

INSTRUCTIONS FOR COMPLETING SCHEDULE G EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Federal Rule of Bankruptcy Procedure 1007(b) requires the debtor to file a schedule of executory contracts and unexpired leases, unless the court orders otherwise. The Code does not define the term "executory contract." Generally, executory contracts are those contracts in which, to some extent, the obligations of both parties are unperformed, so that the failure of one party to complete performance would constitute a material breach excusing the performance of the other party. In re Texscan Corp, 976 F.2d 1269 (9th Cir. 1992). A body of case law has developed further defining "executory contracts" and determining whether particular types of contracts constitute executory contracts. Common types of executory contracts include orders for furniture and layaway arrangements at clothing stores.

Debtors that have no executory contracts or unexpired leases should check the box provided on the form and proceed to the next schedule.

The information on this schedule should not be repeated in the schedules of assets; however, parties listed on this schedule will not receive notice of the filing of the bankruptcy case, unless the party is also listed in the appropriate schedule of creditors. It is important to list the name, mailing address, and zip code of other parties to an executory contract or unexpired lease on this schedule and also on other appropriate schedules, if any party is a creditor or contingent creditor in the bankruptcy case.

All unexpired leases of either real or personal property are to be reported on this schedule, including any timeshare interests. The schedule requires the debtor to disclose specific information to assist the trustee in identifying leases which must be assumed within 60 days after the order for relief or be deemed rejected under section 365(d) of the Bankruptcy Code. Thus, it is important to state the description of the lease and the nature of the debtor's interest in the lease, such as "lessor" or "lessee."