

**AMENDMENTS TO THE RHODE ISLAND BANKRUPTCY COURT'S
LOCAL RULES, EFFECTIVE DECEMBER 1, 2010**

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RULE 1002-1 PETITION - GENERAL [Modified 12/1/10]

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(1) Mailing Format. In accordance with the filing requirements set forth by Fed. R. Bankr. P.1002, 1003, and 1007, the debtor shall file with the petition a list of creditors ~~listing~~ **including** the name and address of each creditor shown on the debtor's schedules in the format prescribed by the clerk's office and designated as Amended R.I. Bankr. Form A in all conventionally filed cases, and in cases filed electronically if the list of creditors is not filed with the petition. Unless leave of court is obtained, in all chapter 7, 11, 12 and 13 cases, the ~~list of~~ creditors **list** shall be submitted on a computer diskette as set forth in the "Instructions for Submission of the List of Creditors on Computer Diskette", designated as Amended Bankr. Form A. Failure to correctly conform to the requirements detailed in Amended Bankr. Form A will result in the automatic issuance of a seven (7) day Order to file Missing Documents and Notice of Automatic Dismissal for Non-Compliance.

(2) Required Addresses. Except as provided below, the creditor list shall include the names and addresses (including zip codes) of all known creditors and parties in interest. The name and address of: (a) the debtor(s); (b) the debtor(s)' attorney; (c) the United States trustee; and (d) the Rhode Island Division of Taxation, should not be included on the creditor list because information pertaining to them will **automatically** be added to the list of creditors and/or case ~~automatically~~ by the Court.

(3) Incorrect Address; Returned Mail. It is the responsibility of the debtor to ensure that all addresses set forth on the creditor list are accurate and complete, and that they conform to the addresses set forth on the schedules. If a mailing based on the creditor list is undeliverable by the post office, the mailing will be returned by the post office directly to the debtor's attorney, or debtor, if pro se, and it will be debtor's responsibility to re-mail the document(s). Upon re-mailing, the debtor is also required to file with the Clerk the updated address(es) and a certificate of service of the mailing.

(4) Involuntary Cases. In involuntary cases, the creditor list shall be filed within ~~fourteen~~ **seven** (14 7) days of the entry of the order for relief. The creditor list shall be prepared and filed by the debtor unless the Court orders otherwise.

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(d) Foreign Country Creditor or Party. In any bankruptcy case that includes creditors or parties in ~~any~~ a foreign country, the debtor or such other party specified in R.I. LBR 1002-1(c)(4) shall supply the clerk's office with properly addressed envelopes containing the correct postage affixed thereto, to insure that the mailing reaches the addressees in the foreign country.

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RULE 1007-1 LISTS, SCHEDULES AND STATEMENTS; TIME LIMITS; ORDER TO FILE MISSING DOCUMENTS AND NOTICE OF AUTOMATIC DISMISSAL FOR NON-COMPLIANCE; NOTICE IN CHAPTER 11 [Modified 12/1/10]

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(c) Filings Subject to Fourteen (14) Day Filing Deadline: The following, as applicable to the case and chapter, are required to be filed within fourteen (14) days of the bankruptcy filing, or any authorized extension thereof, or will be subject to the procedures set forth in subparagraph (d) below and R.I. LBR 1017-2:

- (1) Schedules A through J;
- (2) Statement of Financial Affairs;
- (3) Summary of Schedules and Statistical Summary of Certain Liabilities and Related Data (28 U.S.C. § 159);
- (4) Statement of Executory Contracts;
- (5) Attorney fee disclosure statement;
- (6) All required declarations having been properly executed;
- (7) The Chapter 13 plan (R.I. Bankr. Form W.1); and/or
- (8) The Chapter 13 agreement (R.I. Bankr. Form V);
- (9) Chapter 11 Exhibit A;
- (10) Chapter 11 twenty (20) largest unsecured creditors;
- (11) Official Bankruptcy Form 22 (either A, B, or C) - Statement of Current Monthly Income;
- (12) In Chapter 7, Completed Checkbox on Form 22A re: Presumption of Abuse;
- (13) Copies of ~~payment advices~~ *pay stubs* for 60 days before the filing of the petition;

(14) Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer (Form 19B);

~~(15) Certification of Pro Se Debtor;~~

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

(d) Order to file Missing Documents and Notice of Automatic Dismissal for Non-Compliance (Lack of Prosecution) Procedure for Issuance of Order to file Missing Document and Notice of Automatic Dismissal for Non-Compliance. In all voluntary cases, where the petition is not accompanied by the required schedules, statements, and other documents, pursuant to Fed. R. Bankr. P. 1007, 1008, 2016, and 3015, and R.I. LBR 1002-1, 1007-1 and 5005-4, the debtor shall file such missing documents according to the time limits imposed by federal or local rule, or, if cause exists, move within that time for an order extending the time to make the required filings. Upon filing the petition, the debtor will receive an Order to file Missing Documents and Notice of Automatic Dismissal for Non-Compliance indicating which documents are missing and giving the debtor either seven (7) days or fourteen (14) days *from filing* to file the required documents, *as if* applicable. If, after the expiration of the stated time period, or any court authorized extension thereof, the debtor fails to ~~file the required documents~~ *achieve compliance with the foregoing*, the case will be automatically dismissed without further notice. In the absence of a showing to the contrary, any such dismissal shall be presumed to be a willful failure within the meaning of 11 U.S.C. § 109(g), with a 180-day bar to refile a petition. See also, R.I. LBR 1017-2.

(e) Notice to Disputed, Contingent or Unliquidated Creditors in Chapter 11 Cases. The debtor in each chapter 11 case shall serve R.I. Bankr. Form B on each creditor whose claim is listed on the schedules as disputed, contingent or unliquidated, within fourteen (14) days after filing the schedules of liabilities, or within fourteen (14) days of adding such creditors to previously filed schedules. The notice ~~must advise~~ *will inform* such creditors of the right to file proofs of claim and that failure to do so shall prevent them from voting upon the plan or participating in any distribution thereunder. Within fourteen days of service, a certificate evidencing compliance with this LBR shall be filed with the Clerk.

RULE 1009-1 AMENDMENTS OF PETITIONS, LISTS, SCHEDULES AND STATEMENTS [Modified 12/1/10]

(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 ~~paper~~ *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 document 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, *creditors*, 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 creditor mailing list 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 *upon the added creditors* 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 *added* creditor of its right to file complaints *or motions* 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, *motions*, 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 *the* 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 *or motions* 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 *or motions* become final.

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

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

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

(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 4004-1 GRANT OR DENIAL OF DISCHARGE [Modified 12/1/10]

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(b) Failure to File Financial Management Certificate (Official Form 23). If, after expiration of the objection to discharge deadline, or after the last payment required by the plan in a Chapter 13 case, *or an individual Chapter 11 case*, or any Court authorized extension thereof, the certificate is not filed, the case shall be automatically closed without the issuance of the discharge order, and a notice informing interested parties shall be issued in accordance with Fed. R. Bankr. P. 4006.

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