

**Attention: You must read these Rules in conjunction with the Standing Orders. The Orders add, delete and amend Local Rules. You cannot rely on any provision of the Rules below until you have determined whether a more recent Standing Order is relevant to the section you are reviewing. These Rules are *not* revised when a Standing Order is issued.**

*Below is the hypertext version of the Local Rules and Orders for the US Bankruptcy Court, Eastern District of Kentucky. You can also review the 1999 amendments to the Federal Rules of Bankruptcy Procedure or the 2000 amendments to the FRBP's (effective December 1, 2000). There are a number of online versions of the Federal Rules of Bankruptcy. You may find the Legal Information Institute version at Cornell Law School website helpful.*

*For Proofs of Claim and other official forms visit [http://www.uscourts.gov/bkforms/bankruptcy\\_forms.html](http://www.uscourts.gov/bkforms/bankruptcy_forms.html)*

Only local forms are referenced below.)

*If you need these materials in an another format, please call us at (859) 233-2608, x. 134, or send us e-mail.*

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**Local Rules and Forms of the  
United States Bankruptcy Court for the Eastern District of Kentucky  
Effective May 1, 1997**

*Note: These Rules were amended by Standing Orders. You must review both the Rules and the Orders together. You must review both the Rules and the Orders. Practitioners should also comply with all Guidelines for forms and other matters.*

*Note also that a new unofficial form of Reaffirmation Agreement has been issued by the Administrative Office of the Courts.*

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**Also, effective February 15, 1999, motions for relief in Judge Howard's cases must be noticed for hearing in the division to which the case is assigned. Except where an order allowing a hearing in a different division is obtained prior to the filing of a motion for relief, no relief motions shall be noticed for hearing on Lexington motion days other than cases in the Lexington division.**

HONORABLE WILLIAM S. HOWARD, CHIEF JUDGE  
HONORABLE JOE LEE, JUDGE

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**RULE 1001-1. CITATION AND AUTHORITY**

These rules shall be referred to as the Local Rules of the United States Bankruptcy Court for the Eastern District of Kentucky, and may be cited as E.D. Ky. LBR \_\_\_\_\_ - \_\_\_\_\_. These rules are adopted pursuant to Rule 9029 of the Federal Rules of Bankruptcy Procedure.

**RULE 1001-2. ORGANIZATION OF LOCAL RULES**

These local rules are numbered to correspond with the numbers of the Federal Rules of Bankruptcy Procedure dealing with the same general subject. Thus, the rules are not consecutively numbered. The first four numbers of each rule identify the Federal Rule of Bankruptcy Procedure which the local rule complements.

**RULE 1002-1. PETITION - GENERAL - NUMBER OF COPIES OF PETITION AND SCHEDULES REQUIRED TO BE FILED WITH THE CLERK**

The number of copies of the bankruptcy petition and schedules required to be filed with the clerk of the bankruptcy court to initiate a case under the Bankruptcy Code shall be as follows.

(a) An original and three copies of a petition requesting relief under chapter 7, chapter 12 or chapter 13

of the Code shall be filed. An original and four copies of a stockbroker's petition for relief under subchapter III of chapter 7 shall be filed, one copy of which shall be transmitted by the clerk to the Securities Investor Protection Corporation. An original and four copies of a commodity broker's petition for relief under subchapter IV of chapter 7 shall be filed, one copy of which shall be transmitted by the clerk to the Commodity Futures Trading Commission.

(b) An original and six copies of a petition requesting relief under chapter 9 or chapter 11 of the Code shall be filed. The clerk shall transmit one copy to the District Director of the Internal Revenue for the district in which the case is filed, one copy of a chapter 9 petition to the Secretary of State of the state in which the debtor is incorporated, one copy of a chapter 9 petition to the regional office of the Securities and Exchange Commission for the district in which the case is filed and, if a chapter 11 debtor is a corporation, one copy of the chapter 11 petition to the regional office of the Securities and Exchange Commission for the district in which the case is filed. If the petition seeks reorganization of a railroad under subchapter IV of chapter 11 of the Code, two additional copies of the petition shall be filed, and the clerk shall transmit one copy to the Surface Transportation Board and one copy to the Secretary of Transportation.

(c) The number of copies of the schedules, statement of financial affairs and any supplement to same, statement of intention, and lists of the 20 largest creditors shall be the same as the number of copies of the petition required to be filed.

(d) The additional copy of the petition, schedules and other documents for transmission to the United States Trustee in conformity with Rule 1002(b) of the Federal Rules of Bankruptcy Procedure is included in the number of copies required by this local rule.

