

UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF KENTUCKY



LOCAL RULES

Effective _____ 1, 2004

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RULE 1. GENERAL INFORMATION ABOUT LOCAL RULES

1.1 Scope of the Local Rules (9029-1)

These Local Rules of practice for the United States Bankruptcy Court for the Western District of Kentucky provide standardized procedures for the convenience of the bench and bar, and they:

- (a) supplement the Federal Rules of Bankruptcy Procedure and the Joint Local Rules for the Eastern and Western Districts of Kentucky;
- (b) shall be construed to be consistent with the above-mentioned rules;
- (c) shall be construed to secure the just, efficient and economical determination of bankruptcy cases and proceedings; and
- (d) supercede all previous Local Rules and General Orders.

1.2 Effective Date of Local Rules (5001-1)

These rules shall apply to all cases and proceedings filed on or after _____ 1, 2004.

1.3 Meaning of references to “Court” and “Clerk” (9001-1)

- (a) “Court” shall mean the United States Bankruptcy Court for the Western District of Kentucky; and
- (b) “Clerk” shall mean the Clerk of the United States Bankruptcy Court for the Western District of Kentucky.

1.4 Citation of Local Rules (5001-1)

These rules shall be cited as “L.B.R. {insert Rule Number, such as 1.4} (W. D. Ky.)” The numbers in parenthesis are provided as a cross-referencing tool to assist users in locating topics or local rules that correspond to the relevant Federal Rules of Bankruptcy Procedure and the Judicial Conference’s Uniform Numbering System.

RULE 2. JURISDICTION - GEOGRAPHICAL DIVISIONS AND VENUE

2.1 Geographic Divisions of the Court (1071-1, 1073-1)

All proceedings shall be conducted in the division of the residence of the debtor or the division in which the major part of the assets are located. The assignment of counties may be changed by local rule or Court Order.

2.2 Division 1 - Bowling Green

- | | |
|------------|----------|
| Adair | Green |
| Allen | Hart |
| Barren | Logan |
| Butler | Metcalfe |
| Casey | Monroe |
| Clinton | Russell |
| Cumberland | Simpson |
| Edmonson | Taylor |

Todd
Warren

2.3 Division 3 - Louisville

Breckinridge	Meade
Bullitt	Nelson
Hardin	Oldham
Jefferson	Spencer
Larue	Washington
Marion	

2.4 Division 4 - Owensboro

Daviess	McLean
Grayson	Muhlenberg
Hancock	Ohio
Henderson	Union
Hopkins	Webster

2.5 Division 5 - Paducah

Ballard	Graves
Caldwell	Hickman
Calloway	Livingston
Carlisle	Lyon
Christian	McCracken
Crittenden	Marshall
Fulton	Trigg

2.6 Change of Venue (1014-2)

Any request for change of venue after assignment shall be made by motion to the Court.

RULE 3. ATTORNEY PRACTICE BEFORE U.S. BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF KENTUCKY

3.1 Eligibility of Attorney (2090-1)

An attorney is eligible to practice before this Court:

- (a) who has been admitted to practice before the United States District Court for the Western

District of Kentucky;

- (b) who is in good standing with that Court;
- (c) who is of good moral and professional character; and
- (d) who adheres to all applicable rules.

3.2 Conflicting Engagements (5070-1)

It is the professional responsibility of attorneys:

- (a) to avoid setting conflicting engagements in the courts;
- (b) to inform the Court of expected difficulties or conflicts which may arise;
- (c) to achieve the resolution of such conflicts or problems at the earliest possible time; and
- (d) to carry with them at all times they are in Court a calendar of their future court appearances.

3.3 Practice of Law Defined

“Practice of law” does not include questioning debtors at a meeting of creditors or the filing of claims. “Practice of law” includes, but is not limited to:

- (a) preparing and filing papers, such as complaints, petitions, applications and motions;
- (b) questioning witnesses in proceedings before the Bankruptcy Judge; and
- (c) pursuing or defending any action of any nature in this Court.

3.4 Representation of Corporations, Partnerships and Other Business Entities (1074-1)

All partnerships, corporations and other business entities – other than an individual conducting business as a sole proprietorship – that desire to appear in cases or proceedings before this Court must be represented by an attorney duly admitted to practice before this Court.

3.5 Pro Hac Vice Admission (2090-1)

- (a) Licensed attorneys who are not admitted to practice before the Western District of Kentucky Court may be permitted by the Court to appear *pro hac vice* from time to time in a case or proceeding, by filing a motion and a certificate of service evidencing service of the motion and order upon counsel for the adverse party, the trustee, and the U.S. Trustee.
- (b) A motion requesting *pro hac vice* admittance must specifically recite that the movant is familiar with and will comply with the Bankruptcy Code, the Bankruptcy Rules, and these Local Bankruptcy Rules.
- (c) An attorney appearing *pro hac vice* must also have local counsel as required in [L.B.R. 3.7](#).

3.6 Exceptions to Representation by an Attorney (9010-1)

The following exceptions to representation by an attorney apply:

- (a) an individual may represent him or herself; that is, an individual may appear *pro se*;
- (b) an individual may file a Proof of Claim;
- (c) an individual may represent an unincorporated business if that individual is the sole proprietor of that business; and
- (d) an individual may represent a creditor or any other entity at a meeting of creditors.

3.7 Designation of Local Counsel

Unless otherwise ordered by the Court, all parties, except those appearing pro se, must be represented by a member of the Bar who has an office in this state.

- (a) For computation of time purposes, service of papers upon local counsel will constitute service within the meaning of Fed.R.Bankr.P. 7005(b). It is the responsibility of local counsel to then immediately serve copies of the papers upon other counsel of record.
- (b) Local counsel must be sufficiently informed to answer status queries of the Court and to appear and adequately represent the client at any hearings before the Court, even on short notice and in the absence of co- counsel.
- (c) The U.S. Attorney General is not required to designate local counsel.

3.8 Attorney of Record (9010-1)

Unless otherwise permitted by the Court, an attorney will be deemed to be an attorney of record in all actions by:

- (a) filing an entry of appearance;
- (b) making an in-court appearance on behalf of a party and thereafter filing an entry of appearance; or
- (c) signing a pleading as attorney for a party.

3.9 Extent of an Attorney's Duty to Represent (9011-1)

- (a) Any attorney who files a bankruptcy petition for or on behalf of a debtor will remain the responsible attorney of record for all purposes including the representation of the debtor in all proceedings that arise in conjunction with the case.
- (b) An attorney is relieved of his or her duties when the debtor's case is closed, or when the attorney is specifically relieved after notice and a hearing upon motion and order of this Court.
- (c) Notice of any debtor's attorney's motion to withdraw from a case or proceeding will be served upon the matrix, U.S. Trustee and Panel Trustee by said attorney unless otherwise ordered.

RULE 4. DISCIPLINE OF ATTORNEYS

4.1 Discipline Generally (2090-2)

- (a) Any attorney permitted to practice before this Court that has been subjected to public discipline in any other court or any attorney that has been found guilty of unprofessional conduct shall be subject to discipline by this Court.
- (b) In all cases where it is shown to the Court that any attorney permitted to practice before the Court has been guilty of unprofessional conduct within the meaning of the standards of professional responsibility adopted by the Supreme Court of Kentucky or is guilty of other improper conduct unbecoming an officer of the Court, any Judge may enter an Order directing that attorney to show cause, within a specific time, why the Court should not take disciplinary action against the attorney. Upon the attorney's response to the Order to show cause, and if requested, after a hearing before the Judge, or upon the expiration of the period set forth in the Order to show cause, if no response has been made, the Court will enter an appropriate Order. Nothing in this Rule shall limit the power of the Court to

impose sanctions.

- (c) Disbarment from the Bar of this Court may be utilized as a sanction.

4.2 Discipline in Another Court; Procedure (2090-2)

(a) Attorney's Duty to Notify of Disciplinary Action (2090-2)

Any attorney permitted to practice before the Court shall promptly inform the Clerk in writing of any public discipline in any other court by presenting to the Clerk a certified copy of any Judgment or Order verifying the discipline imposed.

(b) Notice to the Attorney (2090-2)

The Court shall immediately issue to the attorney:

- (1) An Order to show cause why the imposition of the identical discipline by this Court would be unwarranted; and
- (2) An Order setting a hearing on the Order to show cause will be scheduled no less than thirty (30) days after service of that Order upon the attorney, personally or by mail.

(c) Grounds for Challenge (2090-2)

An attorney shall be subject to discipline by this Court unless the attorney demonstrates, or the Court finds, that upon the face of the record upon which the discipline in the other Court is predicated, it clearly appears:

- (1) That the procedure was so lacking in notice and opportunity to be heard as to constitute a deprivation of due process;
- (2). That there was such an infirmity of proof establishing the misconduct as to give rise to a clear conviction that the Court could not, consistent with its duty, accept as final the conclusion on that subject;
- (3) That the imposition of the same discipline by the Court would result in grave injustice; or
- (4) That the misconduct established is deemed by the Court to warrant substantially different discipline.

