



**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MARYLAND  
OFFICE OF THE CLERK**

**MARK A. NEAL**  
Clerk of Court

**DAVID J. SMITH**  
Chief Deputy

[www.mdb.uscourts.gov](http://www.mdb.uscourts.gov)

**Procedure for Individual Debtors to Follow under Section 362(b)(22) and (1)**

The following procedures apply only when 1) you rent your residence AND 2) your landlord has obtained a judgment for possession of your rented residence. **NOTE:** State and/or local law determine whether you are permitted to cure the entire monetary default that gave rise to the judgment for possession *after* the landlord had already obtained a judgment for possession.

**IF YOU DO NOT FOLLOW THE STEPS BELOW YOU MAY BE EVICTED WITHOUT FURTHER BANKRUPTCY COURT INVOLVEMENT.** If the court has been made aware of the judgment for possession and you fail to take all of the required steps below, the clerk's office will send you and the landlord a certified copy of the docketing indicating that you did not follow the required steps as mandated by the U.S. Bankruptcy Code.

- A. If you seek to have the automatic stay apply to the rented residence for the *thirty days* following the date of case filing, you must do the following:
1. **Complete Question 11, Rental of Residence Information on the Voluntary Petition [Official Form 101]:** You must answer "Yes" to the questions "Do you rent your residence" and "Has your landlord obtained an eviction judgment against you and do you want to stay in your residence?".
  2. **Complete Initial Statement About an Eviction Judgment Against You** (Official Form 101A) and file it with your bankruptcy petition.
  3. **Serve a Copy of Initial Statement About an Eviction Judgment (Official Form 101A) on Your Landlord:** Provide a copy of the Official Form 101A [with the completed certification] to the landlord at the time of filing of your bankruptcy case.
  4. **Provide Rent to Clerk:** Provide the clerk a certified check, cashier's check or money order – **made payable to the landlord** – for any rent becoming due within thirty days of filing your case. **Do not use a personal check or provide cash.**
  5. **Provide Copy of Judgment to Clerk:** Provide the clerk with a copy of the judgment for possession.
- B. If you seek to have the automatic stay apply *beyond* the thirty days following the date of case filing and for the duration of the case, or until such time as the automatic stay terminates, you must take the following *additional* steps **within the initial thirty-day period following the date of case filing:**
1. **Pay Landlord:** Pay the landlord the entire amount owed to the landlord under the judgment for possession.
  2. **File the Statement About Payment of an Eviction Judgment Against You (Official Form 101B)** with the court and serve a copy on your landlord.

**Hearing on Landlord's Objection:** If your landlord objects to either your thirty-day possession or continuous possession under your lease, the court will hold a hearing. **You must appear at the hearing.** The judge will decide if the automatic stay applies to your lease. After the judge has made a decision, the clerk's office will send a certified copy of the judge's order to you and the landlord.

December 1, 2015