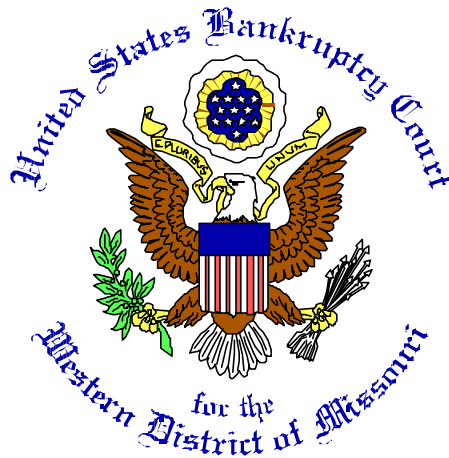


LOCAL RULES OF PRACTICE
UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI



Current as of August 15, 2003

COPIES OF LOCAL RULES AND BANKRUPTCY FORMS

Local Rules may be accessed on the Western District of Missouri Web site:

<http://www.mow.uscourts.gov/>

If you wish to receive copies of the Bankruptcy Local Rules from the Court, please send a written request along with a 9 X 12 self-addressed envelope with \$2.18 in postage. Send your request to:

Bankruptcy Rules
U.S. Bankruptcy Court
Room 1510, U.S. Courthouse
400 East 9th Street
Kansas City, MO 64106

Bankruptcy forms may be accessed through the Internet on the Federal Judiciary Web site:

<http://www.uscourts.gov/bankform/>

In addition, bankruptcy forms and computer software are available from a variety of providers. Check your local office supply or legal stationery store. The Bankruptcy Court does not provide forms.

PREFACE

These Local Rules are promulgated to assist counsel and the participants of the bankruptcy system by announcing procedures for our local practice which are not covered by the Federal Rules of Civil Procedure or the Federal Rules of Bankruptcy Procedure.

These Local Rules were modified as part of the process by which this Court has implemented its electronic Case Filing procedures. It should be noted that Part X contains special provisions for pro se filers.

Certain provisions of the Local Rules of the U.S. District Court, Western District of Missouri, have been incorporated in the Bankruptcy Local Rules. Additional District Court Local Rules may be applied in particular cases at the discretion of the judge.

Unless otherwise specified, all statutory references are to Title 11, United States Code.

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Definitions

- File:** Means “Electronic Case File” as records (with few exceptions) are maintained electronically rather than paper form. Electronic Case Files began on March 1, 2001 for all pending and new cases. Files for cases and documents filed prior to March 1 are still retained in paper form.
- Filing (to file):** Means transmitting documents and cases electronically via the Internet using the Court-specified, password-protected web site.
- Service:** Means “Electronic Service” via the Electronic Case Filing System (ECF). When a document is filed, attorneys who participate in ECF and who have entered their appearance or have filed a document in a case will receive service of the document electronically. Paper service is not needed for these participants.
- Conventional Service:** Means service by mail. This is needed for parties who are not participating in ECF and for the complaint and summons in all adversary cases. Party filers determine who needs service of the document they file. The Court may direct parties to serve notices or orders.
- Matrix:** A list of all creditors, interested parties and any ex-spouses in the bankruptcy. The matrix is prepared as a text (.txt) file and uploaded into the Electronic Case Filing System.
- PDF** All documents except the matrix are prepared in Portable Document Format (pdf). This is the only type of electronic file that can be filed in ECF.
- Signature** Means “electronic typed signature”. For all documents which require a signature the electronic typed signature in the format (/s/ John Doe) combined with the attorney’s use of the login and password issued for ECF shall constitute the signature of the attorney and/or attorney’s client for all purposes, including Fed. R. Bankr. P. 9011 and Local Rule 9011-1.
- Verification (verified):** Means a sworn statement or an unsworn declaration of the debtor attesting to the accuracy of the information contained in all petitions, lists, schedules, statements and amendments thereto pursuant to Fed. R. Bankr. P. 1008.

PART I. COMMENCEMENT OF CASE; PROCEEDINGS RELATING TO PETITION

RULE 1002-1. PETITION - GENERAL

A. **Filing.** Initial pleadings consist of the verified petition, schedules, statement of affairs, disclosure of compensation to counsel, and mailing matrix. (**Appendix 1-02**)

B. **Service on United States Attorney.** If the United States is a creditor, on the day of filing debtor shall serve the United States Attorney with the petition and initial pleadings, and all subsequent schedules.

C. **Declaration Re: Electronic Filing.** Within 5 business days, the attorney for the debtor shall file in paper form an originally executed “Declaration Re: Electronic Filing” (**Appendix 1-02**) for each petition filed.

D. **Statement of Chapter 7 Business Operations.** In a Chapter 7 business case, a statement as to whether or not any related business continues to operate, and the name, current address and telephone number of the Chief Operating Officer or other contact person shall be filed in the format of **Appendix 1-02**. Upon appointment of the interim trustee, the attorney for the debtor shall immediately notify said trustee by fax of the operating business.

E. **Mailing Matrix.** Debtor shall submit a verified master mailing matrix with names and addresses of all creditors and interested parties, but **not** debtor or debtor's attorney. The Clerk adds to each case the Missouri Department of Revenue and trustee. If the United States is a creditor, debtor shall also add the United States Attorney to the matrix in addition to the creditor government agency. The Court may **also** require that a matrix with a large number of names be submitted in a format prescribed by the Court. If the mailing matrix is omitted from the initial documents or is in an incorrect format, a new verified mailing matrix must be submitted within two days from the date of filing of the case or the case may be dismissed. **Appendix 1-00** contains a list of standard addresses of government agencies.

F. **Amended Matrix.** Amended matrices shall list **only additional creditors**.

G. **Involuntary Case.** Within two days after the order for relief in an involuntary case debtor shall submit a matrix. Debtor shall file schedules and other required initial items within 15 days after the order for relief, unless another party is ordered to do so.

H. **Expiration of Agency.** The designation shall expire upon entry of the final decree and the expiration of any applicable appeal period.

RULE 1002-2. COMPLEX CHAPTER 11 CASES

A. Designation of a Complex Chapter 11 Case. A Complex Chapter 11 Case is defined as a case filed in the Western District of Missouri under chapter 11 of the Bankruptcy Code that requires special scheduling and other procedures because of a combination of one or more of the following factors:

1. The need for “first day” emergency hearings for consideration of the use of cash collateral, debtor-in-possession financing, and other matters vital to the survival of the business;
2. The size of the case (usually total debt of more than \$5 million or more than \$2 million in unsecured non-priority debt);
3. The large number of parties in interest in the case;
4. The fact that claims against the debtor and/or equity interests in the debtor are publicly traded (with some creditors possibly being represented by indenture trustees);
5. The need for simplification of noticing and hearing procedures to reduce delays and expense; or
6. Other similar factors.

B. Notice of Designation. If any party filing a chapter 11 bankruptcy petition believes that the case should be classified as a Complex Chapter 11 Case, the party shall file with the bankruptcy petition a Notice of Designation as Complex Chapter 11 Case (**Appendix 1-02**).

C. Initial Motions and Hearings. The judge who is assigned a Complex Chapter 11 Case shall use best efforts to arrange the judge’s calendar so that the “first day” emergency hearings can be conducted as required by the circumstances, but not more than two (2) business days after the request for emergency “first day” hearings. In the event the assigned judge is unavailable the Chief Judge and/or other members of the Court shall use best efforts to arrange for such hearings within such time period. Following are examples of recognized first day motions and applications:

1. Motion for Use of Cash Collateral (interim hearing only);
2. Motion for Post-Petition Financing (interim hearing only);
3. Motion to Pay Pre-Petition Employee Wage Claims and Benefits (to the limit provided by § 507);
4. Motion for Joint Administration;

5. Motion to Limit/Set Notice Procedures;
6. Motion to Provide Adequate Assurance to Utilities;
7. Motion to Allow Debtor to Serve Notice of Creditors' Meeting;
8. Motion to Pay Pre-Petition Trust Fund Taxes;
9. Motion to Honor Pre-Petition Obligations to Customers (to the limit provided by § 507);
10. Motion to vary U.S. Trustee's requirements, such as Motion to Authorize Maintenance of Existing Bank Accounts, Existing Business Forms, Cash Management System, Investment Procedures, etc.;
11. Motion Directing Banks to Honor Pre-Petition Checks;
12. Motion to Reject Leases and Contracts;
13. Application for Temporary Restraining Order filed in connection with an Adversary Proceeding;
14. Motion to Allow Debtor to Pay Certain Pre-Petition Trade Claims; and
15. Motion to Approve Bid Procedures Regarding Sale of Assets.

D. The Clerk's Responsibility. When a party has filed a Chapter 11 case and filed a Notice of Designation as Complex Chapter 11 Case (**Appendix 1-02**), the clerk shall:

1. Immediately confer with the assigned judge about setting hearings on any emergency motions and about issuing the Initial Order (**Appendix 1-02**); and
2. If the assigned judge determines that the case does not qualify as a Complex Chapter 11 Case, the assigned judge shall issue an Initial Order Denying Complex Case Treatment. If the assigned judge determines that the case appears to be a Complex Chapter 11 Case, the assigned judge shall issue an Initial Order for Complex Business Bankruptcy Case.

RULE 1009-1. AMENDMENTS TO LISTS AND SCHEDULES

Any amendments to schedules filed with the Court must be accompanied by a verification. Debtor must serve amendments to schedules, matrices and statements of affairs on affected entities, the United States Trustee, and the trustee in the case, in time to comply with applicable provisions of §523(a)(3), with a notice (**Appendix 1-09**) as follows:

1. For each affected entity, the name and address, amount owed, and date the debt was incurred;
2. The name and address of debtor's counsel and the trustee;
3. The bar date for filing claims, or a statement that no date has been set, or that it is a no-asset case and claims need not be filed. If the time has passed, or will

pass within 30 days, and creditors without knowledge of the bankruptcy are added, they have 30 days after service of the notice to file claims; and

4. The deadline for filing § 523 and § 727 complaints. If the time has passed, or will pass within 30 days, and creditors without knowledge of the bankruptcy are added, they have 30 days after service of the notice to file complaints.