### **RULE 1002-2. PETITION - ASSEMBLE, COLLATE, STAPLE**

Prior to submission to the Clerk of Court the original petition and accompanying schedules and documents and the required number of copies thereof shall be assembled, collated and stapled in conformity with a "Guide to Assembly of Petitions" which may be obtained from the Clerk of Court.

### **RULE 1002-3. PETITION - CORPORATION**

The petition of a corporation for relief under the Bankruptcy Code shall be accompanied by a resolution of the board of directors of the corporation authorizing the debtor to petition for the relief requested, designating the individual authorized to sign the petition in behalf of the corporation, and designating the individual or individuals responsible for performing the duties of the debtor. The petition and resolution shall be accompanied by an order designating the individual or individuals who shall perform the duties of the debtor. See Rules 4002 and 9001(5)(A), Federal Rules of Bankruptcy Procedure.

### **RULE 1004-1. PETITION - PARTNERSHIP**

The petition of a partnership for relief under the Bankruptcy Code shall be signed by all the general partners or accompanied by a resolution signed by all the general partners authorizing the partnership to petition for the relief requested. Otherwise, each general partner who is not a petitioner shall be summoned, as provided by Rule 1004(b) of the Federal Rules of Bankruptcy Procedure, to respond to the petition. The petition shall be accompanied by a resolution and order designating the individual partner or partners who shall perform the duties of the debtor. See Rules 4002 and 9001(5)(B), Federal Rules of Bankruptcy Procedure.

### **RULE 1006-1. FEES - INSTALLMENT PAYMENTS (see also [Standing Orders](#))**

When leave is granted in accordance with Rule 1006 of the Federal Rules of Bankruptcy Procedure to pay in installments the applicable fees and charges required pursuant to title 28 U.S.C. § 1930, unless otherwise ordered by the court, such fees and charges shall be paid in installments as follows.

The fee and charges for filing a petition for relief under chapter 7 shall be paid in not more than four installments of \$43.75 each.

The fee and charges for filing a petition for relief under chapter 11 shall be paid in not more than four installments of \$200.00 each.

The fee and charges for filing a petition for relief under chapter 12 shall be paid in not more than four installments of \$50.00 each.

The fee and charges for filing a petition for relief under chapter 13 shall be paid in not more than four installments of \$40.00 each.

### **RULE 1007-1. LISTS, SCHEDULES & STATEMENTS -PETITION NOT ACCOMPANIED BY SCHEDULES AND STATEMENTS**

If a petition is accepted for filing without the schedules and statements as permitted by Rule 1007(c) of the Federal Rules of Bankruptcy Procedure, the mailing list matrix will suffice as the list of creditors required by that rule only if the petition is accompanied by the unsworn declaration of the debtor incorporating the mailing list matrix by reference and certifying under penalty of perjury that to the best of the debtor's knowledge, information and belief the list is a true and correct list of the names and addresses of all the debtor's creditors.

### **RULE 1007-2. MAILING - LIST OR MATRIX**

A petition initiating a case under the Bankruptcy Code shall be accompanied by a separate, unattached mailing list matrix containing the name, address and zip code of all creditors and parties in interest to be notified of the case. The mailing list shall be submitted on 8-1/2 inch x 11 inch size paper. The debtor is required to obtain from the Clerk of Court the most current version of the court document entitled

**SPECIAL REQUIREMENTS FOR MAILING LIST MATRIX ([Local Form No. 1](#))**. The mailing list matrix must fully comply with the specifications set forth in Local Form No. 1. The court may dismiss sua sponte any petition which is not accompanied by a mailing list matrix in compliance with the specifications set forth in Local Form No. 1.

The mailing list matrix submitted with a chapter 7, chapter 12 or chapter 13 petition shall include the address of the IRS or the Commonwealth of Kentucky, Revenue Cabinet, only if the debtor owes taxes to those entities.

The mailing list matrix submitted with a chapter 11 case shall contain the address of the Internal Revenue Service, 801 Broadway, MDP 146, Nashville, Tennessee 37203, whether or not the debtor is indebted to such taxing entity. *[Editor's note: As of January 23, 2001, the IRS has requested that such notices instead be mailed to: Internal Revenue Service, P.O. Box 1706, Stop 510, Louisville, KY 40201. The Local Rule will amended to reflect this new address.]*

A mailing list matrix must be accompanied by a verification in compliance with the form attached to **SPECIAL REQUIREMENTS FOR MAILING LIST MATRIX (Local Form No. 1, Attachment No. 2)**. The court may dismiss sua sponte any petition that is not accompanied by a Verification of the Mailing List Matrix.

