

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

**Janice Miller Karlin
Chief Judge**

**Robert E. Nugent III
Judge**

**Dale L. Somers
Judge**

**Robert D. Berger
Judge**

EFFECTIVE MARCH 17, 2017

LBR 1007.1
INITIAL FILINGS

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

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

(A)

	petition (Name of Document	Official Form for Individual (Non-Individual)
(A)	Petition	101 or Official Form (201) ;
(B) lis t	List of e Creditors with the 20 Largest u Unsecured e Claims w Who a Are n Not i Insiders (Official Form 104 or Official Form 204) (only in Chapter 11);	104 (204)
(C) se hedul es _____ _____ _____ _____	Schedules	
(i)	Schedule A/B: p Property (Official Form	106A/B or Official Form (206A/B)

(ii)	Schedule C: Exempt Property (Official Form)	106C)
(iii)	Schedule D: Secured Claims (Official Form)	106D or Official Form (206D)
(iv)	Schedule E/F: Unsecured Claims (Official Form)	106E/F or Official Form (206E/F)
(v)	Schedule G: Executory Contracts and Unexpired Leases (Official Form)	106G or Official Form (206G)
(vi)	Schedule H: Codebtors (Official Form)	106H or Official Form (206H)
(vii)	Schedule I: Income (Official Form)	106I) and
(viii)	Schedules J and J-2: Expenses (Official Form)	106J and Official Form, 106J-2);
(D) summary	Summary of Assets and Liabilities and Certain Statistical Information (Official Form 106Sum) or Summary of Assets and Liabilities for non-individuals Non-Individuals	106Sum (Official Form 206Sum);
(E) declaration	Declaration About an Individual debtor's schedules (Official Form 106Dec) or declaration under penalty of perjury for non-individual debtors Debtor's Schedules or Declaration Under Penalty of Perjury For Non-Individual Debtors	106Dec (Official Form 202);

<p>(F)- state ment of financ ial affairs (Offic ial Form 107 or Offici al Form 207); — — —(G)</p>	<p>Statement of intention for individuals filing under Chapter 7 (Official Form Financial Affairs</p>	<p>107 (207)</p>
<p>(G)</p>	<p>Statement of Intention for Individuals Filing Under Chapter 7</p>	<p>108); _____</p>
<p>(H) bankr uptcy P</p>	<p>Bankruptcy Petition pPreparer's mNotice, dDeclaration, and sSignature (Official Form</p>	<p>119); _____</p>
<p>(I)</p>	<p>Means Test Calculation</p>	
<p>(i)</p>	<p>Chapter 7 sStatement of eCurrent m Monthly iIncome (Official Form</p>	<p>122A-1);</p>
<p>s (ii)</p>	<p>Statement of eExemption fFrom p Presumption of aAbuse (Official Form</p>	<p>122A-1Supp</p>
<p>(iii); and</p>	<p>Chapter 7 mMeans tTest eCalculation (Official Form 122A-2</p>	<p>122A-2</p>

(iv); _____ _____ (J) _____)	Chapter 11 s Statement of e Current m Monthly i Income (Official Form	122B
(v); _____ _____ (K _____)	Chapter 13 s Statement of e Current m Monthly i Income and e Calculation of e Commitment p Period (Official Form	122C-1
(vi) and	Chapter 13 e Calculation of d Disposable i Income (Official Form	122C-2
(J); _____ (L _____)	Rule 2016(b) d Disclosure of e Compensation of a Attorney for d Debtor (Form	B2030
(K); _____ _____ (M _____ fo r	For a small business case filed under Chapter 11, the most recent b : Balance s Sheet, s Statement of e Operations, cash-flow s Cash-Flow Statement, and Federal i Income t Tax r Return; or a statement made under penalty of perjury that no balance sheet, statement of operations, or cash-flow statement has been prepared and no Federal tax return has been filed; and	_____
(NL) _____ m atrix	Matrix and m Matrix v Verification:	

