



## PROCEDURAL INFORMATION FOR: **FORMS 101A/101B & RENT DEPOSITS**

*The Clerk's Office is not allowed to give legal advice. The following information is provided solely to provide information about procedures regarding the subject noted above. You should consult an attorney familiar with bankruptcy law and rules who can provide legal advice based on your particular situation.*

### 1. Debtors with an Eviction Judgment Against Them

If you rent your residence and your landlord has obtained an eviction judgment or a judgment for summary possession, the automatic stay that generally applies upon the filing of a bankruptcy petition may not apply. If you wish to stay in your residence for 30 days after filing the petition, you must complete and file **Official Form 101A, *Initial Statement About an Eviction Judgment Against You*** with your bankruptcy petition.

### 2. Required Certifications in Form 101A

Form 101A provides 2 certifications to be signed under penalty of perjury:

- You must certify that there are circumstances under nonbankruptcy law that would permit you to cure the monetary default that resulted in the eviction judgment, and
- You must certify that you have given the bankruptcy clerk a deposit for the rent that would be due for the next 30 days after filing the petition.

### 3. Rent Deposit

The deposit of rent due for the next 30 days that is given to the clerk must be paid with a **money order or certified or cashier's check payable to the landlord**. No personal checks or cash payments will be accepted. The clerk will send the rent deposit to the landlord by certified mail, return receipt requested.



#### 4. Stay of Eviction

As noted on the Form 101A, if you (i) check both boxes for these certifications, (ii) sign the form to certify that both apply, and (iii) serve your landlord with a copy of the ***Initial Statement About an Eviction Judgment Against You***, the automatic stay will apply to the continuation of the eviction against you for 30 days.

#### 5. Non-Compliance - No Stay of Eviction

If you do not comply with the certification requirements and do not make a rent deposit, the clerk will file a ***Notice Regarding Applicability of Exception to Stay Under 11 U.S.C. Sec 362(b)(22)***. This will advise you and the landlord that the 30-day stay of the eviction does not apply. The clerk will send you and the landlord certified copies of this notice and the docket indicating an absence of the certifications.

#### 6. Remaining in Your Residence After 30 Days

If you filed the ***Initial Statement About an Eviction Judgment Against You*** and served a copy on your landlord, and wish to continue to stay in your residence, you must complete and file **Official Form 1010B, *Statement About Payment of an Eviction Judgment Against You***. You must file this form within 30 days after filing your bankruptcy petition and you must serve a copy on your landlord.

#### 7. Required Certifications in Form 101B

Form 101B provides 2 certifications to be signed under penalty of perjury:

- You must certify that under state or nonbankruptcy law that you have the right to stay in your residence if you pay your landlord the entire delinquent amount of rent, and



- You must certify that within 30 days after filing your bankruptcy petition, you have paid the entire amount owed, as stated in the eviction judgment or judgment for summary possession.

## 8. Notice to Landlord of Deadline to Object to Certification

After paying the full amount of the delinquent rent and filing the ***Statement About Payment of an Eviction Judgment Against You***, you must file and serve on the landlord a notice substantially conforming to the local form ***Notice of Deadline to Object to Certification Regarding Rent Payment***, providing the landlord a 14-day period to object to your certification that you have paid the delinquent rent in full. If an objection is filed, the court may set a hearing to determine the issue.



## RENT DEPOSIT AND FILING FORMS 101A & 101B: SUMMARY

### 1. Eligibility

- You are an individual (not an LLC or corporation)
- You rent or lease your residence
- Your landlord already obtained an eviction judgment against you
- State law allows you to stay in your residence if you pay all the rent due as stated in the eviction judgment

### 2. Form 101A - Staying the Eviction for 30 Days

- Prepare **Form 101A - *Initial Statement About an Eviction Judgment Against You***
  - Check the box certifying that you have the right under nonbankruptcy law to stay in your residence by paying all rent due
  - Give the bankruptcy clerk a money order or certified or cashier's check for the rent due for the 30 days after filing the bankruptcy petition
  - Check the box certifying that you have given the rent deposit to the clerk
  - Sign and file Form 101A and serve a copy of on your landlord
  - File a certificate of service showing you mailed or delivered Form 101A to your landlord
- **If you do not check the boxes for both certifications on Form 101A and do not make a rent deposit with the clerk, the court will issue a notice to the landlord that the 30-day stay of the eviction does not apply.**