RULE 1015-1. JOINT ADMINISTRATION

In all joint petitions filed with the Court, the case will be administered through joint administration of the estates without further Court order unless the trustee or other interested party files an objection to joint administration within ten days after the conclusion of the first meeting of creditors.

RULE 1017-1. DISMISSAL OR CONVERSION OF CASE

A. **Dismissal.** A debtor's motion to dismiss a 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 20 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.

B. **Fees.** Dismissal may be conditioned on payment of expenses and fees, including quarterly fees due the United States Trustee.

C. **Conversion.** A debtor's motion to convert from one chapter to another chapter of the Bankruptcy Code shall be in writing, state with particularity the reason for conversion, state whether the case has been previously converted, and be served on the trustee, if any, United States Trustee, parties requesting notice, and any committee. The debtor shall file and serve a notice of the motion in accordance with Fed. R. Bankr. P. 2002(a)(4).

The notice shall advise as follows:

1. Creditors and interested parties have 20 days from the date of service of the notice to file an objection;
2. If no objection is filed, the Court may enter an order converting the case without further notice or hearing; and
3. If an objection is filed, a hearing will be scheduled by the Court upon separate notice.

D. **When Conversion Procedure Applicable.** The procedure set forth in Section C shall apply to the following motions:

1. Debtor's motion to convert a case under chapter 7 to a case under chapter 11,

- 12, or 13;
2. Debtor's motion to convert a case under chapter 11 to a case under chapter 7, 12, or 13;
3. Debtor's motion to convert a case under chapter 12 to a case under chapter 11 or 13; and
4. Debtor's motion to convert a case under chapter 13 to a case under chapter 11 or 12.

E. Debtor's Motion to Set Aside. If a dismissed case **has been closed**, debtor's motion to set aside an order dismissing a case shall be accompanied by a fee in the same amount as the current filing fee for the case not including the administrative fee or trustee surcharge. Movant shall serve the motion, with a notice that recipients have 30 days to object, on the trustee, if any, United States Trustee and all creditors and interested parties.

RULE 1019-1. CONVERSION - AMENDED SCHEDULES REQUIRED

In a chapter 7 case that has been converted from another chapter, and unless ordered otherwise, the debtor shall, not later than ten days after the date of the order of conversion, file verified schedules and a statement of financial affairs reflecting information correct as of the date of the notice or order of conversion.

RULE 1073-1. ASSIGNMENT OF CASES

A. Jurisdiction. Judges of this Court have concurrent jurisdiction. When necessary or desirable, one judge may act in a case assigned to another judge.

B. 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 Koger): Benton, Boone, Callaway, Camden, Cole, Cooper, Hickory, Howard, Miller, Moniteau, Morgan, Osage, and Pettis;
3. Division 1 (Judge Venters): 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. Bates, Carroll, Cass, Clay, Henry, Jackson, Johnson, Lafayette, Ray, Saint Clair, and Saline shall be randomly assigned to all judges presiding in this Court.

C. **Case After Prior Case.** A case filed for a debtor who has had a prior case in this District will be assigned to the judge or division where the prior case was last assigned if the new case is filed within a year after the date the prior case was closed or dismissed or debtor discharged, whichever occurred later.

D. **Related Cases.** Other related cases, whether filed simultaneously or over a period of time, shall be assigned in accordance with Section B above and, if appropriate, transferred to a single judge as provided below.

E. **Transfer.** Bankruptcy cases and proceedings may be transferred from the judge to whom the matter was originally assigned to any other judge of this Court. Transfer of a case or proceeding may be granted upon motion of the Chief Judge or motion of any party or of the transferor judge, for good cause appearing, and with the consent of the transferee judge. Cause to transfer may include, but is not limited to, convenience of the parties or witnesses, and in the interest of justice.

F. **Recusal.** In the event a judge recuses from a case, that case shall be randomly assigned to another judge, provided that cases outside the Kansas City Division shall be reassigned to the judge holding court closest to the division to which the case was originally assigned.

G. **Jointly Administered or Consolidated Cases.** Cases that are jointly administered under Fed. R. Bankr. P. 1015 or otherwise consolidated pursuant to order, if assigned to different judges, shall be transferred to the judge with the lowest numbered case.

H. **Platte County.** Cases filed for Platte County residents in the St. Joseph Division will be automatically transferred to Kansas City on debtor's motion if a motion is filed with the petition, served on the U.S. Trustee, and states that debtor resides in Platte City or Platte County south of U.S. Highway 92. 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.

PART II. ADMINISTRATION

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. **The Clerk shall serve the following notices:**

1. Order for relief and § 341 meeting of creditors;
2. Hearing date and 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. Movant 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 20-day objection deadline to creditors;
7. Time to file objections to and hearing on approval of disclosure statement;
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.

RULE 2002-2. NOTICE TO THE UNITED STATES OR FEDERAL AGENCY

A. Notice to United States Trustee. The moving party shall serve by e-mail to the United States Trustee all notices relating to the following matters listed in Fed. R. Bankr. P. 9034:

1. the proposed use, sale, or lease of property of the estate if not in the ordinary course of business;
2. approval of a compromise or settlement of a controversy;
3. proposed case terminations, including a report of no distribution, final report or account, dismissal, and conversion;
4. employment of professional persons;

5. compensation or reimbursement of expenses; and
6. objection to waiver or of revocation of a debtor's discharge.

B. Emergency Matters. The moving party shall give telephone notice of an emergency motion or hearing to the United States Trustee immediately upon receiving the date and time of the hearing from the Court.

C. Government Parties. The Clerk inserts in each matrix the Missouri Department of Revenue and trustee. If the United States is a creditor, debtor and other parties shall add the United States Attorney, in addition to the creditor government agency, to lists for service on all creditors.

D. Educational Loans - Service on United States Attorney. If the United States made or guaranteed an educational loan, debtor shall serve a copy of the summons and complaint under § 523(a)(8), pursuant to Fed. R. Bankr. P. 7004, on the United States Attorney in Kansas City, the Attorney General in Washington, D.C., and on the appropriate agency.

RULE 2004-1. DEPOSITIONS AND EXAMINATIONS

A. Scheduling by Notice. Fed. R. Bankr. P. 2004 examinations may be scheduled without motion or order, by filing and serving on the party a notice as in scheduling depositions pursuant to Fed. R. Civ. P. 30(b), or by agreement. **The Court encourages use of this procedure.**

B. Objection to Notice. An objection to examination pursuant to notice must be filed within 10 days.

C. Disputes. The Court will not entertain motions on disputes until parties have complied with the procedure in Local Rule 7026-1.

D. Ex Parte Motion. Motions for Rule 2004 examinations may be granted ex parte. Upon objection, the Court may modify an order.

E. Videotape. Examinations may be videotaped pursuant to Fed. R. Bankr. P. 7030.

RULE 2007.1-1 TRUSTEE ELECTIONS (CHAPTER 11)

A. Request for an Election. A request to convene a meeting of creditors for the purpose of electing a trustee in a Chapter 11 reorganization case shall be filed and transmitted to the United States Trustee in accordance with Fed. R. Bankr. P. 5005 within the time prescribed by § 1104(b) of the Bankruptcy Code. Pending Court approval of the person elected, a person appointed trustee under § 1104(d) shall serve as trustee.

B. Manner of Election and Notice. An election of a trustee under § 1104(b) of the Code shall be conducted in the manner provided in Fed. R. Bankr. P. 2003(b)(3) and 2006. Notice of the meeting of creditors convened under § 1104(b) shall be given in the manner and within the time provided for notices under Fed. R. Bankr. P. 2002(a). A proxy for the

purpose of voting in the election may be solicited by a committee appointed under § 1102 of the Code and by any other party entitled to solicit a proxy under Fed. R. Bankr. P. 2006.

C. Application for Approval of Appointment and Resolution of Disputes. If it is not necessary to resolve a dispute regarding the election of the trustee or if all disputes have been resolved by the Court, the United States Trustee shall promptly appoint the person elected to be trustee and file an application for approval of the appointment of the elected person under Fed. R. Bankr. P. 2007.1(b), except that the application does not have to contain names of parties in interest with whom the United States Trustee has consulted. If it is necessary to resolve a dispute regarding the election, the United States Trustee shall promptly file a report informing the Court of the dispute. If no motion for the resolution of the dispute is filed within 10 days after the date of the creditors' meeting called under § 1104(b), a person appointed by the United States Trustee in accordance with § 1104(d) of the Code and approved in accordance with Fed. R. Bankr. P. 2007.1(b) shall serve as trustee.

RULE 2015-2. DEBTOR-IN-POSSESSION DUTIES

A. Statement. A debtor-in-possession, that plans to operate a business shall file **with the petition** a statement as follows:

1. Whether a trustee or creditors committee was appointed in a prior bankruptcy case and, if so, their names and addresses;
2. Nature and status of each action or proceeding pending or threatened against debtor or his property, where a judgment against debtor or seizure of his property may be imminent;
3. All of debtor's property in possession or custody of a public officer, receiver, trustee, assignee for the benefit of creditors, mortgagee, pledgee, or assignee of rents; names and addresses of such persons; the court in which proceedings are pending; and the status of proceedings;
4. Whether debtor is occupying premises under a lease; if so, the length of term, rent reserved, amount owing for rent, and status of any negotiations for modification of the lease and with whom;
5. Name and address of each utility providing service to debtor. Debtor shall serve a copy of the petition on each utility and certify service in the statement required herein.