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

	Name of Document	Official Form
(A) ap plicati on	Application for i Individuals to p Pay the f Filing f Fee in i Installments (Official Form	103A); _____
(B) ap plicati on	Application to h Have the Chapter 7 f Filing f Fee w Waived (Official Form	103B); _____
(C) the p	The Plan (if submitted when petition is filed in Chapters 11, 12, and 13); _____	
(D) st ateme nt a	Statement About Social Security Numbers (Official Form	121); _____
(E) -	Declaration Regarding Payment Advices or Evidence of Payment under 11 U.S.C. § 521 § 521(a)(1)(B)(iv), in compliance with Appendix 1-01 to D. Kan. LBR 1007.1, that the debtor has not been employed by any employer within the 60 days before filing of the petition, or that the debtor was employed within the 60 days, but has not received payment advices or other evidence of payment, or that copies of payment advices or other evidence of payment are attached (with all but the last four numbers of the debtor's Social Security Number redacted); _____	Appendix 1-01 to D. Kan. LBR 1007.1
(F) a r	A Record of a Any i Interest t That the d Debtor h Has in an a Account or p Program of the t Type s Specified in § 521(c); _____	

3/17/05.

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

(a) Departments, Agencies and Instrumentalities of the United States. When a department, agency, or instrumentality of the United States is a creditor, the schedules and matrix must list that agency at the address provided in this rule. Any notice or service given to an address listed in this rule will be in addition to any notice required by statute, rule or regulation. *See also* D. Kan. LBR 7004.1 and Fed. R. Bankr. P. 7004(b)(4) and (5) regarding service in adversary proceedings and contested matters.

(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 U.S. Courthouse, Ste 360
500 State Avenue
Kansas City, Kansas 66101

2. Office of United States Attorney
U.S. Courthouse, Suite 290
444 Southeast Quincy Street
Topeka, Kansas 66683

3. Office of United States Attorney
1200 Epic Center
301 N. Main
Wichita, Kansas 67202

(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:

1. DEPARTMENT OF AGRICULTURE
(excepting Farm Service Agency and Rural Development, which are individually listed)
Office of the General Counsel
United States Department of Agriculture
PO Box 419205 Mail Stop 1401
Kansas City MO 64141-6205

Farm Service Agency
3600 Anderson Avenue
Manhattan KS 66503-2511

USDA Rural Development
PO Box 66879
St Louis MO 63166

2. DEPARTMENT OF EDUCATION (DOE)
For noticing on schedules and the matrix:
U.S. Department of Education
PO Box 16448
St Paul MN 55116-0448

U. S. Department of Education
Litigation Support
50 Beale Street Suite 8629
San Francisco CA 94105

For service of process, such as adversary proceedings:

Education Department
Office of General Counsel
400 Maryland Ave SW Room 6E353
Washington DC 20202-2110

3. DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
U. S. Dept. of Health and Human Services
Office of the General Counsel
601 East 12th Street Room N1800
Kansas City MO 64106

4. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Regional Counsel
Dept of Housing and Urban Development
Gateway Tower II Room 200
400 State Avenue
Kansas City KS 66101-2406

5. INTERNAL REVENUE SERVICE (IRS)
Internal Revenue Service
PO Box 7346
Philadelphia PA 19101-7346

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

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

8. UNITED STATES POSTAL SERVICE

Law Department
US Postal Service
9350 South 150 East
Suite 800
Sandy UT 84070-2716

9. VETERANS ADMINISTRATION (VA)

~~Department of Veterans Affairs~~
~~Office of Chief Counsel, Midwest District–West~~
~~1201 Walnut Street~~
~~Suite 800~~
~~Kansas City MO 64106~~ VA DMC
PO Box 11930
St. Paul MN 55111-0930

(d) Departments, Agencies and Instrumentalities of the State of Kansas. When any department, agency, or instrumentality of the State of Kansas is a creditor, the schedules and matrix must list that agency at the address provided in this rule. Any notice or service given to an address listed in this rule will be in addition to any notice required by statute, rule or regulation. *See also* D. Kan. LBR 7004.1 and Fed. R. Bankr. P. 7004(b)(6) regarding service in adversary proceedings and contested matters.

