

RULE 1002-1 PETITION - GENERAL [Modified April 1, 2014]

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(c) **Creditor List.** In all voluntary cases, a creditor list containing the names and addresses, including zip codes, of all known creditors and holders of executory contracts must be filed with the petition, or within seven (7) days thereafter, even if the schedules are not filed with the petition. Failure to file the creditor list at the time of filing will result in the automatic issuance of a seven (7) day Order to File Missing Documents and Notice of Automatic Dismissal for Non-Compliance. In the absence of a showing to the contrary, any such dismissal shall be presumed to be a willful failure within the meaning of 11 U.S.C. § 109(g), with a 180-day bar to refiling any petition.

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(d) **Corporate Petition and Petitions for Non-Individuals.**

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RULE 1005-1 FILING PAPERS - REQUIREMENTS [Modified April 1, 2014]

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(2) **Excepted Papers with Different Response Times.** A different objection/response time applies to the following matters and should be substituted for the above fourteen (14) day period:

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(I) Motion to Extend Time [other than motion to extend or delay entry of discharge filed by the debtor, or a motion requesting an extension of time to file an objection to discharge under §§ 523 or 727] for filing schedules, statements, reports, responses, and replies - left to discretion of Court, above language should not be used;

...

(M) Motion to File Out of Time – left to discretion of Court, above language should not be used.

RULE 2017-1 DEBTOR’S TRANSACTIONS WITH DEBTOR’S ATTORNEY [Modified April 1, 2014]

(a) **Payment or Transfer of Funds to Attorney Before Order for Relief.** In addition to those instances when required under the Bankruptcy Code and Rules, a fee application conforming to the standards set forth in [R.I. LBR 2016-1](#) shall be filed:

- (1) within twenty-one (21) days of any order requesting it for document preparers; and
- (2) within sixty (60) days after the section 341 meeting is held for a Chapter 13 debtor, when the filer has charged a fee that exceeds the amounts listed on Appendix IV.

(b) Payment or Transfer of Funds to Attorney After Order for Relief. A fee application conforming to the standards set forth in LBR 2016-1 shall be filed within the time ordered by the court whenever a Chapter 13 attorney seeks a fee in excess of the amounts listed in Appendix IV.

(c) The Court may order disgorgement of all fees and any other appropriate sanction for the failure to timely comply with the requirements of this LBR.

RULE 2090-2 DISCIPLINARY PROCEEDINGS [Modified April 1, 2014]

(a) An attorney who appears for any purpose in any case or proceeding submits himself or herself to the Court's disciplinary jurisdiction and shall be held to the standards of professional conduct set forth in Local Rule Gen 208 of the United States District Court for the District of Rhode Island (the "District Court").

(b) In any matter in which a bankruptcy judge has reasonable cause to believe that an attorney has committed a violation of any Rules of Professional Conduct as set forth in District Court Local Rule Gen 208 , the bankruptcy judge may refer the attorney for disciplinary proceedings to the District Court pursuant to District Court Local Rule Gen 210 and to any state or other applicable disciplinary authority. In connection with any such referral, the bankruptcy judge may recommend expedited interim action by the District Court and any state or other applicable disciplinary authorities if in the opinion of the bankruptcy judge such action is necessary to avoid an imminent risk of harm to the public.

(c) Any disciplinary order for misconduct as defined by District Court Local Rule Gen 209(c) entered by the Bankruptcy Court against an attorney authorized to practice before the Bankruptcy Court will include the following provisions:

- (1) A statement that the bankruptcy disciplinary order may impact the attorney's ability to practice in the District Court as well as the Bankruptcy Court, and that pursuant to District Court Local Rule Gen 214, reciprocal discipline may be imposed.
- (2) A statement that pursuant to District Court Local Rule Gen 203(b), the attorney has an obligation to provide notice of the disciplinary action to the District Court regarding the disciplinary action taken by the Bankruptcy Court.

- (3) If the disciplinary order includes a suspension of or injunction against the attorney from practice in the Bankruptcy Court, the order will also address the manner by which any pending cases in which the attorney is attorney of record will be handled.

(d) A bankruptcy judge may impose any other sanction the judge deems necessary under the circumstances in accordance with the relevant statutes, rules of this Court and the District Court, and other applicable law.

(e) Upon the filing of any motion or complaint by the United States Trustee alleging that an attorney has committed a violation of 11 U.S.C. § 526, 527 or 528, or any Rules of Professional Conduct as set forth in District Court Local Rule Gen 208, copies of the motion or complaint and the responsive pleading thereto will, pursuant to District Court Local Rule Gen 203(b), be forwarded by the Bankruptcy Clerk to the District Court Clerk.

(f) Copies of all disciplinary orders entered by the Bankruptcy Court will be forwarded to the District Court and to any applicable state or other disciplinary authorities. Transmittal of the foregoing will be reflected on the bankruptcy case docket(s) at the time of such transmittal.

RULE 3002-1 FILING PROOF OF CLAIM OR INTEREST [Modified April 1, 2014]

(a) **Filing and Service of Proof of Claim.** An original proof of claim shall be either conventionally or electronically filed with the Clerk. Electronically filed claims are deemed signed upon electronic transmission as provided under LBR 5005-4(k).

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RULE 3015-1 CHAPTER 13 PLAN [Modified April 1, 2014]

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(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 in accordance with the requirements of LBR 9013-3(b)(1). The plan shall be accompanied by a certificate of service filed in accordance with the requirements of LBR 9013-3(d) and (e).
- (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.

- (3) **Supplemental Schedules I and J.** In conjunction with any motion to modify secured claim, the Debtor shall file Supplemental Schedules I and J no later than seven (7) days prior to the confirmation hearing date if the Debtor's income and/or expenses as listed in their originally filed or amended Schedules I and/or J will change if said motion is allowed.

