UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF LOUISIANA

BANKRUPTCY STANDING ORDER 2006-2

Debtors Asserting an Exception to the Limitation of the Automatic Stay
Under 11 U.S.C. § 362(1) and Procedure for Receiving Rent Deposits

Considering that the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 added 11 U.S.C. §362(1), which gives a debtor the ability to cure a monetary default that gave 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, subject to certain conditions; and that United States Bankruptcy Code sections 362(1)(1)(B) and 362(1)(5)(D) require debtors to deposit with the Clerk of Court any rent that would become due during the 30-day period after the filing of the petition, and that the Clerk promptly transmit the rent to the lessor;

IT IS ORDERED that effective in bankruptcy cases filed on or after the date of this order:

(1) any deposit of rent made by or on behalf of a debtor, pursuant to Bankruptcy Code §362(1)(1)(B), must be in the form of a certified check or money order payable to the order of the lessor and delivered to the Clerk of Court upon filing of the petition (or within two business days if the petition is filed electronically) and the certification made under Bankruptcy Code §362(1)(1)(A);

(2) the debtor must file a copy of the judgment of eviction together with the petition; and

(3) upon the Clerk's receipt of a copy of the judgment of eviction and certified check or money order payable to the order of the lessor, tendered by or on behalf of a debtor pursuant to Bankruptcy Code §362(1)(1), the Clerk promptly shall transmit the certified check or money order to the lessor by certified mail at the address listed in the petition and record on the docket information from the check and notice of its transmittal to the lessor.

BY THE COURT:

Douglas D. Dodd
United States Bankruptcy Judge
Baton Rouge, Louisiana   August 15, 2006