Rule 4008-1

REAFFIRMATION AGREEMENTS

(a) ***Form of Reaffirmation Agreement.*** The Court requires the use of the Official Forms available on the Court's website, www.flmb.uscourts.gov, and will consider the failure to use the Official Forms on a case-by-case basis.

(b) ***Execution.*** The Court does not require creditors to sign proposed reaffirmation agreements prior to sending them to debtors. If a debtor receives a reaffirmation agreement that the creditor has not signed, the debtor must return the reaffirmation agreement to the creditor for final signature and filing with the Court.

(c) ***Debtors Not Represented by Counsel.*** Reaffirmation agreements by debtors not represented by counsel may be scheduled for hearing.

(d) ***Debtors Represented by Counsel.*** Reaffirmation agreements by debtors represented by counsel will be scheduled for hearing only if (1) the attorney has not signed the reaffirmation agreement or (2) the attorney indicates on the cover sheet to the reaffirmation agreement that a presumption of undue hardship arises, unless the Court has reviewed the reaffirmation agreement and has determined that no hearing is necessary to address the stated undue hardship.

(e) ***Extension of Time to Enter into Reaffirmation Agreement.*** The Court may grant a motion under Fed. R. Bankr. P. 4008(a) for an extension of time to file a reaffirmation agreement and delay entry of the debtor's discharge up to 60 days, provided that the motion is filed prior to entry of the discharge. The Court may set a hearing on a request for an extension that exceeds 60 days to allow the movant to establish good cause for the length of the request.

(f) ***Reaffirmation Agreements Filed After Entry of Discharge.*** The Court may consider a reaffirmation agreement filed after entry of the discharge, if the agreement was made prior to entry of the discharge.

(g) ***Reaffirmation Agreements Filed After Case Is Closed.*** Motions to reopen closed Chapter 7 cases to file reaffirmation agreements timely reached but not filed prior to the entry of the discharge and closing of the case need not be served upon creditors and will be considered without a hearing. An order granting the motion may be submitted when the motion to reopen is filed. Absent a showing of good cause, the Court will not waive the case reopening fee.

(h) ***No Presumption of Enforceability.*** The Court's approval of a reaffirmation agreement does not constitute a presumption that the terms of the reaffirmation agreement are enforceable against the debtor.

(i) ***Modification of Liens on Homestead After Discharge***. If a debtor initiates a request to refinance or modify debt secured by a lien on homestead property after receiving a discharge, the secured creditor is not required to obtain judicial relief to negotiate and enter into a refinance or modification agreement regardless of whether the debt was reaffirmed prior to

discharge. If the debtor enters into an agreement to refinance or to modify an existing debt secured by a lien on homestead property, the debtor may become liable for the entire amount owed under the new (refinanced or modified) loan, notwithstanding the debtor having obtained a discharge of the debt owed under a prior agreement secured by a lien on the same property. Nothing in this rule authorizes unsolicited attempts by any creditor to renegotiate debt that was not reaffirmed prior to discharge, and this rule only applies when a debtor initiates the request to refinance or modify debt secured by a lien on homestead.

Notes of Advisory Committee

2025 Amendment

This amendment adds new section (i) incorporating provisions of *Administrative Order FLMB-2015-9 Granting Relief from Discharge Injunction to Enter into Agreement to Refinance or Modify Debtor Secured by Lien on Homestead*. This amendment supersedes and replaces the administrative order, and the administrative order will be archived. Other changes are stylistic. This amendment to the rule is effective August 15, 2025.

2019 Amendment

Section (e) is amended to provide that the Court may grant an extension of time to file a reaffirmation agreement and delay the entry of the debtor's discharge for up to 60 days. Section (f) is amended to clarify that the Court may consider reaffirmation agreements made before the entry of discharge even if the written agreement is filed after entry of the discharge. This amendment to the rule is effective July 1, 2019.

2015

This rule incorporates procedures adopted by the Court as set forth in a memorandum to counsel from Chief Judge Jennemann dated October 23, 2014 (available under Emailed Blast Notifications on the Court's website). This new rule is effective July 1, 2015.