RULE 3015-2 CHAPTER 13 - AMENDMENTS TO PLANS [Modified April 1, 2014]

(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) **Timing of Filing.**

(1) **Amended Plan Filed Prior to Confirmation.**

(A) **That *Does Not* Adversely Affect Creditors.**

(i) **Content of the Amended Plan.** Amendments to a plan which do not adversely affect creditors may be made prior to confirmation by filing an amended plan conforming to [R.I. Local Bankruptcy Form W.2](#). Those sections of the amended plan, including any motions contained therein, that are modified from the previous plan shall be clearly identified.

(ii) **Service.** The amended plan shall be served on the Chapter 13 trustee and on any party who has entered an appearance in the case or requested notice in the case, as well as satisfying the service requirements contained in LBR 9013-3(b)(1) and (2), to the extent applicable. The amended plan shall be accompanied by a certificate of service filed in accordance with the requirements of LBR 9013-3(d) and (e).

(iii) **Objections.** Objections to the amended plan, including any motions contained therein, must be filed at least seven (7) days prior to the confirmation hearing date.

(B) **That *Does* Adversely Affect Creditors.**

(i) **Content of 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 sections of the amended plan, including any motions contained therein, that are modified from the previous plan shall be clearly identified. The terms of the original filed plan remain in effect except as otherwise set forth on the most recently filed Form W.2 (which should include a brief description of all prior amendments, if applicable). In addition, the Debtor is required to attach the original filed plan within the Amended Plan filing event in ECF.

(ii) Service. The debtor shall serve a copy of the amended plan including any motions contained therein, on the Chapter 13 trustee, all creditors (unless the claims bar date has passed and then only on creditors who have filed claims or have filed an extension of time to file claims pursuant to LBR 2002-1(d)) and any party who has entered an appearance in the case or requested notice in the case, as well as satisfying the service requirements contained in LBR 9013-3(b)(1) and (2), to the extent applicable. The amended plan shall be accompanied by a certificate of service filed in accordance with the requirements of LBR 9013-3(d) and (e). The Debtor is not required to re-serve the initial Plan required to be attached under subpart (i) above.

(iii) Objections and Effect on Confirmation Hearing Date. If the confirmation hearing is scheduled to occur earlier than thirty-five (35) 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 thirty-five (35) 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 hearing date.

(2) Amendments to Plan After Confirmation.

(A) 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.

(B) Supplemental Schedules I and J Required. In conjunction with the motion to amend, the Debtor shall file Supplemental [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.

(C) Service. The debtor shall serve a copy of the motion, amended plan and Supplemental Schedules I and J (if applicable) on the Chapter 13 trustee, all creditors (unless the claims bar date has passed, and then only on creditors who have filed claims or have filed an extension of time to file claims pursuant to LBR 2002-1(d)), and any party who has entered an appearance in the case or requested notice in the case, as well as satisfying the service requirements contained in LBR 9013-3(b)(1) and (2), to the extent applicable. All documents referenced herein shall be accompanied by a certificate of service filed in accordance with the requirements of LBR 9013-3(d) and (e).

(D) Objections and Hearing . 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-one (21) days from the date of service of the motion to amend. 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) Effect of Confirmation 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 4001-3 OBTAINING CREDIT [Modified April 1, 2014]

(a) Borrowing or Refinancing of Estate Property. Any motion for approval of a borrowing or refinancing shall include all the material terms of the proposed credit arrangement. A copy of any borrowing agreement shall be attached to the motion.

(b) Chapter 13 Cases. If, as a result of a borrowing, refinance or loan modification agreement, there is a change in the Debtor's income or expenses, the Debtor shall file Supplemental Schedules I and J within 14 days of the Court's approval of such agreement.

RULE 4003-2 LIEN AVOIDANCE [Modified April 1, 2014]

(a) Content of Motion. A motion to avoid a lien pursuant to 11 U.S.C. § 522(f), other than one contained in a Chapter 13 plan, shall:

- (1)** identify the holder of the judicial lien sought to be avoided;
- (2)** state the principal amount of the lien as of the date of the filing of the bankruptcy petition, and the date the lien was obtained;
- (3)** identify the property against which the lien is fixed, and the value of the debtor's interest in the property;
- (4)** identify the holders of all other liens against the property, listing them in order of their priority, and state the amount of each such lien and the total amount of all liens against the property;
- (5)** state whether debtor(s) previously avoided a lien against the property;
- (6)** state whether the debtor(s) elected exemptions under 11 U.S.C. § 522(b)(2) or 11 U.S.C. § 522(b)(3);
- (7)** identify the applicable statutory provision for the exemption claimed and the amount of the exemption that is allegedly impaired by the liens sought to be avoided;
- (8)** provide the calculation under the formula set forth in 11 U.S.C. § 522(f)(2)(A); and

(9) state whether the entire lien is voidable, or if the lien can only be partially avoided, the amount of the surviving lien.

(b) Service of Motion. The motion shall be served in accordance with the requirements of LBR 9013-3(b)(2). Movant shall file a certificate of service in accordance with [LBR 9013-3\(d\) and \(e\)](#).

RULE 5005-4 ELECTRONIC FILING [Modified April 1, 2014]

(a) Requirement to File Cases and Documents Electronically.

(1) 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.

(2) The court encourages creditors without attorneys to become registered users with limited creditor filing privileges ("limited filer"), permitting them to electronically file notices of appearance, changes of address, requests for service of notices, proofs of claim and other documents related to proofs of claim (not including responses to objections to claims), reaffirmation agreements, chapter 11 ballots, and other papers as authorized by the court. In addition, without the necessity of becoming a registered user, any claimant or the claimant's agent may utilize the feature available on the court website for electronic submission of a proof of claim form, and the effect of such electronic submission shall be as provided under section 5005-4(k) of this Rule.

