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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In re:) Case No. 02-23622
)
JOI C. TATE,) Chapter 7
)
Debtor.) Judge Arthur I. Harris

ORDER DISAPPROVING REAFFIRMATION AGREEMENT
BETWEEN DEBTOR AND CNAC

On March 10, 2003, a reaffirmation agreement between the debtor and CNAC was filed with the Court (Docket #7). On March 21, 2003, the Court entered an order (Docket #9) directing the debtor and CNAC to complete and file a reaffirmation agreement that substantially complies with Form B240 promulgated by the Administrative Office of the United States Courts on or before April 8, 2003. The parties did not appear at the hearing regarding the reaffirmation agreement on April 8, 2003, nor did they submit a version of the reaffirmation agreement that substantially complied with Form B240.

Because this reaffirmation agreement involves a *pro se* debtor, the agreement can only be effective if: (1) the Court holds a hearing at which time the debtor shall appear in person; (2) the Court informs the debtor about the nature and consequences of the agreement; and (3) the Court determines that the agreement will not impose an undue hardship on the debtor or a dependent of the

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debtor and is in the best interest of the debtor. *See* 11 U.S.C. § 524(c) and (d) and Fed. R. Bankr. P. 4008. By failing to submit a version of the reaffirmation agreement that substantially complies with Form B240 and by failing to appear in person at the hearing on April 8, 2003, the debtor makes it impossible for the Court to determine whether the agreement is in the best interest of the debtor and otherwise in compliance with 11 U.S.C. § 524(c) and (d). For these reasons, the reaffirmation agreement between the debtor and CNAC is disapproved.

IT IS SO ORDERED.

/s/ Arthur I. Harris 04/16/2003
Arthur I. Harris
United States Bankruptcy Judge