In addition to the original mailing list matrix, a copy thereof (with each page marked "copy") shall be filed with the Clerk of Court. The Clerk of Court shall transmit the copy of the mailing list matrix to the office of the U.S. Trustee.

If the debtor is a corporation the names and addresses of the officers and equity security holders of the corporation shall be included on the mailing list matrix. If the debtor is a partnership the names and addresses of all the general partners shall be included on the mailing list matrix.

In a case with more than 300 creditors the mailing list matrix may be submitted on a diskette in a format specified by the Clerk of Court.

The Clerk of Court shall not be required to compare the names and addresses on the petition and schedules or amendments thereto with the names and addresses on the mailing list matrix. The accuracy of the names and addresses of entities to be notified of the bankruptcy proceeding as set out on the mailing list matrix (whether provided on diskette or paper) is the responsibility of the debtor and/or counsel for the debtor.

A notice of appearance or request to receive a special notice or a change of address request made by a debtor or creditor or other party in interest shall be accompanied by an addendum to the mailing list matrix identifying the name and address of the party to be added to the list of creditors. The addendum to the mailing list matrix shall comply with the specifications set forth in Local Form No. 1. If such notice or request is not accompanied by a proper addendum to the mailing list matrix the clerk may

delay adding the party's name to the mailing list until the conforming addendum to the mailing list matrix is provided.

## **RULE 1071-1. DIVISIONS- BANKRUPTCY COURT**

The divisions of the Bankruptcy Court shall be the same as the jury divisions of the United States District Court for the Eastern District of Kentucky as set out in LR 3.1(a) of the Joint Local Rules for the United States District Court for the Eastern and Western Districts of Kentucky, except the division identified therein as the London Division shall be identified as the Corbin Division of the Bankruptcy Court. Bankruptcy petitions shall be assigned by the clerk to the division of the Bankruptcy Court which encompasses the county in which the debtor resides at the time of filing. For purposes of this rule the residence of a partnership shall be the county in which the principal business of the partnership is located, and the residence of a corporation shall be the county in which the corporation maintains its registered office.

A motion that hearings in a chapter 7 bankruptcy case be held in a division of the court other than the division to which the case is assigned shall be filed with the original petition. Such a motion filed after the date of appointment of a trustee may be granted only for good cause shown that outweighs the inconvenience of the trustee having to travel to a different division of the court to attend hearings in the case.

## **RULE 2002-1. NOTICE TO CREDITORS & OTHER INTERESTED PARTIES - GENERAL 10 DAY NOTICE REQUIREMENT**

Unless the Federal Rules of Bankruptcy specifically state otherwise, any notice of hearing shall include a certificate of service indicating that each party served has been given at least 10 days' notice of the hearing date. At the discretion of the court, emergency matters may be heard on less than 10 days' notice when accompanied by a motion to shorten the time provided by this rule.

In chapter 11 cases, with the exception of the notice of the meeting pursuant to 11 U.S.C. § 341, noticing shall be the responsibility of the debtor in possession or the attorney for the debtor in possession or, if a trustee has been appointed, the trustee or the attorney for the trustee.

## **RULE 2016-1. COMPENSATION OF PROFESSIONALS - REQUIREMENTS - SUPPLEMENTAL FEE APPLICATIONS**

In addition to the requirements of Rule 2016 of the Federal Rules of Bankruptcy Procedure, applications for the allowance of compensation or expenses of a professional person appointed under section 327 or 1103 of title 11 must have attached thereto a copy of the order of retention or authorization.

Supplemental fee applications shall, in the same manner as original fee applications, contain all the information required by Rule 2016 of the Federal Rules of Bankruptcy Procedure.

## **RULE 3001-1. CLAIMS AND EQUITY SECURITY INTERESTS - GENERAL**

Each proof of claim, with supporting documents evidencing the claim and the perfection of a security interest, if any, shall be submitted in duplicate, one original copy, complete with supporting documents, for the court case file, and one conformed copy, complete with supporting documents, for the trustee's case file. The original copy, which must bear the original signature of the claimant, shall be retained by the clerk in the court case file. The conformed copy, which may bear a photocopy of the claimant's signature, but which otherwise shall be complete in all respects with supporting documents, shall be forwarded by the clerk to the trustee.

The trustee shall examine and object to any defective or insufficiently documented claim, if any useful purpose would be served thereby.

Upon request, the Clerk of Court shall provide claimants with instructions for filing proofs of claim.

The requirements for filing in duplicate and documenting proofs of claim apply with equal force to any proof of an equity security interest in a debtor corporation.

