

**LOCAL RULES
OF THE
UNITED STATES
BANKRUPTCY COURT
FOR THE
DISTRICT OF KANSAS**

**Robert E. Nugent
Chief Judge**

**Janice Miller Karlin
Judge**

**Dale L. Somers
Judge**

**Robert D. Berger
Judge**

EFFECTIVE MARCH 17, 2015

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS**

ORDER OF ADOPTION

Pursuant to the authority vested in this court by Rule and Statute;

IT IS ORDERED that the attached rules designated "Local Rules of the United States Bankruptcy Court for the District of Kansas" are adopted and become effective March 17, 2015, and will supersede the court's existing rules and standing orders, which are repealed effective March 17, 2015.

DATED this 9th day of February, 2015.

**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**

ATTEST:

**s/ David D. Zimmerman
DAVID D. ZIMMERMAN, Clerk**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS
IN THE MATTER OF RULES OF PRACTICE
AND PROCEDURE IN THIS COURT
MEMORANDUM AND ORDER**

By means of this Memorandum and Order, the Judges of this court express their appreciation to the members of the Bench Bar Committee appointed to make recommendations on possible revisions of the Local Rules of Practice and Procedure.

The individuals composing the committee devoted much time studying the existing local rules, the applicable federal statutes and rules, and the rules of other United States Bankruptcy Courts. The Bench Bar Committee performed its task competently, unselfishly, and in the best tradition of the legal profession.

IT IS, THEREFORE, ORDERED that the Clerk file this Memorandum and Order as a permanent record of the court and that he deliver an attested copy to each member of the committee, namely:

Emily B. Metzger, Chair	
Joyce G. Owen	Laurie B. Williams
Steven R. Rebein	David G. Arst
Wendee Elliott-Clement	Jill A. Michaux
David J. Lund	Justin W. Whitney
Andrew J. Nazar	

DATED this 9th day of February, 2015.

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

ATTEST:
s/ David D. Zimmerman
DAVID D. ZIMMERMAN, Clerk

LBR 2002.2
SCHEDULING, LISTING AND NOTICING THE
UNITED STATES AND AGENCIES OF THE STATE
OF KANSAS AS A CREDITOR

(a) Departments, Agencies and Instrumentalities of the United States. When a department, agency, or instrumentality of the United States is a creditor, the schedules and matrix must list that agency at the address provided in this rule. Any notice or service given to an address listed in this rule will be in addition to any notice required by statute, rule or regulation. *See also* D. Kan. LBR 7004.1 and Fed. R. Bankr. P. 7004(b)(4) and (5) regarding service in adversary proceedings and contested matters.

(b) United States Attorney's Office. When any department, agency or instrumentality of the United States is a creditor, the schedule of creditors and matrix must also list the United States Attorney's Office located in the division headquarters where the petition for relief is filed. The addresses are:

1. Office of United States Attorney
Robert J. Dole U.S. Courthouse, Ste 360
500 State Avenue
Kansas City, Kansas 66101

2. Office of United States Attorney
U.S. Courthouse, Suite 290
444 Southeast Quincy Street
Topeka, Kansas 66683

3. Office of United States Attorney
1200 Epic Center
301 N. Main
Wichita, Kansas 67202

(c) Addresses for certain Departments, Agencies and Instrumentalities of the United States. When one of the following departments, agencies or instrumentalities of the United States is a creditor, the schedule and matrix must list the agency at the address indicated:

1. DEPARTMENT OF AGRICULTURE
(excepting Farm Services Agency, Ag Credit Division and
Commodity Credit Divisions; and Rural Economic
Community Development, which are individually listed)

Office of the General Counsel
United States Department of Agriculture
PO Box 419205 Mail Stop 1401
Kansas City MO 64141-6205

Farm Services Agency
Farm Loan Programs Division
3600 Anderson Avenue
Manhattan KS 66503-2511

Farm Services Agency
Commodity Credit Division
3600 Anderson Avenue
Manhattan KS 66503-2511

USDA Rural Development
PO Box 66879
St Louis MO 63166

2. DEPARTMENT OF EDUCATION (DOE)

Education Department
Office of General Counsel
400 Maryland Ave SW Room 6E353
Washington DC 20202-2110

