

**This opinion is not intended for publication**

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO

In re: ) Case No. 03-18596  
)  
SUSANNE URSULA FARKAS, ) Chapter 7  
)  
Debtor. ) Judge Arthur I. Harris

ORDER FINDING REAFFIRMATION AGREEMENT (DOCKET #13)  
UNENFORCEABLE

On August 27, 2003, a reaffirmation agreement (Docket #13) was filed between Susanne Farkas and Household Finance Realty Corporation (Household). Because the debtor was proceeding *pro se* at the time the agreement was filed, the agreement could only become effective if: (1) the Court held a hearing at which time the Debtor appeared in person; and (2) the Court informed the Debtor about the nature and consequences of the agreement. *See* 11 U.S.C. § 524(c) and (d) and Fed. R. Bankr. P. 4008. Accordingly, in an Order dated August 29, 2003, the Court scheduled a hearing on the reaffirmation agreement for October 7, 2003, at 10:00 a.m., at which time the Debtor was required to appear in person. Under Rule 4008, the Debtor was also required to file a motion for approval of the reaffirmation agreement before or at the hearing.<sup>1</sup>

The Debtor failed to appear in person at the hearing scheduled for

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<sup>1</sup> A sample motion was attached to the Court's order (Docket # 14).

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October 7, 2003. In addition, the Debtor failed to file the motion for approval of the reaffirmation agreement before or at the hearing. Accordingly, the Court declines to approve the reaffirmation agreement. The reaffirmation agreement (Docket #13) is therefore unenforceable under 11 U.S.C. § 524(c) and (d) and Fed. R. Bankr. P. 4008.<sup>2</sup>

IT IS SO ORDERED.

/s/ Arthur I. Harris      10/08/2003  
Arthur I. Harris  
United States Bankruptcy Judge

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<sup>2</sup> Nothing prevents the Debtor from continuing to make voluntary payments to Household. *See* 11 U.S.C. § 524(f). However, the discharge injunction does prevent Household from attempting "to collect, recover or offset any such debt as a personal liability of the debtor." *See* 11 U.S.C. § 524(a)(2).