## **RULE 3002-1. CLAIM - PROOF OF BY CREDITOR HOLDING A SECURED CLAIM IN CHAPTER 13 CASE**

A proof of claim in conformity with Local Rule 3001-1 by or on behalf of a creditor, including a creditor holding a secured claim, other than a claim secured by an interest in real estate, must be filed in a chapter 13 case before the debtor or trustee may make payments to such creditor in accordance with the plan. Proof of a secured claim filed after the expiration of the time fixed by Rule 3002(c) of the Federal Rules of Bankruptcy Procedure for filing claims shall be allowed only to the extent of the value of the collateral securing the claim.

## **RULE 3003-1. CLAIMS - CHAPTER 11 CASE**

Unless the court for cause shown orders otherwise, the cutoff date for filing unsecured claims or claims scheduled as disputed, contingent, or unliquidated in a chapter 11 case shall be the date of the order approving the disclosure statement.

## **RULE 3009-1. DIVIDENDS - CHAPTER 7 ASSET CASES - DEADLINE FOR AMENDING CLAIMS**

When estate funds are available in a chapter 7 case for payment of a dividend to creditors holding allowed unsecured claims, the deadline for filing an amended claim for any deficiency remaining after the liquidation of collateral or for requesting an extension of time within which to file an amended claim shall be the date of the final hearing on applications for compensation or, in divisions other than the

Lexington division, if applications for compensation are filed on a notice and opportunity basis, such deadline shall be the last date for objecting to such applications for compensation in accordance with the notice. No dividend shall be paid on an amended claim filed after that date by a creditor who did not timely request an extension of time within which to amend the claim.

### **RULE 3015-1. CHAPTER 13 - PLAN - SERVICE OF PLAN**

(a) Form of Plan. A chapter 13 plan shall conform substantially to Form No. 2 with such alterations as may be appropriate to suit the circumstances.

(b) Service of Plan. Concurrently with the filing of the plan the debtor or the debtor's attorney shall cause a copy of the plan to be served by first class mail upon all creditors of the debtor and other parties in interest. The debtor or the debtor's attorney shall file with the plan a certificate of service in the form prescribed by Form No. 3 certifying that a copy of the plan has been served by first class mail upon all creditors of the debtor and parties in interest.

### **RULE 3015-2. CHAPTER 13 - AMENDMENTS TO PLANS - SERVICE OF PLAN**

A modified chapter 13 plan shall be served upon all creditors and parties in interest and shall be accompanied by a certificate of service in the same manner as the original plan. The modified plan and the order confirming a modified plan shall identify the plan as the First, Second, etc. Modified Plan Dated \_\_\_\_\_.

### **RULE 3015-3. CHAPTER 13 - CONFIRMATION ([SEE ALSO Standing Order of 8/1/2000](#))**

(a)(1) Objections to Confirmation. An objection to confirmation of a chapter 13 plan is governed by Rule 9014 of the Federal Rules of Bankruptcy Procedure. Such objection shall be filed with the court not later than 10 days prior to the hearing on confirmation of the plan, shall be served upon the debtor, the attorney for the debtor and the chapter 13 trustee, and shall be noticed for hearing at the hearing on confirmation of the plan. An objection by a creditor to the recommendation of the chapter 13 trustee as to the allowed amount of the secured claim of such creditor may be presented at the hearing on confirmation of the plan.

(2) Hearing on Confirmation. The court shall rule on confirmation of a chapter 13 plan after hearing on notice to the debtor, the attorney for the debtor, and all creditors, including creditors holding secured claims, and any creditor who has timely filed an objection to confirmation of the plan. Notice of the hearing on confirmation of a chapter 13 plan may be combined with the notice of the meeting of creditors given pursuant to Rule 2002 of the Federal Rules of Bankruptcy Procedure. If no objection is timely filed, the court, without hearing evidence, may find that the plan has been proposed in good faith and not by any means forbidden by law.

(b) Order of Confirmation. The order of confirmation of a chapter 13 plan shall conform substantially to

Form No. 4 and a copy of the order shall be served promptly upon the debtor or the attorney for the debtor, the chapter 13 trustee, and any creditor who timely filed an objection to confirmation of the plan.

### **RULE 3017-1. DISCLOSURE STATEMENT - APPROVAL**

In a chapter 11 case the proponent of a disclosure statement and plan shall prepare and submit an order setting the date of the hearing for consideration of the disclosure statement.

The order shall fix a cutoff date for filing objections to the disclosure statement which ordinarily shall be five days in advance of the date of the hearing for consideration of the disclosure statement.

The order may indicate the cutoff date as fixed by E.D. Ky. LBR 3003-1 for filing unsecured claims or claims scheduled as disputed, contingent, or unliquidated.

The proponent of the disclosure statement and plan shall cause copies of the order setting the hearing for consideration of the disclosure statement to be served upon the debtor, creditors, equity security holders and other parties in interest as provided in Rule 2002 of the Federal Rules of Bankruptcy Procedure and along with the order shall mail copies of the disclosure statement and plan to the parties specified in Rule 3017(a) of the Federal Rules of Bankruptcy procedure.

### **RULE 3020-1. CONFIRMATION OF CHAPTER 11 PLAN - HEARING ON**

The proponent of a disclosure statement and plan shall prepare and submit an order setting the date of the hearing on confirmation of the plan.

The order shall fix a cutoff date for filing objections to confirmation of the plan which ordinarily shall be ten days prior to the date of the hearing on confirmation of the plan.

The order shall fix the time within which holders of claims or interests may accept or reject the plan which ordinarily shall be fifteen days in advance of the hearing on confirmation of the plan.

The proponent of the plan shall cause a copy of the order setting the hearing on confirmation of the plan along with the disclosure statement and plan and a ballot conforming to the appropriate Official Form for acceptance or rejection of the plan to be served by mail upon all creditors and equity security holders entitled to vote on the plan, and the United States Trustee, as directed by Rule 3017(d) of the Federal Rules of Bankruptcy Procedure.

### **RULE 4001-1. AUTOMATIC STAY - RELIEF FROM**

Rule 9014 of the Federal Rules of Bankruptcy Procedure mandates that relief from stay be requested by motion. The motion shall be styled in the same manner as the bankruptcy case and not as an adversary proceeding. A request for relief from stay appearing in the context of a complaint commencing an

adversary proceeding, or in an answer, counterclaim, cross-claim, intervening complaint or third party complaint filed in such a proceeding, unless also requested by separate motion filed in the related bankruptcy case, shall be deemed as consent for the stay to remain in effect until final disposition of the adversary proceeding.

A motion for relief from stay pursuant to section 362(d) of the Bankruptcy Code with respect to an interest of the movant in property (of the estate or of the debtor) shall conform substantially to Form No. 5, with such alterations as may be appropriate to suit the circumstances. The motion shall be accompanied by --

- (1) a proof of claim with supporting documents establishing the perfected security interest or other interest of the movant in property that is the subject of the motion; and
- (2) a certificate of service indicating that parties in interest have been served in a manner provided by Rule 7004 of the Federal Rules of Bankruptcy Procedure with a copy of the motion and the documented proof of claim.

In a chapter 7, chapter 12, or chapter 13 case service shall be made upon the debtor, counsel for the debtor, and the trustee. In a chapter 11 case service shall be made upon the debtor in possession, counsel for the debtor in possession, or if a trustee has been appointed, upon the trustee and counsel for the trustee. Service also shall be made upon counsel employed by a committee or alternatively upon each member of the committee. In a chapter 11 case in which a committee has not been appointed service shall be made upon the creditors on the list filed pursuant to Rule 1007(d) of the Federal Rules of Bankruptcy Procedure and the United States Trustee.

A motion for relief from stay pursuant to section 1201 or 1301 of the Bankruptcy Code shall be served upon the codebtor as well as upon the debtor, counsel for the debtor, and the trustee. The motion shall be accompanied by a proof of claim with supporting documents evidencing the signature of the codebtor.

A motion for relief from stay for the purpose of pursuing a cause of action against the debtor, i.e., an action for damages for which an insurance carrier may be liable, shall set out in detail relevant information concerning the action.

An order granting relief from stay may be entered without an actual hearing unless a party in interest responds and requests a hearing within the time fixed in the motion, which shall be not less than 15 days from the date of service of the motion, plus the additional three days allowed by Rule 9006(f) of the Federal Rules of Bankruptcy Procedure when service is by mail. The response and request for a hearing shall state the grounds for opposition to the motion and shall give notice of the place, time and date of the hearing thereon, which unless otherwise agreed by the parties or ordered by the court for cause shown, shall be not later than 30 days after the date the motion for relief from stay was filed with the court. The hearing on the response may be treated as a preliminary hearing on the motion for relief from stay and the stay may be continued in effect for the limited time permitted by title 11 U.S.C. § 362(e)

pending conclusion of the final hearing.

An agreed order granting relief from stay will not be entered by the court unless the party to be accorded relief has filed a proof of claim with supporting documents establishing the perfected security interest or other interest of the party in the property that is the subject of the agreed order.

**RULE 4001-4. HEARINGS ON MOTIONS FOR RELIEF FROM STAY IN THE LEXINGTON DIVISION** (see also [Standing Orders](#))

Unless otherwise ordered by the court, motions for relief from the automatic stay in cases pending in the Lexington division may be noticed for hearing at a time set forth in E.D. Ky. LBR 9014-1 for hearing such motions.