...

(j) Electronic Signatures and Retention of Original Signed Documents by Registered Users.

(1) Petitions, lists, schedules, statements, amendments, pleadings, affidavits, proofs of claim, 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/.

(2) Documents that are electronically filed and require original signatures other than that of the registered user must be maintained in paper form at least two years after the case is closed. This retention neither affects nor replaces any other retention period required by other laws or rules of procedure. The court may require the production of original documents

for review by the court, a trustee, the U.S. Trustee, or any interested party.

(k) Effect of Electronically Filed Document. Any document signed and filed electronically, or filed conventionally and converted to an electronic document by the clerk, including a proof of claim filed electronically on this court's website, shall constitute the filer's approved signature and have the same force and effect as if the individual signed a paper copy of the document. Documents required to be verified or contain an unsworn declaration that are filed electronically shall be treated, for all purposes (both civil and criminal, including penalties for perjury), the same as though signed or subscribed.

(l) 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.

(m) 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 Pretrial Statement. 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 as an attachment to the proof of claim.

(n) 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(1).

(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.

(o) 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) Jointly filed motions for continuance, proposed consent orders, and similar filings that affect a matter scheduled for hearing must be filed by 3:00 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 3:00 p.m. the day before a scheduled hearing, the Electronic Filer shall also notify the Courtroom Deputy of such filing by e-mail at: RIBCourtroom@rib.uscourts.gov.

(p) 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.

(q) Fees Payable to the Clerk. All filing fees must be paid electronically by the Electronic Filer using the following methods: credit card, debit card or by ACH withdrawal from a registered bank account 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. 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.

(r) Public Access to Court documents. Electronic access at the Clerk's Office is available to the public during regular business hours for viewing the docket sheet and documents filed in the System. Conventional and certified copies of electronically filed documents may be purchased at the Clerk's Office during regular business hours or by mail with a check, money order, credit or debit card for the exact amount of the purchase, unless otherwise authorized..

RULE 9013-3 SERVICE OF MOTIONS AND FILING OF CERTIFICATES OF SERVICE [Modified April 1, 2014]

(a) Service of Motions. In all instances not otherwise covered by the Federal Rules of Bankruptcy Procedure or these local rules, all motions filed with the Court shall be served on the following parties:

(1) the local office of the U.S. Trustee, with the exception of motions for relief from stay in Chapter 7 cases and all motions filed in Chapter 13 cases;

(2) any case trustee;

(3) any other party affected by the motion or having entered an appearance in the case or requested notice in the case (utilizing to the extent applicable, the addresses listed on the most recent Mailing Matrix by Case Report, see part (d)(2) below) ;

(4) the Debtor's attorney or debtor, if pro se; and

(5) the chapter 13 trustee may serve any pleading on a chapter 13 debtor directly in addition to service on counsel of record.

(b) Service of Special Matters. With respect to the following types of filings, in addition to the service requirements listed in (a) above, service shall also be made as follows:

(1) Motion to Modify Secured Claim contained in a Chapter 13 Plan, Amended Plan, or by separate Motion:

(A) the Plan and/or Motion shall be served, by first class *and* certified mail

on the lien holder;

(B) If the lien holder is an insured depository institution, in the manner prescribed by [Fed.R.Bankr.P. 7004\(h\)](#), including being addressed to a named officer of the institution by title, unless one of the other provisions of Fed.R.Bankr.P. 7004(h) applies, *and in addition*:

(i) on the mailing address on the proof of claim form, attention to the person executing the claim, if such claim form has been filed at the time service is made, *or if not applicable*

(ii) on any registered agent authorized to receive service of process for the institution.

(C) If the lien holder is other than an insured depository institution:

(i) on the mailing address on the proof of claim form, attention to the person executing the claim, if such proof of claim form has been filed at the time service is to be made, *or if not applicable*,

(ii) at the payment address to which the debtor makes monthly payments on account of the claim.

(2) Motion To Avoid Lien Contained In A Chapter 13 Plan, Amended Plan, or by separate Motion:

(A) the Plan and/or Motion shall be served on the lienholder and the lienholder's counsel, if known;

(B) with respect to judicial liens against the property, if bankruptcy counsel for any such judicial lienholders is not known, then service shall also be made by first class mail upon counsel that represented any such judicial lienholders in the non-bankruptcy action in which the lien was obtained. If there was no counsel in such non-bankruptcy action, then the Certificate of Service must expressly indicate that review of the non-bankruptcy action was undertaken and no counsel was listed for the judicial lienholder.

(C) If the lien holder is an insured depository institution, in the manner prescribed by [Fed.R.Bankr.P. 7004\(h\)](#), including being addressed to a named officer of the institution by title, unless one of the other provisions of Fed.R.Bankr.P. 7004(h) applies, *and in addition*:

(i) on the mailing address on the proof of claim form, attention to the person executing the claim, if such claim form has been filed at the time service is made, *or if not applicable*

(ii) on any registered agent authorized to receive service of process for the institution.

(c) **Service of Notice of Hearing.** Upon receipt of a hearing notice from the Court with instructions to serve other parties, counsel (or a pro se party) shall forthwith, and within any applicable notice deadlines contained in the Federal Rules of Bankruptcy Procedures, these local rules or established by the Court, serve said notice in the manner provided for in this rule.

(d) Contents of Certificate of Service.

(1) The Certificate of Service shall reflect how and when service was made and shall include the names and addresses of all persons served and the name and address of the person certifying such service.

