

Local Sample Form 4008-2

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re _____,) Chapter ____
)
) No. B-_____
)
 Debtor(s).) MOTION FOR APPROVAL OF
) REAFFIRMATION AGREEMENT
 _____)

_____ [Debtor] hereby moves, pursuant to Section 524(c)(6) of the Code, for entry of an order approving the Reaffirmation Agreement identified below and attached hereto, representing as follows:

1. Name and address of Creditor with whom Reaffirmation Agreement was made, and date of agreement:

2. Amount of debt: \$_____

3. Nature of debt: _____

4. Nature of security for debt, if any, and estimated value of collateral: _____

5. Attach copy of the Reaffirmation Agreement for which Court approval is sought.

6. Will enforcement of the agreement impose an undue hardship on the debtor or a dependent of the Debtor?

Yes ___ No ___ Explain: _____

7. Explain the circumstances under which the debtor entered into the agreement, including the reason why such agreement was made despite the fact that Debtor is under no obligation to make agreements to pay debts discharged in bankruptcy. (Explain why it is in the best interest of Debtor to reaffirm. The Debtor should explain whether the Debtor is in default pursuant to the terms and conditions of the loan documentation and how the default is to be cured. Attach additional pages if necessary.) _____

8. Was the agreement entered into in a good faith settlement of litigation regarding the dischargeability of this debt under Section 523 of the Code? Yes ___ No ___

(If Yes, attach explanation.)

9. Debtor understands that this reaffirmation of the debt is voluntary and is not required by the Code, nonbankruptcy law or under any agreement not in accordance with Section 524(c) of the Code. Yes ___ No ___

10. Debtor understands that if Debtor does not rescind this agreement within 60 days from the date of filing of this agreement with the Court or from date of discharge, whichever is later, Debtor will be legally obligated to comply with the terms of the agreement despite the fact that the debt may be or has been dischargeable. Debtor understands that if debtor neither complies with the terms of the agreement nor rescinds within the 60 days, the creditor may utilize all legally available remedies to enforce this agreement, despite the fact that this debt may be dischargeable in bankruptcy. Yes ___ No ___

I, _____, the Debtor who is applying for Court approval to reaffirm debt(s), certify that the foregoing is true and correct and that on _____, a copy of this Application was [mailed first class] [hand-delivered] to the creditor whose name and address appear in paragraph one of this Application.

DATED: _____

Debtor

*Attach separate sheets for each debt reaffirmed.