

2013 SUPPLEMENT

**UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

**RULES OF PRACTICE AND PROCEDURE
for
DISTRICT and BANKRUPTCY COURT**

EFFECTIVE MARCH 17, 2013

Notice

This 2013 Supplement should be affixed with the peel-off adhesive to the inside back cover of the 2012 edition of your United States District Court for the District of Kansas Rules of Practice and Procedure for District and Bankruptcy Court. Please contact the Clerk's Office for the District of Kansas to receive a 2012 edition of the Local Rules.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS
ORDER OF ADOPTION**

Pursuant to the authority vested in this Court by Rule and Statute:
IT IS ORDERED that this supplement updates rules in the 2012 Edition of the “Rules of Practice and Procedure of the United States District Court for the District of Kansas.” The rules contained in this supplement are adopted and shall become effective March 17, 2013.

DATED this 17th day of March, 2013.

FOR THE COURT

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
Chief Judge

ATTEST:

s/ Timothy M. O’Brien
TIMOTHY M. O’BRIEN
CLERK OF COURT

(SEAL)

THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF KANSAS

Please note address update:

DISTRICT JUDGE
Eric F. Melgren
414 U.S. Courthouse
401 N. Market
Wichita, KS 67202

COMMITTEE OF THE COURT

Bench-Bar Committee

Hon. Chief Judge Kathryn H. Vratil, *ex officio*

Honorable J. Thomas Marten, Chair

Hon. James P. O'Hara

Mr. Barry R. Grissom

Mr. Alan E. Streit

Mr. Dan Crabtree

Ms. Melissa A. Moodie

Mr. Michael Shultz

Mr. John T. Bullock

Ms. Rachel E. Schwartz

Hon. Julie A. Robinson

Hon. Robert E. Nugent

Ms. Cyd K. Gilman

Mr. Tony L. Atterbury

Ms. Angel D. Mitchell

Ms. Teresa J. James

Ms. Casey Tourtillott

Mr. Sean McGivern

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RULE 7.2
ORAL ARGUMENTS ON MOTIONS

The court may set any motion for oral argument or hearing at the request of a party or on its own initiative.

* * *

As amended 3/17/13.

RULE 83.6.8
REINSTATEMENT AFTER DISCIPLINE

(a) Petitions for Reinstatement.

(1) When an Attorney May Apply.

(A) Disbarred Attorney. An attorney who has been disbarred may not apply for reinstatement within 5 years of the effective date of the disbarment. An attorney who has been disbarred may not resume practice until reinstated by the court.

(B) Suspended Attorney. An attorney who has been suspended may apply for reinstatement at the end of the period of suspension. Reinstatement is neither automatic nor a matter of right.

(i) Reinstatement with Affidavit. An attorney suspended for 3 months or less will ordinarily be reinstated at the end of the period of suspension upon the filing with the court of an affidavit of compliance with the order.

(ii) Reinstatement by Court. An attorney suspended for more than 3 months may not resume practice until reinstated by the court.

(2) Advance Cost Deposit. If the attorney has been reinstated by the Kansas Supreme Court, no advance cost deposit shall be required. In all other cases, the disciplinary panel may request an advance cost deposit before considering a petition for reinstatement. This deposit will be used to offset any costs involved in the reinstatement proceeding pursuant to Local Rule 83.6.10. Any funds remaining after the proceeding will be returned to the petitioner.

(3) Successive Petitions. No petition for reinstatement under this rule may be filed within 1 year following an adverse judgment upon a petition for reinstatement filed by or on behalf of the same person.

(b) Burden of Proof. A petitioner seeking reinstatement bears the burden of demonstrating by clear and convincing evidence that:

(1) he or she has the moral qualifications, competence, and learning in the law required for admission to practice law before this court; and

(2) his or her resumption of the practice of law will not be:

(A) detrimental to the integrity and standing of the bar;

(B) detrimental to the administration of justice; or

(C) subversive of the public interest.

(c) Referral of Petition. The Disciplinary Panel may refer petitions for reinstatement to a hearing panel. When so referred, the chairperson of the hearing panel must conduct the investigation. The hearing panel, after review of the basic file and such investigation as it deems necessary, must report its findings of fact with supporting documents and its recommendations to the Disciplinary Panel.

(d) Entry of Order. After review of the files and the report of the hearing panel, the Disciplinary Panel must enter an order for the court, granting or denying reinstatement.

* * *

As amended 3/17/13, 3/17/04, 11/16/90

RULE CR44.1
REPRESENTATION OF INDIGENT DEFENDANTS

Pursuant to the provisions of the Criminal Justice Act of 1964, as amended, 18 U.S.C. § 3006A (“CJA”), the following plan is adopted for the representation of any person otherwise financially unable to obtain adequate representation. Representation shall include counsel and investigative, expert, and other service necessary for an adequate defense.

(a) Applicability.

(1) This rule shall apply to any person:

(A) who is charged with a felony, or a Class A misdemeanor, or with juvenile delinquency (see 18 U.S.C. § 5031), or with a violation of probation;

(B) who is under arrest, when such representation is required by law;

(C) who is charged with a violation of supervised release or faces modification, reduction, or enlargement of a condition, or extension or revocation of a term of supervised release;

(D) whose mental condition is the subject of a hearing pursuant to Chapter 313 of Title 18, U.S.C.;

(E) who is in custody as a material witness (see subsection (a)(1)(g) of the CJA and 18 U.S.C §§ 3142(f), 3144);

(F) for whom the Sixth Amendment to the Constitution requires the appointment of counsel, or for whom, in a case in which he or she faces loss of liberty, any federal law requires the appointment of counsel; or

(G) who is entitled to the appointment of counsel under 18 U.S.C. § 4109.

(2) This rule also applies when the interests of justice so require to any person:

(A) who is charged with a Class B or C misdemeanor, or an infraction for which a sentence to confinement is authorized; or

(B) who is seeking collateral relief, as provided in subsection (a)(2)(B) of the CJA.

(b) Provisions for Furnishing Counsel.

(1) This rule provides for the furnishing of legal services by a Federal Public Defender Organization, supervised by a Federal Public Defender, and serving the United States District Court for the District of Kansas. In addition, this rule provides for the appointment and compensation of private counsel (hereinafter referred to as the “CJA Panel”).

(2) The determination of whether a party entitled to representation will be represented by the Federal Public Defender Organization or by panel counsel is within the discretion of the appointing judge or magistrate judge. Insofar as practicable, the distribution of appointments shall be 75% of all appointments to the Federal Public Defender and 25% of all appointments to CJA Panel attorneys.

(c) Federal Public Defender Organization.

(1) The Federal Public Defender Organization for the District of Kansas was established in 1973, in accordance with the provisions of subsections (g)(1) and (g)(2)(A) of the CJA. The Federal Public Defender Organization shall maintain offices in Topeka, Wichita, and Kansas City, Kansas, and shall be headquartered at such of those locations as the Federal Public Defender determines, unless otherwise ordered by the court.

(2) The Federal Public Defender Organization shall operate pursuant to the provisions of subsection (g)(2)(A) of the CJA, as well as the Guidelines for the Administration of the Criminal Justice Act 118 (Volume VII, Guide to Judiciary Policies

and Procedures), promulgated by the United States Judicial Conference pursuant to subsection (i) of the CJA.

(3) Neither the Federal Public Defender nor any appointed staff attorney may engage in the private practice of law.

(4) The Federal Public Defender shall submit to the Director of the Administrative Office of the United States Courts, at the time and in the form prescribed by the Director, reports of the organization's activities, its financial position, and proposed budget.

(5) The Federal Public Defender shall furnish to this court the current roster of staff attorneys and shall report any changes thereto to the court.

(6) To ensure the effective supervision and management of the Federal Public Defender Organization, the Federal Public Defender will be responsible for the assignment of cases among the staff attorneys in that office. Accordingly, the court will assign cases in the name of the Federal Public Defender Organization rather than in the name of individual staff attorneys.

(d) Composition of Panel of Private Attorneys.

(1) Composition and Size. The court shall establish a panel of private attorneys called the "CJA Panel" who are eligible and willing to be appointed to provide representation under the CJA. The CJA Panel shall be large enough to provide a sufficient number of experienced attorneys to handle the CJA caseload, yet small enough so that panel members will receive an adequate number of appointments to maintain their proficiency in federal criminal defense work, and thereby, provide a high quality of representation.

(2) Eligibility. Attorneys who serve on the CJA Panel must be members in good standing of the federal bar of this district and must have knowledge of the Federal Criminal Law, Federal Rules of Criminal Procedure, the Federal Rules of Evidence, and the United States Sentencing Guidelines.

(3) Application. Application forms for membership on the CJA Panel shall be made available, upon request, by the offices of the full time magistrate judges sitting in Wichita, Topeka, and Kansas City. Completed applications should be submitted to the magistrate judge's office, which will transmit the application to the Panel Selection Committee.

(4) Approval. The Panel Selection Committee shall approve all applicants prior to their membership on the CJA Panel.

(e) The Panel Selection Committees.

(1) Composition. There shall be a total of five panels sitting in Wichita, Topeka, Kansas City, Ft. Leavenworth, and Ft. Riley areas. Each panel in Wichita, Topeka, and Kansas City shall consist of a district court judge, a full time magistrate judge, the Federal Public Defender or one of his designated assistants, and a member of the existing CJA Panel. The panel in the Ft. Leavenworth area and the Ft. Riley area shall consist of the magistrate judge assigned to handle the docket within that particular area, a district court judge, the Federal Public Defender or one of his designated assistants, and a member of the existing CJA Panel.

(2) Responsibilities. The committees shall meet at least once each year to review the preceding year's operation and administration of this rule and to recommend appropriate changes in the rule. The committees shall consider applications for membership on the CJA Panel, shall approve for membership those attorneys who appear best qualified, and shall inquire as to the continued availability and willingness of each CJA Panel member to accept appointment. In the event that it becomes necessary to consider removal of a panel member, the committee shall consider and determine such removal. The committees shall fix the minimum size for the panel. If at any time the panel membership decreases below the

minimum size, the committees shall invite further applications for membership, convene a special meeting to review the qualifications of the applicants, and select new members. The committees shall also provide orientation and training to members or prospective members of the panel, as the committees deem necessary.

(f) Assigning Appointments to CJA Panel Attorneys.

(1) Roster. Each magistrate judge’s office shall maintain a current roster of all attorneys who are approved members of the CJA Panel for their particular area of the District of Kansas. The rosters shall include the attorneys’ current office addresses and telephone numbers as well as a statement of their qualifications and experience, including any foreign language skill.

(2) Selection Method. Appointments from the CJA Panel rosters are to be made on a rotational basis, subject to the court’s discretion to make exceptions due to the nature and complexity of the case, the attorney’s experience, and language and geographical considerations. This procedure should result in a balanced distribution of appointments and compensation among the members of the CJA Panel and in quality representation for each CJA defendant.

When a judge or magistrate judge determines that a CJA defendant needs an attorney, the judge or magistrate judge shall notify the magistrate judge’s office of the need and of any geographic or qualification preferences. The magistrate judge’s office shall determine the name of the next panel member who is available for appointment on the roster in that magistrate judge’s area of the District of Kansas and shall provide the name to the appointing judge or magistrate judge.

Nothing in this rule is intended to impinge upon the authority of a presiding judge or magistrate judge to appoint an attorney who is not next in sequence or who is not a member of the CJA Panel, in appropriate cases, to ensure adequate representation.

(3) Record of Appointments. An accurate record shall be kept by the magistrate judge’s offices in Wichita, Topeka, Kansas City, Ft. Leavenworth area, and Ft. Riley area of all appointments of CJA Panel attorneys. The record will include the attorney’s name, the case name and number, the date of appointment, and any other information deemed necessary by the Panel Selection Committee. In all cases in which attorneys appointed under the CJA are not members of the panel or are appointed out of sequence, the appointing judge or magistrate judge shall notify the magistrate judge’s office as to the name of the attorney appointed and the date of appointment. The above records of appointment of panel counsel shall be provided to the Federal Public Defender for the District of Kansas and the Clerk of the District Court upon request so that said offices can ensure a distribution of 75 percent of all appointments to the Federal Public Defender and 25 percent of all appointments to CJA Panel counsel insofar as reasonably possible.

(4) Sanctions. Failure of a CJA Panel member to accept an appointment, without good cause, may result in his or her dismissal from the panel or any other appropriate sanctions.

(5) There is no property right in membership on the CJA Panel. Refusal to accept appointment on three occasions within a one year period shall constitute grounds for immediate removal from the panel. Otherwise removal from the panel shall be in the sole discretion of the panel selection committees.

(g) Compensation and Expenses of Appointed Attorneys.

(1) Generally. Compensation to attorneys and payment of other expenses, such as expert witnesses’ or investigators’ fees, shall be made in conformity with the CJA and the Guidelines for the Administration of the CJA (Volume 7, Guide to Judiciary Policies and Procedures).

(2) Compensation. An attorney appointed under the CJA is responsible for submitting properly completed vouchers for services rendered (on CJA Form 20) promptly after the attorney's duties have terminated. Compensation normally cannot exceed the statutory maximum under the CJA. In complex or extended cases, the court, upon application of counsel, may certify that payment in excess of the statutory case compensation maximums is necessary to provide fair compensation and may forward the claim for approval by the chief judge of the Court of Appeals. All vouchers seeking payment in excess of the statutory case compensation maximum must be accompanied by a detailed memorandum supporting and justifying counsel's claim that the representation given was in an extended or complex case and that excess payment is necessary to provide fair compensation.

(3) Investigative and Other Expenses. Investigative, expert or other services necessary for adequate representation, as authorized by subsection (e) of the CJA, shall be available to persons who are eligible under the CJA and have had counsel appointed, and also to persons who have retained counsel but who are found by the court to be financially unable to obtain the necessary services.

If the total cost of investigative, expert, or other services reasonably necessary for an adequate defense does not exceed \$800, attorneys appointed under the CJA may incur expenses for these services without prior authorization, subject to later review.

If the total cost of services exceeds \$800, prior authorization must be obtained from the assigned judge or magistrate judge if the expenses for these services are to be paid by the government. The cost of additional services cannot exceed \$2,400 as compensation per individual or organization unless the assigned judge or magistrate judge certifies that excess payment is necessary to provide fair compensation for services of an unusual character or duration and the amount of the excess payment is approved by the chief judge of the Circuit.

Ex parte applications for services other than counsel shall be heard in camera and shall not be revealed without the consent of the defendant. The application shall be placed under seal until the final disposition of the case in the trial court, subject to further order of the court, to prevent improper disclosure of any defenses.

(4) Duty of Attorney to Advise Court. If at any time an appointment attorney obtains information that a client is financially able to make payment, in whole or in part, for legal or other services in connection with his or her representation, and the source of the attorney's information is not protected as a privileged communication, the attorney shall advise the court.

