

**This opinion is not intended for publication**

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO

In re: ) Case No. 02-17344  
)  
JOSEPH H. COSTA, ) Chapter 7  
)  
Debtor. )  
) Judge Arthur I. Harris

ORDER DENYING APPROVAL  
OF REAFFIRMATION AGREEMENT

On February 11, 2003, Joseph H. Costa (Debtor) filed a reaffirmation agreement between the Debtor and Third Federal Savings Bank (Third Federal) (Docket No. 29). The Court has reviewed the agreement, and for the following reason, the Court denies approval of the reaffirmation agreement.

The agreement appears to reaffirm the Debtor's obligation on a first mortgage in the amount of \$32,756.93 on the Debtor's residence located at 3215 Denison Avenue, Cleveland, Ohio 44109-2618. The reaffirmation agreement appears to have been prepared using a form from 1988, and does not contain the attorney certification language which has been required ever since section 524(c)(3)(C) was added in 1994.<sup>1</sup> The Court will therefore deny approval of the reaffirmation agreement as currently presented (Docket No. 29).

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<sup>1</sup> Copies of the current Form B240 (Reaffirmation Agreement), Form B240M (Motion for Approval of Reaffirmation Agreement), and the accompanying instructions are attached hereto and can also be downloaded from the Internet at [www.uscourts.gov/bkforms/bankruptcy\\_forms.html](http://www.uscourts.gov/bkforms/bankruptcy_forms.html). While the use of these forms is not mandatory, the Court finds that Form B240 contains important information to assist a debtor in making an informed decision whether to reaffirm a debt.

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If the Debtor and Third Federal still want to enter into a reaffirmation agreement that is effective under Section 524 of the Bankruptcy Code, they must sign and file with the Court a new reaffirmation agreement that substantially complies with Form B240, within 30 days of the date of this Order. If the agreement contains no affidavit or declaration by an attorney representing the Debtor attesting that the agreement is the result of a voluntary and informed decision of the Debtor and will not impose an undue hardship on the Debtor or a dependent of the Debtor and that the Debtor has been advised of the legal effect and consequences of the agreement and any default thereunder, then the Debtor and/or Third Federal will also have to file a motion seeking the Court's approval of the agreement, within 30 days of the date of this Order. The Court will then schedule a hearing for the Debtor to appear in person, at which time the Court will inform the Debtor about the nature and consequences of the agreement and 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).

IT IS SO ORDERED.

/s/ Arthur I. Harris      04/24/2003  
Arthur I. Harris  
United States Bankruptcy Judge