

LBR 2002.1
NOTICE TO CREDITORS AND
OTHER INTERESTED PARTIES

(a) **General.** Notices served by the clerk are generally mailed by the Bankruptcy Noticing Center (“BNC”).

(b) **Undelivered notices.** All undelivered notices shall be delivered to the debtor(s)’ attorney except in cases where the debtor(s) are not represented by counsel. Such notices shall be retained by debtor(s)’ counsel, in paper or as a scanned electronic image, for the same period required by *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents by Electronic Means* (see D. Kan. LBR 5005.1 and related appendix). The clerk will retain notices in cases where debtors are not represented. Undelivered notices in Adversary Proceedings will be returned to the clerk’s office.

(c) **Corrections.** A matrix that does not comply with the requirements of D. Kan. LBR 1007.1 or D. Kan. LBR 1007.2 may cause certain notices to be undeliverable by the BNC. The clerk, or some other person as the court may direct, will notify the debtor's attorney, or the debtor if not represented, of any undelivered notices, together with the underlying matrix deficiency (e.g., incomplete address, missing zip code). Within five days after notification, the debtor's attorney, or the debtor if not represented, must:

- (1) file the corrected BNC Bypass Notice; and
- (2) serve any undelivered notices to all parties not served by the BNC.

(d) **Preferred Addresses and National Creditor Register Service in Chapter 7 or 13 cases filed after October 16, 2005 under 11 U.S.C. § 342(e) and (f).**

(1) Pursuant to 11 U.S.C. § 342(e) and (f), an entity and the BNC may agree that when the BNC is directed by the court to give a notice to that entity, the BNC shall give the notice to the entity in the manner agreed to and at the address or addresses the entity supplies to the BNC. That address is conclusively presumed to be a proper address for the notice. The BNC’s failure to use the supplied address does not invalidate any notice that is otherwise effective under applicable law.

(2) The filing of a notice of preferred address pursuant to 11 U.S.C. § 342(f) by a creditor directly with the BNC will constitute the filing of such a notice with the court.

(3) Registration with the National Creditor Registration Service must be accomplished through the BNC. Forms and registration information is available at www.ncrsuscourts.com <http://ncrs.uscourts.gov>.

(4) A local form for use by creditors in filing notice of preferred address under 11 U.S.C. § 342(e) is available on the court’s website at <http://www.ksb.uscourts.gov>.

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As amended 3/17/08, 10/17/05, 3/17/05, 3/17/09.

Comments: This Rule was updated to reflect the new website for the National Creditor Registration Service.

LBR 3015(g).1

CHAPTER 13 TRUSTEE'S MODIFICATION OF PLAN AFTER CONFIRMATION

Notice to all creditors of post-confirmation motions to modify plan, which notice is required by Fed. R. Bankr. P. 3015(g), is waived when the motion is filed by a Chapter 13 Trustee, and the sole purpose of the motion to modify plan is to recover an asset that Debtor has been ordered to repay to the estate, but which he/she has not repaid. The only notice required will be to the Debtor and Debtor's Attorney.

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As adopted 3/17/09.

Comments: The addition of this rule permits Chapter 13 Trustee to modify plan, post-confirmation, to recover assets already determined to be due to the estate without extensive notice requirement

LBR 4070.1
INSURANCE ON MOTOR VEHICLES

(a) Definitions.

(1) "Motor vehicle" includes, but is not limited to, any automobile, motorized mobile home, or house trailer designed for travel on the public highways and/or capable of travel on the public highways.

(2) "Proof of insurance" means a certificate of insurance, or other written evidence of sufficient reliability from the insurance carrier stating that insurance is in force, the amounts and types of coverage, a notation of the secured party as a loss payee, and the time period for which such coverage exists.

(b) Proof of Insurance. Except as provided in § 1326(a)(4), proof of insurance against physical damage and loss for any motor vehicle belonging to or leased by the debtor or the estate, that is subject to the lien of a creditor holding an allowed secured claim, must be furnished to the trustee and the creditor at or before the meeting held under § 341 or upon written demand as provided in (c)(1) below of the creditor. **Written demand by the creditor for proof of insurance shall be served upon the debtor by first-class mail and upon debtor's attorney by first-class mail or ECF notification.** Failure to ~~immediately~~ furnish proof of insurance is **at or before the meeting held under § 341 or upon written demand as provided herein shall be** presumed to mean no insurance is in effect. Any written "binder" must be followed by proof of permanent insurance.

(c) Termination of Insurance. If during the pendency of a case, insurance is canceled, not renewed, expires, or lapses for any reason, on any motor vehicle, the following sequence of events may occur:

~~(1) Notice of Intent. A creditor with an allowed claim secured by the motor vehicle for which insurance has been terminated, as defined in this rule, or has received notice of the insurer's intent to terminate insurance for any reason defined, must notify, in writing, the debtor, the debtor's attorney, and the trustee of the termination, or notice of intent to terminate insurance. Service of notice upon the debtor and the debtor's attorney must be in the manner specified in Fed. R. Bankr. P. 7004(b)(9).~~

~~(2) Injunction.~~ The debtor is enjoined from using the motor vehicle for which insurance has, in fact, been terminated as long as the motor vehicle remains uninsured.

~~(3)~~ **(2) Surrender of Possession.** If the debtor fails to provide proof of re-insurance to the creditor within ~~five~~ **three** business days following delivery of the notice provided in subsection (c ~~b~~)(1), or fails to provide proof of re-issuance by the day before termination of any grace period granted by the insurer, if later, the debtor must surrender the motor vehicle to the creditor ~~or the creditor may take possession of the motor vehicle securing its claim and hold it pending presentation of proof of insurance by the debtor.~~

(4) Motion for relief from stay. Within five days after taking possession of a motor vehicle, the creditor must file with the court a motion for relief from the automatic stay under § 362.

(d) Motion for Relief From Stay. **Upon debtor's failure to furnish proof of insurance under (b) above, the creditor may file a motion for expedited relief from the automatic stay under § 362. The failure to furnish proof of insurance under this rule above shall constitute prima facie evidence of irreparable injury, loss or damage pursuant to § 362(f) and Fed. R. Bankr. P. 4001(a)(2)(A).**

(e) Subsequent Termination. In the event insurance on a motor vehicle lapses twice during the pendency of a case, the court may, upon the filing of a motion in accordance with § (c)(4) hereof, accompanied by an affidavit evidencing compliance by the creditor with the provisions of this rule and evidencing the previous lapse of insurance coverage, grant the creditor relief, including relief from the automatic stay, without further hearing.

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As amended 03/17/09, 10/17/05.

Comments: Amended in light of In re Suggs, 377 B.R. 198 (8th Cir. BAP 2007) (holding that WD Mo's similar local rule, allowing repossession of vehicles that purportedly are uninsured before establishing irreparable injury with the Court, was invalid as contrary to § 362(a), as implemented by Fed. R. Bankr. P. 4001(a)(2)).

LBR 9011.4
SIGNATURES

(a) **Signing of Pleadings.** The original of every pleading, motion or other document filed by an attorney must bear the genuine signature of at least one attorney of record. The user log-in and password required to submit documents to the Electronic Filing System serve as the Filing User's signature on all electronic documents filed with the court. They also serve as a signature for purposes of the Federal Rules of Bankruptcy Procedure, including Fed. R. Bankr. P. 9011, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court. In addition, the name of the Filing User under whose log-in and password the document is submitted must be preceded by an "s/" and typed in the space where the signature would otherwise appear.

The original of every pleading, motion or other document filed by a party not represented by an attorney must bear the genuine signature of the pro se party. Stamped or facsimile signatures on conventionally filed original pleadings, motions, orders, or other documents are not permitted.

(b) **Telephone Numbers and Addresses.** A party or attorney signing documents submitted for filing must include **both an mailing and email address, facsimile number, and telephone number.** An attorney must include his or her state supreme court registration numbers, or in cases where the attorney is not admitted to practice in Kansas, its equivalent. Each attorney or party appearing pro se is under a continuing duty to notify the clerk in writing of any change of address or telephone number. Any notice mailed to the last address of record of an attorney or a party appearing pro se is sufficient notice.

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As amended 3/17/059.

Comments: Added provision to require email and facsimile addresses to make the rule consistent with D. Kan. Rule 5.4.8(Signatures).

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS
STANDING ORDER NO. 08-XX
ORDER ADOPTING INTERIM
FEDERAL RULE OF BANKRUPTCY PROCEDURE 5012 AND ABROGATING D.
KAN. BK. S.O. 05-5**

Except for communications for scheduling and administrative purposes, the court in any case commenced by a foreign representative shall give at least 20 days' notice of its intent to communicate with a foreign court or a foreign representative. The notice shall identify the subject of the anticipated communication and shall be given in the manner provided by Rule 2002(q). Any entity that wishes to participate in the communication shall notify the court of its intention not later than 5 days before the scheduled communication.

IT IS HEREBY ORDERED that this Standing Order abrogates D. Kan. Bk. S.O. 05-5 and shall become effective December 1, 2008, and shall remain in effect until further order of the court.

Dated this 1st day of December, 2008.

s/ Robert E. Nugent
ROBERT E. NUGENT
Chief Judge

s/ Janice Miller Karlin
JANICE MILLER KARLIN
Judge

s/ Dale L. Somers
DALE L. SOMERS
Judge

s/ Robert D. Berger
ROBERT D. BERGER
Judge