

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

Susan M. Thurston
Clerk of Court

Telephone: 401 626-3130
Facsimile: 401 626-3150
E-mail: Susan_Thurston@rib.uscourts.gov

NOTICE OF ADOPTION

Amendment of Local Rules and Forms Effective April 1, 2009

- New and amended Local Rules: 1006-1, 1009-1, 2016-1, 3002-1, 3012-1, 3015-1, 3015-2, 3015-3, 4001-1, 4002-2, 5005-4, 8001-1, 8006-1, 9037-1;
- New and amended Forms: P.1, P.2, S, W.1, W.2, X

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 rules, the U.S. Bankruptcy Court for the District of Rhode Island hereby provides notice that the Local Rules and Forms listed above have been amended.

Copies of the amended local rules and forms are available at the Clerk's office or on our website at www.rib.uscourts.gov. These rule and form amendments are effective beginning April 1, 2009, and shall apply to all cases filed on or after this date, and all cases pending in this court as of this date.

Dated: 3/30/09

FOR THE COURT



/s/ Susan M. Thurston, Clerk

RULE 1006-1

FILING FEE [Modified 4/1/09]

(a) Manner of Payment. The filing fee commencing a case shall be paid in cash or by cashiers check or money order, made payable to “Clerk, U.S. Bankruptcy Court.” Payment by personal check or credit card will be accepted only if the check or credit card is in the name of the attorney for the debtor, or the law firm of which the attorney for the debtor is a member, partner or associate. The applicable miscellaneous fee shall be assessed and shall be payable to the “Clerk, U.S. Bankruptcy Court” for any dishonored check. The Clerk of the Court shall maintain a list of attorneys and law firms whose checks have been dishonored, may refuse to accept the checks of such attorneys or firms, and, if circumstances warrant, may report the attorney(s) or firm(s) to the appropriate authorities.

(b) Multiple/Erroneous Payments of Same Fee or Charge. It is the filer’s responsibility to ensure any clerk’s office fee or charge is paid only once, and creditors are responsible for ascertaining that the status of the case is such that the action they seek requires a fee. Except where the payment of a fee is the error of the clerk’s office, the clerk is not authorized to refund fees paid by mistake. The clerk shall deposit excess or erroneous payments into the appropriate government account.

(c) Payment of Filing Fee in Installments. The clerk may approve a debtor’s Application to Pay the Filing Fee in Installments, if the application contains a payment schedule that provides for at least 25% of the fee at the time of the filing, and continued payments of 25% commencing within thirty (30) days of the petition date and every twenty-five (25) days thereafter. The application to pay in installments must comply with Official Form 3A.

(d) Nonconforming Application to Pay in Installments. An Application to Pay the Filing Fee in Installments that does not comply with LBR 1006-1(c) shall be presented to the Court for consideration. If denied, the debtor shall immediately remit the full filing fee. Failure to timely pay the filing fee will result in the automatic dismissal of the case.

(e) Procedure to Waive Filing Fee (Proceed in forma pauperis). An individual who files a voluntary Chapter 7 petition may request to have all filing fees waived by filing a completed and signed Application for Waiver of the Chapter 7 Filing Fee using Official Form B3B, and if Schedule J has not been filed with the petition, R.I. Bankr. Form D. The granting of the application approves the waiver of all future filing fees which may arise in the case while pending under Chapter 7.

(f) Nonconforming and Denied Applications For Waiver of Filing Fee. An Application to Waive the Filing Fee that does not conform with the requirements listed in section (e) above, or is defective in any way, will be automatically denied. If an Application to Waive the Filing Fee is denied for any reason, the Court may treat the application as one to pay the filing fee in installments and the first installment will be due immediately upon entry of the order denying the waiver of the fees, and the remaining fees will be payable in accordance with LBR 1006-1(c). Failure to timely pay the full fee or the first installment will result in the automatic dismissal of the case.

(g) Revocation or Vacating of Waiver. The Court may revoke or vacate an order waiving the filing fee if developments in the case or administration of the estate demonstrate that the waiver was unwarranted.

(h) Effect of Conversion. If the filing fee of an individual Chapter 7 case is waived, and the debtor's case is later converted to one under another chapter, the debtor must pay the full filing fee for the new chapter within fifteen (15) days of conversion, or file an Application to Pay the Filing Fee in Installments.

RULE 1009-1 **AMENDMENTS OF PETITIONS, LISTS, SCHEDULES AND STATEMENTS**[Modified 4/1/09]

(a) Procedure and Form. In any open bankruptcy case, amendments to the bankruptcy petition, schedules, statements of financial affairs, statements of income and expenses, or summaries of assets and liabilities shall be filed with the Clerk. The amended document shall clearly state in bold print that it is an amendment, and the amendment shall be underlined and in italics to identify the added or changed information. The amended paper shall contain an original signature by the amending party, or if electronically filed, the electronic signature of the amending party. If the case is closed, amendments to bankruptcy schedules or statements may be made only after the granting of a motion to reopen and a motion to amend.

(b) Notice and Service of Amendment. In each instance in which the debtor amends its petition, lists, schedules or statements, it shall give notice by serving a copy of the amendment upon any trustee appointed, the local office of the United States trustee, and to all other entities directly affected by the amendment, and shall file a certificate of service indicating the parties served and the date and method of service.

(c) Amendments Adding an Omitted Creditor. If, at any time after the first notice of the first meeting of creditors is mailed, pre-petition creditors not previously included on the mailing matrix are added by amendments, the following procedures shall apply:

(1) Contemporaneous with the filing of the amendment and applicable fee, the debtor shall:

(A) file a supplemental disk, listing only the name(s) and address(es) of the added creditor(s) in the form prescribed by R.I. LBR 1002-1(d);

(B) serve a copy of the Notice of Section 341 meeting of creditors, and if applicable, a proof of claim form on any added creditor;

(C) In an individual chapter 7 case, serve a notice informing the creditor of its right to file complaints under 11 U.S.C. §§ 523 and 727, and objections to the debtor's claim of exemptions within sixty (60) days of service of the papers required by this LBR or within the time set for the filing of such complaints or objections by creditors previously scheduled, whichever is later.

(D) File a certificate of service with the Court acknowledging compliance with this local rule.

(2) The extensions of deadlines granted by this LBR shall apply only to those creditors added by amendment.

(3) Creditor(s) added after the Section 341 meeting of creditors has commenced shall, unless the Court orders otherwise, be entitled, upon request to the U.S. trustee, to reconvene the Section 341 meeting.

(4) In an individual chapter 7 case in which there is no distribution to creditors, if a creditor is added after the order of discharge is entered, the order of discharge shall be deemed to apply to the prepetition debts owed to such creditor as of the later of:

(A) 60 days after the date the debtor certifies compliance with paragraphs (1) above, and no complaints under 11 U.S.C. §§ 523 and 727 are filed by such creditor; or

(B) the date the last orders denying or dismissing such complaints become final.

(d) Amendments to Mailing Matrix. An amended matrix is required to be filed whenever the debtor files its initial schedules containing creditors that were not listed on the original creditor list/ mailing matrix. The following procedures shall apply:

(1) An amended matrix shall contain only the names and addresses of the new creditors. Creditors listed on the original matrix shall not be repeated on the amended matrix.

(2) The applicable miscellaneous fee for filing amendments to the lists of creditors shall be filed with the amended matrix.

(3) If the schedules themselves are being amended to add new creditors, the debtor shall file an amended schedule listing the added creditors, with the applicable fee, and shall include a supplemental diskette containing only the names and addresses of the added creditors. See LBR 1002-1(d).

RULE 2016-1

COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT OF EXPENSES [Modified 4/1/09]

(a) Application for Compensation of Professionals, including Chapter 11 and Chapter 7 trustees. In addition to the provisions of Fed. R. Bankr. P. 2016, each application and any attachment shall:

(1) be legible and understandable;

(2) identify the time during which services were rendered;

(3) describe the specific services performed each day by each person with the time broken down into units of tenths of one hour devoted to such services;

(4) include a copy of any contract or agreement reciting the terms and conditions of employment and compensation;

(5) include the date and amount of any retainer, partial payment or prior interim allowances;

(6) include a brief narrative description of services performed and a summary of hours by professionals and other personnel;

(7) if the trustee is also serving as his or her own attorney, the trustee's attorney's application must contain a certification that no compensation has been or will be sought for trustee services; and

(8) include a brief biography of each person included in the fee application, stating his or her background and experience. The statement should demonstrate that the hourly rate charged for each professional is reasonable, and should include such information as the applicant deems pertinent to that issue. After the initial application, biographies need not be included in subsequent applications, other than for professionals whose biographies were not included in the initial application. With respect to professionals who have previously filed such a biography with this Court, he/she may indicate that fact on the application and need not repeat said biography unless the Court so orders.

