

REAFFIRMATION AGREEMENTS

A hearing is required on each reaffirmation agreement whether or not the debtor is represented by counsel. Form B 240 must be used.

The judge believes that a reaffirmation agreement with a debtor who is current on payments to a secured creditor is unfair to the debtor and not required by law. Such an agreement serves the creditor's interest but needlessly subjects the debtor to personal liability on a debt that is current, thus undermining the "fresh start" normally afforded to a debtor by bankruptcy.

In addition, each reaffirmation agreement must comply with the substantive requirements of In re Kamps, 217 B.R. 836 (Bankr. C.D. Cal. 1998).