

RULE 1005-1 FILING PAPERS - REQUIREMENTS [Modified 2/1/07]

- (a) **Caption of Papers.** The bankruptcy case name, number, and chapter shall appear on all papers filed with the Clerk and must also appear on the signature page of all documents filed with the court.
- (b) **Size and Form.** All papers, including the bankruptcy petition, schedules, statements, lists and other papers shall be on 8 ½" x 11" paper. All text in papers other than the bankruptcy petition and related schedules and lists must appear in at least 11 point type, except for footnotes which shall not be less than 10 point, and may not contain material that belongs in the body of the text or argument. All such text shall be double spaced, with the exception of quotations and footnotes.
- (c) **Number of Copies.** - [This subsection was abolished on March 3, 2003].
- (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 name of the law firm, the attorney's state bar identification number, and the name of the client.
- (e) **Required Response Time Language Must Be Included on All Papers.**

(1) **Usual Papers.** In order to provide adequate notice to interested parties of the time to respond, every motion (except those set forth in paragraph (2) below), application, petition (not including bankruptcy petition), objection to claim or objection to exemption filed with the clerk's office shall contain language substantially similar to the following, in single or double space and must appear in at least 11 point type:

Within ten (10) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if served by mail, any party against whom such paper has been served, or any other party who objects to the relief sought, shall serve and file an objection or other appropriate response to said paper with the Bankruptcy Court Clerk's Office, 380 Westminster Mall, 6th Floor, Providence, RI 02903, (401) 626-3100. If no objection or other response is timely filed, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise.

(2) **Excepted Papers with Different Response Times.** A different objection/response time applies to the following matters and should be substituted for the above ten (10) day period:

- (A) Application to Compromise -- 20 days;
- (B) Motion/Notice of Intended Sale -- 20 days;
- (C) Motion to Amend or Modify a Plan -- 20 days;
- (D) Application (or Notice) to Abandon -- 20 days;
- (E) Motion to Shorten Time (Expedited treatment)
5 business days;
- (F) Emergency Motion for Relief -- left to discretion of Court, above language should not be used;

(G) Motion for Rule 2004 Examination -- see R.I. LBR 2004-1(c)(2).

(3) Objection to Claim. See R.I. LBR 3007-1.

(4) Objection to Exemption. See R.I. LBR 4003-1(b).

- (f) Filings Made on Day of Court.** An intended filing related to a matter on the day set for hearing shall be filed in open court, and not with the clerk's office.
- (g) Caption of Amendments.** Any paper filed to effect an amendment of a previously-filed or served paper, including bankruptcy petition, lists, schedules, and statements, shall clearly state in bold print that it is an amendment. Any amendment proposing to add creditors to the case shall be accompanied with the appropriate filing fee, and a supplemental diskette containing only the names and addresses of the added creditors. See also, R.I. LBR 1009-1.

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

RULE 1007-1 LISTS, SCHEDULES AND STATEMENTS; TIME LIMITS; NOTICE OF INTENT TO DISMISS; NOTICE IN CHAPTER 11 [Modified 2/1/07]

- (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 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 (conventional filings only)
 - (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.
 - (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 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 and Statistical Summary of Certain Liabilities and Related Data (28 U.S.C. § 159);
 - (4)** Statement of Executory Contracts;
 - (5)** Attorney fee disclosure statement;
 - (6)** All required declarations having been properly executed;
 - (7)** The Chapter 13 plan (R.I. Bank. Form W); 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) Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer (Form 19B);
 - (15) Certification of Pro Se Debtor;
 - (16) 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) Procedure for Issuance of Notice of Intended Dismissal.** In all voluntary cases, 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 refiling a petition. See also, R.I. LBR 1017-2.
- (e) **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 [Modified 2/1/07]

- (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, with a copy to debtor's counsel 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, with a copy to debtor's counsel about payment defaults; and
 - (3) Send WRITTEN correspondence to the debtor, with a copy to debtor's counsel, such as: statements, payment coupons, and other such correspondence that the creditor typically sends to its non-debtor customers.
- (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.

