

# Landlord/Tenant Bankruptcy Issues

Presented By

Emily Flynn Meraia and Bruce Ruzinsky

November 10, 2023

1

## **CONFIDENTIAL INFORMATION**

This information is confidential and has been prepared for the sole use of the recipient. It is the property of Jackson Walker. Jackson Walker considers this work to be an unpublished work in which it is the author of all copyrights. It is requested that the recipient not publish the contents or reveal any portion of this document to anyone outside the recipient. © 2020 Jackson Walker LLP

## **EXISTENCE OF ATTORNEY-CLIENT RELATIONSHIP**

To obtain legal counsel or legal services from Jackson Walker LLP, you must first establish an attorney-client relationship with the Firm. This document does not establish an attorney client relationship with Jackson Walker or any individual attorney at Jackson Walker. Until you have received an engagement letter from the Firm, do not disclose or send any information or documents that you consider private or confidential.

[JW.COM](http://JW.COM)

2

## Bankruptcy Disclosures by the Debtor:

Schedules: detailed list of assets and liabilities, and executory contracts (e.g., leases)

Statement of Financial Affairs: details on the debtor's past financial activities

Section 341 Meeting of Creditors: usually held about one month after the case is filed, before an attorney from the U.S. Trustee's office. Any creditor may question the debtor's representative under oath.

## Automatic Stay:

Prohibits a creditor from taking a variety of actions, including:

- filing/continuing litigation
- creating, perfecting, or enforcing liens
- setoffs
- terminating leases or contracts

A party may file a motion for relief from the stay "for cause." Absent grounds for emergency relief, it may take two months to get a full hearing on the motion.

## Cash Collateral:

What it is: cash that is subject to creditor liens

Why it is important: Debtors cannot use cash collateral without

- consent of each creditor holding a lien on the cash
- or
- a court order authorizing the use of cash collateral

## Claims:

### Proof of Claim

A creditor should file one by the court-established deadline to participate in any distribution for unsecured claims in the case, either in a liquidation or reorganization of the debtor.

In some “no-asset” Chapter 7 cases, creditors are instructed not to file a proof of claim, because there will be no distribution to creditors.

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Selected Landlord and Tenant Issues in Bankruptcy

Also available as part of the eCourse

[2023 Bernard O. Dow Leasing eConference](#)

First appeared as part of the conference materials for the  
2023 Bernard O. Dow Leasing Institute session

"Selected Landlord and Tenant Issues in Bankruptcy"