Minutes of the Bankruptcy Bench Bar Committee
Remote Meeting
January 29, 2026

Committee Members

Judge Berger: Judge Liaison to the Bench Bar Committee
J. Christopher Allman: Chair, U.S. Attorney's Office Representative (ex officio)
Jordan Sickman: U.S. Trustee's Office Representative (ex officio)
Christopher Redmond: Chapter 7 Trustee Representative
Karin N. Tollefson: Chapter 13 Trustee's Office Representative
Daydree Dopps
Sharon Stolte
Hunter Gould
Jill Michaux
Chris Coons

Members Absent

January Bailey

Court Staff

David Zimmerman, Clerk of Court
Joyce Ridgeway, Chief Deputy Clerk
Doug Burnette, IT Specialist

The meeting began at 10:00 am.

Minutes

The Committee reviewed and approved the minutes of the May 2, 2025, meeting by email. They are posted to the court's public website. This meeting was originally scheduled for November 12, 2025, but was rescheduled because of the government shutdown.

I. Old Business Carried Forward from the Spring 2025 Meeting

A. Chapter 11 Subchapter V Plan Form Subcommittee Update

At the Spring 2025 meeting Sharon Stolte introduced a proposed draft Subchapter V plan form that is intended to be provided as a suggested plan, not adopted as a mandatory plan. During the last meeting, suggestions were made and the group agreed to incorporate those and circulate a revised draft for Committee review via email.

The Committee continued this topic to the next meeting.

B. Proposed Change to D. Kan Rule 1.1(c)

During the Spring 2025 meeting, 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."

David Zimmerman reported that the Judges support the Committee's recommendation. The next step will be for the Judges to present this to the District Court for consideration.

C. Proposed Change to LBR 3002.1.1(b)(1)

During the Spring 2025 meeting, 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))." David Zimmerman reported that this change is expected to be made in the next update to the Local Bankruptcy Rules.

During the Spring 2025 meeting, the Committee also 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.

The Committee agreed to continue this topic so draft language could be prepared to incorporate the essence of Missouri's plan section 3.4 into the Kansas Chapter 13 Plan form.

D. Proposed Amendments to LBR 3002.1.1: Requiring Creditors to Allow Debtors Access to Online Mortgage Payment Portals after Filing Bankruptcy

Proposed changes to subsections (c) and (d) were discussed during both meetings in 2024 and the Spring 2025 meeting. January Bailey had recommended changes to LBR 3002.1.1(c) and (d), as noted in the appended redlined copy.

The Committee also considered making changes to LBR 3002.1.1(c) and (d)(1) and (d)(3):

(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.

. . .

(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.

Daydree Dopps asked whether there was an intention to exclude "retain and pay" from the definition of Retaining Debtor in subsection (c)(2). Jill Michaux noted that Judge Somers issued an opinion allowing retain and pay. Sharon Stolte opposed including that language in the local rule because it does not appear in the statute and it would be best to let Judges rule on the issue and create case law.

Turning to the proposed language in subsection (d)(3), Chris Coons observed that mortgage creditors may be concerned that a local rule requiring ongoing access to mortgage account information through an online portal could impose an affirmative duty that is not required. That said, he observed that it would be nice to keep in place the access that was allowed to debtors before bankruptcy. Judge Berger reminded the Committee of concerns raised during the last meeting by Hunter Gould. Hunter Gould reiterated that mortgage holders' software is not capable of granting online access to account information because the same software would also issue foreclosure referrals and demand letters as if the bankruptcy did not

exist, thus the system could violate the automatic stay repeatedly. He noted that some mortgage creditors have developed an alternative tool to allow bankruptcy debtors to make online payments, but many creditors transfer accounts to a different department to handle the accounts manually once bankruptcy has been filed. He wondered if the rule could say "may allow" rather than "shall allow" so creditors who have the technology could give debtors online access without mandating it for all creditors.

Chris Coons expressed concern that if creditors are required to continue to allow online access and default letters and referral letters are issued automatically by the creditor's system—even if those are excluded from the definition of violations of the automatic stay and debtors are told to ignore such letters—it would inadvertently increase the burden on debtor attorneys because those letters could cause confusion and debtors would turn to their attorney with questions.

