

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

**Rule 3092-1. Executory Contracts and Leases**

**A. Personal Property.** The debtor shall pay directly to the lessor all payments scheduled in a lease of personal property for that portion of the obligation that becomes due after the order for relief. Absent a timely objection to confirmation of the proposed plan, the debtor is presumed to have made these payments as required under § 1326(a). As the Chapter 13 plan shall provide that payments to personal property lessors will be paid directly, there shall be no reduction in the Chapter 13 plan payment for these direct payments.

**B. Real Property.** The debtor shall pay directly to the lessor all payments scheduled in a lease for that portion of the obligation that comes due after the order for relief. As the statute does not mandate adequate protection payments and as the Chapter 13 plan shall provide for direct payments to real property lessors, there will be no reduction in the Chapter 13 plan payment for these direct payments.

1. **Assumed Leases.** The debtor shall pay directly to the lessor all payments scheduled in a lease for that portion of the obligation which comes due after the order for relief unless the Court orders otherwise. The debtor shall pay directly to the lessor all payments required to cure a pre-petition arrearage unless the Court orders otherwise.

2. **Assumed Contracts for Deed.** The debtor shall pay directly to the holder of the contract for deed all payments scheduled in the contract for that portion of the obligation which comes due after the order for relief unless the Court orders otherwise. The debtor shall pay directly to the holder of the contract for deed all payments required to cure a pre-petition arrearage unless the Court orders otherwise.

**C. Pre-Petition Arrearages.** All payments on prepetition arrearages, whether or not listed in the plan, of assumed leases and executory contracts for both personal and real property shall be paid directly unless the court orders otherwise.

**D. Responsibility.** 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.