

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ALASKA**

In re:

PROCESSING OF RENTAL DEPOSITS
PURSUANT TO 11 U.S.C. § 362(l)(1)(B)
and (5)(D).

Misc. Proceeding No. 05-60001

GENERAL ORDER NO. 2005-3

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 amended several provisions of the Bankruptcy Code, 11 U.S.C. § 101 *et seq.* (“the Code”), including the automatic stay provisions with regard to actions to recover possession of residential rental property occupied by a debtor. In instances where the lessor has obtained a judgment for possession of the rental property before the filing of the debtor’s petition, the Code now contains provisions for the deposit of rent by the debtor and transmittal of that deposit to the lessor by the Clerk.¹ In order to establish uniformity in this procedure before the establishment of Local Rules on the issue (but without intending to preclude the adoption of a different procedure by Local Rule after consideration by the Local Rules Committee),

IT IS ORDERED:

1) Any deposit of rent made by or on behalf of a debtor, pursuant to § 362(l)(1)(B), must be in the form of a bank certified or cashier’s check, or a money order, and made payable to the order of the lessor; and

¹11 U.S.C. § 362(b)(22), (l)(1)(B), (l)(5)(D).

2) Such deposit must be delivered to the Clerk of the Bankruptcy Court upon the filing of the debtor's petition, together with:

- a) the certification required by § 362(l)(1)(A), and
- b) copies of the judgment of eviction and the lease or rental agreement pertaining to the rental property.

IT IS FURTHER ORDERED that the Clerk of the Bankruptcy Court, upon receipt of a debtor's deposit in conformance with this order, must promptly transmit the deposit to the lessor by certified mail/return receipt requested, at the address for the lessor shown on the debtor's petition.

DATED: November 14, 2005

BY THE COURT

/s/ Herb Ross
HERB ROSS
United States Bankruptcy Judge

/s/ Donald MacDonald IV
DONALD MacDONALD IV
United States Bankruptcy Judge

Serve: W. Wolfe, Clerk of Court
P. Taylor, Financial Deputy
K. Hill, Esq., Office of U.S. Trustee
T. Yerbich, Esq., Court Rules Attorney
Attorney Participants in CM/ECF System (via e-mail for informational purposes)