

**United States Bankruptcy Court
Western District of Missouri**



**Eat & Greet
Educational Program**

An informal luncheon and discussion of current bankruptcy issues and procedures

Kansas City, Missouri

October 6, 2014
11:30 pm – 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 Court Local Rule Changes and Current Issues
- Bankruptcy Court Procedural Changes and Updates
- Chapter 13 Trustee Discussion on Plan Length Issues
- ePOC (Electronic Proof of Claim) Program
- 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

1.5 hours Missouri and Kansas CLE pending

Bankruptcy Court Local Rule Changes and Current Issues

1. Local rule changes since January 1, 2013

- a. 2013 General Order Amending Local Rule 1073-1B Related to Assignment of Cases (January 17, 2013) (page 3 attached)
http://www.mow.uscourts.gov/bankruptcy/rules/bk_general_amendment-2-1-13.pdf
- b. 2013 General Order Amending Local Rule 9060-1C Related to Continuance of hearings (June 6, 2013) (page 4 attached)
http://www.mow.uscourts.gov/bankruptcy/rules/2013_general_order_amending_local_rule_9060_continuance_of_hearings_redlined.pdf
- c. 2013 General Order Amending Local Rule 1017-1A Related to Dismissal (July 19, 2013) (page 5 attached)
<http://www.mow.uscourts.gov/bankruptcy/rules/2013%20general%20amending%20local%20rule%201017A%20dismissal%20redline.pdf>
- d. 2013 General Order Creating Local Rule 3002.1-1 Notice Relating to Claims secured by Security Interest in the Debtor's Principal Residence Not required in Certain Circumstances (November 19, 2013) (page 6 attached)
http://www.mow.uscourts.gov/bankruptcy/rules/2013_gen_ord_creating_local_rule_3002-1-1.pdf
- e. 2014 General Order Amending Local Rule 2016-1D Related to Chapter 13 Attorney Fees (May 14, 2014) (page 7 attached)
[http://www.mow.uscourts.gov/bankruptcy/rules/2014_General_Order_Amending_Local_Rule_2016-1\(d\)_Attorney_Fees_--_Redlined_Version.pdf](http://www.mow.uscourts.gov/bankruptcy/rules/2014_General_Order_Amending_Local_Rule_2016-1(d)_Attorney_Fees_--_Redlined_Version.pdf)
- f. 2014 General Order Creating Local Rule 1073-1I Related to Divisional Transfer for Stone County Residents (August 7, 2014) (page 8 attached)
http://www.mow.uscourts.gov/bankruptcy/rules/2014_gen_ord_creating_local_rule_1073-1I.pdf
- g. 2014 General Order Creating Local Rule 7001-1 Related to Rules of Pleading Regarding Bankruptcy Court's Authority to Enter Final Judgment (August 7, 2014) (page 9 attached)
http://www.mow.uscourts.gov/bankruptcy/rules/2014_gen_ord_creating_local_rule_7001-1.pdf

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



2013
GENERAL ORDER AMENDING LOCAL RULE 1073-1B
RELATED TO ASSIGNMENT OF CASES

For good cause shown, and pending revision to this Court's local rules, it is hereby ORDERED that Local Rule 1073-1B is amended to read:

Local Rule 1073-1B. Assignment. Cases shall be assigned to judges based on the county in which debtor's domicile, residence, principal place of business, or principal assets were located for the greater part of the 180-day period preceding commencement of the case as follows:

1. Division 3 (Judge Federman): Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Laclede, Oregon, Ozark, Polk, Pulaski, Taney, Texas, Webster, and Wright;

2. Division 2 (Judge Dow): Benton, Boone, Callaway, Camden, Cole, Cooper, Hickory, Howard, Miller, Moniteau, Morgan, Osage, and Pettis;

3. Division 1 (Judge Venters Norton): Andrew, Atchison, Barton, Barry, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Jasper, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Platte, Putnam, Stone, Sullivan, Vernon, and Worth;

4. Random Assignment: Bates, Carroll, Cass, Clay, Henry, Jackson, Johnson, Lafayette, Ray, Saint Clair, and Saline shall be randomly assigned to all judges presiding in this Court.

This General Order is effective on February 1, 2013 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
Dated: January 17, 2013

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



2013
GENERAL ORDER AMENDING LOCAL RULE 9060-1C.
RELATED TO CONTINUANCE OF HEARINGS

For good cause shown, and pending revision to this Court's local rules, it is hereby ORDERED that Local Rule 9060-1C. is amended to read:

Local Rule 9060-1C. Continuance of Hearings. If a hearing continuance is desired, a motion must be filed no later than two days prior to the scheduled hearing, except for cause arising within that two day period. If the motion is filed 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.

This General Order is effective on June 10, 2013 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

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

Kansas City, Missouri
Dated: June 6, 2013

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



2013
GENERAL ORDER AMENDING LOCAL RULE 1017-1A
RELATED TO DISMISSAL

For good cause shown, and pending revision to this Court's local rules, it is hereby ORDERED that Local Rule 1017-1A is amended to read:

Rule 1017-1A. Dismissal or Conversion of Case; Reinstatement or Reopening of Dismissed Case

- A. Dismissal.** A debtor's motion to dismiss a [Chapter 7 or 11](#) voluntary case, or a petitioning creditor's motion to dismiss an involuntary case, shall state the reason for requesting dismissal and shall disclose any agreement involving the debtor, any creditor, or other party in connection with the motion or the case. The moving party shall file and serve on all creditors a notice allowing creditors and interested parties 21 days in which to file an objection to the motion to dismiss. If no timely objection is filed to the motion, the Court may dismiss the case without further notice or hearing.

This General Order is effective on July 19, 2013 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

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

Kansas City, Missouri
Dated: July 19, 2013

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



2013

**GENERAL ORDER CREATING LOCAL RULE 3002.1-1
RELATED TO NOTICE FOR CLAIMS SECURED BY SECURITY
INTEREST IN THE DEBTOR'S PRINCIPAL RESIDENCE**

For good cause shown, and pending revision to this Court's local rules, it is hereby ORDERED that Local Rule 3002.1-1 is created to read:

Rule 3002.1-1. Notice Relating to Claims Secured by Security Interest in the Debtor's Principal Residence Not Required in Certain Circumstances.

The parties shall not be required to comply with the provisions of Fed. R. Bankr. P. 3002.1 as to claims secured by a deed of trust or mortgage on the Debtor's principal residence if (1) the stay has been lifted as to such claim and the creditor's secured claim has been either denied or withdrawn; (2) debtor has filed a plan surrendering such residence, or the court has entered an order authorizing the Debtor to do so; or (3) the deed of trust or mortgage securing such claim has been stripped off.

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

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

Kansas City, Missouri
Dated: November 19, 2013

UNITED STATES BANKRUPTCY COURT WESTERN
DISTRICT OF MISSOURI



2014

**GENERAL ORDER AMENDING LOCAL RULE 2016-1D.
RELATED TO CHAPTER 13 ATTORNEY FEES**

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

D. When Application Unnecessary. If debtor's attorney's total fee in a below median family income case is \$3,000 or less, or if the total fee in an above median family income case is \$3,500 or less, and if the attorney and the debtor(s) have signed the applicable Rights and Responsibilities Agreement (**See Local Forms MOW 2016-1.3 or 2016-1.4**), the disclosure of fees in initial filings is sufficient and it is unnecessary to file an application under subpart C of this rule.

