Bankruptcy Local Rule 4001-4

PAYMENT AND CURE OF PRE-PETITION JUDGMENT OF POSSESSION INVOLVING RESIDENTIAL PROPERTY

(a) A debtor is deemed to have complied with 11 U.S.C. § 362(1)(1) by:

(1) Making the required certification by completing Official Form 101 A, Initial Statement About an Eviction Judgment Against You, including the landlord or lessor's name and address;

(2) Filing proof of service of the certification upon the landlord or lessor; and

(3) Delivering to the clerk of the court, together with the voluntary petition (or within one business day of the filing, if the voluntary petition is filed electronically) a certified or cashier's check or money order, made payable to the clerk of the court, in the amount of any rent that would become due during the thirty-day period after the filing of the petition.

(b) If the debtor complies with the requirements set forth in subdivision (a), the clerk shall, within one day of receipt of the funds, send notice of compliance to the landlord or lessor who shall then have the option, exercisable no later than fourteen (14) days after the date of the notice, to consent to receive the funds (in which event the lessor must provide payment instructions to the clerk and a mailing address if different from that included on the certification), or file an objection to the debtor's certification, which objection shall constitute a request for hearing. A landlord or lessor is deemed to have consented to receive the funds if the landlord or lessor does not respond within the fourteen (14) day deadline, in which event the clerk shall send the funds to the lessor at the address set forth in the debtor's certification. In the event an objection is filed, the clerk shall continue to hold the funds pending the resolution of the objection.

RELATED AUTHORITY

11 U.S.C. § 362(1)(1)

Advisory Committee Notes:

This rule was added in 2022 to include in the Local Bankruptcy Rules the requirements related to § 362(1)(1) of the Bankruptcy Code.