Minutes of the Bankruptcy Bench Bar Committee
In-Person Meeting in Kansas City, Missouri
May 2, 2025

Committee Members

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)
William Griffin: Chapter 13 Trustee Representative
Hunter Gould
January Bailey
Jill Michaux (participated remotely)
Ryan Blay
Sharon Stolte

Absent

Jordan Sickman: U.S. Trustee's Office Representative (ex officio)
Christopher Redmond: Chapter 7 Trustee Representative
Daydree Dopps

Court Staff

David Zimmerman, Clerk of Court

Meeting began at: 9:25 am

Welcome and Introductions

Minutes

The Committee reviewed and approved the minutes of the August 29, 2024 meeting by email. They are posted publicly to the court's website.

I. Old Business Carried Forward from the Fall 2024 Meeting

A. Chapter 11 Subchapter V Plan Form Subcommittee Update

During the Fall 2023 meeting, a Subcommittee was formed to propose a model form plan for Subchapter V cases. At the Fall 2024 meeting the topic was continued to the next meeting.

Sharon Stolte introduced a proposed draft and explained that it is intended to be a suggested plan, not adopted as a mandatory plan. The goal is to provide a suggested plan to help new practitioners begin handling Subchapter V cases. The Subcommittee began with the Missouri plan and amended it for use in Kansas.

The Committee suggested that it would be best to adopt a local rule indicating that this is a suggested plan and not mandatory. Sharon Stolte offered to circulate the draft electronically to the Committee for review. After that, the Committee plans to recommend to the Judges that the draft be posted on the court's website for 30 days for public comment. After reviewing comments, the rule could take effect if the Judges approve it.

B. Proposed Changes to the LBRs

During the Fall 2024 meeting, the Committee reviewed many proposed changes to the Local Bankruptcy Rules (LBRs). The Committee continued its discussion of several proposed changes to this meeting.

LBR 1001.1

The Committee considered whether to define when the terms "judge" and "court" include Bankruptcy Judge and Bankruptcy Court in the District Court local rules. *Compare* D. Kan. Rule 1.1(c). Several options were discussed, starting with changing the Local Bankruptcy Rules. One option was to simply state that terms "judge" and "court" also include "Bankruptcy Judge" or "Bankruptcy Court" when consistent with 11 U.S.C. § 105. Another option was to create a list of specific District Court rules and state that judge and court also include Bankruptcy Judge or Bankruptcy Court in those rules. A third option would be to state that judge and court mean Bankruptcy Judge or Bankruptcy Court in the specified District Court rules as well as in other instances consistent with 11 U.S.C. § 105 and when reasonable. The Committee also discussed proposing a change to the District Court rule to expand the definition to include Bankruptcy Judge and Bankruptcy Court as applicable.

The Committee unanimously recommended that D. Kan. Rule 1.1(c) be amended to say "As used in these rules, the term 'judge' refers to a United States District Judge or as applicable a United States Bankruptcy Judge, and the term 'court' refers to either a United States District Judge or a United States Magistrate Judge or as applicable a United States Bankruptcy Judge."

LBR 3002.1.1(b)(1)

David Zimmerman explained that 11 U.S.C. § 101(8) defines "consumer debt" not secured debt and asked whether LBR 3002.1.1(b)(1) should be amended to say ". . . secured loans constituting *consumer* debt (as that term is defined by 11 U.S.C. § 101(8))," where it currently states ". . . secured loans constituting *secured* debt (as that term is defined by 11 U.S.C. § 101(8))." (Emphasis added.) He explained that because 11 U.S.C. § 101(8) defines "consumer debt" and not "secured debt" it is more consistent with the statute and fully consistent with the rest of LBR 3002.1.1 to amend subsection (b)(1) to say ". . . secured loans constituting ~~secured~~ consumer debt (as that term is defined by 11 U.S.C. § 101(8)) . . . ."