(9) include the fee application summary sheet contained in **R.I. Bankr. Form C.2**, which summary shall also include a key to the initials or other device used to identify each such person in itemized billings. Additionally, all requests for interim fees shall include **R.I. LBR Form C.3**, "Interim Fee Allowance Summary" and all requests for payment of final fees and expenses shall include **R.I. LBR Form C.4**, "Final Fee Allowance Summary." Any fees that remain unapproved from a previous interim application for compensation or that were partially allowed on account must be requested again in a final fee application and shall be included on **R.I. LBR Form C.4**.

(b) Applications by Co-counsel. Any application for compensation by co-counsel shall specify the separate services rendered by each counsel and contain a certification that no compensation is sought for duplicate services.

(c) Applications by Trustees Exceeding 7,500. If an application for compensation and reimbursement by a chapter 7, 11 or 12 trustee exceeds 7,500.00 the trustee shall state:

(1) the total amount received in the estate;

(2) the amount of money disbursed and to be disbursed by the trustee to parties in interest (excluding the debtor) and a calculation of the maximum fee allowable under 11 U.S.C. § 326;

(3) a brief narrative description of services performed;

(4) if the payment sought is interim compensation, why the payment of interim compensation is reasonable and appropriate;

(5) the dividend, expressed as a percentage of funds to be distributed to creditors, if the requested compensation and other requested administrative expenses are allowed in the amounts requested. If a trustee has served both as a chapter 7 and a chapter 11 trustee, separate itemizations must be provided for each period. The amount of compensation shall be stated as a dollar amount, regardless of the calculation of the maximum compensation allowable under 11 U.S.C. § 326(a).

(d) Applications of Professionals employed by Creditors. A creditor must file an application with the court if it wishes to be compensated from the debtor or the estate for services rendered or expenses incurred by its professionals [attorneys, accountants, appraisers, auctioneers, or other professional persons], after debtor's filing of the petition and before the issuance of the Notice of Discharge.

(1) Application Requirements - A creditor may request approval of multiple fees and expenses in a single application. The application shall comply with the provisions set forth in section (a) above, as well as the exceptions contained in section (h) below. In addition, the application must include a statement sworn to by the creditor pursuant to 28 U.S.C. § 1746 that references the paragraph number(s) (or specific section(s) and page number(s)) in the Agreement that allows for the reimbursement of the services and/or expenses.

(2) Time to File - Any application under this subsection must be filed no less than on an annual basis to include all services rendered during the previous twelve (12) month period. A final application under this subsection must be filed not later than thirty (30) days after the issuance of the Notice of Discharge in this case.

This subsection will not apply to the extent that the court has previously approved a creditor's fees or expenses pursuant to a court order or conditional order.

(e) Narrative Summary Required on Applications Exceeding \$35,000. All applications which seek more than \$35,000.00 in compensation, or are otherwise very lengthy, must be divided into narrative sections. Each narrative section must represent a task, must describe the task and the benefit to the estate, and must identify the work done by each professional. There shall be attached to the narrative a specific description of services performed under such task each day by each person and the time devoted to such services on that day by each person. The end of each narrative section must include a summary chart that substantially conforms to the requirements of section (a)(9) of this rule.

(f) Reimbursement of Expenses. Attached hereto as **Appendix III** is the Rhode Island Standard Expense List. The Court will approve reimbursement of reasonable and necessary expenses at the levels set forth in Appendix III, subject to an applicant requesting reimbursement at other levels upon proof that the reimbursement levels set by the Rhode Island Standard Expense List are inadequate in view of the applicant's actual costs. The Rhode Island Standard Expense List may be amended by the Court from time to time.

(g) Exception for Retention of Professional for Specified Service. *See* R.I. LBR 2014-1(e).

(h) Exceptions for Fee Applications filed on behalf of Personal Injury Attorneys, Accountants, Real Estate Professionals, and Debtor's Attorney.

(1) Applications of Personal Injury Attorneys and Accountants. The requirements set forth in R.I. LBR 2016-1(a) 7, 8, and 9 shall not apply.

(2) Applications of Real Estate Professionals. The requirements set forth in R.I. LBR 2016-1(a) 3, 7, 8, and 9 shall not apply.

(3) Debtor's Attorney—When counsel for the debtor is required to file a fee application under R.I. LBR 2017-1, the requirements set forth in R.I. LBR 2016-1(a) 7, 8, and 9 shall not apply, provided that the combined total of the application does not exceed \$2,500 of the maximum amounts set forth in Appendix IV.

(i) Regulation of Retainer Fees. In any case in which the professionals retained or to be retained hold or receive retainer funds, whether from the debtor or from any other source for the benefit of the debtor or for the benefit of an appointed trustee or committee, such retainer funds

shall be deposited in a segregated, federally-insured, interest-bearing account. Retainers held pursuant to this LBR are to be held solely for the benefit of the bankruptcy estate, until such time as an order for their disposition issues. None of the retainer funds deposited shall be withdrawn until the professional complies with the provisions of this subdivision.

(1) Motion for Authority to Draw Down on Retainer Funds. A person who has applied for employment pursuant to 11 U.S.C. § 327 may file a motion with the Court to draw down on retainer funds held pursuant to this LBR prior to the filing of any application under 11 U.S.C. §§ 330 or 331. A motion filed under this LBR shall provide that such funds will not be drawn down until at least fifteen (15) days after service of an itemized bill upon the debtor, the local office of the United States trustee and any committee(s) appointed pursuant to 11 U.S.C. § 1102.

(2) In most cases, a percentage “hold back” of such retainer funds will be ordered by the Court. All retainer funds distributed pursuant to this LBR are subject to review and approval by the Court upon the filing of an interim and/or final fee application. All applicants should be aware that the Court may, after review of the interim and/or final fee application, order disgorgement of any retainer funds previously distributed under this LBR.

(j) Sanctions for Noncompliance. Failure to comply with the provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure or these LBRs regarding applications for compensation may result in the *sua sponte* denial of the application.

RULE 3002-1 FILING PROOF OF CLAIM OR INTEREST [Modified 4/1/09]

(a) Service of Proof of Claim on Attorney for the Debtor and case trustee. An original proof of claim shall be filed with the Clerk. In addition, in all chapters, the claimant shall, contemporaneously with the filing, serve a copy of the proof of claim, with all attachments thereto, on the trustee, if any, and on the debtor’s attorney, or debtor, if pro se.

(b) Notice to Creditors in Chapter 7 Cases. Following expiration of the bar date for filing claims, the Clerk and parties designated to provide service may limit the serving and distribution of papers, except notices as governed by Fed. R. Bankr. P. 2002, to those parties who have filed proofs of claim or who have been granted extensions within which to file claims, excepting there from, however, creditors whose claims have been fully disallowed.

(c) Creditors Duties in Chapter 13 Cases -

(1) Notice of Contract Change

(A) Creditor’s Duty to file Notice of Contract Change. At any time during the pendency of the debtor’s case, a creditor must file on the Claims Register and serve upon the trustee, debtor, and debtor’s counsel, at least thirty (30) days before the change is to take place, or a payment at a new amount is due, a “Notice of Contract Change”.

(B) Contents of Notice. The notice shall outline any change(s) in the amount owed by Debtor under any Agreement, including any change(s) in the:

- (i)** interest rate;
- (ii)** escrow payment requirement;

(iii) insurance premiums;

(iv) change in payment address or other similar matters impacting the amount owed by debtor under such Agreement (each a “Contract Change”).

(C) Disallowance for failure to comply. Additional amounts owed by the debtor due to a Contract Change may be disallowed by the Court to the extent the amounts:

(i) were not reflected in a Notice of Contract Change filed as required by this rule, and;

(ii) exceed the amount set forth in the proof of claim filed by the creditor or deemed filed under this plan.

(D) Debtor’s Duties and time to object. Within thirty (30) days of receipt of the Notice of Contract Change, debtor shall either adjust the Post-Petition Payment to the amount set forth in the Notice of Contract Change, or file a motion with the court, objecting to the payment amount listed in the Notice of Contract Change and the stated reasons for the objection.