(2) When any pleading, motion, other document or notice is required to be served on creditors and/or parties in interest, the party effectuating such service shall:

(A) serve such parties and/or creditors at the addresses listed on the most recent "Mailing Matrix by Case" report available on the Court's ECF system [located under Utilities>Mailings] (the "ECF List") as of the date service will be made; and

(B) attach to the certificate of service filed with the Court a copy of the ECF List used to effectuate service. If the ECF List contains multiple addresses for a single creditor or party in interest, service shall be made on all such addresses listed unless counsel is aware that a particular address is ineffective or that a preferred address exists. Instructions for creating the ECF List, including managing invalid and preferred addresses, is contained in Appendix VII to these rules.

(e) Filing of Certificate of Service.

(1) **Conventional Filings.** When a certificate of service is required, it shall be filed with the Clerk contemporaneous with the motion or other paper, if the document is filed conventionally. Failure to timely file the certificate of service with the Clerk will result in the motion or other paper being treated as a defective filing, and a notice to correct the deficiency will be given.

(2) **Electronic Filings.** Where a certificate of service is required, and the document is filed electronically, the certificate of service must be filed by the next business day after the filing of the motion or other paper. Failure to timely file the certificate of service with the Clerk will result in the automatic denial of the motion/application or striking/termination of the objection/response, as applicable.

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

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 R.I. 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.

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 timely 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).

In re: _____

PLAN PROVISIONS

BK No. _____

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. The attorney for the debtor(s) requests additional payment in the amount of \$ _____ for representing the debtor in the Court's loss mitigation program, or a loss mitigation program outside of the Court. This fee will be paid through the plan.

Therefore, the total attorney fee to be received in this case will be \$ _____.

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 Postpetition 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 in accordance with the requirements of LBR 9013-3(b)(1).

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:

Creditor Judgment Book Registry Judgment Date Date of Recording Amount
And Page

- 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(b), if the plan includes a motion to avoid lien, it must be served in accordance with the requirements of LBR 9013-3(b)(2).

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

- 1.
- 2.

VII. EXECUTORY CONTRACTS AND UNEXPIRED LEASES

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

Name of Creditor	Description of Collateral	Monthly Payment	Interest Rate	Prepetition 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):	\$ _____		
Amount 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 lienholder or released to another lienholder.

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 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.

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 - See Federal Rule of Bankruptcy Procedure 3002.1 - Notice Relating to Claims Secured by Security Interest in the Debtor's Principal Residence.

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 fourteen (14) 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 XIII, above.)

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. 9013-3(b).

Debtor's counsel
Address _____

Date

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

Purpose

These instructions are designed to assist practitioners with complying with the Court’s local rule service requirements specified in LBR 9013-3(d) by producing a Mailing Matrix report using the Court’s Electronic Case Filing system (ECF).

To Access the Mailing Matrix by Case Screen:

Step	Action
1	Log into ECF; choose “Utilities” on the ECF banner
2	Choose “Mailings” under the Miscellaneous menu
3	Choose “Mailing Matrix by Case (use this for service)”
4	Insert the Case Number

The “Mailing Matrix by Case” screen allows the user to make any combination of service choices. In most instances, service is required on all case participants and creditors.

If Notice is Being Served on All Case Participants and Creditors:

Step	Action
1	Check the “All” box (<i>Select ALL participants for case (excluding judge)</i>)
2	If you wish to exclude addresses of parties that receive automatic ECF electronic notice (NEF), answer ‘yes’ to the prompt at the bottom of the screen.
3	Click “Next”
4	Save the PDF; include as an attachment to the pleading (name the attachment Certificate of Service) <i>OR</i> docket the Certificate of Service event and upload the PDF separately, then link to the main pleading

If Notice Is Being Served On All Case Participants And Only Those Creditors *Who Have Filed A Proof Of Claim*:

Make the Following Selections on the Mailing Report:

Step	Action
1	Click the blank area above the first listing in the “Participants” column
2	Click the blank area above the first listing in the “Special Mailing Group” column
3	Select “Creditors who have filed claims” in the “Creditors” column
4	Select the “Attorneys” check box
5	If you wish to exclude addresses of parties that receive automatic ECF electronic notice (NEF), answer ‘yes’ to the prompt at the bottom of the screen.
6	Click “Next”
7	Save the PDF; include as an attachment to the main pleading (name the attachment Certificate of Service) <i>OR</i> docket the Certificate of Service event and upload the PDF separately, then link to the main pleading

Below is a screen shot of how the first 5 steps should appear:

Mailing Matrix by Case

Case number

All *Select ALL participants for case (excluding judge)*

OR

Select any combination of the following

Participants	Special mailing group	Creditors
<input type="text" value="3rd Party Plaintiff"/> <input type="text" value="3rd Pty Defendant"/>	<input type="text" value="sg1"/> <input type="text" value="sg2"/>	<input type="text" value="Creditor Committee Members"/> <input type="text" value="Creditors who have filed claims"/>
<input type="checkbox"/> Judge	<input checked="" type="checkbox"/> Attorneys	<input type="checkbox"/> Debtor's attorney(s)
<input type="checkbox"/> US Trustee	<input type="checkbox"/> Trustee	
Print format <input type="text" value="3 column"/>		

Exclude addresses of parties receiving free CM/ECF electronic notice (NEF)?

Entities with Preferred Mailing Addresses

Where the ECF List indicates that an entity has specified a preferred mailing address, counsel must serve the entity at the preferred address only.

