# 6-29/108.71 Nonresidential Property Eviction

The filing of a petition in bankruptcy does not stay an action by a landlord to recover possession of nonresidential property from a tenant under a lease which has expired under its stated term, whether the term expired prior to or after the tenant's filing of a petition in bankruptcy. A relief order from automatic stay is not required. 11 USC 362(b)(10) The levying officer may proceed with the eviction upon receipt of signed instructions from the judgment creditor stating; "The real property described in the writ of possession is nonresidential property under a lease which has, under the stated term, expired and, pursuant to 11 USC 362(b)(10), is an exception to the automatic stay."