UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ORDER RE PROCEDURES FOR APPROVAL OF REAFFIRMATION AGREEMENTS WHERE DEBTOR IS REPRESENTED BY COUNSEL

In cases filed on or after October 17,2005, a reaffirmation agreement subject to 11 U.S.C. § 524 (c)(3) (i.e., accompanied by the declaration of the attorney that represented the debtor during the course of negotiating the agreement) is presumed to be an undue hardship where the difference between the debtor's monthly income and the debtor's monthly expenses, as shown on the statement required under 11 U.S.C. § 524 (k)(6)(A), is less than the scheduled payments on the reaffirmed debt. The debtor may attempt to rebut this presumption by filing a statement identifying additional sources of funds to make the payments required by the reaffirmation agreement. See 11 U.S.C. § 524 (m)(1).

If the debtor files such a statement, the Court will review the agreement and decide whether to approve or disapprove it at a hearing on a motion initiated by either the debtor or the creditor, on notice to the other party to the agreement.

Good cause appearing therefor, it is

SO ORDERED.

Dated: September 14, 2010

Randall J. Newsome

Edward D. Jellen

Roger L. Efremsky