(d) Discipline Imposed

If the Court determines that any of the foregoing grounds exist, it shall enter any other Order as it deems appropriate.

(e) Finality of the Other Court's Action (2090-2)

- (1) A final adjudication in another Court that an attorney has been found guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in this Court.
- (2) If the discipline imposed in the other Court has been stayed or has not become a final decision, any reciprocal discipline imposed by this Court shall be deferred until the stay expires or the decision becomes final.

RULE 5. OPERATION OF U.S. BANKRUPTCY COURT FOR THE

WESTERN DISTRICT OF KENTUCKY

- 5.1 Business Hours (5001-2)**
- (a) The Bankruptcy Court is open to the public from 8:30 a.m. to 4:30 p.m., Eastern Standard Time, Monday through Friday.
 - (b) The Court is closed on all federal holidays.
 - (c) The Court may close due to inclement weather or other circumstances and will provide notification on the Court's voice-mail.
- 5.2 Official Address of the U.S. Bankruptcy Court-Western District of Kentucky (5001-2)**
- Clerk of the Bankruptcy Court
Gene Snyder Courthouse
601 W. Broadway, Suite 450
Louisville, Kentucky 40202-2264
- 5.3 Emergency Filings, Late or After-hours Filings, Filings by FAX (For Motions for Emergency/Expedited Relief See [L.B.R. 9.4](#)) (5005-1)**
- (a) In the event of technical problems with CM/ECF, the Filing User must contact the Clerk's office to request permission to file by alternative method.
 - (b) The Clerk's office will direct the method that is most efficient.
- 5.4 Emergency Requests for Bankruptcy Copies by Facsimile (5005-4)**
- (a) All documents are available on PACER. For very unusual and rare circumstances permission may be given to send copies by facsimile.
 - (b) Copies of filings to be sent by facsimile must be approved in advance by the Clerk of Court or designee.
 - (c) Copies of Filings to be sent by facsimile may require advance payment of a fee as imposed in the Bankruptcy Fee Schedule.
- 5.5 Telephone Numbers for the Clerk's Office and Chambers:**
- | | |
|---|---|
| Customer Service | (502) 627-5700 |
| Voice Case Information System (VCIS) | (502) 627-5660 or
(800) 263-9385 |
| PACER Service Center | (800) 676-6856 |
| Clerk's Office | (502) 627-5700 |
| Clerk of Court/Chief Deputy Clerk | (502) 627-5800 |
| Adversary Proceedings | (502) 627-5620 |
| Courtroom Services | (502) 627-5600 |
| Financial Manager | (502) 627-5777 |
| Space & Facilities Manager | (502) 627-5775 |
| Operations Manager | (502) 627 5800 |

TEAM - RED

(502) 627-5780

All Paducah Cases & Louisville Cases ending in 00-60

TEAM -PURPLE

(502) 627-5782

All Bowling Green and Owensboro Cases & Louisville Cases ending in 61-99

CHAMBERS:

Chief Judge David T. Stosberg

(502) 627-5575

Judge Joan L. Cooper

(502) 627-5525

Judge Thomas H. Fulton

(502) 627-5550

RULE 6. PROCEDURES FOR FILING DOCUMENTS

6.1 Scope of Electronic Filing

(5005-4)

(a) Electronic Filing Required

All pleadings and documents filed with the Court must be filed electronically - except as expressly provided below in [6.1 \(b\)](#).

A computer terminal is available in the Customer Service area - Room 450 - of the Clerk’s Office for electronic filing by Filing Users.

(b) Pro Se Filing

Parties without legal representation (*pro se* debtors) are not required to file pleadings and other papers in a case electronically, but must adhere to the following requirements:

- (1)** All petitions must be typewritten;
- (2)** All petitions must include the telephone number of the *pro se* debtor;
- (3)** All petitions, statements of affairs and schedules must:
 - (A)** be filed within fourteen (14) days of their execution; or
 - (B)** a properly executed amendment must be filed indicating the changes - if any - that have occurred between the date of execution and the date of filing;
- (4)** An original of the petition, lists, schedules and statements under the selected chapter of the Bankruptcy Code must be filed; and
- (5)** A matrix of creditors in the form prescribed by the Clerk must be filed.

6.2 Eligibility, Registration and Passwords for Electronic Filing

(5005-4), (3001-1), (9076-1), (9022-1), (9011-3), (9010-1)

(a) Eligibility

Attorneys admitted to the bar of this Court - including those admitted *pro hac vice* - private trustees, U.S. trustees and their assistants, and others as the Court deems appropriate, may register as Filing Users of the Court’s Electronic Filing System (or Electronic Case Filing System - ECF). See the application form at Local Form [D](#).

(b) Creditors Not Represented

Creditors who are not represented by counsel may register as Filing Users of the Court’s electronic filing system for the sole purpose of filing claims, notice of transferred claims,

reaffirmation agreements, requests to receive notices and withdrawal of claims. See Local Form [C](#).

(c) **Consent to Electronic Notice and Service**

Issuance of a password granting access to the Court's Electronic Filing System constitutes express consent by the Filing User to electronic notice and service, except with regard to service of a summons and complaint under Fed.R.Bankr.P. 7004. Consent to electronic notice applies to notice of the entry of an order or judgment under Fed.R.Bankr.P. 9022.

(d) **Duty to Protect Electronic Filing Password**

Upon completion of the application to register as a Filing User, the Court will e-mail a log-in name and unique password for use exclusively by the Filing User and his/her designee. Filing Users agree to protect the security of their passwords and immediately notify the Clerk if they learn that their passwords have been compromised. Filing Users may be subject to sanctions for failure to adequately protect their passwords.

(e) **Maintenance of E-mail Addresses**

At all times, Filing Users must maintain their current e-mail addresses in their ECF Account.

6.3 Consequences of Electronic Filing (5005-4), (9006-1)

(a) **What Constitutes "Filing"**

Electronic transmission of a document to the Electronic Filing System consistent with these rules, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document and entry of the document on the docket.

(b) **What Constitutes the Official Record**

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court. The filing party is bound by the document as filed.

(c) **Calculating Date & Time of Filing**

Except for *pro se* filings, a document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the Court.

(d) **Deadlines**

Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight (12:00 a.m.), Eastern Standard Time, in order to be considered timely filed that day.

6.4 Entry of Court Orders (5091-1, 5003-1, 9021-1, 9021-2)

(a) **Entry on the Docket**

All orders, decrees, judgments, and proceedings of the Court will be filed in accordance with these rules, which will constitute entry on the docket. All signed orders will be filed electronically by the Court or court personnel.

(b) **Effect of Electronically Signed Orders**

Any Order entered electronically with a representation of the Judge's signature has the same force and effect as if the Judge had affixed the Judge's signature to a paper copy of the Order.

6.5 Attachments *(5005-1, 9004-1)*

(a) Requirements

All attachments must be filed in electronic form unless the Court permits otherwise.

(b) Attachments in Excess of 40 pages

For attachments in excess of 40 pages in length, a Filing User shall submit only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court.

(c) Excerpted Material

Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document.

(d) Response to Excerpted Material

Responding parties may timely file additional excerpts or the complete document that they believe are directly germane.

(e) Request for Complete Attachments

Parties to a case or adversary proceeding may request Filing Users who file an excerpt to provide a complete copy of the attachment within seven (7) days of receipt of the request.

6.6 Retention Requirements for Documents Requiring an Original Signature *(9011-1)*

(a) Electronically filed documents that require original signatures - other than that of the Filing User - must be maintained in paper form by the Filing User for 2 years following the expiration of all time periods for appeals.

(b) On request of the Court, the Filing User must provide original documents for review.

6.7 Electronic Signatures *(5005-4, 9011-3)*

(a) What Constitutes an Electronic Signature

The Filing User log-in and password required to submit documents to the Electronic Filing System serve as the Filing User's signature on all electronic documents filed with the Court.

(b) Signature for purposes of Rule 9011

The Filing User log-in and password required to submit documents to the Electronic Filing System also serve as a signature for purposes of Fed.R.Bankr. P. 9011, the Local Rules of this Court, and any other purpose for which a signature is required in connection with proceedings before the Court.

(c) Notation of Electronic Filing

Each document filed electronically must - if possible - indicate that it has been electronically filed.

(d) Requirements for Signature Block

Electronically filed documents must include a signature block which includes:

- (1)** the name;
- (2)** address; and
- (3)** telephone number of the filer.

(e) Requirement of "S/" to denote Signature

The name of the Filing User under whose log-in and password the document is submitted must be preceded by a "s/" and typed in the space where the signature would otherwise appear.

(f) Unauthorized Use of Filing User Password

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

(g) Documents Signed by Multiple Parties

Documents requiring signatures of more than one party must be electronically filed either by:

- (1)** Submitting a scanned document containing all necessary signatures;
- (2)** Representing the consent of the other parties on the document;
- (3)** Identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three business days after filing; or
- (4)** In any other manner approved by the Court.

