

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF KENTUCKY**

STANDING ORDER

09-03

The U.S. Bankruptcy courts are under directives from the Judicial Conference and Administrative Office of the U.S. Courts to make all local rules and forms adhere to the standards being enacted in the Federal Rules of Bankruptcy Procedure that go into effect on December 1, 2009. In order to comply with those directives, effective December 1, 2009, the court adopts the following changes to our Local Rules, prior Standing Orders, Local Forms, and Administrative Procedures Manual:

LOCAL RULES

RULE 1007-1. LISTS, SCHEDULES & STATEMENTS

The Statement of Social Security Number(s) required by FRBP 1007(f) must not be included in the electronically filed petition. The attorney for the debtor must retain the original signed statement. See also KYEB LBR 9011-4.

Any paper petition must include the Statement of Social Security Number(s) required by FRBP 1007(f).

Failure to provide the full social security number to the Court within seven (7) days of the filing of the petition will result in dismissal of the case.

If a social security number must be amended because the social security number provided is incorrect, the debtor or counsel for the debtor must serve a copy of the amendment with the complete social security number on all creditors and parties in interest. The corrected, complete social security number must be provided to the Court, but the electronically filed certificate of service must include only a redacted copy of the Statement of Social Security Number(s). Counsel for the debtor must retain the originally signed amended statement.

**RULE 2002-1. NOTICE TO CREDITORS & OTHER INTERESTED PARTIES -
GENERAL 14 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 14 days' notice of the hearing date. At the discretion of the court, emergency matters may be heard on less than 14 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 3015-3. CHAPTER 13 – CONFIRMATION

(a) **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 to confirmation, for any reason, including valuation, shall be filed with the court and served on the debtor, the attorney for the debtor and the chapter 13 trustee:

(1) (A) on or prior to the date first set for the meeting of creditors in all divisions except Frankfort and Lexington; and

(B) within fourteen (14) days after the date first set for the meeting of creditors in the Frankfort and Lexington divisions.

(2) Notwithstanding paragraph (1), an objection based on 11 U.S.C. §1325(a)(8) by a creditor holding a claim for a domestic support obligation may be filed at any time prior to entry of the order confirming 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 seven 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 unscheduled 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 fourteen 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 fourteen 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 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 14 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 14 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 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 14 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 fourteen (14) 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 fourteen (14) 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.

STANDING ORDER

STANDING ORDER (AMENDED) – Originally dated April 6, 2006

Filing of Payment Advices Pursuant to 11 U.S.C. § 521(a)(1)(B)(iv)

IT IS HEREBY ORDERED, effective as to cases filed on or after October 17, 2005, that copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition by the debtor from any employer of the debtor, (1) shall not be filed with the court unless otherwise ordered, and (2) shall be provided within 14 days of the filing of the petition to (a) the trustee, (b) with the exception of chapter 13 cases, to the U.S. Trustee, and additionally to any creditor who timely requests copies of the payment advices or other evidence of payment. To be considered timely, a creditor's request must be received at least 14 days before the first date set for the meeting of creditors.

A certificate of service shall be filed with the court indicating compliance with this order.

ADMINISTRATIVE PROCEDURES MANUAL

SECTION II C. (3) PROPOSED ORDERS TENDERED BY COUNSEL:

(3) PROPOSED ORDERS TENDERED BY COUNSEL: Whenever possible proposed orders are to be submitted as attachments to the corresponding motion. When attaching the order select "Proposed Order" as the type of attachment. When an agreed order or a proposed order is submitted after the motion was filed it needs to be docketed using the "Proposed Order Submitted" event. This event is currently in the Miscellaneous category. Whenever appropriate, the proposed order needs to be linked to the relevant motion or other document. A proposed order shall only reference one motion or document.

All proposed orders in bankruptcy cases shall include the following language:

"Pursuant to Local Rule 9022-1(c), {insert name of attorney tendering order here} shall cause a copy of this order to be served on each of the parties designated to receive this order pursuant to Local Rule 9022-1(a) and shall file with the court a certificate of service of the order upon such parties within fourteen (14) days hereof."

The required text referenced above shall be placed so that the text begins at the left margin of the order preceding the names of all persons to be served with a copy of the order.

LOCAL FORMS

The alternative “NOTICE” options contained in **Local Form No. 6 – OBJECTION TO EXEMPTIONS** are changed as follows:

NOTICE

Please take notice that unless a party in interest, within 14 days from the date of this objection to exemption, files a response to the objection and a request for and notice of hearing on such response, the enclosed order may be entered by the court without a hearing on the objection.

OR

Please take notice that parties in interest shall have 14 days from the date of this objection to exemption within which to file a response to the objection and a request for and notice of hearing on such response. If no response is timely filed, the enclosed order may be entered by the court without a hearing on the objection.

The “NOTICE” contained in **Local Form No. 7(a)** and **Local Form No. 7(b)** – two types of **MOTION FOR ORDER AVOIDING LIEN ON EXEMPT PROPERTY** is changed as follows:

NOTICE

Please take notice that, unless within 14 days of the date of service of this motion, you, as lienholder, file a response to the motion and a request for and notice of hearing on the response, an order may be entered without a hearing sustaining the motion and avoiding your lien on property of the debtor.

The “NOTICE” contained in **Local Form No. 9 – MOTION TO REDEEM PROPERTY** is changed as follows:

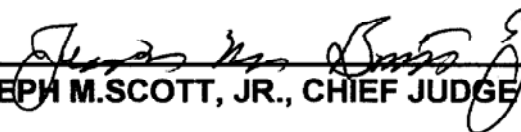
NOTICE

Please take notice that, unless within 14 days from the date of service of this order, you, as lienholder, file a response to the motion and a request for and notice of hearing on the response, an order may be entered sustaining the motion, permitting the debtor to redeem the property from your lien for the amount indicated, and finding that the

balance of the indebtedness owed to you by the debtor is an unsecured, dischargeable consumer debt.

Dated: 11/25/09

BY THE COURT:



JOSEPH M. SCOTT, JR., CHIEF JUDGE