Jill Michaux said that most of her client debtors are able to make a payment orally by telephone and some receive an email receipt and some do not.

Hunter Gould also mentioned that debtors can often arrange for an automatic scheduled mortgage payment to be pushed to the creditor. By comparison, he said creditors had concerns about arrangements with debtors that allowed the creditor to initiate a charge against the debtor's account (and pull funds) could be considered a stay violation.

Committee members noted that a key factor affecting this issue is whether creditors will prioritize resources to create a separate portal for bankrupt borrowers.

Karin Tollefson noted that the National Data Center (NDC) can provide data to debtors if their mortgages are paid as conduit claims. Chris Coons observed that his debtors are not having problems with conduit claims. The problems arise in cases where debtors are paying mortgages directly. Christopher Redmond said Chapter 7 pro se debtors are commonly telling him that as soon as bankruptcies are filed, they are cut off from online information from the banks. Chris Coons said app-based accounts like Chime are being quickly closed as soon as the app gets notice of the bankruptcy. He said it is becoming more common for him to see debtors with app-based banking accounts and app-based lenders.

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

E. Proposed Amendments to LBR 3002.1.1(d)(3)

This topic had been continued to allow a discussion about the modes of communication that should be allowed between debtors and a mortgage creditor. January Bailey had previously proposed language to be added as LBR 3002.1.1(d)(3):

> (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.

David Zimmerman noted that Fed. R. Bankr. P. 3002.1 was amended effective December 1, 2025. Subsection (f) allows a debtor or trustee to file a motion to determine status of a mortgage "at any time" between the petition date and the trustees' end-of-case notice of disbursements made. The changes to Fed. R. Bankr. P. 3002.1 do not appear to directly contradict LBR 3002.1.1. The scope differs (Chapter 13 versus Chapters 7, 12, and 13) and the nature of the disclosures also differs (determining status of a mortgage arrearage versus current information about loan terms and balances). Therefore, no amendment of the local rule appears necessary to bring it into conformity with the revised federal rule.

Hunter Gould and Sharon Stolte reiterated the point that was made during the last meeting that including "telephonic" in the rule could open the door for he-said-she-said disagreements between debtors and lender employees about what was said during telephonic conversations and requests. They would prefer to require requests to be limited to requests made electronically or in writing.

Karin Tollefson pointed out that mortgage company records may not match the trustee accounting for the mortgage debt, so that can create questions about which accounting is correct. Jill Michaux also observed that lenders' call center representatives have not always had access to complete and accurate information, such as the amounts in reserve accounts, so telephonic inquiries may result in debtors being given incorrect information. Hunter Gould agreed.

Chris Coons suggested that the rule might be better if it was permissive rather than mandatory. If it is permissive, then he would prefer to include telephonic.

The Committee expressed a unanimous preference to remove ", telephonic or," from the draft rule so it says "written or electronic request . . . ." The Committee also agreed to continue this topic to the next meeting so it could be considered further in connection with the proposed changes to LBR 3002.1.1(c) and (d)(1).

F. 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 to think that the creditor has 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.

The Committee agreed to continue this to the next meeting so Jill Michaux, January Bailey, and Judge Berger could finish drafting a revised form.

G. Proposed Amendment to LBR 1009.1

At the Spring 2025 meeting, while discussing proposed amendments to the Notice of Amendment of Schedules D, E/F, G or H (Addition of Creditors) form, Jill Michaux 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.

The Committee agreed to continue this topic to the next meeting and to combine this with the previous topic so the rule change and form change will be handled together.

H. Proposed Amendment to LBR 3022.1 to Address Subchapter V Cases

At the Spring 2025 meeting, the Committee discussed whether LBR 3022.1 should be updated to include a deadline 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 topic so a draft rule can be considered along with the draft Subchapter V suggested plan being prepared by Sharon Stolte (see above).

I. New LBR Governing Unclaimed Funds

During the Spring 2025 meeting the Committee considered whether the court should adopt nationally recommended improvements to the way the bankruptcy system handles unclaimed funds. Proposals included a new LBR 3011.1 along with court policies and procedures that could be published to the court's website. David Zimmerman explained that the objective is to require trustees to follow certain standards to most effectively pay funds to the persons entitled to the funds and thereby reduce the amount of unclaimed funds being paid into the court's registry.

