

**Notice of Proposed Changes to the Local Rules of the  
United States Bankruptcy Court for the District of Kansas  
To Become Effective March 17, 2020**

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 March 17, 2020, unless comments are received that precipitate further review. Interested persons, whether or not members of the bar, are invited to submit comments addressed to:

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

All comments must be in writing and must be received by the Clerk no later than **January 3, 2020**, to be considered by the Court.

The Court proposes to amend the following Local Rules of the United States Bankruptcy Court for the District of Kansas: LBR 2002.1(d)(3); LBR 3015(b).1; LBR 4001(a).1(e); LBR 5005.1, Appendix 1-01, ¶¶ I.C, and II.C-F; LBR 7003.1; LBR 9013.3; and LBR 9037.1; and LBR 3010 is renumbered as LBR 3010.1. Formatting was updated and certain substantive amendments were made to the following local forms: LBR 1007.1(a)(2)(E), Appendix 1-01; LBR 1009.1, Appendices 1-01 and 1-02; LBR 2004.1, Appendix 1-01; and LBR 3015(b).2 Exhibits B through F.

The Court may also update noticing addresses listed in LBR 2002.2. The various departments, agencies and instrumentalities of the United States of America and the State of Kansas are encouraged to submit written notice of any change of address to the Clerk at the address noted above.

**Proposed Changes to Local Rules**

**LBR 2002.1(d)(3)** *updates the web address for the National Creditor Registration Service website.*

**LBR 2002.1  
NOTICE TO CREDITORS AND  
OTHER INTERESTED PARTIES**

...

**(d) Preferred Addresses and National Creditor ~~Register~~ Registration Service in Chapter 7 or 13 cases filed after October 16, 2005, under 11 U.S.C. § 342(e) and (f).**

...

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

...

\* \* \*

As amended ~~3/17/20~~, 3/17/10, 3/17/09, 3/17/08, 10/17/05, 3/17/05.

**LBR 3010.1** is renumbered to conform to the numbering convention used throughout the rest of the local rules. Other minor, non-substantive technical editions are also made.

**LBR 3010.1**  
**SMALL DIVIDENDS IN CHAPTER 13 CASES**

Chapter 13 Trustees may distribute payments of less than \$15, without a court order, when the Trustee determines it is unlikely that the distribution to a particular creditor(s) will ever reach the \$15.00 limit provided by Fed. R. Bankr. P. 3010(b), or that the Trustee would need to hold funds longer than reasonable if an earlier distribution is not made.

\* \* \*

~~As amended 3/17/20, Adopted 3/17/08 and renumbered 3/17/2019 (formerly D. Kan. LBR 3010).~~

**LBR 3015(b).1** makes minor, non-substantive technical editions.

**LBR 3015(b).1**  
**CHAPTER 13 PLAN AND PRE-CONFIRMATION**  
**ADEQUATE PROTECTION PAYMENTS**

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

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

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

**(d) Treatment of Real Estate Mortgage Arrearage Claims and Continuing Payments.** A timely claim for mortgage payments or mortgage arrearages will be paid by the Chapter 13 trustee, as filed and allowed, and the amount stated in the proof of claim will control over any plan, unless an order, stipulation, or specific language in the Order of Confirmation directs otherwise.

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

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

**(g) Plan Payments; Adequate Protection Payments under [§ 1326\(a\)\(1\)\(C\)](#):**

(1) *Pre-confirmation § 1326(a)(1) Payments to Trustee.* Unless the court orders otherwise, debtors must pay directly to the trustee all pre-confirmation adequate protection payments payable to creditors whose claims are secured by purchase money security interests in personal property. The trustee must promptly distribute those payments to the

secured creditors whose interests are being protected, except the trustee may retain the portion of the payment representing the statutory percentage trustee fee.

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

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

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

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

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

\* \* \*

As amended **3/17/20**, 3/17/15, 3/17/10, 3/17/07, 10/17/05.

**LBR 4001(a).1(e)(5)** is added at the request of the Bankruptcy Bench Bar Committee to clarify that the letter required by LBR 3002.1.1(d)(4) must be sent (when applicable) before a movant seeks post-petition stay relief for defaulting on post-petition payments. Minor, non-substantive punctuation changes are also made throughout **LBR 4001(a).1(e)**.

#### **LBR 4001(a).1 STAY RELIEF**

...