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

1. Kansas Department of Administration
OSM Payroll Garnishments
ESOB Suite 300
700 SW Harrison St
Topeka KS 66603

2. Kansas Department for Aging and Disability Services
c/o ~~R~~Kimberly M.J. ~~Greg~~WrightLynch
New England Building
503 S Kansas Ave
Topeka KS 66603-3404
3. Kansas Department of Agriculture
Office of Chief Counsel
1320 Research Park Dr
Manhattan KS 66502
4. Kansas Department of Commerce
Attn Legal Department
1000 SW Jackson
Suite 100
Topeka KS 66612-1354
5. Kansas Department of Education
Landon State Office Building
900 SW Jackson Street Suite 102
Topeka KS 66612
6. Kansas Dept of Health and Environment
Office of Legal Services
1000 SW Jackson Suite 560
Topeka KS 66612-1368
7. Kansas Department of Labor
Attn Legal Services
401 SW Topeka Blvd
Topeka KS 66603-3182
8. Kansas Department of Revenue
Civil Tax Enforcement

PO Box 12005
Topeka KS 66601-3005

9. Kansas Dept for Children and Families
Office of the Secretary
555 S. Kansas Ave 6th Floor
Topeka KS 66603

10. Kansas Department of Transportation
Eisenhower State Office Bldg
3rd Floor West
700 SW Harrison
Topeka KS 66603-3745

11. Kansas Department of Wildlife and Parks
1020 South Kansas Ave
Room 200
Topeka KS 66612-1233

* * *

As amended **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 2014.1
APPLICATION FOR EMPLOYMENT
OF PROFESSIONALS

~~(a) **Trustee/Debtor-in-Possession's Application to Employ Attorney to Conduct Chapter 11 Case.** To employ attorneys under § 327 to conduct a Chapter 11 case (as distinguished from attorneys employed other than to conduct the case) the trustee/debtor-in-possession must file *with the petition* an application to employ attorneys to conduct the case in accordance with the limitations on compensation contained in § 328.~~

~~(1) The application must include the following information for the firm and for each individual attorney who will appear before the court:~~

~~(A) the attorney's name and address;~~

~~(B) specific facts showing the necessity for the employment;~~

~~(C) the reasons for the selection;~~

~~(D) **Motion for Approval.** Any entity seeking approval of employment of a professional person under 11 U.S.C. § 327, 1103(a) or 1114, or Fed. R. Bankr. P. 2014 (including retention of ordinary course professionals) shall file with the Court a motion and a supporting affidavit or verified statement of the professional services to be rendered; and~~

~~(E) any proposed arrangement for compensation.~~

~~(2) The application must include the statement of compensation paid or agreed to be paid, required by § 329-- Form B2030, Disclosure of Compensation of Attorney for Debtor.~~

~~(b) **Accompanying Affidavit.** The application must include a separate affidavit signed by *each* individual~~

~~attorney who will appear before the court, stating:~~

- ~~———— (1) that the attorney is disinterested;~~
- ~~———— (2) that the attorney does not hold or represent an interest adverse to the estate;~~
- ~~———— (3) a description of the inquiry made to determine that the attorneys and all the members of the firm are disinterested persons and do not hold or represent an interest adverse to the estate;~~
- ~~———— (4) the firm's and the attorney's connections with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee;~~
- ~~———— (5) that the attorney understands the continuing duty to disclose any adverse interest and change in disinterestedness; and~~
- ~~———— (6) that the attorney understands that the court's approval of the application is not approval of any proposed terms of compensation and that, under § 328(a), the court may allow compensation on terms different from those proposed.~~

~~———— **(c) Notice and Certificate of Service.** The application must be accompanied by a Notice with Opportunity for Non-Evidentiary Hearing or Notice with Objection Deadline in accordance with the noticing guidelines applicable to the division and judge to whom the case is assigned and must contain a certificate evidencing service of the application, the affidavits, and the notice on the required parties.~~

~~———— **(d) Service.** The application, attorney affidavits, and notice must be served on the following:~~

- ~~———— (1) the United States trustee;~~
- ~~———— (2) all creditors holding secured claims;~~
- ~~———— (3) all parties requesting notice; and~~
- ~~———— (4) any operating creditors' committee, or if none,~~

on the list of creditors with the 20 largest unsecured claims who are not insiders (Official Form 104 or Official Form 204).

~~(e) **Objections. Interested parties must object to the application within 21 days. If no party timely objects to the application, the court may approve the attorney's employment to represent the trustee/debtor-in-possession.**~~

~~(f) **Proposed Order Approving Employment.** The trustee/debtor-in-possession must submit with the application a proposed Order Approving Employment in accordance with the noticing guidelines for submission of orders applicable to the division and judge to whom the case is assigned. The proposed order must acknowledge that:~~

~~(1) the court's approval of an application in which a professional states an intention to be compensated at a specific hourly rate does not constitute approval of the hourly rate or other terms of compensation; and~~

~~(2) approval of the terms of compensation will be considered by the court when the attorney makes a final application for allowance of compensation.~~

~~(g) Trustee's or Committee's Application to Employ Professionals Other Than Attorneys to Represent the Trustee/Debtor-in-Possession in Conducting a Chapter 11 Case. Trustees or committees applying to employ firms of professionals or individual professionals (whether special counsel, accountants, appraisers, or otherwise) must also follow the above procedures. Each individual professional seeking employment (whether or not an attorney) must file an affidavit containing the person. Promptly after learning of any additional material information relating to such employment (such as potential or actual conflicts of interest), the professional employed or to be employed shall file and serve a supplemental affidavit setting forth the additional information.~~

(b) Notice and Hearing. All retention motions shall be heard on the first hearing date that would allow adequate notice of the retention motion and hearing as required by Fed. R. Bankr. P. 2002, 6003, and 9013 as well as D. Kan. L.B.R. 9013.2 and 9013.3. If the retention motion is granted, the retention shall be effective as of the date the motion was filed, unless the Court orders otherwise.

(c) Professional Disclosure. Any professional person whose employment is sought pursuant to this Local Rule must disclose its employment, or intended employment, of another professional for whom reimbursement will be requested; provided, however, if such disclosure would require the disclosure of privileged information or information which may reveal confidential litigation strategy, such disclosure may be excused by the Court. Even if disclosure is excused, however, in order to be reimbursed for any payment made by it to the other professional, the professional must comply with Fed. R.

Bankr. P. 2016 and make any other disclosures or provide any other information required by subsection (a)(1).

—~~(h)~~ title 11, U.S.C., the Federal Rules of Bankruptcy Procedure, or the presiding judge’s fee guidelines, if any.

(d) Noticing by Chapter 7 Trustee.- When a Chapter 7 trustee applies for appointment as attorney for the estate, the notice required by paragraph (b) may be restricted to the United States trustee, only.

* * *

As amended 3/17/18, 3/17/16, 3/17/10, 10/17/05.

LBR 3002.1.1
REQUIRED STATEMENTS FOR SECURED
DEBTS ON A PERSONAL RESIDENCE

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

(b) Purpose.

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

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

(c) Defined Term. For purposes of this rule, the term "Mortgage Creditor" shall include all creditors whose

claims represent consumer debts secured in whole or in part by a mortgage on real property or a lien on a personal property interest in manufactured housing where the debtor occupies such real property or manufactured housing as the debtor's personal residence.

