

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

**IN RE:
ORDER ADDING LOCAL RULE
3002.1-2**

**GENERAL ORDER NO.
2023-4**

For good cause shown, after proposal from the AAG subcommittee and publishing for comment, and pending revision of this Court's local rules, it is hereby ORDERED that Local Rule 3002.1-2 is added to read:

Rule 3002.1-2. Attorney's Fees for Residential Lenders

A. Applicability of Rule. This rule applies to requests for reimbursement of fees, costs and charges filed by creditors with a security interest in the debtor's principal residence and filed under Fed. R. Bankr. P. 3002.1.

B. Covered Tasks and Presumptively Reasonable Amounts. Tasks covered by this Rule and the presumptively reasonable amount of fees to be allowed for performing them are set forth below.

1. Proof of Claim.

a. Scope of Task: Includes receipt and review of documents from client, communication with the client, preparation and filing of claim and any necessary attachments, including Form 410A, marking and redacting exhibits.

b. Presumptively Reasonable Amount: \$400; \$600 (with payment history in part 5 of 410A, if required)

2. Plan Review.

a. Scope of Task: Includes receipt and review of documents from client, communication with the client, review of plan and other pertinent portions of case file and legal analysis of treatment of claim, review up to two amended plans and monitor for confirmation.

b. Presumptively Reasonable Amount: \$400

3. Objection to Plan (In Addition to Plan Review)

a. Scope of Task: Includes preparation and filing of objection; review and redact exhibits; communication with counsel for debtor; draft, circulate and submit proposed order; and attendance at up to two required hearings.

b. Presumptively Reasonable Amount: \$350

4. Motion for Relief from Automatic Stay

a. Scope of Task: Includes receipt and review of documents from client; communication with the client; preparation and filing of motion; review of relevant portions of bankruptcy case file; conference with counsel for the debtor; draft, circulate and submit agreed order; review and redact exhibits; and attendance at up to two hearings.

b. Presumptively Reasonable Amount: \$850

5. Notice of Payment Change

a. Scope of Task: Includes receipt and review of documents supporting change in payment amount, communications with the client, preparation and filing of notice, and attendance at any necessary hearings.

b. Presumptively Reasonable Amount: \$150

6. Notice of Fees, Costs and Charges

a. Scope of Task: Includes receipt and review of documents from client detailing fees, costs and charges, communications with client, preparation and filing of notice, and attendance at any necessary hearings.

b. Presumptively Reasonable Amount: \$150

7. Response to Notice of Final Cure

a. Scope of Task: Includes review of notice, conference with client regarding status of payments, receipt and review of relevant documents, preparation and filing of response, communications with counsel for debtor, attendance at any necessary hearings.

b. Presumptively Reasonable Amount: \$150 (agreed response); \$400 (disputed response)

C. Effect of Filing Under Rule. Requests for fees for tasks covered by and in amounts no greater than set forth in this rule are presumed reasonable, without more. The burden of proof in any challenge to the fees is on the party asserting the objection, who must demonstrate that the fees are not reasonable under the circumstances. In the event the creditor requests fees in an amount in excess of the presumed reasonable amount, the presumption does not apply, and such request must be accompanied by an affidavit or other evidence demonstrating the reasonableness of the requested fees. If such evidence is not provided, the Court may deny the request or award the presumed reasonable amount. In the event the creditor requests fees for tasks not described in the rule, the presumption does not apply and the proceeding is governed by the otherwise applicable rules.

D. Periodic Adjustment of Amounts. No less than every five years after the effective date of this Rule, the Court shall review the presumptively reasonable amounts set forth above to determine if they remain reasonable or if an adjustment is required.

This General Order is effective immediately and shall remain in effect until further order or notice of this Court. IT IS SO ORDERED.

Dated: 10/24/2023

/s/ Brian T. Fenimore
Chief Bankruptcy Judge

/s/ Dennis R. Dow
Bankruptcy Judge

/s/ Cynthia A. Norton
Bankruptcy Judge