

UNITED STATES BANKRUPTCY COURT
FOR THE
WESTERN DISTRICT OF KENTUCKY



LOCAL RULES

Effective December 1, 2009

(Including updates from subsequent general orders and administrative changes)

RULE 1002-1 PETITION - GENERAL	4
RULE 1007-1 LISTS, SCHEDULES & STATEMENTS.....	4
RULE 1007-2 MAILING - LIST OR MATRIX.	4
RULE 1007-5 STATEMENT OF SOCIAL SECURITY NUMBER (PRIVACY).....	4
RULE 1014-2 VENUE - CHANGE OF.	4
RULE 1073-1 ASSIGNMENT OF CASES.	5
RULE 1074-1 CORPORATIONS.....	5
RULE 2002-1 NOTICE TO CREDITORS & OTHER INTERESTED PARTIES - CHAPTER 11 SPECIAL NOTICING PROCEDURES	5
RULE 2002-2 NOTICE TO UNITED STATES OR FEDERAL AGENCY.	5
RULE 2012-1 CHAPTER 13 - DEBTOR ATTORNEY FEES.	5
RULE 2081-1 CHAPTER 11 - DISCHARGEABILITY AND FINAL DECREE.	6
RULE 2082-1 CHAPTER 12 - DISCHARGEABILITY.	6
RULE 2083-1 CHAPTER 13 - DISCHARGEABILITY	7
RULE 2091-1 ATTORNEYS - WITHDRAWAL.....	7
RULE 3001-1 CLAIMS AND EQUITY SECURITY INTERESTS - GENERAL.....	7
RULE 3012-1 VALUATION OF COLLATERAL.....	9
RULE 3070-1 CHAPTER 13 - PAYMENTS.....	9
RULE 4001-1 AUTOMATIC STAY- RELIEF FROM.....	9
RULE 4070-1 INSURANCE.....	11
RULE 5001-1 COURT ADMINISTRATION.....	12
RULE 5005-1 FILING PAPERS - REQUIREMENTS - ATTACHMENTS.	12
RULE 5005-4 ELECTRONIC FILING.....	12

RULE 5071-1 CONTINUANCE.....	<u>13</u>
RULE 5072-1 COURTROOM DECORUM.....	<u>13</u>
RULE 5080-1 FEES - GENERAL.	<u>14</u>
RULE 6007-1 ABANDONMENT.	<u>14</u>
RULE 6070-1 TAX RETURNS AND TAX REFUNDS.	<u>15</u>
RULE 7007-1 MOTION PRACTICE IN ADVERSARY PROCEEDINGS	<u>16</u>
RULE 9001-1 DEFINITIONS.....	<u>17</u>
RULE 9004-1 PAPERS - REQUIREMENTS OF FORM.....	<u>17</u>
RULE 9006-1 TIME PERIODS - DEADLINES.....	<u>17</u>
RULE 9010-1 ATTORNEYS - NOTICE OF APPEARANCE.....	<u>17</u>
RULE 9011-1 ATTORNEYS - DUTIES.	<u>18</u>
RULE 9011-3 SANCTIONS.....	<u>18</u>
RULE 9011-4 SIGNATURES.....	<u>18</u>
RULE 9013-1 MOTION PRACTICE.	<u>18</u>
RULE 9022-1 JUDGMENTS & ORDERS - NOTICE OF.....	<u>19</u>
RULE 9029-1 LOCAL RULES - GENERAL.....	<u>19</u>
RULE 9036-1 NOTICE BY ELECTRONIC TRANSMISSION.	<u>20</u>
RULE 9074-1 TELEPHONE & VIDEO CONFERENCES.	<u>20</u>

RULE 1002-1 PETITION - GENERAL

- (a) All petitions must be:
 - (1) filed within fourteen (14) days of their execution; or
 - (2) 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.
- (b) The Court will dismiss any petition, under Title 11, regardless of the chapter under which it is filed, if it:
 - (1) purports to place more than one entity or person (unless they are husband and wife) under the protection of Title 11;
 - (2) is not accompanied by a filing fee, [installment application](#) or [application for waiver of the Chapter 7 filing fee](#);
 - (3) is not properly signed; or
 - (4) is filed *pro se* by a corporation/partnership or other business entity - other than an individual conducting business as a sole proprietorship - [See 1074-1](#)

RULE 1007-1 LISTS, SCHEDULES & STATEMENTS

All 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.

