

Redlined Version

RULE 1002-1 PETITION - GENERAL [Modified _____]

(a) Filing. A petition commencing a case under the Bankruptcy Code shall be filed in the office of the Clerk or by electronic means as established by the Court. Filing of the petition or related schedule, statement or list by facsimile transmission is not authorized in this District.

(b) Form. A petition commencing a bankruptcy case shall conform substantially to the applicable Official Forms, and be fully completed by petitioner. All petitions must include the full name(s) and address(es) (including zip codes) of the debtor(s); the firm name, mailing address, telephone and facsimile number, and state bar admission number of the attorney for each debtor.

(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 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.~~

...

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

...

(3) Legal Representation Required for all Corporations, Partnership, or other non-individuals. A petition filed on behalf of a corporation, partnership, trust or other non-individual which is not represented by counsel at the time of the filing will be treated as defective and the debtor will be required to obtain counsel within seven (7) days of the filing date or the case will be automatically dismissed unless a request for relief under R.I. LBR 1017-2(b) was timely made.

(4) "Doing Business As" or "Formerly Known As". A petition by an individual, corporation or other legal entity that lists as a DBA or FKA a separate corporation or other legal entity will be treated as defective. The debtor will be required to file a separate case for the DBA or FKA within seven (7) days or the case will be subject to automatic dismissal unless a request for relief under R.I. LBR 1017-2(b) was timely made. A corporation or other legal entity must file a separate petition if it is a separate legal entity from the debtor even if it considers itself the FKA or DBA of an individual, partnership, trust or other corporation, and even if its corporate charter has been revoked pre-petition.

RULE 1005-1 FILING PAPERS - REQUIREMENTS [Modified _____]

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(d) Required Response Time Language Must Be Included on All Papers.

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

Within fourteen (14) days after service, if served electronically, as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if served by mail or other excepted means specified, any party against whom such paper has been served, or any other party who objects to the relief sought, shall serve and file an objection or other appropriate response to said paper with the Bankruptcy Court Clerk's Office, 380 Westminster Street, 6th Floor, Providence, RI 02903, (401) 626-3100. If no objection or other response is timely filed, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise.

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RULE 1006-1 FILING FEE [Modified _____]

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(d) Nonconforming Application to Pay in Installments. An Application to Pay the Filing Fee in Installments that does not comply with R.I. LBR 1006-1(c) shall be presented to the Court for consideration. If denied, the debtor shall immediately remit the full filing fee. Failure to timely pay the filing fee will result in the automatic dismissal of the case unless a request for relief under R.I. LBR 1017-2(b) was timely made.

(f) Nonconforming and Denied Applications For Waiver of Filing Fee. An Application to Waive the Filing Fee that does not conform with the requirements listed in section (e) above, or is defective in any way, will be automatically denied. If an Application to Waive the Filing Fee is denied for any reason, the Court may treat the application as one to pay the filing fee in installments and the first installment will be due within ten days of the entry of the order denying the waiver of the fees, and the remaining fees will be payable in accordance with R.I. LBR 1006-1(c), unless otherwise ordered by the Court. Failure to timely pay the full fee or the first installment will result in the automatic dismissal of the case unless a request for relief under R.I. LBR 1017-2(b) was timely made.

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

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(d) **Order to file Missing Documents and Notice of Automatic Dismissal for Non-Compliance (Lack of Prosecution Compliance) Procedure for Issuance of Order to file Missing Document and Notice of Automatic Dismissal for Non-Compliance.** In all voluntary cases, where the petition is not accompanied by the required schedules, statements, and other documents, pursuant to Fed. R. Bankr. P. 1007, 1008, 2016, and 3015, and R.I. LBR 1002-1, 1007-1 and 5005-4, the debtor shall file such missing documents according to the time limits imposed by federal or local rule, or, if cause exists, move within that time for an order extending the time to make the required filings. Upon filing the petition, the debtor will receive an Order to file Missing Documents and Notice of Automatic Dismissal for Non-Compliance indicating which documents are missing and giving the debtor either seven (7) days or fourteen (14) days from filing to file the required documents, 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 unless a request for relief under R.I. LBR 1017-2(b) was timely made. 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 re-filing a petition. See also, R.I. LBR 1017-2

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RULE 1017-2 DISMISSAL FOR LACK OF PROSECUTION COMPLIANCE [Modified _____]

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(b) ***Sua Sponte Action by Court.*** The Court may, on its own motion, and after notice to the debtor, the debtor's attorney, if any, and to all creditors, dismiss a case for lack of prosecution compliance unless the debtor cures the deficiency timely, and/or the debtor or any party in interest requests a hearing within seven days of service of such Order requiring compliance and Notice of intent to Automatic Dismissal for Non-compliance, or Order to Show Cause, or similar court order.