6.8 Service of Documents by Electronic Means (9036-1)

(a) Requirement to Transmit “Notice of Electronic Filing”

Each entity electronically filing a pleading or other document must transmit a "Notice of Electronic Filing" to parties entitled to service or notice under the Federal Rules of Bankruptcy Procedure and the Local Rules.

(b) Permissible Methods of Transmission of “Notice of Electronic Filing”

The "Notice of Electronic Filing" must be transmitted by e-mail, hand, facsimile, or by first-class mail postage prepaid.

(c) What Constitutes Service or Notice

Electronic transmission of the "Notice of Electronic Filing" constitutes service or notice of the filed document.

(d) Notice or Service for Non-Electronic Filing Users

Parties not deemed to have consented to electronic notice or service are entitled to receive a paper copy of any electronically filed pleading or other document.

(e) Requirements for Service and Notice

Service or notice must be made according to the Federal Rules of Bankruptcy Procedure and the Local Rules.

6.9 Notice of Court Orders and Judgments (9022-1)

(a) Requirements for Notice and Service by Clerk

Immediately upon the entry of an Order or Judgment in the Electronic Filing System, the Clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing which constitutes the notice required by Fed.R.Bankr.P. 9022.

(b) Notice and Service by Clerk for Non-Electronic Filing Users

The Clerk must give notice to a person who has not consented to electronic service in paper form in accordance with the Federal Rules of Bankruptcy Procedure.

(c) Notices to Debtors

(1) The debtor's attorney is responsible for service of resulting Orders upon the debtor. Resulting Orders include the following:

- (A)** Orders from hearings;
- (B)** Orders related to motions and applications that were noticed for objection;
- (C)** Orders allowing payment of a filing fee in installments; and

- (D) All other Orders form motions and applications that were considered by the Judge.
- (2) The Clerk shall only serve Orders to a debtor that give notice required under Fed.R.Bankr.P. 2002, which includes but is not limited to the following:
 - (A) Orders setting a hearing;
 - (B) Orders of dismissal and conversion;
 - (C) Orders of discharge; and
 - (D) Orders of confirmation.

6.10 Technical Failures

A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the Court through a motion and order, except in the case of filing a Notice of Appeal or Dischargeability Complaint.

6.11 Public Access

(a) Electronic Access to Court Information

Any person or organization - other than one registered as a Filing User under [L.B.R. 6.2](#) - may access the Electronic Filing System at the Court's Internet site at www.kywb.uscourts.gov after obtaining a PACER log-in and password.

(b) Limitations to Electronic Access to Court Information

Those who have PACER access but who are not Filing Users may retrieve docket sheets and documents, but they may not file documents.

(c) Sealed Records

Any person may apply by motion for an order limiting electronic access to or prohibiting the electronic filing of certain specifically-identified materials on the grounds that such material is:

- (1) subject to privacy interests; and
- (2) that electronic access or electronic filing in the action is likely to prejudice those privacy interests.

(d) Transcripts and Exhibits

All transcripts and exhibits must be filed electronically unless impracticable. Filing Users shall contact the Court for alternate filing instructions for voluminous exhibits.

(e) Prohibition against Use of Information Inconsistent with Privacy

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

6.12 Matters That May Automatically Be Dismissed or Overruled (9011-4; 1007-2; 5080-1)

The Court will dismiss or overrule any petition, complaint, motion, agreed order, or other paper - except reaffirmation agreements and proofs of claim - under Title 11, regardless of the Chapter under which it is filed, if it:

- (a) Purports to place more than one entity or person (unless they are husband and wife) under the protection of Title 11;
- (b) Is not accompanied by a filing fee or installment application;
- (c) Is not properly signed;
- (d) Is filed *pro se* by a corporation/partnership or other business entity - other than an individual conducting business as a sole proprietorship - See [L.B.R. 3.4](#); or

- (e) Fails to have a creditor database loaded.

6.13 Timely Filing from Date of Execution of Petition (1002-1;1007-1)

All petitions, statements of affairs and schedules must be:

- (a) filed within fourteen (14) days of their execution; or
- (b) a properly executed amendment must be filed indicating the changes, if any, that have occurred between the date of execution and the date of filing.

6.14 Electronic Availability of Case File Information/ Protecting Personal or Sensitive Information

In order to promote electronic access to case files while also protecting personal privacy and other legitimate interests:

- (a) the parties must not include - or must partially redact - all personal data identifiers including but not limited to the following from all pleadings filed with the Court, whether filed electronically or in paper:

- (1) **Social Security Numbers**

- If an individual's social security number must be included in a pleading, only the last four digits of that number should be used, except for the Statement of Social Security Number Form which must be separately filed with the Court pursuant to Fed.R.Bankr.P. 1007(f).

- (2) **Names of Minor Children**

- If the involvement of minor children must be mentioned, only the initials of that child should be used.

- (3) **Dates of Birth**

- If an individual's date of birth must be included in a pleading, only the year should be used.

- (4) **Financial account numbers**

- If financial account numbers are relevant, only the last four digits of those numbers should be used.

- (5) **Other personal data identifiers**

- Filers should exercise caution when filing documents that include driver's license numbers, medical records - including treatment and diagnosis, employment history, individual financial information and proprietary or trade secret information.

- (b) **Sealed, unredacted documents**

- A party wishing to file a document containing personal data identifiers may file either:

- (1) An unredacted document under seal. The sealed document must be retained by the Court as part of the record. The Court may still require the party to file a redacted copy for the public file; or

- (2) A reference list under seal. The reference list shall contain the complete personal identifiers and the redacted identifiers used in their place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete identifier. The reference list must be filed under seal, and may be amended as of right. It shall be retained by the Court as part of the record.

- (c) **Responsibility for Redacting Data**

The responsibility for redacting personal data identifiers rests solely with counsel and the parties.

- (d) The Clerk will not review each pleading for compliance with this rule.

RULE 7. NOTICE

7.1 Chapter 11 Special Noticing Procedures (2002-1)

- (a) In all Chapter 11 cases, the Clerk serves as the primary noticing agent unless the Court orders otherwise.
- (b) The debtor may ask the Court by motion to require creditors and parties in interest to file a request to receive notices.
- (c) If the motion of the debtor to require creditors and parties in interest to file a request to receive notices is granted, service is due to the following:
 - (1) All secured creditors who are not represented by counsel;
 - (2) All counsel of record for parties in interest;
 - (3) The United States Trustee;
 - (4) Counsel for the unsecured creditors committee and any other committees;
 - (5) All governmental units having claims; and
 - (6) All persons who file a request to receive such notices.
- (d) A copy of an entry of appearance or a request for notices must be served on debtor's or debtor-in-possession's counsel.

7.2 Facsimile Notice by Attorneys (9036-1)

Facsimile copies are equivalent to hand delivery of such copies.

7.3 Notice to the United States (2002-1)

If a debt is owed to the United States, other than for taxes, notice must be mailed to:

- (a) The United States Attorney for the District in which the case is pending; and
- (b) The department, agency or instrumentality of the United States through which the debtor became indebted. The proper addresses for service are as follows:
 - (1) **Internal Revenue Service**
P.O. Box 1706, Stop 510
Louisville, KY 40201
 - (2) **(for rural housing loans)**
Rural Economic & Community Development Services
f/k/a Farmers Home Administration
U. S. Dept. of Agriculture
Attn: State Executive Director
771 Corporate Dr., Suite 200
Lexington, KY 40503-5477
 - (3) **(for farm loans, ASCS & CCC - County Office where loan originated)**
Farm Service Agency

Security Administration, and generally if division not designated)
Office of General Counsel
Room 700E, Hubert Humphrey Bldg.
200 Independence Avenue, S.W.
Washington, D.C. 20201

(12) **U. S. Army Corps of Engineers**
600 Dr. Martin Luther King, Jr. Place
P. O. Box 59
Louisville, KY 40202

(13) **Defense Finance & Accounting Services - GAC/IN**
COL 215G-1
8899 E. 56th St.
Indianapolis, IN 46249-0160

(c) **Address for U. S. Attorney - WDKY**
For the Western District of Kentucky, notice shall be served on the U. S. Attorney at:
Office of the U. S. Attorney
Western District of Kentucky
For: (name of the agency through which the debtor became indebted)
510 W. Broadway, 10th Floor
Louisville, KY 40202

7.4 For Federal Agencies not Listed Above (2002-2)

(a) For any federal agency not listed, serve the U.S. Attorney for the Western District of Kentucky and the office of the agency through which the debtor became indebted.

(b) Nothing in the above rule alters the debtor's duties under Fed.R.Bankr.P. 2002(j)(4) for service upon the Security and Exchange Commission, the Commodity Futures Trading Commission, the Internal Revenue Service and/or the Secretary of the Treasury as required therein.

(c) The above addresses shall also be used for service as required under Fed.R.Bankr.P. 7004(a)(4) and (5), and 9014, in addition to the required service upon the Attorney General at:

Attorney General
U.S. Department of Justice
Constitution Avenue & 10th Street, NW
Room 5111
Washington, DC 20530

RULE 8. MOTIONS, PLEADINGS AND OTHER RELATED MATTERS

8.1 Form (9013-1)

(a) All motions, pleadings and other related matters shall be typewritten and shall include the

address and telephone number of the attorney.