RULE 1007-2 MAILING - LIST OR MATRIX

The Court will dismiss any petition, under Title 11, regardless of the chapter under which it is filed, if it fails to have a creditor database loaded or mailing matrix submitted.

RULE 1007-5 STATEMENT OF SOCIAL SECURITY NUMBER (PRIVACY)

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 \(Official Form B 121\)](#) which must be separately filed with the Court pursuant to [Fed.R.Bankr.P. 1007\(f\)](#).

RULE 1014-2 VENUE - CHANGE OF

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

RULE 1073-1 ASSIGNMENT OF CASES

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.

RULE 1074-1 CORPORATIONS

No corporation/partnership or other business entity shall be permitted to file documents *pro se* unless:

- (a) the document being filed is a reaffirmation agreement or proof of claim; or
- (b) the filer is an individual conducting business as a sole proprietorship.

**RULE 2002-1 NOTICE TO CREDITORS & OTHER INTERESTED PARTIES -
CHAPTER 11 SPECIAL NOTICING PROCEDURES**

- (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 U.S. 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.

RULE 2002-2 NOTICE TO UNITED STATES OR FEDERAL AGENCY

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

- (a) The U. S. 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 located in the [Clerk's Office Administrative Manual](#).

RULE 2012-1 CHAPTER 13 - DEBTOR ATTORNEY FEES

- (a) **The Amount of the Flat Fee**
The [Clerk's Office Administrative Manual](#) shall contain the advice and

recommendations of the Chapter 13 Trustee for the amount of the flat fee for representation of a debtor in a Chapter 13 bankruptcy case.

(b) What Is Covered by the Flat or “No-Look” Fee

The [Clerk’s Office Administrative Manual](#) shall contain the advice and recommendations of the Chapter 13 Trustee on what specific tasks are included in the flat fee for representation of a debtor in a Chapter 13 bankruptcy case.

RULE 2081-1 CHAPTER 11 - DISCHARGEABILITY AND FINAL DECREE

(a) Deadline for filing Certification and Request for Entry of Final Decree

Unless otherwise provided in the Order of Confirmation, the debtor-in-possession (or plan proponent) shall complete and file with the Court within sixty (60) days of the entry of the Order of Confirmation the [Certification and Request for Entry of Final Decree, Local Form U](#). The time for filing may be extended upon proper motion for cause.

(b) Certification and Request for Discharge-Individual Chapter 11 Case

(1) Individual Chapter 11 cases will be closed as set forth above.

(2) [Section 1141\(d\)\(5\)\(A\) Discharge](#)

Upon completion of all plan payments, the debtor-in-possession may move to reopen an individual Chapter 11 case for the purpose of obtaining a discharge. The [Certification of Plan Completion and Request for Discharge, Local Form S](#), must accompany the motion to reopen.

(3) If no response to the certification is filed with the Court by creditors or parties in interest, the Court will issue a discharge and re-close the case. A waiver of the reopening fee will be considered upon proper motion.

(4) [Section 1141\(d\)\(5\)\(B\) Discharge](#)

A motion by the debtor-in-possession for a discharge under this provision must be accompanied by the [Certification of Debtor Eligibility Regarding Request for Discharge Prior to Completion of Plan Payments, Local Form T](#).

RULE 2082-1 CHAPTER 12 - DISCHARGEABILITY

(a) Requirements for [Section 1228\(a\) Discharge](#) -

(1) 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 request for discharge.

(2) The debtor shall complete and file with the Court within thirty (30) days of the date of the trustee’s notice the [Certification of Plan Completion and Request for Discharge, Local Form V](#).

(3) Failure to file the certification could result in the case being closed without a discharge. Any reopening to enter a discharge will require a reopening fee to be paid.

(4) If no response to the certificate and notice is filed with the Court by

creditors or parties in interest, the Court will issue a discharge.

