

United States Bankruptcy Court
Western District of Missouri

DRAFT LOCAL RULE - Court Procedure when Amended Chapter 13 Plan is filed and a
Creditor's Objection to a Previous Plan is Pending

Rule 9060-1H. Notices and Hearings is amended to read:

H. Set for Hearing.

1. Unless otherwise ordered by the court, certain motions will be set for hearing and the hearing will be held even if no response has been filed. The Court will schedule the hearing and the movant is responsible for promptly serving the hearing notice on all parties not receiving electronic notice. These motions include:

- 1a. Creditor's motion to convert - all chapters
- 2b. Creditor's motion to dismiss - all chapters
- 3c. Motion for hardship discharge
- 4d. Motion to extend the stay
- 5e. Motion to impose the stay
- 6 f. Objection to confirmation
- 7g. Trustee's motion to dismiss - chapter 7
- 8h. Trustee's motion to dismiss for "bad faith" or "with prejudice" - chapter 13

2. Creditor's Objection to Chapter 13 Plan/Amended Plan. Unless otherwise ordered by the court, a creditor's objection to chapter 13 plan/amended plan will be set for hearing. The Court will schedule the hearing and the objector is responsible for promptly serving the hearing notice on all parties not receiving electronic notice. The following factors will determine whether and when the hearing is held:

a. If an amended plan is filed no later than the seventh (7th) day before the scheduled hearing on the creditor's objection to a previous chapter 13 plan or amended plan, the hearing on the creditor's objection will be cancelled and the creditor's objection deemed moot unless the creditor files a request to hold the hearing on the scheduled date or on a continued date. The creditor's request to hold the hearing on the scheduled date or on a continued date must be filed by the fourth (4th) day before the scheduled hearing on the creditor's objection.

b. If an amended plan is filed after the seventh (7th) day before the scheduled hearing on the creditor's objection to a previous chapter 13 plan/amended plan, the hearing on the creditor's objection will be held unless the creditor files a request to continue the hearing or withdraws the objection in accordance with Local Rules 9060-1 C. or D.

c. When an order denying confirmation pursuant to a trustee's motion is entered and a creditor's objection to a chapter 13 plan or amended plan is pending and scheduled for hearing, the court will reschedule the hearing to a date no sooner than seven (7) days after the deadline for filing an amended plan as specified in the order denying confirmation. The procedures set forth in paragraphs a. and b. above shall apply to the rescheduled hearing.