United States Bankruptcy Court
Western District of Missouri

Eat & Greet
Educational Program

An informal luncheon and discussion of current bankruptcy issues and procedures

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Kansas City, Missouri

October 5, 2015
11:30 am – 1:00 pm
Charles Evans Whittaker Courthouse
Second Floor Training Room
400 East Ninth Street
Kansas City, MO 64106

Lunch provided by the Court

Agenda

- Bankruptcy Judge's Perspective: Current Issues
- Bankruptcy Clerk's Perspective: Clerk's Office Tips & Tricks
- Chapter 13 Trustee's Perspective: Current Issues
- Question and Answer Session

Presented by:

Chief Bankruptcy Judge Arthur B. Federman
Bankruptcy Judge Dennis R. Dow
Bankruptcy Judge Cynthia A. Norton
Richard V. Fink, Chapter 13 Trustee
Rob Lawson, Bankruptcy Court Operations Manager

1.2 hrs. MO and 1.0 hrs. KS CLE Approved

Bankruptcy Judge's Perspective

What You Need to Know:

1. **Local Rule Revisions – Exhibit Filing Rules (Page 3)**
    a. Revised Local Rule 3001-1 Related to Proofs of Claim (Page 3)
    b. Revised Local Rule 3084-1A Related to Chapter 13 Proofs of Claim (Page 4)
    c. Revised Local Rule 7016-1 Related to Pre-Trial Procedures (Page 5)
    d. Revised Local Rule 9013-1B Related to Motion Practice (Page 7)
    e. Revised Local Rule 9040-1 Related to Exhibits and Attachments (Page 8)
    f. Revised Local Rule 19013-1C Related to Motion Practice and Service (Page 9)

2. **Local Rule Revisions – *Harris v. Viegelahn, Chapter 13 Trustee* (Page 10)**
    a. Revised Local Rule 2016-1G2 Related to Payment of Attorney Fees through Chapter 13 Plan in Dismissed Cases (Page 10)
    b. Revised Local Rule 3089-1 Related to Refunds in Dismissed Chapter 13 Cases (Page 11)

3. **Pending Local Rule and Local Form Additions – Chapter 12 Discharge Procedures (Page 12)**
    a. Proposed Local Rule 4004-6 Related to Discharge in Chapter 12 Cases
    b. Proposed Local Forms MOW 4004-6.1 and 6.2 related to Motions for Discharge in Chapter 12 Cases (Page 13)

4. **Pending Local Rule Revisions – Local Rules 9011-4, 9060-1C and New Local Rule 3095-1 Related to Attorney Certification of Chapter 13 Plans (Page 17)**
    a. Proposed Revised Local Rule 9011-4 Related to Signatures
    b. Proposed Local Rule 9060-1C Related to Continuance of Hearings
    c. New Local Rule 3095-1 Related to Attorney Certification of Chapter 13 Plans

5. **Revised Rights and Responsibilities Agreements (Page 19)**
    a. Revised Chapter 13 Rights and Responsibilities Agreement (Page 19)
    b. Revised Chapter 7 Rights and responsibilities Agreement (Page 27)

6. **Issues Relating to Ineffective Noticing and Certificates of Service (Page 33)**
    a. Local Rule 2002-1 (Page 33)
    b. Improper Noticing and Certificate of Service Samples (Page 34)
    c. Approved Bankruptcy Notice Providers (Page 35)

7. **Case Law Update**
    a. *Heritage Bank v. Woodward (in re Woodward)*, Case No. 15-6001, **2015 WL 4923520** (8th Cir. B.A.P. Aug. 13, 2015)
    b. *Dunaway et al v. LVNV Funding, LLC et al*, Case No. 14-41073-13-drd, Adv. No. 14-4132, **531 B.R. 267** (Bankr.W.D.Mo., May 19, 2015)
    c. *Gatewood et al v. CP Medical, LLC*, Case No. 15-6008, **533 B.R. 905** (8th Cir. B.A.P. July 10, 2015)
    d. *In re Cotton*, Case No. 11-423420-13-drd, **2015 WL 5601454** (Bankr.W.D.Mo. Sept. 22, 2015)
    e. *In re Haines*, Case No. 12-50882-can-7, **528 B.R. 912** (Bankr.W.D.Mo. 2015)
    f. *In re O'Sullivan*, Case No. 15-30173-7-can, **2015 WL 3526996** (Bankr.W.D.MO. June 4, 2015)
    g. *Collins v. Nebraska Furniture Mart*, Case No. 14-42981-7-can, Adv. No. 15-4062 (Bankr.W.D.Mo. July 28, 2015)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

2015 GENERAL ORDER AMENDING LOCAL RULE 3001-1 RELATED TO PROOFS OF CLAIM

For good cause shown, and pending revision to this Court's local rules, it is hereby ORDERED that Local Rule 3001-1 is amended to read:

Rule 3001-1. Proofs of Claim

A. Form. Proofs of Claim may be filed with the Court electronically and shall conform substantially to the Official Form. Legible exhibits in support of the claim, if any, shall be properly redacted and filed in their entirety.

B. Service of Proofs of Claim.

1. Proofs of Claim – with Exhibits. Debtor's attorney and trustee will receive service by electronic means. If the debtor is pro se, the claim and exhibits shall be served by the filing party conventionally.

2. Proofs of Claim in Chapter 13 cases. Proofs of Claim in Chapter 13 cases are subject to the requirements of Local Rule 3084-1.

C. Transferred Claims. Any assignment or evidence of transfer of a claim filed after a Proof of Claim has been filed must include:

1. the amount of the claim;
2. the name of the original creditor (transferor);
3. the name and address of the transferee; and
4. a waiver of notice by the transferor if applicable.

This General Order is effective immediately for all pending and new cases and shall remain in effect until further order or notice of this court.

/s/ Arthur B. Federman
Arthur B. Federman, Chief Bankruptcy Judge

/s/ Dennis R. Dow
Dennis R. Dow, Bankruptcy Judge

Kansas City, Missouri

/s/ Cynthia A. Norton
Dated: June 11, 2015 Cynthia A. Norton, Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

2015 GENERAL ORDER AMENDING LOCAL RULE 3084-1A RELATED TO CHAPTER 13 PROOFS OF CLAIM; OBJECTIONS TO CLAIM

For good cause shown, and pending revision to this Court's local rules, it is hereby ORDERED that Local Rule 3084-1A is amended to read:

Rule 3084-1. Chapter 13 Proofs of Claim; Objections to Claim

A. Filing and Service. Chapter 13 Proofs of Claim may be filed electronically with the Clerk. Legible exhibits in support of the claim, if any, shall be properly redacted and filed in their entirety. Debtor's attorney and trustee will receive service by electronic means. If the debtor is pro se, the claim, with attachments, shall be served by the filing party conventionally, including any notice of transfer of claim, as required by Fed. R. Bankr. P. 3001(e).

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This General Order is effective immediately for all pending and new cases and shall remain in effect until further order or notice of this court.

/s/ Arthur B. Federman
Arthur B. Federman, Chief Bankruptcy Judge

/s/ Dennis R. Dow
Dennis R. Dow, Bankruptcy Judge

Kansas City, Missouri

/s/ Cynthia A. Norton
Cynthia A. Norton, Bankruptcy Judge

Dated: June 11, 2015

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

2015 GENERAL ORDER AMENDING LOCAL RULE 7016-1 RELATED TO PRE-TRIAL PROCEDURES

For good cause shown, and pending revision to this Court's local rules, it is hereby ORDERED that Local Rule 7016-1 is amended to read:

Rule 7016-1. Pre-Trial Procedures

A. Trial Date. The trial date is generally set when the adversary complaint is filed and will be stated on the summons. Parties may request an earlier trial date.

B. Pretrial Period. In an adversary action, parties generally will be given 60 days to complete pretrial procedures which may be adjusted for cause.

C. Pretrial Conference; Scheduling Order. Discovery and pretrial conferences, and orders scheduling discovery may be set by the Court or on request of a party. If the Court determines that the Conference of Parties and Discovery Plan specified in Fed. R. Civ. P. 26(f) should be required in a particular proceeding, the Court shall enter a scheduling order as contemplated by Fed. R. Civ. P. 16(b). Plaintiff shall serve the pretrial order, summons, and complaint on all parties unless otherwise ordered. The attorney who will handle the trial shall participate in all conferences unless excused by the Court. Counsel must have authority to agree to uncontroverted facts and to the scope and scheduling of discovery.

D. Witnesses. Not later than three business days before trial, or as set forth in a pretrial order, parties shall electronically file and serve a witness list.

E. Exhibits. Not later than three business days before trial, or as set forth in a pretrial order, parties shall electronically file and serve an exhibit index, and mark and electronically file and serve all trial exhibits.

1. **Paper copies.** Unless otherwise ordered, it is not necessary to provide paper copies of the exhibit index or exhibits to the Court. However, paper copies should be available for use by witnesses at trial.

2. **Filing order.** The exhibit index shall be filed first as the main document, using the approved Local Form (See Local Form MOW 7016-1.1). Individual marked and redacted exhibits shall then be filed, in their entirety, as attachments to the exhibit index. The exhibit index shall describe all exhibits with sufficient detail to allow for easy identification during trial.[5]

3. **Marking and redaction.** All exhibits shall be marked before filing. Plaintiff/movant exhibits will be marked with numbers, and defendant/respondent exhibits will be marked with letters. All exhibits shall also be properly redacted before filing pursuant to Fed. R. Bankr. P. 9037, or other applicable law.

4. **Exhibits unsuitable for electronic filing.** Parties may move the Court for a waiver of the electronic filing requirement for exhibits unsuitable for such filing.

5. **Non-Compliance.** The Court may exclude evidence not filed in accordance with this rule.

This General Order is effective immediately for all pending and new cases and shall remain in effect until further order or notice of this court.

/s/ Arthur B. Federman
Arthur B. Federman, Chief Bankruptcy Judge

/s/ Dennis R. Dow
Dennis R. Dow, Bankruptcy Judge

Kansas City, Missouri

/s/ Cynthia A. Norton
Dated: June 11, 2015 Cynthia A. Norton, Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

2015 GENERAL ORDER AMENDING LOCAL RULE 9013-1B RELATED TO MOTION PRACTICE

For good cause shown, and pending revision to this Court's local rules, it is hereby ORDERED that Local Rule 9013-1B is amended to read:

Rule 9013-1. Motion Practice

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B. Supporting Documents. When allegations of fact not appearing of record are relied on in support of a motion, affidavits and other pertinent documents may be filed as exhibits to the motion. Opposing counsel and trustee will receive service by electronic means. If the debtor is pro se, paper copies of affidavits and other pertinent documents shall be served by the filing party conventionally.

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This General Order is effective immediately for all pending and new cases and shall remain in effect until further order or notice of this court.

/s/ Arthur B. Federman
Arthur B. Federman, Chief Bankruptcy Judge

/s/ Dennis R. Dow
Dennis R. Dow, Bankruptcy Judge

Kansas City, Missouri

/s/ Cynthia A. Norton
Cynthia A. Norton, Bankruptcy Judge

Dated: June 11, 2015

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

2015 GENERAL ORDER AMENDING LOCAL RULE 9040-1 RELATED TO EXHIBITS AND ATTACHMENTS

For good cause shown, and pending revision to this Court's local rules, it is hereby ORDERED that Local Rule 9040-1 is amended to read:

> **Rule 9040-1. Exhibits and Attachments**
> Except as otherwise provided or permitted by these Rules, documents and proofs of claim shall be filed in their entirety. Opposing counsel and trustee will receive service by electronic means. If the debtor is pro se, paper copies of exhibits or attachments shall be served by the filing party conventionally. For service requirements on Proofs of Claim, see Local Rules 3001-1B and 3084-1A.

This General Order is effective immediately for all pending and new cases and shall remain in effect until further order or notice of this court.

/s/ Arthur B. Federman
Arthur B. Federman, Chief Bankruptcy Judge

/s/ Dennis R. Dow
Dennis R. Dow, Bankruptcy Judge

Kansas City, Missouri

/s/ Cynthia A. Norton
Dated: June 11, 2015 Cynthia A. Norton, Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

2015 GENERAL ORDER AMENDING LOCAL RULE 19013-1C RELATED TO MOTION PRACTICE

For good cause shown, and pending revision to this Court's local rules, it is hereby ORDERED that Local Rule 19013-1C is amended to read:

Rule 19013-1. Motion Practice and Service

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C. Supporting Documents. When allegations of fact not appearing of record are relied on in support of a motion, affidavits and other pertinent documents may be filed as exhibits to the motion. Opposing counsel and trustee will receive service by electronic means. If an opposing party is pro se, paper copies of affidavits and other pertinent documents shall be served by the filing party conventionally.

****

This General Order is effective immediately for all pending and new cases and shall remain in effect until further order or notice of this court.

/s/ Arthur B. Federman
Arthur B. Federman, Chief Bankruptcy Judge

/s/ Dennis R. Dow
Dennis R. Dow, Bankruptcy Judge

Kansas City, Missouri

/s/ Cynthia A. Norton
Dated: June 11, 2015 Cynthia A. Norton, Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

2015 GENERAL ORDER AMENDING LOCAL RULE 2016-1G2 RELATED TO PAYMENT OF ATTORNEY FEES THROUGH CHAPTER 13 PLAN IN DISMISSED CASES

For good cause shown, and pending revision to this Court's local rules, it is hereby ORDERED that Local Rule 2016-1G2 is amended to read:

Rule 2016-1. Compensation for Services Rendered and Reimbursement of Expenses.
****
G. Payment of Attorney Fees through Chapter 13 Plan.
****

2. Dismissed Cases. If the Chapter 13 case is dismissed and the debtor's attorney is owed fees:

a. Pre-confirmation:

i. The attorney is not entitled to payment of attorney fees from the trustee other than from funds received on or before the date of the entry of the order of dismissal which otherwise would be refunded to the debtor; and

ii. In order to obtain those funds, less the trustee's fee, the Court must enter an order upon a timely filed motion.

b. Post-confirmation: The trustee shall distribute funds to creditors, including debtor's attorney, pursuant to the terms of the confirmed plan as funds are available.

This General Order is effective immediately for all pending and new cases and shall remain in effect until further order or notice of this court.

/s/ Arthur B. Federman
Arthur B. Federman, Chief Bankruptcy Judge

/s/ Dennis R. Dow
Dennis R. Dow, Bankruptcy Judge

Kansas City, Missouri

/s/ Cynthia A. Norton
Cynthia A. Norton, Bankruptcy Judge

Dated: September 15, 2015

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

2015 GENERAL ORDER AMENDING LOCAL RULE 3089-1 RELATED TO REFUNDS IN DISMISSED CHAPTER 13 CASES

For good cause shown, and pending revision to this Court's local rules, it is hereby ORDERED that Local Rule 3089-1 is amended to read:

> **Rule 3089-1. Refunds in Dismissed Chapter 13 Cases.**
>
> If a plan payment is received by the trustee on or before the date of the order of dismissal in a confirmed plan, those funds will be disbursed to creditors pursuant to the terms of the confirmed plan.