- (b) **Requirements for [Section 1228\(b\) Discharge](#) -**
 - (1) Upon the filing of a motion by the debtor for a hardship discharge, the debtor shall contemporaneously file the [Certification of Debtor Information Regarding Request for Hardship Discharge, Local Form W](#).
 - (2) Failure to file the certification with the motion may result in denial of relief sought.

RULE 2083-1 CHAPTER 13 - DISCHARGEABILITY

- (a) **Requirements for [Section 1328\(a\) Discharge](#) -**
 - (1) 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 request for discharge.
 - (2) The debtor shall complete and file with the Court within thirty (30) days of the date of the trustee's notice the [Certification of Plan Completion and Request for Discharge, Local Rule Form Q](#).
 - (3) Failure to file the certification could result in the case being closed without a discharge. Any reopening to enter a discharge will require a reopening fee to be paid.
 - (4) If no response to the certificate and notice is filed with the Court by creditors or parties in interest, the Court will issue a discharge.
- (b) **Requirements for [Section 1328\(b\) Discharge](#) -**
 - (1) Upon the filing of a motion by the debtor for a hardship discharge, the debtor shall contemporaneously file the [Certification of Debtor Information Regarding Request for Hardship Discharge, Local Rule Form R](#).
 - (2) Failure to file the certification with the motion may result in denial of relief sought.

RULE 2091-1 ATTORNEYS - WITHDRAWAL

Notice of any debtor's attorney's motion to withdraw from a case or proceeding will be served upon the mailing matrix or creditor database, U.S. Trustee and panel trustee by said attorney unless otherwise ordered.

RULE 3001-1 CLAIMS AND EQUITY SECURITY INTERESTS - GENERAL

- (a) **Required Disclosure**

All Proofs of Claims must be typewritten, substantially comply with [Official Form B410](#) and include - as of the date the Order of Relief is granted:

 - (1) Total gross balance due;
 - (2) Amount of unmatured interest rebated;

- (3) Net balance due;
- (4) Regular installment payment amount;
- (5) The interest rate - contract rate or per diem rate whichever applies - at which interest accrues;
- (6) A copy of - including proof of the recording of - the security interest or lien;
- (7) The Federal and State Identification number of the company filing the proof of claim;
- (8) A statement of account or other evidence of indebtedness; and
- (9) Telephone number of claimant.

(b) Secured and Priority Claims

All secured claims and priority claims of creditors should:

- (1) be filed in the Clerk's office within seven (7) days preceding the meeting of creditors; and
- (2) must include a rebated balance as of the date of filing. Failure to comply with this rule may result in delay of distribution of money by the Chapter 13 Trustee to the secured creditor.

(c) Deficiency Proofs of Claims

(1) Chapter 7 Cases

Deficiency claims arising from the disposition of secured collateral shall be filed no later than one hundred and twenty (120) days following the order of the Court granting relief from the automatic stay, but in no event later than the approval of a final report. Such time period may be enlarged only upon motion made within the one hundred and twenty (120) day time period and only for cause shown.

(2) Chapter 12 and 13 Cases

- (a) Deficiency claims arising from the disposition of secured collateral shall be filed no later than one hundred and twenty (120) days following the order of the Court granting relief from the automatic stay.
- (b) Counsel for the debtor shall have thirty (30) days from the date of the filing of the creditor's deficiency proof of claim to file an objection to such claim. Failure to file a timely objection shall result in such claim being deemed allowed.
- (c) Following allowance of the claim, debtor's counsel shall have thirty (30) days in which to file a supplemental schedule of allowed claims.

(3) Chapter 11 Cases

Deficiency claims arising from the disposition of secured collateral shall be filed no later than one hundred and twenty (120) days following the order of the Court granting relief from the automatic stay, or by such date set in any other order setting the bar date for such claims. Such time period may be enlarged only upon motion made within the one hundred and twenty (120) day time period and only for cause shown.