RULE 2004-1 EXAMINATION [Modified _____]

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(b) Notice and Response Time.

(1) Not less than fourteen (14) days written notice of a proposed examination shall be given to the entity to be examined, such entity's counsel (if known), and to all other affected parties in accordance with Fed. R. Bankr. P. 9013. The notice shall apprise the party to be examined of the proposed scope of the examination and list any documents requested to be presented at such examination.

(2) In addition, the notice shall contain the following language regarding the time to object or otherwise respond to the proposed examination:

Within fourteen (14) days of service of this Motion for a Rule 2004 Examination, if served electronically, and an additional three (3) days pursuant to Fed. R. Bankr. P. 9006(f) if you were served by mail, or other excepted means specified, any party who objects to the examination shall serve and file an objection and/or motion for protective order with the Bankruptcy Court Clerk's Office, 380 Westminster Mall, 6th Floor, Providence, RI 02903, (401) 626-3100. If no objections or motions for protective order are timely filed, the motion for examination will be granted by the Court by endorsement order.

Rule 3007-1 CLAIMS - OBJECTIONS [Modified _____]

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(b) Response Time Required on All Objections to Claim: An objection to a claim(s) shall contain the following notice, which shall appear below the signature block of the objecting party, or otherwise be conspicuously set forth within the objection:

NOTICE OF TIME TO RESPOND/OBJECT

Within fourteen (14) days if served electronically, after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bankr. P. 9006 if you were served by mail or other excepted means specified, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Bankruptcy Court Clerk's Office, 380 Westminster Street, 6th Floor, Providence, RI 02903, (401) 626-3100. If no objection or other response is timely filed within the time allowed herein, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise. If you timely file such a response, you will be given thirty (30) days notice of the hearing date for this objection.

Rule 3011-1 UNCLAIMED FUNDS [Modified _____]

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(3) Upon receipt of the required documents described in paragraph (2) above, copies of which shall also be served upon the United States attorney via regular first class mail, a twenty-one (21) day deadline shall be fixed for the filing of objections, if served electronically, (plus an additional three (3) days for mail or other excepted means specified in Fed. R. Bank P. 9006(f)). If no objection(s) is timely filed, and the application and documentation is determined to be complete and satisfactory, the Financial Administrator shall obtain a court order approving the payment. If an objection to the petition is timely received, the matter shall be set for hearing.

RULE 3015-3 CHAPTER 13 — Confirmation [Modified _____]

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(e) Confirmation of Plan Denied. If confirmation is denied, the Court may enter an order dismissing the Chapter 13 case, unless, within fourteen (14) days after entry of the order denying confirmation:

- (1) The debtor files an amended plan;
- (2) The debtor moves to convert the case to one under another chapter of the Code;
- (3) The debtor files a motion for reconsideration;
- (4) The debtor appeals the order denying confirmation; ~~or~~
- (5) The debtor requests timely relief under R.I. LBR 1017-2(b); or
- (6) The Court otherwise orders.

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RULE 4001-1 RELIEF FROM AUTOMATIC STAY [Modified _____]

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(d) Response. A party objecting to a motion for relief from the automatic stay must file an opposition to the motion within fourteen (14) days, if served electronically, or seventeen (17) days if you were served as provided in Fed. R. Bankr. P. 9006(f) or other excepted means specified. If the motion is scheduled for an expedited hearing before the expiration of the fourteen (14) day period, then the opposition shall be filed within 24 hours of the expedited hearing.

RULE 5005-4 ELECTRONIC FILING [Modified _____]

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(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, and if the fee is not paid within seven (7) days of filing, the underlying document will be stricken or terminated pursuant to R.I. LBR 5005-5.

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RULE 5005-5 FILING OF PAPERS - PROCEDURE FOR STRIKING DEFECTIVE PLEADINGS AND OTHER DOCUMENTS [Modified _____]

(a) **Procedure for Striking or Terminating Defective Documents and Extension of the Response Deadline.** If a document filed with the Court fails to conform with federal and local bankruptcy rules, ~~and~~ forms, and/or required filing fees, or is incorrectly filed in the electronic filing system, the document shall be either stricken or terminated from the record and a corrective action required event will be entered stating the nature of the defect and giving instruction to re-file the document in corrected form. If the defect pertains to a pending motion/application/notice, then the response deadline will also terminate and a new deadline will commence upon the re-filing of the corrected document. For those documents which fail to conform where a filing fee has been paid, the filer will have fourteen (14) days to re-file such documents in corrected form and the court will associate the previously paid fee. If the corrected document is not filed before this deadline expires, a new filing fee will be required.

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RULE 7067-1 REGISTRY FUNDS [Modified _____]

(a) **Receipt of Funds**

1) No money shall be sent to the Court or its officers for deposit in the Court's registry without a court order signed by the presiding judge in the case or proceeding.

~~2) Upon entry of the order, the party shall forthwith deliver to the Clerk's Office a check of the amount to be deposited.~~

3) The party making the deposit or transferring funds to the Court's registry shall serve the order permitting the deposit or transfer on upon the Clerk of Court, ~~and all interested parties.~~

4) Unless provided for elsewhere in this Order, all monies ordered to be paid to the Court or received by its officers in any case pending or adjudicated shall be deposited with the Treasurer of the United States in the name of and to the credit of this Court, pursuant to 28 U.S.C. § 2041, through depositories designated by Treasury to accept such deposits on its behalf.

(b) **Investment of Registry Funds**

1) Where, by order of the Court, funds on deposit with the Court are to be placed in some form of an interest-bearing account or invested in a court-approved, interest bearing instrument in accordance with Rule 67 of the Federal Rules of Civil Procedure, the Court Registry Investment System ("CRIS"), administered by the Administrative Office of the United States Courts under 28 U.S.C. §2045, shall be the only investment mechanism authorized.

2) Interpleader funds deposited under 28 U.S.C. §1335 meet the IRS definition of a "Disputed Ownership Fund" (DOF), a taxable entity that requires tax administration. Unless otherwise ordered by the court, interpleader funds shall be deposited in the DOF established within the CRIS and administered by the Administrative Office of the United States Courts, which shall be responsible for meeting all DOF tax administration requirements.

3) The Director of the Administrative Office of the United States Courts is designated as custodian for all CRIS funds. The Director or the Director's designee shall perform the duties of the custodian. Funds held in the CRIS remain subject to the control and jurisdiction of the Court.

4) Money from each case deposited in CRIS shall be "pooled" together with those on deposit with Treasury to the credit of other courts in CRIS and used to purchase Government Account Series securities through the Bureau of Public Debt, which will be held at Treasury, in an account in the name and to the credit of the Director of Administrative Office of the United States Courts. The pooled funds will be invested in accordance with the principles of the CRIS Investment Policy as approved by the Registry Monitoring Group.

5) An account for each case will be established in CRIS Liquidity Fund titled in the name of the case giving rise to the ~~investment in the system~~ deposit invested in the fund. Income generated from fund investments will be distributed to each case based on the ratio each account's principal and earnings has to the aggregate principal and income total in the fund each week after the CRIS fee has been applied. Reports showing the interest earned and the principal amounts contributed in each case shall be prepared and distributed to each court participating in CRIS and made available to litigants and/or their counsel.

6) For each interpleader case, an account shall be established in the CRIS Disputed Ownership Fund, titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case after the

DOF fee has been applied and tax withholdings have been deducted from the fund. Reports showing the interest earned and the principal amounts contributed in each case will be available through the FedInvest/CMS application for each court participating in the CRIS and made available to litigants and/or their counsel. On appointment of an administrator authorized to incur expenses on behalf of the DOF in a case, the case DOF funds should be transferred to another investment account as directed by court order.