- (c) **Service.** All documents filed pursuant to this rule shall be served in accordance with Fed. R. Bankr. P. 4001(a) and 9006(d)-(f) upon all parties who have filed appearances and requested service of all notices and pleadings. Additionally, any party filing a motion for relief from the automatic stay shall serve copies of the motion on the following parties:
- (1) the debtor;
 - (2) debtor's counsel;
 - (3) the trustee if one has been appointed;
 - (4) any official committee appointed and serving in the case under 11 U.S.C. §1102;
 - (5) all parties with liens of record or any other party known to the movant claiming a lien in the property;
 - (6) parties requesting notice;
 - (7) in a Chapter 11 case, the local office of the United States trustee;
- (d) **Response.** A party objecting to a motion for relief from the automatic stay must file an opposition to the motion within ten (10) days, or 13 days if you were served as provided in Fed. R. Bankr. P. 9006(f). If the motion is scheduled for an expedited hearing before the expiration of the ten (10) day period, then the opposition shall be filed within 24 hours of the expedited hearing.
- (e) **Exhibits.** Documents supporting a motion for relief from the stay shall not be attached to the original motion filed with the Court. Instead, counsel shall make reference in the body of the motion to each such exhibit, attachment or schedule so that upon request for their production by the Court, said document(s) may be identified. However, the moving party shall attach all exhibits, attachments and schedules to the motions served on all other parties.
- (f) **Liens, Mortgages and Security Interests.** If the movant seeks leave to foreclose upon the mortgage, security interest or other lien upon any interest of the debtor or of the estate in property, the basis for entitlement to relief must be stated with particularity in the motion. At a minimum, the motion shall set forth:
- (1) the value of the subject property and shall comply with R.I. LBR 3012-1;
 - (2) the nature of the movant's interest in the property;
 - (3) the manner in which the movant perfected its interest in the property;
 - (4) all other material liens and encumbrances on the property;
 - (5) the amount of the movant's claim as of the date of the petition; and
 - (6) a specification of pre-petition and post-petition arrearage, costs and interest accruals.
- (g) **Disposition Without a Hearing.** In the absence of a timely filed opposition and upon evidence of proper service, the Court, pursuant to R.I. LBR 9013-2, without a hearing, may allow or deny the motion after the expiration of the opposition period set forth in section (d). The Court may deny a motion for relief from stay without a hearing if the moving party fails to comply with section (f).
- (h) **Position of Estate Representative.** If the estate representative fails to file a response within the time prescribed in section (d), then the estate representative shall be deemed to have assented to the motion.
- (i) **Hearing.** Upon the expiration of the response deadline set forth in paragraph (d), and if the matter is contested, the Court will notify the parties of a hearing date within the time prescribed by 11 U.S.C. § 362(e). A preliminary hearing on a motion for relief from the

automatic stay will be a consolidated preliminary and final nonevidentiary hearing unless at the conclusion of the preliminary hearing the Court schedules a final evidentiary or nonevidentiary hearing. If the Court schedules a final evidentiary hearing, the parties shall file a Joint Pre-Trial Order in accordance with the requirements of section (k), three (3) business days before the final evidentiary hearing date.

(j) **Motions to Continue the Consolidated Preliminary Hearing.** Whenever a party seeks to continue the consolidated preliminary hearing beyond the time prescribed in 11 U.S.C. § 362(e), the movant must obtain and include an affirmation in the motion that creditor consents to the extension of the time limit set forth in 11 U.S.C. § 362(e).

(k) **Joint Pre-Trial Orders**

(1) **Filing Requirement.** In all cases where a joint pre-trial order is due prior to the final evidentiary hearing, the movant shall deliver by hand, mail, facsimile, or other agreed upon electronic means, a draft of the joint pre-trial order, in compliance with R.I. LBR 9014-1, and **R.I. Bankr. Form O**, to the respondent within five (5) days of the conclusion of the preliminary hearing. The respondent shall then submit to the movant, by hand, mail, facsimile, or other agreed upon electronic means, any comments or revisions within three (3) business days in order to finalize the document. The joint pre-trial order must be filed with the Court no less than three (3) business days prior to the date set for the final evidentiary hearing.

(2) **Content.** If “adequate protection” is at issue, the respondent shall explain the character of any adequate protection offered in lieu of relief from stay. If the issue of whether the property is necessary to an effective reorganization is in dispute, the debtor must affirmatively state whether a reorganization plan is in prospect and, to the extent possible, provide a summary of the plan expected to be filed.

(3) **Failure to File.** If the movant fails to timely file the joint pre-trial order with the Court, the motion for relief from stay will be denied without prejudice and the matter will be removed from the calendar. A new motion for relief and filing fee will be required to reinstate the matter. If either party fails to perform timely under these local rules, any aggrieved party may file a motion to adjudge the other party in default in accordance with R.I. LBR 9014- 1.

(l) **Setoff of Prepetition Tax Obligations.** The Internal Revenue Service is granted relief from stay in individual Chapter 7, 11 and 13 cases for the limited purpose of offsetting refunds for pre-petition years against prepetition tax indebtedness. The IRS shall amend its claims to reflect any such offset. In addition, nothing in this rule shall prejudice or limit the right of any party to object to a refund or offset of such refund as described herein or to any claim filed by the Internal Revenue Service.

RULE 4008-1 REAFFIRMATION [Modified 2/1/07]

(a) **Mandatory Reaffirmation Agreement Form.** In cases filed on or after October 17, 2005, the most current version of Reaffirmation Agreement Form 240A 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 the debtor is reaffirming a debt 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 wherein the debtor’s attorney fails to sign the required certification will be treated as having been filed pro se and subject to paragraph (b)(1) above.
- (c) **Defective Reaffirmation Agreements.** If a filed reaffirmation agreement is not in compliance with 11 U.S.C. § 524(k), Fed. R. Bankr. P. 4008, or these LBRs, the agreement will be stricken, and no further action will be taken.

RULE 5005-4 ELECTRONIC FILING [Modified 2/1/07]

(a) **Requirement to File Cases and Documents Electronically.** 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 Electronic Filer is prevented from filing electronically, i.e., CM/ECF System failure. “Electronic Filer” refers to those who have a court-issued log-in and password to file documents electronically. Filing of documents submitted, signed, or verified by electronic means must be consistent with technical standards established by the Judicial Conference of the United States and must comply with the within local rule and such other local rules as are applicable.

(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 or any support staff so authorized by the user to participate in the electronic retrieval and filing of documents within the System.

(2) **Registration and Training.**

(A) **Registration Requirements:**

(i) Eligible applicants must file with the Clerk’s Office an application for registration using Form A entitled, “Electronic Case Filing System Attorney Registration Form”, and must also meet the minimum 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) 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. PACER Access to the CM/ECF System will allow retrieval of the docket sheet and documents. PACER Access to the CM/ECF 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 required, each Electronic Filer 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, Electronic Filers agree to accept notice and service by electronic means, and registration as an Electronic Filer 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. The password serves as the filers’ signature. The password required to submit documents to the System serves as the Electronic Filer’s original signature on all electronically filed documents. 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 and email address. In addition, the name of the Electronic Filer 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 Electronic Filer shall permit his/her password to be used by anyone other than himself/herself or an authorized employee. An Electronic Filer shall immediately notify the Clerk by telephone and by facsimile and email if they learn that their password has been compromised. Electronic Filers may be subject to sanctions for failure to comply with this provision.

