

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re

ORDER REGARDING AN INDIVIDUAL
DEBTOR'S ASSUMPTION OF A LEASE
IN CHAPTER 7 UNDER 11 U.S.C. § 365(p)

GENERAL ORDER

M-410

WHEREAS, 11 U.S.C. § 365(p)(2)(A) provides that an individual debtor in a chapter 7 case may assume a lease of personal property that is no longer property of the estate;

WHEREAS, such assumption does not require the approval of the Court;

WHEREAS, the personal obligation of the debtor under the assumed agreement is subject to the discharge provided by 11 U.S.C. § 727(a) unless the debtor reaffirms the indebtedness under the lease in compliance with 11 U.S.C. § 524 and Federal Rule of Bankruptcy Procedure 4008; it hereby

ORDERED that the assumption of a lease of personal property under 11 U.S.C. § 365(p)(2)(A) shall not require an order of the Court. Any party in interest that requests an order of the Court approving such an assumption shall in its request prominently state the reasons for seeking such an order notwithstanding its knowledge of this General Order; and it is further

ORDERED, that any waiver of discharge sought in connection with the assumption of a lease of personal property pursuant to 11 U.S.C. § 365(p)(2)(A) shall be effective only if the indebtedness is reaffirmed by the debtor in a reaffirmation agreement in compliance with the provisions of 11 U.S.C. § 524 and Federal Rule of Bankruptcy Procedure 4008.

Dated: New York, New York
October 1, 2010

/s/ Arthur J. Gonzalez
ARTHUR J. GONZALEZ
Chief United States Bankruptcy Judge