(c) **Deduction of Fees and Taxes**

1) The custodian is authorized and directed by this Order to deduct the ~~registry~~CRIS fee of an annualized 10 basis points on assets on deposit for all CRIS funds, excluding the case funds held in the DOF, ~~for maintaining accounts in CRIS and the investment services fee~~ for the management of investments in the CRIS. ~~The proper registry fee is to be determined based on the rates published by the Director of the Administrative Office of United States Courts as approved by the Judicial Conference. The investment services fee is assessed from interest earnings according to the~~ According to the Court's Miscellaneous Fee Schedule, the CRIS fee is assessed from interest earnings to the pool before a pro rata distribution of earning is made to court cases.

2) ~~If registry fees were assessed against the case under the previous 45-day requirement prior to deposit in CRIS, no additional registry fee will be assessed.~~The custodian is authorized and directed by this rule to deduct the DOF fee of an annualized 20 basis points on assets on deposit in the DOF for management of investments and tax administration. According to the Court's Miscellaneous Fee Schedule, the DOF fee is assessed from interest earnings to the pool before a pro rata distribution of earning is made to court cases. The custodian is further authorized and directed by the rule to withhold and pay federal taxes due on behalf of the DOF.

(d) **Procedure for Withdrawal of Funds.** Any party seeking to withdraw monies from the Registry of the Court must file and serve a motion for said withdrawal, together with a proposed order stating the exact amount to be disbursed to each party, and each party's name, address and tax identification number. All transactions regarding Registry funds shall be made only with Court approval.

(f) Transition from Former Investment Procedure

1) The Clerk of Court is further directed to develop a systematic method of redemption of all existing investments and their transfer to the CRIS.

2) Deposits to the CRIS DOF will not be transferred from any existing CRIS Funds. Only new deposits pursuant to 28 U.S.C.§1335 from the effective date of this rule will be placed in the CRIS DOF.

3) Parties not wishing to transfer certain existing registry deposits into the CRIS may seek leave to transfer them to the litigants or their designees on proper motion and approval of the judge assigned to the specific case.

4) This rule supersedes and abrogates all prior orders and rules of this Court regarding the deposit and investment of registry funds.

5) The effective date of this rule is the date the CRIS DOF begins accepting deposits.

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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PETITION FOR PAYMENT OF UNCLAIMED FUNDS

I, the undersigned petitioner, under penalty of perjury under the laws of the United States of America, declare that the following statements and information are true and correct:

1. _____ (“Petitioner”) applies to this Court for entry of an order directing the Clerk to remit to Petitioner the sum of \$_____ due to _____ (“Claimant”), whose address is _____.

2. [Please **check and complete only ONE of the following subparagraphs**, as applicable. Documentation must be attached to R.I. Bankr. Form 3011-1.2 or 3011-1.3, as applicable. Petitions submitted without the required supporting documentation attached to forms 3011-1.2 or 3011-1.3 will be considered defective and stricken. If filing this petition electronically, do not attach documentation to this petition when filing in cm/ecf].

Petitioner is the **individual** Claimant named in the Trustee’s unclaimed funds check and states that no other application for this claim has been submitted by or at the request of this Claimant. Attach the following documentation to R.I. Bankr. Form 3011-1.2. **A photocopy of photo identification of Claimant showing Claimant’s signature [e.g., driver’s license or passport].** If the name of the Claimant is different from the name of the original Claimant due to marriage, divorce, etc., appropriate documentation [e.g., certified copy of divorce decree, marriage license]. If Claimant is deceased, appropriate documentation to establish that the person executing the Petition is authorized to act on behalf of the decedent’s estate [e.g., certified copies of all probate documents including a copy of the death certificate and appointment of executor].