(2) Notice of Outstanding Obligations

(A) Creditor’s Duty to file Notice of Outstanding Obligations. At any time during the pendency of the debtor’s case, a creditor shall file on the Claims Register and serve upon the trustee, debtor, and debtor’s counsel within sixty (60) days after the date such Outstanding Obligations were incurred, a Notice of Outstanding Obligations. Said Notice must be sworn to by the creditor pursuant to 28 U.S.C. § 1746, referencing the paragraph(s) (or specific section(s) and page number(s)) in the Agreement that allows for the reimbursement of the services and/or expenses. This subsection will not apply to the extent that the court has previously approved a creditor’s outstanding obligations pursuant to a Court order or conditional order.

(B) Contents of Notice. The notice shall contain an itemization of any obligations arising after the filing of this case that the creditor believes are recoverable against the debtor or against the debtor’s property (the “Outstanding Obligations”). Outstanding Obligations include, but are not limited to:

(i) all fees, expenses, or charges incurred in connection with any Agreement, such as any amounts that are due or past due related to unpaid escrow or escrow arrearages;

(ii) insurance premiums;

(iii) appraisal costs and fees;

(iv) taxes;

(v) costs associated with the maintenance and/or upkeep of the property; and other similar items.

(C) Time to Object. The debtor may file a motion with the court no later than sixty (60) days following the filing of a Notice of Outstanding Obligations, objecting to the amounts listed in the Notice of Outstanding Obligations and stating the reasons for the objection.

(D) The bankruptcy court shall retain jurisdiction to resolve disputes relating to any Notice of Outstanding Obligations.

(3) Application for Reimbursement of Costs and Fees of Professionals. Pursuant to Bankruptcy Rule 2016 and Local Rule 2016-1(d), a creditor must file an application with the court on an annual basis if it wishes to be compensated from the debtor or the estate for services rendered or expenses incurred by its professionals [attorneys, accountants, appraisers, auctioneers, or other professional persons], after debtor's filing of the petition and before the issuance of the Notice of Discharge. *See*, R.I. LBR 2016-1(d)

RULE 3015-1 CHAPTER 13 PLAN [Modified 4/1/09]

(a) Form of Plan. For all cases filed on or after April 1, 2009, the original [initial] Chapter 13 plan shall conform to **RI Bankr. Form W.1**, with such alterations as may be appropriate to suit the circumstances. Additionally, each plan shall contain the following:

(1) Signature(s). Every plan or amendment thereto shall be signed by the debtor, and

(2) Date. Every plan or amendment thereto shall be dated as required by Fed. R. Bankr. P. 3015(c).

(b) Filing the Chapter 13 Plan and Service of Plan on all Creditors and Interested Parties. The debtor's attorney, or the debtor, if pro se, must, in addition to the time requirements for filing the Chapter 13 Plan with the court pursuant to Fed. R. Bankr. P. 3015(b), must also serve a copy of the proposed Chapter 13 plan on the Chapter 13 trustee, all creditors and all interested parties within twenty-four (24) hours of its filing with the Court. A certificate of service evidencing compliance with this rule shall be filed with the Court within ten (10) days thereafter.

(c) Modification of Secured Claim – A debtor who, proposes to modify a secured claim pursuant to 11 U.S.C. ' 506 shall do so as part of the Chapter 13 plan, or by the filing of an adversary proceeding.

(1) Service of the Plan where Secured Claims are being modified. If the chapter 13 plan includes a motion to modify a secured claim, the Plan shall be served, by first class AND certified mail on:

(A) if the lien holder is an insured depository institution, on an officer of the institution as per Fed. R. Bankr. P. 7004(h);

Or

(B) if the lien holder is other than an insured depository institution, in descending order, as applicable:

(i) the attorney for the claim holder, if a notice of appearance has been filed;

(ii) the mailing address on the proof of claim form, if one has been filed; or

(iii) the payment address to which the debtor makes his/her monthly payments on said property.

(2) Response. Any party objecting to the original chapter 13 plan, including any motions contained therein, must file an opposition to the plan and/or motion(s) no later than seven (7) days before the hearing on confirmation.

(a) Form of Amended Plan. If the debtor proposes more than one amended plan, each amended plan shall be titled "First Amended Plan," "Second Amended Plan," and so on, as may be appropriate. All amended plans shall conform to **R.I. Bankruptcy Form W.2**.

(b) Amendments to Plan Prior to Section 341 meeting that do not Adversely Affect Creditors.

(1) The Amended Plan. Amendments to a plan which do not adversely affect creditors may be made at or prior to the Section 341(a) meeting by filing an amended plan conforming to **R.I. Local Bankruptcy Form W.2** which shall be served on the Chapter 13 trustee and any party or attorney who has filed an appearance and requested service of pleadings in the case, as well as satisfying the service requirements contained in R.I. LBR 3015-1(c)(1) and 4003-1, if applicable. Those parts of the amended plan, including any motions contained therein, that are changed from the previous plan shall be clearly identified.

(2) The amendment shall be accompanied by a certificate of service. If no objections to the amendment are filed within seven (7) days before the hearing on confirmation the Court shall consider confirmation of the plan as amended.

(c) Amendments to Plan that Adversely Affect Creditors Filed Prior to the Confirmation Hearing.

(1) The Amended Plan. Where an amendment to a plan, including any motions contained therein, adversely affects creditors, the debtor shall file with the Court an amended plan which conforms to **R.I. Bankruptcy Form W.2** and those parts of the amended plan, including any motions contained therein, that are changed from the previous plan shall be clearly identified.

(2) Service. The debtor shall serve a copy of the amended plan including any motions contained therein, on the Chapter 13 trustee, all creditors, and all parties and attorneys who filed appearances and request for service of all pleadings in the case, as well as satisfying the service requirements contained in R.I. LBR 3015-1(c)(1) and 4003-1, if applicable. The amended plan shall be accompanied by a certificate of service.

(3) Time to Object and Effect on Confirmation Date. If the confirmation hearing is scheduled to occur earlier than twenty (20) days from the filing of the amended plan, said hearing shall be continued to the next available hearing date assigned by the Clerk's office, which shall allow for at least twenty (20) days notice to creditors. Any objections to the amended plan, including any motions contained therein, must be filed at least seven (7) days before the confirmation date.

(d) Amendments to Plan After Confirmation.

(1) Motion to Amend Plan Required. A debtor who seeks to amend a Chapter 13 plan after confirmation shall do so by filing a motion to amend the plan, including any motions contained therein, with a copy of the proposed amended plan, conforming to **R.I. Bankruptcy Form W.2**, attached. The motion to amend shall include a summary and statement of the reason for the amendment and those parts of the amended plan, including any motions contained therein, that are changed from the previous plan shall be clearly identified.

(2) Updated Schedules I and J Required. In conjunction with the motion to amend, the Debtor shall file updated Schedules I and J if plan payments are changing under the terms of the amended plan. The Chapter 13 trustee, in his or her discretion, may schedule a new Section 341 meeting with respect to the amended plan.

(3) Service. The debtor shall serve a copy of the motion, amended plan and updated Schedules I and J (if applicable) on the Chapter 13 trustee, all creditors, and parties and attorneys who have filed appearances and requests for service of pleadings in the case, as well as satisfying the service requirements contained in R.I. LBR 3015-1(c)(1) and 4003-2, if applicable.

(4) Hearing on Motion to Amend Plan. Approval of a motion to amend plan after confirmation of a prior plan may be granted without a hearing if no objections are timely filed. Objections to an Amended Plan, including any motions contained therein, shall be filed no later than twenty (20) days from the date of service of the motion to amend. The Chapter 13 trustee shall provide the court with a written statement of his position on all motions to amend the plan after confirmation, within the twenty (20) day response period. If a party in interest files a timely objection to the motion, the Court shall set the motion to amend and any objections thereto for hearing.

(e) Form of Order. The original order confirming the debtor's plan remains effective in all respects except as it is modified by the amended plan approved post-confirmation by the Court, unless a new confirmation order is deemed necessary.

RULE 3015-3 CHAPTER 13 – CONFIRMATION[Modified 4/1/09]

(a) Pre-Confirmation Conference with Chapter 13 Trustee. At least forty-eight (48) hours prior to the hearing on confirmation, the debtor's attorney, the debtor, if pro se, and any objector to the Chapter 13 plan are required to confer with the Chapter 13 trustee regarding the proposed plan, its feasibility and permissibility, and any objections to the proposed plan.

(b) Objections to Confirmation.

(1) Deadline for filing. Any objections to confirmation of a Chapter 13 plan shall be filed no later than seven (7) days before the hearing date on confirmation.

(2) Service of objections. An objection to confirmation shall be filed with the Court and served on the Chapter 13 trustee, the debtor, the debtor's attorney, and any other party or attorney who has filed an appearance and requested service of pleadings. The objection shall be accompanied by a certificate of service evidencing compliance with this requirement.

(c) Scope of the Confirmation Hearing.

(1) Matters for Consideration. At the hearing on confirmation of a Chapter 13 plan, the Court will consider all motions filed as part of the Chapter 13 plan [motion to modify secured claim(s), motion to avoid lien(s), and motion to assume or reject lease(s)]. In addition, the Court may consider any objections to claims, motions filed pursuant to Fed. R. Bankr. P. 4003, any applications for professional fees, and any timely filed objections to confirmation of the debtor's plan.

(2) Trustee's Recommendation. Any recommendation by the Chapter 13 Trustee that the plan under consideration be confirmed shall be made only after determining that all requirements for confirmation under 11 U.S.C. § 1325 have been satisfied.

(d) Order Confirming Chapter 13 Plan. R.I. Bankr. Form X shall serve as the form of order for all Chapter 13 confirmations, with such modifications thereof as appropriate. The Chapter 13 trustee is responsible for preparation of the proposed order confirming the plan. Service and submission of the proposed order shall be in accordance with R.I. LBR 9072-1(b).

(e) Confirmation of Plan Denied. If confirmation is denied, the Court may enter an order dismissing the Chapter 13 case, unless, within eleven (11) days after entry of the order denying confirmation:

- (1) the debtor files an amended plan;
- (2) the debtor moves to convert the case to one under another chapter of the Code;
- (3) the debtor files a motion for reconsideration;
- (4) the debtor appeals the order denying confirmation; or
- (5) the Court otherwise orders.

(f) Completion of Plan. Upon completion of the debtor(s)' confirmed plan and in compliance with 11 U.S.C. § 1328(a), the Chapter 13 Trustee's Final Report shall clearly state either:

- (1) that there were no domestic support obligations due to be paid by the debtor, or;
- (2) that there were domestic support obligations due to be paid by the debtor and those obligations are current, or;
- (3) that there were domestic support obligations owed by the debtor, that the trustee is unable to determine if they are current and the debtor has not applied for a waiver under this statute. If the trustee is unable to determine if these obligations are current, the court shall issue a Notice of Intent to Close the Case Without a Discharge unless, within ten (10) days, the debtor files documentation with the Chapter 13 Trustee that all domestic obligations are current and the Chapter 13 Trustee so notifies the court.

RULE 4001-1 RELIEF FROM AUTOMATIC STAY[Modified 4/1/09]

(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. In addition to the motion, in cases filed by individuals concerning real property where a Chapter 7 debtor has not indicated on their Individual Statement of Intention or a Chapter 13 debtor in their Chapter 13 plan, an intent to surrender the property, the moving party shall include, as an attachment to either the motion or memorandum, a completed copy of **R.I. Bank. Form R, Relief from Stay Worksheet – Real Estate**, as well as the required attachments to the motion as specified on Form R. If applicable, the motion for relief from stay must contain a conspicuous statement indicating the debtor's intent to surrender the property.

(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 thirteen (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) 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 (b) and (c).

(f) 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.

(g) 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 non-evidentiary 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 (i), three (3) business days before the final evidentiary hearing date.

(h) 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).

(i) 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.

(j) 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 prepetition 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 4002-2

ADDRESS OF COUNSEL TO THE DEBTOR[Modified 4/1/09]

Change of Attorney Address. Upon the filing of a change in an attorney’s address, or other indicia of such a change, the Clerk’s office shall forward a notice to the attorney requesting a designation of those cases that will *not* be noticed to the new address and said designation shall be filed with the Clerk within twenty (20) days thereafter. A copy of the notice will also be mailed to the attorney’s former law firm, when applicable. A Notice of Substitute Counsel must be filed for all cases listed on the designation. *See R.I. Bankr. Form P*. Said notice must be signed by the withdrawing attorney as well as the new attorney of record. If the attorney fails to

timely file the required designation, or the notice of substitute counsel, all cases in which the attorney is counsel of record will be noticed to the new address only.

RULE 5005-4 **ELECTRONIC FILING** [Modified 4/1/09]

(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 filer's 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, 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 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 an Electronic Filer may conventionally file the first document on behalf of a client in an ECF case without leave of

Court. Within twenty (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) Official Bankruptcy Form B-21; and

(4) Conventionally filed handwritten documents

(j) Original Signatures

Petitions, lists, schedules, statements, amendments, pleadings, affidavits, stipulations and other documents which must contain original signatures, documents requiring verification under FRBP 1008, and unsworn declarations under 28 U.S.C. § 1746, shall be filed electronically and bear “electronic signatures”, including the /s/. The Electronic Filer shall retain the original documents containing the original signatures for two (2) years after the case is closed. The Electronic Filer must produce all such original documents for review or filing at the request of a party in interest or upon order of the Court.

(k) Consent Motions/Joint Motions

(1) The following procedure shall be used in the case of joint or consent motions.

(A) The Electronic Filer shall initially confirm that the content of the document is acceptable to all parties intending to be bound and that all parties consent to the relief requested; and

(B) The Electronic Filer shall then file the document electronically, indicating his/her signature, e.g. “/s/ Jane Doe”, “/s/ John Doe,” etc.

(2) The following procedure shall be used in all other instances requiring consent orders and/or stipulations where two or more signatures are required, including, but not limited to Joint Pre-Trial Orders:

(A) 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.

(B) The Electronic Filer shall then file the document electronically, indicating the signatories, e.g., “/s/ Jane Doe,” “/s/ John Doe,” etc.

(C) The Electronic Filer shall retain the original documents containing the original signatures for two years 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) **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 8001-1 MANNER OF TAKING APPEAL [Modified 4/1/09]

Election to Proceed to District Court. Upon the filing of a Notice of Appeal with the Clerk of the Bankruptcy Court, an Appellant who wishes to have an appeal heard by the U.S. District Court shall also complete and file an “Election to Proceed to District Court” indicating that the

appeal is being taken to the U.S. District Court. A sample copy of an Election to Proceed to District Court is included as **R.I. Bankr. Form S** to these LBR's.

RULE 8006-1 **RECORD ON APPEAL** [Modified 4/1/09]

(a) Designated Items for Inclusion in the Record on Appeal. Parties must indicate the document number assigned by the Court's Case Management Electronic Case Filing System (CM/ECF) in each item listed in their Designation of Items to be included in the record on appeal. Parties should not file paper copies with the court unless otherwise instructed.

(b) Appeals to U.S. District Court, R.I. – Parties are directed to Local Rule 109 of the Local Rules for the U.S. District Court for the District of Rhode Island for additional appeal requirements.

RULE 9037-1 **PRIVACY PROTECTION** [Modified 4/1/09]

(a) Privacy Considerations. In compliance with the policy of the Judicial Conference of the United States, and Federal Rule of Bankruptcy Procedure 9037, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, personal data identifiers from all pleadings filed with the Court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court.

(1) Compliance with Federal Rule of Bankruptcy Procedure 9037. In compliance with FRBP 9037, a party wishing to file a document containing personal data identifiers may:

(A) file an unredacted version of the document under seal, or

(B) file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right. The unredacted version of the document or reference list shall be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy for the public file.

(2) Responsibility for redacting personal identifiers. The responsibility for redacting the personal identifiers enumerated in FRBP 9037(a) rests solely with counsel and the parties.

(3) Sua Sponte Protective Orders.

(A) Where a document has been filed that includes unredacted information as prohibited by Fed. R. Bank. P. 9037(a) or any other document which the court finds contains information protected under 11 USC 107, then cause is established and a sua sponte protective order will issue requiring either:

(i) redaction of protected information; or

(ii) limit or prohibit a nonparty's remote electronic access to the subject document

(B) All payment advices filed with the court are subject to a standing protective order limiting a nonparty's remote electronic access to the documents.

(C) All documents filed with the court which contain medical information that is considered protected under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Pub. L. No. 104-191, 110 Stat.1936 are subject to a standing protective order limiting a nonparty's remote electronic access to the documents.

(b) Compliance with Electronic Transcripts Policy. In compliance with the policy on Electronic Availability of Transcripts, included as Appendix I to these rules, access to every electronic transcript filed with the court will be available at the Clerk's office for inspection only, for a period of ninety (90) days after it is delivered to the court to allow interested parties the opportunity to review the transcript and file a Notice of Redaction requesting that personal data identifiers be redacted prior to the transcript being made available to the public. During the ninety (90) day period, a copy of the transcript may be obtained from the transcriber upon payment of the applicable fee. Attorneys who obtain transcripts from the transcriptionist may obtain remote electronic access to the transcript through the court's CM/ECF system for the purpose of creating hyperlinks to the transcript in court filing and for other purposes. After the ninety (90) day period has ended, the filed transcript will be available for inspection and copying in the Clerk's Office and from CM/ECF through PACER. It is the responsibility of the parties to monitor the docket for the filing of the transcript.