(5) Direct Remuneration from Client Prohibited. Nothing in this rule shall be construed as authorizing the appointed attorney to accept any remuneration whatsoever from the client. Any ability of the client to pay for his or her representation shall be the subject of an appropriate court order to reimburse the United States in whole or in part.

NOTE: This is a mandated rule.

As amended 3/17/13, 3/17/09, 10/22/98, 2/2/95.

**IN THE UNITED STATES DISTRICT COURT
AND
IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS**

**IN THE MATTER OF THE KANSAS BAR ASSOCIATION'S
PILLARS OF PROFESSIONALISM
MEMORANDUM AND ORDER**

This matter is pending before the District and Bankruptcy Courts of the District of Kansas on the recommendation of the Court's Bench Bar Committee's Rule 1 Working Group on Professionalism and Sanctions and affirmed by the District Court's Bench-Bar Committee to "adopt" the Kansas Bar Association's "Pillars of Professionalism."

The "Pillars of Professionalism" were suggested to the Kansas Bar Association by the late Kansas Supreme Court Chief Justice Robert E. Davis as a means of providing an inspirational and aspirational set of guidelines for lawyers across the State of Kansas. The Kansas Bar Association appointed a Commission on Professionalism and the Bar composed of lawyers and judges from around the state. This group worked over months to draft these goals. After consideration, the Board of Governors of the Kansas Bar Association approved and adopted the "Pillars of Professionalism" at their annual meeting on June 15, 2012. Subsequently, the Kansas Supreme Court issued an order on September 28, 2012 adopting the aspirational goals contained in the Pillars.

The District and Bankruptcy Courts have considered the recommendation of the Rule 1 Working Group and adopt the attached "Pillars of Professionalism" as aspirational goals to guide lawyers in their pursuit of civility, professionalism and service to the public.

IT IS SO ORDERED. The Clerks of the respective courts are directed to file this Memorandum and Order as a permanent record of the court and publicize it on the courts' website or otherwise publish at the Court's discretion.

DATED this 19th day of October, 2012.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
Chief District Judge

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

Pillars of Professionalism*

Professionalism focuses on actions and attitudes. A professional lawyer behaves with civility, respect, fairness, learning and integrity toward clients, as an officer of the legal system, and as a public citizen with special responsibilities for the quality of justice.

Admission to practice law in Kansas carries with it not only the ethical requirements found in the *Kansas Rules of Professional Conduct*, but also a duty of professionalism. Law students who aspire to be members of the Kansas bar should also heed these guidelines. Kansas lawyers have a duty to perform their work professionally by behaving in a manner that reflects the best legal traditions, with civility, courtesy, and consideration. Acting in such a manner helps lawyers preserve the public trust that lawyers guard and protect the role of justice in our society. Lawyers frequently interact with clients, courts, opposing counsel and parties, and the public at large. A lawyer's actions also reflect on the entire legal profession. With those interactions in mind, the following Pillars of Professionalism have been prepared. These Pillars should guide lawyers in striving for professionalism.

With respect to clients:

1. Respect your clients' goals and counsel them about their duties and responsibilities as participants in the legal process. Treat clients with courtesy, respect, and consideration.
2. Be candid with clients about the reasonable expectations of their matter's results and costs.
3. Encourage clients to act with civility by, for example, granting reasonable accommodations to opponents. Maintaining a courteous relationship with opponents often helps achieve a more favorable outcome. Counsel clients against frivolous positions or delaying tactics, which are unprofessional even if they may not result in sanctions.
4. Counsel clients about the risks and benefits of alternatives before making significant decisions. Act promptly to resolve the matter once the relevant facts have been obtained and a course of action determined.
5. Communicate regularly with clients about developments. Keep them informed about developments, both positive and negative.

With respect to courts:

1. Treat judges and court personnel with courtesy, respect, and consideration.
2. Act with candor, honesty, and fairness toward the court.
3. Counsel clients to behave courteously, respectfully, and with consideration toward judges and court personnel.

4. Accept all rulings, favorable or unfavorable, in a manner that demonstrates respect for the court, even if expressing respectful disagreement with a ruling is necessary to preserve a client's rights.

With respect to opposing parties and counsel:

1. Be courteous, respectful, and considerate. If the opposing counsel or party behaves unprofessionally, do not reciprocate.
2. Respond to communications and inquiries as promptly as possible, both as a matter of courtesy and to resolve disputes expeditiously.
3. Grant scheduling and other procedural courtesies that are reasonably requested whenever possible without prejudicing your client's interests.
4. Strive to prevent animosity between opposing parties from infecting the relationship between counsel.
5. Be willing and available to cooperate with opposing parties and counsel in order to attempt to settle disputes without the necessity of judicial involvement whenever possible.

With respect to the legal process:

1. Focus on the disputed issues to avoid the assertion of extraneous claims and defenses.
2. Frame discovery requests carefully to elicit only the information pertinent to the issues, and frame discovery responses carefully to provide that which is properly requested.
3. Work with your client, opposing counsel, nonparties, and the court to determine whether the need for requested information is proportional to the cost and difficulty of providing it.
4. Maintain proficiency, not only in the subject matter of the representation, but also in the professional responsibility rules that govern lawyers.
5. Be prepared on substantive, procedural, and ethical issues involved in the representation.

With respect to the profession and the public:

1. Be mindful that, as members of a self-governing profession, lawyers have an obligation to act in a way that does not adversely affect the profession or the system of justice.
2. Be mindful that, as members of the legal profession, lawyers have an obligation to the rule of law and to ensure that the benefits and the burdens of the law are applied equally to all persons.

3. Participate in continuing legal education and legal publications to share best practices for dealing ethically and professionally with all participants in the judicial system.
4. Take opportunities to improve the legal system and profession.
5. Give back to the community through pro bono, civic or charitable involvement, mentoring, or other public service.
6. Defend the profession and the judiciary against unfounded and unreasonable attacks and educate others so that such attacks are minimized or eliminated.
7. Be mindful of how technology could result in unanticipated consequences. A lawyer's comments and actions can be broadcast to a large and potentially unanticipated audience.
8. In all your activities, act in a manner which, if publicized, would reflect well on the legal profession.

*The late Chief Justice Robert E. Davis (1937-2010) inspired these pillars of professionalism. The Chief Justice “always maintained his sense of grace and civility” and was a model of professionalism. See 79 J. Kan. B. Ass’n. 10 (Oct. 2010). Chief Justice Davis cited the pillars in the Ralph Waldo Emerson poem “A Nation’s Strength” to inspire and recognize the staff of the Kansas Legal Services and, thus we believe it is fittingly used here. See 79 J. Kan. B. Ass’n. 9 (Jan. 2010). We dedicate these pillars of professionalism to the memory of Chief Justice Davis.

Notes:

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

**Robert E. Nugent
Chief Judge**

**Janice Miller Karlin
Judge**

**Dale L. Somers
Judge**

**Robert D. Berger
Judge**

EFFECTIVE MARCH 17, 2013

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS

ORDER OF ADOPTION

Pursuant to the authority vested in this court by Rule and Statute;

IT IS ORDERED that the attached rules designated "Local Rules of the United States Bankruptcy Court for the District of Kansas" are adopted and become effective March 17, 2013, and will supersede the court's existing rules and standing orders, which are repealed effective March 17, 2013.

DATED this 1st day of February, 2013.

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

ATTEST:

s/ Fred W. Jamison
FRED W. JAMISON, CLERK

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS
IN THE MATTER OF RULES OF PRACTICE
AND PROCEDURE IN THIS COURT
MEMORANDUM AND ORDER**

By means of this Memorandum and Order, the Judges of this court express their appreciation to the members of the Bench Bar Committee appointed to make recommendations on possible revisions of the Local Rules of Practice and Procedure.