This General Order is effective immediately for all pending and new cases and shall remain in effect until further order or notice of this court.

/s/ Arthur B. Federman
Arthur B. Federman, Chief Bankruptcy Judge

/s/ Dennis R. Dow
Dennis R. Dow, Bankruptcy Judge

Kansas City, Missouri

/s/ Cynthia A. Norton
Cynthia A. Norton, Bankruptcy Judge

Dated: September 15, 2015

RJL/9.9.2015

United States Bankruptcy Court
Western District of Missouri

NOTICE OF PROPOSED REVISIONS TO LOCAL RULES OF PRACTICE AND NEW LOCAL FORM RELATED TO CHAPTER 12 DISCHARGE PROCESS AND NOTICE OF PUBLIC COMMENT PERIOD

The Court is considering a new local rule and local forms to improve and standardize the Chapter 12 discharge process similar to that used in Chapter 13. The proposed ***Chapter 12 Discharge Process*** is comprised of new Local Rule 4004-6 and Local Forms 4004-6.1 and 4004-6.2. If you have comments or concerns regarding these changes, please submit them as directed below.

Comments will be accepted through October 15, 2015

Please email questions or comments to:

Rob Lawson, Operations Manager
United States Bankruptcy Court - Western District of Missouri
400 East Ninth Street, Room 1510
Kansas City, MO 64106

Rob_Lawson@mow.uscourts.gov

1. **Proposed Local Rule 4004-6**.

Rule 4004-6. Discharge in Chapter 12 Case

A. Motion for Entry of Discharge – Completed Plan Payments Pursuant to §1228(a). After completion of payments required by the plan, debtor shall file a motion for entry of Chapter 12 discharge using the Court's form **(See Local Form - MOW 4004-6.1)**.

B. Motion for Entry of Discharge – Not Completed Plan Payments Pursuant to §1228(b). After confirmation of the plan but before completion of payments required by the plan, debtor may file a motion for entry of Chapter 12 discharge using the Court's form **(See Local Form - MOW 4004-6.2)**.

C. No Motion Filed. If no motion for entry of Chapter 12 discharge is filed within 60 days after completion of payments required by the plan, the case may be closed without entry of a discharge order. If the motion for entry of chapter 12 discharge is filed after the case has been closed, the debtor must also file a motion to reopen the case with a 21-day notice to all creditors and parties in interest pursuant to Fed. R. Bankr. P. 2002 and Local Rule 2002-1. A filing fee to reopen the case must be paid with the motion.

2. **Proposed Local Form MOW 4004-6.1. Debtor's Motion for Entry of Chapter 12 Discharge Due to Plan Completion and Notice of Deadline and Opportunity to Object.**

MOW 4004-6.1 (9/2015)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

In Re:	)	
	)	Case No.
Debtor(s)	)	

DEBTOR'S MOTION FOR ENTRY OF CHAPTER 12 DISCHARGE DUE TO PLAN COMPLETION AND NOTICE OF DEADLINE AND OPPORTUNITY TO OBJECT

Comes now the debtor and moves for entry of an Order of Discharge for which the debtor is eligible under all applicable Bankruptcy laws and rules.

If the debtor has claimed a homestead exemption in excess of $125,000, there is no proceeding pending in which the debtor may be found guilty of a felony as described in 11 U.S.C. §522(q)(1)(A) and the debtor is not liable for a debt for the kind described in 11 U.S.C. §522(q)(1)(B).

Pursuant to 11 U.S.C. §1228(a), if the debtor has a Domestic Support Obligation, all amounts payable under any judicial or administrative order or by statute for domestic support obligations that were due on or before the date upon which this certification was signed, including all payments due under the plan for amounts due before the petition was filed, have been paid. The name and address of each holder of a Domestic Support Obligation is as follows:

Name	Address
_____	_____
_____	_____

If the debtor has a Domestic Support Obligation, the debtor's most recent/current address is:

_____

If the debtor has a Domestic Support Obligation, the name and address of debtor's most recent/current employer/income source is:

_____

WHEREFORE the debtor(s) respectfully move this Court to enter a Chapter 12 Discharge order pursuant to 11 U.S.C. §1228(a).

Date: _____

_____
Debtor/Debtor's Attorney
[Provide signature block information per LR 9011-4]

NOTICE OF OPPORTUNITY AND DEADLINE TO OBJECT TO MOTION FOR ENTRY OF CHAPTER 12 DISCHARGE DUE TO PLAN COMPLETION

PLEASE TAKE NOTICE THAT WITHIN TWENTY- ONE (21) DAYS AFTER THE DATE OF THIS NOTICE you must file and serve a written objection to the motion. The objection must be filed electronically with the Bankruptcy Court at www.ecf.mowb.uscourts.gov. If you are a pro se creditor, you may file a written objection with the Clerk, United States Bankruptcy Court, Western District of Missouri, 400 E. 9th Street, Room 1510, Kansas City, MO 64106. Debtor's attorney and trustee will receive electronic notice when the objection is filed. If the debtor is pro se, you must serve your objection on the debtor.

IF YOU FAIL TO FILE A TIMELY OBJECTION, THE MOTION MAY BE GRANTED BY THE COURT WITHOUT A HEARING. The court may grant the motion without a hearing if the objection filed states inadequate grounds for denial.

Date: _____ _____

Debtor/Debtor's Attorney
[Provide signature block information per LR 9011-4]

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion and Notice has been served by first class mail on all creditors and parties in interest pursuant to Fed. R. Bankr. P. 2002 and Local Rule 2002-1.

Date: _____ _____

Debtor/Debtor's Attorney
[Provide signature block information per LR 9011-4]

Instructions: Fill in all required information and serve on all creditors.
ECF Event: Bankruptcy>Motions/Applications/Requests>Chapter 12 Discharge

3. **Proposed Local Form MOW 4004-6.2. Debtor's Motion for Entry of Chapter 12 Discharge Due to Hardship and Notice of Deadline and Opportunity to Object.**

MOW 4004-6.2 (9/2015)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

In Re:	)	
	)	Case No.
Debtor(s)	)	

DEBTOR'S MOTION FOR ENTRY OF CHAPTER 12 DISCHARGE DUE TO HARDSHIP AND NOTICE OF DEADLINE AND OPPORTUNITY TO OBJECT

Comes now the debtor and moves for the entry of an Order of Discharge pursuant to 11 U.S.C. §1228(b) despite the debtor's failure to complete payments under the confirmed plan. In support thereof the debtor states:

1. "The debtor's failure to complete such payments is due to circumstances for which the debtor should not justly be held accountable" in that _____
_____
_____
_____. 11 U.S.C. §1228(b)(1).

2. "The value, as of the effective date of the plan, of property actually distributed under the plan on account of each allowed unsecured claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 of this title on such date." 11 U.S.C. §1228(b)(2).

3. "Modification of the plan under section 1229 of this title is not practicable" in that_____
_____
_____
_____
_____. 11 U.S.C. §1228(b)(3).

4. If the debtor has claimed a homestead exemption in excess of $125,000, there is no proceeding pending in which the debtor may be found guilty of a felony as described in 11 U.S.C. Section 522(q)(1)(A) and the debtor is not liable for a debt of the kind described in 11 U.S.C. §522(q)(1)(B).

WHEREFORE the debtor(s) respectfully move this Court to enter a Chapter 12 Discharge order pursuant to 11 U.S.C. §1228(b).

Date:_____ _____
Debtor/Debtors Attorney
[Provide signature block information per LR 9011-4]

NOTICE OF OPPORTUNITY AND DEADLINE TO OBJECT TO MOTION FOR ENTRY OF CHAPTER 12 DISCHARGE DUE TO HARDSHIP

PLEASE TAKE NOTICE THAT WITHIN TWENTY-ONE (21) DAYS AFTER THE DATE OF THIS NOTICE you must file and serve a written objection to the motion. The objection must be filed electronically with the Bankruptcy Court at www.ecf.mowb.uscourts.gov. If you are a pro se creditor, you may file a written objection with the Clerk, United States Bankruptcy Court, Western District of Missouri, 400 East 9th Street, Room 1510, Kansas City, MO 64106. Debtor's attorney and the trustee will receive electronic notice when the objection is filed. If the debtor is pro se, you must serve your objection on the debtor.

Date:_____ _____

Debtor/Debtors Attorney

[Provide signature block information per LR 9011-4]

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion and Notice has been served by first class mail on all creditors and parties in interest pursuant to Fed. R. Bankr. P. 2002 and Local Rule 2002-1.

Date: _____ _____

Debtor/Debtor's Attorney

[Provide signature block information per LR 9011-4]

Instructions: Fill in all required information and serve on all creditors

ECF Event: Bankruptcy>Motions/Applications/Requests>Chapter 12 Discharge - Hardship

United States Bankruptcy Court
Western District of Missouri

NOTICE OF PROPOSED REVISIONS TO LOCAL RULES OF PRACTICE 9011-4, 9060-1C, AND 3095-1 AND NOTICE OF PUBLIC COMMENT PERIOD

The Court is considering local rule changes based on a recent Attorney Advisory Group meeting. The affected local rules are provided below. Additions to an existing rule are in red text while deletions are denoted using a ~~strikethrough~~ feature. If you have comments or concerns regarding these changes, please submit them as directed below.

Comments will be accepted through October 28, 2015

Please email questions or comments to:

Rob Lawson, Operations Manager
United States Bankruptcy Court - Western District of Missouri
400 East Ninth Street, Room 1510
Kansas City, MO 64106

Rob_Lawson@mow.uscourts.gov

Proposed Local Rules of Practice Revisions:

1. **Rule 9011-4. Signatures.**
   Pleadings filed by an attorney shall bear the attorney's name, bar number, firm name, address, monitored telephone number, fax number, and monitored email address, and the name of the client if required by the pleading filed. The attorney's use of the login and password issued for ECF shall constitute the signature of the attorney ~~and clients(s)~~ for all purposes including Fed. R. Bankr. P. 9011.

2. **Rule 9060-1C. Continuance of Hearings.**

   If a hearing continuance is desired, a motion must be filed no later than two business days prior to the scheduled hearing, except for cause arising within that two day period. If the motion is filed late, ~~on the day before or the day of the scheduled hearing,~~ the movant must also contact the assigned courtroom deputy by e-mail or telephone. Any motion for continuance shall state, in addition to the reasons for such continuance, whether opposing counsel consents to such motion. A movant who is not aware of opposing counsel's position on the continuance should also state the efforts made to contact such counsel, including the date on which movant first attempted such contact.

Proposed New Local Rule 3095-1 with Explanatory Comments:

1. **Rule 3095-1 Chapter 13 Plan and Plan Amendments - Attorney Certification**

   A Chapter 13 plan and any plan amendment signed by an attorney for the debtor pursuant to Local Rule 9011-1 shall constitute a certification that (a) such attorney has obtained the prior consent of the debtor to the filing of the Chapter 13 plan or plan amendment which consent shall be in a writing signed by the debtor; and (b) that the attorney has explained the proposed Chapter 13 plan or plan amendment to the debtor. For purposes of this Local Rule 3095-1, the term "signed" or "signature" means an original signature, image of an original signature, image with the debtor's signature captured electronically, or any other electronic symbol or process attached to or logically associated with a record and executed or

adopted by a person with the intent to sign the record. The writing memorializing the consent of the debtor as contemplated by this Local Rule 3095-1 shall be maintained in the attorney's files and shall be available for inspection by the Court, the Chapter 13 trustee or the Office of the United States Trustee upon request.

Comment: Proposed Local Rule 3095-1 was promulgated to address certain debtor complaints that Chapter 13 plans or plan amendments were filed without their knowledge or consent. The Attorney Advisory Group subcommittee considered amendments to Local Rule 9011-1 and the Local Form Chapter 13 Plan to require that any plan or plan amendment be signed by the applicable debtor. The subcommittee reviewed the practice in a number of other jurisdictions to determine whether a debtor's signature on Chapter 13 plans or plan amendment was the norm, and it also reviewed the proposed national form plan. It appeared to the subcommittee that there is a split in approaches to having a debtor sign the Chapter 13 plan, but the trend as reflected in the national form plan is against debtor's signature on the plan and plan amendments. Additional concerns were voiced regarding changes to the form plan and potential additional administrative delay and costs on debtor's counsel to obtain signatures on Chapter 13 plan amendments. With respect to potential amendments to Local Rule 9011-1 which, among other things, permits an attorney to sign for a client, the subcommittee elected not propose an amendment to that rule to delete the language on signature for a client because the Local Rule has applicability outside the context of Chapter 13 plans and plan amendments, including, without limitation, the filing of proofs of claims, settlement agreements, affidavits and a variety of additional pleadings. As such, the subcommittee believed that amendment to Local Rule 9011-1 may result in unforeseen consequences and may trigger additional rule revisions wherever the term "signature" is used in the Local Rules.

As a result, this alternative rule was proposed. The subcommittee focused on the concepts of prior informed client consent which consent can be easily proven by the attorney if challenged by the attorney's client. The subcommittee believes that the proposed rule balances the certainty for debtors and their attorneys that the Chapter 13 plan and any amendment is an authorized filing supported by readily proven consent with the need to maintain flexibility in debtor practice to timely file Chapter 13 plan amendments. The writing requirement of this rule is intended to conform to federal and state electronic signature laws and provide attorneys representing Chapter 13 debtors with the flexibility in use of technology. Non-exclusive examples of writings that may qualify under this proposed Rule include, formal physical signature, scanned copies of physical signature, e-mail approval from an authentic debtor e-mail address, text confirmation on an authenticated debtor phone number, voice data recordings and like electronic media. While the definition of "signature" in this proposed Local Rule is limited to this Local Rule, some members of the subcommittee suggest that a broader review of the meaning of "signature" should be considered by the full committee to determine whether federal or state laws on electronic signatures should be used in the Local Rules.

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF MISSOURI

IN RE:	)	
	)	
	)	Case No.
	)	
	)	
Debtor(s).	)	

RIGHTS AND RESPONSIBILITIES AGREEMENT BETWEEN CHAPTER 13 DEBTORS AND THEIR ATTORNEYS

It is important for persons who file a Chapter 13 bankruptcy case to understand their rights and responsibilities. It is also important for them to know what their attorneys' responsibilities are and the necessity of communicating openly with their attorneys to make the case successful. Attorneys' clients also are entitled to expect certain services to be performed by their attorneys. In order to assure that clients and their attorneys understand their rights and responsibilities in the bankruptcy process, the following Rights and Responsibilities have been adopted by the Bankruptcy Court for the Western District of Missouri. The signatures below indicate that the responsibilities outlined in the agreement have been accepted by the Clients and their attorneys. Nothing in this agreement is intended to modify, enlarge or abridge the rights and responsibilities of a "debt relief agency," as that term is defined and used in 11 U.S.C. § 101, et. seq.

