

**Minutes of the Bankruptcy Bench Bar Committee  
Remote Meeting Via Teams  
August 29, 2024, 10:00 AM**

**Attendees**

Judge Berger: Judge Liaison to the Bench Bar Committee  
J. Christopher Allman: Chair of the Bench Bar Committee  
U.S. Attorney's Office Representative (ex officio)  
Jordan Sickman: U.S. Trustee's Office Representative (ex officio)  
Christopher Redmond: Chapter 7 Trustee Representative  
William Griffin: Chapter 13 Trustee Representative  
Hunter Gould  
January Bailey  
Jill Michaux  
Ryan Blay  
Daydree Dopps

**Clerk's Office Attendees**

David Zimmerman, Clerk of Court  
Joyce Ridgeway, Chief Deputy Clerk  
Michael Hall, IT Specialist

**Not Attending**

Sharon Stolte

The meeting commenced at 10:00 am.

**Minutes**

The Committee reviewed and approved the minutes of the March 22, 2024 meeting by email. They are posted publicly to the court's website.

**I. Old Business Carried forward from the Spring 2024 Meeting**

- A. *Chapter 11 Subchapter V Plan Form Subcommittee Update: Ryan Blay, Sharon Stolte, Jordan Sickman*

During the Fall 2023 meeting, this Subcommittee was formed to propose a model form plan for Subchapter V cases. Ryan Blay reported that the Subcommittee added Kent Adams (a Subchapter V trustee). The group is circulating among itself a draft form plan that is modeled after the plan of the Western District of Missouri.

**The Committee continued this topic to the next meeting.**

*B. Proposed Changes to the LBRs: David Zimmerman*

Global restyling changes to the Federal Rules of Bankruptcy Procedure were proposed to take effect on December 1, 2024. David Zimmerman reviewed the Local Bankruptcy Rules (LBRs) and proposed updates to conform them to the proposed federal rule changes, other statutes, and District Court rule changes. A number of other edits were proposed to remove obsolete provisions. The Committee recommended changes to be made to the current rules. A marked up copy of the following LBRs showing the Committee’s recommended changes is attached as an Appendix.

Preface

The Committee recommended changes to conform to the Fed. R. Bankr. P. restyling changes and to improve formatting.

1001.1

The Committee considered adding definitions for “judge” and “court” to clarify when those terms are used in the District Court local rules to refer to a Bankruptcy Judge and Bankruptcy Court, respectively. *See* D. Kan. Rule 1.1(c). **This topic will be studied and continued to the next meeting.**

1007.1

The Committee recommended adding the Official Chapter 13 Plan Form to LBR 1007.1(a)(2)(C), and adding the Initial Statement About an Eviction Judgment Against You form as LBR 1007.1(a)(2)(I) and renumbering subsequent subsections.

2002.1

The Committee recommended that the sentence containing the citation to LBR 5005.1 and its appendix should be deleted from subsection (b) because those provisions were abrogated and the District Court eliminated a retention period from its local rules.

3001.1

The Committee recommended that subsection (b) be deleted as obsolete and that subsequent subsections be renumbered.

3002.1.1

The Committee will review subsection (b) of the LBR and 11 U.S.C. § 101(8) to determine if the LBR should be amended. **This topic will be studied and continued to the next meeting.**

3015(b).1

The Committee recommended:

- Adding “, or an amended plan,” to subsection (b) to clarify that the obligation to send notice of an amended Chapter 13 Plans falls on the debtor,
- Subsection (c) (Failure to File) should be deleted and subsequent subsections (including language added by S.O. 24-1) should be renumbered, and

The language added by S.O. 24-1 as 3015(b).1(h) should be added to the rule as subsection (g) and a new subsection (g)(5) should be added stating “(5) This subsection does not determine the interest rate applicable to mortgage conduit payments under LBR 3015(b).2.”

3015(b).2

The Committee recommended amending subsection (e)(2) to remove the reference to the Authorization to Release Information to the Trustee Regarding Secured Claims Being Paid by the Trustee because the Chapter 13 Plan form Section 10.2 now contains a release.

The Committee decided the 5 percent interest rate in subsections (f)(2) and (f)(3) should not be changed to the presumptive interest rate defined in S.O. 24-1 (which will become LBR 3015(b).1(g)).

5003.1

The Committee recommended removing the reference to LBR 5005.1 Appx. 1-01 because it is unnecessary and outdated and recommended replacing it to a reference to the PACER system.

5003.2

The Committee recommended removing subsection (a) as obsolete because paper bankruptcy case files are no longer used.

5005.1

The Committee recommended updating the citation in subsection (a) to conform to the restyled federal rules that will take effect on December 1, 2024.

5005.1, Appx. 1-01, § II.C

The Committee recommended that Limited Users should be allowed to electronically file applications for unclaimed funds in CM/ECF.

The Committee recommended that filing rights for Limited Users should not be extended to include electronically filing a consent to receive notice or service of documents by email. Committee members thought encouraging persons to file a consent to receive documents by email would not reduce noticing costs because it would be too complicated to keep track of which parties had given consent. The Committee was also concerned that some persons who file a consent to receive documents by email would mistakenly expect all documents to be sent to them by email and they might ignore documents sent to them only by regular mail.

The Committee recommended changing “notices of completion” to “certificates of completion” to conform to the changes to Fed. Rules Bankr. P. 1007(b)(7), 4004, 5009, and 9006 that are scheduled to take effect on December 1, 2024.

5005.1, Appx. 1-01, § V

The Committee recommended updating the citation to conform to revised D. Kan. Rule 5.1(e). It was formerly Rule 5.1(f).

5005.1, Appx. 1-01, § XII

The Committee recommended:

Adding “public” to section XII.B to be consistent with LBR 5003.1, and changing "Schedule of Miscellaneous Fees" to “Bankruptcy Court Miscellaneous Fee Schedule” to match the name of the schedule posted on [uscourts.gov/services-forms/fees/bankruptcy-court-miscellaneous-fee-schedule](https://uscourts.gov/services-forms/fees/bankruptcy-court-miscellaneous-fee-schedule).

Deleting section XII.C because redactions are covered by LBR 9037.1.  
Updating S.O. 21-1 which governs highly sensitive documents. [Editor's  
note: The substance of S.O. 21-1 was incorporated into LBR 9037.1(h)].

7026.1

The Committee recommended changing citations to the Fed. R. Bankr. P. to cite the Fed. R. Civ. P. when subsections were cited. The bankruptcy rules at issue only say that the civil rules apply in an adversary proceeding, whereas the civil rules actually contain the substantive content and subsections that are cited. Citing subsections in the Fed. R. Civ. P. is also consistent with citations in LBR 7026.1(j) and (1).

The Committee recommended revising subsection (f) to require sufficient space for insertion of an answer after each interrogatory only if interrogatories are served in paper format. Interrogatories served in electronic format (e.g., Microsoft Word) can be easily edited by the responding party to insert sufficient space for the responses.

9004.1

The Committee recommended that subsection (c)(1)(A) should be deleted as obsolete and recommended that subsequent subsections should be renumbered.

9011.3

The Committee recommended that subsections (b) and (c) should not be deleted as they remain helpful.

9011.4

The previous version of D. Kan. Rule 5.1(b) was deleted and subsection (c) was renumbered as (b). To conform to that change, the Committee recommended updating LBR 9011.4 to cite District Court Rule 5.1(b), and further recommended revising LBR 9011.4(c) to remove requirements that were deleted from the District Court rules.

The Committee also recommended deleting LBR 9011.4(d)(1) and (2) as a duplicate of D. Kan. Rule 5.1(b) (as it was renumbered). The Committee also observed that fax numbers remain relevant because, for example, the Internal Revenue Service will transmit information via fax that it will not transmit by email.

The Committee recommended renumbering the LBR subsections after deletions were made.

9013.3

The Committee recommended changing "must make proof of service" to "must provide proof of service."

9036.1

The Committee recommended changing the citation format in subsection (a)(1) to match the format of other citations.

The Committee recommended against expanding the DeBN form to include an option for parties to consent to receive notices from other entities via email pursuant to Fed. R. Bankr. P. 9036(c).

9037.1

The Committee recommended deleting the citation to LBR 5005.1, Appx. 1-01, § XII.C that was in subsection (a), and updating S.O. 21-1 (about highly sensitive

documents). [Editor's note: The substance of S.O. 21-1 was incorporated into LBR 9037.1(h) and Standing Order 21-1 was abrogated.]

Form: Notice of Amendment of Schedules D, E/F, G or H (Addition of Creditors)  
Jill Michaux proposed modifications. (See New Business, Section A below for discussion details.)

Form: Notice of Rule 2004 Examination

The Committee recommended updating the citation from D. Kan. LBR 2004.1(i) to 2004.1(e) and to add the attorney telephone number and firm name and move the bar number to be beside the attorney signature.

*C. Proposed Amendments to LBR 3002.1.1: January Bailey*

Proposed changes to subsections (c) and (d) were discussed at the Spring 2024 meeting and the topic was continued. Notes of the discussion are included in minutes from that meeting.

**The Committee continued this topic to the next meeting.**

**II. New Business**

*A. Proposed Amendments to Notice of Amendment of Schedules D, E/F, G or H (Addition of Creditors): Jill Michaux*

Jill Michaux suggested that the Notice of Amendment of Schedules D, E/F, G or H (Addition of Creditors) form needs to be updated. She explained that the form currently may mislead a creditor into thinking that the creditor may have additional time to challenge confirmation of a Chapter 13 plan or amendment to the schedules. She suggested that the following "advice" to the creditor is misleading or incorrect for chapter 13 and should be removed from the form or revised:

Since the amendment was filed too late to give notice, you may file an objection to either confirmation of the plan or the amendment to the schedules by [Date]. If an objection is timely filed, a non-evidentiary preliminary hearing will be scheduled, and notice provided by the Clerk upon expiration of the deadline date.