RULE 3012-1 VALUATION OF COLLATERAL

- (a) 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 [Motion to Strip Off a Junior Lien, Local Form M](#).
- (b) The motion, at a minimum, must specifically identify:
 - (1) the name of the creditor;
 - (2) the subject real property;
 - (3) the legal description of the property;
 - (4) state clearly and unequivocally that the debtor intends to strip off the creditor’s lien and treat the creditor’s claim as unsecured; and
 - (5) state that the basis for the lien stripping is alleged lack of equity in the encumbered property.
- (c) The motion should be filed with the proposed plan or no later than twenty one (21) days prior to the scheduled confirmation hearing in order for the motion to be heard in conjunction with the confirmation hearing.

RULE 3070-1 CHAPTER 13 - PAYMENTS

- (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.

RULE 4001-1 AUTOMATIC STAY - RELIEF FROM

- (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’s 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 [Local Rule 9013-1](#), 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 fourteen (14) days, the relief requested will be granted.
- (e) **Hearing for Good Cause in Chapter 7 Case**
A hearing will be scheduled within thirty (30) days of the date of filing the motion if:
- (1) the response is filed within fourteen (14) days of the date of service of the stay motion; and
 - (2) good cause for a hearing is stated in the response. 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 Court 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 [Appendix to Motion for Relief From Stay - Chapter 13 Real Property, 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; and
 - (C) the amount of the payment.
 - (3) Failure to include the payment history will result in the motion being denied.
 - (4) The debtor will have fourteen (14) days to respond to the motion. Any response that contests the amount of arrearage must contain a payment history in a format similar to [Appendix to Motion for Relief From Stay - Chapter 13 Real Property, 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.

RULE 4070-1 INSURANCE

(a) Required Proof of Insurance

- (1) 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 a motor vehicle which is subject to the lien of a creditor holding an allowed secured claim, or a vehicle subject to a lease.
- (2) Failure to furnish proof of insurance will be presumed to mean no insurance is in effect.
- (3) The proof of insurance must state that coverage will continue for at least ninety (90) days from the date of the 341 meeting.
- (4) 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.
- (5) 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.

(b) Insurance Lapse on Motor Vehicles

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:

- (1) 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\(b\)\(9\)](#).
- (2) The debtor shall be enjoined from using the motor vehicle for which insurance has lapsed as long as the motor vehicle remains uninsured.
- (3) If the debtor fails to provide proof of reinsurance for a minimum period of ninety (90) days to the creditor within seven (7) days following mailing of the notice provided in subsection [4070-1\(b\)\(1\)](#) of this rule, the stay shall be deemed terminated upon the filing of a certification of non-insurance.

(c) Waiver of Required Insurance by Creditor

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 5001-1 COURT ADMINISTRATION

- (a) These rules shall apply to all cases and proceedings filed on or after July 9, 2009.
- (b) These rules shall be cited as “W. D. Ky. L.B.R. {insert Rule Number, such as 1002-1}.”

RULE 5005-1 FILING PAPERS - REQUIREMENTS - ATTACHMENTS

- (a) **Requirements**
All attachments must be filed in electronic form unless the Court permits otherwise.
- (b) **Attachments in Excess of forty (40) pages**
For attachments in excess of forty (40) pages in length, a filer 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 parties 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 persons who file an excerpt to provide a complete copy of the attachment within seven (7) days of receipt of the request.

RULE 5005-4 ELECTRONIC FILING

- (a) **Scope of Electronic Filing**
 - (1) **Electronic Filing Required**
All pleadings and documents filed with the Court must be filed electronically - except as expressly provided below in [5005-4 \(a\)\(2\) and \(a\)\(3\)](#).
 - (2) **Pro Se Filing**
Parties without legal representation (*pro se* debtors) are not required to file pleadings and other papers in a case electronically.
 - (3) **Creditor Filing**
 - (A) Creditors that are not represented by counsel (*pro se* creditors) are not required to file documents electronically, unless the number of documents filed by an individual creditor exceeds twenty five (25) in a one year period.
 - (B) Subject to [1074-1](#), *pro se* creditors are permitted to file only certain documents without legal representation, including but not limited to reaffirmations agreements, proofs of claims and transfers of claims.

(b) Consequences of Electronic Filing

(1) What Constitutes “Filing”

Electronic transmission of a document to the Case Management Electronic Filing System (CM/ECF) 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.

(2) 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.

(3) 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.

(c) Electronic Signatures

(1) What Constitutes an Electronic Signature

The log-in and password required to submit documents to CM/ECF serve as the filers signature on all electronic documents filed with the Court.

(2) Documents Signed by Multiple Parties

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

- (A)** Submitting a scanned document containing all necessary signatures;
- (B)** Representing the consent of the other parties on the document;
- (C)** Identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties; or
- (D)** In any other manner approved by the Court.

RULE 5071-1 CONTINUANCE

(a) All motions to continue hearings must:

- (1)** be in writing; and
- (2)** filed at least seven (7) days before the scheduled hearing date.

(b) Each motion filed by a debtor must contain an affidavit specifying the reason for the continuance.

RULE 5072-1 COURTROOM DECORUM

(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 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 twelve (12) 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.

(g) Business Attire

All persons who appear before the U.S. Bankruptcy Court - including attorneys, debtors, creditors and witnesses - shall wear attire that is appropriate for a court setting - business type clothing that is modest and professional. No halter tops, no soiled clothing, no mini-skirts, no spandex, no athletic wear, no hats, etc. will be tolerated. The Court may refuse to hear a case if a party is wearing inappropriate clothing.

RULE 5080-1 FEES - GENERAL

The Court will dismiss, overrule or refuse for filing any petition, complaint, motion, agreed order, or other paper under Title 11, regardless of the chapter under which it is filed, if it is not accompanied by a filing fee, an installment application or an application for waiver of the Chapter 7 filing fee.

RULE 6007-1 ABANDONMENT

(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 Court, 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 [Motion By Secured Creditor for Abandonment of Property, 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.

RULE 6070-1 TAX RETURNS AND TAX REFUNDS

(a) Offset of Income Tax Refund

The Internal Revenue Service is authorized:

- (1)** 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
- (2)** the Internal Revenue Service is authorized to offset any refund against any taxes due to the United States.

(b) 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.

(c) IRS Assessment of Tax Liabilities

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

(d) Modification of Stay

The stay afforded by [11 U.S.C. Section 362](#) is modified to the extent provided by this rule.

- (e) **Delivery of Tax Returns and Tax Refunds in Confirmed Chapter 13 Cases**
All debtors having plans confirmed that provide for less than full payment to holders of unsecured claims shall by May 15 of each year:
- (1) submit to the standing trustee copies of federal and state income tax returns filed during the pendency of the case;
 - (2) deliver federal and state income tax refunds to the standing trustee for distribution to creditors; and
 - (3) annually submit a current income and expense statement to the standing trustee who will determine whether all disposable income is being paid into the plan.
 - (4) If an extension of time for filing income tax returns is filed in lieu of a tax return:
 - (A) 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
 - (B) a copy of the returns shall be filed with the standing trustee when filed with the taxing authorities.

RULE7007-1 MOTION PRACTICE IN ADVERSARY PROCEEDINGS

- (a) **Requirements**
- (1) The Clerk will not accept any motion for filing unless accompanied by a separate proposed order.
 - (2) Motions may not request more than one form of relief.
- (b) **Motion for Expedited Relief or for an Emergency Hearing**
- (1) The moving party of a motion for expedited relief or a motion for an emergency hearing must:
 - (A) call the Clerk's office to notify the Court that a motion, pleading or other matter requires immediate attention; and
 - (B) include in the heading of the motion one of these two phrases - "EMERGENCY MOTION TO . . ." or "REQUEST FOR EXPEDITED HEARING."
 - (2) 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.
 - (3) If a hearing is to be set without sufficient time for notice, the parties will be notified by telephone of the hearing time and date.
 - (4) All inquiries regarding these motions should be directed to the Clerk's office.

RULE 9001-1 DEFINITIONS

- (a) Meaning of references to “Court” and “Clerk”**

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

RULE 9004-1 PAPERS - REQUIREMENTS OF FORM

All motions, pleadings, tendered orders and other related matters shall be typewritten and shall include the address and telephone number of the person filing the document.

RULE 9006-1 TIME PERIODS - 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.

RULE 9010-1 ATTORNEYS-NOTICE OF APPEARANCE

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; or
- (b)** signing a pleading as attorney for a party.