ECMC
Attn Bankruptcy Department
PO Box 16408
St. Paul MN 55116-0408

U. S. Department of Education
Litigation Support
50 Beale Street Suite 8629
San Francisco CA 94105

3. DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
U. S. Dept. of Health and Human Services
Office of the General Counsel
601 East 12th Street Room N1800
Kansas City MO 64106

4. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Regional Counsel
Dept. of Housing and Urban Development
Professional Building
400 State Avenue
Kansas City KS 66101-2406

5. INTERNAL REVENUE SERVICE (IRS)
Internal Revenue Service
PO Box 7346
Philadelphia PA 19101-7346

6. SMALL BUSINESS ADMINISTRATION (SBA)
District Counsel
US Small Business Administration
Kansas City District Office
1000 Walnut Street Suite 500
Kansas City MO 64106; or

District Counsel
US Small Business Administration
220 West Douglas Ave
Suite 450
Wichita KS 67202

7. SOCIAL SECURITY ADMINISTRATION
Office of General Counsel, Region VII
Social Security Administration
Richard Bolling Federal Building
601 East 12th St Room 965
Kansas City MO 64106

8. UNITED STATES POSTAL SERVICE

Law Department
US Postal Service
9350 South 150 East
Suite 800
Sandy UT 84070-2716

9. VETERANS ADMINISTRATION (VA)

Department of Veterans Affairs
Office of Regional Counsel
1201 Walnut Street
Suite 800
Kansas City MO 64106-2175

(d) Departments, Agencies and Instrumentalities of the State of Kansas. When any department, agency, or instrumentality of the State of Kansas is a creditor, the schedules and matrix must list that agency at the address provided in this rule. Any notice or service given to an address listed in this rule will be in addition to any notice required by statute, rule or regulation. *See also* D. Kan. LBR 7004.1 and Fed. R. Bankr. P. 7004(b)(6) regarding service in adversary proceedings and contested matters.

(e) Addresses for certain Departments, Agencies and Instrumentalities of the State of Kansas. When one of the following departments, agencies or instrumentalities of the State of Kansas is a creditor, the schedule and matrix must list the agency at the address indicated:

1. Kansas Department of Administration
OSM Payroll Garnishments
ESOB Suite 300
700 SW Harrison St
Topeka KS 66603

2. Kansas Department for Aging and Disability Services
c/o R. Greg Wright
New England Building
503 S Kansas Ave
Topeka KS 66603-3404
3. Kansas Department of Agriculture
Office of Chief Counsel
1320 Research Park Dr
Manhattan KS 66502
4. Kansas Department of Commerce
1000 SW Jackson
Suite 100
Topeka KS 66612-1354
5. Kansas Department of Education
Landon State Office Building
900 SW Jackson Street Suite 102
Topeka KS 66612
6. Kansas Dept of Health and Environment
Office of Legal Services
1000 SW Jackson Suite 560
Topeka KS 66612-1368
7. Kansas Department of Labor
Attn Legal Services
401 SW Topeka Blvd
Topeka KS 66603-3182
8. Kansas Department of Revenue
Civil Tax Enforcement
PO Box 12005
915 SW Harrison
Topeka KS 66612-2005

9. Kansas Dept of Soc and Rehab Svcs
Office of the Secretary
Docking State Office Building 6th Floor
915 SW Harrison
Topeka KS 66612-1570

10. Kansas Department of Transportation
Eisenhower State Office Bldg
3rd Floor West
700 SW Harrison
Topeka KS 66603-3754

11. Kansas Department of Wildlife and Parks
1020 South Kansas Ave
Room 200
Topeka KS 66612-1233

* * *

As amended 3/17/15, 3/17/14, 3/17/13, 3/17/12, 3/17/11, 3/17/08.

LBR 3015(b).1

CHAPTER 13 PLAN AND PRE-CONFIRMATION ADEQUATE PROTECTION PAYMENTS

(a) Filed with Petition. A Chapter 13 plan filed with the petition will be served, together with notice of the time for filing objections and the hearing to consider confirmation, by the Bankruptcy Noticing Center ("BNC").

(b) Filed after Petition. A plan filed after the petition must be served, together with notice of the time for objections and the hearing to consider confirmation, by the debtor's attorney, or the debtor if not represented.

(c) Failure to File. Unless an extension was obtained, failure to file a plan, together with a certificate of service, prior to the first scheduled meeting of creditors held pursuant to § 341 will result in dismissal of the case for unnecessary delay without further notice to the debtor or debtor's attorney.

