

**United States Bankruptcy Court, EDMO - Comparison Showing Proposed Local Rules
Amendments to be Effective 12/1/2012**

L.R. 1001 - Scope of Rules and Forms; Short Title

- E. **Procedures Manual.** The Clerk of Court will publish operating procedures for this Court in a Procedures Manual. The Procedures Manual will contain procedures, guidelines and instructions incidental to these Rules. The Procedures Manual will be appended to these Rules and will be maintained on the Court's web site at [wwwhttp://www.moeb.uscourts.govgov/rules.htm](http://www.moeb.uscourts.govgov/rules.htm). Reference in these Rules to any form, guideline or instruction in the Procedures Manual shall refer to the then-applicable form, guideline or instruction maintained by the Clerk of Court. All parties before the Court shall follow the procedures, guidelines, and instructions set forth in the Procedures Manual and may be sanctioned for failing to do so. If, for some reason, a party is unable to comply with any provision of the Procedures Manual, that party shall contact the Clerk of Court's Office for guidance on how to proceed before filing. The method of computing time set forth in Fed. R. Bankr. P. 9006(a) applies to these Rules and the Procedures Manual.

L.R. 1002 - Case Commencement.

- F. **Filing Fees.** Reference the Court's web site at [wwwhttp://www.moeb.uscourts.govgov/filing_fees.htm](http://www.moeb.uscourts.govgov/filing_fees.htm) for filing fees required to commence a bankruptcy case.
- G. **Order and Notice of ~~Missing Documents~~ Due.** The Court sends an Order and Notice of ~~Missing Documents~~ Due when a petition is filed without all of the required documents or when other filing deficiencies are noted. Failure to cure the deficiency(ies) by filing the missing documents or correcting any other deficiency(ies) stated on the Order and Notice of ~~Missing Documents~~ Due within the time stated therein shall result in the prompt dismissal or reconversion of the case unless a motion to extend time for filing has been granted or is pending. The Court will not condone serial filing of motions to extend time simply for the purpose of staving off dismissal, however.

L.R. 1006 - Payment of Filing Fees in Installments or Waiver of Filing Fee.

- A. **General Requirements.** All applications to pay filing fees in installments shall be filed using a form in substantial conformity with Local Form 1. No proposed order shall be submitted with the application. Fifty percent of the filing fee shall be due at the time the petition is filed for debtors applying to pay the filing fee in installments. The Court will not grant an application to pay the filing fee in installments if the debtor's attorney has

already been paid \$300 or more at the time the petition is filed or the debtor has paid a petition preparer in connection with the case. Any application for a waiver of the filing fee will be denied if the debtor's attorney receives compensation for work performed in connection with the debtor's bankruptcy case or the debtor has paid a petition preparer in connection with the case.

L.R. 1007-3 - Statistical Summary Form. Individual debtors whose debts are primarily consumer debts filing a case under Bankruptcy Code Chapters 7, 11, or 13 shall complete and file the Official Statistical Summary Form. If not filed with the petition, the Court will issue its 14-day Order and Notice of ~~Missing~~ Documents Due. Thereafter, if the Form remains unfiled, the Court will issue a notice to the debtor advising that the case may be closed without entry of discharge. If filed after the voluntary petition, the Form shall be filed using the "Statistical Summary of Certain Liabilities" Miscellaneous Event.

L.R. 1007-6 - Credit Counseling

B. Certificate of Credit Counseling. A separate certificate of credit counseling or Exhibit D shall be filed with the petition for each debtor unless a motion for exemption or exigent circumstances is filed. If a single Exhibit D is filed for both debtors in a joint case, the exhibit shall include the names and signatures of both debtors. The certificate of credit counseling or Exhibit D shall be appended to the voluntary petition or may be filed separately. If the certificate of credit counseling is filed separately, the "Certificate of Credit Counseling" event shall be used. If Exhibit D is filed separately, the "Support/Supplement" event shall be used. If Exhibit D to the voluntary petition is filed indicating that counseling was obtained but the certificate is not available, the Court will issue a 14-day Order and Notice of ~~Missing~~ Documents Due and will dismiss the case on the 15th day if the certificate of credit counseling is not timely filed.

L.R. 1009 - Amended Schedules and/or Matrix.

A. Content of Amended Schedule or Matrix. An amended schedule and/or matrix shall include only the names and addresses that have been newly added, or for which information has changed. Along with the amended schedule and/or matrix, the debtor shall file a signed declaration and/or verification (as applicable) for the amended schedule and/or matrix. Along with any amended schedule and/or matrix ~~that (i) adds a party, (ii) deletes a party, (iii) changes the amount owed to a creditor, and/or (iv) changes the classification of a debt~~, the debtor shall file a memorandum identifying the changes made by the amendment. If adding a creditor or creditors in a Chapter 7 case, the notice of amendment to schedules to add creditor(s) (Local Form 26) shall be filed. To delete a creditor or creditors, file the appropriate amended schedule displaying the creditor's(s') name and the words "DELETE CREDITOR" along with a memorandum identifying the

reason for the change(s). The memorandum shall list the name(s) of the creditor(s) affected by the amendment and a description of the applicable change(s).

L.R. 1016 - Death of Debtor. A suggestion of death must be accompanied either by a copy of the death certificate, a copy of some other government-issued document evidencing the death, or a brief explanation of why neither of these can be obtained. The suggestion of death shall include a statement of any relief sought in connection therewith.

L.R. 1017-2 - Motions to Reinstate Following Dismissal for Failure to File or Provide Required Documents or Attend § 341 Meeting.

C. **Effect of Reinstatement on Deadlines.** If a case is dismissed and reinstated ~~before the § 341 Meeting is commenced, the deadline to object to discharge in a Chapter 7 case and to object to~~, the Court will determine whether the deadlines to object to the debtor's discharge and/or the dischargeability of a debt ~~in a Chapter 7, 11, 12 or 13 case shall be 60 days after the rescheduled § 341 Meeting~~ need to be extended. The Court will send notice of any such deadline extension to all creditors and parties in interest. If there is no such deadline extension explicitly decreed in the Court's Order of reinstatement, the deadlines are not extended. The motion to reinstate shall be the debtor's request to extend these deadlines.

L.R. 2090 - Attorney Admission.

B. **Admission Pro Hac Vice and Local Counsel.**

1. **Motion.** An attorney who is not a member of this Court but is a member in good standing of the bar of the highest court of any state or the District of Columbia may be permitted to appear and file documents in a case before this Court only when admitted pro hac vice pursuant to applicable rules of the United States District Court for the Eastern District of Missouri. The Motion shall be filed using Local Form 7 and shall be accompanied by ~~a proposed order and~~ the registration fee payable to the United States District Court. If the motion is a paper filing, the movant shall provide a check made payable to "Clerk, U.S. District Court" at the time of filing the motion. The Court will consider such motions without hearing. Counsel shall serve the Motion for Admission Pro Hac Vice upon attorneys for the party(ies) involved in the matter for which counsel seeks admission, the Trustee, and, in Chapter 11 cases, the United States Trustee.

L.R. 3001 - Proofs of Claim.

B. **Exhibits.** Except for exhibits to proofs of claim subject to the requirements of Fed. R.

Bankr. P. 3001(c)(2) or (3), or that are to be filed as directed by any of Official Form 10's official Attachments or Supplements, exhibits, including evidence of a writing and proof of perfection of a security interest, shall not be filed with any proof of claim. Instead, an “Exhibit Summary” (Local Form 9) shall be attached to the proof of claim and the exhibit procedures in L.R. 9040 shall be followed.

LR 3002.1 - Notice Relating to Claims Secured by Security Interest in the Debtor’s Principal Residence.

D. Surrender or Stay Relief. If the property underlying a claim that is subject to Fed. R. Bankr. P. 3002.1 is surrendered, or the automatic stay of 11 U.S.C. §362(a) is lifted as to such property, the parties shall no longer be required to comply with the provisions of Fed. R. Bankr. P. 3002.1 with regard to such property.

L.R. 3015-1 - Chapter 12 Plans - Plan Contents.

F. Interest on Secured Claims. All Chapter 12 plans shall provide for payment of interest on secured claims paid through the plan and shall specify the interest rate to be applied. Absent evidence to the contrary, the applicable interest rate shall be the rate posted and published by the Clerk of Court in the Procedures Manual as prescribed herein. The interest rate in effect at the time of the filing of the petition shall remain in effect throughout the term of the case. The applicable interest rate shall be determined by the Clerk of Court semi-annually as follows:

- 1. January 1 - June 30:** For petitions filed between January 1 and June 30 of each year, the interest rate shall be the ~~3-year~~10-year Treasury note rate as of the week which includes December 1 of the previous year, plus ~~3%~~1.5% (~~three~~one and one-half percentage points). This rate shall be posted by the Clerk of Court on December 10 or the first business day thereafter.
- 2. July 1 - December 31:** For petitions filed between July 1 and December 31 of each year, the interest rate shall be the ~~3-year~~10-year Treasury note rate as of the week which includes June 1 of the current year, plus ~~3%~~1.5% (~~three~~one and one-half percentage points). This rate shall be posted by the Clerk of Court on June 10 or the first business day thereafter.

L.R. 3015-2 - Chapter 13 Plans - Plan Contents.

E. Interest on Secured Claims. All Chapter 13 plans shall provide for payment of interest on secured claims paid through the plan and shall specify the interest rate to be applied. Absent evidence to the contrary, the applicable interest rate shall be the rate posted and published by the Clerk of Court in the Procedures Manual as prescribed herein. The interest rate in effect at the time of the filing of the petition shall remain in effect

throughout the term of the case. The applicable interest rate shall be determined by the Clerk of Court semi-annually as follows:

1. **January 1 - June 30:** For petitions filed between January 1 and June 30 of each year, the interest rate shall be the ~~3-year~~10-year Treasury note rate as of the week which includes December 1 of the previous year, plus ~~3%~~1.5% (~~three~~one and one-half percentage points). This rate shall be posted by the Clerk of Court on December 10 or the first business day thereafter.
2. **July 1 - December 31:** For petitions filed between July 1 and December 31 of each year, the interest rate shall be the ~~3-year~~10-year Treasury note rate as of the week which includes June 1 of the current year, plus ~~3%~~1.5% (~~three~~one and one-half percentage points). This rate shall be posted by the Clerk of Court on June 10 or the first business day thereafter.

L.R. 3015-3 - Chapter 12 and 13 Plans - Form and Filing.

- B. **Designation, Date~~Caption~~, and Signature on Chapter 12 and 13 Plans.** Every plan and amended plan shall be dated and signed by the debtor unless otherwise authorized by the Court. If the original plan is not filed with the petition, the plan shall reflect the date and time of the confirmation hearing in the caption. Each amended plan shall be titled "First Amended Plan," "Second Amended Plan," etc., as may be appropriate and shall reflect the date, time, and timelocation of the confirmation hearing in the caption. In a Chapter 12 case, the plan or amended plan shall conspicuously and directly beneath the title state the deadline under L.R. 3015-4(G) or (I), as applicable, by which objections to confirmation shall be filed.

L.R. 3015-4 - Chapter 12 and 13 Plans - Confirmation Procedures.

- H. **Pre-confirmation Amended Plans ~~in Response to Objections to Original Plan~~.** Amended plans shall be filed with effort to expedite the confirmation process. Failure to promptly file an amended plan may result in dismissal of the case. The debtor shall serve the amended plan on all creditors and parties in interest. The debtor shall contact the Courtroom Deputy to have the amended plan scheduled for hearing on the next confirmation calendar that is not sooner than 21 days after service of the amended plan ~~and shall send notice thereof to all creditors and parties in interest~~. The date, time, and timelocation of the confirmation hearing of the amended plan shall be stated in the caption of the amended plan. The Court may waive the 21 day objection period in the interest of judicial economy.

L.R. 3015-5 - Chapter 12 and 13 Plans - Post-Confirmation Amendments and Modifications.

B. Service of Motion to Amend a Confirmed Plan.

- A. **Generally.** The debtor shall serve a copy of the motion to amend, the amended plan and either an amended budget or statement that there has been no change in income or expenses on the Trustee and on all creditors and parties in interest. The debtor shall contact the Courtroom Deputy to have the motion to amend and the amended plan scheduled for hearing on the next confirmation calendar that is not sooner than 21 days after service of the motion to amend. The debtor shall send notice of the confirmation hearing to all parties served with the motion and amended plan. The date, time, and time/location of the confirmation hearing shall be stated in the caption of the amended plan.

L.R. 3021 - Distribution on Claims in Chapter 13 Cases.

- F. **Chapter 13 Creditor Disclosure of ~~Non-Principal Residence~~ Real Estate Mortgage Obligations.** The holders of claims secured by real estate ~~that is not the debtor's principal residence shall~~may provide accurate billing and account information directly to the debtor regarding any post-petition obligation to be paid directly by the debtor pursuant to the confirmed Chapter 13 plan, or to both the debtor and the Trustee when the post-petition obligation is paid by the Trustee pursuant to the confirmed Chapter 13 plan. Such direct contact by mail from such claim holders for purposes of providing this information shall not be considered a violation of the automatic stay. It is the intent of this Rule to advise the debtors of their monthly mortgage obligations and to provide debtors with information regarding any adjustments made to the mortgage obligations pursuant to applicable non-bankruptcy law which may arise during the pendency of their Chapter 13 cases. ~~Upon request by the debtor made at or near completion of the Chapter 13 case, the mortgagee shall provide a full payoff statement to the debtor. Any dispute regarding payoff may be addressed by a motion prior to the case being closed.~~

L.R. 9011 - Signatures.

- A. **General.** All documents filed by a party that is not represented by an attorney and is not able to file electronically shall contain the original signature of the party where appropriate. Every pleading or document, except for Official Forms or accompanying Directors Forms, that are filed by an attorney shall include the following information, as relevant, for the attorney party filing the document: the law firm name, attorney's filer's name, business address, telephone number, fax number, e-mail address, and registration numbers ~~for the state bar and~~ the United States District Court for the Eastern District of Missouri. The user login and password required to file documents via the Court's CM/ECF system serve as the filing user's signature on all electronic documents filed with the Court for the purposes of this Rule and Fed. R. Bankr. P. 9011. A party appearing pro se (without an attorney) may not sign a document on behalf of another party except as set

forth in L.R. 9011(B). The filing or submission by an attorney of a document required to be signed by another person is the filer's representation that the party whose signature is required has, in fact, signed the document. Nothing in this rule shall be construed as excusing any party from providing any of the information or signatures required by the Official Forms or accompanying Director's Forms.

- B. **Filing in Representative Capacity.** Any document filed in a legal representative capacity for another shall have attached to it the document providing signature authority unless such document has previously been filed with the Court. Later filings under the authority of such document shall reference the initial pleading or document to which the authorization was attached. This subsection shall not apply to members of the same law firm or to attorneys signing a pleading for another party's attorney by permission.

L.R. 9040 - Exhibits.

- A. **Non-Filing of Exhibits; Use of Exhibit Summary Form.** This Rule shall not apply to exhibits and proofs of claim subject to the requirements of Fed. R. Bankr. P. 3001(c)(2) or (3), or that are to be filed as directed by any of Official Form 10's official Attachments or Supplements. Except as provided in L.R. 9040(B), actual copies of exhibits shall not be filed with any motion, pleading, or claim. Instead, an Exhibit Summary (Local Form 9) shall be attached to the motion, pleading, or claim. The Exhibit Summary shall describe the exhibits in sufficient detail to permit the Court and parties to evaluate the factual elements relevant to the motion, pleading, or claim. The description shall include the following, when applicable:
1. basis for the debt, including date;
 2. balance of the indebtedness; and
 3. date and manner of perfection, including book and page number, certificate of title, or UCC-1 recording.

L.R. 9050 - Proposed Orders.

- B. **Content.** The title of the order shall describe the motion, application, pleading, or other request to which it relates by title and shall indicate whether the order grants or denies the requested relief. The caption of the order shall include the date, time, and timelocation of the hearing on the related motion, application, pleading, or other request. The text of the order shall be sufficiently descriptive to clearly state the relief granted, including a description of any property subject to the order. The order shall not contain any "retention of jurisdiction" language. The end of each order shall:
4. contain the name and address of the person who prepared the order;
 5. list the names and addresses of those to be served with the order; however, the name and address of the person who prepared the order need not be included a second time; and

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6. contain a signature line and date line for the judge. The signature line for the judge shall not be on a page by itself or otherwise apart from the text of the order.