

Local Rules of the United States Bankruptcy Court for the Western District of Missouri

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

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

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 21 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 Vacate Dismissal and Reinstatement/Reopen Case; Debtor's Motion to Reopen.

If the debtor seeks to reinstate or reopen a case that has been dismissed, the debtor must file a motion to vacate the order of dismissal and to reinstate or reopen the case **(See Local Forms**

MOW 1017.1 and 1.2) which shall include the debtor's waiver of the debtor's right to object on the grounds of timeliness to complaints, motions, and proofs of claim filed pursuant to Fed. R. Bankr. P. 4004(a), 4004(c), 1017(e), and 3002(c) if the filing deadline expired on or after the date the case was dismissed or if less than thirty days remains until such deadline, so long as the complaints, motions, and proofs of claims are filed within 30 days of the notice of reinstatement or reopening. If a dismissed case has been closed, debtor's motion to reopen the case in order to vacate an order dismissing a case shall be accompanied by the applicable fee.

Movant shall serve the motion, with a notice that recipients have 21 days to object, on the trustee, if any, United States Trustee, and all creditors and interested parties. If the dismissal was due to missing documents or fees, those missing documents must be filed and fees paid at the same time as the motion is filed.