This General Order is effective on May 14, 2014 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

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

Kansas City, Missouri
Dated: May 14, 2014

UNITED STATES BANKRUPTCY COURT WESTERN
DISTRICT OF MISSOURI



2014

**GENERAL ORDER CREATING LOCAL RULE 1073-1I
RELATED TO DIVISIONAL TRANSFER FOR STONE COUNTY RESIDENTS**

For good cause shown, and pending revision to this Court's local rules, it is hereby ORDERED that Local Rule 1073-1I is created to read:

Rule 1073-1I. Stone County. Cases filed for Stone County residents in the Southwestern Division will be automatically transferred to the Southern Division on debtor's motion if a motion is filed with the petition, served on the U.S. Trustee, and states that debtor resides in Stone County and resides geographically closer to Springfield than Carthage. A motion for transfer not meeting the above criteria must be served on all creditors and other parties in interest. If the debtor fails to file the motion to transfer with the petition, such motion will not be considered prior to the § 341 meeting of creditors.

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

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

Kansas City, Missouri
Dated: August 7, 2014

UNITED STATES BANKRUPTCY COURT WESTERN
DISTRICT OF MISSOURI



2014

**GENERAL ORDER CREATING LOCAL RULE 7001-1
RELATED TO RULES OF PLEADING REGARDING BANKRUPTCY
COURT'S AUTHORITY TO ENTER FINAL JUDGMENT**

For good cause shown, and pending revision to this Court's local rules, it is hereby ORDERED that Local Rule 7001-1 is created to read:

Rule 7001-1. General – Rules of Pleading Regarding Bankruptcy Court's Authority to Enter Final Judgment.

In an adversary proceeding before a bankruptcy judge, the complaint, counterclaim, cross-claim or third-party complaint shall contain a statement that the proceeding is either (1) both statutorily and constitutionally core; (2) statutorily, but not constitutionally core; or (3) non-core. Any responsive pleading shall admit or deny such statement. If (2) or (3) are alleged in any such pleading, that pleading shall further state whether the party consents to entry of final orders or judgment by the bankruptcy court.

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

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

Kansas City, Missouri
Dated: August 7, 2014

Bankruptcy Court Procedural Changes and Updates

1. Upcoming Changes: Document Exhibit Filing

- a. The Bankruptcy Court is considering changing its policy and processes regarding filing of document exhibits and attachments. The change potentially mandates that all document exhibits and attachments be filed with the Court, via CM/ECF, in their entirety, in place of the current process whereby an Exhibit Index is filed and the actual exhibits and attachments are offered in paper form. It also potentially changes the trial process whereby evidence offered in paper form is replaced with evidence offered in electronic form.
- b. This change includes trial exhibits, proof of claim supporting documents, and motion practice exhibits and attachments.
 - i. Currently, the Court limits exhibit size to five pages. This restriction would be removed.
 - ii. When filing documents and pleadings, attorneys currently file Exhibit Indexes summarizing the supporting exhibits, instead of filing the exhibits in their entirety. Complete exhibits and attachments must then be emailed or mailed to parties in interest, including Bankruptcy Judges, as appropriate. The proposed changes would require complete, properly redacted exhibits be filed via CM/ECF.
 - iii. Exceptions will be made for exhibits not otherwise suitable for electronic filing.
- c. Additional information, including local rule revisions, will be released over the next few months.

2. Home Mortgage Modifications in Chapter 13 Cases

- a. The Attorney Advisory Group recently submitted a proposal to standardize the Chapter 13 process regarding home mortgage modifications. The proposal consists of a process related to Trial Home Mortgage Modifications, and a process relating to Permanent Home Mortgage Modifications. The Court adopted the proposal effective October 2, 2014 and implemented Local Rule 3082-1 and two related local forms. The Court also amended Local Rule 2016-1F allowing post-confirmation attorney fees in the amount of \$250.00 if no hearing is required, and \$350.00 when a hearing is required. The process is outlined below. See Local Rule 3082-1 (page 12, below).
- b. **Trial Home Mortgage Modification.** See Local Form MOW 3082-1.1 (page 15, below).
 - i. If the debtor successfully negotiates a trial home mortgage modification, a motion shall be filed using Local Form MOW 3082-1.1. Affected creditors shall be noticed and the motion has a shortened response time of seven days. The Court established a new CM/ECF event under the motion category, entitled “Home Mortgage Modification” ⇒ “Trial” for use when filing Motions to Approve Trial Home Mortgage Modifications.
 - ii. The motion sets forth the proposed terms of the trial home mortgage modification, and allows the debtor to elect to remit the mortgage payments directly to the creditor or through the Chapter 13 Trustee from plan payments. It further allows the debtor to adjust

the plan payment, as appropriate, and directs the Chapter 13 Trustee to cease disbursement on mortgage claim records, which include any pre-petition arrearage claim record.

- iii. Absent Court order to the contrary, the debtor shall have six months to finalize the home mortgage modification.
 1. If a permanent home mortgage modification agreement is reached, the debtor shall file a motion, as set forth below.
 2. If a permanent home mortgage modification agreement is not reached at the end of the six month period, or a motion to approve permanent home mortgage modification, as set forth below, is not filed, the Chapter 13 Trustee shall file a motion, pursuant to Local Rule 3094-1C, to amend the plan to pay the mortgage through the Chapter 13 Trustee from the plan payments and increase the plan payment, as needed.

c. **Permanent Home Mortgage Modification.** See Local Form MOW 3082-1.2 (page 17, below).

- i. If the debtor successfully negotiates a permanent home mortgage modification, a motion shall be filed using Local Form MOW 3082-1.2. Affected creditors shall be noticed and the motion has a shortened response time of seven days. The Court established a new CM/ECF event under the motion category, entitled “Home Mortgage Modification” ⇒ “Permanent” for use when filing Motions to Approve Permanent Home Mortgage Modifications.
- ii. The motion sets forth the proposed terms of the permanent home mortgage modification, and allows the debtor to elect to remit the mortgage payments directly to the creditor or through the Chapter 13 Trustee from plan payments. It further allows the debtor to adjust the plan payment, as appropriate, and directs the Chapter 13 Trustee to cease disbursement on mortgage claim records, which include any pre-petition arrearage claim record.
- iii. If the debtor elects to pay the mortgage through the Chapter 13 trustee from the plan payments, the trustee will set up a Post Loan Modification Amount (PLMA) as a separate claim record and will provide for the first modified mortgage payment to be paid on a pro rata basis, as funds are available, until the modified mortgage payment is brought current. The PLMA will include a 5% increase to cover any late fees.

**UNITED STATES BANKRUPTCY COURT WESTERN
DISTRICT OF MISSOURI**



**2014 GENERAL ORDER CREATING LOCAL RULE 3082-1
RELATED TO HOME MORTGAGE MODIFICATIONS
IN CHAPTER 13 CASES**

For good cause shown, and pending revision to this Court's local rules, it is hereby ORDERED that Local Rule 3082-1 is created to read:

Rule 3082-1. Home Mortgage Modifications in Chapter 13 Cases

- A. **Local Forms Required.** Unless otherwise ordered in advance by the Court, motions to enter into trial home mortgage modifications and motions to approve permanent home mortgage modifications shall use the approved Local Forms. This replaces the prior practice of plan amendments to address loan modifications. **(See Local Forms - MOW 3082-1.1 and MOW 3082-1.2).**
- B. **Objections.** Objections are due 7 days after a trial or permanent home mortgage modification motion is filed. If no response is filed within 7 days, the court will enter an order granting the motion.
- C. **Trial Home Mortgage Modification.** If the debtor successfully negotiates a trial home mortgage modification, a motion shall be filed in accordance with subsection A.
1. **Pay mortgage directly, or through trustee.** During the trial home mortgage modification period, the debtor may elect to either pay the mortgage directly to the creditor, or pay the mortgage through the Chapter 13 trustee from plan payments.
 - i. **Mortgage paid directly.**
 1. **Trustee to cease disbursement on arrearage records.** If the debtor elects to pay the mortgage directly, the Chapter 13 trustee shall cease all disbursement on any pre-petition mortgage arrearage claim, any post-petition mortgage arrearages, and the initial post-petition amount (IPA) claim upon entry of the order granting the motion.
 2. **Plan payment change.** If the debtor elects to pay the mortgage directly, the debtor may request a Chapter 13 plan payment change, which, once approved, will continue until further order of the Court.
 - ii. **Mortgage paid through trustee.**
 1. **Trustee to cease disbursement on arrearage records.** If the debtor elects to pay the mortgage through the Chapter 13 trustee from the plan payments during the trial period, the Chapter 13 trustee shall cease all disbursement on any pre-petition mortgage arrearage claim, any post- petition mortgage arrearages, and the initial

post-petition amount (IPA) claim during the trial period or until the expiration of the 6 month period set forth in Paragraph 2 below. The trustee shall continue making the on-going mortgage payments at the amount specified in the trial loan modification motion until further order of court.

2. **Plan payment change.** If the debtor elects to pay the mortgage through the Chapter 13 trustee from the plan payments during the trial period, the debtor may request a Chapter 13 plan payment change, which, once approved, will continue until further order of the Court.

2. **Six months to finalize modification.** Absent Court order to the contrary, the debtor shall have 6 months to finalize the home mortgage modification.

i. **If agreement reached.** If a permanent home mortgage modification agreement is reached, the debtor shall file a motion set forth in subsection D.

ii. **If agreement not reached.** If a permanent home mortgage modification agreement is not reached at the end of the 6 month period, or a motion set forth in subsection D is not filed, the Chapter 13 trustee shall file a motion, pursuant to Local Rule 3094-1C, to amend the Chapter 13 plan to pay the mortgage through the Chapter 13 trustee from the plan payments and increase the plan payment if merited.

D. **Permanent Home Mortgage Modification.** If the debtor successfully negotiates a permanent home mortgage modification, a motion shall be filed in accordance with subsection A.

1. **Pay modified mortgage directly, or through trustee.** If a permanent home mortgage modification agreement is reached, the debtor may elect to either pay the modified mortgage directly to the creditor, or pay the modified mortgage through the Chapter 13 trustee from plan payments.

i. **Modified mortgage paid directly.**

1. **Plan payment change.** If the debtor elects to pay the modified mortgage directly, the debtor may request a Chapter 13 plan payment change, which, once approved, will continue until further order of the Court.

2. **Trustee to cease disbursement.** If the debtor elects to pay the modified mortgage directly, the Chapter 13 trustee shall cease all disbursement on any pre-petition mortgage arrearage claim, any post-petition mortgage arrearages, and the initial post-petition amount (IPA) claim upon entry of the order granting the motion.

ii. **Modified mortgage paid through trustee.**

1. **Plan payment change.** If the debtor elects to pay the modified mortgage through the Chapter 13 trustee from the plan payments, the debtor may request a Chapter 13 plan payment change, which, once approved, will continue until further order of the Court.

2. **Post Loan Modification Amount.** If the debtor elects to pay the modified mortgage through the Chapter 13 trustee from the plan payments, the trustee will set up a Post Loan Modification Amount (PLMA) as a separate claim record and will provide for the first modified mortgage payment to be paid on a pro rata basis, as funds are available, until the modified mortgage payment is brought current. The PLMA will include a 5% increase to cover any late fees.

2. **Upon motion approval, trustee to reset mortgage claims.** Upon Court approval of the motion to approve permanent home mortgage modification, the Chapter 13 trustee shall reset the mortgage claim records in his case management database accordingly.

E. **Effects of Plan Payment Change.** Any order changing the plan payment shall not prohibit the Chapter 13 trustee from requesting amended schedules to support a lower plan payment or filing a motion to amend plan if merited.

F. **Continuing Payment of Additional Fees, Expenses and Charges.** This rule does not affect the payment of additional fees, expenses and charges filed in connection with a mortgage claim. Once allowed, these fees are set up by the Chapter 13 trustee as separate claim records that will continue to be paid absent objection and further order of the court pursuant to Local Rule 3094-1C(3)(e).

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

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

Kansas City, Missouri
Dated: October 2, 2014

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

IN RE:)
)
DEBTOR) CASE NO.
)
Debtor(s).)

MOTION TO APPROVE TRIAL HOME MORTGAGE MODIFICATION
AND SHORTEN NOTICE

COMES NOW debtor(s), by and through his/her/their attorney, _____, and for his/her/their Motion state(s) as follows:

1. Debtor(s) filed his/her/their Chapter 13 petition/converted their case to Chapter 13 on _____.
2. Debtor(s) has/have a mortgage with _____.
3. Debtor(s) and _____ have entered into a trial loan modification.
4. Per the terms of the trial loan modification, the mortgage payment will be \$_____ for the months of _____, _____, and _____ 201_. Thereafter, these payments will revert to the contract payment absent other agreement with the mortgagee and continue until further order of court.
5. Debtor(s) request(s) permission to enter into this trial loan modification.
6. The claim in favor of _____ shall be paid in the following manner (check one):
 - Debtor(s) further request(s) permission to make their on-going mortgage payments to _____ directly beginning with the first trial loan modification payment in _____ 201_.
 - Debtor(s) further request(s) the mortgage payment to be paid by the trustee from the plan payments be changed to \$_____ due to the trial loan modification. This mortgage payment is effective with the _____, 201_, mortgage payment.
7. Debtor(s) further request(s) this court order the trustee to stop all disbursement on the on-going mortgage claim if the debtor now is paying it directly. Further, the trustee shall stop all disbursement on any pre-petition mortgage arrearage claim, any post-petition mortgage arrearages, and the initial post-petition amount (IPA) claim.