(d) Treatment of Real Estate Mortgage Arrearage Claims and Continuing Payments. A timely claim for mortgage

payments or mortgage arrearages will be paid by the Chapter 13 trustee, as filed and allowed, and the amount stated in the proof of claim will control over any plan, unless an order, stipulation, or specific language in the Order of Confirmation directs otherwise.

(e) Treatment of Priority Claims. A timely priority claim will be paid in full by the Chapter 13 trustee, as filed and allowed, and the amount stated in the proof of claim will control over any plan, unless an order, stipulation or specific language in the Order of Confirmation directs otherwise.

(f) Objection to claim. Nothing in this Rule alters the right of the debtor, trustee or other party in interest to object to any claim.

(g) Plan Payments; Adequate Protection Payments under § 1326(a)(1)(C):

(1) Pre-confirmation § 1326(a)(1) Payments to Trustee. Unless the court orders otherwise, debtors must pay directly to the trustee all pre-confirmation adequate protection payments payable to creditors whose claims are secured by purchase money security interests in personal property. The trustee must promptly distribute those payments to the secured creditors whose interests are being protected, except the trustee may retain the portion of the payment representing the statutory percentage trustee fee.

(2) Plan Payments. The Chapter 13 plan must specify the amounts to be paid to each allowed secured claim treated under the plan. The total amount of the plan payment the debtor must make pursuant to § 1326(a)(1) must include:

- (i) an amount equal to the proposed adequate protection payment of each secured creditor whose claim is secured by a purchase money security interest;
- (ii) the variable percentage fee under 28 U.S.C. § 586(e); and
- (iii) any other amounts to be paid to the trustee under the plan.

(3) *Amount of Adequate Protection Payments under § 1326(a)(1)(C).* Unless the court orders a different payment amount, the debtor must pay adequate protection payments equaling the payment provided in the debtor's Chapter 13 plan pursuant to subsection (g)(2) plus statutory percentage trustee fees required when that payment is made to the trustee.

(4) *Direct Payment Opt-Out.* Secured creditors eligible for direct payment of adequate protection under § 1326(a)(1) may opt for direct payments by filing a motion and noticing it for objection in accordance with these rules and the procedures of the division where the case is pending. If no timely objection is filed, the court may enter an order requiring direct payments without further hearing. In the event such an order is entered, the debtor must make the payments directly to the secured creditor, and file a certification of the payments in accordance with § 1326(a)(1)(C).

(5) *Pre-confirmation Disbursements of Adequate Protection Payments to Secured Creditors by Trustee.* Pre-confirmation disbursements of adequate protection payments under § 1326(a)(1) are authorized without further order, but no disbursement may be made unless the secured creditor has filed a proof of claim. Pre-confirmation disbursements under § 1326(a)(1) may be made to creditors within 35 days of the filing of the proof of claim, unless, within 7 days prior to the end of the 35-day period, the trustee has not received sufficient, cleared funds to make the payment. The trustee is authorized to deduct from an allowed claim all § 1326(a)(1) pre-confirmation disbursements.

* * *

As amended 3/17/15, 3/17/10, 3/17/07, 10/17/05.

LBR 4001(a).3

AUTOMATIC STAY - EXTENSION OR IMPOSITION

(a) Scope of Rule. This rule applies to motions to extend the automatic stay pursuant to 11 U.S.C. § 362(c)(3) or to impose the automatic stay pursuant to § 362(c)(4).

(b) Deadline to File. Except for good cause shown in the motion, a motion filed pursuant to 11 U.S.C. § 362(c)(3) shall be filed within 7 days of the date the petition was filed.

(c) Contents of Motion; Affidavit Required if Presumption Arises Under § 362(c)(3)(C) or § 362(c)(4)(D).

(1) Contents of Motion. A motion to extend or impose the automatic stay filed pursuant to this rule shall include the following information:

(i) the number of previous cases under the Bankruptcy Code involving the debtor and pending within the one-year period preceding the filing of the current case;

(ii) the jurisdiction and case number of each such case;

(iii) the date and reason for dismissal of each such previous case;

(iv) an express statement whether any presumption of lack of good faith arises pursuant to § 362(c)(3)(C) or § 362(c)(4)(D); and

(v) the facts upon which the movant relies to (i) rebut any presumption of bad faith and (ii) demonstrate that the filing of the later case is in good faith as to any creditors to be stayed.

