OFFICE OF THE CLERK
UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND

Susan M. Thurston
Clerk of Court

Gail Kelleher
Chief Deputy Clerk

NOTICE OF ADOPTION

Amendment of Local Rules, Form and Appendix

Effective September 9, 2013

Local Rule 1002-1 (amended)
Local Rule 1005-1 (amended)
Local Rule 1006-1 (amended)
Local Rule 1009-1 (amended)
Local Rule 2002-1 (amended)
Local Rule 2002-2 (amended)
Local Rule 2014-1 (amended)
Local Rule 2016-1 (amended)
Local Rule 3002-1 (amended)
Local Rule 3007-1 (amended)
Local Rule 3015-1 (amended)
Local Rule 3015-2 (amended)
Local Rule 3016-2 (amended)
Local Rule 3017-1 (amended)
Local Rule 4001-1 (amended)
Local Rule 4001-2 (amended)
Local Rule 4004-1 (amended)
Local Rule 4008-1 (amended)
Local Rule 5003-2 (amended)
Local Rule 5005-4 (amended)
Local Rule 5005-5 (amended)
Local Rule 5072-1 (amended)
Local Rule 5077-1 (amended)
Local Rule 5078-1 (amended)

Local Rule 5080-1 (amended)
Local Rule 5081-1 (amended)
Local Rule 7016-1 (amended)
Local Rule 7026-1 (amended)
Local Rule 9003-1 (amended)
Local Rule 9004-1 (deleted)
Local Rule 9006-1 (new)
Local Rule 9010-1 (amended)
Local Rule 9013-1 (amended)
Local Rule 9013-2 (amended)
Local Rule 9013-3 (amended)
Local Rule 9014-1 (amended)
Local Rule 9018-1 (new)
Local Rule 9020-1 (deleted)
Local Rule 9070-1 (amended)
Local Rule 9072-1 (amended)
Appendix IV (amended)
Local Form L.1 (new)

Pursuant to 28 U.S.C. § 2071(b), Fed. R. Civ. P. 83, Fed. R. Bankr. P. 9029, and U.S. District Court for the District of Rhode Island General Rule 109(h)(1), the U.S. Bankruptcy Court for the District of Rhode Island hereby provides notice that the Local Rules, Form, and Appendix listed above have been amended.

Copies of the amended local rules, forms and appendix are available at the Clerk's office or on our website at www.rib.uscourts.gov. These rule, form and appendix amendments are effective as of September 9, 2013, and shall apply to all cases filed on or after this date, and all cases pending in this court as of this date, as applicable.

FOR THE COURT

Dated: September 5, 2013

/s/
Susan M. Thurston, Clerk

Clean Copy version

1002-1

RULE 1002-1 PETITION – GENERAL

…

(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 a180-day bar to refiling any petition.

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

…

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

(1) Corporate Petitions. A petition filed by a corporation shall be signed in accordance with 28 U.S.C. § 1746 or verified by an authorized officer or authorized agent of the corporation, and shall include a copy of the board of director's resolution or of the minutes of the corporate meeting, or other evidence of the verifying officer's or authorized agent's authority to file the bankruptcy petition on behalf of the corporation.

(2) Petitions for Other Non-Individuals. A petition by a partnership, trust or other non-individual debtor shall be signed and verified by a general partner, or trustee, or appropriate agent, and shall include evidence of the signatory's authority to file the bankruptcy petition.

(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.

(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. 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.

1005-1

RULE 1005-1 Filing Papers - Requirements

…

(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 as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if served by mail, 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.

(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:

(A) Application to Compromise -- 21 days;

(B) Motion/Notice of Intended Sale -- 21 days;

(C) Motion to Amend or Modify a Plan -- 21 days;

(D) Motion to Modify Secured Claim -- 21 days;

(E) Application (or Notice) to Abandon -- 21 days;

(F) Motion to Shorten Time (Expedited treatment) seven (7) days;

(G) Emergency Motion for Relief -- left to discretion of Court, above language should not be used;

(H) Motion for Rule 2004 Examination -- see R.I. LBR 2004-1(b)(2).

(I) Motion to Extend Time [other than 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;

(J) Motion to Continue Hearing -- See R.I. LBR 5005-4 and 5071 for the deadline for filing motions to continue hearing.

(i) One-sided motion - four calendar (4) days by 3:00 p.m. If less time is needed, the motion should be filed as an emergency motion pursuant to LBR 9013-2(e) and served as specified in subsection (d)(2)(G) above;

(ii) Consent/Joint motion -- left to discretion of Court, above language should not be used

(K) Motion to Vacate an Order and Motion To Reconsider- seven (7) days

(L) Motion for Relief from Co-Debtor Stay – 20 days

(3) Objection to Claim. See R.I. LBR 3007-1.

(4) Objection to Exemption. See R.I. LBR 4003-1(b).

(e) Late Filed Documents. Any response, objection, status report or other document filed after the applicable deadline provided under these local rules and/or as established by Order of the

Court, must be accompanied by a separate Motion to File Out of Time, setting forth the reasons why the document was not timely filed and why permitting a late filing is warranted. Any such late filed documents not accompanied by the separate Motion to File Out of Time will be stricken and treated as if never filed, and may result in the granting of the document that was not timely responded to, without further hearing unless the required Motion to File Out of Time and previously stricken document is filed within 3 calendar days of the entry striking the document. For documents that are timely filed but stricken as defective, provided that the corrected document is filed within 3 calendar days of the entry striking the document, the corrected document will relate back to the original filing date and no Motion to File Out of Time is required.

…

1006-1

RULE 1006-1 FILING FEE

…

(e) Procedure to Waive Filing Fee (Proceed in forma pauperis). An individual who files a voluntary Chapter 7 petition may request to have all filing fees waived by filing a completed and signed Application for Waiver of the Chapter 7 Filing Fee using Official Form B3B and R.I. Bankr. Form D. The granting of the application approves the waiver of all future filing fees which may arise in the case while pending under Chapter 7.

(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 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.

1009-1

RULE 1009-1 AMENDMENTS OF PETITIONS, LISTS, SCHEDULES AND STATEMENTS

…

(c) Amendments Adding an Omitted Creditor. If, at any time after the first notice of the first meeting of creditors is mailed, pre-petition creditors not previously included on the creditor mailing list are added by amendments, the following procedures shall apply:

(1) Contemporaneous with the filing of the amendment and applicable fee, the debtor shall:

(A) in a conventionally filed case (not electronically filed), file a supplemental disk, listing only the name(s) and address(es) of the added creditor(s) in the form prescribed by R.I. LBR 1002-1(d);

(B) serve upon the added creditors a copy of the Notice of Section 341 meeting of creditors, and if applicable, a proof of claim form;

(C) In an individual chapter 7 case, serve a notice informing the added creditor of its right to file complaints under 11 U.S.C. §§ 523 and 727, and objections to the debtor's claim of exemptions within sixty (60) days of service of the papers required by this LBR or within the time set for the filing of such complaints , motions, or objections by creditors previously scheduled, whichever is later.

(D) File a certificate of service with the Court acknowledging compliance with this local rule.

…

2002-1

RULE 2002-1 NOTICE TO CREDITORS, EQUITY SECURITY HOLDERS, UNITED STATES,AND UNITED STATES TRUSTEE

…

(e) Notices Required to be Served by Clerk or other Person. Unless otherwise directed by the Court, wherever the Bankruptcy Rules or local rules require that the clerk or some other person as the Court may direct shall provide notice pursuant to this rule, the clerk is authorized to designate a trustee, debtor in possession, or other party to provide any notice required to interested parties where the interests of justice and efficiency are served. The clerk is further authorized to review the form of all such notices to ensure that the notice complies with the requirements of the Court and appropriate rules.

2002-2

RULE 2002-2 NOTICE OF PREFERRED ADDRESSES UNDER 11 U.S.C. § 342(e)-(f) AND NATIONAL CREDITOR REGISTER SERVICE

(a) In accordance with Fed. R. Bankr. P. 2002(g)(1)-(3), an entity and a notice provider may agree that when the notice provider is directed by the Court to give a notice to that

entity, the notice provider shall give the notice to the entity in the manner agreed to and at the address or addresses provided by the entity to the notice provider. That address is conclusively presumed to be a proper address for notice purposes. The notice provider's failure to use the supplied address does not invalidate any notice that is otherwise effective under applicable law.

(b) The filing of a notice of preferred address pursuant to 11 U.S.C. § 342(f) by a creditor directly with the entity that provides noticing services for the Bankruptcy Courts will constitute the filing of such a notice with the Court.

(c) Registration with the National Creditor Registration Service must be accomplished through the entity that provides noticing services for the Bankruptcy Courts. Forms and registration information are available at https://ncrs.uscourts.gov

...

2014-1

RULE 2014-1 EMPLOYMENT OF PROFESSIONAL PERSONS

…

(d) Content of Application. Every application shall set forth the information as required by Fed. R.Bankr. P. 2014(a) and 2016(b), including a specific statement as to what payments have been made or promised to the applicant for services rendered or to be rendered in any capacity whatsoever in connection with the case, or any other arrangement regarding the payment of fees, including the type of fee arrangement (contingency, hourly, flat rate or other arrangement) and the specific terms related to the fee structure. Applicant shall also disclose the existence of any guaranties for such fees and the debtor's relationship with any non-debtor entity paying or guaranteeing such fees. All retainers shall be maintained in accordance with R.I. LBR 2016-1(g).

2016-1

RULE 2016-1 COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT OF EXPENSES

(a) Application for Compensation of Professionals. In addition to the provisions of Fed. R. Bankr. P. 2016, each application and any attachment shall:

…

(h) Exceptions for Fee Applications filed on behalf of Attorneys Handling Personal Injury, ERISA and Disability Matters, , Real Estate Professionals, and Debtor's Attorney.

(1) Applications of Attorneys Handling Personal Injury, ERISA and Disability Matters. The requirements set forth in R.I. LBR 2016-1(a) 3, 6, 7, 8, and 9 shall not apply if an attorney's retention to handle a personal injury, ERISA or disability matter is pursuant to a contingency fee arrangement.