**(e) Post-Petition Stay Relief in Chapter 13 Cases.** If the movant seeks stay relief for default in post-petition payments on the debtor's principal residence or a ~~long-term~~ **long-term** debt provided by the Chapter 13 Plan pursuant to [§ 1322\(b\)\(5\)](#), the motion and/or exhibit(s) must contain the following:

- (1) a legible post-petition payment history listing the date each post-petition payment was received, the amount of each post-petition payment, and how each post-petition payment was applied;
- (2) an itemization of any other expenses or fees due post-petition, including attorney fees, filing fees, late payment fees, and escrow advances;
- (3) the total dollar amount necessary to cure the post-petition debt on a date certain; ~~and~~
- (4) the address where the current monthly payment is to be mailed if the mailing address is not listed in the movant's filed proof of claim or if the mailing address has changed; ~~and~~
- (5) a statement that the creditor has complied with D. Kan. LBR 3002.1.1(d)(4) if applicable.

. . .  
\* \* \*

As amended 3/17/20, 3/17/16, 3/17/10, 10/17/05.

**LBR 5005.1, Appendix 1-01, ¶¶ I.C-D, II.C-F** makes changes to conform the appendix to changes made in LBR 1007.1(a)(2)(D) and (a)(3) in 2019. It also updates the rule to acknowledge that the Clerk may provide alternative means to allow persons to electronically file certain documents without having a registered attorney account. Those alternative methods include the Electronic Proof of Claim (ePOC) tool that is available at <https://www.ksb.uscourts.gov/epoc> and will also include other similar tools that will allow persons to electronically submit reaffirmation agreements (eREAF) and electronically file requests for notice (eRQN). The changes also conform the appendix to Fed. R. Bankr. P. 9036 as it was amended effective December 1, 2019, and anticipate changes in the method that will be used to revoke access to CM/ECF when the court transitions to the next generation of CM/ECF (NextGen).

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

. . .

Appendix 1-01 to LBR 5005.1

### **Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents by Electronic Means**

(Rev. 3/17/1920)

#### **I. Scope of Electronic Filing**

. . .

C. Exception. Notwithstanding the foregoing, persons (other than attorneys) who are not Filing Users in the electronic filing system are not required to electronically file pleadings and other documents in a case assigned to the System. The court may, from time to time, and only in exceptional circumstances, relieve attorneys from the electronic filing requirement. ~~The Debtor's~~

~~Declaration Re: Electronic Filing and~~ trial exhibits are not to be filed electronically unless otherwise directed by the court.

...

## II. Eligibility, Registration, Passwords

...

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

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

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

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

**LBR 7003.1** *makes minor, non-substantive technical editions.*

### **LBR 7003.1**

#### **COMMENCEMENT OF ADVERSARY PROCEEDING**

(a) **Cover Sheet.** An Adversary Proceeding Cover Sheet (Form B1040); must be completed and submitted with any complaint commencing an action or any notice ~~of~~ removal from state court.

(b) **Case Number System.** The clerk will assign each adversary proceeding a number that begins with a two-digit indicator of the year in which the proceeding is filed, followed by a hyphen and the individualized case number of four digits. The four-digit individualized case numbers are as follows:

- Kansas City proceedings begin with a "6" (e.g., 20-6001);
- Topeka proceedings begin with a "7" (e.g., 20-7001);
- Wichita proceedings begin with a "5" (e.g., 20-5001).

\* \* \*

As amended **3/17/20**, 3/17/16, 10/17/05.

**LBR 9013.3** *makes non-substantive technical editions.*

**LBR 9013.3**  
**PROOF OF SERVICE**

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

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

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

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

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

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

\* \* \*

As amended 3/17/20, 3/17/10, 3/17/05.

**LBR 9037.1(d)(1)** *is amended to conform the local rule to Fed. R. Bankr. P. 9037(h), which became effective December 1, 2019.*

**LBR 9037.1**  
**REDACTION**

**(a) Motion.** Any person seeking to redact publicly filed data that is subject to privacy protection under Fed. R. Bankr. P. 9037 or section XII.C of Appendix 1-01 to D. Kan. LBR 5005.1



should file a motion to redact such data on the grounds that public access is likely to prejudice privacy interests. Motions to redact need not be filed with a notice of objection deadline, but the Court may in its discretion determine that a hearing is appropriate to consider the motion and any related responses.

**(b) Contents of Motion.** The motion to redact must identify the type of data that is subject to privacy protections (without repeating within the motion the substance of the protected information), identify the document(s) in the record where that data is contained, and explain the reasons why public access is likely to prejudice privacy concerns. Except with respect to omnibus motions to redact filed under subsection (g) of this Rule, each motion to redact must include an appendix containing a properly redacted replacement copy of each document (each in a separate .pdf file) that the motion identifies as containing data subject to privacy protections.

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

**(d) Sealing Publicly Accessible Documents.**

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

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

**(e) Redaction Fee.** The movant must pay the fee required by the Bankruptcy Court Miscellaneous Fee Schedule for each case affected by the motion to redact, although the Court may waive the redaction fee in appropriate circumstances, upon motion stating good cause filed contemporaneously with the motion to redact.

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

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

\* \* \*

As amended ~~Adopted~~ 3/17/20, 3/17/15.

### **Proposed Changes to Local Forms**

**LBR 1007.1(a)(2)(E), Appendix 1-01:** *The format of the local “Declaration Regarding Payment Advices or Evidence of Payment Under 11 U.S.C. § 521(a)(1)(B)(iv)” form has been refreshed. No substantive changes were made, but the form now provides space for a Joint Debtor (if applicable) to mark the statement that applies to the Joint Debtor and to sign the form.*

**LBR 1009.1, Appendix 1-01:** *The format of the local “Notice of Amendment of Schedules D, E/F, G or H (Addition of Creditor(s))” form has been refreshed. It also adds a new option under the “Check applicable provision(s)” section that states “The final order of discharge was entered on \_\_\_\_\_[Date] and a copy is attached.” When a debtor adds a creditor after a discharge was entered, the debtor must use this form to give notice and must also serve a copy of the discharge order on the newly added creditor.*

**LBR 2004.1, Appendix 1-01 and 1-02:** *At the recommendation of the Bankruptcy Bench Bar Committee, a copy of Director’s Form B2540, “Subpoena for Rule 2004 Examination,” is included as Appendix 1-02 to emphasize that Form B2540 must be used when a witness other than the debtor is to appear at the Rule 2004 examination. The format of the local “Notice of Rule 2004 Examination” form has been refreshed and the form is now identified as Appendix 1-01 to LBR 2004.1.*

**LBR 3015(b).2, Exhibit B:** *The format of the local “Mortgage Creditor Checklist” form has been refreshed. No substantive changes were made.*

**LBR 3015(b).2, Exhibit C:** *The format of the local “Authorization to Release Information to the Trustee Regarding Secured Claims Being Paid by the Trustee” form has been refreshed. No substantive changes were made.*

**LBR 3015(b).2, Exhibit D:** *The format of the local “Addendum to Chapter 13 Proof of Claim for Residential Home Mortgage Debt Paid Through Chapter 13 Trustee” form has been refreshed. No substantive changes were made.*

**LBR 3015(b).2, Exhibit E:** *The format of the local “Notice of Transfer of Servicing and Claim” form has been refreshed. No substantive changes were made.*

**LBR 3015(b).2, Exhibit F:** *The format of the local “Notice of Transfer of Claim (Other than for Security)” form has been refreshed. No substantive changes were made.*



LBR 1007.1(a)(2)(E), Appendix 1-01

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS

In re:

Case No.  
Chapter

\_\_\_\_\_  
Debtor(s).

**DECLARATION REGARDING PAYMENT ADVICES**  
**OR EVIDENCE OF PAYMENT UNDER 11 U.S.C. § 521(a)(1)(B)(iv)**

**Debtor:**

Mark statement that applies to you:

- ☐ I have not been employed by any employer within the 60 days before the date of the filing of the petition.
- ☐ I have received payment advices or other evidence of payment within 60 days before the date I filed my bankruptcy petition from any employer, and they are attached, except:  
\_\_\_\_\_  
\_\_\_\_\_
- ☐ I was employed by an employer within 60 days before the date I filed my bankruptcy petition, but I have not received payment advices or other evidence of payment because:  
\_\_\_\_\_  
\_\_\_\_\_

(Explanation)

**Joint Debtor (if applicable):**

Mark statement that applies to you:

- ☐ I have not been employed by any employer within the 60 days before the date of the filing of the petition.
- ☐ I have received payment advices or other evidence of payment within 60 days before the date I filed my bankruptcy petition from any employer, and they are attached, except:  
\_\_\_\_\_  
\_\_\_\_\_
- ☐ I was employed by an employer within 60 days before the date I filed my bankruptcy petition, but I have not received payment advices or other evidence of payment because:  
\_\_\_\_\_  
\_\_\_\_\_

(Explanation)

I declare (or certify, verify, or state) under penalty of perjury that the above is true and correct.