(2) Affidavit or Declaration Required if Presumption Arises Under § 362(c)(3)(C) or § 362(c)(4)(D). The movant shall attach a notarized Affidavit signed under penalty of perjury containing the facts upon which the movant relies to rebut any presumption under § 362(c)(3)(C) or § 362(c)(4)(D). In lieu of an

Affidavit, the movant may file an Unsworn Declaration Under Penalty of Perjury pursuant to 28 U.S.C. § 1746.

(d) Notice of Hearing. Upon the filing of a motion subject to this rule, the movant shall prepare and serve a notice of hearing that sets a hearing on the motion to any available docket. Although the Court prefers that hearings on motions filed subject to this rule be set to a docket scheduled to address cases of the same chapter, for purposes of this rule an “available docket” includes any docket that:

- (1) is listed on the Court’s published docket calendar for the divisional office where the case is assigned;
- (2) is scheduled to occur no earlier than the second business day after the date that an objection to the motion is due; and
- (3) in the case of a motion filed pursuant to § 362(c)(3), is scheduled to take place no more than 30 days from the date the petition was filed.

(e) Special Settings. If there is no available docket as defined by this rule, or if the movant requires an earlier hearing date, the movant shall file with the motion a request for expedited hearing, which the Court may grant or deny in its discretion.

(f) Service of the Motion and Notice of Hearing.

- (1) The movant shall promptly serve the motion (and any Affidavit or Declaration) in the manner required by the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and these rules, upon each party against whom the movant seeks to extend or impose the stay. The movant shall include a certificate of service with the motion. The movant shall not delay service of the motion pending resolution of a motion for expedited hearing or a motion to shorten time to respond to the motion.
- (2) The movant shall serve the notice of hearing in the same manner as required for service of the motion.

(g) Objection to Motion. Unless otherwise ordered, any objection to a motion subject to this rule shall be filed within 14 days after service of the motion.

(h) Order Entered Without Hearing. The Court may grant the motion in accordance with Fed. R. Civ. P. 43(c) and Fed. R. Bankr. P. 9017, without hearing, only if:

(1) the movant files and serves, along with the motion, the Affidavit or Declaration signed by the movant containing the facts upon which the movant relies to rebut any presumption under § 362(c)(3)(C) or § 362(c)(4)(D);

(2) no objection to such motion is filed within 14 days subsequent to the service of the motion (or such shorter time as is ordered); and

(3) the Court determines that the motion complies with this rule and that the information contained in the Affidavit or Declaration is sufficient to rebut any presumption under § 362(c)(3)(C) or § 362(c)(4)(D).

(i) No Chapter 13 Trustee Approval. If the Chapter 13 Trustee has not objected to the motion, the Trustee need not have approved the order granting the motion prior to it being uploaded.

(j) Hearing if No Order Entered. If no order has been entered prior to the scheduled hearing, parties should assume the hearing will be held as scheduled, and movant's failure to appear will result in the motion being denied. An objecting party's failure to appear will result in the motion being treated as if that party's objection had been withdrawn.

* * *

Adopted 3/17/15.

LBR 8006.1
RECORD AND ISSUES ON APPEAL
(Abrogated)

LBR 8010.1
TRANSMITTING THE RECORD FOR A
PRELIMINARY MOTION

(a) Duties of Party Filing a Preliminary Motion. If, before the record on appeal is transmitted, a party to an appeal files a preliminary motion in the district court, BAP, or court of appeals for a type of relief listed in Fed. R. Bankr. P. 8010(c), the moving party must:

(1) Contemporaneously with filing the preliminary motion, file in the Bankruptcy Court a notice designating the items to be included in the preliminary record on appeal necessary to determine the preliminary motion.

(2) Within three business days of disposition of the preliminary motion, file in the Bankruptcy Court a notice identifying the disposition of the preliminary motion.

(b) Duties of Party Responding to a Motion for Preliminary Relief. If, before the record on appeal is transmitted, a party responds to a preliminary motion for a type of relief listed in Fed. R. Bankr. P. 8010(c) and relies upon items not designated by the moving party pursuant to subsection (a)(1) of this Rule, then the responding party must, contemporaneously with filing the response to the preliminary motion, file in the Bankruptcy Court a notice cross-designating the items to be included in the preliminary record on appeal necessary to determine the preliminary motion.

