

## **RULE 1009-1. AMENDMENTS TO LISTS, SCHEDULES & STATEMENTS**

- (a) An amendment to a debtor's petition, schedules, statements or lists, must be signed by the debtor(s) and must be served by the debtor(s) on the trustee and any affected creditor or party-in-interest and may be in the form prescribed by Local Form ~~No.~~1009-1(a).
- (b) An amendment adding, deleting or changing the address of any creditor or party-in-interest on Schedules D – H must include a separate mailing list setting forth only the name and address of the creditor or party-in-interest set forth in the amendment. If a mailing list does not accompany the amendment, the clerk may delay updating the mailing database until the mailing list is provided.
- (c) In addition to the amendment, the debtor must serve a copy of the original "Certificate of Commencement of Case" and the "Statement About Your Social Security Numbers" on any party added to schedules D through H.
- (d) If a "Statement About Your Social Security Numbers" was incorrect when submitted or filed, an amendment must be filed and the debtor must serve a copy of the amendment with the complete and corrected social security number on all parties previously served with the "Certificate of Commencement of Case". Within 7 days of such service, the debtor must file a certificate of service that debtor has complied with this requirement. Notwithstanding the foregoing, neither the electronically filed amendment nor its certificate of service should include any documentation showing the debtor's complete social security number.

## **RULE 2016-2. COMPENSATION OF ATTORNEYS IN CHAPTER 13 CASES**

- (a) The debtor's attorney in a chapter 13 case may accept – in lieu of filing an itemized application for compensation – a presumptively reasonable fee in an amount up to and including \$3,500, provided a plan is confirmed and
  - (i) debtor and counsel for debtor agree to and execute the Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys set forth in Local Form 2016-2(a)(i)a; and
  - (ii) within 14 days of the filing of the petition, counsel for the debtor files a Certification that substantially complies with Local Form 2016-2(a)(ii)b.
- (b) The presumptively reasonable fee includes:
  - (i) all services rendered up to and including confirmation of a plan as set forth in the Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys;
  - (ii) services rendered in post-confirmation matters referenced in the Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys; and
  - (iii) representation in any two (2) post-confirmation matters from the following list:
    - Responding to a motion to dismiss the case for failure to make plan payments, including a motion to modify;
    - Responding to a motion for relief from stay;
    - Filing a motion to modify the plan (including a motion to suspend plan payments);
    - Addressing a trustee's motion to modify the plan;
    - Filing an application to incur debt; or

- Filing a motion to sell property.
- (iv) All expenses incurred in connection with the above, excluding filing fees and reimbursement of actual costs for required prepetition credit counseling.
- (c) The presumptively reasonable fee does not include:
- (i) Defense of any adversary proceeding;
  - (ii) Representation in any unanticipated litigation or contested proceeding(s) arising from the debtor's failure to provide complete and accurate information to the attorney; or
  - (iii) Representation in any matter not otherwise addressed in the Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys.
- (d) The presumptively reasonable fee may be allowed in the order confirming the plan without further order.
- (e) Any compensation or reimbursement of expenses sought in excess of the presumptively reasonable fee of \$3,500 must be requested by filing an itemized application for compensation under FRBP 2016 and KYEB LBR 2016-1 and certifying that the services for which compensation is sought are in addition to the services required to be performed by sub-part (b)(iii).
- (f) An attorney seeking compensation for services rendered in a case dismissed prior to confirmation of a plan may file an itemized application for compensation under FRBP 2016 and KYEB LBR 2016-1 within 14 days after entry of the order of dismissal. The trustee will pay any allowed fee to the attorney to the extent funds are available after payment of pre-confirmation adequate protection payments, prior to returning any remaining funds to the debtor.

**RULE 3002-1. CLAIMS BY CREDITOR HOLDING A CLAIM IN A CHAPTER 13 CASE**

- ~~(a) **Filing of Proof of Claim.**—A proof of claim filed by or on behalf of a creditor, including a creditor holding a secured claim, must be filed in a chapter 13 case before the trustee may make payment to such creditor in accordance with the plan and must contain a rebated balance as of the date of the filing of the petition with interest rebated to such date.~~
- ~~(b)~~ **(a) Agreed Orders Regarding Claims.**—An agreed order allowing a claim or affecting the secured status or payment of a secured claim will not be entered by the Court without a hearing unless the chapter 13 trustee is a signatory.

**RULE 3015-1. CHAPTER 13 – PLAN**

- (a) A chapter 13 plan must conform to Local Form ~~No.~~ 3015-1 (a).
- (b) At the time the chapter 13 plan is filed, the debtor must serve a copy of the plan upon all creditors and other parties in interest and must file a certificate of service.

### **RULE 3015-3. CHAPTER 13 – CONFIRMATION**

#### **(a) Objections to Confirmation.**

- ~~(i) An objection to confirmation of a chapter 13 plan must be filed with the court and served on the debtor and the chapter 13 trustee within 7 days after the date first set for the meeting of creditors.~~ An objection to a modified plan must be filed within 7 days after the filing of a modified plan.
- (ii) Notwithstanding the foregoing, an objection by a creditor holding a claim for a domestic support obligation based on 11 U.S.C. §1325(a)(8) may be filed at any time prior to entry of the order confirming the plan.
- (iii) An agreed order resolving an objection to confirmation will not be entered by the Court without a hearing unless the chapter 13 trustee is a signatory.

#### **(b) Hearing on Confirmation.** ~~Notice to all parties of the hearing on confirmation and of the deadline for filing objections to confirmation of a chapter 13 plan may be combined with the notice of the meeting of creditors given under FRBP 2002. If no objection to confirmation is timely filed, the Court may, without a hearing, confirm the plan, and e~~Confirmation may occur earlier than 21 days after the date of the meeting of creditors under 11 U.S.C. §341(a).

#### **(c) Order of Confirmation.** Unless otherwise ordered by the Court, the order of confirmation will be tendered by the chapter 13 trustee and must substantially conform to Local Form ~~Ne~~ 3015-3(c). Unless served electronically by the ECF System, a copy of the order must be served promptly by the trustee on the debtor, debtor's counsel, and any creditor who timely filed an objection to confirmation of the plan.

### **RULE 3015-4. CHAPTER 13 PRE-CONFIRMATION ADEQUATE PROTECTION PAYMENTS**

Pre-confirmation adequate protection payments governed by 11 U.S.C. §1326(a)(1)(C):

(a) may only be made by the chapter 13 trustee; and

~~(a)~~(b) shall be proposed by the debtor using Local Form 3015-4(b), which shall be filed and served with the debtor's chapter 13 plan.

~~(a) The debtor must make the payment as part of the total payment to the trustee, and the trustee must pay the amount provided by the plan to the secured creditor.~~

~~(b) Adequate protection payments will not accrue or be paid until the creditor files a proof of claim. The principal amount of the creditor's claim must be reduced by the amount of the adequate protection payments paid by the trustee.~~

~~(c) Upon dismissal of a case prior to confirmation, the trustee must first make the adequate protection payments required under this rule before disbursing the balance of funds.~~

~~(d) At the time of making pre-confirmation adequate protection payments, the chapter 13 trustee will be entitled to collect the percentage fee in the amount fixed under 28 U.S.C. §586(e)(1)(B).~~

### **RULE 4001-3. OBTAINING CREDIT TO PURCHASE VEHICLE**

A motion and proposed order to obtain credit to purchase a vehicle shall conform to Local Form 4001-3-1 and Local Form 4001-3-2, respectively.

### **RULE 4003-2. LIEN AVOIDANCE**

- (a) A motion to avoid a judicial lien pursuant to 11 U.S.C. §522(f)(1)(A) shall include a proposed order that conforms to Local Form 4003-2(a).~~must~~
- ~~(i) identify by filing date, county, book and page number, the judicial lien sought to be avoided;~~
  - ~~(ii) identify the exempt property which the judicial lien encumbers; and~~
  - ~~(iii) set forth the calculation required by 11 U.S.C. §522(f)(2).~~
- (b) A motion to avoid a nonpossessory, nonpurchase money lien on exempt property pursuant to 11 U.S.C. §522(f)(1)(B) must:
- (i) identify the personal property encumbered by the lien, including the value thereof,
  - (ii) state the amount of the claimed exemption; and
  - (iii) state that the lien is a nonpossessory, nonpurchase money security interest.
- Further, the proposed order avoiding a lien shall state that, unless the bankruptcy case is dismissed, the avoided lien will not survive the bankruptcy case or affix to or remain enforceable against the debtor's interest in the property identified in the motion.-
- (c) A request for release of a judicial lien filed in the local real property records against a debtor that did not own any real property on the petition date shall include a proposed order that conforms to Local Form 4003-2(c).~~Any proposed order avoiding a lien under this rule shall state that, unless the bankruptcy case is dismissed, the avoided lien will not survive the bankruptcy case or affix to or remain enforceable against the debtor's interest in the property identified in the motion.~~

### **RULE 4004-3. DISCHARGE IN INDIVIDUAL CHAPTER 11 CASES – REQUIREMENTS**

- (a) Debtor's Certification. Upon completion of all plan payments in an individual chapter 11 case, the debtor shall file the Certification of Plan Completion and Request for Discharge, Local Form 4004-3(a). If the case was closed prior to the filing of the request for discharge, the request must be accompanied by a motion to reopen the case.
- (b) Time for Responses. Any response to the chapter 11 debtor's Certification of Plan Completion and Request for Discharge must be filed within 14 days after the certification is filed.

- (c) Hardship Discharge. A motion by the debtor for a discharge under 11 U.S.C. §1141(d)(5)(B) must be accompanied by the Certification of Debtor Eligibility Regarding Request for Discharge Prior to Completion of Plan Payments, Local Form 4004-3(c)b.

**RULE 4004-4. DISCHARGE IN CHAPTER 12 CASES – REQUIREMENTS:**

- (a) Trustee’s Plan Completion Report. Upon the trustee filing a notice of plan completion, the trustee shall contemporaneously serve on the debtor and the attorney for the debtor (if any) a notice of plan completion and of the debtor’s need to file a request for discharge.
- (b) Debtor’s Certification. The debtor shall complete and file with the Court within 30 days of the date of the trustee’s notice the Certification of Plan Completion and Request for Discharge, Local Form 4004-4(b)a. Failure to file the certification could result in the case being closed without a discharge.
- (c) Time for Responses. Any response to the Certification of Plan Completion and Request for Discharge must be filed within 14 days after the certification is filed.
- (d) Hardship Discharge. Upon the filing of a motion by the debtor for a discharge under 11 U.S.C. §1228(b), the debtor shall contemporaneously file the Certification of Debtor Information Regarding Request for Hardship Discharge, Local Form 4004-4(d)b. Failure to file the certification with the motion may result in denial of the relief sought.

**RULE 4004-5. DISCHARGE IN CHAPTER 13 CASES – REQUIREMENTS**

- (a) Trustee’s Plan Completion Report. Upon the trustee filing a notice of plan completion, the trustee shall contemporaneously serve on the debtor and the attorney for the debtor (if any) a notice to the debtor of plan completion and of the debtor’s need to file a request for discharge.
- (b) Debtor’s Certification. The debtor shall complete and file with the Court within 30 days of the date of the trustee’s notice the Certification of Plan Completion and Request for Discharge, Local Form 4004-5(b)a. Failure to file the certification could result in the case being closed without a discharge.
- (c) Time for Responses. Any response to the Certification of Plan Completion and Request for Discharge must be filed within 14 days after the certification is filed.
- (d) Hardship Discharge. Upon the filing of a motion by the debtor for a discharge under 11 U.S.C. §1328(b), the debtor shall contemporaneously file the Certification of Debtor Information Regarding Request for Hardship Discharge, Local Form 4004-5(d)b. Failure to file the certification with the motion may result in denial of the relief sought.

**RULE 5009-1. SATISFACTION OF LIENS IN CHAPTER 12 OR 13 CASES**

A request for a declaration that a secured claim has been satisfied and the lien has been released under the terms of a confirmed plan shall include a proposed order that conforms to Local Form 5009-1.