

Bankruptcy

12014.1 BANKRUPTCY FILING ON WRIT OF POSSESSION - REAL PROPERTY CASES

- (a) If a bankruptcy petition was filed before an unlawful detainer hearing, all enforcement actions are stayed until the Civil Bureau receives a relief of stay or a dismissal from the bankruptcy court.
- (b) Third Party files a Bankruptcy
 - 1. If a third party files a bankruptcy; we will stay the eviction so long as the property address is listed in the bankruptcy filing.
 - 2. We will continue with the eviction after receiving one of the following:
 - i. A relief of stay
 - ii. Additional instructions from the plaintiff stating the automatic bankruptcy stay does not apply in their particular case.
 - A. The instructions should cite the applicable U.S. code section which allows the eviction to proceed or states tat the automatic stay does not apply.
 - iii. Absent legal authority to proceed with the eviction, it is recommended that county counsel review the instructions before proceeding.

12014.2 EVICTIONS AND BANKRUPTCY STAYS

- (a) If the bankruptcy is filed at any time before the eviction is completed by the defendants named in the writ, the Deputy must NOT proceed with the eviction unless and until:
 - 1. The plaintiff obtains and presents to the clerical staff an order from bankruptcy court granting relief from the stay or dismissal by the bankruptcy court and instructions to proceed; or
 - 2. The plaintiff provides written instructions indicating that the stay provisions are void pursuant to one or more of the following United States Code sections: 11 U.S.C. § 362(c) through 11 U.S.C. 362 (g).