(c) Copies for the Bankruptcy Clerk. If paper copies of designated or cross-designated items are needed, a party filing a designation of items must provide a copy of any of those items that the Clerk of the Bankruptcy Court requests. If the party fails to do so, the Clerk must prepare the copy at the party's expense.

* * *

Adopted 3/17/15.

LBR 8021.1
TAXATION AND PAYMENT OF
COSTS AFTER APPEAL

(a) Procedure for Taxation. Any party allowed costs under Fed. R. Bankr. P. 8021 must file, within 14 days after entry of judgment on appeal, a bill of costs with the bankruptcy clerk that includes proof of service and an itemized and verified bill of costs. Objections must be filed within 14 days after service of the bill of costs, unless the bankruptcy court extends the time.

(b) Reasonable Efforts to Confer Required. The bill of costs must state that the party seeking costs has made a reasonable effort, in a conference with opposing counsel and/or any self-represented party, to resolve any disputes regarding costs.

(c) Waiver. Failure of a prevailing party to timely file a bill of costs constitutes a waiver of any claim for costs.

(d) To Whom Payable. All costs taxed are payable directly to the party allowed costs, not to the clerk, unless the court orders otherwise.

* * *

Adopted 3/17/15.

LBR 9037.1
REDACTION

(a) Motion. Any person seeking to redact publicly filed data that is subject to privacy protection under Fed. R. Bankr. P. 9037 or section XII.C of Appendix 1-01 to D. Kan. LBR 5005.1 should file a motion to redact such data on the grounds that public access is likely to prejudice privacy interests. Motions to redact need not be filed with a notice of objection deadline, but the Court may in its discretion determine that a hearing is appropriate to consider the motion and any related responses.

(b) Contents of Motion. The motion to redact must identify the type of data that is subject to privacy protections (without repeating within the motion the substance of the protected information), identify the document(s) in the record where that data

is contained, and explain the reasons why public access is likely to prejudice privacy concerns. Except with respect to omnibus motions to redact filed under subsection (g) of this Rule, each motion to redact must include an appendix containing a properly redacted replacement copy of each document (each in a separate .pdf file) that the motion identifies as containing data subject to privacy protections.

(c) Service. All motions to redact must be served on the debtor, debtor's attorney (if the debtor is represented), the person who disclosed the information to be redacted (unless the disclosing person is the movant), any individual whose personal identifiers have been exposed, the case trustee, and the United States Trustee.

(d) Sealing Publicly Accessible Documents.

(1) Temporary Seal. Pending entry of an order on any motion to redact, the Clerk, upon the filing of a motion using a "Redact per LBR 9037.1" event in CM/ECF, will typically temporarily seal both the motion to redact and any documents identified in the motion to redact as containing data that is subject to privacy protection. If such a temporary seal is not entered within one business day after the filing of the motion to redact, movant may file a Motion to Seal. An order resolving the motion to redact will be entered by the Clerk or the Court, and will address any seal that has been imposed.

(2) Authority for Clerk to issue sealed notice. To minimize dissemination of data that may be subject to privacy protection, the Clerk of the Court is authorized, but not required, to issue a sealed notice of non-compliance to any person who files a publicly accessible document that appears to contain data subject to privacy protection.

(e) Redaction Fee. The movant must pay the fee required by the Bankruptcy Court Miscellaneous Fee Schedule for each case affected by the motion to redact, although the Court may waive the

redaction fee in appropriate circumstances, upon motion stating good cause filed contemporaneously with the motion to redact.

(f) Closed Cases. Because a case need not be reopened (and a reopening fee need not be paid) if redaction is the only basis for the motion to redact, the movant should not file a motion to reopen the case prior to filing the redaction motion.

(g) Large-Scale Requests. If a movant seeks to redact information in a large number of similarly affected cases, the movant may file an omnibus motion. An omnibus motion must identify each affected case and the type of information to be redacted (without repeating the substance of the protected information), and must be filed in one lead case, with service on all parties identified in subsection (c) of this Rule. If the Court exercises its discretion to hold a hearing on the omnibus motion, the hearing will be noted in advance via a docket entry in each affected case.