B. Operating Statement. Debtor shall file **with the petition** a projected operating statement with the following information **for the 30-day period following filing of the petition**:

1. Estimated gross revenue;

2. Estimated weekly payroll to employees;
3. Estimated operating expenses not including payroll to employees; and
4. Expected gain or loss.

C. **Reports to the Court.** Debtor shall file with the Court, on or before the 15th day of each month, a monthly operating report summary on the form shown in **Appendix 2-15**.

D. **Reports to the United States Trustee.** Debtor shall submit to the United States Trustee monthly reports of operation on the form provided by the United States Trustee and shall provide such other information as the United States Trustee may reasonably require. Relief from the duty to provide reports or information may be sought by application to the Court.

E. **Failure to File Reports Cause for Dismissal or Conversion.** Failure to file the reports required under Sections C or D is cause for dismissal of the case or conversion to chapter 7 under § 1112(b), §1208, or other applicable law.

RULE 2015-6. AUTHORIZED DEPOSITORIES

A. **Required Accounts.** A debtor-in-possession or trustee which operates a business shall immediately deposit funds then held or thereafter received in a depository authorized by the United States Trustee. Accounts must not exceed the insured or collateralized limits of the financial institution. Funds shall be segregated into at least two accounts, as follows:

1. Tax account: all funds received or collected for the United States, any state or political subdivision for sales, withholding, social security, or other taxes or contributions; and
2. General debtor-in-possession account: as set out in the United States Trustee guidelines for Chapter 11 debtors.

B. **Additional Accounts.** Additional accounts may be opened as appropriate, such as: cash collateral account, if a creditor has an interest in cash collateral pursuant to § 363(a), into which funds must be deposited and which funds cannot be used without order of the Court or agreement of the creditor; payroll account if there are employees; and household account.

RULE 2016-1. COMPENSATION OF PROFESSIONALS

A. **Prepetition Retainers.** The disclosure of amount of retainer for initial filing by debtor's counsel pursuant to § 329 and Fed. R. Bankr. P. 2016(b) shall be filed with the petition and served on the United States Trustee and any trustee. All professionals shall deposit retainers, whether received from debtor or any other source, in a trust account, and may withdraw and apply funds only after a fee application and order. Until the case is closed by final decree, debtor's counsel is under a duty to disclose all subsequent

payments by filing a supplemental statement as required by Fed. R. Bankr. P. 2016(b).

B. When Application Unnecessary. If counsel's total fee in a case is \$1,500 or less, the disclosure of fees in initial filings is sufficient and it is unnecessary to file any itemized application. If counsel for the debtor in Chapter 13 elects to receive his or her attorney's fees through the Chapter 13 plan, the Chapter 13 trustee shall pay debtor's counsel upon confirmation of the plan the sum of \$ 750 before all other creditors, beginning with the first payment after confirmation, net of payments made by debtor to such counsel. The balance of the original attorney's fees shall accrue beginning the first month after the initial distribution by the trustee and shall be paid at the rate of \$75 per month, beginning with the first payment after confirmation. In the event that the proposed plan payment is not sufficient to cover the fixed monthly payment of \$75, the filing of said plan shall be deemed a waiver of the right to receive fixed monthly payments on attorney's fees in the amount of \$75, and the Chapter 13 trustee shall set a fixed monthly payment.

C. Service of Application. Applications for professional fees and expenses shall be served on debtor's counsel, the trustee, United States Trustee, committees, and parties who requested receipt of notices. The detailed, itemized statement required by Fed. R. Bankr. P. 2016(a) shall be filed with the application and notice. The applicant is responsible to ensure that the itemized statement is made PDF compatible for filing under the ECF system.

D. Applications Over \$1,000. For applications over \$1,000, in addition to service in Paragraph C, applicant shall serve on all creditors a notice (**Appendix 2-16**) stating: the amount of fees and expenses sought; period covered; number of previous applications filed; amounts of compensation previously sought and allowed; original retainer and balance; that parties have 20 days to object, if no objections are filed the Court may enter an order, and if objections are filed the Court may set a hearing.

E. Post-Confirmation Attorney's Fees in Chapter 13 Cases. Additional attorney's 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. The Chapter 13 trustee shall pay such fees in the first monthly disbursement after approval, or as funds become available.

Motions to suspend or abate payments - \$150

Motions to incur additional debt - \$125

Motions to distribute insurance proceeds - \$100

Defense of Motions for Relief from the Automatic Stay - \$250

Defense of Motions to Dismiss - \$125

Amendments to the Chapter 13 Plan - \$150

Amendments to Schedules - \$125

Amendments to Schedules I & J with Business Attachments - \$175

Filing Proofs of Claim on behalf of creditors - \$100

Objections to Unsecured Proofs of Claim - \$75

Objections to Secured Proofs of Claim - \$150

Motions to Sell Property - \$150

Motions to Employ Counsel/Professional - \$150

Motions to Approve Settlement/Allow Use of Settlement - \$150

Motions for Emergency Refund - \$75

Motions to Vacate or Set Aside Order - \$100

Motions for Emergency Hearing - \$75

Appearance at Hearing Due to Trustee's Request for Hearing Based on Debtor's Failure to Cooperate - \$100

Defense of a Notice of Breach of Conditional Orders - \$100

Debtor's counsel 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 counsel incurs. Debtor's counsel must include the number of copies, the postage rate, and the number of items mailed in the request for post-confirmation fees.

Debtor's counsel seeking payment of flat fees pursuant to this rule shall file with the court a certification identifying the services provided, and stating that the services are for post-confirmation work. Such certification shall be served on the debtor, the trustee, the United States Trustee, and parties who requested receipt of notices, with 20 days after service to object. If no objections are filed, the court may enter an order as to such fees without further hearing.

RULE 2090-1. ATTORNEYS - ADMISSION TO PRACTICE

A. Attorney Admission; Discipline. Standards and requirements stated in the Local Rules of the District Court are adopted for attorney admission, discipline and unauthorized practice in the Bankruptcy Court.

B. Local Counsel for Member of Bar. If a party's counsel is a member of this Bar whose office is a great distance from court, counsel may be required to retain a local attorney who is a member of this Bar to be available for unscheduled meetings and hearings.

C. Visiting Counsel. An attorney who is not a member of this Bar, but is a member in good standing of the Bar of any court of record, may be permitted to appear in a case as follows:

1. Visiting counsel shall file a Motion for Admission Pro Hac Vice designating a member of the Bar of this Court with a law office in the District and division, upon whom service of all papers may be made. The Bar member shall consent to the designation in writing and be listed thereafter on all pleadings. The Court may dismiss a proceeding for failure to comply with this Rule.
2. Admission to appear as visiting counsel in a particular case does not authorize visiting counsel to appear in any other case(s) without first complying with this Rule as to such other case(s).

D. Government Counsel. A U.S. government attorney may appear without motion for admission. If not a resident in this District, he shall designate the United States Attorney in this District to receive service of all documents.

E. Former Law Clerk. An attorney who has been a law clerk to a judge shall not work on a case which was pending before the judge during the clerkship. Breach of this Rule may disqualify the attorney and firm. The employer shall implement procedures so the attorney does not work on cases pending during the clerkship. For one year after a clerk leaves the judge's employ, that clerk shall not work on any newly-filed case assigned to the judge, as follows:

1. If the clerk: a) prepared or assisted on a petition for relief which is assigned at time of filing to the judge, or b) participated in a case or proceeding for any party after filing and before assignment to the judge, the firm shall advise the judge and the judge shall recuse.
2. If the clerk begins work on a matter after assignment to the judge, the firm shall advise the judge, and the clerk and firm will be disqualified from further participation.

F. Appearance Without Counsel.

1. Individual. An individual may appear and represent himself in any proceeding or hearing in Bankruptcy Court.
2. Other Entities. An entity that is not an individual, including a corporation, partnership or trust, may not file a petition for relief or participate as a debtor, creditor, or party in interest in any proceeding involving presentation of evidence or argument to the Court except by an attorney.
3. Exceptions. This Rule does not prohibit such entity from appearing at a § 341 meeting, filing a claim, voting on a Chapter 11 plan, or voting to elect a trustee without an attorney.

RULE 2091-1. ATTORNEYS - WITHDRAWAL

An attorney of record may withdraw only by Court permission, by an order entered after service of notice of withdrawal on the client, other counsel of record, the trustee, if any, and the United States Trustee. An order will not be entered until new counsel enters an appearance, except for good cause.

PART III. CLAIMS; PLANS

RULE 3001-1. CLAIMS AND EQUITY SECURITY INTERESTS - GENERAL

Proofs of claim may be filed with the Court electronically (**Appendix 3-01**). Each filed claim shall include, as an exhibit, a summary of all documents that support the claim (**Appendix 3-01**). In cases under Chapters 9, 11, and 12, a legible copy of the claim and each supporting document shall be served conventionally on the debtor and, if applicable, the trustee concurrently with the electronic filing of the claim. In Chapter 7 cases, a legible copy of the claim and each supporting document shall be served on the trustee. Proofs of claim in Chapter 13 cases are subject to the requirements of Local Rule 3084-1. Failure to serve the trustee or debtor as required shall be a basis to disallow the claim.

If before the claims deadline a creditor files and serves a **notice** stating why it is unable to file or amend a claim by the deadline, it shall have one 30-day extension without motion or order.

RULE 3003-1. DEADLINE FOR PROOFS OF CLAIM IN CHAPTER 9 AND 11 CASES

Creditors required by Fed. R. Bankr. P. 3003 to file claims must file such claims prior to the deadline, which deadline shall be specified in a notice or order served on creditors. Within the discretion of the Court, such deadline may be specified in the §341 meeting notice.

RULE 3007-1. CLAIMS - OBJECTIONS

A. **Omnibus Objection.** Objections to claims may be contained in one or more omnibus objections. The recommended form of objection is contained in **Appendix 3-07**. This Rule applies to trustees serving under chapters 7, 11 and 12, and debtors-in-possession under chapter 11.