Unless otherwise ordered by the Court, any attorney retained to represent you in a Chapter 13 case is responsible for representing you on all matters arising in the case unless otherwise agreed as to adversary proceedings and conversions to another Chapter of the Bankruptcy Code. The attorney is not, however, obligated to represent you in an appeal to another Court. The attorney may not withdraw from a bankruptcy case in this District unless (a) the attorney and you agree to the attorney's withdrawal and another attorney enters the case on your behalf, or (b) the case is converted to another Chapter of the Bankruptcy Code; or (c) the Court, after notice and a hearing, approves an attorney's motion for withdrawal or substitution of attorneys. When appropriate, the attorney may apply to the Court for compensation that is additional to the maximum initial fees set out in this agreement.

I. BEFORE THE CASE IS FILED, YOU AGREE TO TIMELY:

1. Discuss with your attorney your goals in filing the case.

2. Cooperate with your attorney in preparing all required bankruptcy papers and

documents, thoroughly reviewing drafts of documents, and advising your attorney of corrections needed.

3. Provide your attorney with all documentation he or she requests, including but not limited to accurate copies of the following documents:

   a. Certificate of Credit Counseling, together with the debt repayment plan, if any, prepared by the nonprofit budget and credit counseling agency that provided individual counseling services to you prior to bankruptcy.

   b. Proof of income you received from <u>all sources</u> in the 6-month period before your case was filed. Some examples include paycheck stubs, Social Security statements, worker's compensation payments, income from rental property, pensions, disability payments, self-employment income, child and spousal support, and other payments. If you are self-employed or own a business, you should provide report(s) disclosing monthly income and expenses for the 6-month period before the filing date.

   c. If another person is expected to contribute to your Chapter 13 case, proof of that person's income and ability to pay.

   d. Copies of federal and state income tax returns, or transcripts of returns, for the most recently ended tax year, as well as any other returns requested by your attorney.

   e. Proof of your identity and Social Security number. Some examples are your driver's license, passport, or other document containing your photograph.

   f. A record of your interest, if any, in an educational individual retirement account or a qualified State tuition program.

   g. The name, address and telephone number of any person or state agency to whom you owe back child or spousal support or make current child or spousal support payments. Include all supporting documents for the payments. Some examples of supporting documents are a court order, a declaration of voluntary support payments, a separation agreement, a divorce decree, and a property settlement agreement.

   h. Any insurance policies requested by your attorney.

   i. Documents relating to any inheritance to which you are entitled.

j. Documents relating to any legal action in which you are a party.

II. AFTER THE CASE IS FILED, YOU AGREE TO TIMELY AND PROMPTLY COMPLY WITH ALL APPLICABLE CHAPTER 13 RULES AND PROCEDURES, INCLUDING BUT NOT LIMITED TO:

1. Keep the chapter 13 trustee and your attorney informed of your current address and telephone number and employment status.

2. Attend the § 341(a) meeting of creditors at the time(s) ordered.

3. Make all required Chapter 13 plan payments on time.

4. Sign a payroll deduction order, if one is required.

5. Inform your attorney of any change in your marital status, the commencement of any child support or spousal support obligation, or any change in any existing child support or spousal support obligation.

6. Inform your attorney of any wage garnishments, seizure of assets or liens that occur or continue after the filing of your bankruptcy case.

7. Contact your attorney if you lose your job, if your income increases, if you have new or unexpected financial problems, or if you receive (or find out that you might be entitled to receive) any money or property from an inheritance or legal action.

8. Inform your attorney of any change in a creditor's address or in the amount of any payment you are required to make.

9. Keep records of all mortgage payments you make to secured creditors during the case.

10. Provide copies of all federal and state tax returns or transcripts to your attorney when requested, and pay over to your attorney or the trustee, as directed, the nonexempt portion of any tax refunds.

11. Contact your attorney if any tax refunds are seized or are not received when expected.

12. Contact your attorney if you are sued during the case or if you file a lawsuit or intend to settle any dispute relating to events that occurred either before or after the filing of your bankruptcy case.

13. Contact your attorney before buying or selling any real estate, before buying or selling any unencumbered personal property with a value of more than $2,500.00, or before incurring any debt in excess of $2,500.00. Requests to incur debt of $2,500 or less may be submitted directly to the Chapter 13 trustee.

14. Provide on a timely basis all information or documentation requested by your attorney, including all information needed to respond to any motion or objection seeking relief in your bankruptcy case.

15. Provide your attorney with all documentation necessary to comply with any audit request.

16. Respond promptly to all communications from your attorney.

III. BEFORE THE CASE IS FILED, YOUR ATTORNEY AGREES TO PROVIDE ALL SERVICES NECESSARY FOR REPRESENTATION, INCLUDING BUT NOT LIMITED TO:

Attorney will personally:*

1. Meet with you to review your assets, liabilities, income, and expenses.

2. Counsel you regarding the advisability of filing either a Chapter 13 or a Chapter 7 case, discuss bankruptcy procedures, and answer your questions.

3. Review the completed bankruptcy petition, statements, schedules, and all amendments with you.

4. Explain to you that the attorney is being engaged to represent you on all matters arising in the Chapter 13 case, and reach an agreement with you on whether the attorney is to represent you in adversary proceedings that might be filed in the case, or if the case is converted to another Chapter.

5. Explain to you the attorney's fees that are being charged in the case, how and when those attorney's fees are determined and paid, and whether additional fees will be charged for representation in adversary proceedings that might be filed in the case, or in the event the case is converted to another Chapter.

6. Explain to you which payments must be made directly to creditors by you and which payments will be made through the Chapter 13 plan.

7. Explain to you how, when, and where to make the Chapter 13 plan payments.

8. Explain to you how, when, and where to make your mortgage payments after the bankruptcy case is filed.

9. Advise you of the need to maintain appropriate insurance, such as homeowner's insurance on your home and liability, collision, and comprehensive insurance on vehicles that are leased or are security for a loan.

10. Provide a fully signed copy of this agreement to you.

With the assistance of staff under his or her supervision, your attorney will:

11. Verify the number and status of any prior bankruptcy case(s) filed by you or any related entity.

12. Timely prepare and file your petition, statements, schedules, required documents and certificates, and all necessary amendments to these filings.

* The term "personally" means that the described service will be performed only by an attorney who is a member in good standing of the Bar and admitted to practice before the bankruptcy court. The service shall not be performed by a non-attorney even if that individual is employed by the attorney and is under the direct supervision and control of that attorney.

IV. AFTER THE CASE IS FILED, YOUR ATTORNEY AGREES TO PROVIDE ALL SERVICES NECESSARY FOR REPRESENTATION, INCLUDING BUT NOT LIMITED TO:

1. Advise you of the requirement to attend the § 341(a) meeting of creditors and inform you of the date, time, and place of the meeting. In the case of a joint filing, inform you and your spouse that both of you must appear at the meeting.

2. Inform you that you must be punctual for the § 341(a) meeting of creditors or the meeting may be continued to a later date.

3. Attend the § 341(a) meetings and any court hearings, either personally or through another attorney from his or her firm or through an appearance attorney who has been adequately briefed on the case.

4. Advise you if an appearance attorney will stand in for him or her at the § 341(a) meeting or any court hearing, and explain to you in advance, if possible, the role and identity of the appearance attorney. In any event, it is your attorney's responsibility to adequately prepare the appearance attorney for the meeting or

hearing by providing all documents and information in sufficient time to allow for proper representation of you.

5. Serve the Chapter 13 plan on all creditors and other parties on a timely basis.

6. Submit to the Chapter 13 trustee on a timely basis properly documented proof of all sources of income for you.

7. Notify you on a timely basis if any pleading seeking relief against you is filed. This notification shall specify a deadline by which you should contact your attorney to discuss a response to the pleading and may state that if you do not contact the attorney timely, such attorney may choose not to file a response. Such notification should explain the potential consequences of not filing a response to the pleading.

8. If your attorney is contacted by you on a timely basis, as provided in paragraph 7, such attorney will timely respond in an appropriate manner to any pleading seeking relief against you.

9. Prepare, file, and serve on a timely basis any necessary amended statements and schedules and any change of address, based on information provided by you.

10. Monitor all information filed in your case for accuracy and completeness, including but not limited to reviewing the order of confirmation, the claims register, and notices concerning the payment of claims, and promptly notify the trustee of any problems or discrepancies.

11. File objections to claims when appropriate.

12. Prepare and file proofs of claim for creditors when appropriate.

13. Prepare, file, and serve timely motions to modify the plan after confirmation, when necessary.

14. Explain to you that additional legal fees may be charged for filing or responding to motions after confirmation, and explain that the fees for those services are set or approved by the Court.

15. Prepare, file, and serve motions to buy, sell, or refinance real estate or personal property, when appropriate.

16. Prepare, file, and serve any other motion that may be necessary to appropriately represent you in the bankruptcy case, including but not limited to motions to

impose or extend the automatic stay, motions to avoid liens on real or personal property, and motions to value the collateral of secured creditors.

17. Respond promptly to your questions and communications throughout the term of the plan, and provide all other legal services that are necessary for the administration of the bankruptcy case.

18. Unless otherwise agreed before the bankruptcy case is filed, your attorney will represent you in adversary proceedings, including but not limited to objections to discharge and/or dischargeability. Unless otherwise agreed before the case is filed, your attorney will also continue to represent you if the case is converted to another Chapter of the Bankruptcy Code. The attorney is not, however, obligated to represent you in an appeal to another Court.

19. If your attorney has not been retained to represent you in adversary proceedings, and an adversary proceeding is then filed against you, the attorney will explain to you the estimated cost of providing representation in the adversary proceeding, the risks and consequences of an adverse judgment, and the risks and consequences of proceeding without counsel.

20. Advise you of the requirement to complete an instructional course in personal financial management, and the consequences of not doing so.

21. Represent you at a discharge hearing, if required.

22. Represent you in connection with any audit request.

V. ALLOWANCE AND PAYMENT OF ATTORNEYS' FEES

The guidelines in this District for payment of attorneys' fees in Chapter 13 cases without a detailed fee application provide for maximum initial fees of $3,000 for legal services provided up to confirmation of the Chapter 13 Plan, in a below median family income case ($3,500 in an above median family income case.) In this case, the parties agree that the fee for these pre-confirmation services will be $_____, payable as follows:

_____

_____

Such fee does/does not (circle the appropriate verb) include representation in adversary proceedings and does/does not include representation if the case is converted to another Chapter. (If neither is designated, representation is included.)

Fees for post-confirmation services are subject to court approval, based on the schedule contained in Local Rule 2016-1, or based on actual time records submitted by the

attorney.

Other than the initial retainer, your attorney may not receive fees directly from you. All other fees due shall be paid through the Chapter 13 Plan unless otherwise ordered by the Court.

If you dispute the legal services provided or the fees charged by your attorney, you may file an objection with the court. Should your attorney's continued representation create a hardship, such attorney may seek a court order allowing him or her to withdraw from the case. Under Local Rule 2090-1, such attorney will not be allowed to withdraw until another attorney enters the case, unless good cause is shown to permit the withdrawal.

Client's Signature. By signing this agreement, you certify that you have read the agreement and understand and agree to carry out the terms of the agreement to the best of your ability, and that you have received a signed copy of the agreement.

Attorney's Signature. By signing this agreement, your attorney certifies that, before the case was filed, he or she personally met with you and counseled and explained to you all matters as required by this agreement.

_____ _____

Debtor Date

_____ _____

Debtor Date

_____ _____

Attorney Date

Instructions: Do not file with the court. Instead file a Debtor Attorney Certification re Rights. This is a text only entry and does not require an attached pdf document.

ECF Event: **Bankruptcy>Other>Debtor Attorney Certification re Rights (text)**

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF MISSOURI

IN RE:	)	
	)	
	)	Case No.
	)	
	)	
Debtor(s).	)	

RIGHTS AND RESPONSIBILITIES AGREEMENT BETWEEN CHAPTER 7 DEBTORS AND THEIR ATTORNEYS

It is important for persons who file a Chapter 7 bankruptcy case to understand their rights and responsibilities. It is also important for them to know what their attorneys' responsibilities are and the necessity of communicating openly with their attorneys to make the case successful. Attorneys' clients also are entitled to expect certain services to be performed by their attorneys. In order to assure that clients and their attorneys understand their rights and responsibilities in the bankruptcy process, the following Rights and Responsibilities have been adopted by the Bankruptcy Court for the Western District of Missouri. The signatures below indicate that the responsibilities outlined in the agreement have been accepted by the Clients and their attorneys. Nothing in this agreement is intended to modify, enlarge or abridge the rights and responsibilities of a "debt relief agency," as that term is defined and used in 11 U.S.C. § 101, et seq.

Unless otherwise ordered by the Court, any attorney retained to represent you in a Chapter 7 case is responsible for representing you on all matters arising in the case unless otherwise agreed as to adversary proceedings and conversions to another Chapter of the Bankruptcy Code. The attorney is not, however, obligated to represent you in an appeal to another Court. The attorney may not withdraw from a bankruptcy case in this District unless (a) the attorney and you agree to the attorney's withdrawal and another attorney enters the case on your behalf, or (b) the case is converted to another Chapter of the Bankruptcy Code; or (c) the Court, after notice and a hearing, approves an attorney's motion for withdrawal or substitution of attorneys. When appropriate, the attorney may apply to the Court for compensation that is additional to the maximum initial fees set out in this agreement.

I. BEFORE THE CASE IS FILED, YOU AGREE TO TIMELY:

1. Discuss with your attorney your goals in filing the case.

2. Cooperate with your attorney in preparing all required bankruptcy papers and documents, thoroughly reviewing drafts of documents, and advising your attorney

of corrections needed.

3. Provide your attorney with all documentation he or she requests, including but not limited to accurate copies of the following documents:

   a. Certificate of Credit Counseling, together with the debt repayment plan, if any, prepared by the nonprofit budget and credit counseling agency that provided individual counseling services to you prior to bankruptcy.

   b. Proof of income you received from <u>all sources</u> in the 6-month period before your case was filed. Some examples include paycheck stubs, Social Security statements, worker's compensation payments, income from rental property, pensions, disability payments, self-employment income, child and spousal support, and other payments. If you are self-employed or own a business, you should provide report(s) disclosing monthly income and expenses for the 6-month period before the case was filed.

   c. Federal and state income tax returns, or transcripts of returns, for the most recently ended tax year, as well as any other returns requested by your attorney.

   d. Proof of your identity and Social Security number. Some examples are your driver's license, passport, or other document containing your photograph.

   e. A record of your interest, if any, in an educational individual retirement account or a qualified State tuition program.

   f. The name, address and telephone number of any person or state agency to whom you owe back child or spousal support or make current child or spousal support payments. Include all supporting documents for the payments. Some examples of supporting documents are a court order, a declaration of voluntary support payments, a separation agreement, a divorce decree, and a property settlement agreement.

   g. Any insurance policies requested by your attorney.

   h. Documents relating to any inheritance to which you are entitled.

   i. Documents relating to any legal action in which you are a party.

