

**UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF KENTUCKY**

GENERAL ORDER 04-01

IT IS HEREBY ORDERED that Rule 9 of the Local Rules of the United States Bankruptcy Court for the Western District of Kentucky be, and hereby is, amended to include Motion for Relief From Automatic Stay Involving Monetary Arrearages Owed On Real Property Mortgages in Chapter 13s as Rule 9.1.5.

IT IS FURTHER ORDERED that Rule 16 Forms be amended to include Form 16.21, Appendix to Motion for Relief From Automatic Stay Involving Monetary Arrearages Owed On Real Property Mortgages in Chapter 13s.

Attachments
Rule 9.1.5
Form 16.21

/s/
Judge David T. Stosberg

/s/
Judge Joan L. Cooper

/s/
Judge Thomas H. Fulton

Louisville, Kentucky
Dated: January 6, 2004

Rule 9.1.5
Motion For Relief From Automatic Stay
Involving Monetary Arrearages Owed On Real
Property Mortgages In Chapter 13s

9.1.5(a) Upon the filing of a Motion to terminate or modify the stay, The Clerk of Court shall set a hearing no earlier than 20 and no later than 30 days from the date filed.

9.1.5(b) All motions to terminate or modify the stay shall include a payment history in a format similar to LBR 16.21 to this rule. The payment history shall begin from the later of either the filing of the petition or the month the arrearage started and shall set forth:

1. The month the first delinquent payment was due.
2. Whether any payments were paid subsequent to the date of the first default and how it was applied.
3. The amount of the payment.

At a minimum the payment history shall cover the 12 month period immediately preceding the date of the motion filed.

9.1.5(c) If the motion does not include the payment history, then the motion shall be overruled.

9.1.5(d) The debtor shall have 15 days to respond to the motion. Any response that contests the amount of the arrearage shall contain a payment history in a format similar to LBR 16.21 to this rule for the period covered in the motion. The history shall contain:

1. The date the payment was tendered.
2. The amount of the payment.
3. The check or money order number.
4. The month(s) the payment was intended to cover.

The payment history shall contain copies of the checks or money order receipts or a statement as to why those receipts are not available and when they can be furnished.

***LBR 16.21 Appendix To Motion For Relief From
Automatic Stay Involving Monetary Arrearages
Owed On Real Property Mortgages In Chapter 13s***

DEBTOR: _____

CASE NO.: _____

DATE PETITION WAS FILED: _____

| <u>MONTH/YEAR PAYMENT DUE</u> | <u>DATE SENT/ RECEIVED</u> | <u>CHECK # AMOUNT</u> | <u>MO #</u> |
|--|---------------------------------------|----------------------------------|--------------------|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |

| | | | |
|--|---------------------------------------|----------------------------------|--------------------|
| 9. | | | |
| <u>MONTH/YEAR PAYMENT DUE</u> | <u>DATE SENT/ RECEIVED</u> | <u>CHECK # AMOUNT</u> | <u>MO #</u> |
| 10. | | | |
| 11. | | | |
| 12. | | | |

() DEBTOR HAS ALL CHECKS/EXHIBITS WHICH ARE ATTACHED HERETO.

() DEBTOR IS GETTING CHECKS/EXHIBITS FROM: _____

() CHECKS/EXHIBITS UNAVAILABLE BECAUSE: _____
