

United States Bankruptcy Court
Western District of Missouri



NOTICE OF AMENDED LOCAL BANKRUPTCY RULES AND FORMS
EFFECTIVE DECEMBER 1, 2016

NEW Model Chapter 13 Plan Form.

The Western District of Missouri will require the use of the new local model Chapter 13 Plan form for all cases, plans, and amended plans filed on or after December 1, 2016. A summary of changes by Richard Fink and the model Chapter 13 Plan form may be found [here](#).

Amendment to the Local Rights and Responsibilities Forms.

Both the Chapter 7 and the Chapter 13 forms will be updated as of December 1, 2016. The modifications are found in section IV(14) of the Chapter 7 form, and in section IV(19) of the Chapter 13 form. See the redlined version of the paragraph below.

If your attorney has not been retained to represent you in adversary proceedings, and an adversary proceeding is then filed against you, the attorney will, **within 7 days after receiving notice of the adversary proceeding**, explain to you the estimated cost of providing representation in the adversary proceeding, the risks and consequences of an adverse judgment, and the risks and consequences of proceeding without counsel. **In addition, the attorney shall advise you of the date by which a response to the adversary proceeding is due in order to avoid a judgment being entered against you based on your failure to respond. And, the attorney shall advise whether you may be eligible to participate in a program in your part of the district to provide eligible debtors with attorneys at no or reduced charge, and who to contact about participation in such a program.**

The updated forms may be found here ([Chapter 7](#)) - ([Chapter 13](#)), or you may find them on the Court's website after November 30th.

Amendments to Local Rule 2016-1 (D).

There will be an increase in the no-look fees, from \$3,000 to \$3,600 for below median cases and from \$3,500 to \$4,100 for above median cases. A General Order has been entered allowing these changes and may be found [here](#) or on the Court's web site under Local Rules.

Amendments to Local Rule 2016-1 (F).

Please see the updated list for post-confirmation fees in a Chapter 13 as well as a paragraph which explains the new case closing fee. A General Order has been entered allowing these changes and may be found [here](#) or on the Court's web site under Local Rules.

Amendments to Schedules - \$150 **\$200**

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

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

Case closing fees and expenses - \$250

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

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

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

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

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

Motions for Emergency Hearing - ~~\$400~~ **\$150**

Motion for Order requesting substantive relief - \$250

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

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

Motions to Approve Permanent Home Mortgage Modification (no hearing) - \$250

~~Motions to Approve Permanent Home Mortgage Modification (with hearing) – \$350~~

Motions to Approve Settlement/Allow Use of Settlement - ~~\$175~~ **\$250**

Motions to Approve Trial Home Mortgage Modification (no hearing) - \$250

~~Motions to Approve Trial Home Mortgage Modification (with hearing) – \$350~~

Motions to Avoid Lien or Avoid Judgment - ~~\$200~~ **\$250**

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

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

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

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

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

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

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

Notice of additional creditors - \$250

Objections to a Notice of Payment Change or a Notice of Fees, Expenses, and Charges (Local Rule 3094-1.C.3.) (no hearing) - \$250

~~Objections to a Notice of Payment Change or a Notice of Fees, Expenses, and Charges (Local Rule 3094-1.C.3.) (with hearing) – \$350~~

Objections to Proofs of Claim (no hearing) - ~~\$125~~ **\$250**

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

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

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

Review of a Notice of Payment Change or a Notice of Fees, Expenses, and Charges (Local Rule 3094-1.C.3. (without filing an objection) - \$50

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

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

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