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RULE 1007-1 - LISTS, SCHEDULES AND STATEMENTS; TIME LIMITS; ORDER TO FILE MISSING DOCUMENTS AND NOTICE OF AUTOMATIC DISMISSAL FOR NONCOMPLIANCE; NOTICE IN CHAPTER 11 [Modified 10/3/16]

(a) **Certification of Pro Se Debtor Required.** All pro se debtors are required to complete at the time of filing the petition, a certification listing the names, addresses and amounts paid to persons who assisted with the bankruptcy filing, using R.I. Local Form 1007-1.2.

(b) **Filings Subject to Seven (7) Day Filing Deadline.** The following, as applicable to the case and chapter, are required to be filed within seven (7) days of the bankruptcy filing or any authorized extension thereof, or will be subject to the procedures set forth in subparagraph (d) below and R.I. LBR 1017-2:

- (1) Creditor Mailing List (names and addresses).
- (2) Official Form 121 - Statement of Social Security Number. Form 121 shall be filed in all cases as a separate private event (not combined with the bankruptcy petition or schedules) and will be restricted from public access.
- (3) Debtor's Mailing Address
- (4) Official Form 101 Part 5, Question 15, and, if applicable, a Certificate of Credit Counseling, or a Motion for Waiver of Credit Counseling Briefing and/or Financial Management Course, R.I. Local Form 1007-1.4, or Statement of Exigent Circumstances, R.I. Local Form 1007-1.3.
- (5) Application for Individuals to Pay the Filing Fee in Installments, if applicable.
- (6) Application to Have the Chapter 7 Filing Fee Waived, if applicable.

(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/B through J2, as applicable;
- (2) Statement of Financial Affairs;
- (3) Summary of Assets and Liabilities and Certain Statistical Information (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. Local Form 3015-1.1); and/or
- (8) The Chapter 13 agreement (R.I. Local Form 2083-1);
- (9) Chapter 11 Exhibit A;
- (10) Chapter 11 twenty (20) largest unsecured creditors;
- (11) Applicable Means Test Forms [B122A-1 through B122C-2];
- (12) Copies of pay stubs for sixty (60) days before the filing of the petition;
- (13) Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer (Form 119);
- (14) Certificate of Credit Counseling if Official Form 101, Part 5, Question 15 box #2 applies.

(d) Order to File Missing Documents and Notice of Automatic Dismissal for Noncompliance (Lack of Prosecution) Procedure for Issuance of Order to File Missing Documents and Notice of Automatic Dismissal for Noncompliance. 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, if applicable. If, after the expiration of the stated time period, or any court authorized extension thereof, the debtor fails to 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. Local Form 1007-1.1 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 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 (14) 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

(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 and applicable means test forms [B122A-1 through B122C-2] shall be filed with the Clerk.

The amended document shall be marked, "Amended" and shall either: (1) clearly identify the amendment through the use of highlighting emphasis such as: asterisks, underlined, italics or bold to identify the added or changed information; or (2) include all of the items from the original document along with the amended items and include an addendum document listing only the information that has been amended on the applicable schedule/statement/summary/means test form. If filed electronically, the addendum shall be included as an attachment to the amended schedule event. 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, 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, prepetition creditors not previously included on the mailing creditor 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) in a conventionally filed case (not electronically filed), 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(c);

(B) serve upon the added creditors a copy of the Notice of Section 341 meeting of creditors and if applicable, a copy of the Notice to File Claims;

- (C) Serve R.I. Local Form 1009-1.1, "Notice to Added Creditors of Pending Bankruptcy and Applicable Case Deadlines and Certificate of Service", informing the added creditor of its right to file complaints under 11 U.S.C. §§ 523 and 727, if applicable, 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 and a copy of the completed R.I. Local Form 1009.1-1 with the Court acknowledging compliance with this local rule.
- (2) The extensions of deadlines granted by this LBR shall apply only to creditor(s) 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) Sixty (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 list of creditors shall be filed with the amended creditor list, except when a party is ordered to file an amended master mailing list upon approval of a Motion for Joint Administration pursuant to R.I. LBR 1019-1.
 - (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 disk containing only the names and addresses of the added creditors. See R.I. LBR 1002-1(c).