She recommended that separate forms should be created for separate chapters as the options and creditor rights differ, and further recommended that the chapters to which each form is intended to apply should be in the title. She suggested that fields for the attorney firm and the attorney phone number be added.

**The Committee continued this topic to the next meeting so the form can be revised. Jill Michaux, January Bailey, and Judge Berger volunteered to prepare a draft that addresses both substantive and formatting issues.**

*B. New Rule Governing Motion to Borrow: Ryan Blay*

Ryan Blay proposed adding a local rule requiring a Debtor in a Chapter 11, 12, or 13 case who files a Motion to Borrow or similar motion to include a disclosure with the motion. The disclosure, which could be included in the motion or a separate attachment, would include:

- (a) a terms sheet, if available, or financing sheet; if such a document is not available, a summary of terms consisting of the amount borrowed, the finance charges, the term, and the proposed terms of repayment,
- (b) any relationship between the Debtor and the lender, and
- (c) the anticipated use of the borrowed funds.

Such information must be served to all parties of interest, the United States Trustee, and Subchapter V Trustee or Chapter 12 or 13 Trustee as applicable. Failure to provide this information may lead to the denial of the motion without prejudice.

Members of the Committee suggested that such information is already required by Rule 4001 for Chapter 11 and Chapter 12 cases and observed that Section 364 has its own requirements. They expressed concern that such a requirement would be excessive for Chapter 13 cases. Judge Berger noted that caselaw has found that a Section 364 motion is not required in Chapter 13 cases, but they have traditionally been used in Chapter 13 cases for car loans and home loans and he did not want to deviate from that practice. The Chapter 13 trustee's practice in Kansas City is to allow debtors to incur debt up to \$17,000 without the need to file a Motion to Borrow if they submit to the trustee an amended budget that demonstrates their ability to pay. Bill Griffin suggested that amount might need to go higher because of rising car prices. Jill Michaux shared that Carl Davis's office allows the debtor to borrow up to \$25,000 at an interest rate of up to 20 percent for up to 60 months without the need to file a Motion to Borrow, but the new debt must be feasible within the debtor's budget, debtors cannot be in default, and the debt must be reasonable under the circumstances (e.g., no luxury vehicles). His office requires a motion if the old vehicle is being surrendered. Ryan Blay revised his proposal to have the rule apply only to Chapter 11 and Chapter 12 cases, and exclude Chapter 13 cases.

**The Committee continued this topic to the next meeting so it could be studied in light of Rule 4001 and Section 364.**

*C. Additional Topics*

Chris Allman shared that the Department of Education continues to process attestations for student loan discharges. He encouraged debtors seeking relief from student loan debt to use the attestation process. The time it takes to process the attestations depends on the complexity of the issues.

The meeting concluded at 12:10 pm.

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

**Dale L. Somers**  
**Chief Judge**

**Robert D. Berger**  
**Judge**

**Mitchell L. Herren**  
**Judge**

**EFFECTIVE ~~APRIL~~December 1, 2024**

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**PREFACE**  
**(As amended ~~3/17/22~~12/1/2024)**

Attorneys unfamiliar with Kansas bankruptcy practice may find some helpful information in this preface to the *Local Rules of the United States Bankruptcy Court for the District of Kansas*.

**1. Background**

The Bankruptcy Code consists of amendments to the Bankruptcy Reform Act of 1978, Pub. L. No. 95-598, Title I, § 101, 92 Stat. 2549, enacted into law November 6, 1978, effective October 1, 1979. Since its enactment, Congress has amended this law many times, most significantly with the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, § 106, 119 Stat. 23.

In 1982, the Supreme Court declared the jurisdictional support for the 1978 Act unconstitutional in *Northern Pipeline Const. Co. v. Marathon Pipe Line Co.*, 458 U.S. 50 (1982). It did so because 28 U.S.C. § 1471(c) of the 1978 Act invested non-Article III bankruptcy courts with powers exercisable only by Article III courts.

After *Marathon*, the bankruptcy system operated under an Emergency Rule promulgated by the Judicial Conference of the United States until 1984, when Congress enacted corrective legislation in the form of 28 U.S.C. § 1334, which currently states:

- (a) Except as provided in subsection (b) of this section, the district courts shall have original and exclusive jurisdiction of all cases under title 11.
- (b) Except as provided in subsection(e)(2) [dealing with claims that involve construction of the statute governing employment of professionals in a bankruptcy case], and notwithstanding any Act of Congress that confers exclusive jurisdiction on a court or courts other than the district courts, the district courts shall have original but not exclusive jurisdiction of all civil proceedings arising under title 11, or arising in or related to cases under title 11.

Hoping to cure the constitutional infirmity, Congress also declared that bankruptcy judges would “constitute a unit of the district court to be known as the bankruptcy court for that district.” 28 U.S.C. § 151.

To transfer the bankruptcy power to the bankruptcy courts, the 1984 amendments provided, through 28 U.S.C. § 157(a) that, “[e]ach district court may provide that any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 shall be referred to the bankruptcy judges for the district.”

In Kansas, 28 U.S.C. § 157(a) was implemented by a Standing Order dated August 1, 1984 (effective July 10, 1984), stating:

**STANDING ORDER**

Pursuant to Sec. 104 of the Bankruptcy Amendments and Federal Judgeship Act of 1984, 28 U.S.C. Sec. 157, this court refers all cases under Title 11, and any and all proceedings arising under Title 11, or arising in or related to a case under Title 11, to the bankruptcy

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judges for the District of Kansas, for consideration and resolution consistent with the law. The court recognizes the exception contained in Sec. 157(b)(5).

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IT IS HEREBY ORDERED that the Bankruptcy judges for the District of Kansas be and they hereby are directed to exercise the authority and responsibilities conferred upon them by the Bankruptcy Amendments and Federal Judgeship Act of 1984.

IT IS FURTHER ORDERED, effective as of July 10, 1984, that any and all cases under Title 11, and any and all proceedings arising under Title 11, be and hereby are referred to the bankruptcy judges of the District of Kansas for consideration and resolution consistent with the law.

Dated this 1st day of August, 1984.

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In 2011, the landscape of bankruptcy court jurisdiction was again considered by the Supreme Court in *Stern v. Marshall*, 131 S. Ct. 2594 (2011). In *Stern*, the Supreme Court reasoned that, although 28 U.S.C. § 157(a) authorizes bankruptcy judges to adjudicate cases that arise under, arise in, or are related to a case under Title 11, Article III of the U.S. Constitution requires final judgments in some types of matters to be issued by an Article III district court judge who has life tenure and salary protection.<sup>1</sup>

Specifically, the Court concluded that a counterclaim for tortious interference with a gift asserted by a debtor against a creditor must be resolved by a judge appointed under Article III, and that the “public rights” exception that allows some types of claims to be adjudicated in non-Article III forums did not bring the counter-claim within the bankruptcy court’s permissible jurisdiction because the counterclaim did not stem from the bankruptcy itself and would not necessarily be resolved in the course of the claims allowance process of bankruptcy.

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On June 24, 2013, to address the Supreme Court’s holding in *Stern*, the United States District Court for the District of Kansas issued an amended standing order of reference, which states:

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Standing Order No. 13-1

Pursuant to 28 U.S.C. § 157(a), any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 are referred to the bankruptcy judges for this district.

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If a bankruptcy judge or district judge determines that entry of a final order or judgment by a bankruptcy judge would not be consistent with Article III of the United States Constitution in a particular proceeding referred under this Rule, the bankruptcy judge shall, unless otherwise ordered by the district court, hear the proceeding and submit proposed findings of fact and conclusions of law to the district court. The district court may treat any order of the bankruptcy court as proposed findings of fact and conclusions

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<sup>1</sup> The Supreme Court later concluded, in *Wellness International Network, Ltd. v. Sharif*, 575 U.S. 665, 686 (2015), that “Article III permits bankruptcy courts to decide *Stern* claims submitted to them by consent.”

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of law in the event the district court concludes that the bankruptcy judge could not have entered a final order or judgment consistent with Article III of the Constitution.

IT IS SO ORDERED.

Dated this 24th day of June, 2013.

District Court Standing Order 13-1 was incorporated into D. Kan. Rule 83.8.5(c) on March 17, 2014, and related updates were contemporaneously made to Rules 83.8.6 through 83.8.9. As a result, in a bankruptcy case where final judgment in a particular matter must be entered by a district court judge, D. Kan. Rule 83.8.5(c) provides that a bankruptcy judge may hear the matter and issue proposed findings of fact and conclusions of law for the district court to review and enter a final order or judgment. In a case where the bankruptcy court issues a decision in the form of an order but the U.S. Constitution requires final judgment to be entered by the district court, D. Kan. Rule 83.8.5(c) resolves the issue by stating that the bankruptcy court order will be construed as proposed findings of fact and conclusions of law for the district court to review and enter a final order or judgment. This approach was approved by the Supreme Court in *Executive Benefits Insurance Agency v. Arkison (In re Bellingham Insurance Agency, Inc.)*, 573 U.S. 25 (2014). It was then codified by the addition of Fed. R. Bankr. P. 8018.1 (Dec. 1, 2018.)

## 2. Hierarchy of Rules.

The following hierarchy of rules underlie and aid the application of the Bankruptcy Code:

- The Federal Rules of Civil Procedure
- The Federal Rules of Evidence
- The Federal Rules of Bankruptcy Procedure
- The Rules of Practice and Procedure of the United States District Court for the District of Kansas
- Local Rules of the United States Bankruptcy Court for the District of Kansas and Official Local Bankruptcy Forms
- Bankruptcy Court Standing Orders
- Procedural Guidelines of Individual Bankruptcy Judges

The Federal Rules of Civil Procedure apply in bankruptcy adversary proceedings through Part VII of the Federal Rules of Bankruptcy Procedure, and in contested matters through Part IX of the Federal Rules of Bankruptcy Procedure.

Rule 101 of the Federal Rules of Evidence applies those rules to “proceedings in United States courts,” and Rule 1101 of the Federal Rules of Evidence specifically applies the rules to proceedings before United States bankruptcy judges and all “civil cases and proceedings, including bankruptcy.”

Next in the hierarchy are the Federal Rules of Bankruptcy Procedure. They find their source in 28 U.S.C. § 2075, which provides, in pertinent part:

The Supreme Court shall have the power to prescribe by general rules, the forms of process, writs, pleadings, and motions, and the practice and procedure in cases under title 11.

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Such rules shall not abridge, enlarge, or modify any substantive right.

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Next are the local rules of the courts of this district. Rule 83(a)(1) of the Federal Rules of Civil Procedure permits district courts to enact local rules:

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After giving public notice and an opportunity for comment, a district court, acting by a majority of its district judges, may adopt and amend rules governing its practice. A local rule shall be consistent with—but not duplicate—federal statutes and rules adopted under 28 U.S.C. §§ 2072 and 2075, and must conform to any uniform numbering system prescribed by the Judicial Conference of the United States. A local rule takes effect on the date specified by the district court and remains in effect unless amended by the court or abrogated by the judicial council of the circuit. Copies of rules and amendments must, on their adoption, be furnished to the judicial council and the Administrative Office of the United States Courts and be made available to the public.

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(Emphasis added).

Accordingly, in Kansas the district court has enacted The Rules of Practice and Procedure of the United States District Court for the District of Kansas to assist litigants.

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Rule 9029(a)(1) of the Federal Rules of Bankruptcy Procedure authorizes the district court to adopt local rules relating to bankruptcy:

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(1) By District Courts. Each district court, acting by a majority of its district judges, may make and amend rules governing practice and procedure in all cases and proceedings within the district court's bankruptcy jurisdiction ~~which are~~. Fed. R. Civ. P. 83 governs the procedure for adopting local rules. The rules must:

(A) be consistent with—but not duplicative of—Acts of Congress duplicate—federal statutes and these rules and which do;

(B) not prohibit or limit the use of using Official Forms.<sup>2,2</sup> and Rule 83 F.R.Civ.P. governs the procedure for making local rules. A district court may authorize the bankruptcy judges of the district, subject to any limitation or condition it may prescribe and the requirements of 83 F.R.Civ.P., to make and amend rules of practice and procedure which are consistent with—but not duplicative of—Acts of Congress and these rules and which do not prohibit or limit the use of the Official Forms. Local Rules shall (C) conform to any uniform numbering system prescribed by the Judicial Conference of the United States.

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<sup>2</sup>Rule 9009 of the Federal Rules of Bankruptcy Procedure governs the promulgation of Official Bankruptcy Forms. (“The Official Forms prescribed by the Judicial Conference of the United States shall be used without alteration, except as otherwise provided in these rules, in a particular Official Form, or in the national instructions for a particular Official Form.”)

<sup>2</sup> Rule 9009 of the Federal Rules of Bankruptcy Procedure governs the promulgation of Official Bankruptcy Forms. (“The Official Forms prescribed by the Judicial Conference of the United States must be used without alteration—unless alteration is authorized by these rules, the form itself, or the national instructions for a particular official form.”)

—(2) *Delegating Authority to the Bankruptcy Judges.* A district court may—subject to any limitation or condition it may prescribe and Fed. R. Civ. P. 83—authorize the district’s bankruptcy judges to do the same.

To effectuate Federal Rule of Bankruptcy Procedure 9029, Rule 83.8.12 of the Rules of Practice and Procedure of the United States District Court provides: "The Bankruptcy Court may adopt supplemental Local Rules not inconsistent with these District Court Rules, the Bankruptcy Rules, or Title 11 or Title 28 of the United States Code."

The Local Rules of the United States Bankruptcy Court for the District of Kansas flow from the outlined authorities and the efforts of the Bankruptcy Bench Bar Committee, which periodically reviews and recommends revisions to the bankruptcy rules. Bankruptcy Court Standing Orders primarily supplement the rules on administrative issues. Many official local bankruptcy forms, such as the Chapter 13 Plan form, were previously appended to specific local rules or Standing Orders. In 2022, those forms were moved to a consolidated forms section within the local rules. The court has also created other forms that are authorized by the local rules (*see, e.g.,* LBR 1007.1 and LBR 9036.1). All of the local forms are available on the court’s website.

Procedural Guidelines of Individual Bankruptcy Judges are also published to aid attorneys on procedural matters when practicing before a particular judge. Attorneys may obtain the guidelines of a particular judge from the Deputy Clerk where the judge presides.

The Rules, Standing Orders, and Procedural Guidelines can also be electronically accessed through the court’s website, [www.ksb.uscourts.gov](http://www.ksb.uscourts.gov), and through PACER.

### **3. Applicability of District Court Local Rules**

The bankruptcy court is a unit of the district court and these rules merely supplement the district court rules. This means attorneys in bankruptcy proceedings must follow the district court rules relating to bankruptcy (D. Kan. Rules 83.8.1 through 83.8.13) and, where applicable, the other district court rules. District of Kansas Rules 83.8.1 through 83.8.13 are devoted to bankruptcy topics on withdrawal of reference, removal, abstention, jury trial, and appeal of bankruptcy cases from the Bankruptcy Court to the 10th Circuit Bankruptcy Appellate Panel or the United States District Court.

Finally, attorneys who are not admitted to practice before the federal courts in Kansas must carefully note and follow District of Kansas Rules 83.5.1 through 83.6.12 on the responsibility, registration, appearance, and withdrawal of counsel.

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**LBR 1001.1**

**SCOPE AND MODIFICATION OF RULES; CITATION**

(a) **Authority.** These supplemental rules are promulgated under the authority of Fed. R. Bankr. P. 9029 and D. Kan. Rule 83.8.12. Practice before this court is governed by applicable D. Kan. Rules, unless there is a more specific Fed. R. Bankr. P. or D. Kan. LBR. See D. Kan. Rule 83.8.2.

(b) **Citation.** These rules should be cited as D. Kan. LBR 1001.1, *et seq.* All statutory references are to the Bankruptcy Code, 11 U.S.C. § 101, *et seq.*, unless otherwise specified.

(c) **Modification.** In special cases, the court may modify these rules as necessary or appropriate.

(d) **Revision information.** Effective with the rule revisions in March 2005, any rule that is substantively revised will indicate its last revision date.

(e) **Effective Date.** All rules are effective for all cases, whenever filed, unless otherwise stated.

(f) **Definitions.** For purposes of these Local Bankruptcy Rules and applicable D. Kan. Rules in bankruptcy practice, the term "court" refers to either a United States District Judge or Bankruptcy Judge. For purposes of these Local Bankruptcy Rules, the term "judge" refers to a United States District Judge or a Bankruptcy Judge.

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

**LBR 1007.1**

**INITIAL FILINGS**

(a) **Assembly of Petition and Accompanying Documents.** Petitions and accompanying documents not filed electronically (e.g., by unrepresented debtors) must conform to the Official Bankruptcy Forms and must be printed on only one side of the paper. Original documents and pleadings filed with the court may not be stapled.

(1) Parties must assemble petitions and accompanying documents, if applicable, in the following order:

	Name of Document	Official Form for Individual (Non-Individual)
(A)	Petition	101 (201)
(B)	List of Creditors with the 20 Largest Unsecured Claims Who Are Not Insiders (only in Chapter 11)	104 (204)
(C)	Schedules	
(i)	Schedule A/B: Property	106A/B (206A/B)
(ii)	Schedule C: Exempt Property	106C
(iii)	Schedule D: Secured Claims	106D (206D)

(iv)	Schedule E/F: Unsecured Claims	106E/F (206E/F)
(v)	Schedule G: Executory Contracts and Unexpired Leases	106G (206G)
(vi)	Schedule H: Codebtors	106H (206H)
(vii)	Schedule I: Income	106I
(viii)	Schedules J and J-2: Expenses	106J, 106J-2
(D)	Summary of Assets and Liabilities and Certain Statistical Information or Summary of Assets and Liabilities for Non-Individuals	106Sum (206Sum)
(E)	Declaration About an Individual Debtor's Schedules or Declaration Under Penalty of Perjury For Non-Individual Debtors	106Dec (202)
(F)	Statement of Financial Affairs	107 (207)
(G)	Statement of Intention for Individuals Filing Under Chapter 7	108
(H)	Bankruptcy Petition Preparer's Notice, Declaration, and Signature	119
(I)	Means Test Calculation	
(i)	Chapter 7 Statement of Current Monthly Income	122A-1
(ii)	Statement of Exemption From Presumption of Abuse	122A-1 Supp
(iii)	Chapter 7 Means Test Calculation	122A-2
(iv)	Chapter 11 Statement of Current Monthly Income	122B
(v)	Chapter 13 Statement of Current Monthly Income and Calculation of Commitment Period	122C-1
(vi)	Chapter 13 Calculation of Disposable Income	122C-2
(J)	Rule 2016(b) Disclosure of Compensation of Attorney for Debtor	B2030

(K)	For a small business case filed under Chapter 11, the most recent: Balance Sheet, Statement of Operations, Cash-Flow Statement, and Federal Income Tax Return; or a statement made under penalty of perjury that no balance sheet, statement of operations, or cash-flow statement has been prepared and no Federal tax return has been filed	
(L)	Matrix and Matrix Verification	

(2) The following documents, if applicable, must **not** be attached to the petition and must be filed separately:

	Name of Document	Official Form
(A)	Application for Individuals to Pay the Filing Fee in Installments	103A
(B)	Application to Have the Chapter 7 Filing Fee Waived	103B
(C)	The Plan (if submitted when petition is filed in Chapters 11, 12, and 13)	<a href="#">See Forms page of court website for the Official Chapter 13 Plan Form.</a>
(D)	<u>When Debtor(s) are represented by counsel:</u> Declaration Re: Electronic Filing (required in lieu of Official Form 121). This document must be electronically filed as a sealed document pursuant to the instructions on the form.  <u>When Debtors are self-represented:</u> Statement About Social Security Number.	See Forms page of court website.  121
(E)	Declaration Regarding Payment Advices or Evidence of Payment under 11 U.S.C. §521(a)(1)(B)(iv), in compliance with Appendix 1-01 to D. Kan. LBR 1007.1, that the debtor has not been employed by any employer within the 60 days before filing of the petition, or that the debtor was employed within the 60 days, but has not received payment advices or other evidence of payment, or that copies of payment advices or other evidence of payment are attached (with all but the last four numbers of the debtor's Social Security Number redacted)	See Forms page of court website.

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(F)	A Record of Any Interest That the Debtor Has in an Account or Program of the Type Specified in § 521(c);	
(G)	A Certificate for Credit Counseling and Debt Repayment Plan, if any, a Certification Under § 109(h)(3), or a Request for Determination by the Court Under § 109(h)(4)	
(H)	A Debtor's Electronic Noticing Request (DeBN Request) Form	See Forms page of court website
(I)	<u>Initial Statement About an Eviction Judgment Against You</u>	<u>101A</u>
(J)	A Statement About Payment of an Eviction Judgment	101B

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(3) Electronically filed petitions and accompanying documents must be filed in the order listed in paragraph (a)(1).

**(b) Creditors' Schedules.** Debtors must list creditors alphabetically with the full address of each, including post office box or street number, city or town, state and ZIP code. If the debtor knows that an account or debt, including any applicable domestic support obligation, as that term is defined in §101(14A), has been assigned or is in the hands of an attorney or other agency for collection, the full name and address of the assignee or agent must be listed, but without twice extending the dollar amount of the debt. Each entry required by this subsection must be separated by two spaces from the next entry. If an agency of the United States or the State of Kansas is listed as a creditor, the agency must be listed as D. Kan. LBR 2002.2 provides.

\* \* \*

As amended 12/1/24, 3/17/22, 3/17/19 (formerly S.O. 18-2), 3/17/18, 3/17/16, 3/17/08, 3/17/07, 10/17/05, 3/17/05.

Related Forms:

- Declaration Regarding Payment Advices or Evidence of Payment under 11 U.S.C. §521(a)(1)(B)(iv)
- Declaration Re: Electronic Filing
- Debtor's Electronic Noticing Request (DeBN)



### LBR 2002.1

#### NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES

(a) **General.** The Bankruptcy Noticing Center (“BNC”) will generally mail all notices served by the clerk.

(b) **Undelivered Notices.** The clerk will deliver all undelivered notices to the debtor’s attorney except where the debtor is not represented by counsel. ~~Debtor’s counsel must retain the notices 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 where the debtor is not represented. The BNC will return undelivered notices in Adversary Proceedings to the clerk.

(c) **Corrections.** A matrix that does not comply with 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 the court directs, 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 7 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 Registration 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 court directs the BNC to give a notice to that entity, the BNC will give the notice in the manner agreed to and at the address or addresses the entity supplies to the BNC. That supplied address is conclusively presumed to be a proper address for notice. The BNC’s failure to use the supplied address does not invalidate any notice that is otherwise effective under applicable law.

(2) A creditor’s filing of a notice directly with the BNC of its preferred address pursuant to 11 U.S.C. § 342(f) will constitute a filing of the notice with the court.

(3) Registration with the National Creditor Registration Service must be accomplished through the BNC. Forms and registration information are available at <https://bankruptcynotices.uscourts.gov>.

(4) A local form to use when 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>.

\* \* \*

As amended [12/1/24](#), 3/17/20, 3/17/10, 3/17/09, 3/17/08, 10/17/05, 3/17/05.

### LBR 3001.1

#### CLAIMS

(a) **Service.** Claimants in Chapters 11, 12, and 13 must send a copy of the proof of claim directly to the debtor at the time of filing, if the debtor is not represented by an attorney.

~~(b) **Withdrawal of Written Instruments Filed with Claims.** Claimant may request, in writing, withdrawal of written instruments or other documents not filed electronically with a proof of claim, if the claimant provides exact copies of the documents to be withdrawn. Documents that are original negotiable instruments must be stamped with a statement indicating they were filed in support of a claim, and must show the name, case number, and date the claim was filed.~~

~~(e) (b) **Secured and Unsecured Claims.** A proof of claim must indicate whether the claim is secured, unsecured, or if both, must specify the respective amounts claimed. The claim may~~

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include proposed amounts for secured and unsecured claims and must clearly indicate that it includes a proposed amount.

**(dc) Amendment to Claim in Chapter 7.** A proof of claim, other than a priority claim, may be amended at any time prior to the trustee's notice of final distribution. A priority claim may be filed or amended on or before 14 days after the trustee mails the summary of the trustee's final report to creditors or the date on which the trustee commences final distribution under § 726, whichever is earlier. If the trustee has not objected to secured claims, the trustee must give 21 days' notice to all parties who have filed secured claims of his or her intent to file and serve a notice of final distribution.

**(ed) Filing of Requests for Administrative Expenses in a Chapter 7 Case.** A request for payment of administrative expenses must be filed prior to the trustee's notice of final distribution.

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As amended 12/1/24, 3/17/10, 3/17/07, 10/17/05.

#### **LBR 3002.1.1**

##### **REQUIRED STATEMENTS FOR SECURED DEBTS ON A PERSONAL RESIDENCE**

**(a) Scope of Rule.** This rule requires certain statements from creditors of consumer debtors who are directly repaying debt secured by a mortgage on real property or a lien on personal property the debtor occupies as the debtor's personal residence. This rule applies in Chapters 7, 12, and 13, applies only to consumer loan relationships, and applies only as long as the debtor is in bankruptcy and protected by the automatic stay.

**(b) Purpose.**

(1) The purpose of this rule is to maintain, to the greatest degree possible, the routine flow of information from secured creditors to debtors with respect to secured loans constituting secured debt (as that term is defined by 11 U.S.C. § 101(8)) where the debtor is retaining possession of the collateral and continuing to make the regular installment payments directly to the secured creditor during a bankruptcy case. It is the intent of this rule to support the normal issuance of regular monthly statements typically issued by secured creditors to consumer borrowers who are not in bankruptcy and to provide consumer debtors with a creditor contact point so that a debtor can obtain specific information on the status of such loans, if needed.

(2) A creditor's good faith attempt to comply with this order in furnishing information to the consumer debtor shall not expose the secured creditor to claims of violating the automatic stay.

**(c) Defined Term.** For purposes of this rule, the term "Mortgage Creditor" shall include all creditors whose claims represent consumer debts secured in whole or in part by a mortgage on real property or a lien on a personal property interest in manufactured housing where the debtor occupies such real property or manufactured housing as the debtor's personal residence.

**(d) Mortgage Creditor's Duties.**

(1) Except as provided in paragraph (2) of this section, and except as provided in LBR 3015(b).2, if the Mortgage Creditor provided monthly statements to the consumer debtor pre-petition, the Mortgage Creditor shall continue to provide monthly statements to all Chapter 12 and Chapter 13 consumer debtors who have indicated an intent to retain the subject collateral in their plan, and to all Chapter 7 debtors whose statement of intention (Official Form 108) indicates an intent to reaffirm the debt secured by the subject collateral. Such statements shall be provided unless and until the Mortgage Creditor is granted relief from the automatic stay under 11 U.S.C. § 362(d). The monthly statements shall contain at least the following information concerning post-petition payments:

- (i) The date of the statement and the date the next payment is due;
- (ii) The amount of the current monthly payment;
- (iii) The portion of the payment attributable to escrow, if any;
- (iv) The post-petition amount past due, if any, and from what date;
- (v) Any outstanding post-petition late charges;
- (vi) The amount and date of receipt of all payments received since the date of the last statement;
- (vii) A telephone number and contact information that the debtor or the debtor's attorney may use to obtain reasonably prompt information regarding the loan and recent transactions; and
- (viii) The proper payment address.

(2) If pre-petition the Mortgage Creditor provided the debtor with "coupon books" or some other pre-printed, bundled evidence of payments due, the Mortgage Creditor shall not be required to provide monthly statements under (1) of this section. The Mortgage Creditor shall, however, be required to supply the debtor with additional coupon books as needed or requested in writing by the debtor.

(3) The Mortgage Creditor shall provide the following information to the debtor upon the reasonable written request of the debtor:

- (i) The principal balance of the loan;
- (ii) The original maturity date;
- (iii) The current interest rate;
- (iv) The current escrow balance, if any;
- (v) The interest paid year to date; and
- (vi) The property taxes paid year to date, if any.

(4) If the case is a Chapter 12 or 13 case where the secured consumer debt is not modified or paid through the plan, and the Mortgage Creditor believes the debtor is in default, the Mortgage Creditor shall send a letter alleging such default to the debtor and debtor's attorney, and also by email to debtor's attorney, not less than 14 days before taking any steps to modify the automatic stay. Such written notice of default shall not be required in instances where the debtor has filed with the Court a plan or plan modification in which the debtor makes known the intent to abandon or surrender the property securing the Mortgage Creditor's claim.

**(e) Form of Communication.** For the purposes of this rule, Mortgage Creditors shall be considered to have sent the requisite documents or monthly statements to the debtor when the creditor places it in any form of communication, which in the usual course would result in the debtor receiving the document or monthly statement, to the address that the debtor last provided to the Court. The form of communication may include, but is not limited to, electronic communication, United States Postal Service, or use of a similar commercial communications carrier.

**(f) Issuance of Monthly Statements is not a Stay Violation.** Mortgage Creditors who provide account information or monthly statements under subsection (d) of this rule shall not be found to have violated the automatic stay by doing so, and Mortgage Creditors may contact the debtor about the status of insurance coverage on property that is collateral for the Mortgage Creditor's claim, may respond to inquiries and requests for information about the account from the debtor, and may send the debtor statements, payment coupons, or other correspondence that the Mortgage Creditor sends to its non-debtor customers without violating the automatic stay. In order for communication to be protected under this provision, the communication must indicate it is provided for information purposes and does not constitute a demand for payment.

(g) **Motions to Show Cause.** As a result of a Mortgage Creditor's alleged non-compliance with this rule, a debtor may file a Motion for the Creditor to Show Cause no earlier than 60 days after the Mortgage Creditor's failure to comply with this rule. Before filing the motion, the debtor must make good faith attempts in writing to contact the Mortgage Creditor and determine the cause of any omission, and must indicate in the motion the good faith attempts taken, together with a summary description of any response provided by the Mortgage Creditor.

(h) **Non-Conforming Statements and Substantial Compliance.** If a Mortgage Creditor's regular billing system can provide a statement to a debtor that substantially complies with this rule, but does not fully conform to all of its requirements, the Mortgage Creditor may request that the debtor accept such statement. If a debtor declines to accept the non-conforming statement, a Mortgage Creditor may file a motion, on notice to the debtor and the debtor's attorney, if any, seeking a declaration of the Court that cause exists to allow such non-conforming statements to satisfy the Mortgage Creditor's obligations under this rule. For good cause shown, the Court may grant a waiver for purposes of a single case or multiple cases, and for either a limited or unlimited period of time. No waiver will be granted, however, unless the proffered statement substantially complies with this rule.

\* \* \*

As amended 4/1/24, 3/17/18.

**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, or an amended plan, 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) (c) **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.

(ed) **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.

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

(gf) **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) of this Rule 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.

**(g) Presumptive Interest Rate on Secured Claims. The presumptive interest rate to be paid on secured claims paid through a chapter 13 plan shall be calculated in chapter 13 cases filed on or after January 1, 2024, as follows:**

**(1) Calculation. Three percent shall be added to the 5-year Daily Treasury Par Yield Curve Rate published by the US Department of the Treasury for the first business day of the quarter in which the bankruptcy case was filed (e.g., January 2, April 1, July 1, and October 1, 2024).**

**(2) Notice. The current rate shall be determined by the Clerk of the Bankruptcy Court and posted on the Bankruptcy Court's website no later than the 10th day of each quarter (January 10, April 10, July 10, October 10).**

**(3) Duration. The interest rate in effect on the petition date shall remain in effect for the duration of a case.**

**(4) Exception. Proposed deviations from the presumptive interest rate must be set forth in the plan's nonstandard provisions.**

**(5) This subsection does not determine the interest rate applicable to mortgage conduit payments under LBR 3015(b).2.**

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As amended 12/1/24 (previously S.O. 24-1), 3/17/20, 3/17/15, 3/17/10, 3/17/07, 10/17/05.

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**LBR 3015(b).2**

**CONDUIT MORTGAGE PAYMENTS IN CHAPTER 13 CASES**

**(a) Scope of Rule.** This rule applies to all Chapter 13 cases filed on or after September 15, 2017.

**(b) Required Conduit Payments.** Regular payments owed by a Debtor to a Creditor holding a claim secured by the Debtor's principal residence shall be made by the Debtor to the Trustee for payment through the Chapter 13 plan if the Debtor (i) is delinquent as of the petition date or (ii) becomes delinquent after the petition date. Such payments are referred to herein as "conduit payments."

**(c) Definitions.** As used in this rule, the following capitalized terms mean:

(1) The "Arrearage" is the total amount past due as of the petition date, as calculated on Official Form 410A, and shall be equal to the amount contained in the creditor's filed and allowed Proof of Claim, unless specifically controverted in the plan or by an objection to the claim as required by D. Kan. LBR 3015(b).1.

(2) "Debtor" or "Debtors" are hereafter referred to as Debtor.

(3) "Real Property Creditor" is the entity claiming a mortgage or a servicer of the mortgage on the real property that is the principal residence of the Debtor. This rule is intended to cover a loan secured by a security agreement in Debtor's Principal residence (i.e., a promissory note on a manufactured or mobile home), and such lender will be referred to as a "Real Property Creditor" herein for the sake of simplicity, even if some specific references, e.g., to "mortgage" or "escrow analysis," are not strictly applicable.

(4) The Standing Chapter 13 Trustee is referred to as "Trustee."

**(d) Other Rules Applicable.** Nothing in this rule shall relieve any party from complying with any obligation under the United States Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Local Rules of the District and Bankruptcy Courts of Kansas, or any applicable Standing Orders. These procedures shall not be modified by any plan language without express order from the Court.

**(e) Debtor's Duties.**

(1) Debtor may be excused from complying with this rule only upon entry of a Court order upon a showing of circumstances justifying the same.<sup>1</sup>

(2) Debtor must complete a Mortgage Creditor Checklist and ~~an Authorization to Release Information to the Trustee Regarding Secured Claims Being Paid by the Trustee and forward those documents~~ to the Trustee (not to the Court) within 14 days of the filing of the bankruptcy petition.

(3) Debtor or Debtor's attorney shall mail a copy to the Trustee of all correspondence, notices, statements, payment coupons, escrow notices and default notices concerning any adjustment to the monthly payments or interest rate immediately upon receipt of the same.

(4) Debtor shall include the regular payment amount owing to the Real Property Creditor, inclusive of Trustee's fees, in the plan payment to be paid by Debtor to the Trustee.

(5) Pursuant to provisions of Paragraph (f)(5) below, in the event the monthly conduit payment changes due to either changed escrow requirements or a change in an adjustable

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<sup>1</sup> See, e.g., *In re Perez*, 339 B.R. 385, 409 (Bankr. S.D. Tex. 2006) (Court lists 21 non-exclusive factors to be examined in determining whether to excuse debtors from conduit payment scheme or employer withholding orders). The additional cost associated with the trustee fee on the conduit payment will not, by itself, constitute good cause.

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interest rate, Debtor's plan payment to the Trustee shall change by the same amount, plus the Trustee's fee.

(6) For any Debtor who is employed and required to make mortgage payments through the Trustee, an employer pay order shall be promptly entered by the Clerk of the Bankruptcy Court as provided in Debtor's plan and served upon Debtor's employer. Until the employer begins to withhold bankruptcy plan payments from Debtor's pay, Debtor is required to make plan payments directly to the Trustee. A Debtor may be excused from complying with employer pay orders only upon the entry of a Court order upon a showing of circumstances justifying the same.

(7) If Debtor modifies a previously confirmed Chapter 13 Plan that originally provided for Debtor to pay the on-going post-petition payments directly to a holder of the claim to bring all or some part of the on-going payments into the Chapter 13 Plan for payments, then any post-confirmation amendment to the Plan must spell out with specificity all of the following:

- (i) the name, address, and redacted account number of the creditor to whom the payments are to be paid;
- (ii) the month for which the Trustee is to commence making the on-going post-petition payments;
- (iii) the amount and treatment of the post-petition delinquency, including the gap between the date when Debtor proposed for modifying the Plan and the month for which the Trustee is to commence making the mortgage payment, if any.

**(f) Trustee's Duties:**

(1) The Trustee is authorized to deduct from any payments collected, pursuant to 11 U.S.C. § 1326, the percentage Trustee fees then in effect as necessary costs and expenses, together with any fee, charge, or amount required under § 1326.

(2) The Trustee shall allow as an administrative expense an amount equal to 2 full regular monthly payments inclusive of escrow deposits and 2 associated late fees. This allowance shall reimburse Real Property Creditor for post-petition delinquencies that may accrue until the Trustee begins payments to that Creditor. This added amount shall bear interest at 5% unless Debtor's Plan contains a different rate.

(3) In the event Debtor is granted an abatement of Plan payments, the Trustee is authorized to pay any missed mortgage payments in a separate administrative claim record that includes late fees. This amount shall bear interest at 5% unless Debtor's Plan contains a different rate.

(4) The Trustee will not make payments to the Real Property Creditor on the pre-petition arrearage until such time as a Proof of Claim is filed with the Court and the Plan is confirmed. The Court is deemed to have granted authority to the Trustee to disburse conduit payments, as if the plan had been confirmed, once the Real Property Creditor has filed a Proof of Claim to which a fully executed Official Form 410A and an Addendum to Chapter 13 Proof of Claim for Residential Home Mortgage Debt Paid Through the Chapter 13 Trustee has been attached. The Trustee is required to make a full mortgage payment for each full plan payment made. The Trustee is not required to make partial payments to Real Property Creditors.

(5) Any notice filed pursuant to Fed. R. Bankr. P. 3002.1(b) or (c) shall be treated as an amendment to the creditor's claim and Debtor's plan. The Trustee is authorized to disburse the new conduit payment or fees as soon as practicable after resolution of any motion under Fed. R. Bankr. P. 3002.1(b)(2) without seeking formal modification of the plan.

(6) Should the new conduit payment or fees jeopardize the feasibility of the plan, the Trustee may file a motion to amend the plan or seek conversion or dismissal of the case, whichever the Trustee deems appropriate.

**(g) Real Property Creditor's Duties:**

(1) The Real Property Creditor shall file a Proof of Claim, to which it shall attach the Official Form 410A and Addendum to Chapter 13 Proof of Claim for Residential Home Mortgage Debt Paid Through the Chapter 13 Trustee.