II. AFTER THE CASE IS FILED, YOU AGREE TO TIMELY AND PROMPTLY COMPLY WITH ALL APPLICABLE CHAPTER 7 RULES AND PROCEDURES, INCLUDING BUT NOT LIMITED TO:

1. Attend the § 341(a) meeting of creditors at the time(s) ordered.

2. Keep the Chapter 7 trustee and your attorney informed of your current address and telephone number and employment status.

3. Inform your attorney of any wage garnishments, seizure of assets or liens that occur or continue after the filing of your bankruptcy case.

4. Provide copies of all federal tax returns or transcripts to your attorney when requested, and pay over to your attorney or the trustee, as directed, the nonexempt portion of any tax refunds.

5. Contact your attorney promptly if you are sued on a scheduled debt or if you file a lawsuit or intend to settle any dispute relating to events that occurred prior to the filing of your bankruptcy case.

6. Provide on a timely basis all information or documentation requested by your attorney, including all information needed to respond to any motion or objection seeking relief in your bankruptcy case.

7. Provide your attorney with any tax returns, account statements, pay stubs, or other documentation necessary to comply with any audit requests.

8. Respond promptly to all communications from your attorney.

III. BEFORE THE CASE IS FILED, YOUR ATTORNEY AGREES TO PROVIDE ALL SERVICES NECESSARY FOR REPRESENTATION, INCLUDING BUT NOT LIMITED TO:

Attorney will personally*:

1. Meet with you to review your assets, liabilities, income, and expenses.

2. Counsel you regarding the advisability of filing either a chapter 13 or a chapter 7 case, discuss bankruptcy procedures, and answer your questions.

3. Review the completed petition, statements, schedules, and all amendments with you.

4. Explain to you the attorney's fees that are being charged in the case, how and when those attorney's fees are determined and paid, and whether additional fees will be charged for representation in adversary proceedings that might be filed in the case, or in the event the case is converted to another Chapter.

5. Provide a fully signed copy of this document to you.

With the assistance of staff under his or her supervision, your attorney will:

6. Verify the number and status of any prior bankruptcy case(s) filed by you or any related entity.

7. Timely prepare and file your petition, statements, schedules, required documents and certificates, and all necessary amendments to these filings.

* The term "personally" means that the described service will be performed only by an attorney who is a member in good standing of the Bar and admitted to practice before the bankruptcy court. The service shall not be performed by a non-attorney even if that individual is employed by the attorney and is under the direct supervision and control of that attorney.

IV. AFTER THE CASE IS FILED, YOUR ATTORNEY AGREES TO PROVIDE ALL SERVICES NECESSARY FOR REPRESENTATION, INCLUDING BUT NOT LIMITED TO:

1. Advise you of the requirement to attend the § 341(a) meeting of creditors and inform you of the date, time, and place of the meeting. In the case of a joint filing, inform you and your spouse that both of you must appear at the meeting.

2. Inform you that you must be punctual for the § 341(a) meeting of creditors or the meeting may be continued to a later date.

3. Attend the § 341(a) meetings and any court hearings, either personally or through another attorney from his or her firm or through an appearance attorney who has been adequately briefed on the case.

4. Advise you if an appearance attorney will stand in for him or her at the § 341(a) meeting or any court hearing, and explain to you in advance, if possible, the role and identity of the appearance attorney. In any event, it is your attorney's responsibility to adequately prepare the appearance attorney for the meeting or hearing by providing all documents and information in sufficient time to allow for proper representation of you.

5. Notify you on a timely basis if any pleading seeking relief against you is filed. This notification shall specify a deadline by which you should contact your attorney to discuss a response to the pleading and may state that if you do not contact the attorney timely, such attorney may choose not to file a response. Such notification should explain the potential consequences of not filing a response to the pleading.

6. If your attorney is contacted by you on a timely basis, as provided in paragraph 5,

such attorney will timely respond in an appropriate manner to any pleading seeking relief against you.

7. Prepare, file, and serve on a timely basis any necessary amended statements and schedules and any change of address, based on information provided by you.

8. Monitor all information filed in your case for accuracy and completeness.

9. File objections to claims when appropriate.

10. Prepare and file a proof of claim for a creditor when appropriate.

11. Advise you of the effect of proposed reaffirmation agreements and, where appropriate, negotiate alternate terms with secured creditors.

12. Attend any hearing scheduled by the court on a reaffirmation agreement, regardless whether such attorney has signed off on the agreement.

13. Unless otherwise agreed before the bankruptcy case is filed, your attorney will represent you in adversary proceedings, including but not limited to objections to discharge and/or dischargeability. Unless otherwise agreed before the case is filed, your attorney will also continue to represent you if the case is converted to another Chapter of the Bankruptcy Code. The attorney is not, however, obligated to represent you in an appeal to another Court.

14. If your attorney has not been retained to represent you in adversary proceedings, and an adversary proceeding is then filed against you, the attorney will explain to you the estimated cost of providing representation in the adversary proceeding, the risks and consequences of an adverse judgment, and the risks and consequences of proceeding without counsel.

15. Prepare, file, and serve any other motion that may be necessary to appropriately represent you in the bankruptcy case, including but not limited to motions to impose or extend the automatic stay.

16. Respond promptly to your questions and communications for the duration of the case, and provide all other legal services that are necessary for the proper administration of the bankruptcy case.

17. Advise you of the requirement to complete an instructional course in personal financial management, and the consequences of not doing so.

18. Represent you at a discharge hearing, if required.

19. Represent you in connection with any audit request.

V. ALLOWANCE AND PAYMENT OF ATTORNEYS' FEES

You and your attorney agree that the fee for all legal services to be provided in the bankruptcy case will be $_____. You agree to pay this fee. This fee does/does not (circle the appropriate verb) include representation in adversary proceedings and does/does not include representation if the case is converted to another Chapter. (If neither is designated, representation is included).

If you dispute the legal services provided or the fees charged by your attorney, you may file an objection with the Court. Should your attorney's continued representation create a hardship, such attorney may seek a court order allowing him or her to withdraw from the case. Under Local Rule 2090-1, such attorney will not be allowed to withdraw until another attorney enters the case, unless good cause is shown for the withdrawal.

Client's Signature. By signing this agreement, you certify that you have read the agreement and understand and agree to carry out the terms of the agreement to the best of your ability, and that you have received a signed copy of the agreement.

Attorney's Signature. By signing this agreement, your attorney certifies that, before the case was filed, he or she personally met with you and counseled and explained to you all matters as required by this agreement.

_____ _____
Debtor Date

_____ _____
Debtor Date

_____ _____
Attorney Date

Instructions: Do not file with the court. Instead file a Debtor Attorney Certification re Rights. This is a text only entry and does not require an attached pdf document.

ECF Event: **Bankruptcy>Other>Debtor Attorney Certification re Rights (text)**

Rule 2002-1. Notice to Creditors and Other Interested Parties

Unless otherwise ordered, pursuant to Fed. R. Bankr. P. 2002 notice shall be given as follows to **all creditors and parties in interest.**

A. To be served by the Clerk. The Clerk or the Court's noticing agent shall serve the following notices:

1. Order for relief and § 341 meeting of creditors;
2. Order for dismissal or conversion to another chapter;
3. The deadline for filing proofs of claim in all chapters and the deadline for filing claims against a surplus in an estate;
4. The deadline for filing § 727 discharge and § 523 dischargeability complaints;
5. Waiver, denial or revocation of a discharge.

B. To be served by the movant. The movant or some other person as the court may direct shall serve the following notices:

1. Application for compensation and/or expenses over $1000.00;
2. Hearing on approval of a compromise or settlement of a controversy, unless the Court for cause waives notice;
3. Hearing on proposed sale of all or substantially all of debtor's assets;
4. Proposed use, sale or lease of property of the estate other than in the ordinary course of business;
5. Objection deadline or notice of hearing on dismissal or conversion to another chapter;
6. Motions to borrow or to suspend payments with a 21-day objection deadline to creditors;
7. Time to file objections to and hearing on approval of disclosure statement or to make a final determination under §1125(f) as to whether the plan provides adequate information so that a separate disclosure statement is not necessary;
8. Time for voting on, filing objections to, and conducting hearing on confirmation of a Chapter 11 plan;
9. Time for filing objections to and conducting hearing on confirmation of a Chapter 12 plan; and
10. Entry of confirmation order of a Chapter 11 or 12 plan.
11. Notice of Petition for Recognition and Notice of Court's Intention to Communicate with Foreign Courts and Foreign Representatives pursuant to relief sought under Chapter 15.

C. Preferred Creditor Addresses. An attorney required to serve a notice or order on behalf of the court must access the correct creditor addresses through the creditor mailing matrix maintained by the bankruptcy court. This list will include all addresses which have been provided by creditors under §342(e) and (f). An attorney accesses the court mailing matrix through the ECF system.

Examples of Inadequate Certificates of Service

1) Objection to Claim filed and denied due to an incomplete certificate of service.

Certificate of Service

The above document was served this 31st day of July, 2015, by e-filing.

/s/ [redacted]

[redacted]

2) Motion to Retain and Spend Tax Refund filed. The motion was denied as there were no parties listed for service as indicated.

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2015, the foregoing was delivered via e-mail to the parties listed below that are registered to receive electronic filings on ECF, and regular first class, postage prepaid to the parties listed below that are not registered to receive electronic filings on ECF.

[redacted]

3) Motion to Spend Income tax refund filed with the following service clause at the bottom of the pleading. There was no subsequent certificate of service filed; therefore, the motion was denied.

NOTICE OF SERVICE

The following parties will be served either electronically or by United States First Class Mail and a certificate of service will be filed thereafter:

Richard V. Fink, Trustee

/s/ [redacted]

4) Motion to Convert a Case requires notice to all creditors. The Judge had the first motion stricken because "…The certificate of service must reflect "all creditors and parties in interest not receiving electronic notification" (not just those parties "requesting service")."

CERTIFICATE OF SERVICE

I, [redacted] hereby certify that a true and correct copy of the Motion was served, in addition to the parties notified by the US Bankruptcy Court's electronic notification, upon debtor(s), the United States Trustee, and unrepresented parties requesting notice via US First Class Mail, postage prepaid, on March 18, 2015.

/s/ [redacted]

Approved Bankruptcy Notice Providers

A bankruptcy notice provider is an entity approved by the Administrative Office of the United States Courts to give notice to creditors under Rule 2002(g)(4). An entity may seek approval to become a bankruptcy notice provider by completing and returning an application.

BAE Systems Information Technology
2525 Network Place
Herndon, VA 20171
1-800-262-5055

BK Attorney Services, LLC
P.O. Box 4590
Pasco, WA 99302-4590
509-412-1356

BK Notices
703 Washington Avenue
Suite 240
Bay City, Michigan 48708
855-686-4677

CaseMail
412 North Main Street, Suite 100
Buffalo, Wyoming 82834
(800) 778-3160
www.CaseMail.us (http://www.casemail.us)

Charitable Choice, Inc.
5650 Lawton Drive
Sarasota, FL 34233
941-284-6892

Cultural House Evaluation Services
150 West 96th Street, Suite 2B
New York, NY 10025
212-810-6348

Donlin Recano & Company, Inc.
419 Park Avenue South
Suite 1206
New York, New York 10016
212-481-1411

Epiq Bankruptcy Solutions, LLC
757 Third Avenue
New York, New York 10017
646-282-2551

Grassmueck Group
P.O. Box 3649
Portland, OR 97208-3649
503-294-9928 ext. 104

Kenneth A. Welt
1776 N. Pine Island Rd.
Suite 101
Plantation, FL 33322
954-916-1560

Law Offices of Brian J. Soo-Hoo
601 Parkcenter Drive, Suite 105
Santa Ana, CA 92705
714-589-2252

Phase Eleven Consultants, LLC
11 LaSalle Street, 7th Floor
Chicago, IL 60603
312-878-3948 ext. 701

Phin Solutions
14245 St. Francis Boulevard
Ramsey, MN 55303
763-633-7007

Clerk's Office Tips & Tricks

What You Need to Know:

1. Digital Audio Files (Page 37)
2. New National Bankruptcy Forms effective December 1, 2015 (Page 39)
3. Revised CM/ECF Reports (Page 46)
    a. Calendar Events Report
    b. Deadlines/Hearings Report
    c. Docket Activity Report
    d. Calendar – Monthly Report
4. NextGen CM/ECF (Page 47)
5. New and Revised CM/ECF Dictionary Events and Related Changes (Page 47)

1. Digital Audio Files.

AVAILABILITY OF DIGITAL AUDIO FILES OF CERTAIN COURT HEARINGS

Effective September 1, 2015 digital audio files of select court proceedings will be available to the public over the internet through the Public Access to Court Electronic Records (PACER) system for a fee of $2.40 per audio file.

Generally, audio files of **pre-trial conferences** and other select hearings, as directed by the presiding Judge, will be embedded in a PDF document docketed to the appropriate case through CM/ECF. Anyone with a PACER account can access the PDF document and listen to the embedded audio file the same way they would access any other document docketed to the case. However, attorneys and parties to the case will not receive the audio equivalent of a "free look" as they do for other documents. **Any access to an audio file is subject to the PACER fee noted above.**

Please understand that digital audio files shall not be considered an official transcript. If an official transcript is desired, please order it through CM/ECF using either the '**Adversary Events → Other → Request for Transcript**' event or the '**Bankruptcy Events → Other → Request for Transcript**' event. You may also call the Clerk's office at 816-512-1800 for assistance ordering an official transcript.

Please also understand that if sensitive information is stated on the record, it will be available in the audio files posted to CM/ECF. Parties may make a request to the presiding Judge that a particular audio file not be docketed for public access, but the decision whether to docket the audio file rests solely with the Judge.

Further, counsel and parties are responsible for guaranteeing that pleadings and testimony comply with the requirements of Fed. R. Bankr. P. 9037 mandating the redaction of personal data identifiers, and therefore, must avoid introducing personal data and other sensitive information into the record. Finally,

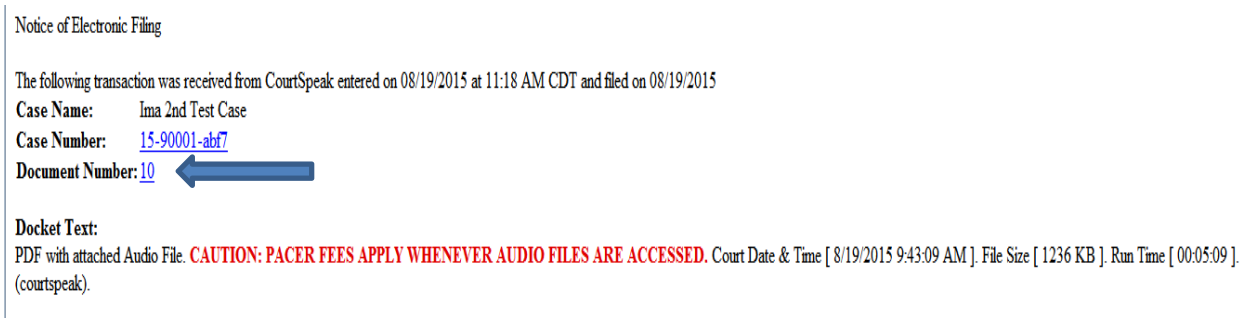
please be mindful that the microphones in the courtrooms are sensitive and may pick up conversations not intended to be on the record. Please ensure that private communications take place outside of the courtrooms so that they are not inadvertently recorded.

