



**ANNUAL KANSAS BANKRUPTCY JUDGES ROUND TABLE
AND REVIEW OF RULE AND FORM CHANGES**

**Robert J. Dole Courthouse
500 State Ave – 6th Floor
Kansas City, Kansas 66101
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**RECENT CHANGES TO BANKRUPTCY FORMS AND
KANSAS LOCAL RULES**

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OUTLINE

- I. Hints about New Bankruptcy Forms
- II. A Few More General Hints
- III. Meet the New Local Rules
- IV. Resources About New Forms
 - The PowerPoint slides for these topics are available on the website for the United States Bankruptcy Court for the District of Kansas at

<http://www.ksb.uscourts.gov/index.php/court-info/from-the-clerk>.

**Summary of Proposed Editions to the Local Bankruptcy Rules
to Become Effective March 17, 2016**

The following is a brief summary of the proposed changes to the Local Bankruptcy Rules for the District of Kansas. They will become effective March 17, 2016, assuming no comments are received that warrant further consideration of the proposed changes. Many of the rule changes were instituted on an interim basis by Standing Order 15-4 to update citations to Bankruptcy Forms, effective on December 1, 2015. Substantive rule changes are discussed in

greater detail below. There were also some non-substantive grammatical or punctuation changes made throughout.¹

Preface: The discussion of Bankruptcy Court jurisdiction was updated to address the Supreme Court’s decision in *Wellness International Network, Ltd. v. Sharif*, ___ U.S. ___, 135 S. Ct. 1932 (2015).

LBR 1005.2: Form numbers were updated.

LBR 1007.1: Form numbers were updated. The order of documents to be attached to the petition was reorganized. Attachments to the petition should generally be attached in order of the form numbers, with the matrix as the last attachment to the petition. The DeBN Request Form and Official Form 101B (statement about payment of an eviction judgment) must be filed separate from the petition. The citation to LBR 1007.1(a)(2)(E) was updated in Appendix 1-01 to the rule.

LBR 2002.2 Agency addresses were updated for:

Department of Agriculture, Farm Service Agency

Name correction and two addresses consolidated into one.

Department of Education

ECMC address replaced with a Department of Education address.

Separate, updated addresses are provided for

Noticing (to be included in schedules and on the matrix) and

Service of process (such as adversary complaints).

Department of Housing and Urban Development

Address updated.

Small Business Administration

Two addresses consolidated into one.

Veterans Administration

Address updated.

Kansas Department of Commerce

Address updated.

Kansas Department of Revenue

Address updated.

Kansas Department for Children and Families

Name updated. Formerly “Kansas Department of Soc and Rehab Svcs.”

Address updated.

Kansas Department of Transportation

Address updated.

¹ For example, LBR 1001.1(d) deletes a stray comma, LBR 1009.1 and its appendix modified the punctuation of Schedule E/F and clarified that Appendix 1-01 was “to this Rule,” LBR 2002.1(d)(3) changed “is” to “are,” and Standing Order 08-4(c)(1) replaced semicolons with commas.

LBR 2004.1: Formerly adopted as an interim local rule by Standing Order 13-1, this was made a permanent local rule.

LBR 2014.1: Form numbers were updated.

LBR 2016.1: Form numbers were updated.

LBR 4001(a).1: Form numbers and names were updated.

LBR 5005.1, Appendix 1-01 (Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents by Electronic Means), ¶ I.D: language governing prompt payment of filing fees by credit card was clarified.

LBR 7003.1: Form numbers were updated.

LBR 7054.1: Form numbers were updated.

LBR 9004.1(a)(2): Amended to require every page of pleadings, motions, briefs and other documents filed as the main document in CM/ECF to be serially paginated beginning with the first page. Currently, many briefs do not sequentially number all of the pages that precede the statement of facts, so page numbers assigned by the authors to the statement of facts and argument sections often do not match the page numbers assigned by CM/ECF. The rule change will allow page numbers affixed by authors to correspond to the page numbers that CM/ECF assigns when the document is electronically filed. Fixing this mismatching problem will, in turn, allow the CiteLink program in CM/ECF to automatically create accurate hyperlinks from one document filed in CM/ECF to a precise page number in another CM/ECF document when it is cited properly.

Although it would be beneficial for attachments and exhibits to be serially paginated (thereby allowing CiteLink to create the most accurate hyperlinks to the proper page of a cited attachment) the amended rule will not mandate attachments and exhibits to be serially numbered at this time.

LBR 9004.1(b)(1) and LBR 9013.1(d): The language governing citations to unpublished decisions was moved from LBR 9013.1(d) to LBR 9004.1(b)(1), to make clear that unpublished decisions should be cited using the designated format in all documents, not just in briefs and memoranda.

LBR 9013.1(e): Renumbered as 9013.1(d). The last sentence was deleted because a local rule is not needed for a judge to request that a copy of a brief be provided in a word processor format.

LBR 9036.1: Formerly adopted as an interim local rule by Standing Order 15-1, this was made a permanent local rule. Headings for each subparagraph were added.

Standing Order 08-4: Form numbers were updated. Also, paragraph (b)(5) was amended to require a Mortgage Creditor to send (to both Debtor and Debtor's counsel) the letter alleging default not less than 14 days (previously 10 days) before taking any steps to modify the automatic stay.

Standing Order 11-3: Form numbers were updated. As part of those updates, Section VI.C deleted the reference to Standing Order 11-3 Exhibit G and replaced it with a reference to Official Form 410A, thereby requiring Real Property Creditors to provide a mortgage history in substantial conformity with Official Form 410A. Exhibit G was abrogated as moot.

Standing Order 12-2: This Standing Order (which adopted Interim Federal Rule of Bankruptcy Procedure 1007-I) was abrogated as moot because Federal Rule of Bankruptcy Procedure 1007-I has now been adopted.

Standing Order 13-1: After form numbers were updated on an interim basis by Standing Order 15-4 (eff. Dec. 1, 2015), this Standing Order was abrogated as moot because Interim LBR 2004.1 was adopted as permanent LBR 2004.1.

Standing Order 15-1: This Standing Order was abrogated as moot because Interim LBR 9036.1 was adopted as permanent LBR 9036.1.

Standing Order 15-2: This Standing Order was abrogated as moot when its provisions were incorporated into Standing Order 15-4 (eff. Dec. 1, 2015) and the amendments to LBR 1007.1(a)(2) were permanently adopted.

Standing Order 15-4: This Standing Order was abrogated as moot because its interim changes to the Local Bankruptcy Rules were adopted as permanent changes, effective March 17, 2016.