8. (If applicable) Debtor(s) further request(s) the plan payment be changed to \$_____ due to the mortgage being paid directly. This new plan payment is effective as of _____, 201_. This new plan payment will continue until further order of court.
9. Debtor(s) will provide the trustee with a copy of the final loan modification. If no final loan modification is provided to the trustee within six (6) months of this motion, the debtor(s) understands the plan will be amended, upon motion of the trustee, to pay the mortgage through the plan pursuant to Local Rule 3094-1C.
10. Debtor(s) request(s) this Honorable Court schedule the matter on the next available docket, or in the alternative, grant Debtor('s') request without a hearing after expiration of the notice period.

WHEREFORE, debtor(s) request(s) this Honorable Court enter an Order allowing debtor(s) to enter into a trial loan modification with _____ and pay the mortgage directly with the _____, 201_ payment or through the plan at the new payment amount of \$_____ as specified in Paragraph 6 above. Further, debtor(s) requests(s) an Order directing the trustee to stop all disbursements on any pre-petition mortgage arrearage claim, any post-petition mortgage arrearages, the initial post-petition amount (IPA) claim, and the on-going mortgage claim if the debtor now is paying it directly during the trial period. If applicable, the plan payment shall be and changed to \$_____ effective _____, 201_.

Date

Attorney for Debtor(s)

NOTICE OF MOTION

Any party with an objection is directed to file a Response to the motion within seven (7) days of the date of this notice with the Clerk of the United States Bankruptcy Court. Documents can be filed electronically at <http://ecf.mowb.uscourts.gov>. Information about electronic filing can be found on the Court website at www.mow.uscourts.gov. Parties not represented by an attorney may mail a response to the Court at the address below. If a response is timely filed, a Notice of Hearing will be provided to all interested parties by the Court. If no response is filed within seven (7) days, the Court will enter an order granting the motion.

CERTIFICATE OF SERVICE

I _____ 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 the affected creditors and other parties in interest via US First Class Mail, postage prepaid, this ____ day of ____, 20__ .
[List name and address of creditors & other parties served]

Typed Name or Signature

Court Address: United States Bankruptcy Court, 400 E. 9th St., Room 1510, Kansas City, MO 64106

Instructions: Complete all required information and serve on all affected creditors.

ECF Event: Bankruptcy>Motions/Applications/Requests>Home Mortgage Modification>Trial

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

IN RE:)
)
DEBTOR) CASE NO.
)
Debtor(s).)

MOTION TO APPROVE PERMANENT HOME MORTGAGE MODIFICATION
AND SHORTEN NOTICE

COMES NOW debtor(s), by and through his/her/their attorney, _____, and for his/her/their Motion state(s) as follows:

1. Debtor(s) filed his/her/their Chapter 13 petition/converted their case to Chapter 13 on _____.
2. Debtor(s) has/have a mortgage with _____.
3. Debtor(s) and _____ have entered into a permanent mortgage modification.
4. Per the terms of the permanent mortgage modification, the modification begins with the _____, 201_, payment. The new mortgage payment is \$_____ each month, including escrow, with an interest rate of ___%.
5. The principal balance on the loan is \$_____.
6. The loan maturity date is _____, 20__.
7. Debtor(s) request(s) this court approve the permanent mortgage modification and authorize the changes set forth below:
8. The claim in favor of _____ shall be paid in the following manner (check one):
 - Debtor(s) further request(s) permission to make their on-going mortgage payments to _____ directly beginning with the first modification payment in _____ 201_. (If applicable) Debtor(s) further request(s) the plan payment be changed to \$_____. This new plan payment is effective as of _____, 201_.
 - Debtor(s) further request(s) the mortgage payment to be paid through the plan be changed to \$_____ due to the permanent loan modification. This mortgage payment is effective with the _____, 201_, mortgage payment. The trustee will set up the first monthly modified on-

going mortgage payment as a Post-Petition Loan Modification Amount (PLMA) be paid pro-rata over the life of the case with a 5% increase, on that payment only, to account for any late fees.

9. Debtor(s) further request(s) this court order the trustee to stop all disbursement on the on-going mortgage claim if the debtor now is paying it directly. Further, the trustee shall stop all disbursement on any pre-petition mortgage arrearage claim, any post-petition mortgage arrearages, and the initial post-petition amount (IPA) claim.
10. (If applicable) Debtor(s) further request(s) the plan payment be changed to \$_____. This new plan payment is effective as of _____, 201_.
11. The trustee will reset the mortgage claim records upon entry of an order granting this motion based on the changes set forth above.
12. Debtor(s) request(s) this Honorable Court schedule the matter on the next available docket, or in the alternative, grant Debtor('s') request without a hearing after the expiration of the notice period.

WHEREFORE, debtor(s) request(s) this Honorable Court enter an Order approving the permanent mortgage modification with _____ and allowing debtor(s) to pay the mortgage directly beginning with the _____, 201_ payment or through the plan at the new payment amount of \$_____ as specified in Paragraph 8 above. If the mortgage is paid through the plan, the trustee is ordered to set up the first monthly modified on-going mortgage payment as a Post-Petition Loan Modification Amount (PLMA). Further, debtor(s) request(s) an Order directing the trustee to stop all disbursements on any pre-petition mortgage arrearage claim, any post-petition mortgage arrearages, the initial post-petition amount (IPA) claim, and the on-going mortgage claim if the debtor now is paying it directly. If applicable, the plan payment shall be changed to \$_____ effective _____, 201_. Debtor(s) request the trustee to reset the mortgage claim records based on the changes set forth above.

Date

Attorney for Debtor(s)

NOTICE OF MOTION

Any party with an objection is directed to file a Response to the motion within seven (7) days of the date of this notice with the Clerk of the United States Bankruptcy Court. Documents can be filed electronically at <http://ecf.mowb.uscourts.gov>. Information about electronic filing can be found on the Court website at www.mow.uscourts.gov. Parties not represented by an attorney may mail a response to the Court at the address below. If a response is timely filed, a Notice of Hearing will be provided to all interested parties by the Court. If no response is filed within seven (7) days, the Court will enter an order granting the motion.

CERTIFICATE OF SERVICE

I _____ 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 the affected creditors and other parties in interest via US First Class Mail, postage prepaid, this _____ day of _____, 20____. [List name and address of creditors & other parties served]

Typed Name or Signature

Court Address: United States Bankruptcy Court, 400 E.9th St., Room 1510, Kansas City, MO 64106

Instructions: Complete all required information and serve on all affected creditors.

ECF Event: Bankruptcy>Motions/Applications/Requests>Home Mortgage Modification>Permanent

UNITED STATES BANKRUPTCY COURT WESTERN
DISTRICT OF MISSOURI



**2014 GENERAL ORDER AMENDING LOCAL RULE 2016-1F RELATED TO
POST-CONFIRMATION ATTORNEY FEES IN CHAPTER 13 CASES**

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

Rule 2016-1. Compensation for Services Rendered and Reimbursement of Expenses

F. Post-Confirmation Attorney Fees in Chapter 13 Cases. Additional attorney fees, if any, for post-confirmation services may be allowed according to the flat fee schedule set out in this rule. Any deviation from this schedule shall be by motion made to the Court, supported by detailed time and expense records.