(2) Applications of Real Estate Professionals. The requirements set forth in R.I. LBR 2016-1(a) 3, 7, 8, and 9 shall not apply.

(3) Debtor's Attorney, Attorney for the Chapter 7 or 11 Trustee — When counsel for the debtor or the Chapter 7 or 11 Trustee is required to file a fee application under R.I. LBR 2017-1, the requirements set forth in R.I. LBR 2016-1(a) 7, 8, and 9 shall not apply, provided that the combined total of the application does not exceed $5,000.

3002-1

RULE 3002-1 FILING PROOF OF CLAIM OR INTEREST

(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(j). In addition, in all chapters, the claimant shall, contemporaneously with the filing, serve a copy of the proof of claim, with all attachments thereto, on the trustee, if any, and on the debtor's attorney, or debtor, if pro se.

…

3007-1

RULE 3007-1 CLAIMS - OBJECTIONS

(a) When to File: In Chapter 13 cases only, objections to claims shall be served and filed with the Court within sixty (60) days after the deadline for filing proofs of claim or within such additional time as the Court may allow upon the filing of a motion to extend time and for good cause shown. Any claim to which a timely objection is not filed shall be deemed allowed and shall be paid by the Chapter 13 trustee in accordance with the provisions of the confirmed plan. The Court, in its discretion, may disallow an untimely objection to a proof of claim.

(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 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, 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 Mall, 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.

3015-1

RULE 3015-1 CHAPTER 13 PLAN [Modified 12/1/09]

(a) Form of Plan. For all cases filed on or after April 1, 2009, the original [initial] Chapter 13 plan shall conform to RI Bankr. Form W.1, with such alterations as may be appropriate to suit the circumstances. Additionally, each plan shall contain the following:

> **(1) Signature(s)**. Every plan or amendment thereto shall be signed by the debtor, and
>
> **(2) Date**. Every plan or amendment thereto shall be dated as required by Fed. R. Bankr. P. 3015(c).

(b) Filing the Chapter 13 Plan and Service of Plan on all Creditors and Interested Parties. The debtor's attorney, or the debtor, if pro se, must, in addition to the time requirements for filing the Chapter 13 Plan with the court pursuant to Fed. R. Bankr. P. 3015(b), must also serve a copy of the proposed Chapter 13 plan on the Chapter 13 trustee, all creditors and all interested parties within twenty-four (24) hours of its filing with the Court. A certificate of service evidencing compliance with this rule shall be filed with the Court within fourteen (14) days thereafter.

(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, by first class AND certified mail:

(A) If the lien holder is an insured depository institution, in the manner prescribed by Fed.R.Bankr.P. 7004(h), and in addition:

(i) (a) 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; AND

(b) the attorney for the institution if a notice of appearance has been filed, OR

(ii) if neither (a) or (b) is applicable, on any agent authorized by appointment or by law to receive service of process for the institution.

(B) If the lien holder is other than an insured depository institution, in descending order, as applicable:

(i) (a) 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, **AND**

(b) the attorney for the lien holder if a notice of appearance has been filed, OR,

(ii) if neither (i)(a) or (i)(b) is applicable, the payment address to which the debtor makes monthly payments on account of the claim.

(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.

3015-2

RULE 3015-2 CHAPTER 13 - AMENDMENTS TO PLANS

…

(c) Amendments to Plan that Adversely Affect Creditors Filed Prior to the Confirmation Hearing.

(1) 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 parts of the amended plan, including any motions contained therein, that are changed 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 recent 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.

(2) Service. The debtor shall serve a copy of the amended plan including any motions contained therein, on the Chapter 13 trustee, all creditors, and all parties and attorneys who filed appearances and request for service of all pleadings in the case, as well as satisfying the service requirements contained in R.I. LBR 3015-1(c)(1) and 4003-1, if applicable. The amended plan shall be accompanied by a certificate of service. The Debtor is not required to re-serve the initial Plan required to be attached under subpart (1) above.

(3) Time to Object and Effect on Confirmation 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 date.

(d) Amendments to Plan After Confirmation.

(1) 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.

(2) Updated Schedules I and J Required. In conjunction with the motion to amend, the Debtor shall file updated 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.

(3) Service. The debtor shall serve a copy of the motion, amended plan and updated 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 parties and attorneys who have filed appearances and requests for service of pleadings in the case, as well as satisfying the service requirements contained in R.I. LBR 3015-1(c)(1) and 4003-2, if applicable.

(4) Hearing on Motion to Amend Plan. 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) Form of 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.

3016-2

RULE 3016-2 DISCLOSURE STATEMENT GENERAL

Modification or Amendments to Filed Disclosure Statement and/or Plan. Any amendments to a chapter 9 or 11 plan and/or disclosure statement shall be incorporated into the original of such documents and the revised document must be filed with the Court in its entirety identified as the "First, Second, (etc.) Amended." All amendments shall be highlighted by underlining, bold type, or other conspicuous means to underscore and identify the amendment to the initially filed document. Amended document(s) containing the highlighted modifications (by underline or asterisk) to the original document(s) and one original of the amended document(s) without highlighting of the modifications must be filed.

3017-1

RULE 3017-1 CHAPTER 9 AND 11 DISCLOSURE STATEMENT APPROVAL

(a) Transmission of Notices Regarding Disclosure Statement. After approval of the disclosure statement, the proponent of the plan under chapters 9 or 11 shall transmit all notices and documents required by Fed. R. Bankr. P. 3017. The proponent shall obtain the appropriate notice(s) as required by Fed. R. Bankr. P. 3017 from the Clerk of Court, and transmit the same, with any other documents required to be sent in accordance with said Bankruptcy Rule, to all creditors and equity security holders entitled to vote on the plan, and to all other parties as required by said Bankruptcy Rule.

(b) Small Business Cases. A sample combined Small Business Plan of Reoganization and Disclosure Statement for Small Business Debtor, included as Local Form L.1, may be used and altered to fit the circumstances of the case.

4001-1

RULE 4001-1 RELIEF FROM AUTOMATIC STAY

(a) Permitted Activities: The automatic stay provided in 11 U.S.C. § 362(a) is interpreted in bankruptcy cases as permitting the following:

Affected secured creditors may, and their agents, may, without violating the automatic stay:

(1) Contact the debtor IN WRITING, with a copy to debtor's counsel about the status of insurance coverage, tax payments, municipal charges on property used as collateral, in addition to sending written correspondence, such as; statements, payment coupons, and other similar correspondence that the creditor typically sends to its non-debtor customers. If the debtor is making direct payments to the creditor, the lender may contact the debtor IN WRITING, with a copy to debtor's counsel about payment defaults; and

(2) Discuss and/or negotiate with a debtor regarding a proposed modification of the terms of any secured indebtedness, EXCEPT that all such negotiations and/or discussions shall be conducted through counsel for the debtor, if the debtor is represented by counsel and such counsel has not, in writing, granted permission of such direct communication by creditor representatives with the debtor.

(3) Participation by debtors and mortgagees in any state or locally legislated foreclosure meditation program does not violate the automatic stay against the debtor under 11 U.S.C. § 362(a). Therefore, parties are not required to first seek relief from the automatic stay to participate in such programs.

(4) The secured creditor shall terminate any of the foregoing communications immediately upon receipt of written notice from the debtor or debtor's counsel requesting that such contacts cease.

(b) Motion

(1) A party seeking relief from the automatic stay provided by 11 U.S.C. § 362(a) shall file, in accordance with Fed. R. Bankr. P. 9014, a motion specifically setting forth the basis for such relief. In addition to the motion, in cases filed by individuals concerning real property where a Chapter 13 debtor has not indicated in their Chapter 13 plan an intent to surrender the property, the moving party shall include, as an attachment to either the motion or memorandum, a completed copy of **R.I. Bank. Form R, Relief from Stay Worksheet Real Estate**, as well as the required attachments to the motion as specified on Form R. R.I. Bank. Form R is not required in Chapter 7 cases, unless the debtor, or the Court, specifically request the filing of the form. If applicable, the motion for relief from stay must contain a conspicuous statement indicating the debtor's intent to surrender the property and must contain a statement as to the date and amount of the last payment on the subject property.

(2) Codebtor Stay: A party may not combine a motion for relief from stay with a motion for relief from stay against a codebtor; a separate motion is required. In addition to service on the codebtor, any motion for relief from the stay against a codebtor must also be served upon the debtor, debtor's counsel, if any, and the case trustee. See LBR 1005-1(d)(2)(L) for the applicable response time to be included on such motions.

…

(i) Joint Pre-Trial Statement:

(1) Filing Requirement. In all cases where a joint pre-trial statement is due prior to the final evidentiary hearing, the movant shall deliver by hand, mail, facsimile, or other agreed upon electronic means, a draft of the joint pre-trial statement, in compliance with R.I. LBR 9014-1, and R.I. Bankr. Form O, to the respondent within seven (7) days of the conclusion of the preliminary hearing. The respondent shall then submit to the movant, by hand, mail, facsimile, or other agreed upon electronic means, any comments or revisions within three (3) business days in order to finalize the document. The joint pre-trial statement must be filed with the Court no less than three (3) business days prior to the date set for the final evidentiary hearing.

(2) Content. If "adequate protection" is at issue, the respondent shall explain the character of any adequate protection offered in lieu of relief from stay. If the issue of whether the property is necessary to an effective reorganization is in dispute, the debtor must affirmatively state whether a reorganization plan is in prospect and, to the extent possible, provide a summary of the plan expected to be filed.

(2) Failure to File. If the movant fails to timely file the joint pre-trial statement with the Court, the motion for relief from stay will be denied without prejudice and the matter will be removed from the calendar. A new motion for relief and filing fee will be required to reinstate the matter. If either party fails to perform timely under these local rules, any aggrieved party may file a motion to adjudge the other party in default in accordance with R.I. LBR 9014-1.

