

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

Rule 5010-1. Reopening Cases

A. Motion to Reopen Required. In accordance with § 350(b), the debtor or other party in interest may file a motion to reopen a case to administer assets, to accord relief to the debtor, or for other cause. If a debtor or creditor seeks to file an adversary proceeding to determine the dischargeability of a debt under Fed. R. Bankr. P. 4007(b) after the main bankruptcy case has been closed, a motion to reopen the closed bankruptcy case shall first be filed. If a case has been closed without granting a discharge to the debtor and the debtor seeks to file the Personal Financial Management Instructional Course Certificate required under §727 (a)(11) in order to receive a discharge, a motion to reopen the closed bankruptcy case shall first be filed.

B. Fee Required. Unless deferred or waived, the required filing fee shall be paid when a motion to reopen a closed case is filed. The reopening fee shall be charged when a case is closed without a discharge being entered and the debtor seeks entry of a discharge. The court may waive this fee under appropriate circumstances or may defer payment of the fee from trustees pending discovery of additional assets and pursuant to a motion to defer filed by the trustee. If payment is deferred, the fee shall be deemed waived if no additional assets are discovered.

C. Fee Not Required. The reopening fee shall not be charged if the reopening is necessary to:

1. Correct an administrative error.
2. Permit a party to file a complaint to obtain a determination under Fed. R. Bankr. P. 4007(b).
3. File an action against a creditor who is violating the terms of the discharge under § 524.

D. Service. On a motion to reopen to add a creditor, debtor shall file and serve upon such creditor a notice (**See Local Form - MOW 5010-1.1**) that the affected creditor must object within 30 days after service and that thereafter, the case will be reclosed, pursuant to Paragraph F. On a motion to reopen a case closed without granting a discharge to the debtor where the debtor seeks to file the Personal Financial Management Instructional Course Certificate required under §727 (a)(11) to receive a discharge, all creditors must be served and given 21 days to object.

E. Assignment. The motion will be assigned to the judge or division to which the case was last assigned before closing.

F. Reclosing. A motion to reopen to add a creditor may be granted ex parte. Within 30 days after the order to reopen, a creditor who objects to the addition or to the dischargeability of its debt, or the discharge of debtor, shall file an appropriate motion or adversary action. If no pleadings are filed, the claims of added creditors will be discharged and the case reclosed without further notice.