

UNITED STATES BANKRUPTCY COURT

Middle District of North Carolina
101 South Edgeworth Street
Greensboro, North Carolina 27401



Reid Wilcox
Clerk Of Court

Telephone (336) 358-4000
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January 4, 2017

To: Bankruptcy Attorneys

From: U.S. Bankruptcy Court Clerk's Office - Middle District of North Carolina

Re: Proposed Local Rule 4008-1

The Local Rules Committee is seeking public comment on proposed new Local Rule 4008-1. The comment period shall run for 30 days from the date of this notice. Further announcement on this proposed change shall be made after the conclusion of the 30 days and only after all comments are taken into consideration. Comments should be addressed to:

**Local Rules Committee
U.S. Bankruptcy Court
P.O. Box 26100
Greensboro, NC 27420-6100**

Or

ncmb_web@ncmb.uscourts.gov

LOCAL RULE 4008-1

Title: REAFFIRMATION

The obligation under Local Rule 2090-1(c)(4) to represent a debtor in connection with any reaffirmation agreement shall include the obligation of debtor's counsel to make reasonable efforts to obtain and review the underlying loan documents of any obligation proposed to be reaffirmed. Debtor's counsel shall not execute an affidavit of the kind contemplated by 11 U.S.C. §524(c)(3) in connection with any reaffirmation agreement purporting to reaffirm a debt secured by personal property, including without limitation any vehicle, unless counsel has reviewed documentation reflecting a perfected, non-avoidable lien on the personal property. If counsel for the debtor signs such an affidavit, documentation that is sufficient to evidence a perfected, non-avoidable lien shall be attached to any filed reaffirmation agreement or shall be filed as a supplemental filing by counsel for the debtor within 3 business days of the filing of the reaffirmation agreement. If documentation as required by this local rule is not timely filed, the court will schedule the reaffirmation agreement for hearing. Nothing in this rule shall be construed to prevent the court from imposing additional sanctions against counsel for violation of this rule.