- (b) For *a pro se* debtor - a debtor without representation by an attorney - all motions, pleadings and other related matters shall be typewritten and presented for filing on one-sided pages using white, opaque paper of good quality, 8 ½ X 11 inches in size. The debtor shall also include his/her address and telephone number.
- (c) Proofs of Claim are excluded from the requirements of this rule; however, they must be legible and presented for filing on flat, unfolded paper which is firmly bound at the top by paper clip - not staples. Copies to be returned to the filer may be bound with staples.

8.2 Motion Requirements (9013-1)

- (a) All motions must state the grounds for the relief requested.
- (b) All motions must state the period in which objections to the motion shall be filed. See [Local Forms Index](#).
- (c) The Clerk will not accept any motion, response or objection for filing unless accompanied by a separate proposed Order.
- (d) Redemption rights cannot be waived in any motion or proposed Order.
- (e) Motions may not request more than one form of relief unless:
 - (1) **Chapter 7 Case Exception for Combined Motion for Relief and Abandonment**
In a Chapter 7 case, it is acceptable to combine into one Motion a request for Relief from the Automatic Stay and proposed Abandonment.
 - (2) **Chapter 11 Case Exception**
In a Chapter 11 case, it is acceptable for a motion to request more than one form of relief only if it adheres to the following requirements:
 - (A) The caption of the motion clearly sets forth the different forms of relief requested;
 - (B) If the motion requests alternative relief, appropriate alternative Orders are tendered with the motion; and,
 - (C) The different forms of relief requested are directly related to one another.

RULE 9. SPECIFIC MOTIONS, PLEADINGS AND OTHER RELATED MATTERS

9.1 Motion for Relief From Automatic Stay (4001-1)

- (a) **Requirement of Proof of Claim**
Any Motion for Relief from the Automatic Stay shall be filed with a copy of the proof of claim and specify whether the movant seeks to terminate, annul, modify, or condition the stay.
- (b) **Service**
Parties for the purpose of service in connection with relief from stay proceedings shall include, but are not limited to:
 - (1) the debtor or debtor-in-possession and the debtor or debtor-in-possession's attorney;
 - (2) any applicable co-debtor where relief is sought from the co-debtor stay under 11

U.S.C. §1201 or §1301;

- (3) the trustee, if any, appointed in the case;
- (4) the chairperson and counsel for any committee appointed in the case; and
- (5) any party known to the movant holding or claiming an interest in the property.

(c) **Requirements for Motion**

Except as provided in [L.B.R. 8.2.\(e\)\(1\) and \(2\)](#), a Motion for Relief from the Automatic Stay shall be filed separately and not combined in the same motion with any other requests for relief.

(d) **Effect of No Response to Motion in Chapter 7 Case**

In a Chapter 7 case, if no response to the stay motion is filed within fifteen (15) days, the relief requested will be granted.

(e) **Hearing for Good Cause in Chapter 7 Case**

In a Chapter 7 case, if good cause for a hearing is stated in the response and is filed within fifteen (15) days of the date of service of the stay motion, a hearing will be scheduled within thirty (30) days of the date of filing of the motion. Additional time to obtain reaffirmation agreements does not constitute good cause.

(f) **Chapter 13 Motions**

- (1) Upon filing a motion to terminate or modify the stay, the Clerk will set a hearing no earlier than twenty (20) and no later than thirty (30) days from the date filed.
- (2) All motions to terminate or modify the stay that involve real property mortgage arrearages must include a payment history in a format similar to Local Form [A](#) . The payment history will begin from the later of either - the filing of the petition - or - the month the arrearage started. The following must be included:
 - (A) the month the first delinquent payment was due;
 - (B) whether any payments were paid subsequent to the date of the first default and how the payment was applied;
 - (C) the amount of the payment; and
 - (D) at a minimum, the payment history shall cover the twelve (12) month period immediately preceding the date of the motion filed.
- (3) Failure to include the payment history will result in the motion being overruled.
- (4) The debtor will have fifteen (15) days to respond to the motion. Any response that contests the amount of arrearage must contain a payment history in a format similar to Local Form [A](#). The payment history shall contain:
 - (A) the date the payment was tendered;
 - (B) the amount of the payment;
 - (C) the check or money order number;
 - (D) the month(s) the payment was intended to cover; and
 - (E) copies of the checks or money order receipts or a statement as to why those checks or receipts are not available and when they can be furnished.

9.2 Motion for Abandonment and Abandonment by Trustee (6007-1)

(a) **Notice of Abandonment Contained in 341 Meeting Notice**

The Section 341 Meeting Notice states that the trustee, upon the filing a Report of No Distribution with the Clerk, proposes to abandon all property which is of no value to the estate. All property of the estate will, therefore, be deemed abandoned if:

- (1) A Report of No Distribution is filed by the trustee; and

- (2) No objections are filed within thirty (30) days from the Section 341 meeting.
- (b) Creditor Motion for Abandonment**
 When the above two conditions are not met and a creditor wishes to move for abandonment of property, these procedures shall be followed:
- (1) Service.** A Motion for a proposed abandonment by a party in interest shall be served on:
- (A) the trustee;
 - (B) the debtor or debtor-in-possession;
 - (C) debtor's or debtor-in-possession's attorney;
 - (D) members of any creditors' committee and its attorney;
 - (E) any person or entity claiming an interest in or lien against the property to be abandoned; and
 - (F) any creditor requesting specific notice of proposed abandonments.
- (2) A Motion for a proposed abandonment shall contain:
- (A) security interest information formatted similar to Local Form [E](#);
 - (B) a certificate of notice for filing objections; and
 - (C) a copy of the proof of claim.
- (3) Where the trustee or debtor-in-possession proposed abandonment of property at the request of a party in interest, such party shall give notice as required.

9.3 Motion to Continue *(5071-1)*

- (a) All motions to continue hearings must:
- (1) be in writing; and
 - (2) filed at least ten (10) days before the scheduled hearing date.
- (b) Each motion must contain an affidavit specifying the reason for the continuance.
- (c) If the motion is to reschedule a Section 341 meeting where the debtor failed to appear, an affidavit signed by the debtor must be filed with the motion.

9.4 Motion for Expedited Relief or for an Emergency Hearing

- (a) The moving party of a Motion for Expedited Relief or a Motion for an Emergency Hearing must:
- (1) call the Clerk of Court, Chief Deputy or Operations Manager and notify the Court that a motion, pleading or other matter requires immediate attention; and
 - (2) include in the heading of the motion one of these two phrases - "EMERGENCY MOTION TO . . ." or "REQUEST FOR EXPEDITED HEARING."
- (b) Upon receipt of the motion, the Clerk's office will bring the motion, pleading or other matter to the attention of the Court as soon after it is filed as is practicable.
- (c) When a hearing is set or relief granted, the parties will be notified by telephone of the hearing time and date or of the relief ordered.
- (d) All inquiries regarding these motions should be directed to the Clerk of Court, Chief Deputy, Operations Manager, or Courtroom Services Team Leader.

RULE 10. PROOF OF CLAIM

10.1 Required Disclosure *(3001-1)*

All Proofs of Claims must include - as of the date the Order of Relief is granted:

- (a) Total gross balance due;
- (b) Amount of unmatured interest rebated;
- (c) Net balance due;
- (d) Regular installment payment amount;
- (e) The interest rate - contract rate or per diem rate whichever applies - at which interest accrues;
- (f) A copy of - including proof of the recording of - the security interest or lien;
- (g) The Federal and State Identification number of the company filing the proof of claim; and
- (h) A statement of account or other evidence of indebtedness.

RULE 11. EVIDENTIARY HEARING AND TRIAL PRACTICE

11.1 Exhibits

(9070-1)

Unless otherwise ordered by the Court, all exhibits must be filed electronically.

(a) Uniform Designation

Proposed exhibits, including those appended to requests for admission, interrogatories and depositions, as well as those to be utilized during trial, or hearing, shall be uniformly identified during all phases of the case.

(b) Method of Designation

All trial exhibits must be marked as follows:

- (1) Joint exhibits shall be marked "JX" and numbered on white labels;
- (2) Plaintiff's exhibits shall be marked "PX" and numbered on pink labels;
- (3) Defendant's exhibits shall be marked "DX" and numbered on blue labels;
- (4) Third-party exhibits shall be marked "TPX" and numbered on green labels.
- (5) For proceedings involving multiple plaintiffs or multiple defendants - the identification of each exhibit must include:
 - (A) the surname of the individual plaintiff or defendant; or
 - (B) the corporate name of the plaintiff or defendant.

(c) Advance Marking

All exhibits must be marked for identification purposes prior to trial or hearing. Blank labels are available upon request from the Clerk.

(d) List of Exhibits

Each party must tender to the Court - at least 15 days before a trial of an adversary proceeding or other evidentiary hearing - a list of all exhibits the party intends to utilize at trial. The list must include the pre-marked number and a short description of the exhibit.