### 3. Form 101B - Remaining in Your Residence After 30 Days

- During the first 30 days after filing the petition, pay the entire amount of delinquent rent to your landlord
- Within the 30 days after filing the petition, complete and file **Form 101B - Statement About Payment of an Eviction Judgment Against You**
- Check the box certifying that state law allows you to stay in your residence if you pay the entire delinquent rent to your landlord
- Check the box certifying that you have paid the entire amount of delinquent rent to your landlord
- Sign and file Form 101B
- Prepare and file a **Notice of Deadline to Object to Certification Regarding Rent Payment**
- Serve Form 101B and the Notice of Deadline to Object on your landlord
- File a certificate of service that you have mailed or delivered Form 101B and the notice to your landlord

Fill in this information to identify your case:

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

Debtor 2 \_\_\_\_\_  
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
(State)

Case number \_\_\_\_\_  
(If known)

Official Form 101A

Initial Statement About an Eviction Judgment Against You

File this form with the court and serve a copy on your landlord when you first file bankruptcy only if:

- you rent your residence; and
- your landlord has obtained a judgment for possession in an eviction, unlawful detainer action, or similar proceeding (called *eviction judgment*) against you to possess your residence.

Landlord's name \_\_\_\_\_

Landlord's address \_\_\_\_\_  
Number Street

\_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ ZIP Code \_\_\_\_\_

If you want to stay in your rented residence after you file your case for bankruptcy, also complete the certification below.

Certification About Applicable Law and Deposit of Rent

I certify under penalty of perjury that:

- Under the state or other nonbankruptcy law that applies to the judgment for possession (*eviction judgment*), I have the right to stay in my residence by paying my landlord the entire delinquent amount.
- I have given the bankruptcy court clerk a deposit for the rent that would be due during the 30 days after I file the *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101).

**X** \_\_\_\_\_  
Signature of Debtor 1

**X** \_\_\_\_\_  
Signature of Debtor 2

Date \_\_\_\_\_  
MM / DD / YYYY

Date \_\_\_\_\_  
MM / DD / YYYY

- Stay of Eviction:** (a) **First 30 days after bankruptcy.** If you checked both boxes above, signed the form to certify that both apply, and served your landlord with a copy of this statement, the automatic stay under 11 U.S.C. § 362(a)(3) will apply to the continuation of the eviction against you for 30 days after you file your *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101).
- (b) **Stay after the initial 30 days.** If you wish to stay in your residence after that 30-day period and continue to receive the protection of the automatic stay under 11 U.S.C. § 362(a)(3), you must pay the entire delinquent amount to your landlord as stated in the eviction judgment before the 30-day period ends. You must also fill out *Statement About Payment of an Eviction Judgment Against You* (Official Form 101B), file it with the bankruptcy court, and serve your landlord a copy of it before the 30-day period ends.

Check the Bankruptcy Rules ( <http://www.uscourts.gov/rules-policies/current-rules-practice-procedure>) and the local court's website (to find your court's website, go to <http://www.uscourts.gov/court-locator>) for any specific requirements that you might have to meet to serve this statement. 11 U.S.C. §§ 362(b)(22) and 362(l)

**Fill in this information to identify your case:**

Debtor 1 \_\_\_\_\_  
First Name Middle Name Last Name

Debtor 2 \_\_\_\_\_  
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_

Case number \_\_\_\_\_  
(if known)

**Official Form 101B**

**Statement About Payment of an Eviction Judgment Against You**

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Fill out this form only if:

- you filed *Initial Statement About an Eviction Judgment Against You* (Official Form 101A); and
- you served a copy of Form 101A on your landlord; and
- you want to stay in your rented residence for more than 30 days after you file your *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101).

File this form within 30 days after you file your *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101). Also serve a copy on your landlord within that same time period.

**Certification About Applicable Law and Payment of Eviction Judgment**

I certify under penalty of perjury that (Check all that apply):

- Under the state or other nonbankruptcy law that applies to the judgment for possession (*eviction judgment*), I have the right to stay in my residence by paying my landlord the entire delinquent amount.
- Within 30 days after I filed my *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101), I have paid my landlord the entire amount I owe as stated in the judgment for possession (*eviction judgment*).

**x** \_\_\_\_\_  
Signature of Debtor 1

**x** \_\_\_\_\_  
Signature of Debtor 2

Date \_\_\_\_\_  
MM / DD / YYYY

Date \_\_\_\_\_  
MM / DD / YYYY

**You must serve your landlord with a copy of this form.**

Check the Bankruptcy Rules ([www.uscourts.gov/rulesandpolicies/rules.aspx](http://www.uscourts.gov/rulesandpolicies/rules.aspx)) and the court's local website (go to [http://www.uscourts.gov/Court\\_Locator.aspx](http://www.uscourts.gov/Court_Locator.aspx) to find your court's website) for any specific requirements that you might have to meet to serve this statement.