- Amendments to Schedules - \$150
- Amendments to Schedules I & J with Business Attachments - \$200
- Appearance at Hearing Due to Trustee's Request for Hearing Based on Debtor's Failure to Cooperate - \$125
- Certificate of Service Regarding State Tax Returns - \$100
- Defense of Motions for Relief from the Automatic Stay - \$350
- Defense of Motions to Dismiss - \$200
- Filing Proofs of Claim on behalf of creditors - \$125
- Motions for Emergency Hearing - \$100
- Motions for Payoff of Chapter 13 Plan - \$75
- Motions for Relief from Stay (divorce) - \$200
- Motions to Approve Permanent Home Mortgage Modification (no hearing) - \$250
- Motions to Approve Permanent Home Mortgage Modification (with hearing) - \$350
- Motions to Approve Settlement/Allow Use of Settlement - \$175
- Motions to Approve Trial Home Mortgage Modification (no hearing) - \$250
- Motions to Approve Trial Home Mortgage Modification (with hearing) - \$350
- Motions to Avoid Lien or Avoid Judgment - \$200
- Motions to Distribute Insurance Proceeds - \$125
- Motions to Employ Counsel/Professional - \$175
- Motions to Incur Additional Debt - \$150
- Motions to Retain Tax Refund Greater than \$2,500 - \$150

Motions to Suspend or Abate Payments - \$200
Motions to Sell Property - \$200
Motions to Vacate or Set Aside Order - \$125
Objections to a Notice of Payment Change or a Notice of Fees, Expenses, and Charges (Local Rule 3094-1.C.3.) (no hearing) - \$250
Objections to a Notice of Payment Change or a Notice of Fees, Expenses, and Charges (Local Rule 3094-1.C.3.) (with hearing) - \$350
Objections to Proofs of Claim (no hearing) - \$125
Objections to Proofs of Claim (with hearing) - \$225
Obtaining Confirmation of Amended Plan - \$250
Review of a Notice of Payment Change or a Notice of Fees, Expenses, and Charges (Local Rule 3094-1.C.3. (without filing an objection) - \$50

Debtor's attorney may also request reimbursement for expenses, in addition to the above fee schedule, at the rate of up to \$0.25 per copy and any postage costs that debtor's attorney incurs. Debtor's attorney must include the number of copies, the postage rate, and the number of items mailed in the request for post-confirmation fees.

Debtor's attorney seeking payment of flat fees pursuant to this rule shall file with the court a motion (**See Local Form - MOW 2016-1.2**) identifying the services provided, and stating that the services are for post-confirmation work. Such motion shall be served on the debtor, the trustee, the United States Trustee, and parties who requested notice, with 21 days after service to object. Motions for post-confirmation fees in excess of \$1,000 must be noticed to all creditors pursuant to Local Rule 2016-1. If no objections are filed, the court may enter an order as to such fees without further hearing.

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

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

Kansas City, Missouri
Dated: October 2, 2014

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

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

MOTION FOR POST-CONFIRMATION FEES

In accordance with Local Rule 2016-1F, attorney for debtor hereby requests additional compensation for services performed on behalf of the debtor(s).

- _____ Amendments to Schedules - \$150
Date Amendments filed _____
- _____ Amendments to Schedules I & J with Business Attachments - \$200
Date Amendments filed _____
- _____ Appearance at Hearing Due to Trustee’s Request for Hearing Based on Debtor’s Failure to Cooperate - \$125
Date of Hearing _____
- _____ Certificate of Service Regarding State Tax Returns - \$100
Date Certificate of Service filed _____
- _____ Defense of Motions for Relief from the Automatic Stay - \$350
Date Response filed _____ Hearing Date _____
- _____ Defense of Motions to Dismiss - \$200
Date Response filed _____
- _____ Filing Proofs of Claim on behalf of creditors - \$125
Date Claim filed _____
- _____ Motions for Emergency Hearing - \$100
Date Motion filed _____
- _____ Motions for Payoff of Chapter 13 Plan - \$75
Date Motion filed _____
- _____ Motions for Relief from Stay (divorce) - \$200
Date Motion filed _____
- _____ Motions to Approve Permanent Home Mortgage Modification (no hearing) - \$250
Date Motion filed _____
- _____ Motions to Approve Permanent Home Mortgage Modification (with hearing) - \$350
Date Motion filed _____ Hearing Date _____
- _____ Motions to Approve Settlement/Allow Use of Settlement - \$ 175
Date Motion filed _____ Hearing Date _____
- _____ Motions to Approve Trial Home Mortgage Modification (no hearing) - \$250
Date Motion filed _____
- _____ Motions to Approve Trial Home Mortgage Modification (with hearing) - \$350
Date Motion filed _____ Hearing Date _____
- _____ Motions to Avoid Lien or Avoid Judgment - \$200
Date Motion filed _____
- _____ Motions to Distribute Insurance Proceeds - \$125
Date Motion filed _____
- _____ Motions to Employ Counsel/Professional - \$ 175
Date Motion filed _____

_____ Motions to Incur Additional Debt - \$150
 Date Motion filed _____
 _____ Motions to Retain Tax Refund Greater than \$2,500 - \$150
 Date Motion filed _____
 _____ Motions to Suspend or Abate Payments - \$200
 Date Application/Motion filed _____ Hearing Date _____
 _____ Motions to Sell Property - \$200
 Date Motion filed _____ Hearing Date _____
 _____ Motions to Vacate or Set Aside Order - \$125
 Date Motion filed _____
 _____ Objections to a Notice of Payment Change or a Notice of Fees, Expenses, and Charges (Local
 Rule 3094-1.C.3.) (no hearing) - \$250
 Date Objection Filed _____
 _____ Objections to a Notice of Payment Change or a Notice of Fees, Expenses, and Charges (Local
 Rule 3094-1.C.3.) (with hearing) - \$350
 Date Objection Filed _____ Hearing Date _____
 _____ Objections to Proofs of Claim (no hearing) - \$125
 Date Objection filed _____
 _____ Objections to Proofs of Claim (with hearing) - \$225
 Date Objection filed _____ Hearing Date _____
 _____ Obtaining Confirmation of Amended Plan - \$250
 Date Amendments filed _____
 _____ Review of a Notice of Payment Change or a Notice of Fees, Expenses, and Charges (Local Rule
 3094-1.C.3. (without filing an objection) - \$50
 Date Notice Filed _____
 _____ Copy Expenses (Number of Copies Multiplied by \$.25)
 Document Copied _____
 _____ Postage Expenses (Postage Rate Multiplied by Number of Items Mailed)
 Document Mailed _____

The services indicated above having been completed, additional compensation is hereby requested in the amount of \$_____, and expenses in the amount of \$_____.

I hereby certify that the services referenced in this motion were actually provided after confirmation of the plan in this case.

Date

Attorney for Debtor

NOTICE OF MOTION

Any party with an objection is directed to file a Response to the motion within twenty-one (21) days of the date of this notice with the Clerk of the United States Bankruptcy Court. Documents can be filed electronically at <http://ecf.mowb.uscourts.gov>. Information about electronic filing can be found on the Court website www.mow.uscourts.gov. Parties not represented by an attorney may mail a response to the Court at the address below. If a response is timely filed, a Notice of Hearing will be provided to all interested parties by the Court. If no response is filed within twenty-one (21) days, the Court will enter an order.

CERTIFICATE OF SERVICE

I _____ 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, this ____ day of _____, 20____.

[List name and address of debtor & other parties served]

[Motions for post-confirmation fees in excess of \$1,000 must be noticed to all creditors pursuant to Local Rule 2016-1 C. Modify this Certificate of Service accordingly]

Typed Name or Signature

Court Address: United States Bankruptcy Court, 400 E. 9th St., Room 1510, Kansas City, MO 64106

Instructions: File as a separate document

ECF Event: Bankruptcy>Motions/Applications/Requests>Post-Confirmation Fees

3. Section 363 Sales orders

- a. Effective December 1, 2013, the Judicial Conference of the United States Courts revised the bankruptcy court miscellaneous fee schedule imposing a fee of \$176.00 for motions to sell property of the estate free and clear of any interest in such property under 11 U.S.C. Section 363(f). Unlike adversary proceeding filing fees, no provision was made to allow bankruptcy trustees from deferring the fee. This fee imposition has created some confusion amongst the bankruptcy bar, particularly in consumer cases, regarding the proper CM/ECF event to use as well as when the filing fee is required to be paid.
- b. Due to the time constraints of this forum, this is not intended to be a tutorial on Section 363(f) sales; rather, it serves to identify information that should be provided to the Court when filing a Motion to Sell Estate Asset and the way in which the Bankruptcy Court will address such motion.
- c. A Motion to Sell Estate Asset regardless of whether liens or encumbrances exist against the asset should be plead with particularity and properly noticed pursuant to Rule 6004.
 - i. Sufficient detail includes:
 1. A description of the asset including general terms regarding its condition.
 2. The method used to market the property.
 3. The value of the asset including written appraisals, if necessary.
 4. The name of the proposed buyer and whether the proposed transaction is at arm's length.
 5. The proposed sale price and costs of sale.
 6. The proposed distribution of the net proceeds.
 - ii. Additional information if liens or encumbrances exist:
 1. Whether the lien(s) will be satisfied at closing.
 2. If the lien(s) are not satisfied at closing, whether the buyer agrees to assume the lien(s).
 3. The identity of each person or entity that may have a lien or other interest in the asset.
- d. **ECF Events.**
 - i. There are four CM/ECF events related to Section 363 sales motions:
 1. Sell.
 2. Sell Free & Clear of Lien Interest 363(f) (Fee Due).
 3. Sell Free & Clear of Lien Interest 363(f) with 21 Day Notice (Fee Due).
 4. Sell with 21 Day Notice.

Sell Click your selection, or use the arrow keys

Available Events (click to select events)

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)

- ii. If one of the “Sell” events is selected, no filing fee is due, but the user will be prompted with a warning, and, if the motion is granted, an order similar to the following will be entered making it clear that the sale is not free and clear of liens under Section 363(f):

If this is a Motion to Sell FREE and CLEAR of Liens 363(f), do NOT use this event.

INSTEAD go back and use the event Motion to Sell Free & Clear(Fee Due).

An example of the final text for “Sell” event is:

Motion to Sell **2013 Ford Escape**. This sale is NOT free and clear of liens under 11 U.S.C. 363(f). Filed by Trustee Kostrow. (Wexter, Susan) (Entered: 08/18/2014)

An example of the Text Order for this event is:

Order of the Court Granting the Debtor's Motion to Sell 2013 Ford Escape. This sale is NOT free and clear of interest pursuant to 11 USC section 363(f). It is so ORDERED by /s/ Arthur B. Federman.

(related document(s) 5) (Wexter, Susan)

THE MOVING PARTY IS TO SERVE THIS ORDER ON PARTIES NOT RECEIVING ELECTRONIC NOTICE.

File the Certificate of Service and relate it to the **epo** category.

This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.

An example of the final text for “Sell with Notice (21 days)” event is:

Motion to Sell **2014 Ultra 26 Shadow Deck speed boat with trailer** with Notice of 21 days to object. This sale is NOT free and clear of liens under 11 U.S.C. 363(f). Filed by Trustee Kostrow. Response due by 9/8/2014. (Wexter, Susan) (Entered: 08/18/2014)

An example of the Text Order for this event is:

Order of the Court Granting the Debtor's Motion to Sell 2014 Ultra 26 Shadow Deck speed boat with trailer. This sale is NOT free and clear of interest pursuant to 11 USC section 363(f). It is so ORDERED by /s/ Arthur B. Federman.

(related document(s) 6) (Wexter, Susan)

THE MOVING PARTY IS TO SERVE THIS ORDER ON PARTIES NOT RECEIVING ELECTRONIC NOTICE.

File the Certificate of Service and relate it to the **epo** category.

This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.

- iii. If one of the “Sell Free & Clear of Lien Interest 363(f)(Fee Due)” events is selected a \$176.00 filing fee is due, and, if the motion is granted, an order similar to the following will be entered making it clear that the sale is free and clear of liens under Section 363(f):

The selection “Sell Free & Clear of Lien Interest 363(f)(Fee Due)” extra screen that will appear:

**File a SEPARATE Notice of Motion
OR,
a Motion for Expedited Hearing
when using this event.**

An example of the final text for this event is:

Motion to Sell **2008 Damon DayBreak RV** Free and Clear of Lien(s) interest under 11 U.S.C. 363(f), (filing fee to be paid in the amount of 176.00 dollars), Filed by Trustee Kostrow. (Wexter, Susan) (Entered: 08/18/2014)

An example of the Text Order for this event is:

Order of the Court Granting the Motion to Sell the 2008 Damon DayBreak RV. This sale is free and clear of interest pursuant to 11 USC section 363(f). It is so ORDERED by /s/ Arthur B. Federman.

(related document(s) 3) (Wexter, Susan)

THE MOVING PARTY IS TO SERVE THIS ORDER ON PARTIES NOT RECEIVING ELECTRONIC NOTICE.

File the Certificate of Service and relate it to the **epo** category.

This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.

The event “Sell Free & Clear of Lien Interest 363(f) w/ Ntc (21 days)(Fee Due)” does not have any special extra screens. An example of the final text for this event is:

Motion to Sell **2014 Chevy 3500 dually truck** Free and Clear of Lien(s) interest under 11 U.S.C. 363(f). A Notice of 21 days to object is included. (Filing fee to be paid in the amount of 176 dollars.) Filed by Trustee Kostrow. Response due by 9/8/2014. (Wexter, Susan) (Entered: 08/18/2014)

An example of the Text Order for this event is:

Order of the Court Granting the Motion to Sell 2014 Chevy 3500 dually truck. This sale is free and clear of interest pursuant to 11 USC section 363(f). Debtor is directed to provide an accounting of the sale to the trustee. It is so ORDERED by /s/ Arthur B. Federman.

(related document(s) 2) (Wexter, Susan)

THE MOVING PARTY IS TO SERVE THIS ORDER ON PARTIES NOT RECEIVING ELECTRONIC NOTICE.

File the Certificate of Service and relate it to the **epo** category.

This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.

4. Bankruptcy Court Fee Changes (effective June 1, 2014) (page 31, attached)

- a. http://www.mow.uscourts.gov/bankruptcy/rules/bk_fees_2014.pdf
- b. Summary.

Action	Filing Fee / Administrative Fee Breakdown	Total Fee as of 6/1/2014
Chapter 7 Petition	\$245 / \$75 / \$15 (Chapter 7 Surcharge)	\$335.00
Chapter 9 Petition	\$1,167 / \$550	\$1,717.00
Chapter 11 Petition	\$1,167 / \$550	\$1,717.00
Chapter 12 Petition	\$200.00 / \$75	\$275.00
Chapter 13 Petition	\$235 / \$75	\$310.00
Chapter 15 Petition	\$1,167 / \$550	\$1,717.00

5. Revised 2014 docket dates and 2015 docket dates (pages 33, attached)

6. Missouri Department of Revenue; Objections to Claim and Other Matters

- a. MODOR asks that attorneys be reminded that they must properly notice objections to claim, and other matters.
- b. Although MODOR is added to every creditor matrix, it does not receive CM/ECF noticing emails unless one of its attorneys has entered an appearance in the case. This, of course, does not happen in every case where MODOR files a proof of claim. **Please ensure MODOR is properly noticed with claims objections and other matters.**

7. Change in Motion to Dismiss Default/Motion to Suspend Practice

- a. The Bankruptcy Court is no longer denying as moot Trustee's Motions to Dismiss for default in Plan Payments when a Motion to Suspend is filed.
- b. **Ensure that a proper response is filed to the MTD.**

8. Proposed Amendments Published for Comment.

- a. The Judicial Conference Advisory Committees on Appellate, Bankruptcy, Civil, and Criminal Rules have proposed amendments to their respective rules and forms, and requested that the proposals be circulated to the bench, bar, and the public for comment.
- b. Specifically, the proposed changes to bankruptcy rules and forms, including the proposed model Chapter 13 plan, are located at <http://www.uscourts.gov/uscourts/rules/preliminary-draft-proposed-amendments.pdf>.

Bankruptcy Rules 1010, 1011, 2002, 3002, 3002.1, 3007, 3012, 3015, 4003, 5009, 7001, 9006, and 9009, and New Rule 1012, and Official Forms 11A, 11B, 106J, 201, 202, 204, 205, 206Sum, 206A/B, 206D, 206E/F, 206G, 206H, 207, 309A, 309B, 309C, 309D, 309E, 309F, 309G, 309H, 309I, 312, 313, 314, 315, 401, 410, 410A, 410S1, 410S2, 416A, 416B, 416D, 424, and Instructions, and new Official Forms 106J-2 and 113

- c. The comment period closes 2/17/2015.

9. Change of Divisional Venue Process

- a. Due to its statistics reporting requirements, the Court recently changed its procedure for changes of divisional venue.
- b. We now copy the case with the new divisional office code and then close the case with the original office code. Except for the divisional office code, the case number does not change. All documents, deadlines and hearings for the original office are terminated, but remain pending in the "new" case. Below are screen shots that illustrate what a user might see.
 - i. The first screen shows both cases numbers, and the filer should select the one with the full case title and not the one that has just the last name and (closed) behind it.

Miscellaneous

Case Number

2:14-bk-42249 Hide Case List

2:14-bk-42249 Christopher (NMI) Artis and Mildred (NMI) Artis (Tmsfrd to Central Div)

4:14-bk-42249 Artis (closed)

Next Clear

- ii. If the original case number is incorrectly selected, as shown below, a prompt will redirect the user to the "new" case displaying the proper office code.

Miscellaneous

Case Number

4:14-bk-42249

Hide Case List

- 2:14-bk-42249 Christopher (NMI) Artis and Mildred (NMI) Artis (Tnsfrd to Central Div)
- 4:14-bk-42249 Artis (closed)

Next

Clear

Miscellaneous

[14-42249-drd7 Artis](#) Closed 07/09/2014

Type: bk

Office: 4 (Kansas City)

Debtor disposition: Intra-District
Transfer

Joint debtor disposition: Intra-
District Transfer Case Flag: CLOSED

This case has been transferred. You may want to docket to case : [2:14-bk-42249](#)

Back

- iii. The same message will appear if a user attempts to file a proof of claim under the original office code case number.

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI**

FEE SCHEDULE (EFFECTIVE 6/1/2014)

FEE	CATEGORY
\$ 350.00	Adversary Filing Fee
\$ 298.00	Appeal Fee (For Filing and Docketing)
\$ 298.00	Cross-Appeal (For Filing and Docketing)
\$ 157.00	Authorization of Direct Appeal (in addition to Appeal/Cross-Appeal)
\$ 335.00	Chapter 7 Filing Fee, Administrative Fee and Trustee Surcharge
\$ 1,717.00	Chapter 9 Filing Fee
\$ 1,717.00	Chapter 11 Filing Fee and Administrative Fee
\$ 1,550.00	Chapter 11 Railroad Filing Fee and Administrative Fee
\$ 275.00	Chapter 12 Filing Fee and Administrative Fee
\$ 310.00	Chapter 13 Filing Fee and Administrative Fee
\$ 1,717.00	Chapter 15 Filing Fee and Administrative Fee
\$ 176.00	Motion to Vacate or Modify the Automatic Stay
\$ 176.00	Motion to Withdraw Reference of a Case
\$ 176.00	Motion to Compel Abandonment of Property of the Estate
\$ 176.00	Motion to Sell Property of the Estate Free and Clear of Liens

FEE SCHEDULE (EFFECTIVE 6/1/2014)

FEE	CATEGORY
260.00	Chapter 7
\$ 1,167.00	Chapter 9
\$ 1,167.00	Chapter 11
\$ 200.00	Chapter 12
\$ 235.00	Chapter 13
\$ 1,167.00	Chapter 15

If the case had previously been dismissed for failure to pay the original filing fee, both the balance of the original filing fee and the reopening fee must be paid. The fee must be collected when the motion is filed to reopen a case in which the court did not enter a discharge. The fee must not be charged in the following situations: (1) to permit a party to file a complaint to obtain a determination under Rule 4007(b), and, (2) when a debtor files a motion to reopen a case based upon an alleged violation of the terms of the discharge under 11 U.S.C. § 524. The court may waive this fee under appropriate circumstances or may defer payment of the fee from trustees pending discovery of additional assets.