ACCESS TO DIGITAL AUDIO FILES OF SELECT COURT PROCEEDINGS VIA PERSONAL COMPUTER OR MOBILE DEVICES

To access a digital audio file embedded in a PDF document docketed through CM/ECF, please take the following actions.

From a Personal Computer:

1. **Access Audio File Document.** Click on the audio file document link from either the CM/ECF docket page or from a Notice of Electronic Filing. The embedded audio file document page will appear.


Notice of Electronic Filing

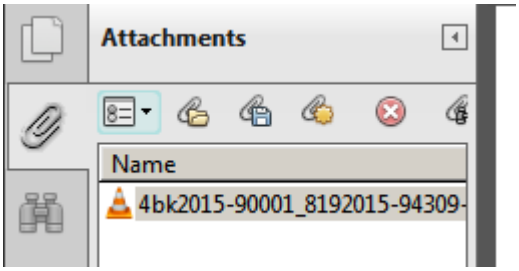
The following transaction was received from CourtSpeak entered on 08/19/2015 at 11:18 AM CDT and filed on 08/19/2015
Case Name: Ima 2nd Test Case
Case Number: 15-90001-abf7
Document Number: 10

Docket Text:
PDF with attached Audio File. CAUTION: PACER FEES APPLY WHENEVER AUDIO FILES ARE ACCESSED. Court Date & Time [8/19/2015 9:43:09 AM]. File Size [1236 KB]. Run Time [00:05:09]. (courtspeak).

2. **Locate the Acrobat Tool Bar.** If using **Internet Explorer** as your web browser, right click anywhere on the document page and select 'Show Navigation Pane Buttons.' The Acrobat tool bar will appear on the left side of the page. In the alternative, center your curser at the bottom of the document page to reveal the hidden 'save/print' tool bar. Click on the Acrobat symbol at the far right, which will reveal the Acrobat tool bar. If using **Mozilla Firefox** as your web browser, click on the 'toggle sidebar' icon located at the top left of your screen to access the Acrobat tool bar. Please call the Clerk's office if you have any problems at 816-512-1800 and we'll do our best to assist.

3. **Play Audio.** Click on the 'file' icon (the paperclip located in the middle of the Acrobat toolbar). A file link will appear. Double click on the file link and the audio file will begin playing after a few seconds. Adjustments may need to be made to your media player software to ensure that that the audio plays properly.

Adobe Toolbar – Click on the Paperclip Playing



Double Click on File Link and Audio will Begin

From a Mobile Device (iPhone or iPad):

1. **Access Audio File Document.** Tap on the audio file document link from either the CM/ECF docket page or from a Notice of Electronic Filing. The embedded audio file document page will appear.

2. **Locate the Acrobat Tool Bar.**

    a. Tap near the top of the screen and the '**open in**' feature will appear.

    b. Tap on the '**open in**' icon and then tap on the '**Adobe Acrobat**' icon. The Acrobat tool bar should appear at the bottom of the screen.

    c. Please call the Clerk's office if you have any problems at 816-512-1800 and we'll do our best to assist.

3. **Play Audio.** Click on the 'file' icon (the paperclip located on the far right of the Acrobat toolbar). A file link will appear. Double click on the file link and the audio file will begin playing after a few seconds. Adjustments may need to be made to your media player software to ensure that that the audio plays properly.

2. New National Bankruptcy Forms Effective December 1, 2015.

Most official bankruptcy forms are scheduled to be replaced with substantially revised, reformatted, and renumbered versions effective December 1, 2015. The revised forms and other related information can be found on the US Court's website at http://www.uscourts.gov/rules-policies/pending-rules-amendments/pending-changes-bankruptcy-forms. Also, a conversion chart comparing the current forms and form numbers to the new forms and numbers is provided below.

a. For example, please see the voluntary petition – Form B1 – that splits into four separate petitions, two for voluntary cases (individual and non-individuals) and two for involuntary cases (individual and non-individual).

b. The tip for this section is that you please review the changes to the new forms – they are substantial and ensure that your software vender is going to support the new forms because the Court is going to expect that the new forms be used on and after December 1st. CINGroup, for example, has released information that it will continue to support its Best Case and CIN-Compass software, but it will discontinue supporting its EZ-Filing software after November 30th (EZ-Filing will evolve into CIN-Compass, which is a cloud-based software product).

c. It's unknown at this time whether the forms will be used for new cases filed on and after December 1st, or whether the new forms will be retroactive for filings in all cases. Additional Information will be released soon. Please continue to monitor the Court's website.

Modernized Bankruptcy Forms Numbering Conversion Chart **9.18.15**

2014 Form Number	2014 Form Name	2015 Number	New Name
	Official Bankruptcy Forms		
B 1	Voluntary Petition	B101	Voluntary Petition for Individuals Filing for Bankruptcy *(incorporates exhibits – carves out eviction judgment statement as new form B101AB)*
		B101A	Initial Statement About an Eviction Judgment Against You
		B101B	Statement About Payment of an Eviction Judgment Against You
		B201	Voluntary Petition for Non-Individuals Filing for Bankruptcy
	Exhibit A	B201A	Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy Under Chapter 11
	Exhibit C	B101 B201	*Hazardous Property or Property That Needs Immediate Attention -- incorporated in Forms B101 and B201*
	Exhibit D	B101	*Individual Debtor's Statement of Compliance with Credit Counseling Requirement – Incorporated in Form B101*
	[Chapter 15 questions from Petition]	B401	Petition for Recognition of Foreign Proceeding
B 2	Declaration under Penalty of Perjury on Behalf of a Corporation or Partnership	B202	Declaration Under Penalty of Perjury for Non-Individual Debtors *(For petition, schedules, SOFA, etc).*
B 3A	Application and Order to Pay Filing Fee in Installments	B103A	Application for Individuals to Pay the Filing Fee in Installments
B 3B	Application for Waiver of Chapter 7 Filing Fee	B103B	Application to Have the Chapter 7 Filing Fee Waived
B 4	List of Creditors Holding 20 Largest Unsecured Claims	B104	For Individual Chapter 11 Cases: The List of Creditors Who Have the 20 Largest Unsecured Claims Against You Who Are Not Insiders *(individuals)*
		B204	For Chapter 11 Cases: The List of Creditors Who Have the 20 Largest Unsecured Claims Against You Who Are Not Insiders *(non-individuals)*
B 5	Involuntary Petition	B105	Involuntary Petition Against an Individual
		B205	Involuntary Petition Against a Non-Individual
B6 Sum	Summary of Schedules (Includes Statistical Summary of Certain Liabilities)	B106 -- Summary	A Summary of Your Assets and Liabilities and Certain Statistical Information *(individuals)*
		B206 -- Summary	A Summary of Your Assets and Liabilities *(non-individuals)*
B 6A	Schedule A - Real Property	B106A/B	Schedule A/B: Property *(combines real and personal property, individuals)*
B 6B	Schedule B - Personal Property	B206A/B	Schedule A/B: Property *(combines real and personal property, non-individuals)*
B 6C	Schedule C - Property Claimed as Exempt	B106C	Schedule C: The Property You Claim as Exempt *(individuals)*

Modernized Bankruptcy Forms Numbering Conversion Chart **9.18.15**

2014 Form Number	2014 Form Name	2015 Number		New Name
B 6D	Schedule D - Creditors Holding Secured Claims	B106D		Schedule D: Creditors Who Hold Claims Secured By Property (*against individuals*)
		B206D		Schedule D: Creditors Who Hold Claims Secured By Property *(against non-individuals)*
B 6E	Schedule E - Creditors Holding Unsecured Priority Claims	}	B106E/F	Schedule E/F: Creditors Who Have Unsecured Claims *(against individuals, combines priority and non-priority)*
B 6F	Schedule F - Creditors Holding Unsecured Nonpriority Claims		B206E/F	Schedule E/F: Creditors Who Have Unsecured Claims (*against non-individuals, combines priority and non-priority)*
B 6G	Schedule G - Executory Contracts and Unexpired Leases	B106G		Schedule G: Executory Contracts and Unexpired Leases (*individuals)*
		B206G		Schedule G: Executory Contracts and Unexpired Leases (*non-individuals)*
B 6H	Schedule H - Codebtors	B106H		Schedule H: Your Codebtors (*individuals)*
		B206H		Schedule H: Your Codebtors (*non-individuals)*
B 6I	Schedule I - Current Income of Individual Debtor(s)	B106I		Schedule I: Your Income (*individuals)*
B 6J	Schedule J - Current Expenditures of Individual Debtor(s)	B106J		Schedule J: Your Expenses
		B106J-2		Schedule J-2: Expenses for Separate Household of Debtor 2
B 6 Dec	Declaration Concerning Debtor's Schedules	B106 -- Declaration		Declaration About an Individual Debtor's Schedules
		B202		Declaration Under Penalty of Perjury On Behalf of a Corporation or Partnership *(For petition, schedules, SOFA, etc)*
B 7	Statement of Financial Affairs	B107		Your Statement of Financial Affairs for Individuals Filing for Bankruptcy
		B207		Statement of Your Financial Affairs *(non-Individuals)*
B 8	Chapter 7 Individual Debtor's Statement of Intention	B108		Statement of Intention for Individuals Filing Under Chapter 7
B 9A	Chapter 7 Individual or Joint Debtor No Asset Case	B309A		(For Individuals or Joint Debtors) Notice of Chapter 7 Bankruptcy Case – No Proof of Claim Deadline
B 9B	Chapter 7 Corporation/Partnership No Asset Case	B309C		(For Corporations or Partnerships) Notice of Chapter 7 Bankruptcy Case – No Proof of Claim Deadline Set
B 9C	Chapter 7 Individual or Joint Debtor Asset Case	B309B		(For Individuals or Joint Debtors) Notice of Chapter 7 Bankruptcy Case – Proof of Claim Deadline Set
B 9D	Chapter 7 Corporation/Partnership Asset Case (12/11)	B309D		(For Corporations or Partnerships) Notice of Chapter 7 Bankruptcy Case – Proof of Claim Deadline Set
B 9E	Chapter 11 Individual or Joint Debtor Case	}	B309E	(For Individuals or Joint Debtors) Notice of Chapter 11 Bankruptcy Case *(former Alt version combined with Form B309-E)*
B 9E(Alt.)	Chapter 11 Individual or Joint Debtor Case			
B 9F	Chapter 11 Corporation/Partnership Case	}	B309F	(For Corporations or Partnerships) Notice of Chapter 11 Bankruptcy Case *(former Alt version combined with Form B309-F)*
B 9F(Alt.)	Chapter 11 Corporation/Partnership Case			
B 9G	Chapter 12 Individual or Joint Debtor Family Farmer	B309G		(For Individuals or Joint Debtors) Notice of Chapter 12 Bankruptcy Case

2014 Form Number	2014 Form Name	2015 Number	New Name
B 9H	Chapter 12 Corporation/Partnership Family Farmer	B309H	(For Corporations or Partnerships) Notice of Chapter 12 Bankruptcy Case
B 9I	Chapter 13 Case	B309I	Notice of Chapter 13 Bankruptcy Case
B 10	Proof Of Claim	B410	Proof Of Claim
B 10A	Proof Of Claim, Attachment A	B410A	Proof Of Claim, Attachment A
B 10S-1	Proof Of Claim, Supplement 1	B410S-1	Proof Of Claim, Supplement 1
B 10S-2	Proof Of Claim, Supplement 2	B410S-2	Proof Of Claim, Supplement 2
B 11A	General Power of Attorney	**Abrogated**	*Reissue as director's form 4011A – same name*
B 11B	Special Power of Attorney	**Abrogated**	*Reissue as director's form 4011B – same name*
B 12	Order and Notice for Hearing on Disclosure Statement	B312	Same
B 13	Order Approving Disclosure Statement and Fixing Time for Filing Acceptances or Rejections of Plan, Combined with Notice Thereof	B313	Same
B 14	Ballot for Accepting or Rejecting Plan	B314	Same
B 15	Order Confirming Plan	B315	Same
B 16A	Caption	B416A	Same
B 16B	Caption (Short Title)	B416B	Same
B 16D	Caption for Use in Adversary Proceeding other than for a Complaint Filed by a Debtor	B416D	Same
B 17A	Notice Of Appeal And Statement Of Election	B417A	Same
B17B	Optional Appellee Statement Of Election To Proceed In District Court	B417B	Same
B17C	Certificate of Compliance With Rule 8015(a)(7)(B) or 8016(d)(2)	B417C	Same
B 18	Discharge of Debtor	B318	Discharge of Debtor in a Chapter 7 Case
B 19	Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer	B119	Bankruptcy Petition Preparer's Notice, Declaration and Signature
B 20A	Notice of Motion or Objection	B420A **(eff. 12.1.16 or later)**	Notice of Motion or Objection
B 20B	Notice of Objection to Claim	B420B **(eff. 12.1.16 or later)**	Notice of Objection to Claim
B 21	Statement of Social Security Number	B121	Your Statement About Your Social Security Numbers
B 22A-1	Chapter 7 Statement of Your Current Monthly Income and Means-Test Calculation *(published as 22A-1)*	B122A-1	Same
B 22A-1Supp	Chapter 7 Means Test Exemption Attachment	B122A-1Supp	Same
B 22A-2	Chapter 7 Means Test Calculation	B122A-2	Same
B 22B	Chapter 11 Statement of Your Current Monthly Income	B122B	Same
B22C-1	Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period)	B122C-1	Same
B22C-2	Chapter 13 Calculation of Your Disposable Income	B122C-2	Same
B 23	Debtor's Certification of Completion of Instructional Course Concerning Financial Management	B423	Certification About a Financial Management Course