Jordan Sickman expressed concern about Chapter 7 trustees being required to submit a declaration when submitting unclaimed funds to the court. He said the Chapter 7 trustees handbook requires trustees to make a reasonable effort to locate creditors who do not cash checks promptly or whose checks are returned as undeliverable. Karin Tollefson said both Chapter 13 trustees also have concerns. They agree that unclaimed funds are an important issue, but trustees were concerned about increasing their costs, delaying case administration, potentially risk failing to comply with other legal and policy requirements, and failing to accomplish the goal of reducing unclaimed funds that are submitted to the court. She explained that in FY 2025, total unclaimed funds deposited by Chapter 13 trustees with the court were $30,279.13. Of that, 67 percent of unclaimed funds ($20,440.91) were unnegotiated debtor refunds. Only about one fourth of the funds ($6,387.01) were to creditors and of that amount, more than half was to the Department of Education who would not provide an address to send the payment when the trustees requested it. About 11 percent (approximately $3,450) was for attorneys who had died or stopped practicing and would not negotiate the checks. Thus, the trustees consider this to be a debtor issue. She explained that the trustees expend considerable effort trying to make payments. When trustees issue anything they send it return receipt requested and if a forwarding address is received the trustee will reissue the check and if the payee is a debtor they update the court records with the debtor's corrected address. If no updated address is obtained, she said the statute requires the funds to be paid to the court within 90 days of the final distribution. She noted that debtors often move during a Chapter 13 case without informing the trustee or their attorney and only debtors with domestic support obligations must include an updated address with their motion for discharge. Trustees also spend considerable time and effort to stop payments, she said. She urged that the trustees are already doing all of the work that the new rule would require to distribute the funds, and the rule would increase the burden on them by requiring a motion and ask permission to turn over the funds to the court.

The Chapter 13 trustees proposed amending the local rules to require the debtors to provide their current address with a motion for entry of discharge. That would allow the trustee to reissue unclaimed payment checks. They also propose a local rule change allowing funds to be paid to a debtor's attorney. Finally, they propose raising the threshold in the draft rule from $100 to $500 to reduce the administrative burden on trustees. The trustees argued that it is not their responsibility to hunt down payees who are owed the money.

Jill Michaux said that she does not usually learn about unclaimed funds owed to her clients until the funds are already turned over to the court. She said if she were notified earlier then she would try to find the client and circumvent all of the trouble.

Christopher Redmond explained that there is a lot of claim trading that happens and it makes it difficult for the trustees to know if a new person claiming to own the claim is legitimate. He urged that there should be a comprehensive rule that includes three changes. First, there should be an established, uniform procedure for creditors to assign a claim, including documentation showing they are truly entitled to the claim. He said there is a lot of fraud happening because people are selling claims they do not own and documentation is lacking when some claimants ask the trustee for payment. Second, when unclaimed funds are submitted to court, the trustee should detail the efforts the trustee followed to try to distribute the funds. He said if a local rule required the trustee to provide details about the efforts made, it would give

trustees the freedom to disclose those details, whereas there are currently concerns about disclosing them. Third, he suggested that the court should outline the requirements that claimants must follow to be entitled to be paid.

Chris Coons was concerned about imposing more burdens on the trustees that would delay concluding the cases. He posited that the amount of unclaimed funds is a very small percentage of total trustee distributions.

David Zimmerman explained that there is no escheat statute for unclaimed funds so the court is required to account for unclaimed funds in its registry in perpetuity. Therefore, once funds are paid to the court, regardless of the amount, the burden on the court never ends until payment is made. The trustees' burdens of discerning who is the proper claimant not only transfer to the court when unclaimed funds are paid to the registry but those issues can become more complicated. Overall, the court's objective is to find ways that can improve the way funds are paid to the right claimants before they are paid into the registry. He also proposed that as an alternative, a local rule could be adopted that sets standards that must be met before a trustee submits the funds to the registry and, rather than requiring the trustee to prepare a motion or certification about the specific payment, the act of submitting funds into the court's registry would be deemed to be an assertion that the trustee had met those standards. If the trustees are already meeting those standards then the rule would not increase the burden on the trustees. Karin Tollefson responded that if the affirmative burden to prepare an affidavit or certification and file a motion was removed, it would probably be more palatable to the Chapter 13 trustees.