(d) Mortgage Creditor's Duties.

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

- (i) The date of the statement and the date the next payment is due;
- (ii) The amount of the current monthly payment;
- (iii) The portion of the payment attributable to escrow, if any;
- (iv) The post-petition amount past due, if any, and from what date;
- (v) Any outstanding post-petition late charges;
- (vi) The amount and date of receipt of all payments received since the date of the last

statement;

(vii) A telephone number and contact information that the debtor or the debtor's attorney may use to obtain reasonably prompt information regarding the loan and recent transactions; and

(viii) The proper payment address.

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

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

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

any.

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

which the debtor makes known the intent to abandon or surrender the property securing the Mortgage Creditor's claim.

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

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

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

omission, and must indicate in the motion the good faith attempts taken, together with a summary description of any response provided by the Mortgage Creditor.

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

* * *

Adopted 3/17/18 (formerly S.O. 08-4).

LBR 3015(b).2
CONDUIT MORTGAGE PAYMENTS IN
CHAPTER 13 CASES

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

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

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

- (1) The “Arrearage” is the total amount past due as of the petition date, as calculated on Official Form 410A, and shall be equal to the amount contained in the creditor’s filed and allowed Proof of Claim, unless specifically controverted in the plan or by an objection to the claim as required by D. Kan. LBR 3015(b).1.
- (2) “Debtor” or “Debtors” are hereafter referred to as Debtor.
- (3) “Real Property Creditor” is the entity claiming a mortgage or a servicer of the mortgage on the real property that is the principal residence of the Debtor. This rule is intended to cover a loan secured by a security agreement in Debtor’s Principal residence (i.e., a promissory note on a manufactured or mobile home), and such lender will be referred to as a “Real Property Creditor” herein for the sake of simplicity, even if some specific references, e.g., to “mortgage” or “escrow analysis,” are not strictly applicable.

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

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

(e) Debtor’s Duties.

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

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

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

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

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

(5) Pursuant to provisions of Paragraph (f)(5) below, in the event the monthly conduit payment changes due to either changed escrow requirements or a change in an adjustable interest rate, Debtor's plan payment to the Trustee shall change by the same amount, plus the Trustee's fee.

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

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

- (i) the name, address, and redacted account number of the creditor to whom the payments are to be paid;
- (ii) the month for which the Trustee is to commence making the on-going post-petition

payments;

(iii) the amount and treatment of the post-petition delinquency, including the gap between the date when Debtor proposed for modifying the Plan and the month for which the Trustee is to commence making the mortgage payment, if any.

(f) Trustee's Duties:

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

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

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

(4) The Trustee will not make payments to the Real Property Creditor on the pre-petition arrearage until such time as a Proof of Claim is filed with the Court and the Plan is confirmed. The Court is deemed to have granted authority to the Trustee to disburse conduit payments, as if the plan had been confirmed, once the Real Property Creditor has

filed a Proof of Claim to which a fully executed Official Form 410A and Exhibit D (Addendum to Chapter 13 Proof of Claim for Residential Home Mortgage Debt Paid Through the Chapter 13 Trustee) has been attached. The Trustee is required to make a full mortgage payment for each full plan payment made. The Trustee is not required to make partial payments to Real Property Creditors.

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

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

(g) Real Property Creditor's Duties:

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

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

(3) Any amount paid or tendered to the Real Property Creditor prior to confirmation shall be applied to the next post-petition payment under the terms of the note due, without penalty.

Alternatively, the mortgage holder may apply the payment as it deems appropriate, but said application shall be deemed to be the Real Property Creditor's waiver of all fees and expenses to which it is entitled under the loan documents.

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

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

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

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

(iii) Apply the post-petition monthly mortgage

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

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

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

* * *

Adopted 8/22/17 (formerly S.O. 11-3).

LBR 4002.3
TAX RETURNS

(a) Place of filing.

