

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF KENTUCKY

**STANDING ORDER**

*Effective December 29, 1999, the applicable portion of Standing Order effective July 1, 1999, is superseded and Local Rule (E.D. Ky. LBR 9014-1.1(c)(iv) is amended to read as follows:*

**RULE 9014-1.1(c)(iv)**

All other motions shall be noticed for **10:30 a.m.**, prevailing time on the first and third Wednesday of each month.

*Effective December 29, 1999, a new Local Rule (E.D., Ky. LBR 4001-2) is added as follows:*

**RULE 4001-2. USE OF CASH COLLATERAL, OBTAINING CREDIT AND STIPULATIONS RELATING TO SAME**

- (a) A motion for use of cash collateral, for authority to obtain credit, or a stipulation relating to same shall set forth the total dollar amount of the request for use of funds, the specific uses to which the funds will be put, the debtor's proposed budget for the use of the funds, the amount of debt asserted to be owed to any creditor claiming an interest in the collateral, the value of the collateral which secures the creditor's asserted interest, and any proposal for providing adequate protection. If the debtor seeks authority to use cash collateral or to obtain credit on an emergency or expedited basis, the debtor shall state the nature of the emergency requiring an expedited hearing and determination. The motion shall be accompanied by copies of all documents, evidencing perfection, by which the interest of any entity claiming an interest in the cash collateral was created or perfected.
- (b) A motion for use of cash collateral, for authority to obtain credit, or a stipulation relating to same shall be served on all creditors who assert an interest in the cash collateral and their attorneys, if known, any taxing authority that has a claim against the debtor, the debtor's twenty (20) largest unsecured creditors, the members of any committee appointed in the case and counsel to any committee, any parties who have filed a request for service of all pleadings and notices and the United States trustee.
- (c) Subject to section (d), the following provisions contained in an agreement between the debtor and the holder of a secured claim as to use of cash collateral, obtaining credit, or adequate protection, or any order approving or authorizing the use of cash collateral, obtaining credit, or adequate protection, shall be unenforceable:
  - (1) any acknowledgment of the validity, amount, perfection, priority, extent or enforceability of the secured claim, if the agreement or order purports to bind any party other than the debtor;
  - (2) any releases of liability for the creditor's alleged prepetition torts or breaches of contract, waivers of avoidance actions or waiver of defenses by the debtor or estate representative;

- (3) any postpetition lien which purports to secure any claim of a secured creditor other than (i) a claim arising from postpetition advances which constitute an additional nonreplacement extension of credit; or (ii) a claim representing the diminution in value of the secured claim after the commencement of the case;
  - (4) any grant of a security interest in avoidance power recoveries available to the trustee; or
  - (5) any provision granting a creditor relief from the automatic stay without further order or hearing upon the breach of the cash collateral, adequate protection or postpetition financing order or agreement.
- (d) Notwithstanding section (c), the Court may order the enforcement of any terms and conditions on the use of cash collateral or obtaining credit, provided that (i) the proposed order or agreement specifically states that the proposed terms and conditions vary from the requirements of section (c), and (ii) any such proposed terms and conditions are conspicuously and specifically set forth in the proposed agreement or order.

*Effective December 29, 1999, Standing Order effective January 1, 1998, is superseded and Local Rule (E.D. Ky. LBR 1006-1) is hereby amended to read as follows:*

**RULE 1006-1. FEES-INSTALLMENT PAYMENTS**

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 28 U.S.C. §1930, unless otherwise ordered by the court, such fees shall be paid in not more than four installments as follows:

The fee and charges for filing a petition for relief under chapter 7 shall be paid in three (3) installments of \$40.00 each and one (1) installment of \$80.00.

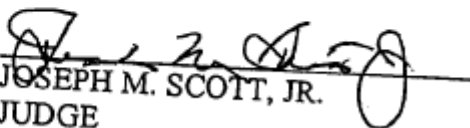
The fee and charges for filing a petition for relief under chapter 11 shall be paid in four (4) installments of \$207.50 each.

The fee and charges for filing a petition for relief under chapter 12 shall be paid in four (4) installments of \$57.50 each.

The fee and charges for filing a petition for relief under chapter 13 shall be paid in three (3) installments of \$37.00 each and one (1) installment of \$74.00.

Dated: 12/20/99

BY THE COURT

  
JOSEPH M. SCOTT, JR.  
JUDGE