Entities with Invalid Mailing Addresses

If counsel has received notice that an address on the ECF List is no longer valid, counsel may indicate same on the certificate of service and ECF List attached and need not serve any such address:

Step	Action
1	Print ECF Mailing List, cross off invalid address, and rescan/save PDF <i>OR</i> Use typewriter tool  in Adobe and mark address as INVALID; save PDF
2	Save the PDF; include as an attachment to the main pleading (name the attachment Certificate of Service) <i>OR</i> docket the Certificate of Service event and upload the PDF separately, then link to the main pleading

Appendix IX
[Revised 4/1/14]

UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

EIGHTH AMENDED LOSS MITIGATION
PROGRAM AND PROCEDURES

I. PURPOSE

The Loss Mitigation Program is designed to function as a forum for debtors and lenders to reach consensual resolution when a debtor's residential property is at risk of foreclosure. The Loss Mitigation Program aims to facilitate such resolution by opening communications between the debtors' and lenders' decision-makers. While the Loss Mitigation Program stays certain bankruptcy deadlines that may delay the normal progress of bankruptcy administration, more importantly, the Loss Mitigation Program encourages the parties to finalize a feasible and beneficial agreement under Bankruptcy Court protection, instead of seeking dismissal of the bankruptcy case.

II. LOSS MITIGATION DEFINED

The "loss mitigation" process is intended to include the full range of solutions that may prevent either the loss of a debtor's property to foreclosure, increased costs to the lender, or both. Loss mitigation commonly consists of several general types of agreements, or a combination of them: loan modification, loan refinance, forbearance, short sale, or surrender of the property in full satisfaction. The terms of a loss mitigation solution will vary in each case according to the particular needs and goals of the parties.

III. ELIGIBILITY

The following definitions describe the types of parties, properties and loans that are eligible for participation in the Loss Mitigation Program:

A. DEBTOR

The term "Debtor" means any individual debtor in a case filed under Chapter 7, 11, 12 or 13 of the Bankruptcy Code, including joint debtors. If the Debtor is represented by counsel, the term "Debtor" is to be interpreted to include both the Debtor and the Debtor's counsel, unless the

Debtor, with the approval of Debtor's counsel, has expressly requested and authorized direct involvement without counsel. As a condition of a Chapter 7 Debtor's participation in loss mitigation, the Debtor must timely file a financial management course certificate within sixty days of the initial date set for the § 341 meeting of creditors pursuant to Fed. R. Bankr. P. 1007(c) and comply with all other requirements of the Bankruptcy Code. If the financial management course certificate is not timely filed then loss mitigation may be terminated. The fact that a discharge has entered or that relief from stay has been granted does not prevent a Debtor from requesting loss mitigation or prevent the Court from entering a Loss Mitigation Order. However, neither do these actions prevent such Creditors from pursuing their state court rights during the loss mitigation period, if they so elect. Nothing herein prevents a party from filing a motion for specific relief.

B. PROPERTY

The term "Property" means any real property used as the principal residence of an eligible Debtor in which that Debtor holds an interest.

C. LOAN AND ESCROW

The term "Loan" means any mortgage, lien or extension of money or credit secured by eligible Property, regardless of whether the Loan (1) is considered to be "subprime" or "non-traditional," (2) was in foreclosure prior to the bankruptcy filing, (3) is the first or junior mortgage or lien on the Property, or (4) has been "pooled," "securitized," or assigned to a servicer or to a trustee. The term "Escrow" means the payment in excess of principal and interest as defined in the applicable Loan document(s).

D. CREDITOR

The term "Creditor" refers to any mortgage holder, assignee, servicer or trustee of an eligible Loan.

IV. ADDITIONAL PARTIES

A. OTHER CREDITORS

Where necessary or desirable to obtain a global (i.e., more than a two party) resolution, any party may request, or the Bankruptcy Court may direct that multiple Creditors participate in the loss mitigation process.

B. CO-DEBTORS AND THIRD PARTIES

Where the participation of a co-debtor or other third party is necessary or desirable, any party may request, or the Bankruptcy Court may direct that such party participate in loss mitigation, to the extent that the Bankruptcy Court has jurisdiction over the party, or if the party consents to such participation.

C. CHAPTER 13 TRUSTEE

It is the duty of the Chapter 13 Trustee under § 1302(b)(4) of the Bankruptcy Code to “advise, other than on legal matters, and assist the debtor in performance under the plan.” Any party may request, or the Bankruptcy Court may direct the Chapter 13 Trustee to participate in loss mitigation to the extent that such participation would be consistent with the Chapter 13 Trustee’s duties under the Bankruptcy Code.

V. COMMENCEMENT OF LOSS MITIGATION

In a Chapter 7 case, the request for loss mitigation must be filed within 60 days of the petition date by one of the methods provided below. A loss mitigation request filed after the 60th day following the petition date must be accompanied by a motion to file out of time, pled with specificity. The consideration of such motion is within the Court’s discretion. In a Chapter 13 case, the request for loss mitigation may be filed at any time by one of the methods provided below, although parties are encouraged to request loss mitigation as early in the case as possible.

A. BY THE DEBTOR

1. In Section XIII of the Model Chapter 13 Plan (RI Local Form W.1), a Chapter 13 Debtor may indicate an interest in discussing loss mitigation with a particular Creditor. If the box in Section XIII is checked, within seven (7) days of filing the Plan, the Debtor shall serve on the Creditor and its registered agent, and on its counsel, if known, and file with the Court, a Notice and/or Request for Loss Mitigation (3rd Amended Form A) (“Debtor’s Request for Loss Mitigation”). The Creditor shall have fourteen (14) days to object. If no objection is filed, the Bankruptcy Court may enter a Loss Mitigation Order setting forth the applicable deadlines for the loss mitigation process. If the Creditor/Lender is the United States, its agency, corporations, officers or employees [e.g., HUD], service of the Notice and/or Request for Loss Mitigation shall be made at the office of the United States Attorney for the District of Rhode Island.