* * *

Adopted 3/17/15.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS
STANDING ORDER NO. 14-1
ORDER RENDERING D. KAN. RULE 83.5.8
LIMITED SCOPE REPRESENTATION
INAPPLICABLE TO BANKRUPTCY COURT**

Having consulted with the Bench and Bar Committee, the Judges of the United States Bankruptcy Court recognize that the roles and duties of attorneys representing debtors, creditors, and other parties in interest in bankruptcy cases and proceedings frequently differ from those in civil and criminal proceedings in the United States District Court. Attorneys practicing in this Court routinely and permissibly limit the scope of their representation in certain situations, such as adversary proceedings and appearances for specific purposes. Therefore,

IT IS HEREBY ORDERED that D. Kan. Rule 83.5.8, except to the extent ordered below, shall not apply in the United States Bankruptcy Court for the District of Kansas without further order of the Court. The purpose of this Standing Order is to preserve the status quo of bankruptcy practice, without adding the additional pleadings required by D. Kan. Rule 83.5.8.

IT IS FURTHER ORDERED that any attorney preparing a pleading, motion or other paper for a specific case or matter in the United States Bankruptcy Court for the District of Kansas must enter an appearance and sign the document.

IT IS FURTHER ORDERED that no provision of this Standing Order in any way negates or avoids a lawyer's duty to abide by the Rules of Professional Conduct and any standards of practice established by this Court.

IT IS FURTHER ORDERED that this Standing Order shall become effective March 17, 2014, and shall remain in effect until further order of the Court.

IT IS SO ORDERED.

Dated this 17th day of March, 2014.

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

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS
STANDING ORDER NO. 14-4
ORDER MODIFYING FORM CHAPTER 13 PLAN AND
CONDUIT MORTGAGE RULE
AND ABROGATING STANDING ORDER 14-3**

The Bankruptcy Bench-Bar Committee for the District of Kansas recommends changes in two of this Court's Standing Orders due to a new interpretation of 28 U.S.C. § 586(e) by the United States Trustee, with which interpretation the Judges of this Court agree. One change is in the form Chapter 13 plan adopted by Standing Order No. 12-1 and the second is in this Court's Standing Order 11-3 (Conduit Mortgage Payment in Chapter 13). The Court addressed the first matter in its Standing Order 14-3 issued August 19, 2014, but elects to abrogate that Standing Order so all changes to our rules dealing with this changed interpretation of 28 U.S.C. § 586(e) are contained in one Standing Order.

Chapter 13 Plan

Rather than re-issue the form Chapter 13 plan, the Court incorporates the change listed herein into all Chapter 13 form plans filed in all cases pending on or after October 1, 2014, and the language changed herein is deemed substituted. The remainder of the form Chapter 13 plan adopted by Standing Order 12-1 remains unchanged. Paragraph 3.a. shall now read "The Chapter 13 Trustee will be paid a variable percentage fee pursuant to 28 U.S.C. § 586(e)."

Conduit Mortgage Rule

Rather than re-issue Standing Order 11-3, the Court incorporates the change listed herein into its Conduit Mortgage Payments Standing Order for all cases pending on or after October 1, 2014. Paragraph V.A. of Standing Order 11-3 shall now read

“The Trustee is authorized to deduct from any payments collected, pursuant to 11 U.S.C. § 1326, the statutory percentage Trustee fees as necessary costs and expenses, together with any fee, charge or amount required under § 1326.”

In consideration of the foregoing, and pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure, and Rule 9029 of the Federal Rules of Bankruptcy Procedure,

IT IS HEREBY ORDERED that the form Chapter 13 plan adopted by Standing Order 12-1 is hereby modified so that Paragraph 3.a. provides “The Chapter 13 Trustee will be paid a variable percentage fee pursuant to 28 U.S.C. § 586(e).” No other changes to the form Chapter 13 plan are made. The changed language will be deemed substituted in all Chapter 13 form plans filed in cases pending on or after October 1, 2014.

IT IS FURTHER ORDERED that Paragraph V.A. of Standing Order 11-3 is hereby modified to provide: “The Trustee is authorized to deduct from any payments collected, pursuant to 11 U.S.C. § 1326, the statutory percentage Trustee fees as necessary costs and expenses, together with any fee, charge or amount required under § 1326.”

IT IS FURTHER ORDERED that Standing Order 14-3 is abrogated, and this Standing Order shall be effective immediately and shall remain in effect until further order of the court.

IT IS SO ORDERED.

Dated this 9th day of December, 2014.

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