4001-2

RULE 4001-2 USE OF CASH COLLATERAL, OBTAINING CREDIT AND STIPULATIONS RELATING TO SAME

(a) Motion. A motion for use of cash collateral, for authority to obtain credit, or a stipulation relating to the same must comply with and include the information required by Fed. R. Bankr. P. 4001(b), (c) and (d), respectively. In addition, the movant shall set forth the following information in any motion for use of cash collateral, for authority to obtain credit, or a stipulation regarding same: the total dollar amount of the funds requested to be used, the debtor's proposed budget for the use of the funds, the economic terms of such use of funds, including but not limited to the interest rates and fees, maturity date, termination and default provisions, disclosure by the debtor as to whether the debtor believes that the budget will be adequate to pay all administrative expenses due and payable during the period covered by the proposed budget, the amount of debt asserted to be owed to any creditor claiming an interest in the collateral, the debtor's assessment of the value of the collateral which secures the creditor's asserted interest, any proposal for providing adequate protection, including any priority or super priority provisions or liens to be granted to the creditor, including the effect thereof on existing liens of any creditor, any "carve out"provisions pertaining to any liens or super priorities, and any choice of law provision. If the debtor seeks authority to use cash collateral or to obtain credit on an emergency or expedited basis, the debtor shall state the nature of the emergency for expedited determination.

(b) Service. Any motion for use of cash collateral, for authority to obtain credit, or a stipulation relating to the same (as well as any proposed orders for which entry is sought) shall be served by the movant, on:

(1) any entity claiming an interest in the cash collateral and their attorneys, if known;

(2) the trustee if one has been appointed;

(3) any official committee appointed and serving in the case under 11 U.S.C. §1102; or if none, on the twenty largest unsecured creditors,

(4) the local office of the United States trustee,

(5) any taxing authority that has a claim against the debtor, and

(6) any parties who have filed a request for service of all pleadings and notices.

(c) Responses. Unless a shorter period is ordered by the Court, interested parties must file all objections and responses to any motions seeking use of cash collateral within seven (7) days from the date of service.

(d) Preliminary and Final Orders; Notice

(1) A single motion may be filed seeking entry of an interim and final order authorizing use of cash collateral or a borrowing or approving a stipulation relating to same. The motion shall be accompanied by any proposed order for which entry is sought. Notice of the motion and any notice of any hearing shall be served on the United States Trustee, as well as those parties required by Fed. R. Bankr. P. 4001(b)(1) and (c)(1).

(2) The Court may enter an Interim Preliminary Order authorizing use of cash collateral or borrowing, or a stipulation relating to same only to the extent necessary to avoid immediate and irreparable harm to the estate pending a final hearing. Any provision of an Interim Preliminary Order may be reconsidered at the Final Hearing. Provisions in an Interim Preliminary Order shall not be binding on the Court with respect to the provisions of the Final Order, except that a lender: (a) will be afforded the benefits and protections of the Interim Preliminary Order for funds advanced during the term of the Interim Preliminary Order, and (b) will not be required to advance funds under a Final Order which contains provisions contrary to or inconsistent with the Interim Preliminary Order.

(3) A final hearing on a motion authorizing use of cash collateral or a borrowing, or a stipulation relating to same shall not be held earlier than fourteen (14) days after service of the notice of hearing.

(e) Service of Order. After the debtor obtains an order from the Court allowing use of cash collateral, or authority to obtain credit or a stipulation relating to same, the debtor shall serve copies of the order on all parties entitled to notice under subdivision (b) above, the twenty largest unsecured creditors, and any other party requesting notice.

4004-1

RULE 4004-1 GRANT OR DENIAL OF DISCHARGE

(c) Procedure for Obtaining a Discharge in a Closed Case. If an individual bankruptcy case is closed without entry of a discharge due to failure of the debtor to timely file the Certification of Financial Management Course Completion (Official Form 23), to later obtain a discharge, the debtor must:

(1) File a Motion to Reopen the case;

(2) Pay the applicable re-opening fee; and

(3) File a certificate evidencing completion of the financial management course from an approved agency, or a Motion for Exemption, if applicable.

4008-1

RULE 4008-1 REAFFIRMATION

(a) Mandatory Reaffirmation Agreement Form. In cases filed on or after October 17, 2005, the most current version of Reaffirmation Agreement Form 240A shall be used and must be accompanied by the cover sheet prescribed by Official Form 27.

(b) Pro se Reaffirmation Agreements.

(1) Pro se debtors must complete Part E of the reaffirmation agreement, entitled "Motion For Court Approval of Reaffirmation Agreement", unless the agreement concerns real estate, or the debtor is reaffirming a debt with a credit union. Failure to complete Part E, "Motion For Court Approval" will result in the reaffirmation agreement being treated as defective, and if not cured within the deficiency period, will result in the agreement being stricken.

(2

(c) Defective Reaffirmation Agreements. If a filed reaffirmation agreement is not in compliance with 11 U.S.C. § 524(k), Fed. R. Bankr. P. 4008, or these LBRs, the agreement will be stricken, and no further action will be taken.

(d) Reaffirmation Agreement without Attorney Certification. In cases where debtor's counsel has not signed the Attorney Certification in Part C of the Agreement, a hearing will be conducted and debtor's counsel will be required to attend with the debtor.

5003-2

RULE 5003-2 COURT PAPERS - REMOVAL OF

(a) Review Procedures. Court files and other public records may be reviewed by the public during the official business hours of the clerk's office using court provided computers. Persons wishing to view a non-electronic file should contact the court to assure the file location. Case documents may be printed and the applicable miscellaneous fee will be charged.

Alternatively, electronic access to court records is available on the Court's website through the Public Access to Court Electronic Records (PACER) service. To register for a PACER account, visit the PACER Service Center at http://www.pacer.gov/register.html

CROSS-REFERENCES

See LBR 5005-4(q) for public access to reviewing electronically filed documents.

5005-4

RULE 5005-4 ELECTRONIC FILING

(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(j) of this Rule.

(b) Eligibility and Registration for Electronic Filing; Use of Passwords.

…

(C) Passwords; Unauthorized Use Prohibited.

…

(iii) Unauthorized Use of Passwords. No Electronic Filer shall permit his/her password to be used by anyone other than himself/herself or an authorized employee. An Electronic Filer shall immediately notify the Clerk by telephone, and e-mail if they learn that their password has been compromised. Electronic Filers may be subject to sanctions for failure to comply with this provision.

(iv) Revocation. The Court may revoke an Electronic Filer's password and, therefore, his or her authority and ability to electronically file documents for: (1) failure to comply with any provision of the agreement contained in the Electronic Filer's Registration Form; (2) failure to adequately protect his or her password; (3) failure to comply with the provisions of these Local Rules; (4) failure to pay fees required for documents filed electronically; (5) other misuse of the System; or (6) as a sanction ordered by the Court after notice and opportunity for hearing.

(c) Exemption/Withdrawal From Electronic Filing.

(1) Attorney Exemption. If filing electronically creates an undue hardship, an attorney may request permission to file documents conventionally. The request should be made to the Court and shall contain a detailed explanation of the reason(s) for the request. However, prior to requesting an exemption, attorneys are urged to register for a login and password and attempt to file after taking the online training modules and to seek assistance from the Clerk's Office. Information regarding ECF training and support may be obtained from the Clerk's Office and is also included on the Court's web site at: www.rib.uscourts.gov. Upon the issuance of an order to show cause, notice, and hearing, the Court may withdraw an exemption and require the attorney to file documents electronically.

…

(h) Service of Documents by Electronic Means.

(1) Each Electronic Filer of the CM/ECF system who electronically files a pleading or other document will automatically receive a "Notice of Electronic Filing" generated by the System and this Notice of Electronic Filing will automatically be transmitted by the System to all parties who are registered users of the System. Electronic

transmission by the Court of the "Notice of Electronic Filing" generated by the CM/ECF System will constitute service or notice of the filed document. Parties having been excepted from the requirement to file and receive documents electronically are entitled to receive a paper copy of any electronically filed pleading or other document, and service or notice by the Electronic Filer must be made in accordance with the Federal Rules of Bankruptcy Procedure and these local rules.

(2) **Responsibility for Maintaining E-mail Addresses.** The CM/ECF system allows each registered user the ability to list a primary and secondary e-mail address in their account to receive notice of electronic filing activity. It is the responsibility of the registered user to manage and maintain proper e-mail addresses on their accounts. E-mail returned as undeliverable from the primary registered users e-mail address will be removed from the system and their ECF user log-in will be terminated until the primary address is updated. Service of court documents will be made by mail until the ECF log-in is restored with a valid primary e-mail address. Returned undeliverable e-mail from a secondary e-mail address will be removed from the system and it will be the responsibility of the registered user to update the secondary address, if desired.

(i) Official Court Record. The Case Management/Electronic Case Filing System (CM/ECF) shall constitute the official Court record in electronic form. The electronic filing of a pleading or other paper in accordance with the CM/ECF System procedures, or the conventional filing of a document which is subsequently imaged by the Court and placed into the System, shall constitute entry of that pleading or other papers on the docket kept by the Clerk pursuant to Fed. R. Bankr. P. 5003. The Court will not maintain paper except for the following:

(1) Documents filed under seal where the filer is not an ECF user;

(2) Conventionally (not electronically) Filed Exhibits, *see also* section (l) below.

(j) Original Signatures

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/. The Electronic Filer shall retain the original documents containing the original signatures for two (2) years after the case is closed. The Electronic Filer must produce all such original documents for review or filing at the request of a party in interest or upon order of the Court.

(l) 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 Pre-Trial 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.

5005-5

RULE 5005-5 FILING OF PAPERS - PROCEDURE FOR STRIKING OR TERMINATING DEFECTIVE PLEADINGS AND OTHER DOCUMENTS

(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, 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.

5072-1

RULE 5072-1 COURTROOM DECORUM

…

(e) Cellular Telephones, Laptop Computers, Tablets and Beepers. Anyone entering the courtroom is required to turn off all cellular phones and noise emitting beepers before entering the courtroom. Laptop computers and Tablets will be allowed in the courtroom only upon prior request and approval of the Court, except while in use at counsel table.

5077-1

RULE 5077-1 TRANSCRIPTS

(a) Non-electronic filers wishing to order a transcript of a hearing or other recorded court session shall make such request to the electronic court recorder operator (ECRO) either in person, by telephone or in writing. Electronic filers shall order transcripts through the Court's ECF system using the event "Request Transcript".

(b) Once the transcript order is placed, a confirmatory letter will be sent to the requester advising: (1) the name and address of the transcription service; (2) the approximate date the transcript will be completed; and (3) confirmation of the type of order placed, e.g., expedited or regular service.

(c) Upon completion of the transcript, the original is mailed to the requester and a copy is placed in the electronic case file.

(d) Any party wishing to order a CD of a hearing for unofficial purposes should contact the ECRO and pay the applicable Miscellaneous Fee. Audio files of Court proceedings are also available on the electronic case docket, subject to the applicable Electronic Public Access Fee.

5078-1

RULE 5078-1 FEES - GENERALLY

(a) Authority. The fees charged for services to be performed by clerks of the Bankruptcy Court are contained in the Bankruptcy Court Miscellaneous Fee Schedule promulgated by the Judicial Conference of the United States, in accordance with 28 U.S.C. § 1930(b). Except as provided in the Miscellaneous Fee Schedule, neither the Clerk of court nor his/her designees have authority to waive the payment of any prescribed fee.

(b) Treatment where fee not timely paid. *See* R.I. LBR 5005-5(a) (Filing of Papers — Procedure for Striking or Terminating Defective Pleadings and Other Documents).

5080-1

RULE 5080-1 JUDGES - VISITING AND RECALLED

Judge Assigned from Outside the District. Whenever a Bankruptcy Judge from outside the District is assigned a Rhode Island bankruptcy case or proceeding, all papers shall continue to be filed electronically with the Rhode Island Bankruptcy Court or conventionally (to the extent applicable) in the Clerk's office.

5081-1

RULE 5081-1 SIGNATURES - JUDGES

Use of Judge's Electronic Signature. The Clerk, and/or his/her designees, are authorized to use the Bankruptcy Judge's computer generated or electronic signature, which shall serve as the original signature of the Court, on orders entered in accordance with the most current Order Delegating Authority to Clerk to Act on Court's Behalf in Matters Specifically Delineated, and as further authorized in R.I. LBR 5075-1.

7016-1

RULE 7016 -1 PRE-TRIAL PROCEDURE; FORMULATING ISSUES

(a) Scheduling Conference. Unless otherwise ordered at the discretion of the Court or unless an affirmative request is made by a party, the Court will not conduct a scheduling or pretrial conference in an adversary proceeding.

(b) Joint Pre-Trial Statement . In all adversary proceedings, a joint pre-trial statement conforming to the standards set forth in R.I. LBR 9014-1 and R.I. Bankr. Form O shall be filed within twenty-one (21) days after the close of discovery unless specifically ordered otherwise by the Court.

(c) Scheduling Order. A scheduling order shall issue from the Court within 45 days after the appearance of the defendant, unless the Court directs otherwise.

7026-1

RULE 7026-1 DISCOVERY - GENERAL

(a) Disclosure Requirements. Unless otherwise ordered, the disclosure requirements contained in Federal Rule of Bankruptcy Procedure 7026 apply to all adversary proceedings pending in this district.

(b) Time Limit for Rule 7026(f) Conference. Within 21 days before the scheduling order is due under R.I. LBR 7016-1(c), the parties shall meet and confer pursuant to Federal Rule of Bankruptcy Procedure 7026(f).

(c) Contents of Discovery Plan. Pursuant to Federal Rule of Bankruptcy Procedure 7026(f), within 14 days of the parties meeting, the parties shall file a discovery plan with the Court containing the information required by Rule 26(f)(1)-(4) (including the deadline for the close of discovery) and the following additional information:

(1) A proposed deadline to join other parties or amend the pleadings;

(2) A proposed deadline for filing dispositive and pre-trial motions;

(3) A proposed deadline for filing a Joint Pre-trial Statement ; and

(4) A statement whether the parties believe that referral of the dispute for mediation would be helpful and whether or not both parties agree to such a referral.

The Discovery Plan shall substantially comply with the form found in R.I. Bankr. Form O.2.

9003-1

RULE 9003-1 EX PARTE CONTACT

Any correspondence to the Judge shall be served on all interested parties, with evidence thereof provided to the Court. At the Judge's direction, the Clerk shall docket all such correspondence and the Court may, in its discretion, treat such correspondence as a pleading.

9006-1

Rule 9006-1 EXTENSION OF TIME FOR DISCHARGE OF COMPLAINTS AND OBJECTIONS TO EXEMPTIONS

If the court does not determine any motion to extend any deadline for filing complaints relating to the debtor's discharge, to the dischargeability of a debt, or for filing objections to the debtor's claim of exemptions, which motion was filed before the expiration of the deadline, the deadline shall be automatically extended to the date seven (7) days after the entry of the order determining the motion, unless the court orders otherwise.

9010-1

RULE 9010-1 ATTORNEYS ADMISSION TO PRACTICE, REPRESENTATION AND APPEARANCES

…

(e) Appearances:

[Subsection (e)(5) "Representation, Appearance and Argument by Eligible Law Students" has been abolished]

9013-1

RULE 9013-1 MOTIONS, BRIEFS AND MEMORANDA OF LAW

(a) Contents of Motions. The party filing a motion, application, petition [not including bankruptcy petition], objection to claim or objection to exemption (the "paper"), excluding those motions set forth in subdivision (d) below, and the party(ies) responding to any such paper, shall include with or within the paper points and authorities in support of said party's position, together with any verified statement or unsworn declaration or other material in support of said paper. Specific reference to the applicable provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, the Rhode Island General Laws or other controlling authorities is required.

(b) Length and Form of Motions, Memoranda, Responses and Replys. Except with leave of Court, initial motions, responses, briefs and/or memoranda of law shall be limited to twenty (20) pages, and reply briefs shall be limited to ten (10) pages. All motions/responses shall contain the full caption of the case, including the bankruptcy case number, the adversary proceeding number, if applicable, and the chapter of the case. All text shall be double spaced, on 8 ½" x 11" paper, and the type set (font size) in the body

shall not be less than 11 point. Footnotes shall not be less than 10 point, and may not contain material that belongs in the body of the text or argument, i.e., footnotes may not be used to circumvent the page limit imposed by this Rule.

(c) Response Time Required on All Motions. See R.I. LBR 1005-1(d).

(d) Excepted Motions Where No Separate Legal Authority is Required, Unless Otherwise Ordered:

(1) Motion to extend time or continue hearing date;

(2) Motion to assign for hearing;

(3) Motion to add creditor(s), except in reopened cases;

(4) Motion to amend schedules;

(5) Motion to compel.

(e) Motions to be Excused from Court. Whenever an attorney seeks to be excused from court, a motion shall be made in accordance with this local rule. The following information shall be included in the motion:

(1) Motion shall be in pleading format. The motion shall substantially comply with the form found in R.I. Bankr. Form Y, and shall include a heading at the top and a signature line at the bottom;

(2) The motion shall clearly state the time period sought for excusal from court;

(3) The motion shall state the reason for the excusal request;

(4) The motion shall contain the following language, "I have no matters scheduled for hearing in the Bankruptcy Court during said time period". If movant does have a matter scheduled for hearing, he/she must first file a Motion to Continue the hearing. If the continuance is granted, movant may then file the Motion to be Excused. Alternatively, movant may indicate that he/she has made arrangements for a substitute attorney to appear in their absence (substitute attorney must be a member of the RI federal bar);

(5) The motion may be filed in paper, or alternatively, may be filed electronically by email to rib_helpdesk@rib.uscourts.gov. The subject line of the email must state "Motion for Excusal". Do not file such motions in the ECF filing system.

(6) If you desire a copy of the Order determining the Motion for Excusal, a copy of the motion and a self-addressed stamped envelope must be included with the paper

filed motion. Motions for Excusal filed by email will receive a copy of the Order by reply email.

(7)An order granting a motion to be excused ONLY excuses counsel from court appearances during the period requested. Said order does not excuse counsel from court filing deadlines or from attendance at any Section 341 Meeting of Creditors. Excusal from a Section 341 meeting must be given by the trustee conducting the meeting.

(8) Failure to comply with the requirements contained in this rule will result in the issuance of a notice of defective pleading and will delay the disposition of the motion.

9013-2

RULE 9013-2 MOTION PRACTICE

…

(c) Joint Pretrial Statement Requirement. If the Court determines that the filing of a Joint Pretrial Statement is necessary, the contesting parties will be notified and ordered to file a Joint Pretrial Statement by a date certain. Failure to comply may result in action by the Court in accordance with R.I. LBR 9014-1(d).

(d) Emergency or Expedited Determination; Single Motion for Both Relief and Determination

(1) Expedited Determination: If movant seeks to have a motion considered by the Court on an expedited basis (e.g., before the objection period expires), the caption of the motion for relief shall include the language "Request for Expedited Determination."

(A) Contents of Request for Expedited Determination. The request shall set forth in detail the facts and circumstances which justify expedited treatment of the underlying motion. To the extent the Court is able to accommodate requests for expedited consideration, it will make every effort to do so. Where, however, the expedited nature of the request is due to lack of diligence by a party or counsel, or because of a deadline imposed by agreement, the Court may refuse to grant expedited consideration.

(B) Limited Notice. If the facts and circumstances supporting the request for expedited determination warrant limited notice, the request for expedited determination shall include a request that notice be limited to designated recipients and shall, in addition, recommend a practical manner of notice reasonably calculated to inform affected parties of the pending motion and that a determination of the motion will take place on an expedited basis. It is

the duty of the party seeking expedited determination and limited notice to make a good faith effort to advise all affected parties of the pending motion and of the time and date of the hearing, if any. Such good faith efforts may include providing notice of the substance of the motion and of the date and time of the hearing by telephone, email or by facsimile transmission.

(C) Responses to Expedited Motions. Written responses are required on expedited motions within seven days. *See* R.I. LBR 1005-1(e)(2)(E). The content of responses to expedited motions shall, to the extent possible, include the information required for responses to non-expedited motions.

(D) Hearings on Expedited Motions. The Court shall set the conditions for hearing, and shall schedule and conduct the hearing, telephonically or otherwise, as appropriate under the circumstances.

(2) Emergency Determination If a movant seeks to have a motion considered by the Court earlier than seven days after the motion is filed, the caption of the motion for relief shall include the language "Request for Emergency Determination" and shall call the Clerk's attention to the emergency filing.

(A) Contents of Request for Emergency Determination. The request shall set forth in detail the facts and circumstances which justify emergency treatment of the underlying motion. To the extent the Court is able to accommodate request for emergency consideration, it will make every effort to do so. Where, however, the emergency nature of the request is due to lack of diligence by a party or counsel, or because of a deadline imposed by agreement, the Court may refuse to grant emergency consideration.

(B) Limited Notice. If the necessity of an emergency determination precludes the movant's ability to provide notice in the manner and to the parties otherwise required by these LBR's or the Federal Rules of Bankruptcy Procedure, the motion for emergency determination shall include a request that notice be limited to designated recipients and shall, in addition, recommend a practical manner of notice reasonably calculated to inform affected parties of the pending motion and that an emergency determination will take place. It is the duty of the party seeking an emergency determination to make a good faith effort to advise all affected parties of the motion and of the time and date for hearing, if any. Such good faith efforts may include providing notice of the substance of the motion and of the date and time of hearings by telephone, email or by facsimile transmission. Such efforts may, and in appropriate circumstances should, include attempts to provide notice of the motion and hearing in advance of filing the motion or prior to entry of an order limiting notice.

(C) Responses to Emergency Motions. Written responses are required to emergency motions within the time established by the Court. If no response time

is established by the Court, responses may be filed up to the time that the hearing is convened.

(D) Hearings on Emergency Motions. The Court shall set the conditions for the emergency hearing, and shall schedule and conduct the hearing, telephonically or otherwise, as appropriate under the circumstances.

(E) Duty of the Movant and Counsel to Be Available. Upon the filing of a request for emergency treatment of a motion, the movant and his/her/its counsel have a duty to be available, and to remain available, for immediate hearing or contact by the Court with respect to the emergency request.

(f) Ex Parte Motions. A motion seeking ex parte relief may be filed only in circumstances in which immediate action is required to maintain the status quo until an appropriate hearing on notice can be conducted. A motion for ex parte relief shall be verified or supported by affidavit and shall set forth specific facts and circumstances necessitating ex parte relief. The motion shall include a statement as to why proceeding under this LBR's procedures for expedited or emergency determination is not practical. All orders or proposed orders providing ex parte relief shall include the finding that the relief requested could not be delayed and that affected parties may request a hearing on the subject matter addressed by the ex parte motion by filing a motion for review of the ex parte relief. The Court shall schedule a hearing on such a post-order motion, if appropriate, as soon as practicable.

9013-3

RULE 9013-3 CERTIFICATE OF SERVICE - MOTIONS; NOTICE OF HEARING

(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 requested notice in the case (see Clerk's office service list);

(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) 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. If counsel has received notice that an address on the ECF List is no longer valid, counsel can indicate same on the certificate of service and ECF List attached and need not serve any such address. Where the ECF List indicates that an entity has specified a preferred mailing address, counsel needs to serve the entity at the preferred address. Service shall also be made on counsel for any such parties in interest and creditors who have entered an appearance in the case through the Court's ECF system, or if such counsel is not a participant in the Court's ECF system, then by first class mail.

(C) in addition to the above, with respect to the following types of filings, service shall also be made on any address specified in a proof of claim, unless otherwise included on the ECF List:

(i) a Motion to Modify Secured Claim contained in a chapter 13 plan or by separate motion;
(ii) a Motion to Avoid Lien contained in a chapter 13 plan or by separate motion;
(iii) a Motion to Compel or
(iv) a Request for Loss Mitigation

(c) Filing and Service 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.

(d) 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 subdivision (a).

9014-1

RULE 9014-1 CONTESTED MATTERS

…

(d) Duty to File Joint Pretrial Statement. Where the Court determines that the filing of a Joint Pretrial Statement will facilitate and expedite the hearing of a contested matter, the parties will be directed to file a Joint Pretrial Statement within the time established by the Court, and in accordance with the requirements set forth in paragraphs (1) and (2) below and in the form described in R.I. Bankr. Form O.

(1) Initial Draft by Plaintiff/Movant. In all instances that require the filing of a Joint Pretrial Statement , it is the plaintiff/movant's responsibility to prepare the initial draft of the Joint Pretrial Statement and to serve it on opposing counsel at least four business days before the Statement is due in the Clerk's office. The opposing party must submit to the movant any comments or revisions within two (2) days, to finalize the Statement. If either party fails to perform as required herein, the aggrieved party shall file a one-sided joint pre-trial Statement, along with an affidavit stating the facts which constitute the failure to cooperate.

(2) Affidavit of Noncompliance. Upon consideration of an affidavit filed in accordance with paragraph (1) above and any response thereto, the Court may order that the motion or adversary proceeding proceed as a defaulted matter:

(A) When a matter brought by a plaintiff/movant is in default as to the filing of the Joint Pretrial Statement or any of the requirements specified therein, the Court, after notice and hearing, may in its discretion dismiss the matter for want of diligent prosecution.

(B) When a matter is in default by the defendant/respondent as to the filing of a Joint Pretrial Statement or any of the requirements specified therein, the

Court, after notice and hearing, may in its discretion bar the defendant/respondent from presenting its defense at trial.

9018-1

RULE 9018-1 FILING UNDER SEAL

(a) Request to File a Document Under Seal. For electronic filers, the request to file a document under seal is a two-step process:

(1) Document to be Sealed. The document to be sealed must be electronically filed with the Court using the Sealed Document event. The document shall be filed provisionally under seal, and will remain provisionally under seal until the court rules on the motion.

(2) Motion to Seal. Thereafter, the party must electronically file a motion to seal with the Court with notice to parties in interest, unless the Court orders otherwise. The motion shall include the reason for the request to seal the document and, the parties, if any, who may have access to the document to be sealed. In addition, a proposed order shall be filed as outlined in paragraph (d) below. Care should be given to not disclose in the motion, information sought to be sealed.

Proper electronic filing of the document to be sealed will ensure that the document is restricted to Court Users, only. Care should be given to not disclose in the motion information sought to be sealed. Filers are advised to consult the Court's Attorney User Manual for specific electronic filing instructions.

(b) Motion to Seal a Previously Filed Document. Electronic filers wishing to seal a document previously filed with the court shall file a Motion to Seal. The Court will automatically restrict access to the document until an order is entered on the Motion to Seal.

(c) Conventional Filing of Motion to Seal and Sealed Documents with the Clerk. For conventional filers, a Motion to Seal must be filed with the court. The motion should explain why the document(s) need to be filed under seal without disclosing the information that is to be sealed since the Court will docket the motion itself and the motion will be public record. Upon entry of an order granting the motion to seal, the original document must be conventionally filed in a sealed envelope with the caption (case name, case number and title of document) on the front of the envelope. A paper copy of the signed order granting the motion to seal must be attached to the front of the envelope.

(d) Order to Seal Document. A document will not be sealed, other than provisionally, without a Court order. The proposed order submitted to the Court shall direct the Clerk to place the document under seal and it shall identify the parties, if any, who may have access to the document that is under seal.

(e) Disposition of Sealed Documents.

(1) Disposition of Electronically Filed Sealed Documents. If the Motion to Seal is denied, parties may appeal or move to reconsider the Court's order. If neither is timely filed, the Court will issue a Notice of Intent to Unseal the Document giving the parties seven days to file a withdrawal of the sealed document before it is unrestricted.

(2) Disposition of Conventionally Filed Sealed Documents. The original document filed with the Clerk under paragraph (c) of this Rule will be destroyed sixty (60) days after the closing of the case or adversary proceeding, unless the original filer requests its return in writing from the Clerk.

9070-1

RULE 9070-1 EXHIBITS

(a) Exhibits Shall Be Filed with Joint Pretrial Statement. Where a Joint Pretrial Statement is required, the parties to an adversary proceeding or contested matter shall file three copies of all exhibits with the Joint Pretrial Statement. These copies are in addition to copies previously exchanged between counsel. Each set of exhibits shall be accompanied by an exhibit list, using **R.I. Bankr Form O**. The moving party/plaintiff's exhibits shall be marked alphabetically (A-Z), and the respondent/defendant's exhibits shall be marked numerically (1-100).

(b) Exhibits Where No Joint Pretrial Statement Required. In contested matters where a Joint Pretrial Statement is not required, each party shall bring to the hearing three copies of all exhibits to be offered at the hearing. These copies are in addition to copies previously exchanged between counsel. Each set of exhibits shall be accompanied by an exhibit list using **R.I. Bankr Form O**.

9072-1

RULE 9072-1 ORDERS – PROPOSED

(a) Orders in Open Court. Unless otherwise ordered, orders announced in open court shall be prepared and submitted by the prevailing party, and contemporaneously served upon opposing counsel, within seven (7) days of the hearing. *See also* LBR 5005-5(c).

Appendix IV

APPENDIX IV DISTRICT OF RHODE ISLAND MAXIMUM ATTORNEY FEE WITHOUT WRITTEN FEE APPLICATION

(a) Pursuant to R.I. LBR 2017-1, a detailed application for compensation is required within sixty (60) days after the section 341 meeting is held whenever the fee for services proved by an attorney for a Chapter 13 debtor exceeds: $3,500, plus $500 for post confirmation work, and $2,000 for services in connection with loss mitigation **.**

…

R.I. Bankr. Form L.1
***See* R.I. LBR 3017-1**

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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

COMBINED PLAN OF REORGANIZATION AND DISCLOSURE STATEMENT FOR SMALL BUSINESS DEBTOR
DATED:_____

I. INTRODUCTION

A. General

This is the Combined Plan of Reorganization and Disclosure Statement for a Small Business Debtor (the "Plan and Disclosure Statement") for _____ _____ (the "Debtor"). Portions of the Plan and Disclosure Statement which refer solely to the Plan of Reorganization will be referred to as the "Plan". This Plan and Disclosure Statement contains a description of (1) the Debtor, (2) the operation of its business, and (3) its expectations for future operations. It also discusses the valuation of the Debtor's assets and alternatives to the Plan. Also included is the Debtor's Plan.