(iv) Revocation. The Court may revoke an Electronic Filer'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 Electronic Filer'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 hard ship, 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 an Electronic Filer 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 an Electronic Filer, 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 why the attorney should not be sanctioned.
- (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 R.I. LBR 9010-1 may, but is not required to, register as an Electronic Filer and to participate in the System for the duration of the Pro Hac Vice appearance.
- (4) Pro Se Litigants.** Pro se litigants may 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 an Electronic Filer by providing the Clerk—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 an Electronic Filer 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 R.I. LBR 1005-1.
 - (2) **Attachments to Electronic Documents.** Multiple documents that are part of a pleading, 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 Documents.** Electronic Filers 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 Electronic Filer 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 e-filing 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 the Notice of Electronic 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 rule. The deadline for filing, unless otherwise specifically set, is 11:59 P.M. (E.S.T.).
- (g) **Waiver of Notice and Service.** Registration with the Court as an Electronic Filer 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.
- (h) **Service of Documents by Electronic Means.** Each Electronic Filer 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 having been excepted from the requirement to file and receive documents electronically are entitled to receive a paper copy of any electronically filed pleading or other document, and service or notice by the Electronic Filer must be made in accordance with the Federal Rules of Bankruptcy Procedure and these local rules.

- (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 Fed. R. Bankr.P.5003. The Court will not maintain paper except for the following:

- (1) Documents filed under seal;
- (2) Conventionally filed petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents which contain original signatures;
- (3) R.I. Local Forms P.3 & P.4;
- (4) Official Bankruptcy Form B-21; and
- (5) Conventionally filed handwritten documents

- (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 Electronic Filer must also conventionally file the original 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 signature on the electronically filed document is other than that of the Electronic Filer, he/she shall also conventionally file the original Declaration Regarding Electronic Filing, R.I. Local Bankr. Form P.4, signed by the appropriate party (the signor of 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 Electronic Filer 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 Electronic Filer shall then file the document electronically, indicating the signatories, e.g., “/s/ Jane Doe,” “/s/ John Doe,” etc.
- (3) The Electronic Filer shall retain the original document containing the original signatures for one year after the case is closed.

(l) Exhibits

- (1) **Exhibits.** 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 the Court orders otherwise.
- (2) **Exhibits to Proofs of Claim.** Exhibits in support of a proof of claim shall be filed electronically whenever possible and shall be e-filed 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) Where an Electronic Filer is required to submit a proposed order under R.I. LBR 9072-1, said document shall be electronically filed, docketed, and served in accordance with these procedures and Rule 9072-1.
 - (B) An Electronic Filer wishing to submit a proposed order before hearing may file such order together with the underlying motion or application, and e-filed as one event. The proposed order should be attached to the underlying motion or application.
- (2) **Consent Orders/ Reaffirmation Agreements.** Consent orders or reaffirmation agreements shall be filed in accordance with subsection R.I. LBR 5005-4(k).
 - (3) **Notice of Entry of Orders and Judgments by the Court**
 - (A) Upon the entry of an order or judgment in an action pending in the CM/ECF System, the System will automatically generate to all Electronic Filers 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 Requests for Continuance

- (1) **Procedure for Emergency Filings.** Electronic Filers requesting emergency hearing and/or relief shall contact the Clerk’s Office by telephone at (401) 626-3100, 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 an Electronic Filer files a document that affects a matter on the calendar after 4:30 P.M. the day before a scheduled hearing, the Electronic Filer shall also notify the Courtroom Deputy of such filing by email at: RIBCourtroom@rib.uscourts.gov.
- (o) **System Failure.** If electronic filing cannot be accomplished because of a court or filer System failure, the Electronic Filer shall, after making at least two attempts to file electronically, send the document and/or event as an attachment in PDF format via e-mail to the following address: RIBECFSupport@rib.uscourts.gov explaining why it was not possible to file directly in the CM/ECF System. The Electronic Filer 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.
- (p) **Fees Payable to the Clerk.** All filing fees must be paid electronically by the Electronic Filer, and only the following credit cards are acceptable for payment of such fees: American Express, Discover, MasterCard, or Visa. Payment of the filing fee is due on the date the document is filed. Failure to make payment on the date of the filing may cause the Electronic Filer to be locked out of the System.
- (q) **Appeals.** 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 Court 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 or by mail with a check or money order for the exact amount of the purchase, unless otherwise authorized.