(1) Procedure for Filing a Notice of Redaction. Each party wishing to redact from a transcript, those personal data identifiers described in Fed. R. Bankr. P. 9037(a), must, within seven (7) calendar days of the filing of the electronic transcript, file with the Clerk of Court, and serve the transcriber with, a Notice of Redaction of personal data identifiers.

(2) Statement Required. Within twenty-one (21) calendar days from the filing of the transcript the party who filed a Notice of Redaction must file with the Court, and serve the transcriber with, a Statement indicating the location of the personal data identifiers, including the page and paragraph numbers of the transcript where the personal data identifiers are located.

(3) Motion for Additional Redactions to the Transcript. During the twenty-one (21) day period, an attorney may file a Motion for Additional Redactions to the transcript. The transcript shall not be electronically disseminated until the court has ruled upon any such motion.

(4) Once a transcript is redacted, access to the unredacted version of the transcript shall be permanently restricted to viewing at a public terminal in the Clerk's Office.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

NOTICE OF SUBSTITUTE COUNSEL

Attorney _____ hereby withdraws as counsel of record in the attached listed bankruptcy cases and/or proceedings, and attorney _____ hereby enters his/her appearance as substitute counsel in the attached listed bankruptcy cases and/or proceedings.

DATED:

BY WITHDRAWING COUNSEL:

Name
Firm Name:
Address:

Telephone Number:
Bar Code Number:

DATED:

BY SUBSTITUTE COUNSEL:

Name:
Firm Name:
Address:

Telephone Number:
Bar Code Number:

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

-----*

In re :

Debtor(s) : BK No.
: Chapter
:
-----*

ELECTION TO PROCEED TO DISTRICT COURT

Appeal of Order or Judgment of U.S. Bankruptcy Court, District of Rhode Island dated _____, Doc. No. _____.

APPELLANT(S)	APPELLEE(S)
Attorney (Firm Name, Address, and Telephone No.)	Attorney (If known)

I ELECT TO OPT OUT OF THE BANKRUPTCY APPELLATE PANEL FOR THE FIRST CIRCUIT AND REQUEST THAT THIS APPEAL BE HEARD BY THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND.

*Failure by the Appellant to make the above election at the time of filing the appeal, or of the Appellee, not later than 30 days after service of notice of the appeal, will result in the appeal being automatically heard by the Bankruptcy Appellate Panel for the First Circuit.

By: _____
Signature of Attorney (or Appellant/Appellee, if pro se)

Dated: _____

R.I. Bankr. Form W.1
See, R.I. LBR 3015-1
[Rev. 4/1/09]
[Required for cases filed
on or after 4/1/09]

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

IN RE: CHAPTER 13
CASE NO.

Debtor(s)

CHAPTER 13 PLAN AND APPLICABLE MOTIONS DESIGNATED BELOW:

- MOTION TO AVOID LIEN(S)
- MOTION TO MODIFY SECURED CLAIM(S)
- MOTION TO ASSUME/REJECT LEASE(S)

If you oppose any provision of this plan and/or any motions contained within, you MUST FILE A TIMELY WRITTEN OBJECTION. This plan and any motions contained within may be confirmed and become binding on you without further notice or hearing unless a written objection is filed no later than seven (7) days before the hearing date on confirmation, which is scheduled for _____.

Your objection to confirmation must include the specific reasons for your objection, and must be filed with the Court no later than seven (7) days before the hearing date on confirmation. See LBR 3015-3(b)(1). If you mail your objection to confirmation to the Court for filing, you must mail it early enough so that the Court will receive it on or before the deadline stated above. You must also serve a copy of your objection to confirmation on the debtor(s), the attorney for the debtor(s), and the Chapter 13 trustee at their addresses as they are listed in the notice of the meeting of creditors. See LBR 3015-2(c)(3).

If you or your attorney do not take these steps, the Court may decide that you do not oppose the proposed plan of the debtor(s), including any motions contained in the plan, and may enter an order confirming the plan and granting the motions. Any creditor's failure to object to confirmation of the proposed plan or any of the above checked motions shall constitute the creditor's acceptance of the treatment of its claim as proposed, pursuant to 11 U.S.C. Section 1325(a)(5)(A).

PLAN PROVISIONS

DISCHARGE: (Check one)

- The debtor will seek a discharge of debts pursuant to Section 1328(a).
- The debtor is not eligible for a discharge of debts because the debtor has previously received a discharge described in Section 1328(f).

NOTICE OF SPECIAL PROVISIONS: (Check if applicable)

This plan contains special provisions that are not included in the standard plan as approved by the U.S. Bankruptcy Court for the District of Rhode Island. Those provisions are set out in the OTHER PLAN PROVISIONS section of this plan.

I. PLAN PAYMENTS

A. Payments by the debtor of \$ ____ per month for ____ months. Pursuant to 11 U.S.C. § 1326(a)(1), unless the Court orders otherwise, the debtor shall commence making payments not later than 30 (thirty) days after the date of the filing of the plan or the order for relief, whichever is earlier.

B. In addition to the above specified plan payments, other lump sum payments from any source (describe specifically) shall be paid to the trustee as follows:

C. For amended plans:

(1) The plan payments by the debtor shall consist of the total amount previously paid (\$____) added to the new monthly payment in the amount of \$ ____ for the remaining ____ months of the plan for a total base amount, as amended, of \$____, plus other payments and property stated in Paragraph B above.

(2) The payment amount shall change effective _____.

D. Payments to the trustee shall be sent to the following address:

Office of the Standing Chapter 13 Trustee
P.O. Box 2561
Providence, Rhode Island 02906

II. ADMINISTRATIVE COSTS

A. Attorney's Fees. The attorney for the debtor(s) has received \$_____ of the total initial attorney fee of \$_____. The remainder of the initial fee shall be paid through the plan.

B. Trustee's Costs. The trustee shall be entitled to reimbursement of fees and costs up to the statutory maximum on each disbursement made by the trustee, regardless of whether it is paid prior to or following confirmation.

III. FILING OF PROOFS OF CLAIM

A. The trustee shall only distribute payments, including adequate protection payments, to creditors who have actually filed proofs of claim (including adequate proof of security) with the Court that are deemed allowed pursuant to 11 U.S.C. Section 502(a), except as set forth in Section IV B(1) below.

B. The trustee shall mail payments and provide notices to the address provided on the filed proof of claim or amended proof of claim or filed name or address change or assignment or transfer of claim filed with the Court.

IV. SECURED CLAIMS

A. Mortgages and Other Direct Payments by Debtor. Payments will be made outside the plan according to the original contract terms, with no modification of contract terms and with liens retained.

Name of Creditor	Description of Collateral	Contractual Monthly Payments	Principal Balance of Claim	Contract Rate of Interest
		\$	\$	%
		\$	\$	%
		\$	\$	%
		\$	\$	%

B. Prepetition Arrearages.

(1) For purposes of this Plan, Prepetition Arrearages shall include all sums included in the allowed claim and shall have a “0” balance upon entry of the Discharge Order in this case. In the event that a Secured Creditor listed in this section fails to timely file a proof of claim in this case, by this Plan the Debtor shall be deemed to have timely filed a proof of claim on behalf of each such Secured Creditor pursuant to 11 U.S.C. § 501(c), in the amount set forth below in paragraph (4) below.

(2) No interest will be paid on Prepetition Arrearages unless otherwise stated.

(3) Payments made by the Trustee on Debtor’s Prepetition Arrearages shall be applied **only** to those Prepetition Arrearages and not to any other amount owed by Debtor to the Secured Creditor.

(4) Information Regarding the Arrearages:

Secured Creditor	Description of Collateral Including Address	Arrearage Amount	Total to be paid in Plan
		\$	\$
		\$	

(5) If Debtor pays the amount(s) specified in section (4) (above), while making all required Post-Petition Payments (see below), Debtor’s mortgage will be reinstated according to its original terms,

extinguishing any right of the Secured Creditor to recover any amount alleged to have arisen prior to the filing of Debtor's petition.

Check if applicable:

[] **Motion to Modify Secured Claims**

The debtor(s) hereby moves the Court to value the collateral of each of the creditors described in Section C below (except those creditors whose claims are classified to be paid directly or to be paid in full by the Chapter 13 Trustee where Section 506(a) does not apply) at the collateral value stated. To the extent that the amount of the debt of any such creditor exceeds the stated collateral value, the debtor(s) hereby moves the Court that said difference be treated in the Chapter 13 plan as a general unsecured claim without priority. The debtor(s) further moves the Court that the lien of each creditor listed upon the collateral listed herein above be satisfied upon payment of the collateral value and the issuance of the debtor(s) discharge.