FEES FOR CONVERSION TO A DIFFERENT CHAPTER*

\$ 922.00	Chapter 7 to 11
\$ 15.00	Chapter 11 to 7
\$ 60.00	Chapter 12 to 7
\$ 35.00	Chapter 12 to 13
\$ 25.00	Chapter 13 to 7
\$ 932.00	Chapter 13 to 11

FEES FOR DECONSOLIDATION OF JOINT PETITION

\$ 335.00	Chapter 7 at request of debtor
\$ 1,717.00	Chapter 11 at request of debtor
\$ 275.00	Chapter 12 at request of debtor
\$ 310.00	Chapter 13 at request of debtor

MISCELLANEOUS FEES

\$ 0.50	Reproducing any document(per page)
\$ 0.10	Printing any electronic record from a courthouse public terminal
\$ 11.00	Certification of any document.
\$ 21.00	Exemplification of any document or paper
\$ 30.00	Reproduction of an audio recording of a court proceeding
\$ 30.00	Amendments to debtor's schedule of creditors or lists of creditors after notice to creditors
\$ 25.00	Transfer of Claim
\$ 30.00	Search of the records, per name or item searched
\$ 46.00	For filing any document not related to a pending case or proceeding
\$ 46.00	Registration of a judgment from another district
\$ 64.00	Retrieval of a record from the Federal Record Center
39.00	For each additional box after the first
\$ 53.00	Returned check fee (Lack of funds)
\$.10	Per page for electronic access to court data 30 page max (PACER)
\$ 40.00	Witness Fees per day (check with clerk for current mileage fee)
\$ 75.00 / \$550.00	Administrative fee for Chapters 7, 12 and 13 / Fee for Chapters 9, 11 and 15

**United States Bankruptcy Court
Western District of Missouri**



Bankruptcy Court Docket Dates – 2015

Central Division (Jefferson City) – Division 2

January 15, 2015	May 28, 2015	September 17, 2015	8:30 am: Stays, Liens, and Redemptions 9:00 am: Chapters 7 and 11 Misc. Motions 10:30 am: Chapter 13 Docket 1:30 pm: Adversary Proceedings and Contested Matters
February 19, 2015	June 18, 2015	October 15, 2015	
March 19, 2015	July 16, 2015	November 19, 2015	
April 23, 2015	August 20, 2015	December 17, 2015	

Southwestern Division (Carthage) – Division 3

January 22, 2015	May 28, 2015	September 24, 2015	9:00 am: Chapter 7 Docket 9:30 am: Chapter 13 Docket 10:00 am: Chapters 11 and 12 Docket, Adversary Proceedings and Contested Matters
February 26, 2015	June 25, 2015	October 22, 2015	
March 19, 2015	July 23, 2015	November 19, 2015	
April 30, 2015	August 27, 2015	December 17, 2015	

Western Division (Kansas City) – Division 4 – Chapter 13 Only

January 12 and 26	May 4 and 18	September 14 and 28	9:00 am: Chapter 13 Docket: All Attorneys
February 9 and 23	June 8 and 22	October 5 and 19	
March 9 and 30	July 13 and 27	November 2 and 23	
April 13 and 27	August 10 and 24	December 7 and 21	

St. Joseph Division (St. Joseph) – Division 5

January 8, 2015	May 14, 2015	September 3, 2015	9:30 am: Chapters 7, 12 and 13 Docket 10:00 am: Chapter 11 Docket, Adversary Proceedings and Contested Matters
February 5, 2015	June 11, 2015	October 1, 2015	
March 5, 2015	July 9, 2015	November 5, 2015	
April 2, 2015	August 6, 2015	December 3, 2015	

Southern Division (Springfield) – Division 6

January 14 – 15	May 13 – 14	September 9 – 10	11:00 am (Wed): Chapters 7 Docket 11:30 am (Wed): Chapter 13 Docket 1:30 pm (Wed): Adversary Docket 8:30 am (Thurs): Chapters 11, 12 and Checkett Chapter 7 Trustee Docket 9:30 am (Thurs): Adversary Docket
February 4 – 5	June 17 – 18	October 7 – 8	
March 4 – 5	July 8 – 9	November 4 – 5	
April 15 – 16	August 19 – 20	December 2 – 3	

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI
REVISED 2014 DOCKET DATES
(Changes to the Docket as of 7/10/2014 are in **bold type**)

JEFFERSON CITY

January 16	July 17
February 20	August 21
March 20	September 18
April 17	<u>October 23</u>
May 22	<u>November 13</u>
June 26	December 18

8:30 am stays, liens, redemptions
9:00 am misc. motions ch 7 & 11
10:30 am chapter 13 cases
1:30 pm adversary/contested matters

JOPLIN/CARTHAGE

January 16	July 24
February 20	August 28
March 27	September 25
April 24	October 23
May 22	<u>November 13</u>
June 26	December 18

KANSAS CITY CHAPTER 13

January 13	July 14
January 27	July 28
February 10	August 11
February 24	August 25
March 10	September 8
March 24	September 22
April 7	October 6
April 21	October 20
May 5	November 3
May 19	<u>November 24</u>
June 9	December 8
June 23	December 22

9:00 AM (A-Z)

1:30 PM (Amerine, Bratcher, Fera, Foley, McCrary, and Wagoner/Maxcy Law)

ST. JOSEPH

January 9	July 3
February 6	July 31
March 6	September 4
April 3	October 2
May 1	November 6
June 5	December 4

SPRINGFIELD

January 8-9	July 9-10
February 5-6	<u>August 27-28</u>
March 12-13	September 10-11
April 9-10	October 1-2
May 7-8	November 5-6
June 11-12	December 10-11

United States Bankruptcy Court
Western District of Missouri



Electronic Proof of Claim Filing



Beginning August 1, 2014 **ALL CREDITORS** can file Proof of Claims online.

The United States Bankruptcy Court, Western District of Missouri, is pleased to provide an **Electronic Proof of Claims** filing program, **ePOC**, for creditors.

Via the Court's web site www.mow.uscourts.gov, **ePOC** streamlines claims processing. All creditors can electronically:

- File a claim
- Amend a claim
- Withdraw a claim
- Supplement a claim

Benefits to Creditors

- ✓ File a claim 24 hours a day, 7 days a week via the internet
- ✓ Save postage and envelope(s)
- ✓ Save time
 - creates claim form
 - eliminates mailing or delivering to Court
- ✓ Ease of using the ePOC program
- ✓ Instant confirmation of action

POC Questions
816-512-1800 or www.mow.uscourts.gov

**United States Bankruptcy Court
Western District of Missouri**



Electronic Proof of Claim Filing



The Electronic Proof of Claims (ePOC) is a program designed to streamline claims processing by allowing Creditors to file a claim, amend a claim, withdraw a claim, or supplement a claim via the internet without having to log into CM/ECF. The ePOC program will automatically prepare the official Bankruptcy Proof of Claim form (Form B10) based on the information entered into the program.

- Proof of Claim forms for all chapters may be filed electronically.
- The name, complete address and telephone number of the creditor must appear on the claim form. If an attorney or a trustee is filing the claim on behalf of a creditor, the attorney or trustee should also enter his/her name, complete address and telephone number. The name and title, if any, of the person authorized to file the claim is required on the claim form.

Penalty for filing a fraudulent claim:

**Fine of up to \$500,000 or imprisonment for up to 5 years, or both.
11 U.S.C. §§ 152 and 3571.**

- [File/Amend a Claim](#)
- [Withdraw a Claim](#)
- [Supplement a Claim](#)