2014 Form Number	2014 Form Name	2015 Number	New Name
B 24	Certification to Court of Appeals	B424	Same
B 25A	Plan of Reorganization in Small Business Case under Chapter 11	B425A **(eff. 12.1.16 or later)**	Same
B 25B	Disclosure Statement in Small Business Case under Chapter 11	B425B **(eff. 12.1.16 or later)**	Same
B 25C	Small Business Monthly Operating Report	B425C **(eff. 12.1.16 or later)**	Same
B 26	Periodic Report Regarding Value, Operations and Profitability of Entities in Which the Debtor's Estate Holds a Substantial or Controlling Interest	B426 **(eff. 12.1.16 or later)**	Same
B 27	Reaffirmation Agreement Cover Sheet	B427	Cover Sheet for Reaffirmation Agreement
Director's Bankruptcy Forms			
B 13S	Order Conditionally Approving Disclosure Statement, Fixing Time for Filing Acceptances or Rejections of Plan, and Fixing the Time for Filing Objections to the Disclosure Statement and to the Confirmation of the Plan, Combined with Notice Thereof and of the Hearing on Final Approval of the Disclosure Statement and the Hearing on Confirmation of the Plan	B3130S	Order and Notice Conditionally Approving Disclosure Statement; Fixing Time for Filing Acceptances or Rejections of Plan; Fixing Time for Filing Objections to Disclosure Statement and Objections to Confirmation of Plan; and Fixing Time for Hearing on Final Approval of Disclosure Statement and Hearing on Confirmation of Plan
B 15S	Order Finally Approving Disclosure Statement and Confirming Plan	B3150S	Order Approving Disclosure Statement and Confirming Plan
B 18F	Discharge of Debtor After Completion of Chapter 12 Plan	B3180F	Chapter 12 Discharge
B 18FH	Discharge of Debtor Before Completion of Chapter 12 Plan	B3180FH	Chapter 12 Hardship Discharge
B 18J	Discharge of Joint Debtors (Chapter 7)	***B318***	Discharge of Debtor in a Chapter 7 Case *(combined with Form 318)*
B 18JO	Discharge of One Joint Debtor (Chapter 7)	***B318***	Discharge of Debtor in a Chapter 7 Case *(combined with Form 318)*
B 18RI	Discharge of Individual Debtor in a Chapter 11 Case	B3180RI	Individual Chapter 11 Discharge
B 18W	Discharge of Debtor After Completion of Chapter 13 Plan	B3180W	Chapter 13 Discharge
B 18WH	Order Discharging Debtor Before Completion of Chapter 13 Plan	B3180WH	Chapter 13 Hardship Discharge
B 104	Adversary Proceeding Cover Sheet	B1040	Same
B 131	Exemplification Certificate	B1310	Same
B 132	Application for Search of Bankruptcy Records	B1320	Same
B 133	Claims Register	B1330	Same
B 200	Required Lists, Schedules, Statements and Fees	B2000	
B 201A	Notice to Individual Consumer Debtor	B2010	Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy
B 201B	Certification of Notice to Individual Consumer Debtor(s)	***B101***	Voluntary Petition for Individuals Filing for Bankruptcy *(combined with Form 101)*
B 202	Statement of Military Service	B2020	Same

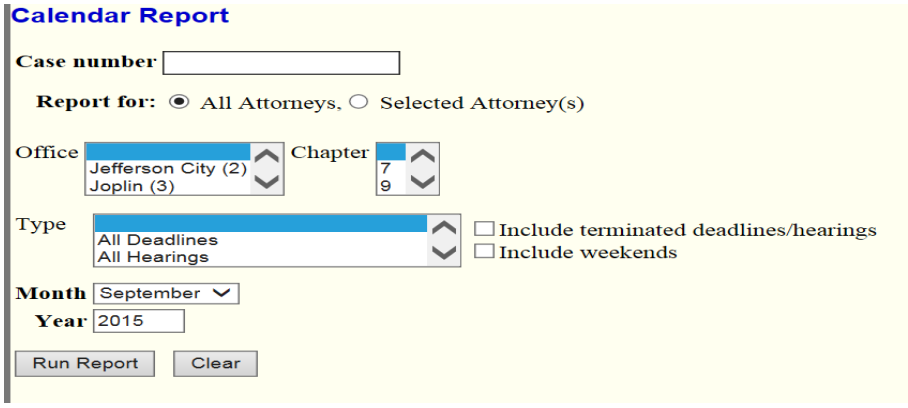
2014 Form Number	2014 Form Name	2015 Number	New Name
B 203	Disclosure of Compensation of Attorney for Debtor	B2030	Attorney's Disclosure of Compensation
B 204	Notice of Need to File Proof of Claim Due to Recovery of Assets	B2040	Same
B 205	Notice to Creditors and Other Parties in Interest	B2050	Same
B 206	Certificate of Commencement of Case	B2060	Same
B 207	Certificate of Retention of Debtor In Possession	B2070	Same
B 210A	Transfer of Claim Other Than for Security	B2100A	Same
B 210B	Notice of Transfer of Claim Other Than for Security	B2100B	Same
B 230A	Order Confirming Chapter 12 Plan	B2300A	Same
B 230B	Order Confirming Chapter 13 Plan	B2300B	Same
B 231A	Order Fixing Time to Object to Proposed Modification of Confirmed Chapter 12 Plan	B2310A	Same
B 231B	Order Fixing Time to Object to Proposed Modification of Confirmed Chapter 13 Plan	B2310B	Same
B 240A	Reaffirmation Documents	B2400A	Same
B 240B	Motion for Approval of Reaffirmation Agreement	B2400B	Same
B 240C	Order on Reaffirmation Agreement	B2400C	Same
B 240A/B ALT	Reaffirmation Agreement	B2400A/B ALT	Same
B 240C ALT	Order on Reaffirmation Agreement	B2400C ALT	Same
B 250A	Summons in an Adversary Proceeding	B2500A	Same
B 250B	Summons and Notice of Pretrial Conference in an Adversary Proceeding	B2500B	Same
B 250C	Summons and Notice of Trial in an Adversary Proceeding	B2500C	Same
B 250D	Third-Party Summons	B2500D	Same
B 250E	Summons to Debtor in Involuntary Case	B2500E	Same
B 250F	Summons in a Chapter 15 Case Seeking Recognition of a Foreign Nonmain Proceeding	B2500F	Same
B 253	Order for Relief in an Involuntary Case	B2530	Same
B 254	Subpoena for Rule 2004 Examination	B2540	Same
B 255	Subpoena in an Adversary Proceeding	B2550	Same
B 256	Subpoena in a Case Under the Bankruptcy Code	B2560	Same
B 257	Subpoena to Produce Documents, Information, or Objects or To Permit Inspection in a Bankruptcy Case (or Adversary Proceeding)	B2570	Same
B 260	Entry of Default	B2600	Same
B 261A	Judgment by Default	B2610A	Same
B 261B	Judgment by Default	B2610B	Same
B 261C	Judgment in an Adversary Proceeding	B2610C	Same
B 262	Notice of Entry of Judgment	B2620	Same
B 263	Bill of Costs	B2630	Same

Modernized Bankruptcy Forms Numbering Conversion Chart **9.18.15**

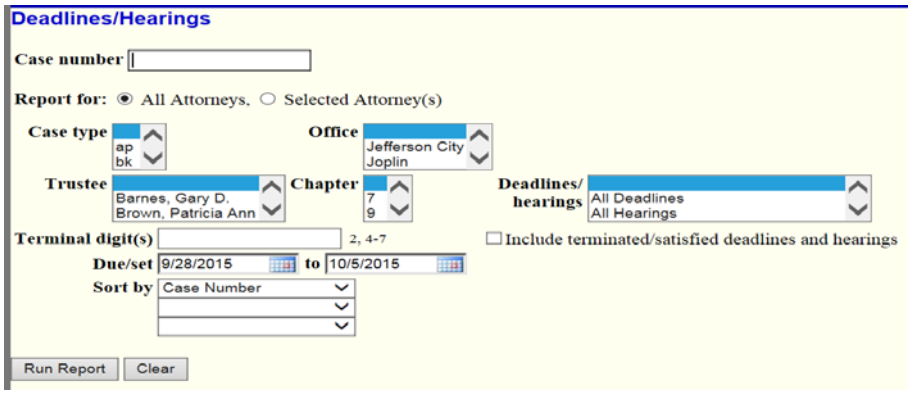
2014 Form Number	2014 Form Name	2015 Number	New Name
B 264	Writ of Execution to the United States Marshal	B2640	Same
B 265	Certification of Judgment for Registration in Another District	B2650	Same
B 270	Notice of Filing of Final Report of Trustee, of Hearing on Applications for Compensation [and of Hearing on Abandonment of Property by the Trustee]	B2700	Same
B 271	Final Decree	B2710	Same
B 280	Disclosure of Compensation of Bankruptcy Petition Preparer	B2800	Same
B 281	Appearance of Child Support Creditor or Representative	B2810	Same
B 283	Chapter 13 Debtor's Certifications Regarding Domestic Support Obligations and Section 522(q)	B2830	Same

3. **Revised CM/ECF Reports.** Based on a suggestion from a few bankruptcy attorneys, the Court has updated the following reports to allow expanded search options, which allow CM/ECF users to better search for pending matters and deadlines by attorney.

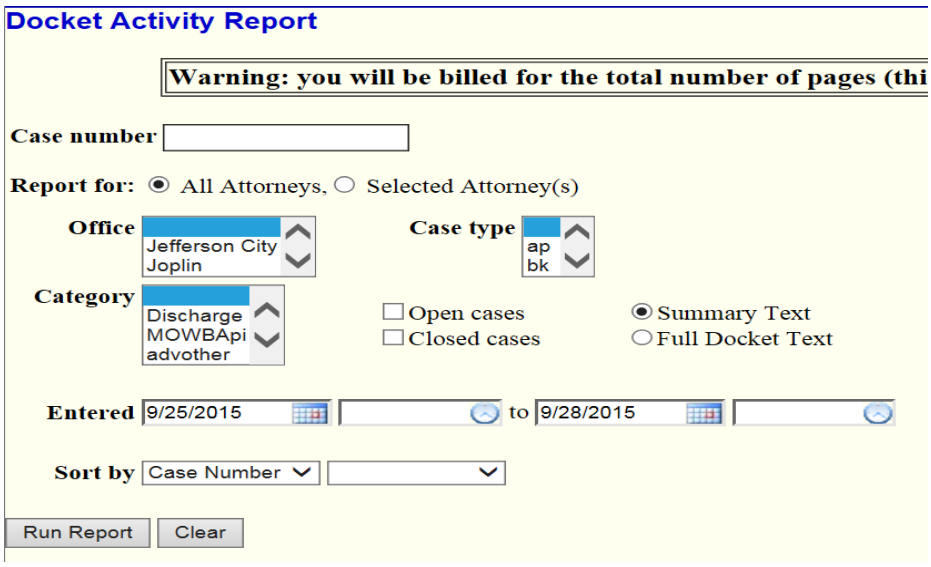
a. **Calendar Events Report**



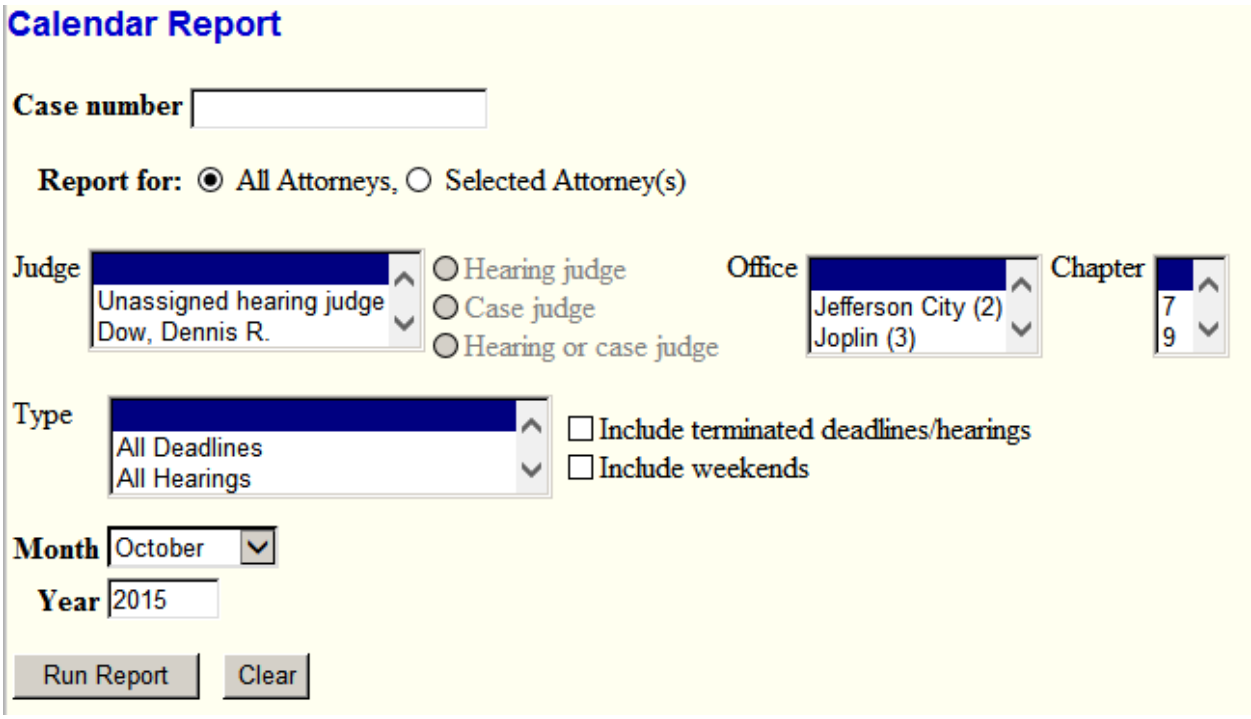
b. **Deadlines/Hearings Report**



c. **Docket Activity Report**



d. **Calendar – Monthly Report**



4. **NextGen CM/ECF.** To continue meeting case filing and case management needs, and in light of new technology, the federal judiciary is in the process of implementing its Next Generation CM/ECF software. The software is being developed and released in modules and will work side-by-side with the current software until the final modules are in place. The process will take several years.

   a. Currently, the first few NextGen modules are being tested in certain pilot courts. One of the pilot courts is the Kansas District Court. The bankruptcy pilot courts include the District of Alaska, California-Southern, New Jersey and Oregon.

   b. The software is expected to be available for release to all courts sometime in 2016; however, the Western District of Missouri is expected to move towards NextGen CM/ECF sometime in mid-to late-2017. The Court will offer training classes and materials for attorneys and staff and as the time grows nearer.

   c. Please call if you have any concerns or need additional information.