Pursuant to R.I. LBR 3015-1(c)(1), if the plan includes a motion to modify secured claim, the plan must be served on the lienholder by first class and certified mail.

C. Secured Claims Paid According to Modified Terms. These amounts will be paid in the plan according to modified terms, and liens retained until entry of discharge. The excess of the creditor's claim will be treated as an unsecured claim. Any claim listed as "NO VALUE" in the "Modified Principal Balance" column below will be treated as an unsecured claim. **THE LIENS WILL BE AVOIDED OR LIMITED IN THE PLAN OR AN ADVERSARY ACTION WILL BE FILED UNDER SECTION 506(a) TO DETERMINE THE EXTENT, VALIDITY, AND PRIORITY OF THE LIEN (Select method in last column):**

Name of Creditor	Description of Collateral including Address and whether a Primary Residence	Value of Collateral	Modified Principal Balance	Interest Rate	Total Plan Payments	Mortgage Position (1 st , 2 nd , 3 rd)	Is Appraisal attached to Plan?	Plan* or Adversary Action?
		\$	\$	%	\$			
		\$	\$	%	\$			
		\$	\$	%	\$			
		\$	\$	%	\$			

*** PLAN INDICATES THAT THE DEBTOR PROPOSES TO AVOID OR LIMIT THE LIEN OF THE CREDITOR IN THIS PLAN. CONFIRMATION OF THE PLAN SHALL CONSTITUTE A FINDING OF VALUATION PURSUANT TO SECTION 506(a). NO ADVERSARY COMPLAINT OR FURTHER MOTION WILL BE FILED AND THE LIEN WILL BE AVOIDED. IF THE CREDITOR WISHES TO CONTEST THE AVOIDANCE OF THE LIEN, THE CREDITOR MUST FILE AN OBJECTION TO THE ABOVE MOTION TO MODIFY SECURED CLAIM AND THIS PLAN. OTHERWISE CONFIRMATION OF THE PLAN WILL AVOID THE LIEN.**

D. Surrender of Collateral

Name of Creditor	Description of Collateral to be Surrendered

Check if applicable:

[] **Motion to Avoid Judicial Liens**

Judgments were obtained by the creditors listed below in cases before the Rhode Island State Courts, and said judgments have been recorded in the Registry of Deeds in the respective city or town hall as follows:

<u>Creditor</u>	<u>Judgment Book And Page</u>	<u>Registry</u>	<u>Judgment Date</u>	<u>Date of Recording</u>	<u>Amount</u>
-----------------	-----------------------------------	-----------------	----------------------	--------------------------	---------------

- 1.
- 2.

The above-stated judgments created liens on the real property in which the debtor(s) has an interest, which real property is more specifically described as _____. The value of the debtor(s)'s interest in this real property is \$_____. The aforesaid liens constitute judicial liens under 11 U.S.C. Section 522(f)(1). The property which this judicial lien encumbers is property which the debtor(s) is entitled to exempt under 11 U.S.C. Section 522 and the claimed amount of this exemption is \$_____. The existence of this judicial lien impairs the exemption to which the debtor(s) is entitled under R.I.G.L. 9-26-4 or as otherwise applied under applicable state law.

The debtor(s) respectfully moves the Court to issue an order avoiding the judicial liens upon the real property described herein, effective upon discharge.

Pursuant to R.I. LBR 4003-2 if the plan includes a motion to avoid lien it must be served on the lienholder and lienholder's counsel.

E. Lien Avoidance. The debtor moves to avoid the liens of the following creditors pursuant to Section 522(f):

Name of Creditor	Description of Collateral

V. PRIORITY CLAIMS

PRIORITY CLAIMS. All claims entitled to priority under 11 U.S.C. Section 507 and 1322 shall be paid in full in deferred cash payments, except for priority claims under Section 507(a)(1)(B), unless the holder of the particular claim agrees to a different treatment of such claim.

A. Domestic Support Obligations (“DSOs”) All postpetition DSOs, including postpetition DSOs assigned to a governmental unit, will be paid directly to the holder by the debtor(s) or to the assignee of the claim and not through the Chapter 13 Trustee unless otherwise specified under the “Other Plan Provisions” section of the plan.

1. None

2. DSO applies.

B. DSO Prepetition Arrearages Owed to DSO Holders Under 11 U.S.C. Section 507(a)(1)(A), or assigned to a governmental unit, to be paid in full through the Chapter 13 plan.

1. None

2. Name of holder

Amount of Arrearage

(i)

(ii)

C. Priority Claims Other Than DSOs.

All priority claims other than DSOs shall be paid in full on a pro rata basis after the payment in full of all DSO priority claims.

(1) None

(2) The names and amounts of all claims entitled to priority under 11 U.S.C. Section 507, other than DSOs:

Name

Claim Amount

(i)

(ii)

VI. UNSECURED CLAIMS

General Unsecured Claims Not Separately Classified. General unsecured claims shall be paid on a pro rata basis with payments to commence after the payment of all administrative, secured and priority unsecured claims in full.

A. Claims of Unsecured Nonpriority Creditors Specially Classified. Includes unsecured claims, such as co-signed unsecured debts, that will be paid in full even though all other unsecured claims may not be paid in full.

Name of Creditor	Reason for Special Classification	Amount of Claim	Interest Rate	Total Payment

B. Claims of General Unsecured Creditors. The debtor estimates that a total of \$_____ will be available for distribution to unsecured creditors on a pro rata basis, which represents an estimated dividend of _____ % of their claims. This percentage is for calculation purposes only. The Plan provides for a specific set amount to be paid into the plan, not a percentage of the debt. The debtor calculates that a minimum of \$_____ must be paid to unsecured creditors in order to comply with the liquidation test for confirmation and the debtor calculates that a minimum of \$_____ must be paid to unsecured, non-priority creditors in order to comply with the Means Test.

Check if applicable:

[] **Motion to Assume or Reject Executory Contracts and Unexpired Leases**

A. The debtor(s) moves to assume or reject the following executory contracts and unexpired leases. If assumed, payments due after the filing of the case will be paid directly by the debtor(s) rather than by the trustee.

B. Unless otherwise provided, the debtor(s) proposes to promptly cure any pre-bankruptcy defaults on the assumed leases or contracts over a period of _____ months, with said payments to be made by the trustee.

<u>Creditor</u>	<u>Assume or Reject</u>	<u>If Assumed, Amount of Arrearage paid in Plan</u>
1.		
2.		

VII. EXECUTORY CONTRACTS AND UNEXPIRED LEASES

EXECUTORY CONTRACTS AND UNEXPIRED LEASES. The following executory contracts and unexpired leases are assumed (and pre-petition arrears to be cured in the plan) or rejected (so indicate):

Name of Creditor	Description of Collateral	Monthly Payment	Interest Rate	Pre-petition Arrears	Total Payment	Assume/Reject
		\$	%	\$	\$	
		\$	%	\$	\$	

VIII. CALCULATION OF PLAN PAYMENT

A. Secured claims (Section IV Total): \$ _____

B. Priority claims (Section V Total): \$ _____

C. Administrative claims (Section II Total): \$ _____

D. General unsecured claims (Section VI Total): \$ _____

E. Separately classified unsecured claims

(Section IV A Total): \$ _____

F. Total of (A) through (E) above: \$ _____

G. Divide (F) by .90 for total cost including Chapter 13 trustee's fee (this represents the total amount to be paid into the Chapter 13 plan:

Total Cost of Plan: \$ _____

H. Divide (G) Cost of Plan by Term of Plan: _____ months

I. Round up to nearest dollar:

Monthly Plan Payment: \$ _____ (enter this amount on page 2)

IX. LIQUIDATION ANALYSIS

A. Real Estate:

Address	Fair Market Value Recorded	Liens (Schedule D)
---------	----------------------------	--------------------

_____	\$ _____	\$ _____
-------	----------	----------

_____	\$ _____	\$ _____
-------	----------	----------

Total Net Equity in Real Property: \$ _____

Less Exemptions (Schedule C): \$ _____

Amount Available in a Chapter 7: \$ _____

B. Automobile (Describe year, make and model):

_____	Value \$ _____	Lien \$ _____	Exemption \$ _____
-------	----------------	---------------	--------------------

_____	Value \$ _____	Lien \$ _____	Exemption \$ _____
-------	----------------	---------------	--------------------

Net Value of Equity: \$ _____

Less Exemptions (Schedule C): \$ _____

Available Chapter 7: \$ _____

C. All Other Assets (all remaining items on Schedule B): (Itemize as necessary)

Value: \$ _____ Less Exemptions (Schedule C): \$ _____

Available Chapter 7: \$ _____

SUMMARY (Total amount available under Chapter 7) -- calculated based upon Net Equity (A and B) plus Other Assets (C) less any claimed exemptions:

TOTAL AMOUNT AVAILABLE UNDER CHAPTER 7: \$ _____

Additional Comments regarding Liquidation Analysis:

X. GENERAL PROVISIONS

1. Unless otherwise ordered, any creditor holding a claim secured by property which is removed from the protection of the automatic stay, whether by judicial action, voluntary surrender, or through operation of the plan, will receive no further distribution from the trustee, unless an itemized proof of claim for any deficiency is filed within one-hundred twenty (120) days (or such other period as the Court orders) after the removal of the property from the protection of the automatic stay. For purposes hereof, the removal date shall be the date of the entry of the order confirming the plan, modifying the plan, or granting relief from stay, as applicable. This also applies to creditors who may claim an interest in, or lien upon, property which is removed from the protection of the automatic stay of another lien holder or released to another lien holder.