The individuals composing the committee devoted much time studying the existing local rules, the applicable federal statutes and rules, and the rules of other United States Bankruptcy Courts. The Bench Bar Committee performed its task competently, unselfishly, and in the best tradition of the legal profession.

IT IS, THEREFORE, ORDERED that the Clerk file this Memorandum and Order as a permanent record of the court and that he deliver an attested copy to each member of the committee, namely:

Emily B. Metzger, Chair

Joyce G. Owen

Robert Baer

Lee W. Hendricks

Eric L. Johnson

Gary E. Hinck

Jan Hamilton

David P. Eron

Paul D. Post

Dana Manweiler Milby

DATED this 1st day of February, 2013.

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

ATTEST:

s/ Fred W. Jamison

FRED W. JAMISON, CLERK

LBR 1007.2

PREPARATION AND FILING OF MATRIX

(a) **General Requirements.** A matrix not electronically filed must be prepared as follows:

(b) **Matrix Required.** An optically scannable creditor(s) matrix, signed and verified as provided in Fed. R. Bankr. P. 1008, is required when:

- (1) a new case (all chapters) is filed,
- (2) an amendment to a case (all chapters) is filed containing additional creditors. This matrix must list only those creditors added.

(c) **Original.** A matrix must be an original printed document on standard bond paper that is free of headers, footers, titles, lines, marks, or smudges.

(d) **Fonts/Typefaces.** Parties must prepare matrices in a standard typeface or print style. Courier 10 pitch, Prestige Elite 12 pitch, or Letter Gothic 12 pitch are recommended. Do not use script, ornamental, calligraphic, or symbol fonts. Dot matrix printer fonts are not scannable and will not be accepted.

(e) **Format.** Parties must type matrices in a single column with left line justification. A matrix must list addresses in a single column in order for the optical character reader to automatically scan the material from left to right, line by line.

(f) **Lines.** Each name/address must consist of no more than five lines with the city, state, and zip codes located on the last line. Do not type "attention" lines or account numbers on the last line. If needed, this information should be placed on the second line of the name/address. At least one blank line must be placed between each name/address block.

(g) **Postal Codes.** All state names must be represented by the two-letter abbreviations (both letters capitalized) authorized by the U.S. Postal Service.

(h) **Margins.** Lists must not contain letters closer than one inch from any edge of the document.

(i) **Line Length.** The name line must not exceed 50 characters. Subsequent lines must not exceed 40 characters.

(j) **Punctuation.** In conformity with U.S. Postal Service guidelines, addresses must exclude punctuation, including periods, commas, or special characters, including #, %, /, and (), except the hyphen in the ZIP+4 code.

(k) **Excluded Names.** Do not include the debtor, joint debtor, attorney for debtor, trustee, or United States trustee on the matrix. The computer will automatically retrieve them for noticing. The name of the debtor must be listed on the reverse side of each page for identification purposes.

(l) **Alphabetical Order.** All creditors must be listed in alphabetical order.

(m) **Duplication.** Do not duplicate names and addresses.

* * *

As amended 3/17/2013, 3/17/2008.

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 Services Agency, Ag Credit Division and Commodity Credit Divisions;
and Rural Economic Community Development, which are individually listed)
Regional Counsel
Department of Agriculture
Post Office Box 419205
Kansas City MO 64141-0205

Farm Services Agency
Farm Loan Programs Division
3600 Anderson Avenue
Manhattan KS 66503-2511

Farm Services Agency
Commodity Credit Division
3600 Anderson Avenue
Manhattan KS 66503-2511

USDA Rural Development
PO Box 66879
St Louis MO 63166

2. DEPARTMENT OF EDUCATION (DOE)
Education Department
Office of General Counsel
400 Maryland Ave. SW Room 6E353
Washington, D.C. 20202-2110

ECMC
Attn: Donna Quigley
Legal Department
1 Imation Place
Oakdale, MN 55128

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

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
Professional Building
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
Kansas City District Office
1000 Walnut Street Suite 500
Kansas City MO 64106; or

District Counsel
US Small Business Administration
271 W Third Street North
Suite 2500
Wichita KS 67202-1212

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 Regional Counsel
1201 Walnut Street
Suite 800
Kansas City MO 64106

(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
Attn Director of Accounts and Reports
Landon State Ofc Bldg Rm 351-S
900 SW Jackson
Topeka KS 66612

2. Kansas Department on Aging
New England Building
503 S Kansas Ave
Topeka KS 66603-3404

3. Kansas Department of Agriculture
Office of Chief Counsel
109 SW 9th 4th Floor
Topeka KS 66612

4. Kansas Department of Commerce
1000 SW Jackson
Suite 100
Topeka KS 66612-1354

5. Kansas Department of Education
120 SE 10th Ave
Topeka KS 66612-1182
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
915 SW Harrison
Topeka KS 66612-2005
9. Kansas Dept of Soc and Rehab Svcs
Office of the Secretary
Docking State Office Building 6th Floor
915 SW Harrison
Topeka KS 66612-1570
10. Kansas Department of Transportation
Eisenhower State Office Bldg
3rd Floor West
700 SW Harrison
Topeka KS 66603-3754
11. Kansas Department of Wildlife and Parks
1020 South Kansas Ave
Room 200
Topeka KS 66612-1233

* * *

As amended 3/17/13, 3/17/12, 3/17/11, 3/17/08.

LBR 7054.1

TAXATION AND PAYMENT OF COSTS

(a) Procedure for Taxation. Any party allowed costs under Fed. R. Bankr. P. 7054(b) must file a bill of costs on the form provided by the clerk within 28 days after:

- (1) the expiration of time allowed for appeal of a final order; or
- (2) the clerk receives an order terminating the action on appeal.

(b) Waiver. Failure of a prevailing party to timely file a bill of costs constitutes a waiver of any claim for costs.

(c) To Whom Payable. All costs taxed are payable directly to the prevailing party, not to the clerk, unless the court orders otherwise.

* * *

As amended 3/17/13, 3/17/10.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS

STANDING ORDER 08-4

**STATEMENTS CREDITORS SHALL PROVIDE TO 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**

(a) Purpose

(1) The purpose of this Standing Order is to maintain, to the greatest degree possible, the routine flow of information from secured creditors to debtors with respect to secured loans constituting consumer 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 the order 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, as needed.

(2) This order also makes clear that 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.

(3) This Standing Order 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) Scope: Consumer Debts Secured by a Mortgage on Real Property, or Secured by Personal Property that the Debtor Occupies as the Debtor's Personal Residence.

(1) For purposes of this subsection, 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, including a personal property interest in manufactured housing, the debtor occupies as the debtor's personal residence.

(2) Except as provided in paragraph (3) below, and except as provided in Standing Order 08-3*, if the Mortgage Creditor provided monthly statements to the consumer debtor pre-petition, the Mortgage Creditor shall provide monthly statements to all Chapter 12 and Chapter 13 consumer debtors who have indicated an intent to retain the Mortgage Creditor's collateral in their Chapter 12 or 13 plan, and to all Chapter 7 consumer debtors whose Statement of Intent indicates an intent to reaffirm the debt secured by the Mortgage Creditor's collateral. Such statements shall be provided unless and until the Mortgage Creditor has been 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 mortgage payments to be made outside the plan:

* D. Kan. Bk S.O. 08-3 has been revised and the relevant provisions have been adopted in D. Kan. Bk S.O. 11-3.