The Committee unanimously recommended that LBR 3002.1.1(b)(1) should be amended to say ". . . secured loans constituting consumer debt (as that term is defined by 11 U.S.C. § 101(8))."

Jill Michaux mentioned that Fed. R. Bankr. P. 3002.1 is expected to change, although it is unlikely to impact this issue.

During the discussion Judge Berger raised an issue about cases in which the debtor is supposed to pay taxes and insurance directly rather than through the plan or into an escrow account held by the lender. He asked how those "self escrow cases" should be addressed when the debtor is not paying taxes or insurance and the bank advances those costs. The Committee discussed various options, including addressing the issue in a non-standard provision within the existing Chapter 13 plan form, adding a local rule, or amending the Chapter 13 plan form. It was proposed that the provision in Missouri's Chapter 13 plan section 3.4 covers this issue well. It says:

3.4 Mortgages to be paid in full during the life of the plan

☐ **None.** *If "None" is checked, the rest of Part 3.4 need not be completed or reproduced.*

If no monthly payment is provided, the creditor will be paid pro rata from funds available for this class after the payment of creditors with an Equal Monthly Amount.

If no interest rate is listed in the plan or on the face of the proof of claim, the trustee will use the Chapter 13 rate in effect for this case. If the post-petition payments are paid through the plan, the trustee will only make principal and interest payments on the mortgage claims listed in Part 3.4. Pre-petition arrears will be paid as part of the principal balance of the claim and not as a separate claim.

Creditor name	Collateral/ Street address	Last 4 digits of account #	Principal balance	Monthly payment	Post-petition payments		Interest rate
					Paid through plan	Paid directly	
Creditor name	Collateral address	Last 4 of SSN	$ Balance	$ Payment	☐	☐	Rate %
Creditor name	Collateral address	Last 4 of SSN	$ Balance	$ Payment	☐	☐	Rate %

Escrow accounts associated with the claims listed above in Part 3.4:

☐ **None.**

Any escrow accounts associated with a claim listed in this paragraph shall be paid directly by debtors or by the trustee as a separate claim record pursuant to the Information listed below. If the post-petition escrow payments are paid by the trustee, the trustee will cease making said payments once the underlying claim has been paid in full.

Creditor name	Monthly escrow payment	Post-petition escrow payments	
		Paid through plan	Paid directly
Creditor name	$ Payment	☐	☐
Creditor name	$ Payment	☐	☐

The Committee unanimously recommended that the language from Missouri's plan section 3.4 be added to the Kansas Chapter 13 Plan form and circulated for public comment. This topic will be carried forward for a draft to be prepared and circulated to the Committee for review.

C. Proposed Amendments to LBR 3002.1.1

Proposed changes to subsections (c) and (d) had been discussed previously at the Spring and Fall meetings in 2024. January Bailey recommended changes to LBR 3002.1.1(c) and (d), as noted in the appended redlined copy.

January Bailey proposed that it would be better for creditors to send mortgage statements directly to debtors rather than to debtors' attorneys because that requires attorneys to forward those statements to the debtors. She also proposed that debtors should be able to retain access to an online portal during bankruptcy.

Jill Michaux cited a case that required a mortgage company to allow access to its online portal. (*In re Klemkowski*, 2024 WL 4625644 (Oct. 30, 2024) (Bankr. D. Maryland) (Michelle Harner, Bankr. J.) Hunter Gould noted that the case is being challenged on appeal and there are also efforts to settle the issue and vacate the order. Jill Michaux said regulations require the mortgage company to send a statement to the debtor and she planned to include a non-standard provision in a plan to make the regulations "kick in." January Bailey said she started sending creditors a letter asking them to send statements directly to the debtor, not to attorney. Bill Griffin observed that some of the problems related to mortgage statement appear to have arisen from litigation about stay violations.

Hunter Gould explained that requiring mortgage creditors to give debtors access to the online portal opens creditors to violating the automatic stay in many different ways and it would require the software to be rewritten and the platform to be rebuilt. He acknowledged this as a problem, but he opposed a local rule requiring mortgage lenders to grant access to the portal because when a debtor accesses the portal it does more than provide a way to make an online payment. It also displays contractual accounting, reactivates the system's ability to send automated emails demanding payment for delinquencies, and can make automated referrals for foreclosure. That is why the bank pulls the account out of the online system when a 341 notice is received. Bankruptcy requires manual accounting by the banks to update post-petition ledger. He said the easiest way for debtors to make a payment is to set up bill pay from their bank to pay mortgage. When it was observed that some debtors want to be able to login to the portal to confirm their payment was received and to see their balance, Hunter Gould suggested they request mid-case audits. Bill Griffin also suggested that debtors make conduit payments, but Jill Michaux noted that would add a trustee fee.

January Bailey said some debtors want to be able to see their balance every month and confirm payment was received. She also was concerned about how clients may call a bank to ask where to send escrow payment or ask for a balance, but the bank will not answer because the bank is so afraid of violating the automatic stay.

The Committee agreed there is a need for a workable solution to address this big problem.

The Committee agreed to keep the online access issue on the agenda to track it.

January Bailey then revised her proposal. She proposed to make the redlined changes to LBR 3002.1.1(c)(1) and (c)(2) and only some of the changes that she had proposed in subsection (d).

The Committee unanimously agreed to recommend the redlined amendments to LBR 3002.1.1(c) and (d)(1):

(c) Defined Term. For purposes of this rule, the terms:

(1) "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.

(2) "Retaining Debtor" shall include 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.

(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 Retaining Debtors. ~~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 directly to the debtor and a copy need not be provided to debtor's counsel. ~~a copy may also be provided to counsel prior to discharge but is~~ 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.

The discussion then turned to changes that January Bailey had proposed in two different subsections of LBR 3002.1.1 that were numbered (d)(3) in the proposal. The proposals read:

(3) If pre-petition the Mortgage Creditor allowed debtor access to account information through an online portal, the Mortgage Creditor shall continue to allow the Retaining Debtor access to such account. Access to the online account includes all abilities a nonbankrupt borrower has.

(3) The Mortgage Creditor shall provide the following information to the debtor upon the reasonable written, ~~or~~ telephonic, or electronic request of the Retaining Debtor, and the creditor does not need to obtain relief from stay or counsel's permission to provide to the requesting 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.

January Bailey recommended that a debtor should be entitled to request information such as a balance by telephone or in a written or electronic request. Hunter Gould and Sharon Stolte recommended that requests should be limited written or electronic requests. They expressed concern about a creditor's ability to provide accurate responses to a bankruptcy debtor's telephonic requests because a call center employee might not have up-to-date information that would be necessary to give an accurate answer in a bankruptcy case. They were also concerned about "he-said-she-said" disputes over misstatements or informal comments in common vernacular that might not be nuanced during a telephonic conversation between a lay debtor and a bank call center employee. January Bailey suggested that debtors be able to make a request telephonically but the creditor's responses could be limited to written or electronic responses. The Committee decided to consider the issue further.

The Committee agreed to continue the changes numbered LBR 3002.1.1(d)(3) to next meeting's agenda for further discussion.

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

During the Fall 2024 meeting, 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 current form 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 had 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.

Since the Fall 2024 meeting, Jill Michaux reported that she and January Bailey and Judge Berger have been reviewing the form, but it is not yet ready for final proposal. Jill Michaux explained that the small group had agreed to remove the paragraph above, and she was working to remove duplication and streamline the form.

Jill Michaux further recommended that LBR 1009.1 should be amended. It currently requires a copy of the amended schedule to be sent with the notice, and she believes that is unnecessary. She observed that schedules are not sent to creditors at case opening.

The Committee agreed to continue this topic to the next meeting.

E. New Rule Governing Motion to Borrow

During the Fall 2024 meeting, Ryan Blay proposed adding a local rule requiring a debtor who files a Motion to Borrow or similar motion to include a disclosure with the motion in a Chapter 11, 12, or 13 case. The proposed 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.

Bill Griffin noted at the beginning of this discussion that, the trustee's practice in Kansas City had been to allow debtors to incur debt up to $17,000 without the need to file a Motion to Borrow to purchase a car, but since this issue was discussed at the Fall 2024 meeting his office has raised that amount to $25,000. This is consistent with Missouri's practice and Carl Davis's practice. It was noted, however, that the trustee might not agree in a particular case if there were extraordinary circumstances such as an extremely high interest rate or very low vehicle value.

Ryan Blay revised his proposal to have the rule apply only to Chapter 11 and Chapter 12 cases, and exclude Chapter 13 cases. However, after Committee members opined that the subject was already covered by the national rules, Ryan Blay withdrew his proposal.

The Committee agreed not to pursue the proposal further.

II. New Business

A. FYI: PACER and CM/ECF Will Implement Multi Factor Authentication

For information purposes, David Zimmerman shared an announcement from the PACER website: "In mid-May 2025, the Administrative Office of the U.S. Courts will begin implementing Multi Factor Authentication (MFA) to enhance security for CM/ECF and PACER systems." All CM/ECF users with filing privileges or CM/ECF access rights will be required to enroll in MFA. People who only have access to PACER will have the option to enroll in MFA to enhance the security of their account. Users will be able to use several supported MFA apps. The Administrative Office of the US Courts is not endorsing a specific app. Users with CM/ECF filing or access rights will be selected at various times between mid-May 2025 and the end of 2025 to enroll. They will be notified of the MFA requirement during login. By the end of 2025, everyone will be required to use MFA when logging into CM/ECF.

The Committee expressed concern about how this will impact paralegals and automatic filing programs. David Zimmerman pointed out on PACER.uscourts.gov it explains that "Filers and other users with CM/ECF-level access who share their account will be able to add up to five authentication apps. In other words, they can enroll up to four other users' authentication apps in addition to their own." For more information see: *https://pacer.uscourts.gov/announcements/2025/04/04/multifactor-authentication-coming-soon*.

B. Should LBR 3022.1 Be Updated to Address Subchapter V Cases

David Zimmerman reported that one of the law clerks suggested that LBR 3022.1 should be updated to address deadlines for filing a motion for final decree in Subchapter V cases. Local rule 3022-1(a) from the Middle District of Florida was provided as an example. The most relevant excerpt from that rule states:

> (a) **Chapter 11 Subchapter V Proceedings.** Unless extended by the Court, on or before the later of 30 days after the granting of a discharge in a case under Chapter 11 Subchapter V (Small Business Debtor Reorganization), or 30 days after the disposition of all adversary proceedings or contested matters, whichever is later, the debtor's attorney shall file a motion for final decree. This deadline shall apply in both individual and non-individual debtors under Subchapter V.

The Committee agreed to continue this subject to the next meeting so a draft rule could be prepared and presented. Ryan Blay and Sharon Stolte volunteered to prepare a draft rule that is consistent with other applicable law.

C. Proposed New Provision Governing Lien Avoidance

Ryan Blay proposed adding a new section to the Chapter 13 Plan Form to address lien avoidance. Whereas lien avoidance in the Kansas form plan is handled in the special provisions section, he pointed out that the Western District of Missouri plan (https://www.mow.uscourts.gov/sites/mow/files/BK_2017_Ch_13_Plan_0.pdf) has a checkbox

at the top to indicate that the debtor proposes to avoid a lien in the plan and section 3.7 provides space to list the calculations under 11 U.S.C. § 522(f). He acknowledged that generally there are not many lien avoidance cases, but he suggested that it would be convenient for everyone involved to have a standard provision in the plan.

Bill Griffin suggested that it might be better to address lien avoidance by motion that brings it to the creditor's attention, rather than including it in the plan where it might not be as obvious for the creditors. Sharon Stolte also shared the concern that it could be missed.

Jill Michaux observed that when the Chapter 13 plan form was being drafted, Judge Karlin shared her view that, although a lien could be stripped in a plan, the best practice is to give notice by filing a motion or by filing an adversary case to strip the lien so it was clear and would not be hidden. That is why a lien stripping provision was not included in the form plan originally. Judge Berger noted that, although it is not legally compelled, it is more practical to handle lien avoidance matters by filing a motion and obtaining order that unambiguously discharges the lien because title insurance companies are growing increasingly paranoid and may not be satisfied by a provision in a Chapter 13 plan and an order confirming it. Not having a motion and order stripping the lien could leave a cloud on title from a practical perspective. Therefore, Judge Berger suggested, a motion and order could be advantageous to make it clear for the title company that the lien was not attached.

Ryan Blay withdrew his suggestion and the Committee agreed not to pursue the proposal further.

D. FYI: Amendment to LBR 9029.3(a)

For informational purposes, David Zimmerman shared that the Judges plan to amend LBR 9029.3(a) to make it unambiguous that a representative from a trustee's office may be a member of the Bankruptcy Bench Bar Committee to represent the interests of the standing trustees who handle cases for that chapter. The revised language is:

> "(a) Membership. The committee consists of the chief judge, any other judges who may from time to time be appointed by the court, the United States Attorney or a designated assistant, the U.S. Trustee for Region 20 or a designated assistant, six actively practicing members of the bar of the bankruptcy court, a Chapter 13 Trustee or a designated representative, and a Chapter 7 Trustee or a designated representative, selected by the bankruptcy judges. The bankruptcy judges may also appoint a Chapter 12 Trustee or a designated representative as needed."
>
> **The Committee unanimously supported the language change.**

E. New LBR Governing Unclaimed Funds

David Zimmerman invited the Committee to share comments about (1) recommendations to improve efforts to find rightful owners of unclaimed funds before the trustees submit them to the court's registry and (2) proposed procedures governing applications for payment of

unclaimed funds. This issue was prompted by recommendations circulated nationwide by a panel of experts on unclaimed funds. The attached discussion draft was distilled from those recommendations. The Committee considered three proposals: (1) a possible amendment to LBR 9010.1, (2) a new LBR 3011.1, and (3) a set of draft court policies and procedures governing treatment of unclaimed funds that could be published to the court's website if new LBR 3011.1 is adopted.

David Zimmerman explained that the proposed change to LBR 9010.1 was intended to make it unambiguously clear that a corporation or business would not need to have an attorney to file a claim for unclaimed funds.

The Committee unanimously agreed to recommend the proposed amendment to LBR 9010.1.

During the Committee's discussions about proposed LBR 3011.1 and the draft procedures, Bill Griffin expressed concern about setting standards governing trustee efforts to find claimants because he said trustees already jump through a lot of hoops to find rightful owners and, despite those efforts, they cannot distribute some of the funds. For example, they track down claimants who change their address or change their name, and yet some claimants, like Ameristar won't cash trustee checks even though they filed a claim in the case. Judge Berger suggested that the trustee might consider filing a motion that brings a representative of Ameristar before the court to explain why they will not cash the trustees' checks.

Bill Griffin also shared his concerns about how "reasonable efforts" to locate the claimants could be interpreted and wondered where the line would be drawn between reasonable and insufficient. He also said it could delay closing some cases if it required the trustee to wait for checks to go stale and the trustee then had to submit a certification in the case describing the efforts made to find and pay the claimant. He also was concerned about additional work because his office already undertakes significant efforts to find people, he said. He was also concerned about adopting a local standard that might be different from the standard that could be applied in other jurisdictions.

January Bailey proposed that it would be helpful to review existing processes used by trustees and existing policies. She offered to review the US Trustee handbook and to ask each of the standing trustees in Kansas what they are doing. Bill Griffin also offered to propose suggestions after talking with his accountant.

Judge Berger noted that the Judges are concerned about fraud that has been perpetrated on courts to obtain unclaimed funds to which they were not entitled. Committee members suggested that large claims (such as a claim exceeding $1,000) might be made subject to a hearing before an order authorizing distribution would be issued.

Committee members also suggested that it may be helpful to find ways to advertise that creditors can search the unclaimed funds website to see if they are owed any money.

The Committee decided to continue the topic of adopting rules and policies governing unclaimed funds so issues could be researched and discussed further at the next meeting.

F. FYI: Federal Rule Changes Scheduled to Take Effect December 1, 2025

For informational purposes, David Zimmerman provided a list of proposed Federal Rule changes relating to bankruptcy that are scheduled to take effect on December 1, 2025, absent intervening action by Congress. A copy of the package that the Supreme Court transmitted to Congress is available at https://www.uscourts.gov/forms-rules/records-rules-committees/packages-submitted/congressional-rules-package-2025.

Proposed changes include:

Fed. R. App. P. 6: Appeal in a Bankruptcy Case or Proceeding (redline version at page 00022 of the Supreme Court transmittal)

Fed. R. App. P. 39: Costs (redline version at page 00043)

Fed. R. Bankr. P. 3002.l: Chapter 13 Claim Secured by a Security Interest in the Debtor's Principal Residence (redline version at page 00077)

Fed. R. Bankr. P. 8006: Certifying a Direct Appeal to the Court of Appeals (redline version at page 00096)

Fed. R. Civ. P. 16: Pretrial Conferences; Scheduling; Management (redline version at page 00117)

Fed. R. Civ. P. 16.1: Multidistrict Litigation (redline at page 00120)

Fed. R. Civ. P. 26: Duty to Disclose; General Provisions Governing Discovery (redline version at page 00136)

The meeting concluded at 12:14 pm.

APPENDIX RE: LBR 3002.1.1

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 terms:

(1) "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.

(2) "Retaining Debtor" shall include 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.

(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 Retaining Debtors. ~~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 directly to the debtor and a copy need not be provided to debtor's counsel. ~~a copy may also be provided to counsel prior to discharge but is~~ 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) If pre-petition the Mortgage Creditor allowed debtor access to account information through an online portal, the Mortgage Creditor shall continue to allow the Retaining Debtor access to such account. Access to the online account includes all abilities a nonbankrupt borrower has.

(3) The Mortgage Creditor shall provide the following information to the debtor upon the reasonable written, ~~or~~ telephonic, or electronic request of the Retaining Debtor, and the creditor does not need to obtain relief from stay or counsel's permission to provide to the requesting 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.

. . .

APPENDIX RE: UNCLAIMED FUNDS

LBR 3011.1

UNCLAIMED FUNDS

(a) When a trustee files a list required by Federal Rule of Bankruptcy Procedure 3011(a), but before the trustee pays unclaimed funds into the court's registry pursuant to 11 U.S.C. § 347(a), the trustee must follow the Trustee's Unclaimed Fund Procedures published on the court's website.

(b) Applicants seeking payment of unclaimed funds must comply with the Court's Policies Governing Unclaimed Funds published on the court's website, including the instructions for the Application for Payment of Unclaimed Funds.

LBR 9010.1

APPEARANCE BY CORPORATIONS, PARTNERSHIPS AND ENTITIES OTHER THAN INDIVIDUALS

A corporation, partnership, or entity other than an individual may appear and participate only through an attorney in an adversary proceeding, contested matter or other court hearing involving the questioning of a witness or a presentation to the court. This rule does not prohibit a corporation, partnership, or other entity from acting without an attorney in filing a claim, filing an application for payment of unclaimed funds, voting to elect a trustee, serving on an approved committee, or filing an acceptance/rejection of a plan under Chapters 11, 12, or 13.

Trustee's Unclaimed Fund Procedures (see LBR 3011.1(a))

(a) Before a trustee files a list required by Federal Rule of Bankruptcy Procedure 3011(a) and before the trustee pays unclaimed funds related to that list into the court's registry pursuant to 11 U.S.C. § 347(a),
   (1) The trustee must make a reasonable effort to locate claimants and distribute funds to the appropriate claimant.
      A. If the amount of the unclaimed funds due in a case (or consolidated or jointly administered set of cases) exceeds $100.00, the trustee must file an affidavit or certification describing reasonable efforts made by the trustee to locate claimants whose address was unknown, contact claimants who did not cash checks that were sent to them, or locate claimants who were sent checks that were returned as undeliverable, or file a motion that gives adequate reasons why the trustee proposes to deposit the unclaimed funds with the court, and
      B. The court must enter an order that finds that the trustee undertook reasonable efforts to locate and distribute funds to the proper claimant and authorizes the trustee to deposit unclaimed funds into the court's registry.

(b) When the trustee files a list required by Fed. R. Bankr. P. 3011(a), the list must include:
   a. The debtor(s) name(s) in the bankruptcy case where the unclaimed funds arose,
   b. The case number of the bankruptcy case where the unclaimed funds arose,

c. The name of each person entitled to the unclaimed funds,
d. The last known address of each person entitled to unclaimed funds,
e. The amount to be deposited in the court's registry for each person entitled to unclaimed funds.

Court's Policies Governing Unclaimed Funds (see LBR 3011.1(b))

Warning: When the court concludes that an Application or any of the materials submitted in support of an Application are fraudulent or should be investigated, the court refers the matter to the United States Attorney for investigation by the Department of Justice and prosecution.

When an Application for Payment of Unclaimed Funds ("Application") is based on succession (transfer, assignment, purchase, merger, acquisition, or succession by other means), the successor claimant must:

(a) provide a certificate of service showing that the application for payment of unclaimed funds was sent to previous owner(s) of the claim at their current address or

(b) include a statement of why service on previous owner(s) is not possible or necessary.

An Application and documents in support of the Application may be filed electronically in CM/ECF or by emailing them to Finance@ksb.uscourts.gov, or by mailing or delivering them to:

U.S. Bankruptcy Court
Attention Finance
500 State Avenue Room 161
Kansas City KS 66101.

(a) An application for payment of unclaimed funds is a public document unless the court orders otherwise. Applicants should be careful not to include in the application information that is protected by Fed. R. Bankr. P. 9037. Information protected by Fed. R. Bankr. P. 9037 should be included only in documents filed in support of applications for unclaimed funds.
(b) Documents filed in support of applications for unclaimed funds are restricted from public view in CM/ECF if they are filed using the [Unclaimed Funds-Supporting Documents] event in CM/ECF. Access to those restricted documents is restricted to persons entitled to access under 11 U.S.C. § 107(c)(3) unless the court orders otherwise.

In appropriate circumstances, the court may allow parties to file omnibus applications for payment of unclaimed funds owed to them in multiple cases within the same court.

Any interested party may file an objection to an application for payment of unclaimed funds within 21 days after the application is filed. Any person to whom the applicant must give notice of the application (as required by the application, the instructions, or the court's published policies) may file an objection to an application for payment of unclaimed funds within 21 days after the applicant gives proper notice of the application.

If an Application is deficient or defective, the court may deny the application, may issue a deficiency notice that gives the applicant an opportunity to correct the deficiency or defect, or may schedule the Application for hearing.

Payments are issued solely in the name of the rightful claimant or jointly to the claimant and the funds locator if authorized by a power of attorney. Payments will not be issued solely to a funds locator, even if a power of attorney would authorize it.

Payments are issued by electronic funds transfer (EFT) absent exceptional circumstances.

Payments are issued no sooner than 14 days after the court order granting the Application.