Judge Berger suggested that the Chapter 13 trustees explain to the court what they do to find the ultimate payee and the court may use that list of steps to set the standards that the trustees should follow. Karin Tollefson said she is willing to share a summation of what the Chapter 13 trustees do and share that with the Clerk.

Christopher Redmond also offered to work with the National Association of Bankruptcy Trustees to see if they have some additional reports or background information on this topic.

David Zimmerman also added that the court has crafted procedures and a form to make it easier for claimants to file an omnibus application if they have a large number of claims.

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

II. New Business

J. Proposed Amendment to the Declaration Re: Electronic Filing Form

The Clerk's Office proposed to update the first line of the filing instructions at the bottom of the Declaration Re: Electronic Filing Form to say "Sign this document using one of the methods approved by LBR 9011.4(b), ~~scan the signed document,~~ then your attorney must file this Declaration electronically under seal with the Court."

The Committee unanimously recommended the proposed change.

K. Proposed Amendment to Explicitly Allow for s/ Signatures on Bankruptcy Documents

David Zimmerman informed the Committee that because of a series of changes to local rules in recent years, neither the District Court Local Rules nor the Bankruptcy Local Rules explicitly state that attorneys or parties may sign documents by typing "s/" and their name. The Clerk's Office recommends two amendments to make it clear that this traditional practice is permissible in Bankruptcy Court. He proposed that LBR 5005.1 Appendix 1-01, para VIII.D could be deleted if the following amendments to LBR 9011.4 are made.

LBR 9011.4
SIGNATURES

(a) 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.

(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.

(b) 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(b) as to form. When an attorney signs a petition, list, schedule, statement, amendment, pleading, affidavit, or other document which must contain an original wet ink signature or which requires verification under Fed. R. Bankr. P. 1008, or an unsworn declaration as provided in 28 U.S.C. § 1746, the attorney's signature may be in the form of:

(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 a signature created and verified by use of a special software program for electronic signatures, such as DocuSign or Sign Easy; or

(C) An electronic signature in the form of "s/" followed by the attorney's full name, provided that the attorney's electronic credentials (e.g., login name and password) were used to access the court's electronic filing system.

(2) When an attorney electronically files a document with a signature in the form described

above, 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).

(c) Documents Requiring Multiple Signatures.

(1) When filed by an attorney, documents requiring signatures of more than one party must be electronically filed and the signature of any party may be in the form of:

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

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

(C) An "s/" followed by the party full name, provided that the attorney submitting the signed document has documentation demonstrating permission of the signing party to affix that party's signature (such as, but not limited to, email approval or a copy of the document signed by the party); or

(D) in any other manner approved by the court.

(2) When filed by a non-attorney, documents requiring signatures of more than one party may be signed in any of these forms:

(A) An original wet ink signature;

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

(C) Any other manner approved by the court.

(d) 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.

* * *

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

In addition to making the proposed changes, Jordan Sickman suggested that attorneys should be required to sign documents electronically, rather than signing hard copies and scanning and filing them as a pdf image. Scanned copies of hard copy documents may not be searchable and they also require much more memory to store. David Zimmerman suggested that the Clerk's Office might not actively police a requirement to sign using an electronic signature, and the Committee supported that approach, suggesting that a rule change would be a "nudge" to encourage attorneys to upload searchable documents rather than scans of hard copies. It was suggested that the requirement for attorneys to electronically sign documents could be imposed simply by deleting LBR 9011.4(b)(1)(a) and (c)(1)(a) from the proposed rule. Hunter Gould

suggested that some attorneys prefer for some documents to bear the wet-ink signature of a debtor on a document, but it was observed that new subsection (c), which covers documents signed by multiple parties, would cover that situation because attorneys could obtain a wet-ink-signed hard copy of a document and keep it in their files, and add an s/ signature to the electronic version that is uploaded to the court. Christopher Coons also invited the Committee to consider the cumulative effect that adding even small procedural requirements may have on discouraging attorneys to begin practicing bankruptcy.