5. **New and Revised CM/ECF Dictionary Events and Related Changes.**

   a. **New Text Event: No Objection to Entry of Discharge after Extension.** The Court created a new event for parties to use when they no longer need a previously granted **Motion to Extend/Delay Discharge**. The text event forces the filer to link the text to the related Order. This event may also be used when the extension is no longer needed relating to a **Motion to Extend Discharge/Reaffirmation Agreement** and **Motion to Extend FMC deadline**.

i. The event may be found under Other -> No Objection to Entry of Discharge after Extension - text entry.

ii. **Docket Text:**
The extension previously granted by the Court, pursuant to the related Order, is no longer necessary. The Movant has no objection to the discharge being entered. (related document(s)[31] Order on Motion to Extend Objection to Discharge Date) (Shannon, Kirsten (crt))

b. Other new dictionary events may be found under the **Motions** category.
   i. Incur Debt for VEHICLE (w/ 21 day notice)
   ii. Incur Debt for Vehicle (NO notice)
   iii. Retain Proceeds from Sale
   iv. Retain or Spend ALL of Income Tax Refund

c. An updated CM/ECF dictionary events list follows.

ATTORNEY ECF EVENT LIST
as of 9/23/2015

(NOTE: No single attachment may exceed 15 MB)

BANKRUPTCY EVENTS

Appeal.....

Addendum to Record on Appeal
Agreed Statement in Lieu of Record on Appeal
Appellant Designation
Appellee Designation
Appellee Statement of Election
Certification of Direct Appeal to Court of Appeals
Certification of No Transcript Ordered
Cross Appeal (Fee Due)
Joint Certification to Court of Appeals
Notice of Appeal (Fee Due)
Notice of Appeal and Statement of Election (Fee Due)
Notice of Docketing Record on Appeal
Notice of Referral of Appeal to BAP
Objection to Referral to BAP
Record on Appeal
Request for Certification of Direct Appeal
Response to Statement of Evidence in Lieu of Transcript
Statement of Evidence in Lieu of Transcript
Statement of Issues on Appeal
Transcript Ordered re Notice of Appeal

Batch Filings

13 Notice of Final Report
Ch 12 Notice of Final Report
Dismiss Casee and to Retain Tax Intercept MoDeptSS
Dismiss Case by MoDor
Extend Objection to Discharge Date
Retain Tax Intercept MoDeptSS
Withdrawal of Claims

Claim Actions

Claims Register by Agent (ONLY use when directed by Court)
Notice Allowing Chapter 12 Claims
Notice of Mortgage Payment Change
Notice of Post-petition Mortgage Fee. Expenses, and Charges
Notice of SERVICING Change
Objection to Claim (includes 30 day notice)
Objection to Claim (shortened time)
Objection to Transfer or Assignment of Claim
Omnibus Objection to Claims by Trustee or DIP (includes 30 day notice)

Claim Actions - continued

Request to Redact or Restrict Claim
Request to Redact or Restrict Claim – text entry
Response in Agreement to Ntc of Final Cure Pmt Rule 3002.1
Response in Opposition to Ntc of Final Cure Pmt Rule 3002.1
Satisfaction of Claim
Withdrawal of Assignment/Transfer of Claim
Withdrawal of Claim
Withdrawal of Objection to Claim

Claim TRANSFER or Assign

Transfer or Assignment of Claim – NO waiver (Fee Due)
Transfer or Assignment of Claim – WITH waiver (Fee Due)

Creditor Maintenance

Enter individual creditors
Upload Creditor Matrix **Do NOT Load a .pdf Document, ONLY Load a .txt Document**

File Claims

Motions/Applications/Requests

2004 Examination
Abandon
Access to Debtor Federal Tax Return
Accounting
Add Creditor to Schedules
Adequate Protection
Administrative Expenses
Allow Claims
Allow Monthly Invoices
Amend
Appear pro hac vice (Fee Due)
Application for Approval of Chapter 11 Trustee
Appoint Creditor Committee
Appointment of Trustee
Approve Appointment of Examiner by UST
Approve Compromise under Rule 9019
Arrearages
Assume/Reject
Avoid Lien (exempt property only)
Avoid Lien on Household Goods
Bar Debtor
Borrow
Ch 11 Expedited Hearing on First Day Motions
Change Divisional Venue
Chapter 11 Discharge
Chapter 11 Discharge – Hardship

Motions (continued)

Chapter 12 Discharge
Chapter 12 Discharge – Hardship
Chapter 13 Discharge
Chapter 13 Discharge - Hardship
Close Case
Compel
Compel Abandonment -Rule 6007b (Fee Due)
Compensation (NOT Post Confirmation Fees)
Compromise Controversy
Compromise Controversy (with 21 day notice)
Consolidate
Contempt
Continue Hearing
Continue Hearing (text entry)
Convert Case 11 to 7 (Fee Due)
Convert Case 13 to 7 (Fee Due)
Convert Case 7 to 11 (Fee Due)
Convert Case to 12
Convert Case to 13
Convert Chapter 12 to 11
Convert Chapter 12 to 13 (Fee Due)
Convert Chapter 12 to 7 (Fee Due)
Convert Chapter 13 to 11 (Fee Due)
Deconsolidate Chapter 11 Case (Fee Due)
Deconsolidate Chapter 12 Case (Fee Due)
Deconsolidate Chapter 13 Case (Fee Due)
Deconsolidate Chapter 7 Case (Fee Due)
Defer Fee
Delay Discharge by Debtor
Deposit Funds into Court Registry
Determine Final Cure and Payment re Rule 3002.1
Determine Mortgage Fees and Expenses re Rule 3002.1
Determine Tax Liability
Determine Value
Disallow Claims
Disallow Debt for Payment under the Plan
Disburse Funds
Disgorge Fees
Dismiss Case
Dismiss Case 707b by UST
Dismiss Case under 521
Dismiss Document
Dismiss Party
Emergency Refund for Debtor
Employ
Exigent Circumstances re Credit Counseling
Expedite Hearing
Expunge

Motions (continued)

Extend Automatic Stay
Extend Objection to Discharge Date
Extend Time
Extend Time for 707b by UST
Extend Time for Credit Counseling
Extend Time to Object to Exemptions
Extend Time to file Financial Management Certificates
Extend or Out of Time re Reaff Agr to Delay or Vacate Discharge
Extend/Limit Exclusivity Period
File Document Under Seal
File Out of Time
File Proof of Claim Out of Time
Final Decree
Final Decree & Ch 11 Final Report
Home Mortgage Modification w/ 7 day notice
Impose Automatic Stay
In Limine
Increase Assurance Payment
Incur Debt (no notice)
Incur Debt (with 21 day notice)
Incur Debt for VEHICLE (w/ 21 day notice)
Incur Debt for Vehicle (NO notice)
Join
Joint Administration
Leave to Appeal
Limit Notice
Limited Admissions
More Definite Statement
Object to Debtor Discharge (prior discharge)
Pay
Pay Exempt Funds or Excluded (Text Entry)
Pay Filing Fee in Installments
Pay Funds Out of the Court Registry
Payoff of 13 Plan
Post-Confirmation Fees
Preliminary Injunction
Prohibit Use Cash Collateral
Protective Order
Quash
Quash Garnishment
Reaffirmation
Rebutting Presumption of Abuse
Reconsider
Recusal
Redeem
Reinstate Case
Release Rent Funds from Court Registry
Relief from Co-Debtor Stay (NO Fee Due)

Motions (continued)

Relief from Stay (Fee Due)
Relief from Stay AMENDED (NO Fee Due)
Relief from Stay STIPULATED (NO Fee Due)
Remand
Remove Debtor as Debtor in Possession
Reopen Ch 11 Case (Fee Due)
Reopen Ch 12 Case (Fee Due)
Reopen Ch 13 Case (Fee Due)
Reopen Ch 15 Case (Fee Due)
Reopen Ch 7 Case (Fee Due)
Reopen Ch 9 Case (Fee Due)
Request Court Determination & Order Re Automatic Stay
Request for Court Certification for Direct Appeal (Fee Due)
Request to Redact or Restrict Document (Fee Due)
Request to Redact or Restrict Document – text entry (Fee Due)
Retain Proceeds from Sale
Retain a Portion of Tax Refund
Retain or Spend ALL of Income Tax Refund
Revive Judgment
Sanctions
Sanctions for Debtor's Attorney Misconduct under FRBP 9011
Seal Case
Seal Motion
Sell
Sell Free & Clear of Lien Interest 363(f)(Fee Due)
Sell Free & Clear of Lien Interest 363(f) w/ Ntc (21 days)(Fee Due)
Sell with Notice (21 days)
Set Bar Date to File Proofs of Claim
Set Hearing
Settlement Agreement
Shorten Time
Spend Income Tax Refund
Stay
Stay Pending Appeal
Stipulated Motion
Strike
Substitute Attorney
Substitute Party
Summary Judgment
Suspend Plan Payments
TRUSTEE Defer Reopening Filing Fee (text entry)
Termination or Absence of Stay
Transfer Case Out of District
Transfer Claim
Trustee Extend Automatic Stay (362h)
Trustee Substitution of Party
UST Ex Parte Request Setting Answer Date

Motions (continued)

UST Extend Time for 707 & 727
UST Withhold Discharge
Unseal Case
Unseal Document
Use Cash Collateral
Vacate
Waive Chapter 7 Filing Fee
Waive Credit Counseling re 109(h)(4)
Waive Financial Management Course
Waive Means Test
Waive Notice or Expedite Order
Waive Pay Order
Waive Right to Object re 704 (B)(2)
Withdraw As Attorney
Withdraw Document
Withdraw Reference (Fee Due)
Writ
for Final Order
for Order
for Order (w/ 21 day notice)

Multi-Case Docketing

13 Report on Business
13 Trustee Certificate of Mailing
13 Trustee Objection to Claim (30 day notice)
13 Trustee Objection to Exemptions
13 Trustee Withdraw Document
Address Added or Changed
Amend Plan by 13 Trustee
Ch 13 Plan Certification
Ch 13 Trustee Deposit Funds into Registry
Ch 13 Trustee Final Report (Special)
Ch 13 Trustee Final Report - Completion
Ch 13 Trustee Final Report - Conversion
Ch 13 Trustee Final Report - Dismissal
Ch 13 Trustee Final Report - Dismissal (ONE debtor only)
Ch 13 Trustee Final Report - Hardship Discharge
Ch 13 Trustee Final Report - Transfer
Ch 13 Trustee Ntc of Plan Completion
Dismiss Case by 13 Trustee
No PTO or Summons (text entry)**(only use when directed to by the court)**
Notice Allowing 13 Claims by Trustee
Notice Allowing Amended 13 Claims by Trustee
Notice by Chapter 13 Office
Request Removal from Notification List (text only)
Successor Trustee Report

Multi-Case Docketing (continued)

Tr Motion Dismiss Case for Default
Tr Motion Dismiss Case for Failure to Commence
Tr Motion Dismiss Case for 1322d
Tr Motion Dismiss Case for Deault and 1322d
Tr Motion Dismiss Case re Confirmable Plan
Trustee DEFER Adversary Filing Fee (text entry)
Trustee Ext Obj to Discharge Date re Taxes (text entry)
Trustee Interim Report (12 months)
Trustee Interim Report (6 months)
Trustee Motion to Compel Debtor
Trustee Motion to Deny Confirmation
Trustee Objection to Confirmation of Plan
Trustee Resignation - multi
Trustees Convert 13 to 7 (Fee Due)
UST Appoints Ch 7 Trustee - multi
UST Stmt & Notice of Presumed Abuse (multi)

Notices.....

2004 Examination
Amendment to Schedules Adding Creditors (Fee Due)
Amendment to Schedules Removing Creditors (Fee Due)
Appoint Examiner by UST
Compliance
Continuance of Hearing (use ONLY by Court directive)
Continuance of Meeting of Creditors
Continue Meeting of Creditors with UST Agreement
Corrected Debtor Social Security Number - private entry
Corrected Taxpayer Identification Number - private entry
Deposit Requirement
Designation as Complex Chapter 11
Dismissal
Intent to Request Transcript Redaction
Intent to Transfer Equity Interest
Notice of Commencement of Ch 15 Case
Notice of Motion (sets obj deadline)(21 days)
Notice of Motion (shortened time)
Notice of Motion to Compel Abandonment (sets 14 day deadline)
Notice of Service due to directive from Court
Notice on Motion for Conversion from 7 to 13
Perfection of Lien
Reopen Case to Add Creditor (30 day deadline)
Reopening Case (21 day deadline)
Sale - Misc. Assets
Setting Bar Date – Ch 11
Setting Hearing (use ONLY by Court directive)

Notices (continued)

Submission of Fees (Chapter 11 only)
Substitute Creditor Attorney
Substitute Creditor Attorney - text only
Substitute Debtor Attorney
Substitute Debtor Attorney (text entry)
Take Deposition
Voluntary Conversion to Chapter 7 (Fee Due)
Voluntary Dismissal

Objection/Response...

Reference an Existing Document

Objection
Objection re 522
Objection to Professional Fees
Reply
Response

Other Answers

Answer (Involuntary)

Open New Bankruptcy Case
Open New Involuntary Bankruptcy Case

Other.....

20 Largest Unsecured Creditors
2014 Statement – Chapter 11
2019 Verified Statement by Equity Security Holders – Ch 9 & 11 ONLY
Address Added or Changed - text entry
Affidavit
Affidavit in Lieu of Conversion Schedules
Affidavit re: NO Tax Returns
Agenda for Hearing (ONLY with Court Approval)
Amended Matrix Adding Creditor (in PDF)
Amended Petition (voluntary or involuntary)
Amended Schedules (any single or all schedules)
Appearance of Child Support Creditor
Asset Purchase Agreement
Assignment of Judgment
Assignment of Tax Refund
Attorney Name & Phone Number – private entry
Balance Sheet
Bill of Costs
Brief
Certificate of Credit Counseling (NOT Financial Mgmt)

Other (continued)

Certificate of No Objection to Submission
Certificate of Service
Certificate of Service (text entry)
Certificate of Service of Tax Information
Certificate of Service of Tax Information (text entry)
Certificate of Service re Proof of Claim
Certificate of Service regarding Discovery
Certification of Cure of Residential Judgment
Certification of Financial Management Course
Certification of Intent to Cure Residential Default
Certification re Rights & Responsibilities Agreement (text only)
Ch 11 Periodic Report (B26)
Ch 11 Statement of Monthly Income form 22B
Ch 13 Calculation of Disposable Income 22C-2
Ch 13 Statement of Monthly Income 22C-1
Ch 7 Exemption of Presumption of Abuse 22A-1 Supp
Ch 7 Means Test Calculation 22A-2
Ch 7 Statement of Monthly Income 22A-1
Chapter 11 Final Report and Account
Consent
Conversion Schedules
Corporate Ownership Statement
Court Reporters Certificate
Creditor Exception Address
Debtor Election of Small Business Designation
Debtor Evidence of Employer Payments Received
Debtor Evidence of NO Employer Payments
Debtor NOT Eligible for Discharge – text entry
Debtor Rebuttal of Presumption of Abuse
Debtor Signature re: Relief Availability
Declaration Re: Electronic Filing
Demand for Reclamation
Disclosure of Compensation of Attorney for Debtor
Domestic Support Obligations
Entry of Appearance
Equity Security Holders
Exhibit D to voluntary petition
Exhibit Index
Exhibit Index Amended or Supplemental
Federal Tax Returns (only file if ordered to do so)
Findings of Fact and Conclusions of Law
Income Statement
Installment Filing Fee Payment - Ch 13
Installment Filing Fee Payment - Ch 7
Interrogatory Answers (garnishments only)