- (A) The date of the statement and the date the next payment is due,
 - (B) The amount of the current monthly payment,
 - (C) The portion of the payment attributable to escrow, if any,
 - (D) The post-petition amount past due, if any, and from what date,
 - (E) Any outstanding post-petition late charges,
 - (F) The amount and date of receipt of all payments received since the date of the last statement,
 - (G) 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
 - (H) The proper payment address.
- (3) 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 subsection (2) 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.
- (4) The Mortgage Creditor shall provide the following information to the debtor upon the reasonable written request of the debtor:
- (A) The principal balance of the loan;
 - (B) The original maturity date,
 - (C) The current interest rate,
 - (D) The current escrow balance, if any,
 - (E) The interest paid year to date, and
 - (F) The property taxes paid year to date, if any.
- (5) If the case is a Chapter 12 or 13 case where the secured consumer debt is not modified by or paid through the Plan, and the Mortgage Creditor believes the debtor to be in default, the Mortgage Creditor shall send a letter alleging such default to the debtor and debtor's attorney upon any perceived or actual default by the debtor not less than 10 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 caused to be filed with the Court a plan or plan modification in which the debtor makes known their intent to abandon or surrender the property securing the Mortgage Creditor's claim.

(c) Form of Communication; Issuance of Monthly Statements is not a Stay Violation; and Motions to Show Cause

- (1) For the purposes of this Order, creditors shall be considered to have sent the requisite documents or monthly statements to the debtor when the creditor has placed the required document in any form of communication, which in the usual course would result in the debtor receiving the document, 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.
- (2) Creditors who provide account information or monthly statements under subsections (b) (1-5) above shall not be found to have violated the automatic stay by doing so, and secured creditors may contact the debtor about the status of insurance coverage on property that is collateral for the 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 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.

(3) As a result of creditor's alleged non-compliance with this Standing Order, a debtor may file a Motion for the Creditor to Show Cause no earlier than sixty days after the creditor's failure to comply with sections (b), (c), or (d). Before filing the motion, the debtor must make good faith attempts in writing to contact the creditor and to determine the cause of any omission, and must indicate in the Motion for the Creditor to Show Cause the good faith steps taken, together with a summary description of any response provided by the creditor.

(4) If a creditor's regular billing system can provide a statement to a debtor that substantially complies with this standing order, but does not fully conform to all of its requirements, the creditor may request that the debtor accept such statement. If a debtor declines to accept the non-conforming statement, a creditor may file a motion, on notice to the debtor and the debtor's attorney, seeking a declaration of the Court that cause exists to allow such non-conforming statements to satisfy the creditor's obligations under this standing order. 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 the Standing Order.

IT IS HEREBY ORDERED that this Standing Order rescinds D. Kan. Bk. S.O. 07-4 and shall become effective immediately, and shall remain in effect until further order of the Court.

Dated this 1st day of November, 2008.

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

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS
STANDING ORDER NO. 12-1
ORDER ADOPTING FORM CHAPTER 13 PLAN**

The Bench Bar Committee has recommended the adoption of a revised form Chapter 13 Plan.¹ Based on that recommendation, the judges of this Court have approved the attached form Chapter 13 Plan, and mandate its use in all cases filed on or after December 1, 2012.

In consideration of the foregoing, and pursuant to D. Kan. LBR. 9029.2,

IT IS HEREBY ORDERED that the attached form, as revised December 1, 2012, is adopted by the judges of this Court for use by all Chapter 13 debtors effective December 1, 2012.

IT IS FURTHER ORDERED that this Standing Order abrogates D. Kan. Bk. S.O. 11-2, shall become effective December 1, 2012, and shall remain in effect until further order of the Court.

IT IS SO ORDERED.

Dated this 22nd day of October, 2012.

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

¹ The only changes to the form Chapter 13 Plan in effect prior to December 1, 2012 may be found in paragraphs 3 and 8.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS**

IN RE: _____)
 _____)
 _____)
 _____) CASE NO:
 _____) CHAPTER 13
 _____)
 DEBTOR(S).)

* CHAPTER 13 PLAN

Debtor or Debtors (hereafter Debtor) proposes:

1. PLAN TERMS:

a. The Debtor's annualized current monthly income is less than **the median family income for a Kansas household of applicable size. The Applicable Commitment Period (the time over which the Plan will run) is not less than 3 years***, but in any event, not more than 5 years.

b. Plan payments will be in the following amounts:

_____	\$	for	_____	months =	_____
_____	\$	for	_____	months =	_____
_____	\$	for	_____	months =	_____
_____			_____		_____

c. Plan payments include the following total amount being paid pursuant to the means test calculation from Official Form 22C: \$0.00.

d. Plan payments shall be made by:

Employer pay order directed to:
 Debtor's Employer
 (retype Debtor's name for clarification)

Payment order to this employer shall be in the monthly amount of: \$0.00
 Employer name and address:

Joint Debtor's Employer
 (retype Joint Debtor's name for clarification)
 Payment order to this employer shall be in the monthly amount of: \$0.00
 Employer name and address:

Debtor pay order directed to Debtor

NON-STANDARD PROVISIONS FOR ¶ 1:

N/A

*The field in the heading of the document includes: FIRST AMENDED, SECOND AMENDED, THIRD AMENDED, etc.

**Paragraph 1(a) includes two options: less than, not less than

***Paragraph 1(a) includes three options: not less than 3 years, not less than 5 years, as long as it takes to pay all claims in full

2. **EFFECT OF CONFIRMATION:**

ANY CREDITOR FAILING TO OBJECT TO CONFIRMATION OF THE PLAN MAY BE DEEMED TO HAVE ACCEPTED THE PLAN. ONCE CONFIRMED BY THE COURT, THIS PLAN BINDS THE DEBTOR AND EACH CREDITOR, WHETHER OR NOT THE CLAIM OF SUCH CREDITOR IS PROVIDED FOR BY THE PLAN, AND WHETHER OR NOT SUCH CREDITOR HAS ACCEPTED, REJECTED OR OBJECTED TO THE PLAN.

CONFIRMATION OF THE PLAN WILL BE DEEMED A FINDING BY THE BANKRUPTCY COURT THAT THE DEBTOR HAS COMPLIED WITH ALL OF THE APPLICABLE SECTIONS OF 11 U.S.C. §§ 1322 AND 1325 AND THAT DEBTOR HAS FULFILLED ALL PRE-CONFIRMATION OBLIGATIONS UNDER 11 U.S.C. § 521.

3. **ADMINISTRATIVE FEES:**

a. The Chapter 13 Trustee will be paid up to 10% on all funds disbursed.

b. Debtor’s attorney fees will be paid through the Plan as stated below, subject to modification by the Trustee of the time period over which fees will be paid, as necessary to make the Plan feasible. Counsel for Debtor reserves the right to submit additional fee applications, but payment is subject to Court approval. Debtor consents to such increases in Plan payments as may be necessary to pay any approved additional fees.

Fees for the case:	\$
Case closing fees:	\$
Total fees paid to date:	\$
Balance of fees to be paid through the Plan:	\$
Number of months over which fees shall be paid:	

NON-STANDARD PROVISIONS FOR ¶ 3:

N/A

4. **FILING FEE:**

The filing fee has been paid.

OR

\$ has been paid and the balance of \$ will be paid by the Trustee.

