

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA



In re:)
)
REQUIREMENT OF A COPY OF THE) **BANKRUPTCY GENERAL**
JUDGMENT FOR POSSESSION) **ORDER NO. 181**
WITH THE B1 PETITION AND A)
RENT DEPOSIT)
_____)

11 U.S.C § 362(I)(1) and (2) apply when a landlord obtains a pre-petition judgment for possession of a residential leasehold, and the debtor seeks, under applicable non-bankruptcy law, to cure the entire monetary default that gave rise to the judgment for possession and, thereby, to avoid application of 11 U.S.C. § 362(b)(22). The Court recently identified a significant need for procedures governing the certification and deposits required by these statutes.

THEREFORE, IT IS ORDERED that:

(1) Any rent deposited with the clerk of the court pursuant to 11 U.S.C. § 362(I)(1)(B) must be in the form of a certified or cashier's check or money order payable to the lessor or landlord in the full amount of any rent that would become due during the 30-day period following the filing of the bankruptcy petition.

(2) The debtor must deposit rent with the clerk of the court at the time the bankruptcy petition is filed. A copy of the judgment for possession must accompany the rent deposit and the bankruptcy petition. The clerk is directed to refuse any rent check not accompanied by a copy of the judgment for possession.

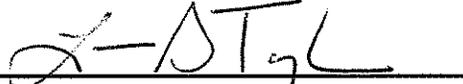
(3) The debtor should use the court-approved form CSD 1033, to meet the certification, filing, and service requirements of 11 U.S.C. § 362(I)(2).

(4) Pursuant to 11 U.S.C. § 362(I)(5)(D), the clerk of court will transmit the payment to the lessor at the address listed in the section on page 2 of the bankruptcy petition entitled "Statement by a Debtor Who Resides as a Tenant of Residential Property."

(5) 11 U.S.C. § 326(I)(1) and (2) are inapplicable to post-foreclosure judgments for possession, and the clerk of the court will not accept deposits tendered in connection with post-foreclosure judgments for possession.

The requirement in this General Order becomes effective on October 17, 2012. Public comment is waived at this time and this change will be incorporated into the next revision of the Local Bankruptcy Rules.

DATED: 10-11-2012



LAURA S. TAYLOR
Chief Judge, U.S. Bankruptcy Court



LOUISE DeCARL ADLER
Judge, U.S. Bankruptcy Court



MARGARET M. MANN
Judge, U.S. Bankruptcy Court



CHRISTOPHER B. LATHAM
Judge, U.S. Bankruptcy Court