

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

In re

GENERAL ORDER 06-05

GENERAL ORDER ADOPTING PROCEDURES REGARDING PROCESSING
OF RENTAL DEPOSITS MADE PURSUANT TO 11 U.S.C. § 362(l)(1)

Whereas, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA) amended the automatic stay provisions of 11 U.S.C. § 362 to provide for the submission of rent payments to the Clerk in certain situations, and the Court having determined that it is necessary to adopt local procedures to ensure uniformity in the deposit of rent by debtors and transmittal of rent to lessors under 11 U.S.C. § 362(l)(1),

IT IS HEREBY ORDERED THAT:

1. Certificates of Intent to Cure Default in Rent Payments must:
 - a. Include the landlord's name, address, and telephone number and the name and address of counsel for the landlord, if known.
 - b. Be accompanied by a copy of the judgment for possession resulting from the eviction action.
 - c. Be accompanied by payment of the rent that would accrue during the 30-day period after the petition is filed in the form of cash, certified check or money order made payable to the United States Bankruptcy Court.
 - d. Be filed contemporaneously with the bankruptcy petition, or no more than five (5) days after the filing of the petition in the event the petition is filed electronically.
2. The above rent payment will be deposited in the Clerk's Treasury Account.
3. Notice of receipt of the payment will be forwarded by the Clerk to the lessor named by the debtor in the judgment, allowing the lessor fifteen (15) days to file written objection to the acceptance of the payment.

4. In the event the lessor fails to file written objection to the acceptance of the payment, the lessor will be deemed to agree to acceptance of the payment and the Court may enter an Order directing the funds be paid to the lessor as requested. In the event the lessor files written objection to the payment, a hearing will be held within ten (10) days to consider such objection.

ENTERED: **AUG 04 2006**



RONALD G. PEARSON, JUDGE