5. **TAX RETURNS:** Federal and state tax returns for the preceding four years:

have been filed; or,

have not been filed. Debtor has not filed returns for the following years:

NON-STANDARD PROVISIONS FOR ¶ 5:

N/A

6. **DOMESTIC SUPPORT OBLIGATIONS:** Domestic Support Obligations (hereafter, "DSO") are defined by 11 U.S.C. § 101(14A), but usually encompass most child support and alimony obligations.

Status:

- 1) The Debtor does NOT owe a DSO.
- 2) The Debtor DOES owe a DSO. (Complete entire section if DSO owed.)

a. **Type of DSO owed:** The obligation consists of payments that are: (select any that are applicable)

- 1) Ongoing (post-petition DSO payments)
- 2) Arrearage

b. **Ongoing post-petition payments:** If Debtor has an existing order under state law to pay a DSO obligation, that will continue and the payment will be made outside the Plan in accordance with that order. If Debtor does not have an existing DSO order, and intends to pay any DSO through the Plan, Debtor must specify treatment of the ongoing DSO in the "Non-Standard Provisions" section for paragraph 6.

c. **Arrearages for Pre-Petition DSO:** Any pre-petition amount due on a DSO will be:

- paid in full through the Plan; or,
- paid in full, directly outside the Plan, through an existing order; or,
- not paid (and not discharged) because Debtor is paying all projected disposable income for a 5-year period through the Plan and the arrearage has been assigned to a governmental unit as defined by 11 U.S.C. § 507(a)(1)(B).

d. **Summary:** Below is a summary of all Domestic Support Obligations.

<u>NAME OF RECIPIENT</u>	<u>PRE-PETITION ARREARS (if any)</u>
	\$
	\$
	\$

e. **Domestic Support Obligations and Discharge:** If Debtor pays all DSO arrearages and all ongoing DSO payments, if any, in accordance with this Plan, Debtor will be deemed "current" for the purpose of being eligible for discharge, upon completion of the Plan.

NON-STANDARD PROVISIONS FOR ¶ 6:

N/A

7. **PRIORITY CLAIMS:**

a. **General Provision:** Debtor will pay all allowed priority claims under 11 U.S.C. § 507 without post-petition interest. The Chapter 13 Trustee will pay the amount contained in the creditor's proof of claim, unless the Court sustains an objection filed by Debtor to the claim. If a priority claim creditor also claims a secured debt, the secured portion will be treated as a secured claim together with Trustee's discount rate of interest as of the petition date, except tax claims, which will be paid interest at the applicable non-bankruptcy rate pursuant to 11 U.S.C. § 511.

b. **Amounts Owed:** Debtor estimates that these priority creditors are owed the amounts indicated.

<u>PRIORITY CREDITOR</u>	<u>EST. AMOUNT OWED</u>
1. N/A	\$
2.	\$
3.	\$
4.	\$

c. **Discharge:** Payments through the Trustee of the principal and pre-petition interest, if applicable, due on allowed pre-petition priority claims will result in a full and total discharge of all Debtor's obligations for those claims to the extent such debts are not otherwise excepted from discharge pursuant to the Bankruptcy Code.

**NON-STANDARD PROVISIONS FOR ¶ 7:
N/A**

8. **RELIEF FROM STAY REGARDING PROPERTY TO BE SURRENDERED:** On Plan confirmation, any creditor may repossess, foreclose upon, sell or obtain possession of the property the Plan proposes to surrender without obtaining stay relief. This provision does not prevent the earlier termination of the stay under operation of law or court order. Nothing contained in this section operates to permit *in personam* relief, modify any applicable co-Debtor stay or to abrogate Debtor's rights and remedies under non-bankruptcy law. The trustee shall not make distributions on account of any secured claim in this class.

<u>PROPERTY TO BE SURRENDERED</u>	<u>CREDITOR WITH SECURED CLAIM</u>
N/A	

**NON-STANDARD PROVISIONS FOR ¶ 8:
N/A**

9. **DEBTS SECURED BY REAL ESTATE.**

a. **Any creditor claiming a lien on any real property Debtor intends to retain will retain its lien pursuant to 11 U.S.C. § 1325(a)(5).**

b. **Debts secured by Debtor's Principal Residence:** b. The Debtor proposes to treat these debts pursuant to 11 U.S.C. § 1322(b)(5). These debts must be paid pursuant to U.S. Bankr. Ct. D. Kan. Standing Order 11-3 (hereafter S.O. 11-3) which, as currently enacted or subsequently amended, is incorporated herein as though set forth in full. To the extent any Provision of this Plan conflicts with S.O. 11-3, the provisions of S.O. 11-3 control.

i. Debtor declares as follows (check one):

Debtor has no principal residential real estate mortgage debt or is surrendering the principal residential real estate pursuant to ¶ 8; or,

Debtor is current on all pre-petition mortgage payments secured by a mortgage on the principal residence and will pay all post-petition mortgage payments directly to the real property creditor as defined by S.O. 11-3; or,

Debtor is not current on all pre-petition mortgage payments and will pay all post-petition mortgage payments through the Plan. The number of post-petition payments will be equivalent to the number of months from the first post-petition payment due under the Plan to the month after the last monthly payment under the Plan is made. The first post-petition mortgage payment through the Plan will begin with the **(month) (year)** payment, which is the third mortgage payment due after the filing of the petition. **The Chapter 13 Trustee will not make any disbursement of ongoing post-petition mortgage payments until the real property creditor files a proof of claim.** At the completion of the term of the Plan, Debtor will resume monthly mortgage payments directly to the real property creditor pursuant to the terms of the mortgage contract.

ii. Treatment of first two payments when paying post-petition mortgage payments through Plan: The sum of (a) the two monthly post-petition mortgage payments coming due before the Trustee commences distribution of the regular ongoing mortgage payment under the Plan, (b) the two late fees, and (c) any contract interest (said sum referred to in this Plan as “Conduit Administrative Expenses”) will be paid pursuant to S.O. 11-3(V)(B).

iii. Payments on pre-petition mortgage arrearage: These will be paid pro-rata with other similarly classed creditors over the life of the Plan. The Trustee will pay the arrearage contained in the creditor’s proof of claim unless an objection is filed and sustained.

iv. Interest on pre-petition arrearage: Unless otherwise ordered by the Court, interest on the arrearage will be paid as follows:

- Interest will not be paid on the pre-petition arrearage.
- Contract rate interest will be paid on the pre-petition arrearage.

v. List of debts secured by Debtor’s principal residence.

<u>REAL PROPERTY CREDITOR</u>	<u>LIEN PRIORITY</u> (1 ST , 2 ND , 3 RD)	<u>AMOUNT OWED</u>	<u>EST. PRE-PETITION ARREARAGE AMOUNT</u>	<u>ONGOING MONTHLY PAYMENT</u>
N/A		\$	\$	\$
		\$	\$	\$
		\$	\$	\$
		\$	\$	\$

vi. Effect of payment on pre-petition arrearage: If Debtor pays the pre-petition arrearage determined by the Plan, together with interest required by the Plan, the pre-petition default will be cured and the note and other loan documents will be

deemed current as of the date of filing. Any right of the mortgagee to recover any amount alleged to have arisen prior to the filing of the petition or to declare a default of the note, mortgage, or other loan documents based upon pre-petition events will be deemed extinguished.

vii. **Effect of payment of post-petition payments through the Plan:** If Debtor pays the Conduit Administrative Expense and all post-petition mortgage payments through the Plan, any post-petition default on Debtor’s residential home mortgage debt will be deemed cured, and all payments made on the debt through the date of Plan completion are current, with no arrearage, no escrow balance, late charges, cost or attorney fees owing.

NON-STANDARD PROVISIONS FOR ¶ 9(b):

N/A

c. Other Debts Secured by Non-residential Real Estate Liens

i. **Treatment of Claims of Real Estate Creditor when Payments Are Current.** As of the petition date, Debtor is current on all obligations to the Real Estate Creditors listed below and will pay the obligation(s) to any Real Estate Creditor listed below directly, and not through the Trustee.

<u>CREDITOR</u>	<u>COLLATERAL</u>	<u>DEBT</u>
N/A		\$
		\$
		\$

NON-STANDARD PROVISIONS FOR ¶ 9(c)(i):

N/A

ii. **Treatment of Claims When Debtor is Not Current and Debtor Proposes to Cure Pursuant to 11 U.S.C. § 1322(b)(5) (but does not otherwise propose to modify claim).**

A) Debtor will pay all post-petition mortgage payments directly to the Real Estate Creditor listed below. Any arrearages will be paid pro-rata over the life of the Plan with other secured claims also being paid on a pro-rata basis. The Trustee will pay the arrearage contained in the creditor’s proof of claim unless an objection is filed and sustained.

B) Unless otherwise ordered by the Court, interest on the arrearage will be paid as follows:
 Interest will not be paid on the pre-petition arrearage.
 Contract rate interest will be paid on the pre-petition arrearage.

C) If Debtor pays the pre-petition arrearage amount as determined by the Plan, together with applicable interest required by the Plan, any pre-petition default will be deemed cured and the note and other loan documents will be deemed current as of the date of filing. Any right of the mortgagee to recover any amount alleged to have arisen prior to the filing of the petition or to declare a default of the note, mortgage, or other loan documents based upon pre-petition events will be deemed extinguished.

<u>REAL ESTATE CREDITOR</u>	<u>COLLATERAL</u>	<u>AMOUNT OWED</u>	<u>EST. PRE-PETITION ARREARAGE AMOUNT</u>
N/A		\$	\$
		\$	\$
		\$	\$
		\$	\$

NON-STANDARD PROVISIONS FOR ¶ 9(c)(ii):

N/A

iii. Treatment of Secured Claims Being Modified Through Plan.

A) Real Estate Creditors listed below will be paid through the plan the value of the collateral or the amount of the claim, whichever is less, unless otherwise specified.

B) If Debtor proposes to pay the Real Estate Creditor on a pro rata basis with other secured claims also being paid on a pro-rata basis, rather than a fixed monthly amount as listed below, such provision must be included in the "Non-Standard Provisions" section for ¶ 9(c)(iii).

C) Interest will be paid on secured claims at the Trustee's current discount rate in effect on the date the Petition was filed unless otherwise provided in the "Non-Standard Provisions" section for ¶ 9(c)(iii).

<u>CREDITOR</u>	<u>COLLATERAL</u>	<u>DEBT</u>	<u>VALUE</u>	<u>MO. PAYMENT</u>
N/A		\$	\$	\$
		\$	\$	\$
		\$	\$	\$

NON-STANDARD PROVISIONS FOR ¶ 9(c)(iii):

N/A

iv. **Monthly payments:** Any creditor treated in ¶ 9(c)(ii) and (iii) will receive monthly payments as listed above from the funds available to pay those claims after the deduction of Trustee fees. If the Trustee does not have sufficient funds to pay the specific amount noted, the Trustee may adjust the payment so long as the claim will be paid before Plan completion.

NON-STANDARD PROVISIONS FOR ¶ 9(c)(iv):

N/A

10. DEBTS SECURED BY PERSONAL PROPERTY

a. **Lien retention and release:** Any secured creditor whose note is secured by personal property, including "910 car" loan creditors and "one year loan" creditors, as those are defined by the paragraph following 11 U.S.C. § 1325(a)(9), will retain its lien pursuant to 11 U.S.C. § 1325(a)(5) and shall be required to release the lien at the time designated by 11 U.S.C. § 1325(a)(5).

NON-STANDARD PROVISIONS FOR ¶ 10(a):

N/A

b. Monthly payments: Debtor proposes to pay personal property secured creditors equal monthly amounts listed below from the funds available to pay those claims after the deduction of Trustee fees. If the Trustee does not have sufficient funds to pay the specific amount noted, the Trustee may adjust the payment so long as the claim will be paid before Plan completion. Interest will be paid on these claims at the Trustee's discount rate in effect on the date the Petition was filed, unless otherwise provided in the "Non-Standard Provisions" section for each associated paragraph.

NON-STANDARD PROVISIONS FOR ¶ 10(b):
N/A

c. Pre-Confirmation Payments: If Debtor proposes to make pre-confirmation payments, the amount stated below will be paid by the Trustee each month as if the Plan were confirmed and will continue to be paid upon confirmation. If Debtor proposes to pay these claims on a pro rata basis, such provision must be listed in the "Non-Standard Provisions" following each section. Any pre-confirmation payments paid by the Trustee will be credited against the allowed secured claim as though the Plan had been confirmed. **TO RECEIVE ANY PAYMENT (PRE- OR POST-CONFIRMATION), A CREDITOR MUST FILE A CLAIM THAT IS ALLOWED.**

NON-STANDARD PROVISIONS FOR ¶ 10(c):
N/A

d. GENERAL SECURED CLAIMS: Any creditor listed below whose claim is secured by personal property (other than 910 car loan or one year loan creditors) will be paid the value of its collateral or the amount of the claim, **whichever is less**, unless otherwise specified in the "Non-Standard Provisions" section for ¶ 10(d).

<u>CREDITOR</u>	<u>COLLATERAL</u>	<u>DEBT</u>	<u>VALUE</u>	<u>MO. PAYMENT</u>
N/A		\$	\$	\$
		\$	\$	\$
		\$	\$	\$

NON-STANDARD PROVISIONS FOR ¶ 10(d):
N/A

e. 910 CAR LOAN CREDITORS: Each "910 car loan" creditor listed below will be paid the amount of the debt owed, unless the creditor agrees to receipt of less than the full amount under the Plan. **[Debtor must specifically include in the "Non-Standard Provisions" section for ¶ 10(e) if there is any attempt to pay less than the full amount of the claim.]** The Monthly Payment specified is an estimate, and the actual amount may vary, depending upon the amount of the allowed claim.

<u>CREDITOR</u>	<u>COLLATERAL</u>	<u>DEBT</u>	<u>VALUE</u>	<u>MO. PAYMENT</u>
N/A		\$	\$	\$
		\$	\$	\$
		\$	\$	\$

NON-STANDARD PROVISIONS FOR ¶ 10(e):
N/A

f. ONE YEAR LOAN CREDITORS The following creditors are one year loan creditors. Debtor proposes to pay these creditors the balance of the debt owed unless the creditor agrees to receipt of less than the full amount under the Plan. **[Debtor must specifically include in the “Non-Standard Provisions” section for ¶ 10(f) if there is any attempt to pay less than the full amount of the claim.]** The Monthly Payment specified is an estimate, and the actual amount may vary, depending upon the amount of the allowed claim.

<u>CREDITOR</u>	<u>COLLATERAL</u>	<u>DEBT</u>	<u>VALUE</u>	<u>MO. PAYMENT</u>
N/A		\$	\$	\$
		\$	\$	\$
		\$	\$	\$

NON-STANDARD PROVISIONS FOR ¶ 10(f):
N/A

11. SPECIAL CLASS CREDITORS:

There are no Special Class Creditors. (If neither box is selected, it will be deemed that no Special Class Creditors exist.)

OR

The following listed creditors are Special Class Creditors. They will NOT share pro rata in the amount to be paid to general unsecured creditors as determined by Official Form 22C or the liquidated value of the estate pursuant to the “Best Interest of Creditors” test. Special Class Creditors will be paid pro rata with other specially classed creditors, if any, following payment of administrative claims, secured claims and priority claims in the manner provided by this Plan.

<u>CREDITOR</u>	<u>TOTAL DEBT</u>	<u>INTEREST RATE,</u> <u>IF ANY</u>
N/A	\$	0.00%
	\$	0.00%
	\$	0.00%

NON-STANDARD PROVISIONS FOR ¶ 11, including identity and specific treatment of any Special Class Creditor:
N/A

12. STUDENT LOAN OBLIGATIONS: Any student loan will be paid, pro rata, with other general unsecured creditors. Interest will continue to accrue post-petition on non-dischargeable student loans and post-petition interest will only be paid to non-dischargeable student loans if allowed by 11 U.S.C. § 1322(b)(10). Any amount not paid on the student loan debt during this bankruptcy will survive the bankruptcy and is excepted from discharge unless Debtor files an adversary proceeding to determine the dischargeability of that debt and prevails on the merits.

NON-STANDARD PROVISIONS FOR ¶ 12:
N/A

13. **EXECUTORY CONTRACTS AND UNEXPIRED LEASES:** Debtor assumes the executory contracts and unexpired leases listed herein and will pay directly to the respective creditor any pre-petition arrearages and post-petition payments.

<u>CREDITOR</u>	<u>DESCRIPTION OF CONTRACT OR LEASE</u>
N/A	

NON-STANDARD PROVISIONS FOR ¶ 13:
N/A

14. **GENERAL UNSECURED CREDITORS:** General unsecured claims will be paid after all other unsecured claims, including administrative and priority claims, from Debtor’s projected disposable income in an amount not less than the amount those creditors would receive if the estate of Debtor were liquidated under chapter 7 on the date of confirmation pursuant to 11 U.S.C. § 1325(a)(4), the “best interest of creditors” test.

NON-STANDARD PROVISIONS FOR ¶ 14:
N/A

15. **“BEST INTERESTS OF CREDITORS TEST.”** Debtor represents that the property listed below would have the designated liquidation value if it were liquidated in a Chapter 7 case. (List property, explain how the computation of the liquidation value was made, or attach a separate document explaining computation.)

- a. **Total liquidation value: \$0.00**
- b. **Explanation of Calculation:**

NON-STANDARD PROVISIONS FOR ¶ 15:
N/A

16. **PROPERTY OF THE ESTATE:**
a. In addition to the property specified in 11 U.S.C. § 541, property of this bankruptcy estate includes all property acquired after the filing of the bankruptcy petition, including earnings. Except as otherwise provided, Debtor will remain in possession of all property of the estate.
b. All property of the estate will vest in Debtor at discharge or dismissal of the case.

NON-STANDARD PROVISIONS FOR ¶ 16:
N/A

17. OTHER GENERAL PLAN PROVISIONS:

(List any other Plan provision here that is not already noted, does not relate to a provision above, where space is not available, or that deviates from the model plan.)

N/A

18. This Plan contains no provisions deviating from the model plan adopted by the Court and in effect at the time of the filing of this case unless they are specifically set out in ¶ 17 or in the specific “NON-STANDARD PROVISIONS” sections contained in the model plan.

Dated:

Debtor:

s/

Debtor:

s/

_____ (Note: Obtaining the Debtor’s signature is optional.)

s/

_____ Attorney for Debtor

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS
STANDING ORDER NO. 12-2
ORDER ADOPTING REVISED INTERIM FEDERAL
RULE OF BANKRUPTCY PROCEDURE 1007-I AND ABROGATING D. KAN. BK. S.O. 10-1**

On October 20, 2008, the President signed the National Guard and Reservists Debt Relief Act of 2008, Pub. L. No. 110-438, which amended 11 U.S.C. § 707(b)(2). The Act provides a temporary exclusion from the application of the bankruptcy means test for reservists and certain members of the National Guard. Although the Act became effective December 19, 2008, the effective date of the Act did not provide sufficient time to promulgate rules after appropriate public notice and an opportunity for comment.

Acting on behalf of the Judicial Conference, the Executive Committee approved the transmission of revised Interim Rule 1007-I to the district courts with a recommendation that it be adopted through a local rule or standing order.

On December 1, 2012 amendments to Fed. R. Bankr. P. 1007 modify the substance of Interim Federal Rule of Bankruptcy Procedure by changing the deadline for submission of a list of creditors in an involuntary case.

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 revised Interim Federal Rule of Bankruptcy Procedure 1007-I is adopted in its entirety and without change by the judges of this court.

IT IS FURTHER ORDERED that this Standing Order abrogates D. Kan. Bk. S.O. 10-1, shall become effective December 1, 2012, and shall remain in effect until further order of the court.

IT IS SO ORDERED.

Dated this 2nd day of November, 2012.

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

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS
STANDING ORDER NO. 13-1
ORDER ADOPTING INTERIM D. KAN. LBR 2004.1**

The Bankruptcy Bench-Bar Committee for the District of Kansas has reviewed and recommended the adoption of Interim D. Kan. LBR 2004.1, attached hereto, to govern local procedures relative to Fed. R. Bankr. P. 2004 Examinations.

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 Interim D. Kan. LBR 2004.1 is adopted in its entirety and without change by the judges of this court.

IT IS FURTHER ORDERED that this Standing Order shall become effective February 1, 2013, and shall remain in effect until further order of the court.

IT IS SO ORDERED.

Dated this 31st day of January, 2013.

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

Interim LBR 2004.1
EXAMINATIONS

- (a) **Scheduling by Notice.** No order is necessary to authorize a Fed. R. Bankr. P. 2004 examination, or to require production of documents at the examination. Examinations may be scheduled upon notice filed with the Court and served on the trustee, the debtor, the debtor's attorney and the party to be examined. To the extent that a request for production of documents under this rule may be construed as a request under Bankruptcy Rule 7034, the time to respond is shortened to 14 days. A sample notice is attached.
- (b) **Reasonable Notice.** Attendance at an examination and production of documents may not be required less than 14 days after actual delivery of the notice, except by agreement or court order. The examining party must attempt to arrange a mutually agreeable time and place for any examination. Counsel for the examining party shall certify in the Notice what attempts counsel made to contact the examinee or, if represented, counsel for the examinee prior to filing the Notice.
- (c) **Protective Order.** Upon any interested party filing, at least 4 business days prior to the date of the proposed examination, a motion for protective order stating the reasons for prohibiting, limiting or rescheduling the examination, the examination shall be stayed until the court decides the motion. The court may summarily deny a motion for protective order where the movant has failed to make reasonable efforts to confer with opposing counsel or parties.
- (d) **Subpoena.** No subpoena is necessary to compel attendance of, or production of documents from, the debtor at an examination of the debtor, but a subpoena is necessary to compel the attendance of, or production of documents by, any other witness.
- (e) **Videotaped Examinations.** Examinations may be videotaped. The notice or subpoena must indicate that the examination is to be videotaped and whether it will also be recorded stenographically.

* * *

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS**

IN RE:)
)
John Q. Debtor,) **Case No. _____**
)
_____**Debtor.**)

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 Interim 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 Interim D. Kan. Local Rule 2004.1, no order shall be necessary. [If the examination is of a witness other than the debtor, the Official Form B254 "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 Interim 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.

[SIGNATURE BLOCK OF EXAMINING PARTY]

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].

An attorney for [Examining Party]

Notes: