

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

**GUIDELINES FOR FILING A
REAFFIRMATION AGREEMENT IN THE
SOUTHERN DISTRICT OF NEW YORK**

Before filing a Reaffirmation Agreement in a bankruptcy court located in this judicial district, all parties to the agreement shall review the instructions (“**Instructions**”) pertaining to Director’s Procedural Form B 240. This Form and its attached **Instructions** can be found on the Bankruptcy Forms page of the website maintained by the Administrative Office of the United States Courts:

<http://www.uscourts.gov/forms/bankruptcy-forms> .

The **Instructions** provide two options for those seeking to enter into a Reaffirmation Agreement. Regardless of the option that is selected, *all* reaffirmation agreements must be filed with a completed **Official Form 27**, “*Reaffirmation Agreement Cover Sheet*.” The two options referred to above are listed below:

1. The parties may use the most *current* version of the Director’s Procedural Form, which presently is divided into three separate parts:
 - **Director’s Procedural Form B 240A, *Reaffirmation Documents*** (4/10);
 - **Director’s Procedural Form B 240B, *Motion for Approval of Reaffirmation Agreement*** (12/09); and
 - **Director’s Procedural Form B 240C, *Order on Reaffirmation Agreement*** (12/09).

Note, however, the three-part form referred to above **cannot** be used with a separate, attached Reaffirmation Agreement.

2. If the parties wish to use a separate Reaffirmation Agreement, the parties may draft their own documents or use **Director’s Procedural Form B 240A/B ALT**, as indicated in the **Instructions**. However, **parties drafting their own documents must include the following in the Reaffirmation Agreement**:
 - *All* of the **disclosures** required by Section 524(k);
 - The following text box must appear at the top of the first page of the Reaffirmation Agreement, with the appropriate box checked:

Check appropriate box below:

Presumption of Undue Hardship

No Presumption of Undue Hardship

- In a section labeled “*Summary of Differences*,” the parties shall provide a complete **explanation** of how their own form differs from Director’s Procedural Forms B 240A, B 240B and B 240C.
- The drafters of the most current version of the Director’s Procedural Form (referred to in paragraph 1 above) have used language to make the Reaffirmation Agreement *easier to understand*. Parties drafting their own Reaffirmation Agreement should do the same.
- The Reaffirmation Agreement must comply in all respects with 11 U.S.C. § 524, the Bankruptcy Code, Federal Rule of Bankruptcy Procedure 4008 and all other applicable law.