RULE 9011-1 ATTORNEYS - DUTIES

- (a) **Extent of an Attorney's Duty to Represent**
- (1) 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.
 - (2) 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.
- (b) **Retention Requirements for Documents Requiring an Original Signature**
- (1) Electronically filed documents that require original signatures - other than that of the filer - must be maintained in paper form by the filer for two (2) years following the expiration of all time periods for appeals.
 - (2) On request of the Court, the filer must provide original documents for review.

RULE 9011-3 SANCTIONS

Failure to comply with the Local Rules may be considered cause for Court sanctions, including but not limited to, dismissal of the case.

RULE 9011-4 SIGNATURES

The Court will dismiss, overrule, deny or refuse for filing 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 is not properly signed.

RULE 9013-1 MOTION PRACTICE

- (a) **Requirements**
- (1) The Clerk will not accept any motion for filing unless accompanied by a separate proposed order.
 - (2) Redemption rights cannot be waived in any motion or proposed order.
 - (3) Motions may not request more than one form of relief unless:
 - (A) **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.
 - (B) **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:

- (1) the caption of the motion clearly sets forth the different forms of relief requested;
 - (2) if the motion requests alternative relief, appropriate alternative orders are tendered with the motion; and
 - (3) the different forms of relief requested are directly related to one another.
- (b) **Motion for Expedited Relief or for an Emergency Hearing**
 - (1) The moving party of a motion for expedited relief or a motion for an emergency hearing must:
 - (A) call the Clerk's office to notify the Court that a motion, pleading or other matter requires immediate attention; and
 - (B) include in the heading of the motion one of these two phrases - "EMERGENCY MOTION TO . . ." or "REQUEST FOR EXPEDITED HEARING."
 - (2) 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.
 - (3) If a hearing is to be set without sufficient time for notice, the parties will be notified by telephone of the hearing time and date.
 - (4) All inquiries regarding these motions should be directed to the Clerk's office.

RULE 9022-1 JUDGMENTS & ORDERS - NOTICE OF

The debtor's attorney is responsible for sending resulting orders to the debtor at the last known address. 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 from motions and applications that were considered by the Judge.

RULE 9029-1 LOCAL RULES - GENERAL

- (a) 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:
 - (1) supplement the [Federal Rules of Bankruptcy Procedure](#) and the Joint Local Rules for the Eastern and Western Districts of Kentucky;
 - (2) shall be construed to be consistent with the above-mentioned rules;
 - (3) shall be construed to secure the just, efficient and economical determination of bankruptcy cases and proceedings; and
 - (4) supercede all previous Local Rules and General Orders.
- (b) For additional information, refer to the [Clerk's Office Administrative Manual](#).

RULE 9036-1 NOTICE BY ELECTRONIC TRANSMISSION

- (a) What Constitutes Service or Notice**
Electronic transmission of the notice of electronic filing constitutes service or notice of the filed document.
- (b) Notice or Service for Non-Electronic Filers**
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, not to include resulting orders which are available through PACER.
- (c) Facsimile Notice by Attorneys**
Service by facsimile is equivalent to hand delivery of such copies.

RULE 9074-1 TELEPHONE & VIDEO CONFERENCES

- (a) Conference and Hearings**
The Court may schedule any matter in a bankruptcy case, contested matter or adversary proceeding to be heard by video conference. Any party in interest affected by or involved in such case, matter or proceeding may request the Court to hear the matter in-person with all parties present. Requests for all-party, in-person hearings shall be made by separate motion in substantial conformity with [9013-1](#), and may be granted at the discretion of the Court. The video conference/hearing constitutes an official Court proceeding.
- (b) Technical Requirements**
Any video conferencing system utilized under this rule must meet the following minimum requirements:

 - (1)** All participants must be able to see, hear, and communicate with each other simultaneously during the proceeding.
 - (2)** All participants must be able to see, hear, and otherwise observe any physical evidence or exhibits presented during the proceeding, either by video, facsimile, or other method.
 - (3)** Video quality must be adequate to allow the court and the participants to observe each other's demeanor and nonverbal expressions.
 - (4)** Video conference facilities must provide for confidential communication between the attorneys and their client.
 - (5)** Video conference facilities must provide telephonic access for bench conferencing.