

**Notice of Proposed Changes to the Local Rules of the
United States Bankruptcy Court for the District of Kansas**

The United States Bankruptcy Court for the District of Kansas gives notice of proposed changes to the Local Bankruptcy Rules (“LBRs”) that will become effective unless comments are received that precipitate further review. Interested persons, whether or not members of the bar, are invited to submit written comments addressed to:

Clerk of the U.S. Bankruptcy Court, District of Kansas
401 N. Market, Room 167
Wichita, Kansas 67202

or David_Zimmerman@ksb.uscourts.gov.

All comments must be in writing and must be received by the Clerk no later than **February 22, 2023**, to be considered by the Court.

At the recommendation of the Bankruptcy Bench Bar Committee, the Court proposes to amend the Local Rules of the United States Bankruptcy Court for the District of Kansas by:

- Amending LBR 1009.1 to revise the requirements governing when debtor is required to file and serve a Notice of Amendment of Schedules D, E/F, G or H (Addition of Creditor(s)) form,
- Amending LBR 2002.2 to update the noticing addresses for certain State and Federal agencies, and
- Amending LBR 4004.1 by adding the provisions of Standing Order 21-2 and abrogating Standing Order 21-2.

Changes are noted in red.

Proposed Substantive Changes to Local Rules

LBR 1009.1

AMENDMENTS TO LISTS AND SCHEDULES OF CREDITORS AND APPLICABLE DEADLINES

(a) **Notice.** Debtor must serve amendments to Schedules D, E/F, G, or H and matrices on any entity affected by the amendment, the case trustee and the United States trustee, with a notice in compliance with the Notice of Amendment of Schedules D, E/F, G or H (Addition of Creditor(s)) form.

(b) **Verification.** Debtor must sign and verify an amendment in the same manner required for originals.

(c) **Filing Fees.** Debtor must accompany an amendment to schedules or lists of creditors with the applicable filing fee prescribed by the Administrative Office of the United States Courts in effect on the date the amendment is filed.

(d) **Matrix.** Debtor must add new parties included in amended schedules to the matrix in accordance with the instructions published on the Court's website.

(e) **Notice Exception in Conversion Cases.** The Debtor is not required to file and serve the Notice of Amendment of Schedules D, E/F, G or H (Addition of Creditor(s)) form when an Amended Schedule is filed concurrently with the conversion to another chapter if all newly added creditors were added to the matrix and were sent the Notice of Bankruptcy Case issued by the clerk's office.

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As amended 3/17/23, 10/17/05.

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

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

1. Office of United States Attorney
Robert J Dole US Courthouse Suite 360
500 State Avenue
Kansas City KS 66101-2433
2. Office of United States Attorney
US Courthouse Suite 290
444 Southeast Quincy Street
Topeka KS 66683-3592
3. Office of United States Attorney
1200 Epic Center
301 N Main
Wichita KS 67202-4812

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

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6. SMALL BUSINESS ADMINISTRATION (SBA)
District Counsel
US Small Business Administration
~~220 West Douglas Ave~~
~~Suite 450~~
~~Wichita KS 67202~~
10675 Bedford Ave Suite 100

Omaha NE 68127

7. SOCIAL SECURITY ADMINISTRATION
~~Office of General Counsel Region VII~~
~~Social Security Administration~~
~~Richard Bolling Federal Building~~
~~601 East 12th St Room 965~~
~~Kansas City MO 64106~~
SSA OGC Office of Program Lit Bankruptcy
6401 Security Boulevard
Baltimore MD 21235

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As amended 3/17/23, 3/17/21, 3/17/20, 3/17/19, 3/17/18, 3/17/16, 3/17/15, 3/17/14, 3/17/13, 3/17/12, 3/17/11, 3/17/08.

LBR 4004.1

DISCHARGE IN **CASES UNDER CHAPTER 11 SUBCHAPTER V, CHAPTER 12, AND CHAPTER 13 CASES**

(a) Chapter 12 and Chapter 13 Cases. Debtor shall file with the Court a combined Certification of Debtor and Motion for Entry of Discharge in order to obtain a discharge upon completion of all plan payments.

(a1) Timing. The Certification and Motion shall not be filed until after the trustee has filed the Notice of Plan Completion.

(b2) Content. The Certification shall be signed by the debtor under penalty of perjury and must substantially comply with the Chapter 13 Debtor's Certifications Regarding Domestic Support Obligations and Section 522(q)(Form B2830).

(e3) Limited Notice Required. The Certification and Motion in Chapter 12 and Chapter 13 cases shall be filed electronically with the Court using the Court's Electronic Filing System and provide 21 days' notice to the following:

(A) Parties requesting electronic noticing through the Court's Electronic Filing System; and

(B) Any Domestic Support Obligation (DSO) claim holder and the State child support enforcement agency, if applicable.

(b) Chapter 11 Subchapter V Cases. In a Chapter 11 case if the debtor elected for subchapter V to apply, the debtor must file a motion requesting entry of an order of discharge after the debtor's plan is confirmed.

(1) Timing of Motion. If the plan was confirmed under

(A) 11 U.S.C. § 1191(a) (as a consensual plan) then, within 14 days of the entry of the order confirming debtor's plan, the debtor must file a motion requesting entry of an order of discharge and must submit to the court a simple proposed order stating that the motion requesting entry of an order of discharge is granted, whereupon the court may enter the simple proposed order and then issue a separate order of discharge, or

(B) 11 U.S.C. § 1191(b) (as a non-consensual plan) then, unless the court approved a written waiver of discharge, the debtor must file a motion requesting entry of an order of discharge as soon as practicable after the debtor completed all payments due within the first 3 years of the plan or such longer period not to exceed 5 years as the court had fixed, and the debtor must contemporaneously submit to the court a simple proposed order stating that the motion requesting entry of an order of discharge is granted, whereupon the court may enter the simple proposed order and then issue a separate order of discharge.

(2) **Limited Notice Required.** No notice and hearing of the motion requesting entry of an order of discharge is required in Chapter 11 Subchapter V cases except that Debtor must serve the motion upon the debtor, the trustee, the US Trustee, all indenture trustees, creditors that hold claims for which proofs of claim have been filed, and parties in interest expressly requesting notice.

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~~Adopted~~ Amended 3/17/23, 3/17/21.