

United States Bankruptcy Court  
Southern District of New York

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In the Matter of

Technical Amendment to Local  
Bankruptcy Rule 4001-1.1

General Order M-491

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WHEREAS, Local Bankruptcy Rule 4001-1.1 requires a technical amendment to conform to Official Form 101A, Initial Statement About An Eviction Judgment Against You, effective December 1, 2015, it is hereby

ORDERED that Local Bankruptcy Rule 4001-1.1 shall be amended effective December 1, 2015, to read as follows:

**Rule 4001-1.1            PAYMENT AND CURE OF PRE-PETITION JUDGMENT OF POSSESSION  
INVOLVING RESIDENTIAL PROPERTY – New August 1, 2013**

- (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 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 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.
- (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.

Dated: New York, New York  
October 21, 2015

/s/ Cecelia G. Morris  
Chief United States Bankruptcy Judge