

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF RHODE ISLAND

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In re: : BANKRUPTCY GENERAL ORDER  
Sixth Amended Loss Mitigation  
Program and Procedures : No. 11-009  
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**GENERAL ORDER ADOPTING SIXTH AMENDED LOSS  
MITIGATION PROGRAM AND PROCEDURES**

**WHEREAS** on October 22, 2009, this Court issued General Order 09-003, adopting Loss Mitigation Program and Procedures, effective November 1, 2009<sup>1</sup>, and

**WHEREAS** since the program has been in effect, better practices have been identified for improving the program and procedures and its forms,

**NOW THEREFORE**, it is hereby **ORDERED** that the Sixth Amended Loss Mitigation Program and Procedures is adopted, and shall replace the October 3, 2011 Fifth Amended version, **effective December 1, 2011**. The specific substantive provision being amended is Section V(A)(1) and (2) as follows in red underline:

...

**V. COMMENCEMENT OF LOSS MITIGATION**

Parties are encouraged to request loss mitigation as early in the case as possible, but loss mitigation may be initiated at any time, by any of the following methods:

**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 counsel, if known, and file with the Court, a Notice and/or Request for Loss Mitigation (2<sup>nd</sup> Amended Form A) 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 local office of the United States Attorney, to the attention of Michael Iannotti, Esq.

2. Alternatively, a Debtor may file with the Court and serve on the Creditor and its counsel, if known, a Notice and/or Request for Loss Mitigation (2<sup>nd</sup> Amended Form A), 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

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<sup>1</sup> The Loss Mitigation Program has been amended five times since its inception, the most recent on October 3, 2011.

be included on a Request form. 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 local office of the United States Attorney, to the attention of Michael Iannotti, Esq.

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The above-referenced amendments shall apply to all cases filed on or after this date, and all cases pending in this court as of the applicable effective date.

ORDER:

ENTER:

/s/ Susan M. Thurston  
Susan M. Thurston  
Clerk of Court

/s/ Arthur N. Votolato  
Arthur N. Votolato  
U.S. Bankruptcy Judge

Date: 12/1/11