On_____ (the "Petition Date") the Debtor filed a voluntary petition for relief under Title 11, United States Code, known as the Bankruptcy Code (the "Code"). The chapter 11 case is pending in the United States Bankruptcy Court for the District of Rhode Island (the "Court"). During the case, the Debtor has maintained its _____ business as a Debtor-in-Possession under Sections 1107 and 1108 of the Code.

Pursuant to § 1125 of the Code, this Plan and Disclosure Statement is being sent to all holders of claims against the Debtor so that the Debtor may solicit votes for the Plan and creditors may be provided with information concerning the Plan, the Debtor and the prospect of future operations. All references herein to the Plan and the Disclosure Statement are as it may be amended from time to time.

[A summary description of the Plan should be stated here.]

IF CONFIRMED, THE PLAN IS A LEGALLY BINDING ARRANGEMENT AND SHOULD BE READ IN ITS ENTIRETY. ACCORDINGLY, SOLICITED PARTIES MAY WISH TO CONSULT WITH THEIR ATTORNEYS REGARDING THE CONTENTS OF THE PLAN AND DISCLOSURE STATEMENT.

B. Attachments

Accompanying this Combined Plan and Disclosure Statement is a copy of a financial forecast for the Debtor, annexed as Exhibit A.

[Additional attachments, if any, should be described here.]

II. THE PLAN

A. Payment of Administrative Claims

Administrative Claims will be paid in cash, in full, on the later of the effective date or the date they are allowed by an Order of the Bankruptcy Court. Ordinary trade debt incurred by the Debtor in the course of the chapter 11 case will be paid on an ongoing basis in accordance with the ordinary business practices and terms between the Debtor and its trade creditors. The payments contemplated by the Plan will be conclusively deemed to constitute full satisfaction of Allowed Administrative Claims.

Administrative Claims include any post-petition fees and expenses allowed to Professionals employed upon Court authority to render services to the Debtor during the course of the chapter 11 cases.

B. Payment of Tax Claims

Priority Claims, as scheduled or as filed and allowed by the Court, of whatever kind or nature will be paid in monthly installments with interest over a _____ year period from the Petition Date. As of the Petition Date, the Rhode Island Division of Taxation was owed approximately $_____ and the Internal Revenue Service was owed approximately $_____.

> [Additional priority claims and their treatment should be described here. For example, claim of the Department of Unemployment Assistance.]

C. Designation and Payment of Classes of Claims

[A list of classes and their treatment should be stated here.]

D. Treatment of Executory Contracts and Unexpired Leases

Please check one:

[ ] The Plan does not propose to reject any executory agreements.

[ ] The executory contracts shown on Exhibit B are hereby rejected.

The Debtor may file a motion or amend this Plan to reject other executory contracts and leases prior to confirmation. Subject to the requirements of § 365 of the Bankruptcy Code, all executory contracts or unexpired leases of the Debtor that are not rejected, have not been rejected by order of the Court or are not the subject of a motion to reject pending 90 days after the confirmation date will be deemed assumed. If any party to an executory contract or unexpired lease which is deemed assumed pursuant to the Plan objects to such assumption, the Court may conduct a hearing on such objections on any date which is either mutually agreeable to the parties or fixed by the Court. All payments to cure defaults that may be required by § 365(b)(1) of the Bankruptcy Code will be made by the Debtor. In the event of a dispute regarding the amount of any such payments or the ability of the Debtor to provide for adequate assurance of future performance, the Debtor will make any payments required by § 365(b)(1) of the Bankruptcy Code after the entry of a Final Order resolving such dispute.

All Proofs of Claim with respect to claims arising from the rejection of executory contracts or unexpired leases must be filed with the Court within thirty (30) days from and after the date of entry of an order of the Court approving such rejection or such claims will be barred. A creditor whose claims arise from rejection of executory contracts and unexpired leases will be treated as an unsecured creditor.

E. Means for Implementation of the Plan

On confirmation, all property of the Debtor, tangible and intangible, including, without limitation, licenses, furniture, fixtures and equipment, will revert, free and clear of all claims and interests except as provided herein, to the Debtor. The Debtor will pay the claims described above from its operations post-confirmation. The Debtor estimates that on the effective date the funds to be distributed are approximately $_____ to administrative claimants. The Debtor expects to have sufficient cash on hand to make the payments required on the effective date.

All quarterly disbursement fees, arising under 23 U.S.C. § 1930 ("Quarterly Fees"), accrued prior to confirmation shall be paid in full, on or before the date of confirmation of the Debtor's plan, by the Debtor or any successor to the Debtor. All Quarterly Fees which accrue post-confirmation shall be paid in full on a timely basis by the Debtor or any successor to the Debtor prior to the Debtor's case being closed, converted or dismissed.

[Additional provisions, if any, for implementing the Plan can be inserted here.]

F. Provision for Disputed Claims:

The Debtor may object to the allowance of any claims within 90 days of the effective date by filing an objection with the Bankruptcy Court and serving a copy thereof on the holder of the claim in which event the claim objected to will be treated as a Disputed Claim under the Plan. If and when a Disputed Claim is finally resolved by allowance of the claim in whole or in part, the Debtor will make any payments in respect of such Allowed Claim in accordance with the Plan.

III. INFORMATION PERTAINING TO THE DEBTOR

A. Description of the Debtor's Business

[Describe the Debtor's business here.]

B. Background Regarding the Debtor

[The Debtor's background can be stated here.]

C. General Information Regarding the Debtor's Market and Sales

[The Debtor's market and sales should be described here.]

D. Officers, Directors and Shareholders

[You must describe the officers, directors and shareholders here together with their salaries going forward.]

E. Problems and Corrections

[You should describe what problems compelled the filing of the chapter 11 and how the Debtor has cured those problems for its successful rehabilitation.]

F. Other Issues and Matters

[Other issues and matters can be described here.]

G. Risks

[What are the risks to completion of the Plan? Describe them here.]

IV. VOTING AND CONFIRMATION

A. General Requirements

In order to confirm a Plan, the Code requires that the Bankruptcy Court make a series of determinations concerning the Plan, including that: (1) the Plan has classified Claims in a permissible manner; (2) the Plan complies with the technical requirements of Chapter 11 of the Code; (3) the proponent of the Plan has proposed the Plan in good faith; (4) the disclosures concerning the Plan as required by Chapter 11 of the Code have been adequate and have included information concerning all payments made or promised by the Debtor in connection with the Plan; (5) the Plan has been accepted by the requisite vote of creditors, except, as explained below, to the extent that "cramdown" is available under § 1129(b) of the Code; (6) the Plan is "feasible" (that is, there is a reasonable prospect that the Debtor will be able to perform its obligations under the Plan and continue to operate its business without further financial reorganization, except if the Plan contemplates a liquidation of the Debtor's assets); and (7) the Plan is in the "best interests" of all creditors (that is, that creditors will receive at least as much under the Plan as they would receive in a chapter 7 liquidation). To confirm the Plan, the Bankruptcy Court must find that all of these conditions are met. Thus, even if the creditors of the Debtor accept the Plan by the requisite number of votes, the Bankruptcy Court must make independent findings respecting the Plan's feasibility and whether it is in the best interests of the Debtor's creditors before it may confirm the Plan. The Debtor believes that the Plan fulfills all of the statutory conditions of § 1129 of the Code. The statutory conditions to confirmation are more fully discussed immediately below.

B. Classification of Claims and Interests

The Code requires that a plan of reorganization place each creditor's claim in a class with other claims which are "substantially similar." The Debtor believes that the Plan meets the classification requirements of the Code.

C. Voting

As a condition to confirmation, the Code requires that each impaired class of claims accept the Plan. The Code defines acceptance of a Plan by a class of claims as acceptance by holders of two-thirds in dollar amount and a majority in number of claims of that class, but for that purpose the only ballots counted are those of the creditors who are allowed to vote and who actually vote to accept or to reject the Plan. Persons who are considered "insiders," as that term is defined in § 101 of the Code, may vote, but its vote is not counted in determining acceptance of the Plan. Classes of claims that are not "impaired" under the Plan are deemed to have accepted the Plan. Acceptances of the Plan are being solicited only from those persons who hold Allowed Secured and Unsecured Claims that are impaired under the Plan. An Allowed

Claim is "impaired" if the legal, equitable, or contractual rights attaching to the Allowed Claims of the class are modified, other than by curing defaults and reinstating maturity or by payment in full in cash. A claim to which an objection is filed is not an Allowed Claim. However, the Court may allow such a claim for purposes of voting on the Plan. If you have not received an objection to your claim prior to confirmation of the plan and you have received a ballot for purposes of voting on the Plan, then most likely your claim is an Allowed Claim. If you have a question, you should consult your own attorney.

D. Best Interests of Creditors

Notwithstanding acceptance of the Plan by creditors of each class, in order to confirm the Plan the Bankruptcy Court must independently determine that the Plan is in the best interests of all classes of creditors impaired by the Plan. The "best interests" test requires that the Bankruptcy Court find that the Plan provides to each member of each impaired class of claims a recovery which has a value at least equal to the value of the distribution which each such creditor would receive if the Debtor was liquidated under chapter 7 of the Code. Please see the discussion of liquidation value below.

1. Confirmation without Acceptance by All Impaired Classes

Even if a plan is not accepted by all impaired classes, it may still be confirmed. The Code contains provisions for confirmation of a plan where at least one impaired class of claims has accepted it. These "cramdown" provisions are set forth in § 1129(b) of the Code.