2. Alternatively, a Debtor may file with the Court and serve on the Creditor and its counsel, if known, a Debtor’s Request for Loss Mitigation. The Creditor shall have fourteen (14) days to object. If no objection is filed, the Bankruptcy Court may enter a Loss Mitigation Order setting forth the applicable deadlines for the loss mitigation process. Only one creditor/property may be included on the Debtor’s Request for Loss Mitigation. Use separate forms for additional creditors

(liens). If the creditor/lender is the United States, its agency, corporations, officers or employees [e.g., HUD], service of the Notice and/or Request for Loss Mitigation shall be made at the office of the United States Attorney for the District of Rhode Island.

3. If a Creditor has filed a motion for relief from the automatic stay pursuant to § 362 of the Bankruptcy Code (a “Lift-Stay Motion”), the Debtor may file a Debtor’s Request for Loss Mitigation so long as it is filed within the objection period set for the Lift-Stay Motion. The Debtor shall also timely file an objection to the Lift-Stay Motion stating all the grounds for such objection. The Debtor and Creditor shall appear at the scheduled hearing on the Lift-Stay Motion, at which time the Bankruptcy Court will consider the loss mitigation request and any opposition by the Creditor. If the objection deadline in the loss mitigation request expires before the scheduled hearing and no objection is filed, the matter will be automatically removed from the calendar, all pending matters will be continued, and the parties will be so notified. If the Court enters the Loss Mitigation Order, Lift-Stay Motions will be continued to the next loss mitigation status hearing held in the case.

B. BY A CREDITOR

A Creditor may file with the Court and serve on the Debtor and Debtor’s counsel, if any, a Creditor’s Request for Loss Mitigation (2nd Amended Form B). The Debtor shall have seven (7) days to object. If no objection is filed, the Bankruptcy Court may enter a Loss Mitigation Order setting forth the applicable deadlines for the loss mitigation process.

C. FEES

Debtor’s Request for Loss Mitigation (3rd Amended Form A) requires the Debtor, as part of participation in the Loss Mitigation Program, to consent to the payment of legal fees to Debtor’s counsel and Lender’s counsel in an amount up to \$2,000 each, or such additional amount as the Court may allow upon application and notice of hearing. Lender’s counsel may not require payment of such fee by the Debtor during the loss mitigation process or as a condition of participation in the loss mitigation process and may only assess the fee to the Debtor’s Loan account.

D. PAYMENT

This Court’s Loss Mitigation Program is intended to bring debtors and secured lenders together, hopefully to reach consensual and mutually beneficial resolutions when residential property is at risk of foreclosure. With this in mind, and consistent with the federal HAMP eligibility requirements – that homeowners must be in default or at imminent risk of default—the requirement that debtors make regular mortgage payments during the loss mitigation process will not be automatically imposed as a condition to participation in the Loss Mitigation Program. To do so would likely be fatal to the viability of most of the federal, state and municipal programs that have been developed in response to the residential foreclosure crisis. However, during the loss mitigation period, the Debtor must make monthly adequate protection payments, as provided

below in Section VI.B.5, to the Creditor at the Creditor's loss mitigation contact address, or such other address as the Creditor may direct.

E. BY THE BANKRUPTCY COURT

The Bankruptcy Court may enter a Loss Mitigation Order at any time, provided that the parties bound by said Order (the "Loss Mitigation Parties") have had notice and opportunity to object and be heard.

F. OPPORTUNITY TO OBJECT

Where any party files an objection, a Loss Mitigation Order shall not be entered until the Bankruptcy Court, after adequate notice, has either held a hearing to consider the objection, or overrules the objection without a hearing for failing to include specific reasons why loss mitigation would not be successful. If a party objects on the ground that loss mitigation has been requested in bad faith, the assertion must be supported by objective reasons, and/or by sworn testimony.

To give the Rhode Island Bankruptcy Court Loss Mitigation Program the best chance of success, parties are advised that objections to loss mitigation participation shall be filed by the applicable deadline and must contain specific reasons as to why the secured lender believes that loss mitigation would not be successful.

VI. LOSS MITIGATION ORDER

A. DEADLINES

A Loss Mitigation Order shall contain deadlines for the following:

1. The date by which the Loss Mitigation Parties shall designate contact persons and disclose contact information, if this information has not been previously provided.
2. The date by which the Creditor must initially contact the Debtor.
3. The date by which the Creditor must transmit information requests to the Debtor.
4. The date by which the Debtor must transmit information requested by the Creditor.
5. The date by which the Court will hold an initial status hearing ("Initial Status Hearing") on loss mitigation. In lieu of attending the status hearing, the parties may file a status report (Form E) with proposed Consent Order (Form F) attached, no later than 3:00 p.m. two (2) days prior to the scheduled hearing date. If the Court enters the Consent Order, the Initial Status Hearing will be canceled.

B. EFFECT

Upon the entry of a Loss Mitigation Order, the following shall apply to the Loss Mitigation Parties:

1. Any Lift-Stay Motion filed by such Loss Mitigation Creditor prior to or after the entry of the Loss Mitigation Order shall be scheduled for hearing on the Initial Status Hearing date and continued to each successive loss mitigation status hearing date; the stay shall be extended pursuant to § 362(e) of the Bankruptcy Code. If, however, it appears that such motions are being filed during the loss mitigation period primarily to drive up costs to the Debtor, particularly when a consensual loan modification is in progress, the Court will consider, on a case by case basis, whether such fees and costs are appropriate. If the Debtor fails to cooperate in the loss mitigation process, the Creditor may move to terminate loss mitigation, at which time the Court will schedule the pending Lift-Stay Motion for the same date as any hearing on the motion to terminate loss mitigation.