RULE 8009-1 RECORD ON APPEAL [Modified 10/3/16]

- (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.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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In re: :
: BK No.
Debtor(s) : Chapter
:
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**DEBTOR’S MOTION FOR WAIVER OF CREDIT COUNSELING
BRIEFING AND/OR FINANCIAL MANAGEMENT COURSE**

I/We, the debtor(s) in this case, certify under penalty of perjury as follows:

I/We move for a waiver of the requirements to receive a credit counseling briefing (11 U.S.C. §109(h)) and/or () [check if applicable] complete a personal financial management course (11 U.S.C. §727(a)(11)) because [Check and fully complete the paragraph that applies]:

__ I am/We are incapacitated or disabled, as defined in 11 U.S.C. §109(h)(4)¹, as follows (describe fully) (If available, a copy of a medical or judicial determination of incapacity or disability should be filed under seal):

__ and such disability or incapacity is unlikely to change within the time periods of the requirement to file the completion of the financial management course certificate.

__ I am/We are on active military duty in a military combat zone (Indicate rank, service unit, and where and when deployed).

I/We certify under penalty of perjury that the foregoing is true and correct.

Execution on _____ [date] at _____ [location].

Debtor

Joint Debtor

¹ Under 11 U.S.C. §109(h)(4), **incapacitated** means “that the debtor is impaired by reason of mental illness or mental deficiency so that he is incapable of realizing and making rational decisions with respect to his financial responsibilities” and **disabled** means “that the debtor is so physically impaired as to be unable, after reasonable effort, to participate in an in person, telephone, or Internet briefing...”

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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In re: :

Debtor(s) : BK No.

Chapter

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**NOTICE TO ADDED CREDITORS OF PENDING BANKRUPTCY
AND APPLICABLE CASE DEADLINES AND CERTIFICATE OF SERVICE**

NOTICE IS HEREBY GIVEN: that on _____ [date], you were added as a creditor in the above-referenced bankruptcy case. Pursuant to LBR 1009-1(c), a copy of the Notice of Section 341 Meeting of Creditors & Deadlines is enclosed and if applicable, a copy of the Notice to File Claims.

As an added creditor, you have a right to file a complaint under 11 U.S.C. §§ 523 and/or 727 (for Chapter 7 cases ONLY) objecting to the debtor’s discharge or the dischargeability of a particular debt, and/or to object to the debtor’s claim of exemptions, within sixty (60) days of service of this notice as evidenced on the below certificate of service, or within the time set for filing such complaints or objections by creditors previously scheduled, whichever is later (see deadlines listed on Section 341 Notice).

If this is a Chapter 13 Case, or a Chapter 7 Case where a Notice to File Claims has issued as evidenced by the enclosed notice: The deadline to file a proof of claim is ninety (90) days after the first date set for the meeting of creditors, or ninety (90) days from service of this notice, whichever is later. Creditors who do not file a proof of claim on or before this date may not share in any distribution from the debtor(s) estate. If you have previously filed a claim in this case, you do not need to file a new one now.

The proof of claim form may be filed by regular mail or by using the court’s electronic claims filing program, ePOC, available on its website: www.rib.uscourts.gov. If you wish to receive proof of receipt by the bankruptcy court, you must enclose a photocopy of the proof of claim together with a stamped, self-addressed envelope when mailing the form to the court. There is no fee for filing a proof of claim.

CERTIFICATE OF SERVICE

I _____ hereby certify that on _____, I caused true copies of the Notice to Added Creditors of Pending Bankruptcy and Applicable Case Deadline and Certificate of Service to be served through the Court’s CM/ECF system upon the following

registered electronic filer(s) in this case, and that I caused true copies of the within notice to be served by first class mail, postage pre-paid, to the following non-CM/ECF participant(s):

Electronic:

First Class Mail:

/s/ _____

Date: