

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

In re:

Debtors Asserting an Exception
to the Limitation of the Automatic
Stay Under 11 U.S.C. § 362(l)
and Procedure for Receiving and
Transmitting Rent Deposits

**GENERAL ORDER #5 – RENT:
GOVERNING CLERK’S
COMPLIANCE WITH
11 U.S.C. § 362(l)(5)(D)**

WHEREAS, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (“Act”) created an exception to the automatic stay provisions of 11 U.S.C. § 362(a) that allows for “the continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential property” where the lessor has obtained a pre-bankruptcy “judgment for possession of such property against the debtor,” see 11 U.S.C. § 362(b)(22), and

WHEREAS, under the Act, a debtor may contest the applicability of the above-described exception to the automatic stay by filing with the Court and serving on the lessor the certification required by 11 U.S.C. § 362(l)(1)(A) and depositing (or having an adult dependent of the debtor deposit) with the clerk of court any rent that would become due during the 30-day period after the filing of the bankruptcy petition, in accordance with 11 U.S.C. § 362(l)(1)(B), and

WHEREAS, the Court requires uniformity in the procedure for the deposit of rent and transmittal of rent to lessors under § 362(l)(1)(B) and § 362(l)(5)(D) of the Act, **IT IS THEREFORE HEREBY**

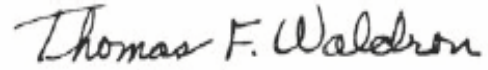
ORDERED, that any deposit of rent made by the debtor (or an adult dependent of the debtor), pursuant to § 362(l)(1)(B) of the Act, must be in the form of a **certified check, cashier’s check or money order payable to the order of the lessor**, and delivered to the clerk of court upon filing of the petition and the certification made under § 362(l)(1)(A) of the Act, and it is further

ORDERED, that the debtor (or an adult dependent of the debtor) must file a copy of the judgment of possession together with the petition, and it is further

ORDERED, that upon the clerk’s receipt of a **certified check, cashier’s check or money order payable to the order of the lessor**, with a copy of the judgment of possession, tendered by the debtor (or an adult dependent of the debtor) pursuant to § 362(l)(1) of the Act, the clerk of court is directed to promptly transmit **the certified check, cashier’s check or money order** to the lessor, by certified mail/return receipt requested, at the lessor’s address listed on the petition.

Dated: November 2, 2005

FOR THE COURT:

A handwritten signature in black ink that reads "Thomas F. Waldron". The signature is written in a cursive, flowing style.

**HONORABLE THOMAS F. WALDRON
CHIEF JUDGE, UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO**