

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS  
STANDING ORDER NO. 14-4  
ORDER MODIFYING FORM CHAPTER 13 PLAN AND  
CONDUIT MORTGAGE RULE  
AND ABROGATING STANDING ORDER 14-3**

The Bankruptcy Bench-Bar Committee for the District of Kansas recommends changes in two of this Court's Standing Orders due to a new interpretation of [28 U.S.C. § 586\(e\)](#) by the United States Trustee, with which interpretation the Judges of this Court agree. One change is in the form Chapter 13 plan adopted by Standing Order No. 12-1 and the second is in this Court's Standing Order 11-3 (Conduit Mortgage Payment in Chapter 13). The Court addressed the first matter in its Standing Order 14-3 issued August 19, 2014, but elects to abrogate that Standing Order so all changes to our rules dealing with this changed interpretation of [28 U.S.C. § 586\(e\)](#) are contained in one Standing Order.

**Chapter 13 Plan**

Rather than re-issue the form Chapter 13 plan, the Court incorporates the change listed herein into all Chapter 13 form plans filed in all cases pending on or after October 1, 2014, and the language changed herein is deemed substituted. The remainder of the form Chapter 13 plan adopted by Standing Order 12-1 remains unchanged. Paragraph 3.a. shall now read "The Chapter 13 Trustee will be paid a variable percentage fee pursuant to [28 U.S.C. § 586\(e\)](#)."

**Conduit Mortgage Rule**

Rather than re-issue Standing Order 11-3, the Court incorporates the change listed herein into its Conduit Mortgage Payments Standing Order for all cases pending on or after October 1, 2014. Paragraph V.A. of Standing Order 11-3 shall now read "The Trustee is authorized to deduct from any payments collected, pursuant to [11 U.S.C. § 1326](#), the statutory percentage Trustee fees as necessary costs and expenses, together with any fee, charge or amount required under § 1326."

In consideration of the foregoing, and pursuant to [28 U.S.C. § 2071](#), Rule 83 of the Federal Rules of Civil Procedure, and Rule 9029 of the Federal Rules of Bankruptcy Procedure,

IT IS HEREBY ORDERED that the form Chapter 13 plan adopted by Standing Order 12-1 is hereby modified so that Paragraph 3.a. provides "The Chapter 13 Trustee will be paid a variable percentage fee pursuant to [28 U.S.C. § 586\(e\)](#)." No other changes to the form Chapter 13 plan are made. The changed language will be deemed substituted in all Chapter 13 form plans filed in cases pending on or after October 1, 2014.

IT IS FURTHER ORDERED that Paragraph V.A. of Standing Order 11-3 is hereby modified to provide: “The Trustee is authorized to deduct from any payments collected, pursuant to [11 U.S.C. § 1326](#), the statutory percentage Trustee fees as necessary costs and expenses, together with any fee, charge or amount required under § 1326.”

IT IS FURTHER ORDERED that Standing Order 14-3 is abrogated, and this Standing Order shall be effective immediately and shall remain in effect until further order of the court.

IT IS SO ORDERED.

Dated this 9th day of December, 2014.

s/ Robert E. Nugent  
ROBERT E. NUGENT  
Chief Judge

s/ Janice Miller Karlin  
JANICE MILLER KARLIN  
Judge

s/ Dale L. Somers  
DALE L. SOMERS  
Judge

s/ Robert D. Berger  
ROBERT D. BERGER  
Judge