The Committee unanimously agreed to recommend the proposed changes to LBR 9011.4, provided that the language in LBR 9011.4(b)(1)(a) and (c)(1)(a) is deleted from the proposed rule.

L. Proposed Amendment to LBR 3015(b).1

Jill Michaux recommended that the exception governing the interest rate on IRS tax claims in the Chapter 13 Plan form be added to LBR 3015(b).1 so that the rule does not attempt to supersede 11 U.S.C. § 511 and the IRS code. Judge Berger said the Plan governs if there is an inconsistency with the Local Rule, and he encouraged a change to LBR 3015(b).1 that would make the rule and Plan consistent.

The Committee unanimously agreed that LBR 3015(b).1 should be amended to make it consistent with the way the Chapter 13 Plan form treats the interest rate on IRS tax claims. Draft language will be circulated among the Committee for comment.

M. Subchapter V Deposit for Pre- and Post-Petition Trustee Fees and Expenses

Judge Berger invited the Committee to consider whether the court should require subchapter V debtors to deposit a retainer for the subchapter V trustees fees and expenses into the debtor attorney's trust account. This is to assure that trustees will be paid. Some jurisdictions have this requirement, and the most commonly required deposit amount that Judge Berger has seen is $3,000. Some jurisdictions allow a deposit to be made in installments, such as $500 per month, or $1,000 on the date of filing followed by two more $1,000 monthly payments. The question was asked whether a $3,000 amount might drive away debtors from filing. Judge Berger explained that the trustee fees would need to be paid anyway, so it should not have a negative impact. Judge Berger already requires this for cases over which he presides in Kansas City and he said the Judges are looking for uniformity across the district.

The Committee unanimously supported a requirement for Subchapter V to pay $3,000 prepetition into the debtor attorney's trust account. The Committee did not recommend what should be required if the debtor is pro se.

N. Conforming Chapter 13 Plan to LBR 3015(b).1(g)

Daydree Dopps noted that LBR 3015(b).1(h) was renumbered as (g) when subsection (c) (Failure to File) was deleted in 2024 and the subsequent subsections were renumbered. Sections 8.1, 10.5, 10.6, 11.3 of the Chapter 13 Plan continue to cite to the now-nonexistent subsection (h), so the citation should be corrected. January Bailey suggested that the LBR be renumbered by adding a reserved subsection (g) so that the Plan does not need to be modified.

The Committee unanimously supported renumbering LBR 3015(b).1(h) so the citation in the Chapter 13 Plan will be accurate.

O. Chapter 13 Plan Amendments

Karin Tollefson introduced some modifications to Section 10.6 of the Chapter 13 Plan form that Carl Davis suggested.

1. Section 10.6 says that if a debtor proposes to pay a real estate creditor on a pro rata basis with other secured claims, rather than the fixed monthly payment amount listed below, such provisions must be included in the NSP of section 18. Karin Tollefson said that the proposed fixed payments are often not feasible, but rather than just letting the trustee adjust them like Section 11.2 does, the trustee has to object and put language in the confirmation order saying the trustee can adjust the payment for feasibility. Carl Davis wondered if this requirement can be removed and the trustee can use an estimated monthly amount (EMA).

2. Section 10.6 states: "Post-petition property tax claims shall be paid directly by the debtor." Carl Davis suggested the language be changed to say "Post-petition property tax claims and insurance shall be paid directly by the debtor." Karin Tollefson explained that there are sometimes real estate claims to be paid in full, they have escrow accounts, but there is no direction in the plan or any rule that deals with who is supposed to pay post-petition insurance. Carl Davis does not want more non-standard provisions if a change to the Plan can fix the issue.

Karin Tollefson explained that Section 10.6 of the Plan requires the debtors to propose a fixed plan payment amount when they propose to pay secured real estate creditors in full through the plan, and the Plan form specifically requires the debtor to include a non-standard provision if they want to pay the real estate creditor on a pro rata basis with other secured claims. However, the fixed payment amounts are rarely feasible, she said. That requires the trustee to object to confirmation due to infeasibility, rather than allowing the trustee to address feasibility like Section 11.2 does with cars. The trustee suggested removing the requirement for non-standard provisions to be included and, instead, using an estimated monthly amount. That would allow debtors to avoid the requirement to calculate a fixed payment. Committee members expressed support for the change as long as the debtor can designate the EMA amount.

