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



## GENERAL ORDER AMENDING LOCAL RULES 2016-1 E and 9060-1 H and I

For good cause shown, and pending revision to this Court's local rules, it is hereby ORDERED that Local Rules 2016-1 E, Post-Confirmation Attorney Fees in Chapter 13 Cases and 9060-1 H and I, Notices and Hearings are Amended to read:

## Rule 2016-1. Compensation For Services Rendered and Reimbursement of Expenses

**E. Post-Confirmation Attorney Fees in Chapter 13 Cases**. Additional attorney 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.

Motions to Suspend or Abate Payments - \$ 200

Motions to Incur Additional Debt - \$ 150

Motions to Distribute Insurance Proceeds - \$ 125

Motion to Retain Tax Refund Greater than \$2,500 - \$150

Motion for Payoff of Chapter 13 Plan - \$75

Motion for Relief from Stay (divorce) - \$200

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

Defense of Motions to Dismiss - \$ 200

Obtaining Confirmation of Amended Plan - \$250

Amendments to Schedules - \$ 150

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

Filing Proofs of Claim on behalf of creditors - \$ 125

Objections to Unsecured Proofs of Claim (no hearing) - \$ 100 125

Objections to Secured Proofs of Claim (with hearing) - \$ 225

Motions to Sell Property - \$ 200

Motions to Employ Counsel/Professional - \$ 175

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

Motion to Avoid Lien or Avoid Judgment - \$200

Motions to Vacate or Set Aside Order - \$ 125

Motions for Emergency Hearing - \$ 100

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

Debtor's attorney 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 debtor's attorney incurs.

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

Debtor's attorney seeking payment of flat fees pursuant to this rule shall file with the court a motion (**See Local Form - MOW 2016-1.2**) identifying the services provided, and stating that the services are for post-confirmation work. Such motion shall be served on the debtor, the trustee, the United States Trustee, and parties who requested notice, with 20 days after service to object. Motions for post-confirmation fees in excess of \$1,000 must be noticed to all creditors pursuant to Local Rule 2016-1. If no objections are filed, the court may enter an order as to such fees without further hearing.

- **H. Set for Hearing.** Unless otherwise ordered by the court, certain motions will be set for hearing and the hearing will be held even if no response has been filed. The Court will schedule the hearing and the movant is responsible for promptly serving the hearing notice on all parties not receiving electronic notice. These motions include:
  - 1. Creditor's motion to convert all chapters
  - 2. Creditor's motion to dismiss all chapters
  - 3. Motion for hardship discharge
  - 4. Motion to extend the stay
  - 5. Motion to impose the stay
  - 6. Objection to confirmation
  - 7. Objection to secured claim
  - 87. Trustee's motion to dismiss chapter 7
  - 98. Trustee's motion to dismiss for "bad faith" or "with prejudice" chapter 13
- **I.** Held for Response–Any Required Notice Prepared by Movant. Motions will be held 20 days (except those held 30 days as identified below) for a response to be filed. Movant is responsible for serving the motion on all parties and, if applicable, all creditors not receiving electronic notice and preparing the notice of motion if required. If a response is filed, the Court will schedule a hearing and post the hearing notice to the court docket. Movant is responsible for serving the hearing notice on all parties not receiving electronic notice. If a filed response proposes corrective action(s), the court may order the respondent to take those actions by a specific deadline. Failure to take those actions may result in an order of dismissal. If no response is filed, the Court will enter an order. These motions include:
  - 1. Debtor's motion to convert 7 to 11,12 and 13
  - 2. Debtor's motion to convert 11 to any chapter
  - 3. Debtor's motion to convert 12 to any chapter
  - 4. Debtor's motion to convert 13 to 11 or 12
  - 5. Debtor's motion to dismiss ch. 7, 11 and 12
  - 6. Trustee's motion to dismiss chapter 13
  - 7. Defendant's motion to dismiss an adversary
  - 8. Motion to Assume/Reject
  - 9. Motion to borrow
  - 10. Motion to compel turnover
  - 11. Motion/Application for compensation
  - 12. Motion to deconsolidate case
  - 13. Motion to deposit funds in court registry

- 14. Motion to employ (unless special counsel or chapter 11)
- 15. Motion to extend time to object to the discharge/dischargeability
- 16. Motion to extend time to object to exemptions.
- 17. Motion to file claim out of time
- 18. Motion to incur debt
- 19. Motion for joint administration
- 20. Motion to pay off 13 plan
- 21. Motion for post confirmation fees
- 22. Motion to reconsider
- 23. Motion to retain tax refund
- 24. Motion to reopen case to add creditors 30-day notice to affected creditor(s)
- 25. Motion to reopen case to vacate an order of dismissal or to file the personal financial management instructional course certificate and for entry of discharge
- 26. Motion to sell
- 27. Motion to suspend plan payments
- 28. Motion to transfer case out of district
- 29. Motion to vacate order
- 30. Objection to unsecured claim 30-day notice to affected creditor(s)
- 31. Trustee's motion to deny confirmation

This General Order is effective May 1, 2008 and shall remain in effect until further order or notice of this court.

/s/ Dennis R. Dow
Dennis R. Dow, Chief Bankruptcy Judge

/s/ Arthur B. Federman
Arthur B. Federman, Bankruptcy Judge

/s/ Jerry W. Venters
Jerry W. Venters, Bankruptcy Judge

Kansas City, Missouri Dated: <u>May 1, 2008</u>