval Required.

If the reaffirmation agreement is filed after the discharge order is entered, but before the case is closed, then the debtor(s) must request a hearing for reaffirmation or otherwise proceed as directed by the Court.

(d) Counsel Affidavit / *Pro Se* Debtors

If the debtor(s) is (are) represented by an attorney, the attorney shall file his or her affidavit with the reaffirmation agreement, which affidavit shall reveal that the debtor(s) entered into the agreement voluntarily and after having been fully informed, and that such agreement

does not impose an undue hardship upon the debtor(s) or their dependents.

If the debtor(s) was (were) not represented by an attorney during negotiation of the reaffirmation agreement, a hearing shall be held and the Court, at the time of the reaffirmation hearing, shall inquire of the debtor(s) to insure that the agreement was entered into knowingly and voluntarily, that the agreement will not impose a burden upon the debtor(s), is in the best interests of the debtor(s), and that the debtor(s) understand(s) (his, her or their) rights with regard to rescission of the agreement.

Cross Reference

11 U.S.C. 524(c)
Appendix I, Forms I-1, I-2