2. If a claim is listed in the plan as secured and the creditor files a proof of claim as an unsecured creditor, the creditor shall be treated as unsecured for purposes of distribution and for any other purpose under the plan.

3. Unless otherwise ordered by the Court, all property of the estates as defined in 11 U.S.C. §§ 541 and 1306, including, but not limited to any appreciation in the value of real property owned by the Debtor(s) as of the commencement of the case, shall remain property of the estate during the term of the Plan and shall vest in the Debtor(s) only upon closing of the case. All property of the estate shall remain within the exclusive jurisdiction of the Bankruptcy Court.

4. Confirmation of the plan shall impose a duty on the holders and/or servicers of claims secured by liens on real property to apply the payments received from the trustee on the prepetition arrearages, if any, only to such arrearages; to deem the prepetition arrearages as contractually cured by confirmation; to apply the direct mortgage payments, if any, paid by the trustee or by the debtor(s) to the month in which they were made under the plan or directly by the debtor(s), whether such payments are immediately applied to the loan or placed into some type of suspense account; to notify the trustee, the debtor(s) and the attorney for the debtor(s) of any changes in the interest rate for an adjustable rate mortgage and the effective date of the adjustment; to notify the trustee, the debtor(s) and attorney for the debtor(s) of any change in the taxes and insurance that would either increase or reduce the escrow portion of the monthly mortgage payment; and to otherwise comply with 11 U.S.C. Section 524(i).

5. All contractual provisions regarding arbitration or alternative dispute resolution are rejected in connection with the administration of this Chapter 13 case.

XI. ADDITIONAL CREDITOR DUTIES

Additional Terms Applicable to Creditors

1. Notice of Contract Change.

(A) Pursuant to R.I. LBR 3002-1(c)(1) at any time during the pendency of Debtor's case, a Creditor must file on the Claims Register and serve upon the Trustee, Debtor, and Debtor's counsel (if applicable), at least thirty (30) days before the change is to take place, or a payment at a new amount is due, a notice (the "Notice of Contract Change") outlining any change(s) in the amount owed by Debtor under any Agreement, including any change(s) in the interest rate, escrow payment requirement, insurance premiums, change in payment address or other similar matters impacting the amount owed by Debtor under such Agreement (each a "Contract Change"). Additional amounts owed by the Debtor due to a Contract Change **may be disallowed by the Court** to the extent the amounts (i) were not reflected in a Notice of Contract Change filed as required by this subsection, and (ii) exceed the amount set forth in the proof of claim filed by the Creditor or deemed filed under this Plan.

(B) Within thirty (30) days of receipt of the Notice of Contract Change (defined above), Debtor shall either adjust the Post-Petition Payment to the amount set forth in the Notice of Contract Change, or file a motion with the court, objecting to the payment amount listed in the Notice of Contract Change and the stated reasons for the objection.

2. Notice of Outstanding Obligations.

(A) Pursuant to R.I. LBR 3002-1(c)(1) at any time during the pendency of the Debtor's case, a Creditor shall file on the Claims Register and serve upon the Trustee, Debtor, and Debtor's counsel (if applicable) a notice containing an itemization of any obligations arising after the filing of this case that the Creditor believes are recoverable against the Debtor or against the Debtor's property (the "Outstanding Obligations"). Outstanding Obligations include, but are not limited to, all fees, expenses, or charges incurred in connection with any Agreement, such as any amounts that are due or past due related to unpaid escrow or escrow arrearages; insurance premiums; appraisal costs and fees; taxes; costs associated with the maintenance and/or upkeep of the property; and other similar items. Within sixty (60) days after the date such Outstanding Obligations were incurred, a Notice of Outstanding Obligations shall be filed on the Claims Register, sworn to by the Creditor pursuant to 28 U.S.C. § 1746, referencing the paragraph(s) (or specific section(s) and page number(s)) in the Agreement that allows for the reimbursement of the services and/or expenses. **This subsection will not apply to the extent that the court has previously approved a Creditor's outstanding obligations pursuant to a Court order or conditional order.**

(B) The Debtor reserves the right to file a motion with the court within sixty (60) days following the filing of a notice of outstanding obligations, objecting to the amounts listed in the Notice of Outstanding Obligations and stating the reasons for the objection. The bankruptcy court shall retain jurisdiction to resolve disputes relating to any Notice of Outstanding Obligations.

3. Application for Reimbursement of Costs and Fees of Professionals.

Pursuant to Bankruptcy Rule 2016 and Local Rule 2016-1(d), a Creditor must file an application with the court no less than on an annual basis if it wishes to be compensated from the Debtor or the estate for services rendered or expenses incurred by its professionals [attorneys, accountants, appraisers, auctioneers, or other professional persons], after Debtor's filing of this Petition and before the issuance of the Notice of Discharge. The application shall include a detailed statement setting forth (1) the services rendered, time expended and expenses incurred during the previous 12 month period, and (2) the amounts requested. The application shall include a statement sworn to by the Creditor pursuant to 28 U.S.C. §

1746 that references the paragraph number(s) (or specific section(s) and page number(s)) in the Agreement that allows for the reimbursement of the services and/or expenses. A Creditor may request approval of multiple fees and expenses in a single application, and any application under this subsection must be filed on an annual basis to include all services rendered during the previous 12 month period. A final application under this subsection must be filed not later than thirty (30) days after the issuance of the Notice of Discharge in this case. **Failure to comply with the provisions in this subsection may result in disallowance by the Court of such fees and expenses.** The Debtor reserves the right to object to any application filed under this subsection. **This subsection will not apply to the extent that the court has previously approved a Creditor's fees or expenses pursuant to a Court order or conditional order.** The bankruptcy court shall retain jurisdiction to resolve disputes relating to any fee applications filed pursuant to this subsection.

XII. ADDITIONAL DEBTOR DUTIES

1. Insurance. Debtor shall maintain insurance as required by law, contract, security agreement or Order of this court.
2. Payment Records to Trustee. Debtor shall keep and maintain records of payments made to Trustee.
3. Payment Records to Secured Creditor(s). Debtor shall keep and maintain records of post-petition payments made to Secured Creditor(s).
4. Domestic Support Obligation(s). Under 11 U.S.C. § 1325(a)(8) and § 1328(a), if the debtor owes domestic support obligations, whether owed at the time of filing or incurred during the pendency of the bankruptcy case, the debtor must file a certification with the Chapter 13 Trustee stating that all such payments due under the plan have been paid before a discharge order may enter. Debtor shall maintain a record of all domestic support obligation payments paid directly to the recipient pursuant to a separation agreement, divorce decree, applicable child support collection unit order or other court's order.
5. Change in Address. Debtor must notify the court and the Trustee if the address or contact information changes during the pendency of the case. Notification must be made in writing within fifteen (15) days of when the change takes place.
6. Disposal of Property. The Debtor(s) shall not transfer, sell, encumber, or otherwise alienate property of the estate with a value of more than \$1,000 other than in accordance with the confirmed Plan or other order of the Bankruptcy Court. The Debtor shall be responsible for preserving and protecting all property of the estate.

XIII. OTHER PLAN PROVISIONS

LOSS MITIGATION: (Optional)

This section applies only to the Debtor's Real Property Used as a Principal Residence.