(1) The original of all Federal tax returns for pre-petition tax periods filed after the filing of the bankruptcy petition must be filed with:

Internal Revenue Service
ATTN Insolvency/Advisory
2850 NE Independence Ave
Stop 5334 LSM
Lees Summit MO 64064-2327

~~A signed copy of each return must be sent to the United States Attorney's Office located in the city where the bankruptcy case is filed.~~

(2) Except as required by paragraph (a)(3), the original of all State of Kansas tax returns for pre-petition tax periods filed after the filing of the bankruptcy petition must be filed with:

Kansas Department of Revenue
Civil Tax Enforcement
P O Box 12005
Topeka KS 66612-2005

(3) The original of all State of Kansas unemployment tax returns for pre-petition tax periods filed by a Kansas employer after the filing of the bankruptcy petition must be filed with:

Kansas Department of Labor
Attn Delinquent Account Unit
401 Topeka Blvd
Topeka KS 66603-3182

* * *

As amended 3/17/18, 3/17/14, 10/17/05.

LBR 5005.1

FILING BY ELECTRONIC MEANS

(a) Background and Authority. Federal Rule of Civil Procedure 83, Federal Rules of Bankruptcy Procedure 5005(a)(2), and District of Kansas Rule 83.8.12, authorize this court to establish practices and procedures for the filing, signing, and verification of pleadings and documents by electronic means.

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

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

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

(Rev. ~~12/1/15~~3/17/18)

I. Scope of Electronic Filing

A. Electronic Filing Required. Effective September 1, 2004, all petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the court by an attorney in any case assigned to the Electronic Filing System pursuant to subsection B below shall be electronically filed, except as expressly provided and in exceptional circumstances preventing a Filing User from filing electronically.

B. Assignment of Cases. All cases pending or filed on September 1, 2004, will be assigned to the Electronic Filing System.

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.

D. Filing Fees. For filings that require a fee to be paid, the attorney must use a credit card to promptly pay the fee through Pay.gov. The court will not maintain electronic billing or debit accounts for lawyers or law firms.

II. Eligibility, Registration, Passwords

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

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

C. **Limited Use Eligibility.** Limited Users without counsel may register as Filing Users of the court's²¹ 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).

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 consent to receive notice electronically; and (2) waiver of the right to service by personal service or first class mail and 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. 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 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.

III. Consequences of Electronic Filing

A. Filing. Electronic transmission of a document to the Electronic Filing System consistent with these rules, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the local rules of this court, and constitutes entry of the document on the docket kept by the clerk under Fed. R. Bankr. P. 5003.

B. Legibility. The Filing User is responsible for assuring the legibility of all documents, scanned or otherwise, filed with the court.

C. Official Record. When a document has been filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form and subsequently converted to electronic form, a document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the court.

D. Deadlines. Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight local time where the court is located in order to be considered timely filed that day.

IV. Entry of Court-Issued Documents

A. Entry of Orders. All orders, decrees, judgments, and proceedings of the court will be filed in accordance with these rules, which will constitute entry on the docket kept by the clerk under Fed. R. Bankr. P. 5003 and 9021. All signed orders will be filed electronically by the court or court personnel. Any order filed electronically without the original signature of a judge has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

B. Orders may also be issued as “text-only” entries on the docket, without an attached document. Such orders are official and binding.

C. The court may sign, seal, and issue a summons electronically, although a summons may not be served electronically.

D. Submission of Orders. A Filing User submitting a document electronically that requires a judge's signature must promptly deliver the document in such form as the court requires.

V. Attachments and Exhibits

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

VI. Sealed Documents

~~Documents ordered to be placed~~Unless the court orders otherwise, motions for leave to file under seal and documents that the court ordered to be filed under seal must be filed ~~conventionally, and not~~electronically, ~~unless specifically authorized by the court.~~ A motion to file

~~documents under seal may be filed in accordance with the instructions for electronically unless prohibited by law. The order of the court authorizing the filing of documents under seal may be filed sealed documents published on the Court's website. If the exception contained in subsection I.C of this Appendix applies (dealing with pro se parties or attorneys whom the Court excused from electronically unless prohibited by law. A paper copy of the order must be attached to the documents under seal and be delivered to the clerk.filing), a motion for leave to file under seal or a document that the court has ordered to be filed under seal must be filed in paper form.~~

VII. Retention Requirements

Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the Filing User until 6 years after all time periods for appeals expire. On request of the court, the Filing User must provide original documents for review.

VIII. Signatures

A. User Log-In and Password. The user log-in and password required to submit documents to the Electronic Filing System serve as the Filing User's signature on all electronic documents filed with the court. They also serve as a signature for purposes of Fed. R. Bankr. P. 9011, the Federal Rules of Bankruptcy Procedure, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court. Electronically filed documents must include a signature block in compliance with D. Kan. LBR 9011.4, and must set forth the name, address, telephone number and the attorney's Kansas bar registration number, or equivalent. In addition, the name of the Filing User under whose log-in

and password the document is submitted must be preceded by an "s/" and typed in the space where the signature would otherwise appear.

B. Password Security. No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

C. Documents containing the signature of non-Filing Users are to be filed electronically with the signature represented by a "s/" and the name typed in the space where a signature would otherwise appear, or as a scanned image.

D. Documents requiring signatures of more than one party must be electronically filed either by: (1) submitting a scanned document containing all necessary signatures; (2) submitting an electronic document upon which the consent of the other parties is represented; or (3) -in any other manner approved by the court.

IX. Service of Documents by Electronic Means

A. Notice of Electronic Filing. The "Notice of Electronic Filing" that is automatically generated by the court's Electronic Filing System constitutes service or notice of the filed document on Filing Users. Parties who are not Filing Users must be provided notice or service of any pleading or other document electronically filed in accordance with the Federal Rules of Bankruptcy Procedure and the local rules.

B. Certificate of Service. A certificate of service must be included with all documents filed electronically, indicating that service was accomplished through the Notice of Electronic Filing for parties and counsel who are Filing Users and indicating how service was accomplished on any party or counsel who is not a Filing User. Certificates of Service shall be in substantial compliance with D. Kan. LBR 9013.3.

C. Nothing contained in this procedure relieves counsel of the burden of obtaining personal service under Fed. R. Bankr. P. 7004 or Fed. R. Civ. P. 4, where appropriate.

X. Notice of Court Orders and Judgments

Immediately upon the entry of an order or judgment in an action assigned to the Electronic Filing System, the clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R. Bankr. P. 9022. The clerk, or other party as the court may direct, must give notice to a person who has not consented to electronic service in paper form in accordance with the Federal Rules of Bankruptcy Procedure.

XI. Technical Failures

A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court.

XII. Public Access

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

B. Clerk's Office Access. Access to all documents is available, without obtaining a password, in the clerk's office during regular business hours, Monday through Friday. Conventional and certified copies of electronically filed documents may be purchased at the clerk's office during regular business hours Monday through Friday. The

fee for copying and certifying shall be in accordance with the Schedule of Miscellaneous Fees promulgated by the Judicial Conference of the United States pursuant to 28 U.S.C. § 1930(b).

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

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

* * *

As amended [3/17/18](#), 3/17/17, 3/17/16, 3/17/14, 3/17/08.

-

LBR 9006.1
BRIDGE ORDERS

Unless otherwise provided in the Code or in the Fed. R. Bankr. P., if a motion to extend the time to take any action is filed before the expiration of the period prescribed by the Code, the Fed. R. Bankr. P., these Local Rules, or Court order, the time shall automatically be extended until the Court acts on the motion, without the necessity for the entry of a bridge order.

* * *

Adopted 3/17/18.