2. In a Chapter 7 case, if the loss mitigation period is anticipated to continue more than 80 days from the date the Chapter 7 petition was filed, Debtors may seek to extend the entry of discharge pursuant to Fed. R. Bankr. P. 4004(c)(2), in order that the automatic stay not expire under 11 U.S.C. § 362(c)(2) (C).

3. In Chapter 13 cases, the hearing date for confirmation of the plan shall be continued to a date after the last day of the loss mitigation period. The deadline by which a Creditor must object to confirmation shall be governed by LBR 3015-1(c)(2) and/or 3015-3(b)(e), as applicable, and calculated from the rescheduled confirmation date.

4. During the loss mitigation period, Debtor must stay current with their Chapter 13 plan payments in order to remain eligible for the program.

5. During the loss mitigation period, the Debtor must make monthly adequate protection payments to the Loss Mitigation Creditor in an amount equal to 31% of Debtor's gross monthly income as reported on Bankruptcy Schedules I & J, subject to the exceptions set forth herein. If more than one Loan is subject to loss mitigation, the combined adequate protection payments for all such Loans shall be equal to 31% of Debtor's gross monthly income as reported on Bankruptcy Schedules I & J. In the event 31% of the Debtor's gross monthly income as reported on Bankruptcy Schedules I & J is insufficient to pay the Escrow portion of all Loans subject to loss mitigation, the Debtor shall make monthly adequate protection payments equivalent to the contractual monthly Escrow payments due under the relevant Loans. Further, if the Debtor's contractual monthly mortgage payments, including the Escrow portion, for all Loans subject to loss mitigation is less than 31% of the Debtor's gross monthly income as reported on Bankruptcy Schedules I & J, then the Debtor shall make monthly adequate protection payments equivalent to the contractual amounts due under the Loan documents. Such monthly payments must commence within (a) 30 days of the entry of the Loss Mitigation Order or (b) 10 days after the Creditor provides its contact information, whichever is the later date. Failure to timely make

such adequate protection payments may result in termination of loss mitigation. Payment should be sent to the Creditor at the Creditor's loss mitigation contact address, or such other address as the Creditor may direct.

6. Pursuant to Fed. R. Evid. 408, all communications and information exchanged by the Loss Mitigation Parties during the loss mitigation period are without prejudice, and will be inadmissible in any subsequent judicial proceedings.

VII. DUTIES UPON COMMENCEMENT OF LOSS MITIGATION

Upon entry of a Loss Mitigation Order, the Loss Mitigation Parties shall have the following obligations:

A. GOOD FAITH

The Loss Mitigation Parties shall negotiate in good faith. A party failing or refusing to participate in loss mitigation in good faith may be subject to sanctions. At any time during the loss mitigation period, a party seeking compliance with deadlines should file a motion to compel compliance with the Loss Mitigation Order or seek termination of loss mitigation, if appropriate.

B. CONTACT INFORMATION

1. The Debtor: The Debtor shall provide written notice to each Creditor, indicating the manner in which the Creditor should contact the Debtor, unless the Debtor has already done so in the Chapter 13 plan or as part of its request for loss mitigation.

2. The Creditor: Each Creditor shall provide written notice to the Debtor, identifying the name, address, and direct telephone number of the contact person with settlement authority, unless a Creditor has already done so as part of a prior request for loss mitigation.

C. STATUS HEARING

The Court will hold an Initial Status Hearing on a date set forth in the Loss Mitigation Order. In lieu of attending the status hearing, the parties may file a status report (Form E) with proposed Consent Order (Form F) attached, no later than 3:00 p.m. two (2) days prior to the scheduled hearing date. If the Court enters the Consent Order, the Initial Status Hearing will be canceled.

D. BANKRUPTCY COURT APPROVAL

1. Chapter 13 Cases: The Loss Mitigation Parties shall file a written request for Bankruptcy Court approval of any resolution or settlement reached during the loss mitigation process in a Chapter 13 case. See also Section X infra.

2. Chapter 7 Cases: The Loss Mitigation Parties are not required to seek Bankruptcy Court approval of any resolution or settlement reached during the loss mitigation process, including approval of any loan modification agreement, and such Parties are authorized to effectuate such resolution or settlement without further order or approval of the Bankruptcy Court or the Chapter 7 Trustee. However, the Loss Mitigation Parties are required to file Form D upon the successful completion of loss mitigation. See also Section X infra.

VIII. THE LOSS MITIGATION PROCESS

A. INITIAL CONTACT

Within seven (7) days after entry of a Loss Mitigation Order, unless a different deadline is set by the Court, the contact person designated by each Creditor shall contact the Debtor's counsel, or Debtor, if specifically authorized, and any other Loss Mitigation Party. The Debtor may contact any Loss Mitigation Party at any time. The purpose of the initial contact is to create a framework for the discussion at the Loss Mitigation Session and to ensure that each of the Loss Mitigation Parties will be prepared to participate meaningfully in the Loss Mitigation Session – it is not intended to preclude the introduction of additional issues or proposals that may arise during the session. During the initial contact phase, the Loss Mitigation Parties should agree upon:

1. The time, place and method for conducting the loss mitigation sessions.
2. The types of loss mitigation solutions under consideration by each party.

3. A plan for the exchange of requested information prior to the loss mitigation session, including the due date for the Debtor to complete and return any information request or other loss mitigation paperwork that each Creditor may require. All such information shall be provided at least seven (7) days prior to the Loss Mitigation Session.

B. LOSS MITIGATION SESSIONS

Loss Mitigation Sessions may be conducted in person, telephonically, via video conference or by e-mail communication. Prior to the conclusion of each Loss Mitigation Session, the Loss Mitigation Parties should discuss whether additional sessions are necessary and set the time and method for conducting any additional sessions, including a schedule for the exchange of any further information or documentation that may be required.

