

MOTION FOR APPROVAL OF REAFFIRMATION AGREEMENT

If court approval is needed for a reaffirmation agreement because the debtor was not represented by an attorney during the negotiation of the agreement, a motion requesting the approval should be filed by the debtor, the creditor, or both parties jointly. Since Form B 240, Reaffirmation Agreement, no longer contains a motion for court approval of the reaffirmation agreement and a section in which the judge may approve or disapprove the agreement, Form B 240M, Motion for Approval of Reaffirmation Agreement, and Form B 240O, Order Approving Reaffirmation Agreement, may be used for these purposes.

Form B 240M should NOT be used if the debtor is represented by an attorney in negotiating the reaffirmation agreement.

Form B 240M is intended to be self-explanatory. Where the form sets out alternative answers in brackets, the movant should indicate the appropriate answer by striking out or deleting the improper answer. Because the motion may be filed by the debtor, the creditor, or both parties jointly, multiple signature lines are provided. The moving party or parties should complete the form, sign and date it, and file it with the original reaffirmation agreement document. In addition, unless the motion is filed by the debtor and creditor jointly, a copy of the motion and a completed copy of Form B 20A, Notice of Motion or Objection, should be served on the other party and filed with the court.

The reaffirmation process is discussed more fully in the material on Form B 240, Reaffirmation Agreement.