A plan of reorganization may be confirmed under the cram-down provisions if, in addition to satisfying the usual requirements of § 1129 of the Code, it (i) "does not discriminate unfairly" and (ii) "is fair and equitable," with respect to each class of claims that is impaired under, and has not accepted, the plan. As used by the Code, the phrases "discriminate unfairly" and "fair and equitable" have narrow and specific meanings unique to bankruptcy law.

The requirement that a plan of reorganization not "discriminate unfairly" means that a dissenting class must be treated equally with respect to other classes of equal rank. The Debtor believes that its Plan does not "discriminate unfairly" with respect to any class of Claims.

The "fair and equitable" standard differs according to the type of claim to which it is applied. In the case of secured creditors, the standard is met if the secured creditor retains its lien and is paid the present value of its interest in the property which secures the secured creditor's claim. With respect to unsecured creditors, the standard is met if the unsecured creditor receives payment in the full amount of its claim or, in the event that it receives less than the full amount of its claim, no junior class receives or retains any interest in property of the Debtor. The standard as applicable to unsecured creditors is also known as the "absolute priority rule."

V. LIQUIDATION VALUATION

To calculate what creditors would receive if the Debtor was to be liquidated, the Bankruptcy Court must first determine the aggregate dollar amount that would be generated from the Debtor's assets if the chapter 11 case was converted to a chapter 7 case under the Code and the assets were liquidated by a trustee in bankruptcy (the "Liquidation Value"). The Liquidation Value would consist of the net proceeds from the disposition of the assets of the Debtor augmented by the cash held by the Debtor.

The Liquidation Value available to general creditors would be reduced by (a) the claims of secured creditors to the extent of the value of its collateral, and (b) by the costs and expenses of the liquidation, as well as other administrative expenses of the Debtor's estates. The Debtor's costs of liquidation under chapter 7 would include the compensation of trustees, as well as of counsel and of other professionals retained by the trustees; disposition expenses; all unpaid expenses incurred by the Debtor during the chapter 11 case (such as compensation for attorneys) which are allowed in the chapter 7 proceeding; litigation costs; and claims arising from the operation of the Debtor's business during the pendency of the chapter 11 reorganization and chapter 7 liquidation cases. Once the percentage recoveries in liquidation of secured creditors, priority claimants, general creditors and equity security holders are ascertained, the value of the distribution available out of the Liquidation Value is compared with the value of the property offered to each of the classes of Claims under the Plan to determine if the Plan is in the best interests of each creditor and equity security holder.

The liquidation valuation of a business is often a contested issue in a chapter 11 case. Two methods of valuation widely used are the so-called "auction" method and the "going concern" method. Using the auction approach, assets tend to be valued as though they were sold at a public auction and not in use at the time of the sale. The auction method is widely used with tangible personal property such as trucks, trailers and tractors, assets which you can touch and feel and which are easily valued as a function of the initial purchase price and subsequent depreciation from use. The latter approach, the going concern method, tends to value assets based upon its contribution to earnings. The going concern method tends to be used with assets that tend not to suffer a decline from use such as accounts of a utility, maintenance contracts and the like.

[Other information regarding liquidation can be described here.]

The following table of estimated amounts suggests a likely liquidation scenario for the Debtor.

Source and Application of Funds	Amount	Assumptions
Proceeds from collection of accounts receivable and cash on hand		
Proceeds from liquidation of inventory and furniture, fixtures and equipment on cessation of		
Proceeds from other assets		
Total		
Payment of Secured Creditors		
Chapter 7 Trustee fees and expenses		Estimated costs of trustee commission and counsel fees.
Chapter 11 expenses		Includes unpaid monthly operating expenses and professional fees and expenses.
Priority debt		
Net available for unsecured creditors		

The Debtor estimates that its unsecured creditors would receive a dividend of _____% in liquidation. The Plan provides a dividend of at least _____%. The Debtor believes that the Plan is in the best interests of all creditors. Thus, a conversion to Chapter 7 with the additional costs noted above would provide less of a return to the creditors.

VI. FEDERAL INCOME TAX CONSEQUENCES

Implementation of the Plan may result in federal income tax consequences to holders of Allowed Claims. Tax consequences to a particular creditor may depend on the particular circumstances or facts regarding the claim of the creditor. No tax opinion has been sought or will be obtained with respect to any tax consequences of the Plan, and the following disclosure (the "Tax Disclosure") does not constitute and is not intended to constitute either a tax opinion or tax advice to any person. Rather, the Tax Disclosure is provided for informational purposes only.

Because the Debtor intends to continue its existence and business operations, it will receive a discharge with respect to its outstanding indebtedness. Actual debt cancellation in excess of the fair market value of the consideration -- stock, cash or other property – paid in respect of such debt will hereinafter be referred to as a "Debt Discharge Amount."

In general, the Internal Revenue Code (IRC) provides that a taxpayer who realizes a cancellation or discharge of indebtedness must include the Debt Discharge Amount in its gross income in the taxable year of discharge. The Debt Discharge Amounts may arise with respect to Creditors who will receive, in partial satisfaction of their Claims, including any accrued interest, consideration consisting of or including cash. The Debtor's Debt Discharge Amount may be increased to the extent that unsecured Creditors holding unscheduled claims fail to timely file a Proof of Claim and have their Claims discharged on the Confirmation Date pursuant to § 1141 of the Bankruptcy Code. No income from the discharge of indebtedness is realized to the extent that payment of the liability being discharged would have given rise to a deduction.

If a taxpayer is in a case under the Bankruptcy Code and a cancellation of indebtedness occurs pursuant to a confirmed plan, however, such Debt Discharge Amount is specifically excluded from gross income (the "Bankruptcy Exception"). The Debtor intends to take the position that the Bankruptcy Exception applies to it. Accordingly, the Debtor believes it will not be required to include in income any Debt Discharge Amount as a result of Plan transactions.

Section 108(b) of the IRC, however, requires certain tax attributes of the Debtor to be reduced by the Debt Discharge Amount excluded from income. Tax attributes are reduced in the following order of priority: net operating losses and net operating loss carry-overs; general business credits; minimum tax credits; capital loss carry-overs; basis of property of the taxpayer; passive activity loss or credit carry-overs; and foreign tax credit carry-overs. Tax attributes are generally reduced by one dollar for each dollar excluded from gross income, except that general tax credits, minimum tax credits, and foreign tax credits are reduced by 33.3 cents for each dollar excluded from gross income. An election can be made to alter the order of priority of attribute reduction by first applying the reduction against depreciable property held by the taxpayer in an amount not to exceed the aggregate adjusted basis of such property. The Debtor does not presently intend to make such election. If this decision were to change, the deadline for making such election is the due date (including extensions) of the Debtor's federal income tax return for the taxable year in which such debt is discharged pursuant to the Plan.

The federal tax consequences of the Plan to a hypothetical investor typical of the holders of claims or interests in this case depend to a large degree on the accounting method adopted by that hypothetical investor. A "hypothetical investor" in this case is defined as a general unsecured creditor. In accordance with federal tax law, a holder of such a claim that uses the accrual method and who has posted its original sale to the Debtor as income at the time of the product sold or the service provided hypothetically should adjust any net operating loss to reflect the dividend paid by the Debtor under the Plan provided that holder previously deducted the liability to the Debtor as a "bad debt" for federal income tax purposes. Should that holder lack a net operating loss, then in accordance with federal income tax provisions, the holder

should treat the dividend paid as ordinary income, again provided the holder previously deducted the liability to the Debtor as a "bad debt" for federal income tax purposes. If the accrual basis holder of the claim did not deduct the liability as a "bad debt" for federal income tax purposes, then the dividend paid by the Debtor has no current income tax implication. A holder of a claim that uses a cash method of accounting would, in accordance with federal income tax laws, treat the dividend as income at the time of receipt.

THE DEBTOR MAKES NO REPRESENTATIONS REGARDING THE PARTICULAR TAX CONSEQUENCES OF CONFIRMATION AND CONSUMMATION OF THE PLAN AS TO ANY CREDITOR. EACH PARTY AFFECTED BY THE PLAN SHOULD CONSULT HER, HIS OR ITS OWN TAX ADVISORS REGARDING THE SPECIFIC TAX CONSEQUENCES OF THE PLAN WITH RESPECT TO A CLAIM.

VII. FEASIBILITY

The Bankruptcy Code requires as a condition to confirmation that the Bankruptcy Court find that liquidation of the Debtor or the need for further reorganization is not likely to follow after confirmation. The Debtor depends on recurring monthly revenue from its business and it has prepared financial projections and related schedules which are attached hereto as Exhibit A. Those projections show that the Debtor is capable of operating well into the future and generating sufficient funds to perform its obligations in the Plan and continuing without the need for further financial reorganization.

VIII. DISCLAIMERS

THE CONTENT OF THIS DISCLOSURE STATEMENT HAS BEEN APPROVED BY THE BANKRUPTCY COURT AS PROVIDING ADEQUATE INFORMATION TO CREDITORS SO THAT THEY MAY HAVE SUFFICIENT INFORMATION TO VOTE ON THE PLAN. NO REPRESENTATIONS CONCERNING THE DEBTOR, INCLUDING THOSE RELATING TO ITS FUTURE BUSINESS OPERATIONS, OR THE VALUE OF ITS ASSETS, ANY PROPERTY, AND CREDITORS' CLAIMS, INCONSISTENT WITH ANYTHING CONTAINED HEREIN HAVE BEEN AUTHORIZED. THE DEBTOR DOES NOT WARRANT OR REPRESENT THAT THE INFORMATION CONTAINED HEREIN IS COMPLETE OR WITHOUT OMISSIONS.

THE BANKRUPTCY COURT'S APPROVAL OF THIS PLAN OF REORGANIZATION AND DISCLOSURE STATEMENT DOES NOT CONSTITUTE A RECOMMENDATION FOR OR AGAINST THE PLAN.

THIS DISCLOSURE STATEMENT MAY NOT BE RELIED UPON FOR ANY PURPOSE OTHER THAN TO DETERMINE HOW TO VOTE ON THE PLAN, AND NOTHING CONTAINED IN IT WILL CONSTITUTE AN ADMISSION OF ANY FACT OR LIABILITY BY ANY PARTY, OR BE ADMISSIBLE IN ANY PROCEEDING INVOLVING THE DEBTOR OR ANY OTHER PARTY, OR BE DEEMED

CONCLUSIVE ADVICE ON THE TAX OR OTHER LEGAL EFFECTS OF THE REORGANIZATION ON HOLDERS OF CLAIMS.

THE STATEMENTS CONTAINED IN THIS DISCLOSURE STATEMENT ARE MADE AS OF THIS DATE UNLESS ANOTHER TIME IS SPECIFIED, AND NEITHER DELIVERY OF THIS DISCLOSURE STATEMENT NOR ANY EXCHANGE OF RIGHTS MADE IN CONNECTION WITH THIS DISCLOSURE STATEMENT WILL, UNDER ANY CIRCUMSTANCES, CREATE AN IMPLICATION THAT THERE HAS BEEN NO CHANGE IN THE FACTS SINCE THE DATE OF THE DISCLOSURE STATEMENT AND THE MATERIALS RELIED UPON IN PREPARATION OF THIS DISCLOSURE STATEMENT WAS COMPILED.

IX. EFFECT OF THE ORDER CONFIRMING THE PLAN

To understand the full effect of an order confirming the Plan you should read § 1141 of the Code. The following is a summary of that section.

A. The provisions of the confirmed Plan bind the Debtor, any entity issuing securities under the Plan, any entity acquiring property under the Plan, and any creditor, equity security holder, or general partner in the Debtor, whether or not the claim or interest of such creditor, equity security holder, or general partner is impaired under the Plan and whether or not such creditor, equity security holder, or general partner has accepted the Plan.

B. Except as otherwise provided in the Plan or the order confirming the Plan, the confirmation of the Plan vests all of the property of the estate in the Debtor.

C. Except as otherwise provided in the Plan or in the order confirming the Plan, after confirmation of the Plan, the property dealt with by the Plan is free and clear of all claims and interests of creditors, equity security holders, and of general partners in the Debtor.

D Except as otherwise provided in the Plan, or in the order confirming the Plan, the confirmation of the Plan discharges the Debtor from any debt that arose before the date of such confirmation. There may be other exceptions set forth in § 1141.

E. The confirmation of the Plan does not discharge a debtor if the Plan provides for the liquidation of all or substantially all of the property of the estate, the Debtor does not engage in business after consummation of the Plan; and the Debtor would be denied a discharge if the case were a case under chapter 7.

X. CONCLUSION

The Bankruptcy Court has determined that this Plan and Disclosure Statement contains information sufficient for holders of Claims to make an informed judgment in exercising their right to vote on the Plan. The Plan is the result of an effort by the Debtor to provide creditors

with a meaningful dividend. An alternative to the Plan is liquidation which will, in all likelihood, reduce significantly the return to creditors on its Allowed Claims. The Debtor believes that the Plan is clearly preferable to liquidation.

A BALLOT IS ENCLOSED WITH THIS DISCLOSURE STATEMENT. YOU SHOULD VOTE TO ACCEPT OR REJECT THE PLAN ON THAT BALLOT AND RETURN IT AS FOLLOWS: BALLOTS SHOULD BE SENT TO:

[Fill in here information as to who gets the ballots.]

By

/s/_____
Attorney
Address
BBO#
Telephone
Email

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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

MOTION TO COMBINE THE HEARING ON THE DEBTOR'S SMALL BUSINESS PLAN OF REORGANIZATION AND DISCLOSURE STATEMENT FOR SMALL BUSINESS DEBTOR WITH THE HEARING ON CONFIRMATION

To the Honorable _____, Bankruptcy Judge:

Debtor Corporation, Debtor-in-Possession (the "Debtor") in the above-named case moves the Court to combine the hearing on the Debtor's Combined Plan of Reorganization and Disclosure Statement for Small Business Debtor and in support hereof respectfully represents:

1. On _____, the Debtor filed its chapter 11 petition herein.

2. On _____, the Debtor filed its Combined Plan of Reorganization and Disclosure Statement for Small Business Debtor.

3. The Debtor has attached hereto as Exhibit A the proposed form of Notice and as Exhibit B the proposed form of Ballot for Creditor Claims.

WHEREFORE, the Debtor prays that the Court (i) schedule a combined hearing on the Combined Plan of Reorganization and Disclosure Statement for Small Business Debtor, (ii) approve the form of notice and form of ballot appended hereto, (iii) otherwise approve the balloting procedures described above, and (iv) grant them such other and further relief as this Court deems just and proper.

By

/s/_____
Attorney
Address
BBO#
Telephone
Email

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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

BALLOT FOR ACCEPTING OR REJECTING THE COMBINED PLAN OF REORGANIZATION AND DISCLOSURE STATEMENT FOR SMALL BUSINESS DEBTOR PROPOSED BY THE DEBTOR

The Debtor, _____, has filed a **COMBINED PLAN OF REORGANIZATION AND DISCLOSURE STATEMENT FOR SMALL BUSINESS DEBTOR PROPOSED BY THE DEBTOR** dated Plan and Disclosure Statement"). The Disclosure Statement is intended to provide you with information to assist you in deciding how to vote your ballot.

This Ballot is being sent to holders of all claims in all Classes asserted against the Debtor, which claims are classified in the Plan and Disclosure Statement. The holders of such claims are entitled to vote to accept or reject the Plan. The Plan is described in the **COMBINED PLAN OF REORGANIZATION AND DISCLOSURE STATEMENT FOR SMALL BUSINESS DEBTOR PROPOSED BY THE DEBTOR** distributed with this Ballot. The Plan can be confirmed by the Bankruptcy Court and thereby made binding on creditors if accepted by the holders of at least two-thirds in dollar amount and more than one-half in number of the allowed claims in at least one class of unsecured claims voting on the Plan. In the event the requisite acceptances are not obtained, the Bankruptcy Court may nevertheless confirm the Plan if it determines that the Plan accords fair and equitable treatment to rejecting classes and otherwise satisfies the requirements of 11U.S.C. § 1129(b).

To have your vote count, you must complete and return this Ballot prior to the voting deadline set forth below.

PLEASE READ AND FOLLOW THE ENCLOSED INSTRUCTIONS CAREFULLY COMPLETE, SIGN, AND DATE THIS BALLOT AND RETURN IT BY MAIL OR OVERNIGHT DELIVERY SO THAT IT IS RECEIVED BY 4:30 PM (EASTERN TIME) ON _____, AT THE FOLLOWING ADDRESS:

[Fill in here information as to who gets the ballots.]

Item 1. Vote on Plan. (Please check one.) The undersigned, the holder of a claim in Class ____ in the unpaid amount of $_____.

[ ] ACCEPTS
(Votes FOR) the Plan

[ ] REJECTS
(Votes AGAINST) the Plan

Item 2. Authorization. By return of this Ballot, the undersigned certifies that it is the holder of a claim in Class _____ to which this Ballot pertains (or an authorized signatory therefor) and has full power and authority to vote to accept or reject the Plan. The undersigned further certifies that it has received a copy of the Disclosure Statement (including the appendices and exhibits thereto) and understands that the solicitation of votes for the Plan is subject to all the terms and conditions set forth in the Disclosure Statement. No fees, commissions, or other remuneration will be payable to any person for soliciting votes on the Plan. If your address or contact information has changed, please note the new information below.

Name of Creditor:_____
(Print or Type)

Social Security or Federal Tax I.D. No.:_____
(Required)

Name of Person signing below: _____

Title/Affiliation with Creditor: _____

Telephone: _____

Signature: _____

Date Completed: ____/____/____

VOTING DEADLINE: YOUR VOTE MUST BE RECEIVED AT THE ADDRESS ON THE FRONT OF THIS BALLOT, PRIOR TO THE VOTING DEADLINE, WHICH IS 4:30 PM (EASTERN) ON _____ OR YOUR VOTE WILL NOT BE COUNTED.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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

ORDER AND NOTICE CONDITIONALLY DETERMINING THAT "SMALL BUSINESS PLAN OF REORGANIZATION AND DISCLOSURE STATEMENT" PROVIDES ADEQUATE INFORMATION AND THAT A SEPARATE DISCLOSURE STATEMENT IS NOT NECESSARY, AND SETTING HEARING ON CONFIRMATION AND RELATED MATTERS

1. On _____, 20___, the Debtor filed "Small Business Plan of Reorganization and Disclosure Statement" (docket #_____) which appears to contain adequate information.

2. Section 1125(f) of the Bankruptcy Code allows this Court to "determine that the plan itself provides adequate information and that a separate disclosure statement is not necessary." The Court has conditionally made such a determination in this case.

3. Within 5 days of the entry of this Order the Debtor shall mail the "Small Business Plan of Reorganization and Disclosure Statement," the ballot, and this Order to the United States trustee, creditors, equity holders, and other parties in interest pursuant to Fed. R. Bankr. P. 3017(d) and file a certificate of service. At the earliest time possible, the Debtor shall provide, as appropriate, to a single creditor or all creditors additional information which is reasonably requested.

4. Please take note that the Court will hold a hearing on _____, 20___ at _____ am/pm, on the final approval of the Court's determination that a separate disclosure statement is not necessary and on confirmation of the Plan.

5. Objections to (1) the Court's determination that a separate disclosure statement is not required, and (2) confirmation of the Plan and other related matters are due not later than _____ _____, 20___ at 4:30 PM.

6. Ballots must be submitted to counsel for the debtor as set forth in the Plan so as to be received by _____, 20___ at 4:30 PM.

7. Motions for valuation, termination of the automatic stay, dismissal or conversion to another chapter which are now pending or subsequently filed will be heard at the same time as the combined disclosure and confirmation hearing unless otherwise expressly scheduled by the Court.

Dated: _____, 20___

_____
United States Bankruptcy Judge

FOR SERVICE ON THE UNITED STATES TRUSTEE, ALL CREDITORS, EQUITY HOLDERS, AND PARTIES IN INTEREST.