\_\_\_\_\_  
Signature of Debtor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Joint Debtor (if applicable)

\_\_\_\_\_  
Date

LBR 1009.1, Appendix 1-01

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS

In re:

Case No.  
Chapter

\_\_\_\_\_  
Debtor(s).

**NOTICE OF AMENDMENT OF SCHEDULES D, E/F, G OR H (ADDITION OF CREDITOR(S))**

You are hereby notified that the debtor(s) has filed the attached amended schedule(s) of debt to include the creditor listed below. Debtor's counsel must also separately provide you a copy of the debtor(s)' full Social Security Number.

1. Creditor (name and address): \_\_\_\_\_
2. Claim (amount owed, nature of claim, date incurred): \_\_\_\_\_
3. This claim has been scheduled as (mark one):  
☐ secured      ☐ priority      ☐ general unsecured.
4. Trustee, if one has been appointed: \_\_\_\_\_
5. Original deadline for filing proofs of claim: \_\_\_\_\_
6. Deadline for filing complaints objecting to discharge of specific debts or of debtor under 11 U.S.C. § 523, 727: \_\_\_\_\_ [Date].  
or  
☐ This claim was added to the schedules after the deadline for filing complaints stated above.

**Check applicable provision(s) below:**

- ☐ This is a no-asset case. It is unnecessary to file a claim now. If it is determined there are assets to distribute, creditors will receive a notice setting a deadline to file claims.
- ☐ This claim was added to the schedules after the deadline for filing claims stated above.
- ☐ This is a Chapter 13 case. You have until the bar date to file your proof of claim.
- ☐ A plan in this case was confirmed on: \_\_\_\_\_ [Date].
- ☐ No plan has been confirmed in this case, but a confirmation hearing is currently set for \_\_\_\_\_ [Date] at \_\_\_\_\_ [Location].  
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 final order of discharge was entered on \_\_\_\_\_ [Date] and a copy is attached.

Certificate of Service: I certify the above notice and a separate notice of the full Social Security Number of the debtor(s) was served on the above-named creditor by first class, postage prepaid mail, on \_\_\_\_\_ [Date].

\_\_\_\_\_  
Attorney Signature  
Attorney Name  
Bar Number  
Firm Address  
City, State ZIP  
Fax  
Email

\_\_\_\_\_  
Debtor Signature (Optional if signed by counsel)

\_\_\_\_\_  
Joint Debtor Signature (Optional if signed by counsel)

LBR 2004.1, Appendix 1-01

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS

In re:

Case No.  
Chapter

\_\_\_\_\_  
Debtor(s).

**NOTICE OF RULE 2004 EXAMINATION**

\_\_\_\_\_, by the undersigned counsel, will  
examine \_\_\_\_\_ under oath on \_\_\_\_\_ at \_\_\_\_\_ m. at  
\_\_\_\_\_. The examination may continue from day to day until completed.

The examination is pursuant to Bankruptcy Rule 2004 and D. Kan. LBR 2004.1, and will be taken before an officer authorized to record the testimony. The scope of the examination shall be as described in Bankruptcy Rule 2004 *[as further described in the attached areas of inquiry]*. Pursuant to D. Kan. Local Rule 2004.1, no order shall be necessary. *[If the examination is of a witness other than the debtor, Form B2540 "Subpoena for Rule 2004 Examination" is included with this notice.]*

[The examinee is further requested to bring to the examination all of the documents described on the attached schedule.]

[Pursuant to D. Kan. LBR 2004.1(i), in addition to stenographic means, the examination will also be recorded by videographic means for use as evidence in the captioned cases.]

Undersigned counsel hereby certifies that he or she *[describe efforts taken]* attempted to contact the examinee, or if represented, counsel for the examinee prior to filing this Notice in order to obtain a mutually agreeable date and time for the examination.

s/ \_\_\_\_\_  
Attorney Signature  
Attorney Name  
Bar Number  
Firm Address  
City, State ZIP  
Fax  
Email

I CERTIFY that a true copy of this notice was served on the examinee, attorney for examinee, the debtor, the attorney for the debtor, the trustee and *[indicate name of party served, manner of service and date of service]*.

s/ \_\_\_\_\_  
Signature of Attorney for Examining Party

LBR 2004.1, Appendix 1-02

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

\_\_\_\_\_  
District of \_\_\_\_\_

In re \_\_\_\_\_ Case No. \_\_\_\_\_  
Debtor Chapter \_\_\_\_\_

SUBPOENA FOR RULE 2004 EXAMINATION

To: \_\_\_\_\_  
(Name of person to whom the subpoena is directed)

☐ *Testimony:* **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE	DATE AND TIME

The examination will be recorded by this method: \_\_\_\_\_

☐ *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

\_\_\_\_\_  
The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_  
CLERK OF COURT

OR

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

\_\_\_\_\_  
*Attorney's signature*

\_\_\_\_\_  
The name, address, email address, and telephone number of the attorney representing (name of party) \_\_\_\_\_, who issues or requests this subpoena, are:

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**PROOF OF SERVICE**

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)*: \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information concerning attempted service, etc.:

**Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)**  
**(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)**

**(c) Place of compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises, at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...  
 (g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

LBR 3015(b).2, Exhibit B

Exhibit B

**MORTGAGE CREDITOR CHECKLIST**<sup>i</sup>

(FILE WITH TRUSTEE ONLY—DO NOT FILE WITH THE COURT)

Debtor Name(s): \_\_\_\_\_ Bk Case #: \_\_\_\_\_

Property Address: \_\_\_\_\_

Daytime Phone: (\_\_\_\_) \_\_\_\_\_ Evening Phone: (\_\_\_\_) \_\_\_\_\_

Attorney name (if represented): \_\_\_\_\_

**THE FOLLOWING INFORMATION MUST BE COMPLETED FOR ALL MORTGAGES. PLEASE BE SURE TO COMPLETE THIS FORM TO THE BEST OF YOUR ABILITY AND ATTACH THE MOST RECENT PAYMENT COUPON OR STATEMENT THAT WAS SUPPLIED BY YOUR MORTGAGE CREDITOR(S).**

Creditor Name: \_\_\_\_\_

Account #: \_\_\_\_\_

Payment Address: \_\_\_\_\_

Street Address

City

State

ZIP

Creditor Phone Number: (if known) (\_\_\_\_) \_\_\_\_\_

Regular Monthly Payment Amount: \$ \_\_\_\_\_ Current Interest Rate: \_\_\_\_\_

Monthly Payment Due Date: \_\_\_\_\_

Date Payment Late: \_\_\_\_\_ Monthly Late Charge Amount: \$ \_\_\_\_\_

Is this a variable interest rate loan? ☐ Yes ☐ No

If yes, when is the next anticipated adjustment date? \_\_\_\_\_

Are property taxes included in the monthly payment? ☐ Yes ☐ No

Is insurance included in the monthly payment? ☐ Yes ☐ No

Is the loan due in full and payable in less than 5 years? ☐ Yes ☐ No

If yes, date due: \_\_\_\_\_

<sup>i</sup> File one of these forms with the Trustee for each creditor to whom you granted a mortgage on your home



LBR 3015(b).2, Exhibit C

Exhibit C

**AUTHORIZATION TO RELEASE INFORMATION TO THE TRUSTEE**  
**REGARDING SECURED CLAIMS BEING PAID BY THE TRUSTEE**

(FILE WITH TRUSTEE ONLY—DO NOT FILE WITH THE COURT)

Debtor Name(s): \_\_\_\_\_ Case #: \_\_\_\_\_

The debtor(s) in the above captioned bankruptcy case do/does hereby authorize any and all lien holder(s) on real property of the bankruptcy estate to release information to the Standing Chapter 13 Trustee in this bankruptcy filing.

The information to be released includes, but is not limited to, the amount of the post-petition monthly installment, the annual interest rate and its type, the loan balance, escrow accounts, amount of the contractual late charge and the mailing address for payments. This information will only be used by the Trustee and his/her staff in the administration of the bankruptcy estate and may be included in motions before the Court.

\_\_\_\_\_  
Debtor Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Joint Debtor Signature (if applicable)

\_\_\_\_\_  
Date

LBR 3015(b).2, Exhibit D

EXHIBIT D

**ADDENDUM TO CHAPTER 13 PROOF OF CLAIM FOR RESIDENTIAL HOME MORTGAGE DEBT  
PAID THROUGH CHAPTER 13 TRUSTEE**

I. Creditor Information

Loan No:

Creditor Name: \_\_\_\_\_

Servicer Name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Tel No: \_\_\_\_\_

Fax No: \_\_\_\_\_

Email: \_\_\_\_\_

Payments should be made payable to: \_\_\_\_\_

Address to which payments are to be sent: \_\_\_\_\_

Creditor Attorney Name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact: \_\_\_\_\_

