

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re: :
: :
PROCEDURES FOR PAYMENT AND : Amending General Order M-352
CURE OF PRE-PETITION JUDGMENT :
OF POSSESSION INVOLVING : M-385
RESIDENTIAL PROPERTY :
-----X

WHEREAS, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, as codified in 11 U.S.C. §§ 362(b)(22) and 362(l), creates certain rights and obligations with respect to the cure of a monetary default giving rise to a pre-petition judgment of possession regarding residential property in which the debtor resides as a tenant under a lease or rental agreement, it is hereby

ORDERED, that the debtor shall be deemed to have complied with 11 U.S.C. § 362(l)(1) by:

1. Making the required certification by completing the four check boxes, **including the landlord's name and address**, listed in the voluntary petition under the section entitled "Statement by a Debtor who Resides as a Tenant of Residential Property"; and
2. Delivering to the Clerk, together with the petition (or within one day of the filing, if the petition is filed electronically) (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 30 day period after the filing of the petition, and (b) a copy of the judgment of possession; and it is further

ORDERED, that if the debtor complies with the preceding paragraph, the Clerk of the Court shall, within one day, send notice of compliance to the lessor who shall then have the option, exercisable within fourteen (14) days of the date of the notice, (1) to consent to receive the check in which event the lessor shall provide payment instructions, or (2) object to the debtor's certification, which objection shall constitute a request for a hearing; and it is further

ORDERED, that if the lessor does not respond within the fourteen (14) day deadline, the lessor shall be deemed to have consented to receive the check, and the Clerk shall send the check to the lessor at the address set forth in the debtor's certification.

ORDERED, this order shall apply to all petitions filed on or after December 1, 2009.

Dated: New York, New York
November 24, 2009

/s/ *Stuart M. Bernstein*
STUART M. BERNSTEIN
Chief United States Bankruptcy Judge