- Petitioner is a **corporation, partnership or other entity** named as the Claimant in the Trustee’s unclaimed funds check Petitioner has reviewed all records of the Claimant and states that no other Petition for this claim has been submitted by or at the request of Claimant. **Documentation that establishes that the person executing the Petition is authorized to submit the Petition must be attached to R.I. Local Form 3011-1.3 or the Petition will be considered defective and stricken** [e.g., board meeting minutes and articles of incorporation, current list of officers and directors, affidavit of secretary with copy of directors’ resolution authorizing execution of the Petition or officer’s certificate establishing that the corporate officer executing the Application is authorized to so act].
 - If the Petitioner is a **successor in interest** to a previous corporation, then documentation must be attached to R.I. Local Form 3011-1.3 to establish the legal right of the applicant to the accounts receivable of the claimant corporation [e.g., documents establishing the chain of ownership of the original corporate claimant, proof of sale of the company, new and prior owners, and a copy of the terms of any purchase agreement or stipulation by prior and new owners of right of ownership to unclaimed funds]. Copies of all documents evidencing assignment must be appended to R.I. Local Form 3011-1.3.
 - Petitioner is an attorney or a **“funds locator”** who has been retained by Claimant. Attach the following documentation to R.I. Local Form 3011-1.2 or 3011-1.3, as applicable: An original, notarized “power of attorney” from an individual Claimant or from the duly authorized representative for the corporation, partnership or other entity named as the Claimant. Documentation that establishes that the person executing the “power of attorney” is authorized to so act [e.g., affidavit of secretary with copy of directors’ resolution authorizing use of locator service or officer’s certificate establishing that the corporate officer executing the “power of attorney” is authorized to so act].
3. Petitioner has made sufficient inquiry and has no knowledge that this claim has been previously paid, that any other petition for this claim is currently pending before this Court, or that any party other than the Petitioner is entitled to submit a petition for the payment of this claim.
 4. Applicant has provided notice to the United States Attorney for the District of Rhode Island of this Petition pursuant to 29 U.S.C. § 2042 and a certificate of service has been filed.

5. I understand that, pursuant to 18 U.S.C. § 152, I will be fined not more than \$5,000, or imprisoned not more than five years, or both, if I have knowingly and fraudulently made any false statements in this document.

[Individual]

Dated: _____

Signature of Individual Petitioner

Street Address

City and State

Telephone (including area code)

[Entity]

Dated: _____

Name of Petitioner [if not an individual]

By: _____
(Name of authorized Representative and Capacity/Title)

Street Address

City and State

Telephone (including area code)

NOTICE OF RESPONSE TIME

Within twenty-one (21) days after service, if served electronically, as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bankr. P. 9006(f) if you were served by mail, or other excepted means specified, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Bankruptcy Court Clerk's Office, 380 Westminster Street, 6th Floor, Providence, RI 02903, (401) 626-3100.

CERTIFICATE OF SERVICE

The petitioner mailed a copy of this petition and all attachments to the Office of the United States Attorney for the District of Rhode Island at Fleet Center, 50 Kennedy Plaza, 8th Floor, Providence, RI 02903 on (date) _____.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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

NOTICE OF INTENDED PUBLIC SALE OF ESTATE PROPERTY

To Creditors and Parties in Interest:

NOTICE IS HEREBY GIVEN, pursuant to 11 U.S.C. § 363, Fed. R. Bankr. P. 2002(a)(2) and 6004, and R.I. LBR 6004-1, that the Debtor, _____, intends to sell at public sale the Debtor's right, title and interest to certain property of the estate consisting of:

[Property Description].

The sale will be conducted by _____
[Auctioneer] at _____ [Address] on
_____ [Date] at _____ [Time].

The proposed sale procedures are more particularly described in the Debtor's Motion for Order Authorizing and Approving Sale of Property of the Estate.

The _____ [Property] will be sold free and clear of all liens, claims and encumbrances, with such liens, claims and encumbrances, if any, to the extent valid, attaching to the same extent and in the same order of priority to the net proceeds of the sale, and such liens, claims and encumbrances attached to the _____
_____ [Property].

RESPONSE TIME

Within twenty-one (21) days after service, if served electronically, as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, or other excepted means specified, any party against whom this **Notice of Intended Public Sale** has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an **Objection or other appropriate response** to this Notice of Intended Public Sale with the Bankruptcy Court Clerk's Office, 380 Westminster St., 6th Floor, Providence, RI 02903, (401) 626-3100. A copy of the objection or response shall also be served upon Debtor/Debtor's counsel and the case trustee, if any. If no objection or other response is timely filed within the time allowed herein, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise. If the Court determines that a hearing is necessary, you will receive no less than 14 days notice, unless otherwise ordered.

DATED:

BY:

Name:
Firm:
Name:
Address:
Telephone Number:
Bar number: