

Rule 4001-1.1

**PAYMENT AND CURE OF PRE-PETITION JUDGMENT OF
POSSESSION INVOLVING RESIDENTIAL PROPERTY – ~~New~~
~~August 1, 2013~~ Amended December 1, 2015**

- (a) A debtor is deemed to have complied with section 362(l)(1) of the Bankruptcy Code by:
- (1) Making the required certification by completing ~~the four check boxes, including the landlord's name and address, listed on the Voluntary Petition (page two) under the section entitled, "Certification by a Debtor Who Resides as a Tenant of Residential Property"~~Official Form 101A, Initial Statement About An Eviction Judgment Against You, including the landlord's name and address; and
 - (2) Delivering to the Clerk, together with the Voluntary Petition (or within one day of the filing, if the Voluntary Petition is filed electronically):
 - (A) ~~a~~ a certified or cashier's check or money order, made payable to the lessor, in the amount of any rent that would become due during the thirty-day period after the filing of the petition. ~~;~~ and
 - (B) ~~a copy of the judgment of possession.~~
- (b) If the debtor complies with the requirements set forth in subdivision (a), the Clerk shall, within one day, send notice of compliance to the 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 check (in which event the lessor shall provide payment instructions), or file an objection to the debtor's certification, which objection shall constitute a request for hearing. A lessor is deemed to have consented to receive the check if the lessor does not respond within the fourteen (14) day deadline, in which event the Clerk shall send the check to the lessor at the address set forth in the debtor's certification.

Comment

This rule was added in 2013 to include in the Local Bankruptcy Rules the requirements established by General Order M-385, which relate to the requirements set forth in section 362(l)(1) of the Bankruptcy Code. General Order M-385 was abrogated and replaced by this local rule in 2013. This rule was amended in 2015 to conform to the new Official Form 101A, Initial Statement About An Eviction Judgment Against You, effective December 1, 2015.

Rule 4004-2

**DEBTOR'S CERTIFICATION CONCERNING DOMESTIC
SUPPORT OBLIGATIONS IN A CASE UNDER CHAPTER 12 OR
CHAPTER 13 –Amended ~~August 1, 2013~~December 1, 2015**

- (a) In a chapter 12 or chapter 13 case, within thirty (30) days before the date on which the last payment is due under the plan, or when the debtor files a motion to request a hardship discharge under section 1228(b) or section 1328(b) of the Bankruptcy Code, whichever is earlier, the Standing Trustee shall furnish the debtor with a Debtor's Certification Regarding Domestic Support Obligations, Director's Procedural Form B2830, which shall be available on the Court's website (<http://www.nysb.uscourts.gov/official-bankruptcy-forms>).
- (b) The debtor shall complete, sign, and return to the Standing Trustee the Debtor's Certification Regarding Domestic Support Obligations when submitting the check for the last payment under the chapter 12 or chapter 13 plan or, if the debtor has filed a motion to request a hardship discharge, no later than the date of the hearing on the debtor's motion. In a joint case, each debtor must complete and sign a separate Debtor's Certification Regarding Domestic Support Obligations.
- (c) The Standing Trustee shall attach the completed Debtor's Certification Regarding Domestic Support Obligations when electronically filing the Notice of Request for a Discharge or, in a case in which the debtor seeks a hardship discharge, shall otherwise make it available on the docket of that case.

Comment

This rule was added in 2013 to include in the Local Bankruptcy Rules the provisions established by General Order M-338, relating to the debtor's certifications regarding domestic support obligations. Though General Order M-338 provided that the Standing Trustee "should" furnish the debtor with the certification form, and "should" attach the completed form to the Notice of Request for a Discharge, this rule makes these provisions mandatory. General Order M-338 was abrogated and replaced by this local rule in 2013. [This rule was amended in 2015 to conform to the renumbering of the Director's Procedural Form B2830, Initial Statement About Eviction Judgment Against You, effective December 1, 2015.](#)