Tel No: \_\_\_\_\_

Fax No: \_\_\_\_\_

Email: \_\_\_\_\_

II. Loan Information

Type of Loan and rate as of petition date: \_\_\_\_\_

Fixed Rate: \_\_\_\_\_ % (State interest rate as of date of petition)

Adjustable Rate: \_\_\_\_\_ % (State interest rate as of date of petition)

Last Adjustment Date: \_\_\_\_\_

Next Adjustment Date: \_\_\_\_\_

Date of month payment due: \_\_\_\_\_

Date of month payment considered late under note: \_\_\_\_\_

Amount of late fee: \$ \_\_\_\_\_

Post-petition payments

Principal & Interest: \$ \_\_\_\_\_

Taxes: \$ \_\_\_\_\_

Insurance: \$ \_\_\_\_\_

Other: \_\_\_\_\_ \$ \_\_\_\_\_

Other: \_\_\_\_\_ \$ \_\_\_\_\_

Total post-petition payment: \$ \_\_\_\_\_

LBR 3015(b).2, Exhibit E

EXHIBIT E

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS

In re:

Case No.  
Chapter

\_\_\_\_\_  
Debtor(s).

**NOTICE OF TRANSFER OF SERVICING AND CLAIM**

**PLEASE TAKE NOTICE** that the servicing of the mortgage loan represented by the Proof of Claim # \_\_\_\_\_ [Claim no.] filed on \_\_\_\_\_ [Date] in the amount of \$ \_\_\_\_\_, by \_\_\_\_\_ [Transferor name], Transferor, with the address of \_\_\_\_\_ [City, State, ZIP] has been transferred to \_\_\_\_\_ [Transferee name], Transferee (Loan No. \_\_\_\_\_ [Loan no.]).

Chapter 13 Trustee payments and regular monthly payments should be sent to \_\_\_\_\_ [Transferee servicer name], with the address of \_\_\_\_\_ [City, State, ZIP].

\_\_\_\_\_  
Date s/\_\_\_\_\_

**CERTIFICATE OF SERVICE**

Creditor \_\_\_\_\_ [Transferee name], certifies that it has served a copy of this Notice by ordinary U.S. mail or served electronically through the Court's ECF System on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_:

Debtor(s):

Debtor's Attorney:

Trustee:

Transferor:

U.S. Trustee:

LBR 3015(b).2, Exhibit F

EXHIBIT F

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS

In re:

Case No.  
Chapter

\_\_\_\_\_  
Debtor(s).

**NOTICE OF TRANSFER OF CLAIM (Other than for Security)**

A Proof of Claim has been filed in this case. The transferee hereby evidences, by way of documentation attached hereto, that the referenced claim has been transferred, other than the security, as is referenced in this Notice. This Notice must be used when any of the original payment information in a Proof of Claim changes. However, it should not be used for an amendment to the amount of the claim. For changes in the amount of the claim or the arrears only, an Amended Proof of Claim must be filed.

Original Claim Information:

Name of Claimant: \_\_\_\_\_

Name of Payee [if different from claimant]: \_\_\_\_\_

Payment Address: \_\_\_\_\_

Last 4 digits of Account #: \_\_\_\_\_

Claim # on Court's Registry [Or date of entry of Order allowing claim]: \_\_\_\_\_

Amount of Claim: \$ \_\_\_\_\_ [Total debt] \$ \_\_\_\_\_ [Arrears] \$ \_\_\_\_\_

Transferee Information:

Name of Claimant: \_\_\_\_\_

Name of Payee [if different from claimant]: \_\_\_\_\_

Payment Address: \_\_\_\_\_

Name/Address for Notices [if different from payment address]:

\_\_\_\_\_  
\_\_\_\_\_

Phone #: (\_\_\_\_) \_\_\_\_\_

Last 4 digits of Account #: \_\_\_\_\_

I, \_\_\_\_\_, do hereby declare under penalty of perjury that the information provided in this Notice is true and accurate to the best of my knowledge. I hereby declare that a copy of this Notice has been mailed to the Transferor and that proof of the transfer is annexed thereto.

By: \_\_\_\_\_  
Signature of Transferee/Agent of Transferee                      Date

**CERTIFICATE OF SERVICE**

Creditor \_\_\_\_\_ [Transferee name],  
certifies that it has served a copy of this Notice by ordinary U.S. mail or served electronically through the  
Court's ECF System on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_:

Debtor(s):

Debtor's Attorney:

Trustee:

Transferor:

U.S. Trustee: