



United States Bankruptcy Court
Middle District of Florida, Orlando Division
400 West Washington Street, Suite 6100
Orlando, Florida 32801

Memorandum from
Chief Judge Karen S. Jennemann

DATE: October 23, 2014

SUBJECT: New Uniform Reaffirmation Agreement Procedures

On August 27, 2014, the Bankruptcy Judges largely approved the Recommendations of the Steering Committee relating to how we process and review Reaffirmation Agreements. Starting October 15, 2014, here are the new uniform, district-wide rules:

- (1) Hearings on Reaffirmation Agreements. If a case is not closed, discharged, or dismissed, the Court will set a hearing on all reaffirmation agreements, including agreements relating to real property, that are filed: (a) by a pro se party, or (b) in the case of a represented Debtor, either not signed by the Debtor's lawyer or the Debtor's lawyer indicates reaffirming the debt would create a presumption of hardship for the Debtor. If represented, the lawyer will need to advise their client on the impact of reaffirming the debt but is not required to appear at the hearing.
- (2) Parties Must Agree to Reaffirm Debt BEFORE the Discharge is Entered. Absent special circumstances, the Court will not set aside discharges to consider belated agreements to reaffirm debt and will not set hearings on Reaffirmation Agreements signed after a Discharge. The Court, however, routinely will give parties an extension of up to 60 days to file signed reaffirmation agreements, as long as the Motion for Extension of Time to File Reaffirmation Agreement is filed before the Discharge is entered. Parties should submit an accompanying order with the motion seeking an extension. The Court will set hearings on any request for an extension of greater than 60 days to allow the movant to demonstrate good cause for the lengthy extension.
- (3) National Reaffirmation Forms Required. The Court will require the use of the Official Forms B240A and B27, and will consider failures to use the required forms on a case-by-case basis. <http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx>.
- (4) Debtors Need to Return Executed Reaffirmation Agreement to Creditors for Final Signature and Filing. The Court will not require creditors to sign proposed reaffirmation agreements before they are sent to the Debtor.
- (5) No Additional Information Needed. A represented debtor does not need to provide any information beyond that required on the Cover Sheet (Official Form B27), in the event their attorney indicates that the reaffirmation agreement would create a "presumption of hardship" or fails to sign the agreement.

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(6) Reopening Cases. The Court will consider Motions to Reopen to approve reaffirmation agreements timely reached but untimely filed without negative notice. Parties are requested to submit an order simultaneously with the filing of the motion. However, the Court will not waive the fee to reopen, unless good cause is shown.

The Judges thank the Steering Committee for again helping us unify our procedures district-wide. If parties have any further comments or suggestions on these new procedures, please direct them to a member of the Steering Committee.