B. **Procedure for Objections to Claims: Response Filed.** A claimant shall have 30 days after service of the objection in which to file a response. The response shall be in writing and state with particularity why the claimant believes the claim is valid and should be allowed. If a response is filed, the Court will schedule a hearing. If no timely response is filed, the court will enter an order sustaining the objection as to the claimant and disallowing such claim.

C. Procedure for Objections to Claims: Amended Claim Filed. A claimant may elect to file an amended claim in an effort to address an objection. The filing of an amended claim is suggested when the objection goes to the form of the claim (e.g., insufficient documentation to support claim). If there is further objection to the amended claim, an objection to such amended claim shall be filed; otherwise, the amended claim will be allowed.

D. Separate Objection Permitted When Trustee Seeks Affirmative Relief. The trustee may file a separate objection and request for hearing with respect to a particular claim when, for instance, the trustee desires to assert a counterclaim or seek other affirmative relief against the claimant.

RULE 3010-1. SMALL DIVIDENDS AND PAYMENTS

In accordance with the authority granted under Fed. R. Bankr. P. 3010, a trustee in a Chapter 7 case may pay out dividends that are less than \$5.00. In a Chapter 7 case with ten or fewer creditors scheduled to receive a dividend of less than \$5.00, the trustee shall distribute the funds. In a Chapter 7 case with more than ten creditors scheduled to receive a dividend of less than \$5.00, the trustee, in his discretion, may pay out the funds or treat them in the same manner as unclaimed funds as provided in § 347 of the Code.

RULE 3011-1. UNCLAIMED FUNDS

After a final distribution has been made, and after the filing of a Motion to Pay Into the Court Registry and the entry of an order approving the motion, funds for creditors who could not be located shall be paid into the Court Registry by the trustee/debtor-in-possession with a listing showing name, address and amount. A creditor whose funds were paid into the registry may file and serve on the trustee, United States Trustee and debtor's attorney a motion for distribution from funds in the registry.

RULE 3016-1. CHAPTER 11 PLAN

A. Filing. Unless otherwise required by the Bankruptcy Code or Court order, a Chapter 11 debtor shall file a plan and disclosure statement within 120 days after filing of the petition. If debtor seeks an extension of time to file a plan or of the exclusive period to file a plan, debtor shall file a motion for extension before expiration of the 120 days, stating the reason a plan has not been filed and a schedule of steps to be taken to file a plan.

B. Failure to File. Upon debtor's failure to comply with this Rule, the Court may dismiss the case or convert it to Chapter 7.

RULE 3016-2. DISCLOSURE STATEMENT - GENERAL

A. Disclosure Statement. Chapter 11 disclosure statements must include at least three years each of detailed financial operating histories and operating projections, including projected plan payments and tax consequences. Data for longer or shorter periods may be required.

B. Approval of Disclosure Statement.

1. Conditional Approval. The Court may conditionally approve a disclosure statement. On or before conditional approval of the disclosure statement, the Court shall:
 - a. fix a time for filing objections to the disclosure statement;
 - b. fix a date for the hearing on final approval of the disclosure statement to be held if a timely objection is filed;
 - c. fix a date for the hearing on confirmation; and
 - d. fix a time within which the holders of claims and interests may accept or reject the plan.
2. Application of Fed. R. Bankr. P. 3017. If the disclosure statement is conditionally approved, Fed. R. Bankr. P. 3017(a) and (e) do not apply. Conditional approval of the disclosure statement is considered approval of the disclosure statement for the purpose of applying Fed. R. Bankr. P. 3017(d).
3. Objections and Hearing on Final Approval. Notice of the time fixed for filing objections and the hearing to consider final approval of the disclosure statement shall be given in accordance with Fed. R. Bankr. P. 2002 and may be combined with notice of the hearing on confirmation of the plan. Objections to the disclosure statement shall be filed, transmitted to the United States Trustee, and served on the debtor, the trustee, any committee appointed under the Bankruptcy Code, and any other entity designated by the Court at any time before final approval of the disclosure statement or by an earlier date as the Court may fix. If a timely objection to the disclosure statement is filed, the Court shall hold a hearing to consider final approval before or combined with the hearing on confirmation of the plan.

RULE 3022-1. FINAL DECREE IN CHAPTER 11 CASE

As soon as practicable after the confirmed plan has been substantially consummated and the estate has been fully administered, the reorganized debtor, trustee, or other responsible party as designated in the confirmed plan shall file a Chapter 11 Final Report and Application for Final Decree. The recommended form of the report and application is shown in **Appendix 3-22**.

RULE 3070-1. CHAPTER 13 DIRECT PAYMENTS

All payments must be through the plan unless the Court orders or the trustee agrees otherwise, except debtors may pay directly: 1) unmodified payments on a note secured by real property; 2) ongoing support obligations pursuant to a court decree; and 3) payments to an employer's credit union by payroll deduction.

RULE 3080-1. CHAPTER 13 - GENERAL

All pleadings, including amended plans and orders filed in Chapter 13 cases, shall be served on the Chapter 13 trustee and debtor's attorney (or debtor, if appearing pro se).

RULE 3081-1. CHAPTER 13 CLOSING BEFORE CONFIRMATION

In cases which close before confirmation of a plan, the Chapter 13 trustee may collect from the funds on deposit with the Chapter 13 trustee a \$100.00 fee for expenses.

RULE 3083-1. CHAPTER 13 PLAN; OBJECTIONS TO PLAN

A. **Plan Summary.** Each Chapter 13 plan must be filed with a plan summary or a combination plan/plan summary with all the information in the form in **Appendix 3-83**. (As the form changes from time to time, it is recommended that counsel obtain the latest version from the Chapter 13 Trustee's website located at www.13network.com). Debtor shall serve the plan and summary on all creditors when the plan is filed and shall serve amended plans on all affected creditors.

B. **Service of the Plan Summary.** The plan or summary shall be served on the United States Attorney and the appropriate agency when the United States is a party in interest. **Appendix 1-00** contains a list of standard addresses of government agencies.

C. **Plan Modifications.** The plan may be modified by debtor or the trustee at the § 341 meeting without notice to claimants.

D. **Plan Percentages.** Debtor must use 10% of receipts, the statutory maximum, for trustee fees when calculating plans. The actual percent, set by the Attorney General pursuant to statute, may vary during the plan.

E. **Objections to Plans.** It is the duty of affected creditors and not the trustee to file objections to confirmation of plans and amended plans on all grounds for non-confirmation. The trustee may also object. Unless otherwise noticed, objections to plan confirmation must be filed within 20 days after conclusion of the § 341 meeting of creditors.

F. **Incorporation of the Plan Summary.** If the Chapter 13 plan does not incorporate the plan summary by reference, to the extent there are inconsistencies between the plan and plan summary, the provisions of the summary are deemed to be the provisions of the plan.

G. **Amended Plans.** Amended Chapter 13 plans must be in the hands of the trustee, any affected creditors, and the creditor's attorney, if an entry of appearance has been entered, at least three working days prior to the scheduled hearing on the plan, or confirmation will be automatically denied. If debtor's counsel does not meet the three-day deadline, counsel must contact the creditor/creditor's attorney and advise that confirmation will be automatically denied at the scheduled hearing and that they need not attend. If debtor's counsel fails to so notify the creditor/creditor's attorney, counsel is subject to sanctions for that failure.

H. Wage Order to Employer.

1. The Chapter 13 trustee may cause a wage order to be issued in a Chapter 13 case at any time the plan payments are more than 30 days delinquent. The 30- day delinquency is measured pursuant to § 1326 (a)(1). The debtor shall provide on Schedule I the full address for the debtor's payroll department to which the Chapter 13 trustee may cause a wage order to be issued, and shall amend Schedule I if their employment changes.
2. In the event the debtor wants a wage order to the employer vacated, the debtor must file a motion to vacate the order and demonstrate that appropriate circumstances exist for the debtor's direct remittance of plan payments.

RULE 3084-1. CHAPTER 13 PROOFS OF CLAIM; OBJECTIONS TO CLAIMS

A. **File in Duplicate.** Chapter 13 claims may be filed electronically with the Clerk **and** served on debtor's counsel. Each filed claim shall include as an exhibit a summary of all documents that support the claim (**Appendix 3-01**). The claim, with attachments, must be served conventionally on the Chapter 13 trustee and on debtor's counsel, including notice of transfer of claim, as required by Fed. R. Bankr. P. 3001(e).

B. **Claims Register.** The Court will maintain the claims register electronically.

C. **Classification.** If a claim does not state whether it is secured, unsecured priority, or unsecured non-priority, it will be deemed an unsecured non-priority claim.

D. **Secured Claim.** A secured claim must state a fair market value for each item of collateral. The trustee will use the creditor's fair market value if the fair market value is clearly provided on the face of the proof of claim. If the creditor does not provide a fair market value on the face of the claim then the trustee will use the value contained in the debtor's plan. If neither the proof of claim nor the plan states a value, the trustee shall use the value set out in the debtor's schedules. If neither the debtor nor the creditor has provided a fair market value, the trustee shall load the proof of claim as unsecured non-priority. Listing the amount of debt on the "secured" line of the claim or stating that the fair market value is more than the amount owed (or a similar statement) shall not constitute providing the fair market value.

E. **Interest on Secured Claims (other than claims secured by debtor's residence).**

Absent Court order to the contrary, all filed and allowed secured claims will be paid interest at the Chapter 13 rate (referenced below) unless the plan/plan summary **specifically** provides for "**zero**" interest.

1. Filed and allowed oversecured claimants shall receive their contract rate of interest, if provided on or with the proof of claim, from the date of the petition up to the date of confirmation. From the date of confirmation forward, filed and allowed oversecured claimants shall receive the posted "**CHAPTER 13 RATE.**" If the contract rate is not provided on the face of the proof of claim,

such a claimant will receive the posted "**CHAPTER 13 RATE**" from the date of the petition forward. An oversecured claim is one in which the fair market value of the collateral exceeds the total amount of the claim.

2. Filed and allowed undersecured claimants and filed and allowed fully secured claimants shall receive the posted "**CHAPTER 13 RATE**" from the date of the petition forward on the secured portions of their claims.
 - a. A fully secured claim is one in which the fair market value of the collateral equals or exceeds the total amount of the claim.
 - b. An undersecured claim is one in which the fair market value of the collateral is less than the total amount of the claim.

F. Interest on Claims Secured by Debtor's Residence. Unless otherwise set forth in the Plan, a claim secured only by real estate which is the debtor's principal residence, shall receive its contract rate of interest from the date of the petition forward, if such interest rate is provided on the face of the proof of claim; otherwise it will receive the posted "**CHAPTER 13 RATE.**"

1. For adjustable rate mortgages, the trustee shall use the interest rate provided in the plan/plan summary. If the debtor's plan/plan summary does not provide an interest rate, the trustee shall use the appropriate posted "**CHAPTER 13 RATE.**"
2. If the adjustable rate changes, it is the responsibility of the debtor or the creditor to notify the trustee of the new interest rate so that the claim can be adjusted accordingly.

G. Chapter 13 Rate

1. The posted "**CHAPTER 13 RATE**" shall be determined by the standing Chapter 13 trustee for the Western District of Missouri semi-annually as follows:
 - a. July 1 to December 31: For cases with the initial plan filed between July 1 and December 31, the interest rate shall be the 5 year treasury note rate as of the preceding June 1, plus 3% nominal interest rate per annum. The standing Chapter 13 trustee shall make the rate for the ensuing six-month period available to the Clerk of the Bankruptcy Court for posting for the first business day following June 10.
 - b. January 1 to June 30: For cases with the initial plan filed between January 1 and June 30, the interest rate shall be the 5 year treasury note rate as of the preceding December 1, plus 3% nominal interest per annum. The standing Chapter 13 trustee shall make the rate for the ensuing six-month period available to the Clerk of the Bankruptcy Court for posting for the first business day following December 10 of the preceding year.

2. THE POSTED "CHAPTER 13 RATE" IN EFFECT AT THE TIME OF FILING OF THE INITIAL PLAN SHALL REMAIN IN EFFECT THROUGHOUT THE ENTIRE LIFE OF THE CASE.
3. The posted Chapter 13 rate is, absent evidence to the contrary, presumed to be the applicable rate. Parties may introduce evidence to determine what the applicable market rate of interest might otherwise be, on a case-by-case basis.

H. **Objections.** It shall be the debtor's duty, and not the trustee's, to file objections to claims. The debtor must serve the objection on the claimant, claimant's attorney and the trustee.

I. **Claims Allowed.** All Chapter 13 claims will be allowed as filed absent timely objection by debtor. Claims will be paid according to the notice allowing claims.

J. **Claim Amount.** If the face of the filed proof of claim does not clearly state an amount owed, the trustee will load the claim amount as zero.

RULE 3085-1. NOTICE TO ALLOW CLAIMS

A. **Trustee Notice.** After confirmation of the plan and after the claims deadline, the trustee shall file a notice to allow claims. The trustee will serve the notice on debtor and debtor's attorney. The trustee will mail to each scheduled creditor or claimant with a filed claim an "Acknowledgment of Claim and Notice of Proposed Treatment of Claim." Thereafter, if the trustee loads a claim which was not on the original notice to allow claims, the trustee shall file and serve a notice to allow the amended or additional claim.

B. **Response.** Claims will be deemed allowed as listed in the notice unless, within 30 days, debtor or a creditor files and serves an objection on the trustee and debtor's attorney.

RULE 3086-1. PAYMENT OF CLAIM AFTER LIFTING OF STAY; ADEQUATE PROTECTION

A. **Order Lifting Stay.** If an order lifting the stay is entered the trustee shall adjust the claims relating to that collateral to the amount paid to the date the trustee received the order; make no further payments on the claims; and notify the parties of this action. If the parties agree for debtor to retain the property, they shall notify the trustee in writing so the claims can be reset and payments resumed.

B. **Adequate Protection Order.** Payments remitted by the trustee pursuant to an adequate protection order will be disbursed after the order becomes final and generally during the month-end processing period. Upon confirmation of the plan, the adequate protection order shall terminate and the creditor will be paid pursuant to the terms of the confirmed plan.

RULE 3087-1. GARNISHMENT PROCEEDS

Any proceeds which the Chapter 13 trustee receives from the release of a garnishment,

absent a prior specific order of the Bankruptcy Court, shall be held by the Chapter 13 trustee for credit towards the debtor's plan payments.

RULE 3088-1. CHAPTER 13 EMERGENCY REFUNDS AND BORROWING

A. **Emergency Refunds.** The Chapter 13 trustee may issue refunds from property of the estate in an amount up to one monthly payment per year if the application states the reason for the refund, and the refund will not affect payments to secured creditors with fixed monthly payments. A request to miss a payment will be considered an emergency refund.

B. **Debtor Refunds.** Debtor refunds issued to a debtor pursuant to an order of the Court will be issued after the order becomes final.

C. **Emergency Borrowing.** The Chapter 13 trustee may grant debtor permission to borrow sums of \$2,500.00 or less per request. The application must state the lender, the amount of the loan, the terms of repayment (including monthly payments and interest rate), and the purpose of the loan. Requests to borrow amounts in excess of \$2500 must be filed with and approved by the Court.

RULE 3089-1. REFUNDS IN DISMISSED AND CONVERTED CASES

If a plan payment is received on or before the date of the order of dismissal or conversion in a confirmed plan, those funds will be disbursed to creditors pursuant to the terms of the confirmed plan.

RULE 3090-1. STATEMENT REGARDING FILING OF TAX RETURNS

The debtor is required to provide the trustee with a statement, written or oral, at the § 341(a) Meeting of Creditors regarding whether tax returns are current or, if not current, whether satisfactory arrangements have been made with the taxing authority.

RULE 3091-1. DISBURSEMENT OF INSURANCE PROCEEDS

A. If the Debtor suffers a casualty loss and that loss is covered by insurance, the debtor does not need the approval of the Bankruptcy Court for the insurer to pay the loss payee pursuant to the terms of the insurance contract.

B. If any creditor being paid through the trustee's office is the loss payee on the insurance policy and funds are distributed to that creditor from the insurer, the trustee shall continue to disburse payments to that creditor pursuant to the terms of the confirmed plan unless:

- i. The debtor files an objection to the proof of claim and the Bankruptcy Court enters an order directing the trustee to cease making payments to the creditor or the order reduces the allowed amount of the claim (any such objection should state with specificity the treatment of both the secured and unsecured portions of the claim) or
- ii. The creditor withdraws its claim or amends its claim.

C. If the debtor receives any insurance proceeds in excess of \$2,500, after payment of the loss payee, from a loss under the policy, the debtor shall not dispose of such excess proceeds without an order of the court.

RULE 3092-1. EXECUTORY CONTRACTS AND LEASES

It is the debtor's responsibility, and not the trustee's, to assume, reject, or assign an executory contract or unexpired lease and to properly and timely serve same on the affected parties.

RULE 3093-1. PLAN PAYMENT SUSPENSION

For purposes of Chapter 13, any order granting an abatement, waiver, or suspension, does not eliminate the payment; rather it adds the payment onto the end of the plan unless the order specifically provides otherwise. The granting of an abatement, waiver, or suspension is without prejudice to the rights of any secured creditor to seek a lift of the stay or other appropriate relief.

PART IV. THE DEBTOR; DUTIES

RULE 4001-1. AUTOMATIC STAY - RELIEF FROM

A. **Notice; Default.** When a motion for stay relief, adequate protection, redemption, or lien avoidance is filed, the Court will issue an order setting an answer date and a hearing date if an answer is filed. If the respondent(s) fail(s) to timely file an answer, the motion is deemed admitted and the Court may enter a final order.

B. **Motion for Stay Relief; Contents.** A motion for relief from the automatic stay shall state the amount of the balance due of principal and interest as of the date of the bankruptcy petition. In addition, the motion shall state the following:

1. In Chapter 7 cases, if the motion is filed prior to the §341 Meeting of Creditors, the motion shall state an estimate of the value of the collateral.
2. In Chapter 13 cases, where the movant is seeking relief from the stay for failure to make post-petition payments on a claim secured by real property that is the Debtor's principal residence or is treated by the Debtor's Chapter 13 Plan pursuant to § 1322(b)(5), then the motion, or attachments thereto, shall contain a legible post-petition payment history (Appendix 4-01). The payment history shall set forth the date each post-petition payment was received, the amount of each post-petition payment received, and how each post-petition payment was applied by movant. Pursuant to § 362(g)(2), the Debtor has the burden to prove any post-petition payment(s) alleged to have been made but not set forth in the motion, or attachments thereto.

C. **Exhibits; Witnesses.** Three days before the hearing, parties shall mark and exchange all exhibits which may be offered and exchange a list of witnesses who may be called. Movant's exhibits should be marked with numbers, and respondent's with

letters. An Exhibit Index (**Appendix 7-16**) on the Court form must be submitted at the hearing.

D Order. Proposed orders may be submitted by e-mail or on diskette as the Court may direct.