**RULE 4001-5. HEARINGS ON MOTIONS FOR RELIEF FROM STAY IN DIVISIONS OTHER THAN LEXINGTON** (see also [Standing Orders](#))

Unless otherwise ordered by the court, motions for relief from the automatic stay in the Covington division shall be heard at Covington on the first Tuesday of the month at 10:00 a.m. prevailing time; motions for relief from the automatic stay in the Ashland division shall be heard at Ashland on the Wednesday following the first Tuesday of the month at 11:00 a.m. prevailing time; motions for relief from the automatic stay in the Pikeville division shall be heard at Pikeville on the second Tuesday of the month at 11:00 a.m. prevailing time; motions for relief from the automatic stay in the Corbin division shall be heard at Corbin on the Thursday following the second Tuesday of the month at 10:00 a.m. prevailing time; and motions for relief from the automatic stay in the Frankfort division shall be heard at Frankfort on the Wednesday following the second Tuesday of the month at 11:00 a.m. prevailing time.

For cases pending in any division other than the Lexington division, when the requirements set forth in the immediately preceding paragraph and those set forth in 11 U.S.C. § 362(e) cannot be met by noticing a motion for relief in the division in which the case is pending at the times stated above, a motion for relief from stay must be noticed for hearing before the court at Lexington on the fourth Tuesday of the month at 10:00 a.m. prevailing time.

**RULE 4003-1. EXEMPTIONS**

An objection to an exemption claimed by a debtor or a dependent of the debtor shall conform substantially to Form No. 6, with such alterations as may be appropriate to suit the circumstances. The objection shall be served upon the person claiming the exemption and the attorney for such person within the time fixed by Rule 4003(b) of the Federal Rules of Bankruptcy Procedure and in a manner provided by Rule 7005(b) of the Federal Rules of Bankruptcy Procedure.

An order sustaining the objection may be entered without an actual hearing unless the person claiming the exemption responds and requests a hearing within the time fixed in the objection, which shall be not

less than 15 days, plus the three additional days allowed by Rule 9006(f) of the Federal Rules of Bankruptcy Procedure when the objection is served by mail. The response and request for a hearing shall state the grounds for opposition to the objection and shall be noticed for a hearing on a regularly scheduled date fixed by the court for hearing such objections.

Unless otherwise ordered by the court, in the Lexington division, objections to exemptions may be noticed for hearing at a time set forth in E.D. Ky. LBR 9014-1 for hearing miscellaneous motions.

In all divisions of the court except the Lexington division, objections to exemptions may be noticed for hearing in the appropriate division at the times set forth in E.D. Ky. LBR 9014-1.

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

A motion pursuant to section 522(f) of the Bankruptcy Code to avoid a judicial lien or a nonpossessory, nonpurchase-money lien on exempt property shall conform substantially to Form No. 7(a) or 7(b), with such alterations as may be appropriate to suit the circumstances. The motion shall be served on the lienholder in the manner provided by Rule 7004(b) of the Federal Rules of Bankruptcy Procedure.

An order sustaining the motion and avoiding a lien may be entered without an actual hearing unless the lienholder files a response and a request for hearing within the time specified in the motion, which shall be not less than 15 days from the date of the service of the motion, plus the additional three days allowed by Rule 9006(f) of the Federal Rules of Bankruptcy Procedure when service is by mail. The response shall state the grounds for opposition to the motion and shall be noticed for hearing at a regularly scheduled date fixed by the court for hearing such motions.

Unless otherwise ordered by the court, in the Lexington division motions pursuant to 11 U.S.C. § 522(f) in chapter 7 cases may be noticed for hearing at a time set forth in E.D. Ky. LBR 9014-1 for hearing miscellaneous motions.

In all divisions of the court except the Lexington division, motions pursuant to 11 U.S.C. § 522(f) of the Bankruptcy Code may be noticed for hearing in the appropriate division at the times set forth in E.D. Ky. LBR 9014-1.

### **RULE 4008-1. REAFFIRMATION**

A motion for approval of a reaffirmation agreement entered into by an individual who was not represented by an attorney during the course of negotiating the agreement shall conform substantially to Form No. 8, with such alterations as may be appropriate to suit the circumstances.

The motion shall be served in the manner provided by Rule 7005(b) of the Federal Rules of Bankruptcy Procedure.

In the Lexington division a motion in a chapter 7 case for approval of a reaffirmation agreement may be noticed for hearing at a time set forth in E.D. Ky. LBR 9014-1 for hearing miscellaneous motions.

In all other divisions of the court, a motion for approval of a reaffirmation agreement shall be noticed for hearing at the times set forth in E.D. Ky. LBR 9014-1.

### **RULE 5001-2. CLERK - OFFICE LOCATION/HOURS**

The address to which documents shall be delivered for filing and at which case files are maintained is 100 East Vine Street, Suite 202, Lexington, Kentucky 40507. The mailing address to which documents shall be mailed for filing is U.S. Bankruptcy Court, P.O. Box 1111, Lexington, Kentucky 40589-1111.

The office of the Clerk of the U.S. Bankruptcy Court for the Eastern District of Kentucky shall be open to the public from 8:30 a.m. until 4:30 p.m., Monday through Friday. Special arrangements may be made in advance with the clerk for the office to be open other than regular business hours. The office shall be closed on weekends and on all federal holidays.

### **RULE 5005-1. FILING PAPERS - REQUIREMENTS**

Papers described in Rule 5005 of the Federal Rules of Bankruptcy Procedure which are served on any party or entity shall be filed in or mailed to the Clerk of Court no later than one business day following the date of service.

### **RULE 5006-1. COURT PAPERS - UNCERTIFIED COPIES**

A party seeking by return mail an uncertified copy of an order, pleading, proof of claim or other paper filed in a case shall submit an additional copy thereof, together with a stamped, self-addressed envelope.

### **RULE 6004-1. SALE OF ESTATE PROPERTY**

Whenever the trustee, or the debtor in possession, proposes to use, sell or lease property not in the ordinary course of business, such trustee or debtor in possession shall give the notice required by Rule 2002 and Rule 6004 of the Federal Rules of Bankruptcy Procedure. A notice of sale shall specify whether the property is to be sold free and clear of or subject to liens and encumbrances.

### **RULE 6008-1. REDEMPTION**

A motion pursuant to 11 U.S.C. § 722 to redeem tangible personal property from a lien securing a dischargeable consumer debt shall conform substantially to Form No. 9, with such alterations as may be appropriate to suit the circumstances. The motion shall be served on the lienholder in the manner provided by Rule 7004(b) of the Federal Rules of Bankruptcy Procedure.

An order granting redemption may be entered without an actual hearing unless the lienholder files a response and requests a hearing within the time specified in the motion, which shall be not less than 15 days from the date of service of the motion, plus the additional three days allowed by Rule 9006(f) of the Federal Rules of Bankruptcy Procedure when service is by mail. The response shall state the grounds for opposition to the motion and shall be noticed for hearing at a regularly scheduled date fixed by the court for hearing such motions.

Motions in chapter 7 cases in the Lexington division pursuant to 11 U.S.C. § 722 may be noticed for hearing at a time set forth in E.D. Ky. LBR 9014-1 for hearing miscellaneous motions.

In all divisions of the court except the Lexington division motions pursuant to 11 U.S.C. § 722 will be heard by the court at the times set forth in E.D. Ky. LBR 9014-1.

## **RULE 7007-1. MOTION PRACTICE (IN ADVERSARY PROCEEDINGS)**

### **a) LEXINGTON DIVISION**

Unless otherwise ordered, a motion in an adversary proceeding pending in the Lexington division may be noticed for hearing at a time set forth in E.D. Ky. LBR 9014-1 for hearing such motions. The motion shall include a certificate indicating that each party to the motion has been given at least ten (10) days' notice of the hearing on the motion by service of the motion in a manner permitted by Rule 7005(b) of the Federal Rules of Bankruptcy Procedure.

Motions for a pretrial conference or trial date need not be noticed for hearing and, unless objection is made, will be acted on by the court without a hearing.

### **b) ALL OTHER DIVISIONS**

In all other divisions of the court, motions in adversary proceedings shall be heard at the times set forth in E.D. Ky. LBR 9014-1. The motion shall include a certificate indicating that each party to the motion has been given at least ten (10) days' notice of the hearing on the motion by service of the motion in a manner permitted by Rule 7005(b) of the Federal Rules of Bankruptcy Procedure.

## **RULE 7026-1. DISCOVERY - GENERAL**

(a) Unless otherwise ordered by the court, prior to a request for discovery a party to an adversary proceeding or contested matter is not required to make the disclosures required by paragraphs (1) through (3) of subsection (a) of Rule 26 of the Federal Rules of Civil Procedure, as made applicable by Rule 7026 of the Federal Rules of Bankruptcy Procedure.

(b) Unless otherwise ordered by the court, the provisions of subsection (f) of Rule 26 of the Federal

Rules of Civil Procedure, as made applicable by Rule 7026 of the Federal Rules of Bankruptcy Procedure, shall not apply in adversary proceedings or contested matters.

## **RULE 7067-1. REGISTRY FUND**

(a) Any order presented by a party or parties that directs the clerk to invest in an interest-bearing account or instrument funds deposited in the registry of the court pursuant to 28 U.S.C. § 2041, shall include the following:

(1) the amount to be invested;

(2) the name of the depository approved by the Treasurer of the United States as a depository in which funds may be deposited;

(3) a designation of the type of account or instrument in which the funds shall be invested;

(4) wording which directs the clerk to 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% of the income earned while funds are held in the court's registry, whenever such income becomes available for deduction and without further order of the court.

(b) The fee assessed under subsection (a) of this rule shall be deducted periodically, without further orders of the court, either at the time income is credited to the account, or prior to any other distribution. Investments having a maturity date greater than one year will be assessed the fee at the time the investment instrument matures.

(c) Sample orders in conformity with this rule may be obtained upon request from the Clerk of Court.

## **RULE 9014-1. HEARINGS ON MOTIONS (see also [Standing Orders](#))**

Motions, objections or applications that have not been resolved by or cannot await resolution by the notice and opportunity for a hearing process, including responses to any such motions, objections or applications, shall be noticed for hearing as follows:

### **(a) LEXINGTON DIVISION**

Unless otherwise ordered by the court, motion days in the Lexington division shall be as follows:

1. Motions in adversary proceedings may be noticed for hearing at 10:00 a.m. prevailing time on the first and third Wednesday of each month, unless such day is a legal holiday, in which event the court may

designate an alternate date.

2. Motions for relief from stay may be noticed for hearing at 1:30 p.m. prevailing time on the first or third Wednesday of each month, unless such day is a legal holiday in which event the court may designate an alternate date.

3. Miscellaneous motions in chapter 7 cases may be noticed for hearing at 1:30 p.m. prevailing time on the second Monday of each month, unless that day is a legal holiday, in which event, such motions may be noticed for hearing on the fourth Monday of the month.

4. Miscellaneous motions in chapter 13 cases may be noticed for hearing at 1:30 p.m. prevailing time on the third Monday of each month, unless that day is a legal holiday, in which event, such motions may be noticed for hearing on the fourth Monday of the month.

5. All other motions may be scheduled by contacting the judge's chambers.

**(b) ALL DIVISIONS EXCEPT LEXINGTON**

Unless otherwise ordered, for cases pending in the Ashland, Corbin, Covington, Frankfort and Pikeville divisions, any motion other than a motion for relief from stay shall be noticed for hearing in the division in which the case is pending at the following times. Motions in cases in the Ashland division shall be noticed for hearing at Ashland on the Wednesday following the first Tuesday of the month at 1:30 p.m. prevailing time; motions in cases in the Corbin division shall be noticed for hearing at Corbin on the Thursday following the second Tuesday of the month at 11:00 a.m. prevailing time; motions in cases in the Covington division shall be noticed for hearing at Covington on the first Tuesday of the month at 1:30 p.m. prevailing time; motions in cases in the Frankfort division shall be noticed for hearing at Frankfort on the Wednesday following the second Tuesday of the month at 10:00 a.m. prevailing time; and motions in cases in the Pikeville division shall be noticed for hearing at Pikeville on the second Tuesday of the month at 1:30 p.m. prevailing time.

In the event there is insufficient time to hear a motion scheduled at the above time, the motion shall be reset for hearing at the court's convenience. Motions which are expected to require more than 15 minutes of court time may be scheduled by contacting the judge's chambers.

**RULE 9014-2. CONTESTED MATTERS - UNDER SUBMISSION**

When a matter is to be taken under submission, the party filing the last memorandum or other paper concerning that matter shall submit an order of submission therewith.

**RULE 9022-1. JUDGMENTS & ORDERS - NOTICE OF**

(a) General Requirement. Each order or judgment submitted for entry by the court shall include thereon

the name and complete address of each person and party to be served with a copy of the order.

(b) Adversary Proceedings. In an adversary proceeding, following the ruling of the court on a motion or other matter, the prevailing party shall submit an appropriate order or judgment in a sufficient number of copies accompanied by metered or stamped envelopes addressed to each person and party designated for receipt of service of the order.

(c) Proceedings in a Bankruptcy Case. A request for action in a bankruptcy case initiated by application, motion, objection, response, or other pleading, shall be accompanied by a proposed order. The proposed order shall be submitted in triplicate, an original and two copies, along with a self-addressed, metered or stamped envelope for returning a copy of the order to counsel for the prevailing party for service on the persons and parties named in the order. Counsel shall cause a copy of the order to be served on each of the persons and parties designated to receive the order and shall file with the court a certificate of service of the order upon such persons and parties.

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