C. BANKRUPTCY COURT ASSISTANCE

At any time during the loss mitigation period, a Loss Mitigation Party may request a settlement conference or status conference with the Bankruptcy Court, on any subject dealing with the loss mitigation process.

IX. DURATION, EXTENSION AND EARLY TERMINATION

A. INITIAL PERIOD

The initial loss mitigation period shall be set by the Bankruptcy Court in the Loss Mitigation Order.

B. EARLY TERMINATION

1. Upon Request of a Loss Mitigation Party: A Loss Mitigation Party may request that the loss mitigation period be terminated for cause, and shall state the reason(s) for the request. Except where early termination is necessary to prevent irreparable injury, loss or damage, the request shall be made on notice to all other Loss Mitigation Parties, and if necessary, the Bankruptcy Court may schedule a hearing to consider said request.

2. Dismissal of the Bankruptcy Case:

a. Other than at the request of a Chapter 13 Debtor, or on the motion of the United States Trustee, the case trustee, or the Court acting sua sponte, for failure to comply with requirements under the Bankruptcy Code, a case shall not be dismissed during the loss mitigation period unless the Loss Mitigation Parties have provided the Bankruptcy Court with an explanatory status report that is approved by the Court.

b. Upon the request of a Chapter 13 Debtor: A Debtor shall not be required to request dismissal of the bankruptcy case as part of any resolution or settlement that is offered or agreed to during the loss mitigation period. Where a Chapter 13 Debtor requests voluntary dismissal of the bankruptcy case during the loss mitigation period, the Debtor's dismissal request shall indicate whether the Debtor agreed to any settlement or resolution with a Loss Mitigation Party during the loss mitigation period or intends to accept an offer of settlement made by a Loss Mitigation Party during the loss mitigation period.

c. Notice: If a bankruptcy case is dismissed for any reason during the loss mitigation period, the Clerk of the Court shall note on the docket that loss mitigation efforts were ongoing at the time the bankruptcy case was dismissed.

X. RESOLUTIONS

The Bankruptcy Court will consider any agreement reached during loss mitigation in Chapter 13 cases and may approve the same (“Resolution”), subject to the following:

1. **Implementation:** A Resolution may be noticed and implemented in any manner permitted by the Bankruptcy Code and Federal Rules of Bankruptcy Procedure (“Bankruptcy Rules”), including, but not limited to, a stipulation, sale, plan of reorganization or amended plan of reorganization. All settlement agreements that result in loan modifications in Chapter 13 cases must be accompanied by a completed and signed Form D, Proposed Loan Modification Agreement. Upon Resolution in a Chapter 7 case, the Loss Mitigation Parties shall file a completed and signed Form D, Proposed Loan Modification Agreement.

2. **Fees, Costs or Charges:** If a Resolution provides for a Creditor to receive payment or reimbursement of any fee, cost or charge that arose from loss mitigation, other than those fees authorized by Section V.C. above, all such fees, costs or charges shall be disclosed to the Debtor, the case trustee, the United States Trustee, and to the Bankruptcy Court prior to (a) approval of the Resolution in a Chapter 13 case or (b) finalization of any Resolution in a Chapter 7 case.

3. **Signatures:** In a Chapter 13 case, consent to the Resolution shall be acknowledged in writing by (1) an authorized representative of the Creditor, (2) the Debtor, and (3) the Debtor’s attorney, if applicable.

4. **Hearing:** Where a Debtor in a Chapter 13 case is represented by counsel, a Resolution may be approved by the Bankruptcy Court without further notice, or upon such notice as the Bankruptcy Court directs. Where a Debtor in a Chapter 13 case is not represented by counsel, a Resolution shall not be approved until after the Bankruptcy Court has conducted a hearing at which the Debtor shall personally appear.

5. **Supplemental Schedules I and J, Amended Chapter 13 Plan, if applicable, and Updated Objection to Confirmation:** Within fourteen (14) days after Court approval of a loss mitigation Resolution, the Debtor shall file Supplemental Schedules I and J, and an amended Chapter 13 Plan, if applicable. The Creditor shall update any previously filed objection to the Chapter 13 Plan, if applicable, at least seven (7) days before the rescheduled confirmation hearing date. If an updated objection is not filed, the Court will deem the original objection to have been withdrawn.

6. **Dismissal Not Required:** A Debtor is not required to request dismissal of the bankruptcy case in order to effectuate a Resolution. Where the Debtor requests or consents to dismissal of the bankruptcy case as part of the Resolution, the Bankruptcy Court may approve the agreement

as a “structured dismissal,” if such action complies with the Bankruptcy Code and the Bankruptcy Rules, and does substantial justice between the parties.

XI. COORDINATION WITH OTHER PROGRAMS

[Provision may be added in the future to provide for coordination with other loss mitigation programs.]

XII. EFFECTIVE DATE

Pursuant to General Order 09-003, the Court’s Loss Mitigation Program first became effective on November 1, 2009. By General Order 10-001, the Court issued its First Amended Loss Mitigation Program which took effect on January 15, 2010, on April 1, 2010, by General Order 10-002, the Second Amended Loss Mitigation Program went into effect, on August 23, 2010, by General Order 10-003, the Third Amended Loss Mitigation Program took effect, on February 14, 2011, by General Order 11-001, the Fourth Amended Loss Mitigation Program took effect, on October 3, 2011, the Fifth Amended Loss Mitigation Program took effect, on December 1, 2011, the Sixth Amended Loss Mitigation Program took effect, on June 3, 2013, the Seventh Amended Loss Mitigation Program took effect, and on April 1, 2014, by General Order 14-001, this Eighth Amended Loss Mitigation Program will take effect.

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