(e) Copies for Judge

Three copies of each document or written exhibit to be tendered during trial or hearing must be filed with the Clerk's office at least five (5) days before the trial or evidentiary hearing. These copies are in addition to the original exhibits to be submitted into the record at the trial or hearing.

(f) Disposition of Exhibits

If any exhibits remain in the custody of the Clerk within three (3) months after the entry of a final order or following a mandate from the Court of Appeals, the Clerk will direct counsel of record to retrieve all exhibits filed. If the exhibits are not claimed within two

weeks after notice to counsel of record to retrieve all exhibits filed by them, the Clerk may destroy those exhibits.

11.2 Courtroom Decorum (5072-1)

(a) Persons Permitted Inside the Bar of the Courtroom

Only the following persons shall be permitted inside the bar of the courtroom - unless otherwise ordered by the court:

- (1) the parties;
- (2) the witnesses when actually testifying;
- (3) the attorneys duly admitted to practice before the Court and their paralegals working under their direction,
- (4) the Court Security Officers and/or U. S. Deputy Marshals; and
- (5) other officers or employees of the Court.

(b) Possession and Use of Certain Equipment

The operation or possession of the following equipment is strictly prohibited in any courtroom, hall, corridor, or foyer of any building used as a place of holding Court, whether or not Court is actually in session:

- (1) recording devices;
- (2) radio or television broadcasting devices; and
- (3) equipment for the taking photographs.
- (4) Possession of cellular phones is not prohibited but the use of cellular phones is prohibited in any courtroom. All cellular phones should be turned off or should be prevented from ringing in a courtroom.

(c) Exceptions

The presiding Judge may, however, permit the use of electronic or photographic means for the presentation of evidence or the perpetuation of a record or other circumstances as ordered.

(d) Children

No child under the age of ten (10) years will be allowed in any courtroom.

(e) Sanctions

Any person violating this Rule shall be subject to punishment for contempt.

(f) Notice

Notice of this Rule shall be posted in a conspicuous place in all federal court buildings in the Western District of Kentucky.

RULE 12. ADVERSARY PROCEEDINGS

12.1 Adversary Proceeding Cover Sheet (7003-1)

If a complaint is not electronically filed, then an "Adversary Proceeding Cover Sheet" in the form prescribed by the Administrative Office of the United States Courts must be completed and filed with each complaint. Notwithstanding the instructions contained on the cover sheet, more than one block may be checked specifying the nature of the suit.

12.2 Service of Complaint, Scheduling Order and Summons (7004-1)

The Clerk will issue three (3) copies of the Summons and Scheduling Order for each

defendant to the plaintiff's attorney for service. A copy of the complaint and scheduling order shall be served with the summons within ten (10) days from the date of issue.

12.3 Caption of the Complaint (9004-2)

The caption of all complaints must indicate the nature of the suit. Complaints objecting to the discharge of the debtor shall bear the specific caption "Complaint Objecting to Discharge."

RULE 13. CHAPTER 13 PRACTICE

13.1 Secured and Priority Claims (3001-1)

- (a) All secured claims and priority claims of creditors must:
 - (1) be filed in the Clerk's office within three (3) business days preceding the meeting of creditors; and
 - (2) must include a rebated balance as of the date of filing.
- (b) The trustee must pay post-petition interest - to accrue daily at a market rate of interest - to the extent that the claim is secured.
- (c) The parties may by agreement modify the secured creditor's right to receive post-petition interest.

13.2 Dissemination of the Plan (3015-1)

- (a) The attorney for the debtor must mail copies of the plan to all scheduled creditors.
- (b) Copies of the plan must be mailed no later than fifteen (15) days after the case is filed.
- (c) The attorney for the debtor must certify to the Court that the plan has been mailed according to this Rule within three (3) days of the mailing.
- (d) Debtor's counsel must include with or on the plan a statement that substantially conforms to the following:

"The above-named debtor(s) has/have filed a Chapter 13 petition in the U.S. Bankruptcy Court for the Western District of Kentucky. If you have not received notice of the filing, you will receive notice within a few days."

13.3 Debtor's Motion to Strip Off a Junior Lien (3012-1)

A Chapter 13 debtor may file a Motion which must be entitled "Motion to Strip Off a Junior Lien" and a proposed Order in a format that substantially complies with [Local Form M](#). The motion, at a minimum, must specifically identify the name of the creditor, the subject real property, the legal description of the property, state clearly and unequivocally that the debtor intends to strip off the creditor's lien and treat the creditor's claim as unsecured, and state that the basis for the lien stripping is alleged lack of equity in the encumbered property. The motion should be filed with the proposed plan or no later than 10 days prior to the scheduled confirmation hearing in order for the motion to be heard in conjunction with the confirmation hearing.

13.4 Debtor's Obligation to Make Escrow Payments; Payments to Standing Trustee (3070-1)

- (a) Every debtor represented by counsel must make proposed plan payments required by 11 U.S.C. §1326 to debtor's attorney's escrow account from the date of filing the plan.

- (b) Proposed plan payments must be paid to the standing Trustee at the Section 341 meeting.
- (c) Failure to make such payments to the standing Trustee shall be grounds for appropriate sanctions - including denial of confirmation.

13.5 Less than 100% Plans

All debtors having plans confirmed that provide for less than full payment to holders of unsecured claims shall:

- (a) submit to the standing Trustee copies of federal and state income tax returns filed during the pendency of the case;
- (b) deliver federal and state income tax refunds to the standing Trustee for distribution to creditors, in addition to the percentage required by the plan, except that debtors do not pay over 100%; and
- (c) annually submit a current income and expense statement - substantially the same as the statement accompanying the filing of a case - to the Court and to the standing Trustee who will determine whether all disposable income is being paid into the plan.

13.6 Debtor's Income Tax Return and Income and Expense Statement

- (a) Debtor's must provide to the Trustee - no later than May 15 of each year a case is pending -
 - (1) copies of federal and state income tax returns and
 - (2) income and expense statement.
- (b) If an extension of time for filing income tax returns is filed in lieu of a tax return,
 - (1) a copy of the extension request shall be filed with the standing Trustee - no later than May 15 of each year a case is pending - and
 - (2) a copy of the returns shall be filed with the standing Trustee at such time as the same are filed with the taxing authorities.

13.7 Sanctions

Failure to comply with this Rule shall be considered cause for Court sanctions, including dismissal of the case.

RULE 14. INCOME TAX REFUNDS

14.1 Offset of Income Tax Refund (6070-1)

The Internal Revenue Service is authorized:

- (a) to make income tax refunds, in the ordinary course of business to the debtors in Chapter 7 and Chapter 13 cases, unless directed otherwise in writing by the trustee or the Court, and
- (b) the Internal Revenue Service is authorized to offset any refund against any taxes due to the United States.

14.2 IRS Duty to Notify Court and Trustee

Where the Internal Revenue Service has on file with the Bankruptcy Court a proof of claim covering tax liabilities of the debtor, the IRS must - in letter form, or by amended claim - notify

the Bankruptcy Court and the Trustee of any and all offsets made pursuant to authorization in all such cases.

14.3 IRS Assessment of Tax Liabilities (6070-1)

The Internal Revenue Service will assess tax liabilities which are due in all cases on voluntarily filed tax returns.

14.4 Modification of Stay

The stay afforded by 11 U.S.C. Section 362 is modified to the extent provided by this Rule.

RULE 15. INSURANCE ON MOTOR VEHICLES SUBJECT TO A LIEN

15.1 Definitions (4070-1)

(a) Motor Vehicle Defined

"Motor Vehicle" shall include, but is not limited to:

- (1) any automobile or truck;
- (2) motorcycle or motorbike;
- (3) mobile home or house trailer designed for travel on the public highways and/or capable of travel on the public highways; and
- (4) any other vehicle licensed by any state for travel on the public highways.

(b) Proof of Insurance Defined

"Proof of Insurance" shall mean:

- (1) a certificate of insurance or such other written evidence of sufficient reliability from an insurance carrier;
- (2) that states that collision and liability insurance is in force for a minimum of 90 days from the meeting of creditors;
- (3) that states the amounts and types of coverage - with a maximum deductible of \$500 - ; and
- (4) lists the secured party as loss payee.

15.2 Required Proof of Insurance (4070-1)

(a) Proof of insurance against physical damage and loss must be furnished to the trustee and the creditor at or before the Section 341 meeting whenever a debtor elects - either by making payments through a plan or by making adequate protection payments or by entering into a reaffirmation agreement - to retain:

- (1) a motor vehicle which is subject to the lien of a creditor holding an allowed secured claim; or
- (2) a vehicle subject to a lease.

(b) Failure to furnish Proof of insurance will be presumed to mean no insurance is in effect.

(c) The Proof of insurance must state that coverage will continue for at least ninety (90) days from the date of the 341 meeting.

(d) If there is already a ninety (90) day policy in effect at the time of the 341 meeting, debtor must ensure that there are ninety (90) days remaining on the policy at time of the 341 meeting.

- (e) However, if debtor presents proof of paid coverage for the ninety (90) day period immediately preceding the policy in effect at the time of the 341 meeting, as well as proof of payment for the ninety (90) day policy currently in effect, the debtor may extend the policy at its normal renewal date. If the debtor fails to furnish proof of insurance at the 341 meeting, the stay shall be deemed terminated upon the filing of a certification of non-insurance.

15.3 Insurance Lapse (4070-1)

If prior to or subsequent to the Section 341 meeting, but during the pendency of a case, insurance lapses on any motor vehicle subject to the provisions of this Rule, the following procedures shall be followed:

- (a) A creditor with an allowed claim secured on the motor vehicle for which insurance has lapsed shall notify, in writing, the debtor and the debtor's attorney of such lapse of insurance. Service of such notice upon the debtor and the debtor's attorney shall be in the manner specified in Fed.R.Bankr.P. 7004(b)(9).
- (b) The debtor shall be enjoined from using the motor vehicle for which insurance has lapsed as long as the motor vehicle remains uninsured.
- (c) If the debtor fails to provide proof of reinsurance for a minimum period of ninety (90) days to the creditor within five (5) business days following mailing of the notice provided in subsection [15.3 \(a\)](#) of this Rule, the stay shall be deemed terminated upon the filing of a certification of non-insurance.

15.4 Waiver of Required Insurance by Creditor (4070-1)

Notwithstanding the above, the requirement for property collision insurance may be waived by a creditor, but such waiver must be in writing and signed by the creditor or its representative to be effective.

RULE 16. UNCLAIMED FUNDS

16.1 Release of Unclaimed Funds (3011-1)

All unclaimed funds paid into the Court pursuant to 11 U.S.C. § 347(a) are deposited into the United States Treasury. The release of these funds requires the following:

(a) Motion to Withdraw and Disburse Funds

The claimant/filer must submit a Motion to Disburse Unclaimed Monies and a proposed Order - Local Form [K](#) - to the Clerk which includes:

(1) Creditor Information

The name, address, telephone number and a brief history of the creditor, who originally filed the proof of claim -- in the history, include information from the time of filing of the claim to the present, and state the reason the funds were not deliverable at the time of the original distribution;

(2) Assignment of the Claim Information

Whether the claim has been assigned to the claimant/filer, and, if so, attach copies of all documents of the assignment; and

(3) Other Interests in the Funds

Whether or not the claimant/filer believes that any other party may be entitled to the funds; identify the party and state the reason for the other interest.

(b) Service

Serve the motion, including a certificate of service, upon the U.S. Attorney at the following address:

Office of the U. S. Attorney
Western District of Kentucky
510 W. Broadway, 10th Floor
Louisville, KY 40202

(c) Proof of Identification

Prove the claimant's identity through at least one of the following methods:

- (1)** If the claimant appears in person – provide a birth certificate, unexpired passport, valid driver's license, or original social security card.
- (2)** If the claimant does not appear in person – attach to the motion an affidavit with the certificate and seal of a notary public – who has examined the documents presented by the claimant/filer to establish identity. Copies of those documents used to establish identity – such as a birth certificate, unexpired passport, valid driver's license, or original social security card – may be attached to the affidavit. In order to safeguard personal identifiers, the Clerk may seal from the record any supporting documentation to establish identity.
- (3)** A corporate representative appearing for the corporation must attach to the motion an affidavit of the Chief Executive Officer that such representative is a duly authorized representative of the corporation. If the creditor/claimant is a successor corporation, documents establishing the chain of ownership of the original corporate claimant must be provided as proof of entitlement to the unclaimed funds. If applicable, proof of sale of the company, new and prior owners, and a copy of the terms of any purchase agreement or stipulation by prior and new owners of right of ownership to the unclaimed funds must be provided. Copies of all documents evidencing assignment must be appended to the motion.
- (4)** If the claimant is represented by an attorney duly admitted to practice law in this District, the attorney verifies the claimant's identity.
- (5)** A representative of a deceased creditor/claimant shall provide certified copies of all probate documents to substantiate the representative's right to act on behalf of the decedent's estate.

(d) Additional Proof of Identity/Entitlement to Funds

Additional proof of identity or proof of entitlement to funds may be requested by the Clerk's office or Court.

(e) Payments Jointly Made to Claimant and Attorney

Any payment made to a claimant represented by an attorney will be issued in the name of the claimant and will be mailed to the attorney in care of the claimant unless otherwise ordered by the Court.

(f) Corporations May Request Unclaimed Funds Without Local Representation

For the purpose of filing a request to recover unclaimed funds, a corporation can make the request on a *pro se* basis.

(g) Locator Services Must be Represented by Local Counsel

Unless represented by an attorney duly admitted to practice law in this District, locator services may not file requests for release of unclaimed funds on behalf of creditors.

RULE 17. REGISTRY FUND

(a) Deposit (7067-1)

The deposit of any money into the registry of the Court shall be directed by Court Order. Negotiable instruments tendered for deposit shall be made payable to “Clerk, U.S. Bankruptcy Court” and are accepted subject to collection. Deposited funds shall be invested by the Clerk in accordance with the terms of the Court Order which shall include:

- (1) the name, address and telephone number of the person or other entity paying the money into the registry of the Court;
- (2) the sum of money to be invested and date the money is to be paid into the Court;
- (3) directions that the funds be deposited by the Clerk in an interest-bearing account in the registry of the Court pursuant to 28 U.S.C. §2041; and
- (4) directions that the Clerk shall deduct from the income earned on the investment a fee, not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office at 10 percent (10%) of the income earned on the investment, whenever such income becomes available for deduction in the investment so held and without further Court Order.

(b) Withdrawal

The withdrawal of funds in the registry of the Court shall be in accordance with a Court Order. Any Order authorizing disbursement from the registry shall include:

- (1) the payee’s name;
- (2) address;
- (3) tax I.D. number; and
- (4) the dollar amount to be paid.

LOCAL FORMS

LOCAL FORMS INDEX
(In Compliance with Bankruptcy Rule 9009-1)

Forms	Titles	Local Rule Reference
<u>A</u>	Appendix to Motion for Relief From Stay Chapter 13 Real Property.	<u>9.1</u>
<u>B</u>	Certificate of Service and Notice of Amendment to Schedules	
<u>C</u>	ECF - Limited Use/Claim Password Registration Form	<u>6.2</u>
<u>D</u>	ECF - Attorney Registration Form	<u>6.2</u>
<u>E</u>	Motion and Order by Secured Creditor for Abandonment of Property	<u>9.2</u>
<u>F</u>	Motion and Order to Suspend Payments	
<u>G</u>	Motion and Order to Incur Credit Post-Confirmation	
<u>H</u>	Motion and Order to Redeem Property	
<u>I</u>	Motion and Order to Avoid Lien	
<u>J</u>	Motion and Order to Limit Noticing Requirements	
<u>K</u>	Motion and Order to Disburse Unclaimed Monies	<u>16.1</u>
<u>L</u>	Schedule of Allowed Claims	
<u>M</u>	Motion and Order to Strip Off a Junior Lien	<u>13.3</u>

**APPENDIX TO MOTION FOR RELIEF FROM
STAY - CHAPTER 13 REAL PROPERTY**

DEBTOR: _____

CASE NO.: _____

DATE PETITION WAS FILED: _____

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

7.			
8.			
9.			

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

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

() DEBTOR IS GETTING CHECKS/EXHIBITS FROM: _____

() CHECKS/EXHIBITS UNAVAILABLE BECAUSE: _____

UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF KENTUCKY

IN RE:)
)
) CASE NO.
)
)
 Debtor(s))
 _____)

**CERTIFICATE OF SERVICE AND
NOTICE OF AMENDMENT TO SCHEDULES**

I hereby certify that a copy of the attached Amendment to Schedules was this _____ day
of _____, 20__ forwarded to:

(List any Creditor who has not been previously listed and the trustee. Provide complete
addresses).

along with a copy of the Order for Meeting of Creditors by depositing a copy of same in the United States
mail, properly addressed and postage prepaid.

NOTE - Also included is a copy of the Debtor's Plan and a blank Proof of Claim form to each creditor
listed above. (Only if case is a Chapter 13).

Attorneys's Name

Complete Address and Phone Number

LBR-B (07-04)

UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF KENTUCKY

IN RE:)
)
) CASE NO.
)
)
 Debtor(s))
_____)

AMENDMENT TO SCHEDULES

Comes the Debtor and states that through error and inadvertence, he/she has failed to list in the schedule(s) the following:

INSTRUCTIONS FOR COMPLETING AMENDMENTS ARE ATTACHED

***** If amendment lists you as a creditor, you have 90 days from the date of certification of mailing of amendment within which to file a proof of claim. (ONLY IF CASE IS A CHAPTER 13 OR ASSET CHAPTER 7).

The undersigned certifies under penalties of perjury, that I have read (1) the foregoing amendment, and certify that the statements therein contained are true and complete to the best of my knowledge, information and belief.

Executed on _____

Debtor's Signature

Debtor's Signature

LBR-B (07-04)

INSTRUCTIONS FOR COMPLETING AMENDMENT

1. Before each entry, specify the purpose of the Amendment by inserting:
 - A. “ADDED” if the information was missing from the previously filed petition.
 - B. “CORRECTED” if the information modifies previously listed information.
 - C. “DELETED” if previously listed information is to be deleted.
2. All amendments must be typewritten.
3. All amendments must be signed by the debtor.

LBR-B (07-04)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF KENTUCKY

CASE MANAGEMENT/ELECTRONIC CASE FILES
FILER REGISTRATION FORM FOR LIMITED USE/CLAIM PASSWORD

NAME: _____

ADDRESS: _____

PHONE #: _____ FAX#: _____

E-MAIL ADDRESS: _____

BAR ID # (if applicable): STATE OF _____

1. Pro Hac Vice Application: I affirm that I am admitted to practice in the United States Courts for the _____ District of _____ (applicable state) and that the information set forth above is true and correct.

2. Claims or Other Limited Use Applications: I affirm that on behalf of _____, I am authorized to prepare and file proofs of claim, notice of transferred claims, notices(s) of appearance, and reaffirmation agreements.

3. By submitting this registration form, the undersigned agrees to abide by the following rules:

This system is for use only in cases permitted by the U.S. Bankruptcy Court for the Western District of Kentucky. It may be used to file and view electronic documents, docket sheets, and notices.

Filers will need a modern personal computer, Internet access, and Internet browser and software to convert documents from a word processor format to a portable document format (PDF). More specific requirements can be found at the Court's website at www.kywb.uscourts.gov.

LBR-C (07-04)

Pursuant to Federal Bankruptcy Rule 9011, every pleading, motion, and other paper (except list, schedules, statement or amendments thereto) shall be signed by a least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party. An attorney's/participant's password issued by the court combined with the user's identification, serves as and constitutes the attorney/participant's signature. Therefore, an attorney/participant must protect and secure the password issued by the court. If there is any reason to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney/participant to immediately notify the court. This should include the resignation or reassignment of the person with authority to use the password. The attorney/participant should change the password immediately.

An attorney's/participant's registration will constitute a waiver in law of conventional service of documents, the attorney/participant agrees to accept service of notice on behalf of the client of the electronic filing by hand, facsimile or authorized e-mail.

The undersigned attorney agrees to abide by the most recent Local Rules, General Orders, Administrative Procedures for Electronic Case Filing Manual and all technical and procedural requirements set forth therein.

Please return to: U.S. Bankruptcy Court
 Western District of Kentucky
 CM/ECF Registration
 601 W. Broadway, Suite 450
 Louisville, KY 40202

Applicant Signature

LBR-C (07-04)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF KENTUCKY

CASE MANAGEMENT/ELECTRONIC CASE FILES
FILER REGISTRATION FORM

This form shall be used to register for an account on the Court's Case Management/Electronic Case Files (CM/ECF) system. Registered attorneys and other participants will have privileges both to electronically submit documents, and to view and retrieve electronic docket sheets and documents as available for cases assigned to the CM/ECF system. The following information is required for registration.

First/Middle/Last Name:

Attorney Bar #: State:

Firm Name:

Firm Address:

Voice Phone Number:

Fax Phone Number:

Internet E-Mail Address:

By submitting this registration form, the undersigned agrees to abide by the following rules:

This system is for use only in cases permitted by the U.S. Bankruptcy Court for the Western District of Kentucky. It may be used to file and view electronic documents, docket sheets, and notices.

Filers will need a modern personal computer, Internet access, and Internet browser and software to convert documents from a word processor format to a portable document format (PDF). More specific requirements can be found at the Court's website at www.kywb.uscourts.gov.

LBR-D (07-04)

Pursuant to Federal Bankruptcy Rule 9011, every pleading, motion, and other paper (except list, schedules, statement or amendments thereto) shall be signed by a least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party. An attorney's/participant's password issued by the court combined with the user's identification, serves as and constitutes the attorney/participant's signature. Therefore, an attorney/participant must protect and secure the password issued by the court. If there is any reason to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney/participant to immediately notify the court. This should include the resignation or reassignment of the person with authority to use the password. The attorney/participant should change the password immediately.

The undersigned understands that it is his/her responsibility to pay the court's required fees via the Internet Credit Card Program. Failure to do so may result in case dismissal or applicable pleading being overruled or stricken from the record.

An attorney's/participant's registration will constitute a waiver in law of conventional service of documents, the attorney/participant agrees to accept service of notice on behalf of the client of the electronic filing by hand, facsimile or authorized e-mail.

The undersigned attorney agrees to abide by the most recent Local Rules, General Orders, and all technical and procedural requirements set forth therein.

* I have attended training and/or have been certified to file electronically in another district (district name: _____). Note: Being trained by another district does not preclude training in this district.

Please return to: U.S. Bankruptcy Court
Western District of Kentucky
CM/ECF Registration
601 W. Broadway, Suite 450
Louisville, KY 40202

Applicant Signature

LBR-D (07-04)

UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF KENTUCKY

IN RE: _____)
)
) CASE NO. _____
Debtor(s) _____)
_____)

MOTION BY SECURED CREDITOR FOR ABANDONMENT OF PROPERTY

The undersigned secured creditor reports that at the time of the Order of Relief, the above Debtor's estate included the following property which is covered by a valid security interest:

DESCRIPTION OF PROPERTY (attach proof of claim) _____

NAME AND ADDRESS OF SECURED CREDITOR _____

ESTIMATED VALUE OF PROPERTY \$ _____

BALANCE DUE ON MOVANT'S ACCOUNT \$ _____

BALANCE DUE ON ALL OTHER LIENS ON THE PROPERTY (if applicable) \$ _____

EXEMPTION IN THE AMOUNT OF \$ _____.

Wherefore, the undersigned secured creditor respectfully requests that the foregoing property be abandoned as property of the estate in accordance with 11 U.S.C. Section 554, Bankruptcy Rule 6007(b) and Local Rule 9.2.

*Any objections to this abandonment must be filed within fifteen (15) days from the date this Motion was filed. [Rule 6007]. If no written objection is received, an order approving the abandonment may be entered.

Dated: _____

Attorney For Secured Creditor

Address

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Motion and Order to Abandon Property was served by the secured creditor upon the trustee, the United States Trustee, attorney for debtor(s), or debtor-in-possession, _____ [any committee and its counsel], _____ [any person or entity claiming an interest in or lien against the property to be abandoned], and _____ [any creditor requesting specific notice of proposed abandonments] this _____ day of _____, 20_____.

Attorney for Secured Creditor

LBR-E (07-04)

UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF KENTUCKY

IN RE: _____)
)
) CASE NO.
)
)
 Debtor(s))
 _____)

MOTION TO SUSPEND PAYMENTS

Debtor moves the Court for permission to suspend the Chapter 13 payments and in support of this motion submits the following:

1. Dates of suspension: from the _____ day of _____ 20__ to the _____ day of _____ 20__ (request must not exceed 90 days).
2. Debtors are current/not current in their plan payment (if payments are not current state arrearage):
3. Term of plan is _____ months and current plan payment is \$_____ per _____ (if plan is currently a 60 month plan information must be given as to how plan will be completed on time).
4. Detailed reason for suspension:
5. Debtors propose to make up payments missed by _____.
6. Debtor will incur an additional attorney fee of \$_____.

Debtor's Attorney

Verification

The statements in the foregoing Motion are true to the best of my knowledge and belief.

Debtor

LBR-F (07-04)

UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF KENTUCKY

IN RE: _____)
)
) CASE NO. _____
)
)
 Debtor(s) _____)
 _____)

MOTION TO INCUR CREDIT POST-CONFIRMATION

Debtor moves the Court for authority to incur credit and in support of the motion submits the following information:

1. Amount to be borrowed _____.
 2. Interest rate _____.
 3. Term of loan and amount of installment payment:
_____ months at \$_____ per month.
 4. Purpose of loan: _____.
- If loan is for the purchase of a home, disclose source of downpayment/closing costs and attach copy of contract to motion.
5. Payments are current with Trustee? _____ Yes _____ No.
In no, explain reason: _____.

LBR-G (07-04)

6. State whether debtor relies on budget submitted at the time of confirmation or if a new budget is attached (a new budget must be attached, if the case is over one year old).
7. State whether funds from the loan will be used to pay any debts in the Plan.
8. State whether the debtor will incur any additional attorney's fees.

Debtor's Attorney

Verification

The statements in the foregoing Motion are true to the best of my knowledge and belief.

Debtor

UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF KENTUCKY

IN RE:)
)
) CASE NO.
)
)
 Debtor(s))
 _____)

ORDER

This matter having come before the Court on Motion by the debtor(s) to Incur Post-Confirmation Credit and the Court being sufficiently advised,

IT IS HEREBY ORDERED that the debtor(s) is authorized to incur credit in the amount of \$_____ for the purpose of _____.