E. Adequate Protection. If debtor intends to make an offer of adequate protection, it shall be stated in the answer.

F. Trustee; Service of Documents. A trustee is a party in interest and must be timely served with the motion for relief and all documents supporting the motion. Movant shall serve legible paper copies of all documents evidencing perfection of security interests on the trustee and debtor's counsel at the time of the filing of the motion for relief or promptly thereafter. In the alternative, as to mortgages and deeds of trust only, the movant may file the page of the document, showing recording information, and the signatures of the borrowers. If such alternative is used movant shall promptly provide paper copies of the entire document upon specific request from the trustee or debtor's counsel. Service shall be certified on the motion for relief (**Appendix 3-01**). Movant's failure to serve the trustee and debtor's counsel under this rule may result in delay in the hearing on the motion for relief or denial of the motion.

G. Mechanics Liens. The stay is modified without motion or order to allow filing of a notice to preserve a mechanics lien. Before proceeding with further action thereafter, the party must file a motion and obtain an order modifying the stay.

H. Negotiations with Governmental Agencies. If a farm debtor borrowed from a governmental agency, the stay is modified without motion or order to allow debtor and that agency to negotiate and submit applications for loan servicing options pursuant to agency regulations. Debtor shall file and serve on all creditors a Notice of Intent to Enter Into Loan Service Agreement, with the opportunity to object, stating the terms of the proposed agreement, at least 20 days before entering into such agreement.

I. Conditional Orders Granting Relief from Stay. In Chapter 7 or 13 cases, an order that resolves a motion for relief from stay that, *inter alia*: (i) conditionally denies the motion; (ii) provides for future payment of some or all of the post-petition arrearage; (iii) contains a "drop dead" clause; and/or (iv) contains a grace period for curing a default of the term(s) of the order, shall be known as a conditional order granting relief from stay.

1. If the movant alleges that the debtor has defaulted on any term of a conditional order granting relief from stay, movant shall give the debtor ten (10) days written notice to cure. After such ten-day period has expired, without cure, the movant shall submit a final order setting out the terms of the alleged breach and granting the relief requested.

2. The Chapter 13 trustee shall continue to disburse on a filed and allowed claim until the final order granting relief from stay is entered. If the final order granting relief from stay is entered and all appeals have been exhausted, the trustee shall, as of the date of

that order, adjust the claim to the principal amount paid and make no further disbursements on the claim. It shall be the responsibility of the parties to notify the trustee of any agreement or ruling reinstating the automatic stay and the terms thereof so that the claim may be reset.

RULE 4002-1. DEBTOR - DUTIES

A. **Request.** Within 10 days after a trustee requests information at the § 341 meeting or in writing, debtor shall: 1) serve on the trustee a response with the information; or 2) file and serve an objection with specific grounds and a copy of the trustee's request, and request a conference or hearing. Parties shall file these items only if an objection is filed or the response is an amendment to pleadings such as schedules.

B. **Copies.** Debtor's counsel shall promptly provide to interested parties on request copies of schedules and similar pleadings filed with the Court. If the items are not required to be served, counsel may charge a reasonable amount for copying and mailing.

C. **Collateral Inspection.** Debtor shall grant a secured creditor's reasonable request to inspect collateral without motion. If the request is made in preparation for a hearing, the inspection shall be permitted within five days of such request and, in any event, not less than two days prior to the hearing.

RULE 4003-1. GARNISHMENTS

A. **Pre-petition Garnishments/Lien Avoidance.** Pre-petition property of a debtor subject to a writ of garnishment may be subject to a claim of exemption. If so, debtor's counsel may file a motion to avoid the garnishor's lien, pursuant to § 522(f), and serve the motion upon garnishor (or the garnishor's counsel, if known), the trustee, and the United States Trustee.

B. **Post-Petition Garnishment.** A writ of garnishment as to post-petition property of a debtor for a pre-petition debt violates the automatic stay, unless the case is under Chapter 13 and the garnishment is to enforce an order for alimony, maintenance, or support to a spouse, former spouse, or child. Debtor or debtor's counsel may file a Motion for Order of Release of Writ of Garnishment as to Wages (**Appendix 4-03**) earned and paid after the date of the filing of the Chapter 7 bankruptcy petition. The motion shall be served on the garnishor or the garnishor's counsel, if known, the garnishee, the trustee, and the United States Trustee.

RULE 4004-1. DISCHARGE HEARINGS

A hearing under § 524(d) on discharge or postpetition agreements in Chapter 7 will be held only on motion of debtor or other party unless required by the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure.

RULE 4004-2. EXTENSIONS OF TIME TO FILE OBJECTIONS TO DISCHARGE / DISCHARGEABILITY

A party filing a motion to extend the time for the filing of a complaint objecting to discharge, or to determine the dischargeability of a debt, shall, on the date of the filing of such motion, serve the motion on debtor and counsel for the debtor. A hearing on such motion shall be held if an objection to the motion, or a request for hearing, is filed by debtor within 20 days after service of such motion.

RULE 4070-1. INSURANCE

A. **Debtor-in-Possession.** Debtors-in-possession in any Chapter shall insure all estate assets against physical damage and loss with policy limits covering asset values stated in debtor's schedules; maintain liability coverage for operations and businesses; and as appropriate or customary for the industry, maintain additional types of insurance (e.g. workers compensation, products liability, or professional liability).

B. **Proof of Insurance.** Upon request of an interested party, trustee or United States Trustee, debtor shall provide proof of insurance, which shall include a certificate of insurance, binder, or other document from the carrier stating amounts, types and period of coverage, and notation of any secured party as loss payee. Failure to provide proof presumes no insurance is in effect.

C. **Noncompliance.** Failure to maintain insurance as required herein or to produce proof of insurance shall be grounds for dismissal or conversion, or relief from the automatic stay.

D. **Motor Vehicles.** For a motor vehicle retained by debtor and subject to a creditor's allowed secured claim (including a mobile home or trailer designed for or capable of travel on public roads) in addition to requirements stated in Paragraphs A, B and C, if debtor fails to provide proof of insurance or for any reason insurance terminates, debtor is enjoined from using the vehicle so long as it is uninsured and the following applies:

1. The secured creditor shall serve debtor, personally or by mail, at the address in the bankruptcy petition, and debtor's attorney, written notice of the lapse of insurance.
2. If debtor fails to provide the creditor proof of insurance within three business days after service of the notice in subsection (1), debtor shall surrender the vehicle or the secured creditor may take possession and hold it pending presentation of proof of insurance.
3. Within five days after taking possession of a vehicle pursuant to subsection (2), the creditor shall file a motion for lift of stay, with an affidavit stating compliance with this Rule. The Court may grant the creditor relief from § 362 without further hearing or notice.

4. Absent agreement between the debtor and the lienholder, the debtor shall prepay at least three months of insurance on the vehicle; the collision and comprehensive deductible shall not exceed five hundred dollars (\$500); and the insurance policy shall name the lienholder as a loss payee.

E. Motor Vehicle; When Lien is Disputed. If a lien on a motor vehicle is disputed or the subject of a trustee's complaint to avoid lien and the debtor retains possession of the vehicle, the debtor is responsible for insuring the vehicle until such time as the lien issue is decided by the Court or until the vehicle is turned over to the trustee or alleged secured creditor. If the debtor fails to provide proof of insurance to the trustee, the trustee may take such action as necessary to protect the vehicle and estate.

F. Motor Vehicle; Defined. For purposes of this Rule, the term Motor Vehicle shall include an automobile, truck, recreational vehicle, all terrain vehicle, motorcycle, trailer, mobile home designed for or capable of transport on public roads, airplane, and motorized boat.

PART V. COURT AND CLERK

RULE 5005-1. FILING AND TRANSMITTAL OF PAPERS

A. Service of Documents and Orders by Electronic Means. In accordance with the Court's standing General Order for Electronic Case Filing Procedures (**Appendix 5-05**) which is incorporated by reference herein, electronic transmission of a document or order to the Electronic Filing System, together with the transmission of a Notice of Electronic Filing from the Court's transmission facilities, constitutes filing of the document or order for all purposes of the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court, and constitutes entry on the docket kept by the clerk under Fed. R. Bankr. P. 5003 and 9022.

B. Procedures. The Court will accept for filing those documents submitted, signed or verified by electronic means that comply with procedures established by the Court and incorporated in these Rules or otherwise specified in its current ECF Administrative Procedures.

C. Procedures for Pro Se Filers. Procedures for the filing of documents by pro se parties and non-registered filers are set out in **PART X, REQUIREMENTS AND PROCEDURES FOR PRO SE FILERS**.

RULE 5009-1. TRUSTEE'S DISTRIBUTION, REPORT AND FINAL DECREE

A. Trustee's Final Report and Proposed Distribution. As soon as practicable after completing administration of a Chapter 7 asset case, the trustee shall submit to the United States Trustee a Trustee's Final Report and Proposed Distribution (TFR) in the form prescribed by the United States Trustee. Within 60 days of submission of the TFR, the United States Trustee will file with the Court the TFR as submitted, return the TFR to the trustee for revision and re-submission to the United States Trustee, or file with the Court

an objection to the TFR.

B. Service of Summary and Notice of Proposed Distribution. Promptly after the TFR is filed with the Court, the trustee shall serve a Summary and Notice of Proposed Distribution upon the creditors and interested parties appearing on the Court's matrix. Creditors and interested parties have 25 days after service of the Summary and Notice of Proposed Distribution to file objections.

C. Commencement of Distribution. The trustee shall commence distribution to creditors within 15 days of the Court's order approving the TFR.

D. Trustee's Distribution Report and Certification of Zero Balance. Within 125 days after the date of the Court's order approving the TFR, the trustee shall submit to the United States Trustee the Trustee's Distribution Report and Certification of Zero Balance (TDR) in the form prescribed by the United States Trustee. Within 30 days of submission of the TDR, the UST will file the TDR as submitted or return the TDR to the trustee for revision and re-submission to the United States Trustee.

E. Final Decree. After filing of the TDR, the Court will enter a Final Decree closing the case and discharging the trustee.

RULE 5010-1. REOPENING CASES

A. Fee. A motion to reopen a closed case shall be accompanied by a fee in the same amount as the current filing fee for the case, not including the administrative fee. If a trustee files a motion to reopen, payment of the fee may, upon motion, be deferred until assets are recovered, or may be waived.

B. Assignment. The motion will be assigned to the judge or division to which the case was last assigned before closing.

C. Service. On a motion to reopen to add a creditor, debtor shall file and serve upon such creditor a notice (**Appendix 5-10**) that the affected creditor must object within 30 days after service and that thereafter, the case will be reclosed, pursuant to Paragraph D.

D. Reclosing. A motion to reopen to add a creditor may be granted ex parte. Within 30 days after the order to reopen, a creditor who objects to the addition or to the dischargeability of its debt, or the discharge of debtor, shall file an appropriate motion or adversary action. If no pleadings are filed, the claims of added creditors will be discharged and the case reclosed without further notice.

PART VI. COLLECTION AND LIQUIDATION OF THE ESTATE

RULE 6004-1. SALE OF ESTATE PROPERTY

A. A trustee may sell, without first filing a notice of intent to sell, any item of property of the estate which is: 1) not exempt; 2) not subject to any lien, dispute as to ownership or other interest as referenced in Fed. R. Bankr. P. 6004(c); and 3) a single item or group of

items listed in the schedules as having a value of \$1,000 or less.

B. Within 20 days after a sale, the trustee shall file a report of sale specifying the property sold, price and other relevant terms, date of sale, and purchaser's name and address.

RULE 6007-1. ABANDONMENT

The § 341 notice shall include notice that at the meeting of creditors a trustee may announce the intent to abandon specific property if it is burdensome or inconsequential to the estate. Objections to abandonment must be filed and served on the trustee within 15 days after the meeting at which the property is proposed to be abandoned.

PART VII. ADVERSARY PROCEEDINGS; CONTESTED MATTERS

RULE 7004-1. SERVICE OF PROCESS

A. **Service.** In accordance with Fed. R. Bankr. P. 7004, service of process in an adversary action must be made on either the debtor or the debtor's agent, where applicable.

B. **Agent.** When a petition for relief is filed in any Chapter, debtor shall file a designation of debtor's attorney as agent to receive service of process pursuant to Fed. R. Bankr. P. 7004(b)(9) in all proceedings in the case, including adversary actions and contested matters. This designation is contained within the Declaration Re: Electronic Filing found in **Appendix 1-02**.

RULE 7005-1. SERVING AND FILING OF PLEADINGS AND OTHER PAPERS

The provisions of Local Rule 5005-1 and the Court's Standing Order for Electronic Case Filing Procedures apply. Registration for participation in the Court's Electronic Case Filing System and receipt of a password constitute written consent to receive electronic service from the Court and/or other parties.

RULE 7005-2. FILING OF DISCOVERY MATERIALS

Non-filing; Certificate of Service. The following discovery documents and responses shall be served on opposing counsel and parties, but not filed with the Court unless ordered: requests to produce, inspect or admit; interrogatories; and depositions. Instead of filing the discovery pleadings, the parties shall file a certificate of service.

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.

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

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. **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. Exhibits; Witnesses. Three days before trial, or as set out in a pretrial order, parties shall mark and exchange all exhibits which may offered, and file and serve the exhibit and witness lists. An Exhibit Index (**Appendix 7-16**) on the Court form must be submitted at the trial. Plaintiff or movant exhibits will be marked with numbers, and defendant or respondent exhibits will be marked with letters.

RULE 7026-1. DISCOVERY - GENERAL

A. Discovery Deadline. Deadlines for the close of discovery will be extended only for cause. Absent extraordinary circumstances, a deadline will not be extended unless there has been active discovery. Delayed discovery is not grounds for extension of discovery deadlines. Unless ordered otherwise, filing of a motion, including one on dismissal, summary judgment or discovery, does not toll commencement of discovery or excuse counsel from completing discovery. Counsel may agree to modify deadlines without Court approval if trial and pretrial conference dates are not affected.

B. Discovery Motion. The Court will not entertain motions on a discovery dispute until parties have complied with the following:

1. Movant's counsel has conferred, or made reasonable efforts to confer, and communicated in writing with opposing counsel in a sincere effort to resolve the dispute. Counsel shall certify compliance with this Rule in any discovery motion, detailing efforts to resolve the dispute before the motion.
2. After compliance with subsection (1), the parties shall request an expedited discovery conference with the Court, which may be by telephone or in chambers. If the dispute is not resolved by conference, a discovery motion may be filed.

C. Form of Responses. The party answering interrogatories or requests to admit, produce or inspect shall set forth each question or request immediately before the answer or response.

D. Depositions. Upon completion of a deposition transcript, the reporter shall file a certificate with deponent's name, deposition date, name and address of the person with custody of the original transcript, and the charge for the original.

PART VIII. APPEALS TO DISTRICT COURT OR BANKRUPTCY APPELLATE PANEL

RULE 8001-1. NOTICE OF APPEAL / MANNER OF TAKING APPEALS

A. All appeals are made to The United States Bankruptcy Appellate Panel of the Eighth Circuit unless a timely election is made to have the appeal heard by the District Court pursuant to 28 U.S.C. §158(c)(1). The appellant shall file the election form (**Appendix 8-01**) with the Clerk of the Bankruptcy Court at the time of filing of the appeal. Any other party's election shall be filed with the Clerk of the Bankruptcy Appellate Panel.

B. If a timely election is filed to have the appeal heard by the District Court, the procedures of the District Court will govern; otherwise, the Local Rules of the Bankruptcy Appellate Panel will apply.

RULE 8004-1. SERVICE OF THE NOTICE OF APPEAL

Regardless of whether the appeal is to the District Court or the Bankruptcy Appellate Panel, the Court will effect service of the Notice of Appeal to counsel of record for each party and the United States Trustee.

RULE 8005-1. STAY PENDING APPEAL

Unless otherwise ordered, a supersedeas bond to stay execution of a judgment shall be in the amount of 125% of the judgment in order to cover the judgment, interest, costs, and any damages for delay.

RULE 8006-1. DESIGNATION OF RECORD

A. **Record.** In appeals to the United States District Court, the requirements of Fed. R. Bankr. P. 8006 shall apply.

B. **Transmittal.** The Clerk of the Bankruptcy Court will transmit the Notice of Appeal to the Bankruptcy Appellate Panel, or, if timely election is made, to the United States District Court.

PART IX. GENERAL PROVISIONS

RULE 9006-2. CONTINUANCES

A motion for continuance must be filed five days before a hearing unless the reason occurs or becomes known only after that time.

RULE 9010-1. ATTORNEYS - NOTICE OF APPEARANCE / ADDRESS CHANGE

A. **Notice.** An attorney, debtor, or other party shall notify the Clerk, opposing counsel and interested parties, including the trustee, in writing of a change of address and submit a list of all proceedings affected.

B. **Failure to Change Address.** Service to the old address of any item by the Court or a party shall be deemed effective, regardless of whether the attorney, debtor, or other party actually received the item, if a notice of change of address has not been provided to the

Court or made by the attorney.

RULE 9011-4. SIGNATURES

Pleadings filed by an attorney shall bear the original or electronic signature of such attorney in his or her individual name and shall include: the attorney's name, bar number, firm name, address, telephone number, fax number, and e-mail address.

RULE 9013-1. MOTION PRACTICE

A. Writing. Motions shall be in writing unless made in open court and shall state with particularity grounds for the relief requested.

B. Supporting Documents. When allegations of fact not appearing of record are relied on in support of a motion, all affidavits and other pertinent documents shall be summarized and this summary (Appendix 3-01) shall be submitted with the motion. It shall be sufficient that the summary appear as a part of the motion.

C. Response. Unless otherwise provided by these Rules, the Federal Rules of Bankruptcy Procedure, or by order of this Court, respondent shall file a response, any memorandum of authority, opposing affidavits for summary judgment motions, and supporting documents within 20 days after service of the motion.

D. Failure to File. Failure of movant to file any supporting memorandum, or of respondent to file a timely response or memorandum, constitutes a waiver of the right to file same.

E. Submission. Motions are deemed submitted on the date the response is filed. When no response is filed, motions shall be deemed submitted 20 days after the filing date.

F. Hearings; Notice. At least five days notice of a hearing date will be given if practicable. For cause, the Court may shorten the notice period. A party may request oral argument or a hearing on a motion. Whether to grant the request is within the Court's discretion.

G. Summary Judgment Motions. Motions for summary judgment shall be filed within the time deadlines set out in the pretrial order, and shall comply with Rule 56, Fed.R.Civ.P.

1. The suggestions in support of a motion for summary judgment shall begin with a concise statement of uncontroverted material facts. Each fact shall be set forth in a separately numbered paragraph. Each fact shall be supported by reference to the place in the record where the fact is established.

2. Suggestions in opposition to a motion for summary judgment shall begin with a section that contains a concise listing of material facts as to which the party contends a genuine issue exists. Each fact in dispute shall be set forth in a separate paragraph, shall refer specifically to those portions of the record upon which the opposing party

relies, and, if applicable, shall state the paragraph number in movant's listing of facts that is disputed. All facts set forth in the statement of the movant shall be deemed admitted for the purpose of summary judgment unless specifically controverted by the opposing party.

3. All facts on which a motion or opposition is based shall be presented in accordance with Rule 56 of the Federal Rules of Civil Procedure. Affidavits or declarations shall be made on personal knowledge and by a person competent to testify to the facts stated. Where facts referred to are contained in another document, such as a deposition, interrogatory answer or admission, a copy of the relevant excerpt from the document shall be attached.

4. Suggestions in opposition to a motion for summary judgment shall be filed within 20 days of the filing of the motion for summary judgment. A reply, if any, to the suggestions in opposition to a motion for summary judgment shall be filed within 10 days of the filing of the suggestions in opposition.

5. Unless oral argument is ordered by the Court, motions for summary judgment will be ruled on the written motion, supporting suggestions, suggestions in opposition, and reply suggestions

RULE 9013-3. CERTIFICATE OF SERVICE

A. **Certificate of Service.** Each pleading shall have a signed certificate of service at the end of the pleading or on a separate, captioned certificate, stating: the manner and date of service, and each person served, either by name or reference to a standard mailing list. A pleading without a proper certificate may be stricken or denied.

B. **Incorrect Certificate.** A certificate is not sufficient if it is in a separate cover letter or on a cover sheet which is not a separate, captioned certificate, or consists of a general statement that proper parties have been served.

RULE 9015-1. JURY TRIAL

A. **Jury Trial.** Issues triable of right by jury shall, if timely demanded, be by jury, unless the parties or their attorneys of record, by stipulation filed with the Court or oral stipulation made in open court and entered in the record, consent to trial by the Court sitting without a jury.

B. Demand.

1. Time; Form. Any party may demand a jury trial of an issue triable by a jury by serving on other parties a jury demand within 10 days after service of the last pleading directed to such issue. A demand may be endorsed on a pleading. When a jury trial is demanded it shall be designated by the Clerk in the docket as a jury matter.

2. **Specification of Issues.** In a demand, a party may specify the issues which it wishes to try; otherwise it will be deemed to have demanded jury trial of all issues so triable. If a party has demanded a jury trial of only some issues, any other party may, within 10 days after service of the demand or such lesser time as the Court orders, serve a demand for jury trial of any other or all issues.
3. **Determination by Court.** On motion by a party or on its own motion, the Court may determine whether there is a right to a jury trial on the issues for which a jury is demanded or whether a jury demand in a proceeding on a contested petition shall be granted.

C. **Waiver.** Failure to file and serve a demand as required by this Rule and Fed. R. Bankr. P. 5005 constitutes a waiver of trial by jury. A demand cannot be withdrawn without consent of the parties.

D. **Trial by Court.** Issues not demanded for jury trial shall be tried by the Court. Despite a party's failure to demand a jury when such demand might have been made of right, the Court on its own may order a jury trial of any or all issues.

E. **Applicability of Certain Federal Rules of Civil Procedure.** Rules 38, 39, 47-51, and 81(c) of Federal Rules of Civil Procedure apply when a jury trial is conducted.

F. **Pre-trial Proceedings.** In any case where a jury trial will be conducted in District Court, the adversary action or proceeding shall remain in Bankruptcy Court until conclusion of all pre-trial proceedings, including discovery, pretrial conferences, and ruling of all motions, including dispositive motions, and shall be transferred to District Court on order of the Bankruptcy Court when the proceeding is ready for trial.

RULE 9016-1. SUBPOENAS

Subpoenas for persons or documents for deposition, Rule 2004 examination, hearing or trial, may be obtained from any Clerk's Office in the Western District. As officers of the court, attorneys may sign and issue subpoenas as allowed by Fed. R. Civ. P. 45, as made applicable by Fed. R. Bankr. P. 9016.

RULE 9016-2. WITNESSES

A. **Witnesses.** Absent permission of the Court, only one attorney for each litigant may examine any one witness.

B. **Limitation on Experts.** No more than three expert witnesses may be called by a party at trial absent prior Court approval.

RULE 9019-1 SETTLEMENT OF ADVERSARY ACTIONS

Motions to Approve Compromise or Settlement of adversary actions shall be filed in the adversary action, and not in the main case, along with a certificate of service on those

entitled to service under Fed. R. Bankr. P. 9019, 2002, or other applicable law.

RULE 9029-1. LOCAL RULES - GENERAL

These Local Rules, adopted pursuant to Fed. R. Bankr. P. 9029 and General Order of the District Court entered on December 20, 1993 (**Appendix 9-29**), govern procedure in proceedings before the United States Bankruptcy Court, Western District of Missouri. The Rules may be modified as the Court deems appropriate to meet emergencies or in the interest of justice.

PART X. REQUIREMENTS AND PROCEDURES FOR PRO SE FILERS

RULE 11002-1. PETITION - GENERAL

This Part X provides special procedures applicable to pro se filers. Except as provided in this Part X, Parts I through IX of these Local Rules are applicable to pro se filers.

A. Filing a New Bankruptcy Petition. All initial pleadings, including the petition, schedules, statement of affairs, and matrix, shall be filed on official forms in paper format with the Clerk of the Bankruptcy Court in Kansas City, Missouri. Filing may be done in person or by mail. The pro se filer should file one original set with original signatures and one copy. If filing by mail, the debtor must include a self-addressed, stamped envelope for return of the file-stamped copy to the debtor.

B. Service on United States Attorney. If any United States agency is a creditor, on the day of filing debtor shall serve the United States Attorney with the petition and initial pleadings.

C. Amendments. Debtor shall serve amendments to the schedules, matrix and other initial pleadings on the affected creditors.

D. Mailing Matrix and Matrix Format. Debtor shall file a master mailing matrix with names and addresses of all creditors and interested parties, but **not** debtor. The Clerk adds to each matrix the Missouri Department of Revenue. If any United States agency is a creditor, debtor shall add the United States Attorney to the matrix in addition to the creditor government agency. **Appendix 1-00** contains a list of standard addresses of government agencies. The mailing matrix must be verified by the debtor as specified in Fed. R. Bankr. P. 1008 and prepared in a specific format (**Appendix 1-02**). The petition may be dismissed if the matrix is not in the specified format.

E. Amended Matrix. Amendments must be identified as such, must be prepared in the specified format, must be verified, and shall list **only additional creditors**.

F. Deficient Filing and Dismissal. If the petition or initial filings are missing or incorrect, the Court may enter an order to show cause to the debtor to remedy the deficiency within 15 days (two days if it is a mailing matrix), or the case may be dismissed without further notice or hearing.

G. Payment of Fees. All payment of fees must be by cashier's check, money order or cash. No personal checks or credit cards will be accepted.

RULE 11002-2. EMERGENCY FILING

A. Outstate Emergency. An emergency case may be filed in the Springfield or Jefferson City District Court Clerk's Office with prior approval of the Bankruptcy Clerk's Office in Kansas City **if** a foreclosure is scheduled for the same day and debtor certifies the petition could not be filed earlier in Kansas City or if, in the discretion of the Court, other emergency circumstances exist.

B. No General Outstate Filing. Only an emergency petition and no other types of pleadings may be filed in Springfield or Jefferson City District Court Clerks' Offices.

RULE 11009-1. AMENDMENTS TO LISTS AND SCHEDULES

Debtor must serve amendments to schedules, matrices and statement of affairs on affected entities, with a notice (**Appendix 1-09**) as follows:

1. For each affected entity, the name and address, amount owed, and date the debt was incurred;
2. The name and address of the trustee;
3. The bar date for filing claims, or a statement that no date has been set, or that it is a no-asset case and claims need not be filed. If the time has passed or will pass within 30 days, and creditors without knowledge of the bankruptcy are added, they have 30 days after service of the notice to file claims;
4. The deadline for filing complaints objecting to the discharge of the debtor or to the dischargeability of a debt. If the time has passed or will pass within 30 days, and creditors without knowledge of the bankruptcy are added, they have 30 days from service of the notice to file complaints; and
5. Amendments to schedules which add creditors must be accompanied by the appropriate fee, 28 U.S.C. § 1930. Amendments not accompanied by the appropriate fee will not be accepted.

RULE 17004-1. ADVERSARY PROCEEDINGS

A. Caption. Adversary proceedings shall be captioned with the debtor's name, case number, case chapter and judge assignment. The caption shall include the plaintiff, the defendant, the adversary case number after it has been assigned and the judge assignment.

B. Service. In accordance with Fed. R. Bankr. P. 7004, service of process in an adversary action must be made on either the debtor or the debtor's agent, where applicable.

C. Summons. The summons will be prepared by the clerk and will be returned to the pro

se plaintiff for service pursuant to applicable law along with the adversary complaint.

D. Educational Loans - Service on United States Attorney. If the United States made or guaranteed an educational loan, debtor shall serve a copy of the summons and complaint under § 523(a)(8), pursuant to Fed. R. Bankr. P. 7004, on the United States Attorney in Kansas City, the Attorney General in Washington, D.C., and on the appropriate agency.

E. Payment of Fees. All payment of fees must be by cashier's check, money order or cash. No personal checks or credit cards will be accepted. Any adversary filing fee owed is due at the same time the complaint is filed. If the filing fee is missing, the Court may enter an order to show cause to the pro se filer to remedy the deficiency within 10 days or the case may be dismissed without further notice or hearing.

RULE 19011-4. SIGNATURES

Pleadings shall have the original ink signature of the pro se filer and shall include a clearly printed or typed name, address, and telephone number.

RULE 19013-1. MOTION PRACTICE AND SERVICE

A. Writing; Conciseness. Motions shall be in writing and shall state the grounds for the relief requested. Routine motions shall be one page when possible.

B. Caption. Motions shall be captioned with the debtor's name, case number, case chapter and judge assignment.

C. Supporting Documents. When allegations of fact not appearing on record are relied on in support of a motion, all affidavits and other pertinent documents shall be summarized on the pleadings filed with the Court (**Appendix 3-01**). Copies of the attachments and supporting documentation shall be served on affected parties.

D. Certificate of Service. Each pleading shall have a certificate of service, signed by the pro se filer at the end of the pleading or on a separate, captioned certificate, stating: the manner and date of service, and each person served. A pleading without a proper certificate may be stricken or denied.

E. Payment of Fees. All payment of fees must be by cashier's check, money order or cash. No personal checks or credit cards will be accepted. Motions not accompanied by the appropriate fee will not be accepted for filing.