By checking this box, the Debtor expresses an interest in discussing loss mitigation (such as a loan modification, loan refinance, short sale, or surrender in full satisfaction) concerning the Debtor's Real Property Used as a Principal Residence. List the property and/or the Secured Creditor(s) below:

The Debtor hereby permits the Secured Creditor(s) listed above to contact (check all that apply):

- The Debtor directly.
- Debtor's bankruptcy counsel.
- Other: _____

(Debtor is not required to dismiss this bankruptcy Petition during the loss mitigation discussions. Any agreement reached during the loss mitigation discussions may be approved pursuant to an amended plan, and the terms may be set forth in Section XII, below.)

PLAN SERVICE AND SIGNATURES:

Pursuant to the R.I. LBR 3015-1(b), the Debtor or his/her counsel is required to serve a copy of the Chapter 13 Plan upon the Chapter 13 Trustee, all creditors and interested parties, and to file a certificate of service accordingly. In addition, if the Debtor has included a Motion to Modify Secured Claim and/or a Motion to Avoid Lien in this plan, the Debtor must also comply with the service requirements contained in R.I. LBR's 3015-1 and 4003-2.

Debtor's counsel

Date

Address _____

Telephone #: _____

I/We declare under penalty of perjury that the information provided in the Chapter 13 Plan, including any applicable Motion(s) to Modify Secured Claims; Motion(s) to Avoid Certain Liens; Motion to Value Collateral; and Motion(s) for Assumption and Rejection of Executory Contracts and Unexpired Leases, as to all matters set forth herein, are true and correct to the best of our knowledge and belief:

Debtor

Date

Joint Debtor

Date

R.I. Bankr. Form W.2

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

IN RE: CHAPTER 13
CASE NO.

Debtor(s)

_____ [indicate 1st, 2nd, 3rd, etc.]

AMENDED CHAPTER 13 PLAN AND APPLICABLE MOTIONS DESIGNATED BELOW:

- This amended plan: Does adversely affect creditors or is filed after the 341 meeting.
 Does *not* adversely affect creditors and is filed prior to the 341 meeting.

Check for motions applicable to this plan amendment:

- () Motion to Avoid Lien(s)
- () Motion to Modify Secured Claim(s)
- () Motion to Assume/Reject Lease(s)
- () No motions applicable to this plan amendment

This amended plan amends a previous plan filed on _____.

If applicable, on _____, Debtor's original Chapter 13 plan was confirmed.
[date confirmed]

This Amended Chapter 13 Plan, including certain motions and other provisions, is hereby **amended**
as follows:

TAKE NOTICE: Your rights may be affected. You should read this amendment to the Chapter 13 Plan carefully, including any motions contained therein, and discuss them with your attorney, if you have one, in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you object to the confirmation of the proposed plan of the debtor(s) as amended, including any of the motions included therein, then you or your attorney must file with the Court a written objection to confirmation and/or to the motions contained therein at the following address:

Clerk, U.S. Bankruptcy Court, 380 Westminster St., Providence, R.I., 02903

OBJECTIONS: Your objection to confirmation and/or to the motions contained in the plan must include the specific reasons for your objection, **and must be filed with the Court no later than seven (7) days before the confirmation hearing, or within twenty (20) days of service of the amendment, whichever is greater**, and applicable.

If you mail your objection to confirmation to the Court for filing, you must mail it early enough so that the Court will receive it on or before the deadlines stated above. You must also serve a copy of your objection to confirmation, and any applicable motions contained therein, on the debtor(s), the attorney for the debtor(s), and the Chapter 13 trustee at their addresses as they are listed in the notice of the meeting of creditors.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the proposed plan of the debtor(s) as amended, including any motions contained therein, and may enter an order confirming the amended plan and granting the motions. **Any creditor's failure to object to confirmation of the proposed plan as amended shall constitute the creditor's acceptance of the treatment of its claim as proposed, pursuant to 11 U.S.C. Section 1325(a)(5)(A).**

PLAN SERVICE AND SIGNATURES:

Pursuant to the R.I. LBR 3015-1(b), the Debtor or his/her counsel is required to serve a copy of the Chapter 13 Plan upon the Chapter 13 Trustee, all creditors and interested parties, and to file a certificate of service accordingly. In addition, if the Debtor has included a Motion to Modify Secured Claim and/or a Motion to Avoid Lien in this plan, the Debtor must also comply with the service requirements contained in R.I. LBR's 3015-1(c)(1) and 4003-2.

I/We declare under penalty of perjury that the information provided in the Amended Chapter 13 Plan, including any applicable Motion(s) to Modify Secured Claim(s); Motion(s) to Avoid Certain Lien(s); and Motion(s) for Assumption and Rejection of Executory Contracts and Unexpired Lease(s), as to all matters set forth herein, are true and correct to the best of our knowledge and belief:

Dated _____

Debtor's Signature

Dated _____

Joint Debtor's Signature

I hereby certify that I have reviewed this document with the debtor(s) and that the debtor(s) have received a copy of this document.

Dated _____

Attorney for the Debtor

UNITED STATES BANKRUPTCY COURT
 FOR THE DISTRICT OF RHODE ISLAND

----- X
 In re: :
 : BK No.
 Debtor(s) : Chapter 13
 ----- X

ORDER CONFIRMING CHAPTER 13 PLAN

The Debtor(s) filed a Chapter 13 Plan (The “Plan”) on_____. The Debtor(s) filed a Certificate of Service on _____, reflecting that the Plan and any applicable motions were served on all creditors and parties-in-interest. No objections to the confirmation of the plan or motions were filed, or all objections were overruled by the Court or resolved by the parties. Upon consideration of the foregoing, the Court hereby orders the following:

1. The Plan is confirmed. The term of the Plan is _____ months.

2. The motion to modify the secured claim for:

Creditor:_____ is GRANTED DENIED.
 Creditor:_____ is GRANTED DENIED.
 Creditor:_____ is GRANTED DENIED.
 Not applicable

3. The motion to avoid the lien for:

Creditor:_____ is GRANTED DENIED.
 Creditor:_____ is GRANTED DENIED.
 Creditor:_____ is GRANTED DENIED.
 Not applicable

4. The motion to assume or reject leases for:

Creditor:_____ is GRANTED DENIED.
 Creditor:_____ is GRANTED DENIED.
 Creditor:_____ is GRANTED DENIED.
 Not applicable

5. The employer of the Debtor_____ , (or in appropriate cases, the Debtor)_____ shall deduct from the wages of the Debtor and forward to the Office of

the Standing Chapter 13 Trustee, P.O. Box 2561, Providence, Rhode Island 02906, the sum of \$_____ per _____ for _____.

6. The effective date of confirmation of the Plan is_____.
7. The disbursements to be made by the Chapter 13 Trustee pursuant to the confirmed Plan are set forth on the attached summary which is incorporated herein by reference.
8. Unless otherwise ordered by the Court, all property of the estate as defined in 11 U.S.C. §§ 541 and 1306, including, but not limited to any appreciation in the value of real property owned by the Debtor(s) as of the commencement of the case, shall remain property of the estate during the term of the Plan and shall vest in the Debtor(s) only upon closing of the case. All property of the estate shall remain within the exclusive jurisdiction of the Bankruptcy Court.
9. The Debtor(s) shall not transfer, sell, encumber, or otherwise alienate property of the estate other than in accordance with the confirmed Plan or other order of the Bankruptcy Court. The Debtor shall be responsible for preserving and protecting all property of the estate.
10. The Court may, from time to time during the period of the Plan, increase or reduce the amount of the payments provided by the Plan, where it shall be made to appear at a hearing upon such notice as the Court may designate, that the circumstances so warrant or so require.
11. The Debtor shall inform the Trustee of any increase he/she receives in salary or in income.
12. The Trustee shall pay the remaining balance due to any creditor when that balance due is \$25.00 or less.
13. Under 11 U.S.C. § 1325(a)(8) and § 1328(a), if the Debtor owes domestic support obligations, whether owed at the time of filing or incurred during the pendency of the bankruptcy case, the Debtor must file a certification with the Chapter 13 Trustee stating that all such payments due under the plan have been paid before a discharge order may enter.
14. Upon completion of the plan, discharge shall enter unless: (a) after motion and hearing the Court determines that the Debtor is not entitled to one pursuant to 11 U.S.C. § 1328(h), or; (b) the Debtor is otherwise not entitled to one pursuant to 11 U.S.C. § 1328.
15. The plan meets all of the requirements set forth in 11 U.S.C. § 1325(a).
16. This order is effective for the plan confirmed on _____ as well as any amended plan approved by the Court, post confirmation, upon the entry of an order granting a Motion to Approve a post confirmation plan, unless a new order is deemed necessary.

ORDER:

ENTER:

Deputy Clerk

Arthur N. Votolato
U.S. Bankruptcy Judge
Date:

Entered on: