

OFFICE OF THE CLERK
UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND
The Federal Center
380 Westminister Mall, 6th Floor
Providence, Rhode Island 02903
website: www.rib.uscourts.gov

Susan M. Thurston
Clerk of Court

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NOTICE OF PROPOSED LOCAL RULE AND FORM AMENDMENTS

Pursuant to 28 U.S.C. § 2071, Fed. R. Civ. P. 83, Fed. R. Bankr. P. 9029 and U.S. District Court for the District of Rhode Island General Rule 109(h)(1) authorizing the bankruptcy court to make and amend local bankruptcy rules, the U.S. Bankruptcy Court for the District of Rhode Island hereby provides notice that it proposes to amend the Local Rules and Forms as follows:

EFFECTIVE DATE OF December 1, 2006

Local Bankruptcy Rule 1005-1 (amended)
Local Bankruptcy Rule 1007-1 (amended)
Local Bankruptcy Rule 4001-1 (amended)
Local Bankruptcy Rule 4008-1 (amended)
Local Bankruptcy Rule 5005-4 (amended)
R.I. Bankr. Form E (amended)

Local Bankruptcy Rules: 1005-1; 9013-2; 9013-3; 9022-1; 9070-1; 9072-1 shall be amended to include the following language:

“CROSS REFERENCE See R.I. LBR 5005-4 (Electronic Filing)”

Pursuant to 28 U.S.C. §2071(b), **the U.S. Bankruptcy Court for the District of Rhode Island invites public comment** on the Proposed Amendments to these Local Rules and Forms. Copies of the proposed amendments to the local rules and forms are available at the Clerk’s office or on our website at www.rib.uscourts.gov. **Comments on the proposed rules and forms should be received by November 27, 2006 and addressed to:**

Susan M. Thurston, Clerk
U.S. Bankruptcy Court for the District of Rhode Island
380 Westminister Mall, 6th Floor
Providence, Rhode Island 02903



Dated: November 1, 2006

Susan M. Thurston, Clerk

RULE 1005-1 FILING PAPERS - REQUIREMENTS

...

- (d) **Required Signatures and Identifying Information.** Each original paper filed with the Clerk shall include the filer's name, original signatures, address, telephone number, facsimile number, *email address*, and if an attorney, the law firm's name, the attorney's state bar identification number, and the name of the client.

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**RULE 1007-1 LISTS, SCHEDULES AND STATEMENTS; TIME LIMITS;
NOTICE OF INTENT TO DISMISS; NOTICE IN CHAPTER 11**

- (a) **Certification of Pro Se Debtor Required.** All pro se debtors are required to complete at the time of filing of the petition, a certification listing the names, addresses and amounts paid to persons who assisted with the bankruptcy filing using R.I. Local Form C.1.

- (b) **Filings Subject to Two (2) Business Day Filing Deadline:** The following, as applicable to the case and chapter, are required to be filed with the clerk within two (2) business days of the bankruptcy filing or any authorized extension thereof, or will be subject to the procedures set forth in subparagraph (d) below and R.I. LBR 1017-2:

- (1) Creditor Mailing List (names and addresses)
- (2) Form 21 - Statement of Social Security Number
- (3) Debtor's Mailing Address
- (4) *Official Form 1, Exhibit D or, if applicable, a Certificate of Credit Counseling, or a Motion to be Exempt from Credit Counseling, or Certificate of Exigent Circumstances if applicable.*
- (5) Application to Pay in Installments, if applicable
- (6) Application for Waiver of Chapter 7 Filing Fee, if applicable

- (c) **Filings Subject to Fifteen (15) Day Filing Deadline:** The following, as applicable to the case and chapter, are required to be filed with the clerk within fifteen (15) days of the bankruptcy filing, or any authorized extension thereof, or will be subject to the procedures set forth in subparagraph (d) below and R.I. LBR 1017-2:

- (1) Schedules A through J;
- (2) Statement of Financial Affairs;
- (3) Summary of Schedules;
- (4) Statement of Executory Contracts;
- (5) Attorney fee disclosure statement;
- (6) All required declarations having been properly executed;
- (7) The Chapter 13 plan; and/or
- (8) The Chapter 13 agreement (R.I. Bank. Form V)
- (9) Chapter 11 Exhibit A;
- (10) Chapter 11 twenty (20) largest unsecured creditors;
- (11) Official Bankruptcy Form 22 (either A, B, or C) - Statement of Current Monthly Income;
- (12) In Chapter 7, Completed Checkbox on Form 22A re: Presumption of Abuse;
- ~~(13) Copies of payment advices for 60 days before the filing of the petition;~~
- ~~(14)~~(13) Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer (Form 19B);

~~(15)~~(14) Certification of Pro Se Debtor.

(15) *Certificate of Credit Counseling if Official Form 1, Exhibit D, Question 2 applies.*

(d) Notice of Dismissal if Documents Not Timely Filed (Lack of Prosecution)

(1) Procedure for Issuance of Notice of Intended Dismissal. In all voluntary cases filed in this District where the petition is not accompanied by the required schedules, statements, and other documents, pursuant to Fed. R. Bankr. P. 1007, 1008, 2016, and 3015(b), and R.I. LBR 1002-1, 1007-1 and 5005-4, the debtor shall file such missing documents according to the time limits imposed by federal or local rule, or, if cause exists, move within that time for an order extending the time to make the required filings. Upon filing the petition, the debtor will receive a Notice of Missing Documents and Notice of Dismissal If Documents Are Not Timely Filed indicating which documents are missing and giving the debtor either two (2) business days or fifteen (15) days to file the required documents, as applicable. If, after the expiration of the stated time period, or any court authorized extension thereof, the debtor fails to file the required documents, the case will be automatically dismissed without further notice. In the absence of a showing to the contrary, any such dismissal shall be presumed to be a willful failure within the meaning of 11 U.S.C. §§ 109(g), with a 180-day bar to refile a petition. See also, R.I. LBR 1017-2.

(e) *Non-filing of Payment Advices.*

(1) *In general. Copies of all payment advices or other evidence of payment required by 11 U.S.C. §521(a)(1)(B)(iv) received within 60 days before the date of the filing of the petition by the debtor from any employer of the debtor, shall not be filed with the Court unless otherwise ordered, and shall be provided to the Chapter Trustee and the U.S. Trustee.*

(2) *Deadline for submission of payment advices to Trustee and U.S. Trustee. Copies of payment advices or other evidence of payment required by 11 U.S.C. §521(a)(1)(B)(iv) must be provided to the Chapter Trustee and the U.S. Trustee within fifteen (15) days of the filing of the petition, or other such extension as the court may allow. In addition, the debtor is required to provide copies of the payment advices to any creditor in interest who requests in writing a copy.*

(3) *Failure to provide payment advices. If the debtor fails to timely provide copies of the payment advices or other evidence of payment to the Trustee or U.S. Trustee within the time specified in paragraph (2) of this rule, the Trustee or U.S. Trustee may file a Motion to Dismiss the case. In the absence of such motion, there will be a presumption that these documents have been timely provided to the Trustee.*

(e)(f) *Notice to Disputed, Contingent or Unliquidated Creditors in Chapter 11 Cases.* The debtor in each chapter 11 case shall serve R.I. Bankr. Form B on each creditor whose claim is listed on the schedules as disputed, contingent or unliquidated within fifteen (15) days after filing the schedules of liabilities, or within fifteen (15) days of adding such creditors to previously filed schedules. The notice must advise such creditors of the right to file proofs of claim and that failure to do so shall prevent them from voting upon the plan or participating in any distribution thereunder. Within ten days of service, a certificate evidencing compliance with this LBR shall be filed with the Clerk.

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

- (a) *Standing Modification: The automatic stay provided in 11 U.S.C. § 362(a) is modified in bankruptcy cases as follows:*

In chapter 13 cases, affected secured creditors may:

(1) Contact the debtor in writing about the status of insurance coverage, tax payments, and/or municipal charges on property used as collateral;

(2) If the debtor is making direct payments to the creditor, contact the debtor in writing about payment defaults; and

(3) Send written correspondence to the debtor such as: statements, payment coupons, and other such correspondence that the creditor typically sends to its non-debtor customers.

- ~~(a)~~(b) **Motion.** A party seeking relief from the automatic stay provided by 11 U.S.C. § 362(a) shall file, in accordance with Fed. R. Bankr. P. 9014, a motion specifically setting forth the basis for such relief.

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RULE 4008-1 **REAFFIRMATION**

- (a) **Mandatory Reaffirmation Agreement Form.** In cases filed with the Court on or after October 17, 2005, *the most current version of* Reaffirmation Agreement Form B240 (~~rev.10/05~~) shall be used.
- (b) **Pro se Reaffirmation Agreements.**
- (1) Pro se debtors must complete Part E of the reaffirmation agreement, entitled “Motion For Court Approval of Reaffirmation Agreement”, unless the agreement concerns real estate, or is with a credit union. Failure to complete Part E, “Motion For Court Approval” will result in the reaffirmation agreement being treated as defective, and if not cured within the deficiency period, will result in the agreement being stricken.
- (2) All reaffirmation agreements filed with the Court in which the debtor’s attorney fails to sign the required certification will be treated as having been filed pro se.
- (c) **Defective Reaffirmation Agreements.** If a reaffirmation agreement is filed with the Court that is not in compliance with 11 U.S.C. § 524(d), Fed. R. Bankr. P. 4008, or these LBRs, the agreement will be stricken, and no further action will be taken on the agreement.

RULE 5005-4 ELECTRONIC FILING

- (a) ***Requirement to File Cases and Documents Electronically. ~~Acceptance of Electronically Filed Pleadings.~~ All cases filed after April 24, 2003 are part of the Court’s Case Management/Electronic Case Filing (CM/ECF) System. Commencing on January 1, 2007, all petitions, motions, memoranda of law, or other pleadings and documents must be electronically filed except as expressly provided in section (c) below, or in circumstances where the Filing User is prevented from Filing electronically, i.e., CM/ECF System failure. “Filing User” refers to those who have a court-issued log-in and password to file documents electronically. The Court will accept for [F]iling of documents submitted, signed, or verified by electronic means **must be** that are consistent with technical standards that the Judicial Conference of the United States may establish and **must** that comply with *the within local rule and such other local rules as are applicable.* ~~the “8th Amended Administrative General Order Establishing Procedures for Filing, Signing, Maintaining, and verifying Pleadings and Other Documents in the Electronic Case Filing System (ECF)” established by the Bankruptcy Court for its Case Management/Electronic Case Filing System, which is referred to as the “CM/ECF System”, or any subsequent amended version.~~***
- (b) ***Eligibility and Registration for Electronic Filing; Use of Passwords.***
- (1) ***Eligibility. Attorneys, United States trustees and their assistants, private trustees, and others as the Court deems appropriate, are entitled to one System password to enable the user to participate in the electronic retrieval and filing of documents within the System.***
- (2) ***Registration and Training.***
- (A) ***Registration Requirements:***
- (i) ***Eligible proposed Filing Users must file with the Clerk’s Office an application for registration using Form A entitled, “Electronic Case Filing System Attorney Registration Form”, and must otherwise meet the necessary system requirements.***
- (ii) ***An “Application for Limited Use/Claim Password for Electronic Case Filing System”, Form E, shall be submitted by any Creditor who intends to use the system for the limited purpose of filing claims and related claim activity, and not requiring the appearance of counsel.***
- (iii) ***Registration forms are available on the Court’s Internet web site (www.rib.uscourts.gov).***
- (iv) ***Proposed applicants must have a PACER login and password. A PACER login and password can be secured by contacting the PACER Service Center to establish an account. Registration may be made online at <http://pacer.psc.uscourts.gov>, or by calling the PACER Service Center at (800) 676-6856. Access to the System will allow retrieval of the docket sheet and documents. Access to the System will be on a “read only” basis.***

(B) Training. *After successful completion of the Court's training program, or certification by the Clerk in circumstances where completion of the Court's training program is not warranted, each Filing User will receive a System password.*

(C) Passwords; Unauthorized Use Prohibited

(i) Admission. *Admission to the System by receipt of a password from the Court constitutes a request for electronic service and notice pursuant to Fed. R. Bankr. P. 9036. By receiving a password, Filing Users agree to accept notice and service by electronic means, and registration as a Filing User constitutes: (a) waiver of the right to receive notice by first class or certified mail and consent to receive notice electronically; and (b) waiver of the right to service by personal service, first class or certified mail and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first class or certified mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022.*

(ii) Password serves as filers' signature. *The password required to submit documents to the System serves as the Filing User's original signature on all documents electronically filed. The password also serves as a signature for purposes of Fed. R. Bankr. P. 9011, other Federal Rules of Bankruptcy Procedure, the local rules of this Court, and any other purpose for which a signature is required in connection with proceedings before this Court. Electronically filed documents must include a signature block that sets forth the name, address, telephone number, and the attorney's bar registration number. In addition, the name of the Filing User under whose log-in and password the document is submitted must be preceded by an "/s/" and typed in the space where the signature would otherwise appear.*

(iii) Unauthorized Use of Passwords. *No Filing User shall permit his/her password to be used by anyone other than himself/herself or an authorized employee. A Filing User shall immediately notify the Clerk by telephone and by facsimile if they learn that their password has been compromised. Filing Users may be subject to sanctions for failure to comply with this provision.*

(iv) Revocation. *The Court may revoke a Filing User's password and, therefore, his or her authority and ability to electronically file documents for: (1) failure to comply with any provision of the agreement contained in the Filing User's Registration Form; (2) failure to adequately protect his or her password; (3) failure to comply with the provisions of these Local Rules; (4) failure to pay fees required for documents filed electronically; (5) other*

misuse of the System; or (6) as a sanction ordered by the Court after notice and opportunity for hearing.

(c) Exemption/Withdrawal From Electronic Filing

- (1) Attorney Exemption.** *If filing electronically creates an undue hardship, an attorney may request permission to file documents conventionally. The request should be made to the Court and shall contain a detailed explanation of the reason(s) for the request. However, prior to requesting an exemption, attorneys are urged to participate in Court-sponsored ECF training and to seek assistance from the Clerk's Office. Information regarding ECF training and support may be obtained from the Clerk's Office and is also included on the Court's web site at: www.rib.uscourts.gov. If an exemption is granted, the attorney or his/her representative may be required to scan the filings into the system at a workstation at the Clerk's Office Intake counter. Upon the issuance of an order to show cause, notice, and hearing, the Court may withdraw an exemption and require the attorney to file documents electronically.*
- (2) One Time Exemption.** *An attorney who is not a Filing User may conventionally file the first document on behalf of a client in an ECF case without leave of Court. Within 20 days thereafter, the attorney must register as a Filing User, or seek an exemption under subsection (1) above. Failure to register or seek an exemption may result in the issuance of an order to show cause.*
- (3) Attorneys Appearing Pro Hac Vice.** *An attorney who is not a member of the bar of this Court but who is permitted to appear and practice in this Court pursuant to RI LBR 9010-1 may, but is not required to, register as a Filing User and to participate in the System for the duration of the Pro Hac Vice appearance.*
- (4) Pro Se Litigants.** *Pro se litigants shall conventionally file and serve documents in accordance with the provisions of the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court.*
- (5) Withdrawal.** *Once registered, an attorney/participant may withdraw as a Filing User by providing the Clerk of Court with a request to withdraw, stating the reason(s) for the request. Copies of the request must also be served upon all registered attorneys/participants who have appeared in pending cases in which the withdrawing attorney/participant has appeared. Upon approval of said withdrawal, the Clerk will immediately cancel the attorney/participant's password and will delete the attorney/participant from any applicable electronic service list. However, once a Filing User withdraws from the system, he or she will be unable to file documents with the Court unless one of the exemptions listed above applies.*

(d) **Format for Filing Electronic Documents.**

- (1) **Format for Transmission of Electronic Documents.** *All electronically filed documents must be submitted as a PDF file, and when viewed in the electronic filing system, shall conform in appearance to the requirements listed in RI LBR 1005-1.*
- (2) **Attachments to Electronic Documents.** *Multiple documents that are part of a pleading, and which are filed at the same time by the same party may be electronically filed as a single document. Documents that are not a part of the pleading, e.g., memorandum of law, supporting affidavit, or appendix, shall be filed as an attachment to the pleading.*
- (3) **Designation of Electronic Document.** *The Filing User must designate a title for the document by selecting the appropriate event title from the categories provided in the System. Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk's Office, or after motion and approval by the Court.*
- (4) **Conventional Filing of Sealed Documents.** *Motions to file documents under seal shall be filed electronically without attaching the documents that are the subject of the motion. Contemporaneous with filing the motion to seal, the Filing User shall conventionally file the documents sought to be placed under seal. If the motion to file under seal is granted, the related documents will be maintained by the Clerk until further order.*

(e) **Consequences of Electronic Filing.** *Electronic transmission of a document to the CM/ECF system or the docketing of an event on the System, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes under the Federal Rules of Bankruptcy Procedure and the local rules of this Court, and constitutes entry of the document or event on the docket kept by the Clerk under Fed. R. Bankr. P. 5003.*

(f) **Time of Filing.** *The System is "real-time", so the receipt of filing will show the actual date and time a document was filed on the System. Documents filed electronically outside of normal business hours will be deemed filed on the date and time received. Deadlines will not change as a result of this policy. The deadline for filing, unless otherwise specifically set, is 11:59 P.M. (E.S.T.).*

~~(b)~~(g) **Waiver of Notice and Service.** Registration with the Court as a filing user of the CM/ECF system will constitute:

- (1) waiver of the right to receive notice by first class or certified mail and consent to receive notice electronically; and

- (2) waiver of the right to service by personal service, first class or certified mail and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first class or certified mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022.

(e)-(h) Service of Documents by Electronic Means. Each Filing User of the CM/ECF system who electronically files a pleading or other document will automatically receive a “Notice of Electronic Filing” generated by the System and this Notice of Electronic Filing will automatically be transmitted by the System to all parties who are registered users of the System. Electronic transmission by the Court of the “Notice of Electronic Filing” generated by the CM/ECF System will constitute service or notice of the filed document. Parties not deemed to have consented to electronic notice or service are entitled to receive a paper copy of any electronically filed pleading or other document, and service or notice by the Filing User must be made in accordance with the Federal Rules of Bankruptcy Procedure and these local rules.

(d)(i) Official Court Record. The Case Management/Electronic Case Filing System (CM/ECF) shall constitute the official Court record in electronic form. The electronic filing of a pleading or other paper in accordance with the CM/ECF System procedures, or the conventional filing of a document which is subsequently imaged by the Court and placed into the System, shall constitute entry of that pleading or other papers on the docket kept by the Clerk pursuant to Rule 5003. The Court will not maintain paper with the following exceptions:

- (1) Documents filed under seal.
- (2) Pro se debtors’ petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents which contain the signature of a pro se debtor.

(j) Original Signatures

(1) Declaration Regarding Electronic Filing - P3. *In addition to the electronic filing of the Original Petition, Schedules, Statements and Chapter 13 Plan and Local Form V, if applicable, the Filing User must also conventionally file a copy of the Declaration Regarding Electronic Filing, R.I. Local Bankr. Form P.3 with the debtor’s and counsel’s original signatures. The Declaration must be signed under oath and must be filed within fifteen (15) days of the date stated on the Notice of Electronic Filing, or any extension thereof.*

(2) Declaration Regarding Electronic Filing - P4. *All other documents requiring original signatures, such as amended schedules, lists, statements, pleadings, affidavits, and documents requiring verification under Fed. R. Bankr. P. 1008, or unsworn declarations as provided in 28 U.S.C. § 1746, shall be filed electronically, with the exception of the summons return of service, which may in the alternative be filed conventionally. In addition, if the signator on the electronically filed document is other than that of the Filing User, he/she shall also conventionally file a copy of the Declaration Regarding Electronic Filing, R.I. Local Bankr. Form P.4, signed by the appropriate party (signator on the original electronically filed document) within fifteen (15) days of the date stated on the Notice of Electronic Filing.*

- (3) *As part of his/her duty to keep records, the Clerk shall maintain chronologically in accordance with existing document retention policies, all Declarations Regarding Electronic Filing filed with the Court.*

(k) Stipulations/Joint Motions.

The following procedure shall be used in the case of a stipulation, a joint motion, or other document to be signed by two or more persons:

- (1) *The Filing User shall initially confirm that the content of the document is acceptable to all persons required to sign the document, and shall have in his or her possession the original signatures of all parties to the document.*
- (2) *The Filing User shall then file the document electronically, indicating the signatories, e.g. “/s/ Jane Doe,” “/s/ John Doe,” etc.*
- (3) *The Filing User shall retain the original document containing the original signatures for one year after the case is closed.*

(l) Exhibits

- (1) *Exhibits filed under Local Bankruptcy Rules, including but not limited to leases, notes, and the like, which are not available in electronic form, shall be submitted to the Court in paper format. The Clerk will indicate on the electronic docket the date such exhibits were submitted and, if appropriate, link them to the Joint Pre-Trial Order. Trial exhibits will not be scanned unless in the Court’s opinion, doing so will assist in managing the trial.*
- (2) *Exhibits to Proofs of Claim. Exhibits in support of a proof of claim shall be filed electronically whenever possible and shall be docketed as one event with the proof of claim. The exhibits should be electronically imaged (i.e., scanned) and filed in PDF format together with the proof of claim.*

(m) Orders

(1) Proposed Orders

(A) In cases where a Filing User is required to submit a proposed order under RI LBR 9072-1, said document shall be electronically filed, docketed, and served in accordance with these procedures and Rule 9072-1.

(B) A Filing User wishing to supply the Court with a proposed order before hearing may file such order together with the underlying motion or application, and docketed as one event, with the proposed order attached to the underlying motion or application.

- (2) *Consent Orders/ Reaffirmation Agreements. Filing Users seeking to file a consent order or reaffirmation agreement shall do so in accordance with subsection R.I. LBR 5005-4(k).*

(3) Notice of Orders and Judgments by the Court

(A) Immediately upon the entry of an order or judgment in an action pending in the CM/ECF System, the System will automatically generate to all Filing Users in the case, in electronic form, a Notice of Electronic Filing. Transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R. Bankr. P. 9022. The Clerk shall give conventional notice to persons who have not consented to electronic service.

(B) Orders signed electronically (i.e., “/s/ _____”) shall have the same force and effect as conventionally signed orders.

(n) Emergency Filings and Continuances

(1) Procedure for Emergency Filings. Filing Users requesting emergency hearing and/or relief shall contact the Clerk’s Office by telephone at (401) 528-4477, Extension 14, forthwith upon the filing of such motion. Failure to notify the Clerk’s Office of such filing as aforesaid, may result in denial of the request for expedited or emergency relief, or a delay in action on the motion.

(2) Motions for continuance, proposed consent orders, and similar filings that affect a matter scheduled for hearing must be filed by 4:30 P.M. the day before the scheduled hearing, or the matter will remain on the calendar and all counsel will be required to attend the hearing. If a Filing User files a document that affects a matter on the calendar after 4:30 P.M. the day before a scheduled hearing, the filing user shall also notify the Courtroom Deputy of such filing by email at: RIBCourtroom@rib.uscourts.gov.

(o) System Failure. Where a document must be filed or event docketed by a date certain, but electronic filing cannot be accomplished because of a court or filer System failure, the filing party shall, after making at least two attempts to file electronically, send the document or event as an attachment in PDF format via e-mail to the following address: RIBECFSupport@rib.uscourts.gov and include a statement explaining why they were unable to file directly in the CM/ECF System. The filing party must call the Clerk’s office prior to 10:00 a.m. of the next business day to advise that a document has been filed via e-mail. The Clerk’s office will download and file the PDF document, which will be deemed filed on the date and time of the e-mail transmittal. Nothing contained in this section is intended to alter rights contained elsewhere in local or federal rules.

(p) Fees Payable to the Clerk. All filing fees must be paid electronically by the Filing User, and only the following credit cards are acceptable for payment of such fees: American Express, Discover, MasterCard, or Visa. Payment of the fee is due on the date the document is filed. Failure to make payment on the date of the filing may cause the Filing User to be automatically locked out of the System.

(q) Appeals. The appellee(s) and appellant(s) are responsible for printing and providing all items required to be included in the record on appeal, pursuant to Fed. R. Bankr. P. 8006.

(r) Public Access to the Court copies of documents. Electronic access at the Clerk’s Office

is available to the public during regular business hours for viewing the docket sheet and documents filed in the System. Conventional and certified copies of electronically filed documents may be purchased at the Clerk's Office during regular business hours, unless otherwise authorized.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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In re: :

:

Debtor(s) :

BK No.
Chapter

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PETITION FOR PAYMENT OF UNCLAIMED FUNDS

I, the undersigned petitioner, under penalty of perjury under the laws of the United States of America, declare that the following statements and information are true and correct:

1. _____ (“Petitioner”) applies to this Court for entry of an order directing the Clerk to remit to Petitioner the sum of \$_____ due to _____ (“Claimant”), whose address is _____ and SSN/Tax ID# is _____.

2. [Please **check and complete only ONE of the following subparagraphs**, as applicable. Petitions submitted without the required supporting documentation will be returned to the petitioner].

Petitioner is the **individual** Claimant named in the Trustee’s unclaimed funds check and states that no other application for this claim has been submitted by or at the request of this Claimant. **A photocopy of photo identification of Claimant showing Claimant’s signature [e.g. driver’s license or passport] is attached.** If the name of the Claimant is different from the name of the original Claimant due to marriage, divorce, etc, appropriate documentation [e.g. certified copy of divorce decree, marriage license] is attached. If Claimant is deceased, appropriate documentation to establish that the person executing the

Petition is authorized to act on behalf of the decedent's estate [e.g. certified copies of all probate documents including a copy of the death certificate and appointment of executor] is attached.

- Petitioner is a **corporation, partnership or other entity** named as the Claimant in the Trustee's unclaimed funds check Petitioner has reviewed all records of the Claimant and states that no other Petition for this claim has been submitted by or at the request of Claimant. **Documentation that establishes that the person executing the Petition is authorized to submit the Petition *must be attached or the Petition will be returned*** [e.g. board meeting minutes and articles of incorporation, current list of officers and directors, affidavit of secretary with copy of directors' resolution authorizing execution of the Petition or officer's certificate establishing that the corporate officer executing the Application is authorized to so act]. If the Petitioner is a **successor in interest** to a previous corporation, then documentation must be attached to establish the legal right of the applicant to the accounts receivable of the claimant corporation [e.g. documents establishing the chain of ownership of the original corporate claimant, proof of sale of the company, new and prior owners, and a copy of the terms of any purchase agreement or stipulation by prior and new owners of right of ownership to unclaimed funds]. Copies of all documents evidencing assignment must be appended to the petition.
- Petitioner is an attorney or a **"funds locator"** who has been retained by Claimant. **An original, notarized "power of attorney" from an individual Claimant or from the duly authorized representative for the corporation, partnership or other entity named as the Claimant is attached.** Documentation that establishes that the person executing the "power of attorney" is authorized to so act [e.g. affidavit of secretary with copy of directors' resolution authorizing use of locator service or officer's certificate

establishing that the corporate officer executing the “power of attorney” is authorized to so act] is attached.

3. Petitioner has made sufficient inquiry and has no knowledge that this claim has been previously paid, that any other petition for this claim is currently pending before this Court, or that any party other than the Petitioner is entitled to submit a petition for the payment of this claim.

4. Applicant has provided notice to the United States Attorney for the District of Rhode Island of this Petition pursuant to 28 U.S.C. §2042 and a certificate of service has been filed.

5. Enclosed is a photocopy of photo identification (driver’s license or passport) of the Petitioner named below.

6. I understand that, pursuant to 18 U.S.C. §152, I will be fined not more than \$5,000, or imprisoned not more than five years, or both, if I have knowingly and fraudulently made any false statements in this document.

[Individual]

Dated: _____

Signature of Individual Petitioner

SSN: _____

Street Address

City and State

Telephone (including area code)

[Entity]

Dated: _____

Name of Petitioner [if not an individual]

ID#: _____

By _____
(Name of authorized Representative and Capacity/Title)

Street Address

City and State

Telephone (including area code)

NOTICE OF RESPONSE TIME

Within twenty (20) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bankr. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Bankruptcy Court Clerk's Office, 380 Westminster Mall, 6th Floor, Providence, RI 02903, (401) 528-4477.

CERTIFICATE OF SERVICE

The petitioner mailed a copy of this petition and all attachments to the Office of the United States Attorney for the District of Rhode Island, at 10 Dorrance Street, Providence, RI 02903 on (date)

_____.

12/1/06