RULE 5005-5 FILING OF PAPERS - PROCEDURE FOR STRIKING DEFECTIVE PLEADINGS AND OTHER DOCUMENTS [Modified 2/1/07]

(a) **Procedure for Striking Defective Documents.** If a document filed with the Court fails to conform with federal and local bankruptcy rules and forms, the document shall be stricken from the record. The order striking will list the nature of the defect and give instruction to re-file the document in corrected form.

(b) **Defective Documents with Paid Filing Fees.** The procedure described in subsection (a) above, will apply to all filings except those accompanied with a required fee. In those instances, in order to preserve the paid filing fee, a Notice of Defective Document will issue to correct the deficiency. If the defect is not cured within the prescribed time, an order will enter striking the document.

(c) **Failure to Submit a Proposed Order after Hearing.** If, after ten days from the date of the hearing, or other time as ordered by the Court, the responsible party does not file the required order, the Court will automatically strike the original initiating document (i.e. motion, application, notice) and the parties will receive notice that no further action will be taken. In order to revive the stricken filing, a

Motion to Vacate must be filed, along with the overdue order, before the case is closed. Once the case is closed, a reopening fee will be required to docket the late filed order. See, LBR 9072-1(a),(c).

RULE 7003-1 COMMENCEMENT OF ADVERSARY PROCEEDING [Modified 2/1/07]

(a) Pleadings. *See* R.I. LBR 5005-1.

(b) Adversary Proceeding Cover Sheet. *See* R.I. LBR 5005-1(b). The most current version of the Adversary Proceeding Cover Sheet Form 104 shall be used.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

-----*

In re: _____ :

_____ : BK No. _____

Debtor(s) _____ : Chapter _____

_____ :

-----*

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) 626-3100.

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) _____

_____.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

----- *
In re: _____ :
Debtor(s) _____ :
----- *

BK No. _____
Chapter _____

**DECLARATION REGARDING ELECTRONIC FILING FOR ALL OTHER
DOCUMENTS REQUIRING ORIGINAL SIGNATURES**

PART 1 - Declaration of Declarant:

I [We] _____, the undersigned declarant(s), hereby declare under penalty of perjury that I have signed the document identified below and that the information contained in the electronically filed document identified below is true and correct, to the best of my knowledge and belief. I understand that this DECLARATION REGARDING ELECTRONIC FILING is to be filed with the Clerk after the document identified below has been filed electronically but, in no event, no later than 15 days after the document has been filed. I acknowledge receipt of a copy of the electronically filed document. **I understand that any false information provided knowingly or fraudulently in the [insert title of document electronically filed requiring original signature]** _____ may subject me to federal criminal prosecution for concealment of assets, and making false oaths and claims pursuant to 18 U.S.C. § 152, bankruptcy fraud pursuant to 18 U.S.C. § 157, or pursuant to any other applicable federal criminal statute.

PART 2 - Identification of Document:

[Name of document] _____, consisting of ___ pages

I understand and agree that failure to timely file the signed original of this DECLARATION is grounds for the Court to strike the document identified above from the record in this proceeding.

Dated: _____
Name: _____
Title: _____

(Insert acknowledgment if required)

Part 3 - Declaration of Attorney:

I declare that I am familiar with Fed. R. Bankr. P. 9011 and that the representations contained in Fed. R. Bankr. P. 9011(b) are applicable to this filing and such representations are adopted and incorporated herein by reference. I further certify that the declarant signed this Declaration and authorized me to electronically file the document identified above, that I gave the declarant a copy of the electronically filed document identified above, and that the document identified in the Notice of Electronic Filing from the CM/ECF system is the document identified above.

The aforementioned document was electronically filed on _____ as document number _____.

Dated: _____

Name: _____

(FILE ORIGINAL WITH THE COURT. DO NOT FILE ELECTRONICALLY)