

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA**
Jacob Weinberger United States Courthouse
325 West "F" Street
San Diego, California 92101-6991

Court forms are available at www.casb.uscourts.gov

**INSTRUCTIONS TO DEBTORS REPRESENTED BY AN ATTORNEY
REGARDING THE REAFFIRMATION OF A DEBT**

These instructions are intended for debtors who are represented by an attorney. You should consult with your attorney if you intend to reaffirm a debt. Your attorney will help you determine whether a hearing is required.

The reaffirmation of a debt means that you promise to pay the creditor under the terms of a new agreement, despite the fact that the debt might be discharged in your bankruptcy as permitted by 11 U.S.C. § 727. You may decide to reaffirm a debt that may be discharged in your bankruptcy. **You are under no obligation to reaffirm any debt.**

The Court will approve a reaffirmation agreement only if:

- the agreement has been made in writing before you receive your discharge in bankruptcy and
- the Court finds that the agreement is in your best interest and does not impose an undue hardship on you and your family.

The deadline for a hearing on a reaffirmation of a debt is **prior to the expiration of the date for your creditors to object to your discharge**. That date is in the NOTICE OF MEETING OF CREDITORS previously mailed to you.

If you reaffirm a debt but fail to attend the hearing, **THE ENTRY OF YOUR DISCHARGE MAY BE DELAYED.**

To reaffirm a debt, complete the following steps:

1. Obtain an agreement in writing from the creditor whose debt you are reaffirming. You may use the court's REAFFIRMATION AGREEMENT (CSD 1226) or a form provided by the creditor.
2. You must file the agreement with the court. The creditor may elect to file it on your behalf.
3. You must attend the reaffirmation hearing noticed by the court. **If you do not attend the hearing, entry of your discharge may be delayed.** Your agreement is not effective unless approved by the court.
4. You may cancel your reaffirmation agreement at any time before the bankruptcy court enters a discharge order, or before the expiration of the 60-day period that begins on the date your reaffirmation agreement is filed with the court, whichever occurs later. You must notify the creditor of your decision to cancel in writing. **If you notice a reaffirmation hearing and decide to cancel the agreement, you must notify the court prior to the hearing. Failure to do so may delay the entry of your discharge.**

Court personnel are prohibited from giving you legal advice. 28 U.S.C. § 955. If you have any questions concerning these procedures, you should consult an attorney.