Other (continued)

Involuntary Summons Service Executed
Involuntary Summons Service Unexecuted
Joinder
Local Rule 2015-2 A and B
MoDOR – Ntc of Debtors Compliance re Tax Returns (text entry)
Monthly Operating Report Summary
Monthly Operating Report Summary – Ch 13
No Objection to Entry f Discharge after Extension – text entry
Notice - generic
Notice by Bankruptcy Petition Preparer - Form 19B
Notice of Appearance and Request for Notice (Attorneys ONLY)
Notice of Appearance of Creditor Attorney – text entry
Notice of Assumption of Lease
Notice of Change of Address
Notice of Continuance of Meeting of Creditors
Notice of Intent to Surrender Property
Notice to Consumer Debtor re 342b
Objection to Debtor Claim of Exemptions by creditor
Obligations of Ch. 11 Debtor
Ombudsman Report
PDF Initial Mailing Matrix
Pay Case Reopening Fee by CC
Pay Outstanding Filing Fee by Credit Card
Petition Foreign Proceeding - Ch 15
Protection of Property from Damage
Reaffirmation – Statement in Support
Reaffirmation Agreement
Reaffirmation Cover Sheet
Reaffirmation Support Documentation
Redemption Agreement
Rejection of Executory Contract of Lease
Release from Active Duty
Report of Sale
Request for Removal from Notification List (text only)
Request for Debtor to File Tax Returns
Request for Hearing
Request for Notices by Pro Se Creditor only
Request for Separate Notice (Debtor use only)
Request for Transcript
Rescission of Reaffirmation Agreement
Return of Service on Writ
Returned Mail - text entry
Satisfaction of Judgment
Schedule(s)
Settlement Agreement

Other (continued)

Statement of Chapter 7 Business Operations
Statement of Financial Affairs
Statement of Good Faith Filing
Statement of Intention
Statement of Operations - Ch 11 Small Bus.
Status Report
Stipulation
Subpoena Served
Suggestions in Opposition
Suggestions in Support
Suggestions of Death
Summary of Ballots (Chapter 11)
Summary of Exhibits
Summary of Exigent Circumstances
Support Documentation
Update EOUST Stats
Verification by Debtor
Voluntary Petition
Withdraw Document (No Order entered)
Withdraw Document (text entry) (No Order entered)
Withdraw as CREDITOR Attorney – text entry (No Order entered)
Witness List

Plan.....

Amended Chapter 11 Plan
Amended Chapter 12 Plan
Amended Chapter 13 Plan
Amended Disclosure Statement
Chapter 11 Plan
Chapter 11 Small Business Plan
Chapter 11 Small Business Plan & Disclosure Statement
Chapter 12 Plan
Chapter 13 Plan
Chapter 9 Plan
Disclosure Statement
Disclosure Statement for Small Business
Objection to Confirmation of Plan
Objection to Disclosure Statement

Trustee/US Trustee (<u>ONLY to be used by the trustees</u>)

13 Agreement re 1322d Issue (text)
13 Agreement re Plan Payment (text)
13 Notice of Final Report
13 Request Reconsider Motion to Dismiss (text)

Trustee/US Trustee (continued)

13 Request Dismissal - NONCOMPLIANCE (text)
13 trustee Notice re: Order Granting Lien Avoidance (text)
Abandonment - text entry
Abandonment of Property
Accept Appointment as Ch 11 Trustee
Agreement to Continue Meeting of Creditors
Agreement to Waive Appearance
Amended Notice & Summary to Final Report
Appointment of Ombudsman
Ch 13 Trustee Final Report (Special)
Ch 7 Report of No Distribution - No Funds (NDR)
Ch 7 Rpt No Distribution - dismissed or converted, no funds
Ch 7 Rpt of No Distribution - dsm or conv, some funds collected
Ch 7 Rpt of No Distribution - minimal funds collected
Ch 7 Rpt of No Distribution - no funds (Ad hoc)
Ch 7 Rpt of No Distribution - with funds (Ad hoc)
Chapter 11 Meeting Held and Continued
Chapter 12 Trustee Final Report and Account
Chapter 13 Plan Recommendation
Chapter 13 Trustee Notice of Base Plan Increase
Chapter 13 Trustee Notice of Base Plan to 100
Claim Recommendation
Comment by UST
Consent to Motion to Expedite (text)
Deposit for Court Registry
Final Account Zero Balance (TDR)
Final Asset Report (TFR)
Meeting of Creditors Continued
Meeting of Creditors Continued (Special Address)
Meeting of Creditors Held - Ch 11
Meeting of Creditors Held - Ch 12
Meeting of Creditors Held - Ch 13
Meeting of Creditors Held - Ch 7
Meeting of Creditors Not Held
No Objection to Entry of Discharge (text entry)
Notice & Summary of AMENDED Final Report - Ch 7
Notice & Summary of Final Report - Ch 7 (NFR)
Notice of Intent to File Objection to Claim
Notice of 13 Plan Status
Notice of Appointment of Committee of Retired Employees
Notice of Appointment of Creditors Committee
Notice of Appointment of Equity Security Holders Committee
Notice of Ch 12 Trustee's Final Distribution
Notice of Ch 13 Wage Order Increase
Notice of Compliance to Order (text)
Notice of Debtors Compliance re Tax Returns - Ch 13 (text)

Trustee/US Trustee (continued)

Notice of Debtors Compliance re Tax Returns - Ch 7 (text)
Notice of Final Cure Mortgage Payment
Notice of Intent to Abandon
Notice of Intent to Sell
Notice of Intent to Sell w/ Shortened Time
Notice of Interim Distribution
Objection to Exemptions
Pay Case Reopening Filing Fee by CC
Rejection or Resignation of Appointment
Report of Interim Distribution
Report of Sale
Report of Sale by Auctioneer
Request for Claims Bar Date Notice
Request for Claims Bar Date Notice - Surplus
Request for Dismissal Order
Request for Dismissal Order No Tax Returns
Request for Dismissal due to NONCOMPLIANCE (text)
Request for Production of Documents
Request for Show Cause - Attorney
Request for Show Cause - Tax Returns
Request for Show Cause - no ID
Request for Show Cause - no show
Request to Redact or Restrict & Waive Fee
Selected for Audit
Statement Non-Formation of Committee
Status Report - text entry
Status Report by Ch 13 Trustee
Stipulated Proposed Scheduling Order
Stipulation
Trustee 341/Initial Report
Trustee Report of Re-Distribution
Trustee Request for OSC to vacate Waiver of Filing Fee
Trustee Request to Redact or Restrict Document - text
Trustee Withdraws RND (NDR) (text)
UST Appoints Ch 12 Trustee
UST Appoints Ch 7 Trustee
UST Declination re 704(b)(2)
UST Statement - generic
UST Stmt & Notice of Presumed Abuse
UST Stmt of NO Presumed Abuse
UST Stmt of No Determination of Presumed Abuse
UST Stmt of No Means Testing Documents Filed
Withdraw Initial Report & 341 Mtg Held (text)
Withdraw Request for Dismissal (text)
Withdraw Request for Show Cause (text)

ADVERSARY EVENTS

Open New Adversary Case (includes original complaint)

Answers...

Motion/Application

Objection
Objection re 522
Objection to Professional Fees
Reply
Response

Complaint, 3rd, cross, counter

Appeal.....

Addendum to Record on Appeal
Agreed Statement in Lieu of Record on Appeal
Appellant Designation
Appellee Designation
Appellee Statement of Election
Certification of Direct Appeal to Court of Appeals
Certification of No Transcript Ordered
Cross Appeal (Fee Due)
Joint Certification to Court of Appeals
Notice of Appeal (Fee Due)
Notice of Appeal and Statement of Election (Fee Due)
Notice of Docketing Record on Appeal
Notice of Referral of Appeal to BAP
Objection to Referral to BAP
Record on Appeal
Request for Certification of Direct Appeal
Response to Statement of Evidence in Lieu of Transcript
Statement of Evidence in Lieu of Transcript
Statement of Issues on Appeal
Transcript Ordered re Notice of Appeal

Other Complaints (to be used AFTER Adversary case is already opened)

Amended Complaint
Complaint
Complaint - Third-Party
Counterclaim
Crossclaim
Notice of Removal
Registration of Foreign Judgment

Motions……..

2004 Examination
Add Defendant
Amend
Appear pro hac vice (Fee Due)
Approve Compromise under Rule 9019
Change Divisional Venue for Adversary
Compel
Compromise Controversy
Consolidate
Consolidate for Trial
Contempt
Continue Adversary Hearing
Continue Hearing (text entry)
Deconsolidate Case Association
Default Judgment
Defer Adversary Filing Fee (Trustee only)
Defer Adversary Filing Fee (text entry)
Dismiss Adversary Proceeding
Dismiss Document
Dismiss Party
Expedite Hearing
Expunge
Extend Time
File Document Under Seal
File Out of Time
Intervene
Join
Jury Trial
Leave to Appeal
Leave to File Amended Complaint
More Definite Statement
Preliminary Injunction
Protective Order
Quash
Reconsider
Recusal
Reinstate Case
Remand
Reopen Case
Revive Judgement
Sanctions
Seal Case
Sealed Motion
Set Hearing
Settlement Agreement
Shorten Time
Stay

Motions (continued)

Stay Pending Appeal
Strike
Substitute Attorney
Substitute Party
Summary Judgment
Transfer Adversary Out of District
Unseal Case
Unseal Document
Vacate
Withdraw As Attorney
Withdraw Document
Withdraw Reference (Fee Due)
for Order in adversary
for Order (w/ 21 day notice) in adversary

Notices.....

Notice of Default
Notice of Motion (sets objection deadline)
Setting Hearing (use ONLY by Court directive)
Stipulated Dismissal in an Adversary Proceeding
Substitute Attorney
Take Deposition
Voluntary Dismissal

Other.....

Affidavit
Agenda for Hearing (ONLY with Court Approval)
Amended Crossclaim
Answer to Complaint
Assignment of Judgment
Bill of Costs
Brief
Certificate of Service
Certificate of Service regarding Discovery
Consent to Judgment
Corporate Ownership Statement
Demand for Jury Trial
Entry of Appearance
Exhibit Index
Exhibit Index Amended or Supplemental
Findings of Fact and Conclusions of Law
Interrogatory Answers (garnishments only)
Joinder
Notice - generic
Notice of Change of Address
Notice of Deposition Web Page

Other (continued)

Notice to Take Deposition
Pay Adversary Filing Fee
Release of Garnishment
Request Removal from Notification List (text only)
Request for Alias Summons (text entry)
Request for Entry of Default
Request for Hearing - Adversary
Request for Transcript
Response
Satisfaction of Judgment
Settlement Agreement
Status Report
Stipulation
Subpoena Served
Suggestions in Opposition
Suggestions in Support
Suggestions on Trial Procedures
Summary of Exhibits
Summons Service Executed
Summons Service Unexecuted
Support Documentation
Waiver of Service
Withdraw Document
Withdraw as CREDITOR Attorney - text
Witness List

Chapter 13 Trustee's Perspective: Current Issues

What You Need to Know:

1. **Federal Rules of Bankruptcy Procedure 3002.1(a) and (c) (Page 66)**
2. **Finally Financial Freedom (Page 66)**
3. **Trustee's updated internal procedure for Orders on Motions to Avoid Lien (Page 67)**
4. **WWW.NDC.ORG (Page 67)**
5. **Uploads to the FTP Server (Page 67)**

1. Federal Rules of Bankruptcy Procedure 3002.1(a) and (c):

- After further analysis of this rule, the Chapter 13 trustee will no longer object to a mortgage proof of claim that fails to attach a breakdown of the pre-petition mortgage arrearage;
- The trustee previously requested the arrearage claim be disallowed absent the arrears being substantiated;
- It is now up to debtors and their counsel to review these claims to ensure they are accurate and justified.

2. Finally Financial Freedom

- **An online Personal Financial Management class offered by Trustees' Education Network**
  - The course has been approved by the United States Trustee Program
  - Debtors will receive a Certificate of Debtor Education upon completion
  - Available in both English & Spanish

  - **Offered free to Chapter 13 debtors by the trustee**
    - For cases filed after 10/1/14
    - If the course is completed within 1 year of the petition date
    - Even if debtors filed their case prior to 10/1/14, they can still "audit" the course.
    - Information about the class is provided to debtors at 341 meetings
    - Information is also available online at www.13class.com

  - **The class has 10 lessons covering such topics as:**
    - Budgeting
    - How to spend and save
    - Smart shopping
    - Use of credit
    - Credit reports & credit scores
    - Identity theft & insurance
    - Managing money

3. **Trustee's updated internal procedure for Orders on Motions to Avoid Lien**:
   - If the Motion doesn't specifically request that a claim be reset to unsecured, the trustee will not reset secured claims absent a separate order of the court (such as an Order on an Objection to Claim.)
   - The reason for this is that there are times when there could be an underlying security interest that is not being avoided, so the claim should not be reset, such as when there is a purchase money security interest and the Motion to Avoid lien is just avoiding a judicial lien on real property (we often see this with Nebraska Furniture Mart claims).
   - The safest way to deal with this is to file an Objection to Claim along with the Motion to Avoid Lien if you want a claim reset.
   - We will also be filing status entries to let parties know that claims will not be reset absent a separate court order.

4. **WWW.NDC.ORG**

   - www.NDC.org is a secure website where debtors and debtors' attorneys can view their cases.
   - Debtors can view activity in their case. Debtors' attorneys can view their client's cases and access information such as debtor's missed plan payments.
   - The trustee encourages debtor's attorneys to start using www.NDC.org (rather than www.13network.com) to monitor their clients' cases.
   - In the next couple of months, www.NDC.org will have new graphics, updated features, and debtor alerts that will make the website an even better monitoring tool for both debtors and debtor attorneys.

5. **Uploads to the FTP Server**

   - When uploading documents to the CORE FTP server, please look for a confirmation email that indicates the document has successfully been uploaded.
   - The email will read: **"NAME has successfully uploaded file CASE # (description).pdf into the Trustee's FTP server on DATE at TIME."**
   - Some reasons why a document might not be successfully uploaded are:
     - The File name is not in the correct format. The format needs to be **XX-XXXXX (Description).format. Example: 15-12345 2013 Returns.pdf**
     - Chapter 7/12 case
     - PDF is more the 10MB
     - PDF is encrypted or secured with a password
     - We can't locate the case number (typo in filename).
   - If you receive a confirmation email, and we have not indicated that the issue is resolved, please call a Case Analyst. Sometimes, the upload is successful, but the documents are not what we requested, they are blank, or there is some other item we are waiting on. The Case Analysts are happy to help.