

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI



**2016 GENERAL ORDER
AMENDING LOCAL RULE 2016-1 (D) and (F)
RELATED TO 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 2016-1 is amended to read:

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

D. When Application Unnecessary. If debtor's attorney's total fee in a below median family income case is ~~\$3,000~~ **\$3,600** or less, or if the total fee in an above median family income case is ~~\$3,500~~ **\$4,100** 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.

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 **\$200**

Amendments to Schedules I & J with Business Attachments - \$200 **\$250**

~~Appearance at Hearing Due to Trustee's Request for Hearing Based on Debtor's Failure to Cooperate - \$125~~

Case closing fees and expenses - \$250

(to be held in trust pending performance of the work – see paragraph below)

~~Certificate of Service Regarding State Tax Returns - \$100~~

Defense of Motions for Relief from the Automatic Stay - \$350

Defense of Motions to Dismiss - \$200 **\$250**

Filing Proofs of Claim on behalf of creditors - \$125 **\$200**

Motions for Emergency Hearing - \$100 **\$150**

Motion for Order requesting substantive relief - \$250

Motions for Payoff of Chapter 13 Plan - ~~\$75~~ **\$150**

Motions for Relief from Stay (divorce) - ~~\$200~~ **\$250**

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~~ **\$250**

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~~ **\$250**

Motions to Distribute Insurance Proceeds - ~~\$125~~ **\$250**

Motions to Employ Counsel/Professional - ~~\$175~~ **\$250**

Motions to Incur Additional Debt - ~~\$150~~ **\$350**

Motions to Retain Tax Refund Greater than \$2,500 - ~~\$150~~ **\$250**

Motions to Suspend or Abate Payments - ~~\$200~~ **\$250**

Motions to Sell Property - ~~\$200~~ **\$350**

Motions to Vacate or Set Aside Order - ~~\$125~~ **\$250**

Notice of additional creditors - \$250

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~~ **\$250**

~~Objections to Proofs of Claim (with hearing) - \$225~~

Obtaining Confirmation of Amended Plan - ~~\$250~~ **\$350**

Response to Trustee's Motion (not listed above) - \$150

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

Review of and providing income tax returns to the trustee - \$150

With hearing (when any of the authorized menu items require a hearing) - \$200

At any time after the plan is confirmed but before the case is closed, the debtor's attorney may apply for \$250 in case closing fees and expenses pursuant to L.R. 2016-1(F). The \$250 must be held in counsel's trust account until it is earned. If the case is converted or dismissed, debtor's attorney must either (1) promptly refund the \$250 to the debtor(s) and certify to the Court that the funds have been returned; provided that if there is the possibly that the case will be reinstated, the attorney may hold the \$250 for up to 30 days pending reinstatement; (2) in a case converted to a Chapter 7, if the attorney is owed unpaid fees, and the debtor(s) has agreed, the attorney is to certify that the \$250 has been applied to the outstanding balance and file an amended Disclosure of Compensation of Attorney for Debtor(s) to show the \$250 has been applied; or (3) in a case that is dismissed, if the attorney is owed unpaid fees, and the debtor(s) has agreed, apply to the Court for approval of the \$250 to be applied to the outstanding balance.

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 December 1, 2016 for all pending and new cases and shall remain in effect until further order or notice of this court.

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

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

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

Kansas City, Missouri
Dated: November 16, 2016