(2) At least 45 days prior to the change of the name of the Real Property Creditor payee, or the address to which payments should be made, Real Property Creditor shall notify the Trustee, Debtor, and the attorney for the Debtor of any such change in a document that conforms to a Notice of Transfer of Servicing and Claim or Notice of Transfer of Claim (Other than for Security).

(3) Any amount paid or tendered to the Real Property Creditor prior to confirmation shall be applied to the next post-petition payment under the terms of the note due, without penalty. Alternatively, the mortgage holder may apply the payment as it deems appropriate, but said application shall be deemed to be the Real Property Creditor's waiver of all fees and expenses to which it is entitled under the loan documents.

(4) The holder of the mortgage claim shall not file a separate proof of claim for the amount of the 2 full regular monthly post-petition payments provided for in paragraph (f)(2) or include such post-petition payments in the pre-petition arrearage claim.

(5) Confirmation of the plan shall impose an affirmative duty and legal obligation on the Real Property Creditor to do all of the following:

(i) Apply the payments received from the Trustee for payment on the Arrearage, if any, only to such Arrearage pursuant to the plan. The Arrearage shall be deemed paid in full upon the entry of the Discharge Order in the case, unless otherwise ordered by the Court.

(ii) Deem the pre-petition Arrearage (and post-petition Arrearage, if any) contractually current upon confirmation of the plan so as to preclude the imposition of late payment charges or other default-related fees and services based solely on any pre-petition default or the payments referred to in paragraph (f)(2) above. This obligation will have no force and effect if the case is dismissed or converted.

(iii) Apply the post-petition monthly mortgage payments paid by the Trustee or by Debtor to the month in which they were designated to be made under the plan. Even if such payments are placed in suspense, forbearance, or similar account, they will be deemed to have been applied to the note pursuant to this subsection.

(6) If the modification of a previously confirmed plan provides for mortgage payments to be made by the Trustee rather than the Debtor, and if the Real Property Creditor has not previously filed a proof of claim, the Real Property Creditor must file a proof of claim stating the amounts of the on-going payments as well as any post-petition delinquency that has occurred, including the gap between the date when Debtor modified the Plan and the month for which the Trustee is to commence making the mortgage payment, if any. Subparagraph (g)(1) of this Rule applies to the filing of the proof of claim.

**(h) No Variance Without Court Order.** The procedures set out in this rule may be varied in a particular case only by Court order.

\* \* \*

As amended [12/1/24](#), 3/17/22, 3/17/19; adopted 8/22/17 (formerly S.O. 11-3).

Related forms:

Mortgage Creditor Checklist



Authorization to Release Information to the Trustee  
Regarding Secured Claims Being Paid by the Trustee  
Addendum to Chapter 13 Proof of Claim for Residential  
Home Mortgage Debt Paid Through Chapter 13 Trustee  
Notice of Transfer of Servicing and Claim  
Notice of Transfer of Claim (Other than for Security)

**LBR 5003.1**  
**ACCESS TO COURT RECORDS**

(a) **Access.** The public records of the court are available for examination in the clerk's office during normal business hours. Access to electronically-filed documents is available ~~as set forth in Appendix 1-01 of D. Kan. LBR 5005.4~~ through the Public Access to Court Electronic Records (PACER) system.

(b) **Copies.** The clerk will make and furnish copies, as time permits, of official public court records after request and payment of prescribed fees.

(c) **Sealed or Impounded Records.** Records or exhibits ordered sealed or impounded by the court are not public records within the meaning of this rule.

(d) **Restricted Access Records.** Records or exhibits filed with the court, which are nonpublic as specified in the Code or Federal Rules of Bankruptcy Procedure, are not public records within the meaning of this rule.

(e) **Search for Cases by the Clerk.** The clerk may search the most recent 10 years of the master index maintained in the office and issue a certificate of the search. The clerk charges a fee for each name for which a search is conducted, payable in advance, as prescribed by the Administrative Office of the United States Courts.

(f) **Judgment/Order Registry.** The court's CM/ECF computer system fulfills the requirements of Fed. R. Bankr. P. 5003, which requires the clerk to maintain copies of every final judgment or order affecting title to or lien on real property or for the recovery of money or property, and will serve as the court's judgment/order registry.

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As amended 12/1/24, 3/17/08, 10/17/05.

**LBR 5003.2**

~~**WITHDRAWAL AND DISPOSITION OF COURT RECORDS**~~

~~(a) **Case Files.** A bankruptcy case file may not be withdrawn.~~

~~(b) **Exhibits, Sealed Documents, and Filed Depositions.** Any exhibit, sealed document, or filed deposition in the clerk's custody more than 30 days after the time for appeal, if any, has expired or an appeal has been decided and mandate received, may be returned to the parties or destroyed by the clerk if unclaimed after reasonable notice.~~

\* \* \*

As amended 12/1/24.

**LBR 5005.1**  
**FILING BY ELECTRONIC MEANS**

(a) **Background and Authority.** Federal Rule of Civil Procedure 83, Federal Rules of Bankruptcy Procedure 5005(a)(23), and District of Kansas Rule 83.8.12, authorize this court to establish practices and procedures for the filing, signing, and verification of pleadings and documents by electronic means.

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(b) **Adoption of Procedures.** The court adopts the *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents by Electronic Means* (a copy of which is attached as Appendix 1-01 to this Rule) as a means of attorney registration and distribution of passwords to permit electronic filing and notice of pleadings and other documents.

(c) **Designation of Electronic Filing.** All cases are assigned to the Electronic Filing System unless the court orders otherwise. All petitions, motions, memoranda of law, or other pleadings and documents filed with the court in a case assigned to the Electronic Filing System must be filed electronically unless otherwise permitted in these rules, the administrative procedures guide, or court authorization. Electronic filing must be consistent with this Rule and *Appendix 1-01, Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents by Electronic Means*.

**Appendix 1-01 to LBR 5005.1**  
**Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents by Electronic Means**  
(Rev. 12/1/2024 3/47/22)

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**II. Eligibility, Registration, Passwords**

A. **Attorney Eligibility.** Attorneys admitted to the bar of this court (including those admitted pro hac vice and attorneys authorized to represent the United States), United States trustees and their assistants, bankruptcy administrators and their assistants, private trustees, and others as the court deems appropriate, may register as Filing Users of the court's Electronic Filing System. Registration is in a form prescribed by the clerk and requires the Filing User's name, address, telephone number, Internet e-mail address and, in the case of an attorney, a declaration that the attorney is admitted to the bar of this court.

B. **Eligibility of Other Parties.** If the court permits, a party to a pending action who is not represented by an attorney may register as a Filing User in the Electronic Filing System solely for purposes of the action. Registration is in a form prescribed by the clerk and requires identification of the action as well as the name, address, telephone number and Internet e-mail address of the party. If, during the course of the action, the party retains an attorney who appears on the party's behalf, the attorney must advise the clerk to terminate the party's registration as a Filing User upon the attorney's appearance.

C. **Limited Use Eligibility.** Limited Users without counsel may register as Filing Users of the court's electronic filing system for the sole purpose of filing claims, transfers of claims, reaffirmation agreements, requests to receive notices, withdrawal of claims, changes of address, ~~and notices~~ applications for unclaimed funds, and certificates of completion of an instructional course concerning personal financial management pursuant to Fed. R. Bankr. P. 1007(b)(7). The clerk may provide alternative means for Limited Users without counsel to file those documents without registering as Filing Users.

D. **Registration.** Registration as a Filing User constitutes: (1) waiver of the right to receive notice by first class mail and written consent to receive notice electronically; and (2) waiver of the right to service by personal service or first class mail and written consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022.

E. Passwords. Once registration and training, as prescribed by the court, are completed, the Filing User will be granted access to the Electronic Filing System. Filing Users agree to protect the security of their passwords and immediately notify the clerk if they learn that their password has been compromised.

F. Revocation of Registration. The court reserves the right to revoke an Electronic Filer's access to the Electronic Filing System and, therefore, his or her authority and ability to electronically file documents, for failure to comply with the provisions of these *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents by Electronic Means*, failure to pay fees required for documents electronically filed, or other misuse of the Electronic Filing System.

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## V. Attachments and Exhibits

Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless otherwise directed by the court. A Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such (*also see* D. Kan. Rule 5.1(~~fe~~) and D. Kan. LBR 9072.1(a) dealing with bulky/voluminous exhibits). Filing Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane. The court may require parties to file additional excerpts or the complete document.

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## XII. Public Access

A. PACER Access. Any person or organization, other than one registered as a Filing User under these rules, may access the Electronic Filing System at <https://ecf.ksb.uscourts.gov> by obtaining a PACER log-in and password. Those who have PACER access but who are not Filing Users may retrieve docket sheets and documents, but they may not file documents.

B. Clerk's Office Access. Access to all public documents is available, without obtaining a password, in the clerk's office during regular business hours, Monday through Friday. Conventional and certified copies of electronically filed documents may be purchased at the clerk's office during regular business hours Monday through Friday. The fee for copying and certifying shall be in accordance with the ~~Schedule of Bankruptcy Court~~ Miscellaneous ~~Fees~~ Fee Schedule promulgated by the Judicial Conference of the United States pursuant to 28 U.S.C. § 1930(b).

~~C. Redaction. In connection with the filing of any material in an action assigned to the Electronic Filing System, any person may apply by motion for an order limiting electronic access to or prohibiting the electronic filing of certain specifically identified materials on the grounds that such material is subject to privacy interests and that electronic access or electronic filing in the action is likely to prejudice those privacy interests.~~

~~D. C. Misuse. Information posted on the System must not be downloaded for uses inconsistent with the privacy concerns of any person.~~

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As amended 12/1/24, 3/17/22, 3/17/21, 3/17/20, 3/17/19 (formerly S.O. 18-3), 3/17/18, 3/17/17, 3/17/16, 3/17/14, 3/17/08.

**LBR 7026.1  
DISCOVERY**

**(a) Application.** This rule applies to adversary proceedings, and contested matters as prescribed by Fed. R. Bankr. P. 9014 and when the court orders. Fed. R. Civ. P. 26(a) and (f), and the corresponding sections of this rule, do not apply to contested matters unless the presiding judge specifically orders otherwise.

**(b) Completion Time.** The parties should complete discovery within four months from the later of the date the case becomes at issue or the date a scheduling order is issued pursuant to Fed. R. Bankr. P. 7016. Ordinarily, the parties should have completed discovery before the pretrial conference. For good cause, the court may establish longer or shorter periods for the completion of discovery.

**(c) Notice of Depositions Permitted by Fed. R. Bankr. P. 7030.** The reasonable notice for taking a deposition is 7 days. For good cause, the court may enlarge or shorten the time.

**(d) Motions for Protective Order.**

(1) *Stay of Discovery.* Except as provided in paragraph (2), a motion for protective order filed pursuant to Fed. R. ~~Bankr~~Civ. P. 702626(c) or 703030(d), or a motion to quash or modify a deposition subpoena filed pursuant to Fed. R. Bankr. P. 9016, stays the particular discovery or deposition pending court order.

(2) *Stay of Properly Noticed Deposition.* A motion filed under this rule will not stay a properly noticed deposition unless filed and served on the attorneys or parties within 14 days after service of the deposition notice and at least 48 hours in advance of the deposition.

(3) *No Appearance at Deposition Required.* No party, witness, or attorney is required to appear at a deposition stayed by a motion under this rule until the court decides the motion or it is otherwise resolved.

**(e) Additional Interrogatories to Those Permitted by Fed. R. ~~Bankr~~Civ. P. 703333(a).** A party must file a motion to seek leave to serve interrogatories in excess of the number permitted by Fed. R. ~~Bankr~~Civ. P. 703333(a). The motion must (1) submit the proposed additional interrogatories; and (2) state good cause for those interrogatories. Additional interrogatories served under this rule are subject to subsection (l) of this rule.

**(f) Format for Interrogatories.** Sufficient space for the insertion of an answer must be provided after each interrogatory; if interrogatories are served in paper format. Each answer must directly follow the interrogatory being answered.

**(g) Motions Relating to Discovery.** Motions under Fed. R. ~~Bankr~~Civ. P. 702626(c) or 703737(a) directed at depositions, interrogatories, requests for production of documents, or requests for admissions under Fed. R. Bankr. P. 7030, 7033, 7034 or 7036, or at the responses, must be accompanied by copies of the portions of the interrogatories, requests or responses in dispute. Motions under Fed. R. Bankr. P. 9016 directed at subpoenas must be accompanied by a copy of the disputed subpoena.

**(h) Depositions.** Deposition transcripts may not be filed unless the court orders otherwise. The originals of all stenographically-reported depositions must be delivered to the party noticing the deposition:

- (1) after signature by the deponent if he or she has requested to review the transcript and to make changes;
- (2) on completion, if the deponent has not requested to review the transcript; or
- (3) on certification by the stenographer that following reasonable notice to the deponent and deponent's attorney of the availability of the transcript for signature, the deponent has failed or refused to sign it.

(i) **Retention of Originals.** The party to whom it is delivered must retain the original of the deposition to be available for appropriate use by any party in a hearing or trial of the case.

(j) **Disclosures and Discovery Not to be Filed.**

(1) The following must be served on other attorneys and unrepresented parties, but not filed:

- (A) disclosures required under Fed. R. ~~Bankr~~Civ. P. ~~702626~~(a)(1)- and (2);
- (B) interrogatories under Fed. R. Bankr. P. 7033;
- (C) requests for production or inspection under Fed. R. Bankr. P. 7034;
- (D) requests for admission under Fed. R. Bankr. P. 7036; and
- (E) the responses.

(2) At the same time disclosures, discovery, or responses are served, the serving party must file a certificate of service stating the type of disclosure, discovery or response served, the date and type of service, and the party served.

(k) **Use of Discovery at Trial.** A party must file with the clerk at the beginning of trial, or earlier if required by court order, the portions of any deposition transcript, interrogatories, requests for production or inspection, admissions, or any responses the party reasonably anticipates using.

(l) **Duty to Confer Concerning Discovery Disputes.** In addition to the duties required by Fed. R. Bankr. P. 7026 through 7037, unless the court orders otherwise, the court will not entertain any motion to quash or modify a subpoena pursuant to Fed. R. Bankr. P. 9016, or any motion under Fed. R. Civ. P. 26(c) or 37(a), unless the attorney for the moving party confers or has made reasonable effort to confer with opposing attorneys concerning the matter in dispute prior to the filing of the motion. Every certification required by Fed. R. ~~Bankr~~Civ. P. ~~702626~~(c) and ~~703737~~ and this rule related to attempts to resolve discovery or disclosure disputes must describe the steps taken by all attorneys to resolve the disputed issues.

(1) *Definition of “reasonable effort to confer.”* “~~Reason-able~~Reasonable effort to confer” means more than mailing or faxing a letter to the opposing party. It requires that the parties in good faith converse, confer, compare views, consult, and deliberate, or in good faith attempt to do so.

(m) **Trial Preparation After Close of Discovery.**

(1) Parties should ordinarily take the deposition of a material witness not subject to subpoena during the discovery period. Parties may depose a material witness who agrees to appear at trial, but later becomes unable or refuses to attend, at any time prior to trial.

(2) The court may order the physical or mental examination of a party pursuant to Fed. R. Bankr. P. 7035 at any time prior to trial.

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As amended 12/1/24, 3/17/11, 3/17/10, 10/17/05.

**LBR 9004.1**

**FORM OF PLEADINGS AND DOCUMENTS**

(a) **Pleadings, Motions, Briefs and Other Documents.**

(1) *Generally.* Pleadings, motions, briefs, and other documents submitted for filing, including all exhibits and/or attachments, must be:

- submitted on 8-1/2 x 11 inch paper;
- typewritten, printed, or computer-generated with type no smaller than 12 points set no more than an average of 12 characters per inch; and
- double-spaced where practicable.

(2) *Pagination.* Pleadings, motions, briefs, and other documents submitted for filing (other than exhibits and/or attachments) must be paginated beginning with the first page of the filing and sequentially numbering all pages that follow. Numbered pages include

the cover page, table of contents, table of authorities, indices, and all other parts of the document.

(3) *Subsequent Filings*. All pleadings and documents filed subsequent to those commencing a case must be endorsed on the upper right-hand corner of the first page with the case number. The title of the subsequent pleading or document must describe its contents, and state on whose behalf the document is filed.

(4) *Adversary Proceedings*. Fed. R. Bankr. P. 7010 and Official Bankruptcy Forms apply to all pleadings and documents filed in adversary proceedings.

**(b) Citation Formats.**

(1) *Unpublished Decisions*. An unpublished decision cited in a pleading, motion, brief or other document shall be attached as an exhibit only if it is unavailable via electronic means (e.g., Westlaw or LEXIS). Parties citing unpublished decisions that are available via electronic means must not furnish a copy to the court or to opposing parties unless requested. Unpublished decisions should be cited as follows: *In re Smith*, No. 02-12345 (Bankr. D. Kan. Jan. 7, 2005).

**(c) Orders.**

(1) *Generally*.

~~(A) The following information must appear at the top of the signatory page of all orders:~~

~~(i) the name of the court;~~

~~(ii) the case caption, the case number and chapter; and~~

~~(iii) the caption of the order and page number.~~

~~(B)~~ (A) The top margin on the first page of an order must be four inches; all subsequent pages of the order must have a top margin of one inch.

~~(C)~~ (B) The last line of the order preceding attorney signatures must consist of 3 pound symbols (# # #), centered, to indicate the end of the order. Omit a signature line for the judge because all orders will be signed electronically in the top margin of the first page.

(2) *Resulting from Hearing*. Unless the court directs otherwise, orders resulting from an actual hearing are due 14 days from the date of the hearing. The first paragraph of the order must begin with the actual date of the hearing, e.g.,: "Now on this 23rd day of March, 2013, this matter came before the court..."

(3) *No Hearing Held*. Orders resulting from the failure to object or respond to a notice with objection deadline are due 14 days after the deadline expires. The first paragraph of the order must begin by stating that the matter was noticed with opportunity for hearing but no objections were filed and no hearing was held.

**(d) Requests for Relief in Pleadings**. The pleading's caption must contain a short statement of the relief requested. Pleadings may not contain an unrelated request for relief, e.g., a motion for relief from the automatic stay may request adequate protection, but may not request unrelated relief, such as a request to dismiss the case. A responsive pleading may not request relief except as permitted by the Federal Rules of Bankruptcy Procedure.

**(e) Orders Addressing Requests for Relief**. Orders resolving pleadings must address all the requests for relief made in the pleading and, to assist the clerk with docketing and quality control, must identify in the caption of the order the relief granted and/or denied.

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As amended 12/1/24, 3/17/16, 3/17/12, 3/17/10, 10/17/05, 3/17/05.

**LBR 9011.3  
SANCTIONS**

**(a) Sanctions Under Applicable Rules and Statutes.**

(1) *On Court's Own Initiative.* The court, on its own initiative, may issue an order to show cause why sanctions should not be imposed against a party and/or an attorney for violation of these rules, Fed. R. Bankr. P. 9011, or other applicable statutes. The court will state the reasons for issuing the show cause order. Unless the court orders otherwise, all parties must respond within 14 days after the filing of the order to show cause. The responses may include affidavits and documentary evidence as well as legal arguments.

(2) *On a Party's Motion.* A party may raise the issue of sanctions by a timely-filed motion. The responding party may respond in the same manner specified above.

(3) *Procedure.* After the response time expires and without further proceedings, the court may rule on the violation and the nature and extent of any sanction imposed. Discovery and evidentiary hearings on sanctions will be permitted only by court order. The court will articulate the factual and legal bases for its ruling on sanctions.

**(b) Imposition of Sanctions.** If the court finds a violation of these rules, Fed. R. Bankr. P. 9011, other applicable statutes or a court order, the court may impose sanctions pursuant to Fed. R. Civ. P. 11, Fed. R. Bankr. P. 9011, or other federal rules or statutes. In addition, the court may issue other orders as are just under the circumstances, including the following:

- (1) an order designating certain matters or facts as established for purposes of the action;
- (2) an order refusing to allow a party to support or oppose designated claims or defenses, or prohibiting the party from offering specified witnesses or introducing designated matters in evidence;
- (3) an order striking pleadings, in whole or in part, staying proceedings until compliance with the rule, dismissing the action, in whole or in part, or entering a judgment by default against a party; or
- (4) an order imposing costs, including attorney's fees against a party, or a party's attorney, who has failed to comply with a local rule, court order or statute.

**(c) Sanctions Within the Discretion of the Court.** The court has discretion to impose sanctions for violation of these rules or a court order. In considering sanctions, the court may consider whether a party's failure was substantially justified or whether other circumstances make sanctions inappropriate.

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**LBR 9011.4  
SIGNATURES**

~~(a) [Reserved]~~

**(b) Signing of Pleadings by Unrepresented Parties.** The original of every pleading, motion or other paper filed by a party not represented by an attorney must bear the genuine signature of the unrepresented party.

(1) Petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents which must contain original wet ink signatures or which require verification under Fed. R. Bankr. P. 1008, or an unsworn declaration as provided in 28 U.S.C. § 1746, may contain, in lieu of the original wet ink signature, a copy, or digitally scanned image, of the original document containing a wet ink signature of the unrepresented party.

(2) Stamped signatures or signatures created by use of special software programs for electronic signatures, such as DocuSign and Sign Easy, are not acceptable as signatures of an unrepresented party.

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(3) If an unrepresented party submits a document that does not bear a genuine signature, the unrepresented party may promptly cure the defect by completing and signing the Declaration Regarding Filing form in conformity with the instructions on the form. The form is available on the Forms page of the court website. Failure to cure the defect may result in the court treating the document as unfiled.

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**(eb) Signing of Pleadings by Attorney for Parties.**

(1) The original of every pleading, motion, or other paper filed by an attorney must bear the genuine signature of at least one attorney of record and comply with D. Kan. Rule 5.1(eb) as to form. ~~The following are exceptions to D. Kan. Rule 5.1(b) and they apply only to documents filed by attorneys in bankruptcy cases in this District:~~

~~(1) Petitions, lists, schedules, statements, amendments, pleadings, affidavits, and When an attorney signs a petition, list, schedule, statement, amendment, pleading, affidavit, or other documents/document which must contain an original wet ink signature/signature or which require/requires verification under Fed. R. Bankr. P. 1008, or an unsworn declaration as provided in 28 U.S.C. § 1746, may contain, in lieu of the original wet ink attorney's signature, may be in the signature forms described herein form of:~~

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(A) A copy, or digitally scanned image, of the original document containing a wet ink signature; or

(B) An image with a signature captured electronically at the time of document creation, or ~~signature~~ a signature created and verified by use of a special software ~~programs~~ program for electronic signatures, such as DocuSign or Sign Easy.

(2) ~~An attorney's electronic filing of such~~ When an attorney electronically files a document with ~~the~~ a signature in the form described above ~~will constitute, it constitutes~~ a certification by the attorney that:

(A) the filing attorney transmitted the entire document to the attorney signatory(ies) for review and signature, and received express authorization from the attorney signatory(ies) to file the document; and

(B) the filing attorney transmitted the entire document to any non-attorney signatory(ies) (or to their counsel) for review and signature, communicated with any non-attorney signatory(ies) who is represented by the filing attorney regarding the substance and purpose of the document, received the signature of any non-attorney signatory(ies), and, at the time of electronic filing, is in possession of an image format, facsimile, or software-assisted signature of the document from the non-attorney signatory(ies).

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~~**(d) Contact Information and Bar Registration Numbers.**~~

~~(1) Requirements for Unrepresented Parties and Attorneys. Each party or attorney signing papers submitted for filing must include the signer's:~~

~~(A) name;~~

~~(B) address;~~

~~(C) telephone number;~~

~~(D) facsimile number; and~~

~~(E) e-mail address.~~

~~(2) Additional Requirements for Attorneys. Each attorney signing a document must also include the attorney's state supreme court registration number, or, in cases where the attorney is not admitted to practice in Kansas, its equivalent. Attorneys admitted from the~~



~~Western District of Missouri by reciprocal admission must include their Kansas District Court registration number.~~

~~(3)~~ **(c) Duty to Update Contact Information.** Each attorney or unrepresented party must 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 an unrepresented party is sufficient notice.

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As amended 12/1/24, 3/17/22 (formerly S.O. 20-2), 3/17/19, 3/17/10, 3/17/09, 3/17/05.

### LBR 9013.3

#### PROOF OF SERVICE

**(a) Certificates of Service.** Except as the court or rules provide otherwise, an attorney of record or an unrepresented party must ~~make~~*provide* proof of service of any pleading, motion, or other document required to be served, by filing a certificate. The certificate must either be included in the pleading or document served, or filed separately as soon as possible, and in any event before any action based on the service is requested or taken by the court. The certificate of service must indicate that service was accomplished through the Notice of Electronic Filing for parties and attorneys who are Filing Users and indicate how service was accomplished on any party or attorney who is not a Filing User.

(1) *Contents.* In addition to showing the date, the manner of service, the name and address of the attorney or party served, and the capacity in which such person was served (i.e., as attorney for plaintiff, a particular defendant, trustee, debtor or creditor), the certificate must identify the title of *each* pleading or document served. For example:

I hereby certify that on this [Date], a true and correct copy of the [Title of Document(s)] was electronically filed with the court using the CM/ECF system, which sent notification to all parties of interest participating in the CM/ECF system.

Further, I certify that copies of the [Title of Document(s)] were forwarded via U.S. Mail, first class, postage prepaid and properly addressed to the following:  
[Names and addresses]

(2) *Identify and Attach Matrix or List.* If the pleading or other document being served is directed to persons on a matrix or other list, the certificate must identify the matrix or list and attorneys or parties must attach the matrix or list to the certificate. For example:

I hereby certify that on this [Date], a true and correct copy of the [Title of Document(s)] was electronically filed with the court using the CM/ECF system, which sent notification to all parties of interest participating in the CM/ECF system, and was forwarded via U.S. Mail, first class, postage prepaid and properly addressed to the parties' and/or attorneys' addresses on the attached matrix who do not receive notice electronically via CM/ECF.

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As amended 12/1/24, 3/17/20, 3/17/10, 3/17/05.

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**LBR 9036.1**

**DEBTOR ELECTRONIC BANKRUPTCY NOTIFICATION**

**(a) DeBN Request Form.** Each debtor who files a voluntary petition in bankruptcy on or after August 1, 2015, must file, contemporaneous with the petition, a completed Debtor's Electronic Noticing Request (DeBN Request) on the form provided by the Clerk of the Bankruptcy Court. Each DeBN Request must indicate whether the debtor:

- (1) requests creation of a new DeBN account to begin receiving court notices and orders via email pursuant to Fed. R. Bankruptcy Rule Bankr. P. 9036, or
- (2) declines participation in the DeBN program, or
- (3) requests an update to or reactivation of an existing DeBN account, or
- (4) requests deactivation of an existing DeBN account.

**(b) Email Address.** DeBN Requests to create a new DeBN account and DeBN Requests to update or reactivate an existing DeBN account must list a valid and active email address for the debtor. A debtor may list the same email address that was listed on a joint debtor's DeBN Request, however each debtor and each joint debtor must sign and file a separate DeBN Request regardless of whether they share the same email address.

**(c) Proof of Identity.** All DeBN Requests must be filed with sufficient evidence of the debtor's identity. The debtor provides sufficient evidence of identity when:

- (1) the debtor's attorney files the DeBN Request electronically in CM/ECF,
- (2) the debtor files the DeBN Request in person at the Clerk's Office and displays a photo identification or other information that would satisfy 11 U.S.C. § 521(h), or
- (3) the debtor files the DeBN Request by mail and provides a copy of a photo identification or other information that would satisfy 11 U.S.C. § 521(h).

**(d) Clerk Duties.** The clerk will act upon the DeBN Request promptly after it is filed. While the debtor's DeBN account is active, the clerk is directed to send court-issued notices and orders via email pursuant to Fed. R. Bankr. P. 9036 whenever the clerk would otherwise be required to send the notice or order by regular mail.

**(e) Undeliverable Email Notices.** If an attempt to deliver a notice or order via email fails, the debtor's DeBN account may be immediately deactivated. A debtor may reactivate the debtor's DeBN account by submitting a DeBN Request to reactivate an existing account and supplying a valid and active email address.

**(f) Scope of DeBN.** The existence of an active DeBN account does not authorize any person other than the court to provide notice or service solely by email if notice or service would otherwise be required by regular mail or other means.

\* \* \*

Adopted 12/1/24, 3/17/16.

**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 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. 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 noncompliance 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.

**(h) Highly Sensitive Documents.** Highly sensitive documents are subject to the procedures and requirements published on the court's website.

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As amended 12/1/24 (formerly S.O. 21-1), 3/17/20, 3/17/15.