

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In re:)	Case No. 06-12029
)	
ARPAD SZABO, and)	Chapter 7
ERZSEBET SZILVASI,)	
Debtors.)	Judge Arthur I. Harris

ORDER THAT COURT WILL DISAPPROVE REAFFIRMATION AGREEMENT (DOCKET #15) UNLESS BY AUGUST 29, 2006, THE DEBTORS FILE AN AMENDED REAFFIRMATION AGREEMENT WITH A PART C THAT IS EITHER UNSIGNED OR DOES NOT ALTER THE LANGUAGE REQUIRED UNDER 11 U.S.C. § 524(C)(3)(B)

On July 20, 2006, a reaffirmation agreement between the debtors and creditor Third Federal Savings and Loan Association of Cleveland (Docket #15) was filed. The reaffirmation is deficient. Debtors' counsel has altered the attorney certification language in Part C so that it no longer meets the requirements of 11 U.S.C. § 524(c)(3)(B). Under this provision, if an attorney represents a debtor during the course of negotiating a reaffirmation agreement, the attorney shall indicate in a declaration or affidavit that "such agreement does not impose an undue hardship on the debtor or a dependent of the debtor." In the present case, debtors' counsel has stricken this language from the attorney certification in Part C.

Debtors' counsel may not alter the certification language required under 11 U.S.C. § 524(c)(3)(B). Debtors' counsel is not obligated to sign the attorney

certification in Part C, if counsel is unwilling to sign the certification using the required language of 11 U.S.C. § 524(c)(3)(B). If an attorney does not sign the certification, then the debtors should complete Part E - Motion for Court Approval of Reaffirmation Agreement, and the Court will hold a hearing consistent with the requirements of 11 U.S.C. § 524(d). Debtors' counsel, however, may not alter the certification language required by statute. Therefore, the debtors shall submit an amended reaffirmation agreement by **August 29, 2006**, or the reaffirmation agreement will be disapproved as incomplete and not in compliance with General Order 05-6.

If an amended reaffirmation agreement is submitted by the August 29, 2006, deadline, the Court will review it to determine whether a presumption of undue hardship exists under subsection 524(m) and, if so, whether the presumption has been rebutted. If the presumption is not rebutted to the satisfaction of the Court, then the Court will provide the debtors and creditor with notice and opportunity to be heard prior to making any final determination to disapprove the reaffirmation agreement. *See* 11 U.S.C. § 524(m). Until the approval or disapproval of this reaffirmation agreement is resolved, the Court will not enter the debtors' discharge.

IT IS SO ORDERED.

/s/Arthur I. Harris 7/25/06
Arthur I. Harris
United States Bankruptcy Judge