**IT IS FURTHER ORDERED that the debtor's counsel is awarded an additional \$_____ which shall be paid by the Trustee.*

**language to be added if applicable*

LBR-G (07-04)

UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF KENTUCKY

IN RE: _____)
)
) CASE NO. _____
Debtor(s) _____)
_____)

MOTION TO REDEEM PROPERTY

Debtor(s) hereby move(s) the Court pursuant to Section 722 of Title 11, United States Code, for an Order permitting the Debtor(s) to redeem an item of tangible personal property from a lien securing a dischargeable consumer debt.

1. The item of personal property involved is _____, which is intended primarily for personal, family or household use.
2. The debtor originally purchased the property on _____ (give date) and the original purchase price was \$_____.
3. The debtor has/has not obtained an appraisal and believes the fair market value of the property to be (put a value for each item if more than one) _____.
4. The security interest of _____ in said property, except to the extent of the amount of the allowed secured claim of said creditor, is a dischargeable consumer debt.
5. The amount of the allowed secured claim of said creditor has been or should be fixed by the Court as the sum of \$_____.
6. The debtor represents that the debtor will have cash available to redeem the property within ten (10) days of the entry of the requested Order.

WHEREFORE, the Debtor moves the Court for an Order permitting the Debtor to redeem said property by paying said creditor the aforesaid sum, and finding that the remainder of the claim of said creditor is a dischargeable consumer debt.

*Any objections to this redemption must be filed within 15 days from the date this Motion was filed. If no written objection is received, an order approving the redemption may be entered.

Dated: _____

Attorney for Debtor(s)

Address

Phone No.

CERTIFICATE OF SERVICE

I certify that a copy of this motion to redeem property was served upon _____, this _____ day of _____, 20 ____.

Attorney

UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF KENTUCKY

IN RE:)	
)	
)	CASE NO.
Debtor(s))	
_____)	

ORDER

Notice having been given and no objections having been filed,

IT IS HEREBY ORDERED that the debtor be allowed to redeem the property described as:

by paying the Creditor, _____ the sum of \$ _____ within ten (10) days of the entry of this Order, or by surrendering the property to the Creditor.

LBR-H (07-04)

UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF KENTUCKY

IN RE:

Debtor(s)

CASE NO.

MOTION TO AVOID LIEN

Debtor, by counsel, hereby moves the Court pursuant to Section 522(f) of the Bankruptcy Code to avoid the lien on the following described property:

In support of said Motion, Debtor states:

1. _____, a creditor, filed a lien in the Office of the Clerk of _____ and a copy of the lien is attached.
2. The amount of the claim which the lien secures is \$_____.
3. The above mentioned lien is a _____ lien.
4. Debtor submits the following information on the value of the property:
 - A). Fair Market Value: \$_____.
 - B). Value listed is Schedules: \$_____.

C). Value according to records of County Property Valuation Administration:
\$ _____.

LBR-I (07-04)

- D). Purchase Price: \$_____.
 - E). Date of Purchase: _____.
 - F). Appraised Value (if recently appraised): \$_____.
 - G). Senior mortgages or liens on the property: _____.
5. The trustee has/has not abandoned the property.
 6. The debtor does/does not claim an exemption of \$_____ in said property.
 7. The lien held by the creditor impairs the exemption of the debtor in the property described in the motion.

WHEREFORE, the debtor moves the Court to order the lien void and for such other relief as may be entitled.

*Any objections to this Motion must be filed within 15 days of the Certificate of Service date below.

Should no objection be received, an Order approving this Motion to Avoid Lien may be entered.

 Attorney for Debtor(s)

 Address

 Phone No.

CERTIFICATE OF SERVICE

I certify that a copy of this motion was served upon, _____
 _____ this _____ day of _____, 20 _____.

 Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF KENTUCKY

IN RE:

)	
)	CASE NO.
)	
)	
Debtor(s))	
_____)		

ORDER

Notice having been given and no objections having been filed to the Motion to Avoid Lien;

IT IS HEREBY ORDERED that the lien of _____ in the following described property is, AVOIDED.

LBR-I (07-04)

UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF KENTUCKY

IN RE: _____)
)
) CASE NO. _____
)
)
 Debtor(s))
 _____)

MOTION TO LIMIT NOTICING REQUIREMENTS

Debtor, by counsel, moves the court pursuant to the Local Bankruptcy Rule to limit the noticing requirements to those persons who request notice and other persons required by the rule.

Dated: _____

Attorney for Debtor(s)

Address

Phone No.

CERTIFICATE OF SERVICE

I certify that a copy of this motion was served upon, _____

_____ this _____ day of _____, 20 _____.

UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF KENTUCKY

IN RE:)	
)	
)	CASE NO.
)	
)	
Debtor(s))	
_____)	

ORDER LIMITING NOTICING REQUIREMENTS

On motion of the debtor and the Court being sufficiently advised;

IT IS HEREBY ORDERED that all creditors and other entities who wish to receive notice on all matters file a request with the Clerk indicating that all notices be mailed to them on or before _____. All parties filing such a request shall serve a copy on debtor’s counsel.

IT IS FURTHER ORDERED that all notices required to be given under Rule 2002 of the Federal Rules of Bankruptcy Procedure shall be deemed satisfied by service only upon:

- 1) all secured creditors who are not represented by counsel,
- 2) all counsel of record for parties in interest,
- 3) the United States Trustee,
- 4) counsel for the unsecured creditors committee and any other committees,
- 5) governmental units having claims, and
- 6) all persons who file with the Court a request to receive such notices.

LBR-J (07-04)

UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF KENTUCKY

IN RE: _____)
)
) CASE NO. _____
)
)
 Debtor(s))
 _____)

MOTION TO DISBURSE UNCLAIMED MONIES

It appearing that in the above-named case a dividend check in the amount of \$_____ made payable to _____, Creditor, was unnegotiated by said Creditor, the Trustee having issued a stop payment on the unnegotiated dividend check, and the Clerk having subsequently deposited the funds into the Registry Account for Unclaimed Monies to be held in said account for the benefit of the Creditor,

The Creditor, _____, now moves this Court to order the disbursement of said funds held in the Registry Account for Unclaimed Monies, and in support of this motion states:

[Provide a brief history and possible reasons for the funds being undeliverable or check having been unnegotiated. Reference required documentation, e.g., proof of identity, affidavit with certificate of a Notary Public, and any additional supporting documents, and attach as exhibits. See “Procedures for Recovering Unclaimed Dividends” for further information regarding corporations, new ownership, and locators.]

LBR-K (07-04)

WHEREFORE, Claimant requests that the Court issue an order directing the Clerk to make disbursement of said funds held in the Registry Account for Unclaimed Monies for the benefit of the Creditor, _____.

Creditor

Address

Phone No.

CERTIFICATE OF MAILING

I hereby certify that on _____ a true and correct copy of the foregoing Motion to Disburse Unclaimed Monies was served upon the United States Attorney for the Western District of Kentucky, Bank of Louisville Building, 510 West Broadway, Louisville, Kentucky 40202.

CREDITOR

UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF KENTUCKY

IN RE: _____)
)
) CASE NO. _____
)
 Debtor(s))
 _____)

SCHEDULE OF ALLOWED CLAIMS

Debtor(s) by counsel, states that the following claims have been duly proven, and should be allowed as unsecured and paid in accordance with the Order of Confirmation.

Dated: _____

Attorney For Debtor(s)

Address

Phone No.

UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF KENTUCKY

IN RE:

)
)
)
)
)
)
)
)

CASE NO.

Debtor(s)

MOTION TO STRIP OFF A JUNIOR LIEN

Debtor(s), by counsel, hereby moves the Court to strip off the lien of creditor,
_____, on the following described property:

_____ {Insert physical property address and legal description} _____

Debtor(s) intends to strip off creditor, _____, lien and to treat said
creditor's claim as unsecured. Debtor(s) states that the basis for the lien stripping is lack of equity in the
encumbered property and in support of said Motion submits the following information:

1.The amount of the claim which the lien secures is \$_____.

2.The above mentioned lien is a _____ lien.

3. Debtor submits the following information on the value of the property:

A). Fair Market Value: \$_____.

B). Value listed in Schedules: \$_____.

C). Value according to records of County Property Valuation Administration:
\$_____.

D). Purchase Price: \$_____.

E). Date of Purchase: _____.

F). Appraised Value (if recently appraised): \$_____.

G). Senior mortgages or liens on the property and their amount:

_____.

4. The trustee has/has not abandoned the property.

5. The debtor(s) does/does not claim an exemption of \$_____ in said property.

6. The lien held by the creditor impairs the exemption of the debtor in the property described in the motion.

LBR-M (09-04)

WHEREFORE, the debtor moves the Court to order the lien stripped off, the claim treated as unsecured, and for such other relief as may be entitled.

Attorney for Debtor(s)

Address

Phone No.

CERTIFICATE OF SERVICE

I certify that a copy of this motion was served upon, _____
_____ this _____ day of _____, 20 _____.

Attorney for Debtor(s)

LBR-M (09-04)

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