

**In re: Theresa Tyler**  
**Case No. 04-50505-BKC-RBR**

On October 5, 2004, the Court heard Creditor's, Miami Property Group Ltd. d/b/a 187th Street Apartments, Motion for Relief from Stay (C.P. 10). The Motion seeks relief from stay to continue eviction proceedings against Debtor. A chapter 13 debtor, pursuant to 11 U.S.C. §365, may assume her defaulted subsidized housing residential lease. A defaulted residential lease has not expired for purposes of §365, if the lease termination process is not completed prior to the filing of the bankruptcy. The Motion for Relief from Stay is DENIED.