She also explained that if the Chapter 13 Plan form is amended to adopt the escrow provisions of Missouri Western's plan, it would be helpful to include a default provision that post-petition insurance also be paid directly by the debtor.

The Committee expressed support for both suggestions, but it was noted that the court has avoided frequent amendments to the Plan.

The Committee supported trustee Davis's first modification to Section 10.6 of the Chapter 13 Plan, but agreed to continue the topic to the next meeting; Karin Tollefson will be consulted on this topic as proposed Chapter 13 Plan form amendments are drafted. The Committee also unanimously recommended adding "add insurance" to Section 10.6 of the Plan when the Plan is next changed.

P. Chapter 13 Order of Confirmation Review

Judge Berger invited the Committee to consider whether the last paragraph in section 9 of the Chapter 13 Order of Confirmation needs to be amended to conform to Fed. R. Bankr. P. 3002.1. He invited the Committee, especially mortgagee representatives, to review the issue and make a recommendation about whether an amendment needs to be made.

Sharon Stolte volunteered to review the issue.

Q. Page Limits for Briefs

David Zimmerman explained that the Judges invite the Committee to consider whether the Bankruptcy Court should revise Local Bankruptcy Rule 9013.1(b). It currently states:

> **(b) Page Limitations.** The arguments and authorities section of briefs or memoranda must not exceed 30 pages absent court order.

The Judges propose replacing LBR 9013.1(b) with language based on D. Kan. Rule 7.1 that might read something like the following:

> **(b) Page Limitations.** Unless the court orders otherwise, the following page limits apply to briefs on motions:
>
> (1) *Discovery-related Motions.* Principal briefs in support of, or in response to, discovery-related motions must not exceed 10 pages and replies must not exceed 3 pages.
>
> (2) *Summary Judgment.* Principal briefs in support of, or in response to, summary judgment motions must not exceed 40 pages and replies must not exceed 15 pages.
>
> (3) *All Other Motions.* Principal briefs in support of, or in response to, all motions other than those set forth in subparagraphs (b)(1) and (2) above, must not exceed 15 pages and replies must not exceed 5 pages.
>
> (4) *Deadline.* Any motion to exceed these page limits must be filed at least 3 days before the brief's filing deadline.

. . .

(e) Joint or Unopposed Motions. If a motion is joint or unopposed, the caption and the body of the motion must so state.

Judge Berger explained that the draft language is only a starting point for the discussion and encouraged the Committee to provide feedback to refine it. Several Committee members expressed support for page limits to prevent abuses as long as the court would be flexible to allow longer briefs in appropriate cases. Judge Berger noted that the Bankruptcy Court is extraordinarily flexible in practice and could grant leave to deviate from page limits. He noted that the rule would help curtail abuse by pro se parties who sometimes file massive briefs.

The Committee suggested several exceptions that could be added to the proposed rule to address situations that often require longer briefs. Jordan Sickman noted that first day motions in Chapter 11 cases tend to be longer. He also asked how the rule should address dispositive motions, which do involve briefs in support, versus non-dispositive motions which are not allowed to have briefs (*see* LBR 9013.2(d)). Sharon Stolte noted that discovery-related motions may require additional length because it can be helpful to include the discovery request in the motion. She also noted that it could be difficult for a party to obtain 3-day advanced approval to exceed page limits for first day motions. David Zimmerman also observed that unless the language of the draft rule were changed, the proposed findings of fact section of summary judgment briefs would be included in the briefs' length limitations. Judge Berger agreed that the draft language should be modified to carve out appropriate exceptions to the limitations. He also invited the Committee to identify any other special situations that should be considered as the court crafts a rule to set page limits.

The Committee was invited to share additional comments via email to the group so the Clerk of Court can share those with the Judges to help them further refine a rule setting page limits.

R. IRS Proof of Claim Issues

Karin Tollefson explained that the U.S. Attorney's office reached out to Carl Davis's office because of the number of claim objections being filed when the IRS does not amend its estimated tax claims quickly. The IRS files estimated tax claims if debtors fail to file their tax returns before the bankruptcy cases are filed. Estimated claims are allowed under 11 U.S.C. §502(c). Carl Davis does not want to confirm cases with large, estimated claims because of the feasibility issues it creates, so he has encouraged debtors' counsel to object to the IRS Proof of Claim to speed the process along. She asked whether a local rule should govern how trustees, the IRS, or the debtors are to handle estimated tax claims.

Chris Allman explained that the IRS processes the returns as quickly as possible, but some returns are complex and take extra time to review. It can also take longer to process returns for multiple years rather than for a single year. He also urged that the IRS should not be forced to allow debtors who file delinquent tax returns to jump to the front of the line for their returns to be processed ahead of, for example, taxpayers who filed their returns on time for a refund.

Judge Berger explained that to mitigate the delays caused by late-filed returns he will sometimes order payments to be made to secured creditors as though the case was confirmed. Because the debtor has requested or consented to prepetition payments, he reasoned, the debtor may be unable to challenge trustee fees being paid if the case is dismissed before confirmation.

Chris Coons observed that after returns are filed, the IRS may file a second estimated claim and, usually, the amended estimated claim matches the amount of the filed tax returns. Then, later, the IRS will assess the tax. Judge Berger suggested that the debtors may file a motion to estimate the claim for distribution purposes pending assessment. Karin Tollefson explained that sometimes the IRS will assess their claims at an amount below what the trustee has already paid, requiring the trustee to recover the overpayments.

S. Order to Debtor in Possession to Report and Pay Federal Taxes

Karin Tollefson noted that in Chapter 12 cases, the Court orders debtors in possession to pay all federal taxes that accrue during the case, but Section 1232 allows de-prioritization so some taxes are not required to be paid. She asked whether this creates a conflict. Judge Berger offered to look at the order.

T. Local Rule Governing the Use of AI

Karin Tollefson noted that the District Court adopted Standing Order 26-01 governing the use of AI. Several courts around the country are adding local rules that require disclosure if pleadings are created using AI and to certify that the pleadings are reviewed for accuracy. She asked if the Kansas Bankruptcy Court should adopt a similar local rule. Committee members favored the District Court's rule that says "if the court has reason to believe that a litigant has not reviewed and verified the accuracy of the content in any court filing, the court may impose a range of sanctions," rather than a rule covering the use of any type of AI. They were concerned that many practitioners are using various kinds of software such as bankruptcy petition software that might be considered to be AI, so the District Court's approach was better than broader rules.

The Committee recommended that the Bankruptcy Court adopt the same provisions as the District Court Standing Order 26-01. This issue will also be continued to the next meeting.

U. Mailbox Rule Issue

Karin Tollefson noted that the U.S. Postal Service (USPS) issued a rule effective December 24, 2025, that clarifies that a postmark is not the date a parcel is dropped off (counter or mailbox) but instead indicates the date that the machine applied the postmark, which is the date the mail is first processed at a regional facility. That could be one or more days after the item is delivered to the USPS. She asked whether this could impact the mailbox rule. Other Committee members observed that USPS mail service is becoming slower and less reliable. Jill Michaux suggested that this may be an issue for the national rules committee to address, although it takes at least three years for a rule to be adopted.

For more information about the USPS perspective about postmarking, see https://about.usps.com/newsroom/statements/010226-postmarking-myths-and-facts.htm.

The Committee agreed to table this issue.

V. Proof of Identity at 341 Meetings

Chris Redmond explained that a growing number of pro se debtors, especially in Wichita, are claiming that they do not need to present proof of identity at 341 meetings because they provided proof of identity when filing the petition at the Clerk's Office. It appears that someone is giving bad advice on this topic, especially in Wichita, but the debtors are refusing to disclose who is giving the advice. He wondered whether a local rule was necessary to confirm to debtors that proof of identity is required at 341 meetings. Jordan Sickman offered to work with the trustees on this issue.

The meeting concluded at 2:50 PM.

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.

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Appendix for Agenda Item I: 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.