

RULE 1002-1 - PETITION – GENERAL

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

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

(c) Creditor List. In all voluntary cases, a creditor list containing the names and addresses, including zip codes, of all known creditors and holders of executory contracts must be filed with the petition, or within seven (7) days thereafter, even if the schedules are not filed with the petition. Failure to file the creditor list at the time of filing will result in the automatic issuance of a seven (7) day Order to File Missing Documents and Notice of Automatic Dismissal for Non-Compliance.

(1) Mailing Format for Conventionally Filed Cases. In accordance with the filing requirements set forth by Fed. R. Bankr. P. 1002, 1003, and 1007 and R.I. LBR 1007-1, 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 using electronic media, [i.e., CD, DVD, or USB key] and in the format prescribed by the Clerk's Office and designated as R.I. Local Form 1002-1.1. Failure to correctly conform to these requirements will result in the automatic issuance of a seven (7) day Order to file Missing Documents and Notice of Automatic Dismissal for Noncompliance.

(2) Required Addresses. Except as provided below, the creditor list shall include the names and addresses (including zip codes) of all known creditors and parties in interest. The name and address of: (a) the debtor(s); (b) the debtor(s)' attorney; (c) the United States Trustee; and (d) the Rhode Island Division of Taxation, should not be included on the creditor list because information pertaining to them will automatically be added to the creditor list and/or case by the Court.

(3) Incorrect Address; Returned Mail. It is the responsibility of the debtor to ensure that all addresses set forth on the creditor list are accurate and complete, and that they conform to the addresses set forth on the schedules. If a mailing based on the creditor list is undeliverable by the post office, the mailing will be returned by the post office directly to the debtor's attorney, or debtor, if pro se, and it will be debtor's responsibility to re-mail the

document(s). Upon remailing, the debtor is also required to file with the Clerk the updated address(es) and a certificate of service of the mailing.

(4) Involuntary Cases. In involuntary cases, the creditor list shall be filed within seven (7) days of the entry of the order for relief. The creditor list shall be prepared and filed by the debtor, unless the Court orders otherwise.

(5) Amendments to Creditor List. See R.I. LBR 1009-1(d).

(d) 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 directors' 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, 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 unless a request for relief under R.I. LBR 1017-2(b) was timely made.

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

RULE 1005-1 - FILING PAPERS – REQUIREMENTS

(a) Caption of Papers. The bankruptcy case name, number, and chapter shall appear on all papers filed with the Clerk and must also appear on the signature page of all documents filed with the court.

(b) Size and Form. All papers, including the bankruptcy petition, schedules, statements, lists and other papers shall be on 8½” x 11” paper. All text in papers other than the bankruptcy petition and related schedules and lists must appear in at least 11 point type, except for footnotes which shall not be less than 10 point, and may not contain material that belongs in the body of the text or argument. All such text shall be double spaced, with the exception of quotations and footnotes.

(c) Required Signatures and Identifying Information. Each original paper filed with the Clerk shall include the filer’s name, original signatures, address, telephone number, facsimile number, email address, and if an attorney, the name of the law firm, the attorney’s state bar identification number, and the name of the client.

(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 spaced and must appear in at least 11 point type:

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

(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) Applications for Compensation -- 21 days;
- (G) Motion for Expedited Determination -- 7 days - See R.I. LBR 9013-2(d)(1);
- (H) Motion for Emergency Determination -- left to discretion of Court, above language should not be used. See R.I. LBR 9013-2(d)(2);
- (I) Motion for Rule 2004 Examination -- see R.I. LBR 2004-1(b)(2);
- (J) Motion to Extend Time for filing schedules, statements, reports, responses, and replies – left to discretion of Court, above language should not be used. For the following types of motions to extend time, the required response language contained in R.I. LBR 1005-1(d)(1) for usual papers should be used: (1) a motion to extend or delay entry of discharge filed by the debtor; (2) a motion requesting an extension of time to file an objection to discharge under §§ 523 or 727; (3) a motion to extend the time to object to exemptions under Fed. R. Bankr. P. 4003(b); or (4) a motion to extend time to respond to a Notice of Final Cure.
- (K) 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 (4) calendar days by 3:00 p.m. If less time is needed, the motion should be filed as an emergency motion pursuant to R.I. 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.

(L) Motion to Vacate an Order and Motion to Reconsider - seven (7) days.

(M) Motion for Relief from Co-Debtor Stay - twenty (20) days.

(N) Motion to File Out of Time - left to discretion of Court, above language should not be used (other than a Motion to File a Proof of Claim Out of Time, which should contain the standard objection language, See R.I. LBR 1005-1(d)(1)).

(O) Petition for Certification for Direct Appeal - left to discretion of Court, above language should not be used.

(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:

(1) Any response, objection, status report or other document filed after the applicable deadline provided under the Federal Rules of Bankruptcy Procedure, 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.

(2) Motions to File Out of Time shall not include subsection (d) objection language. See LBR 1005-1(d)(2)(N). The Court will establish a deadline for any response to the motion if, in its discretion, it is warranted by the circumstances.

(3) 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 three (3) calendar days of the entry striking the document.

(4) For documents that are timely filed but stricken as defective, provided that the corrected document is filed within three (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.

(f) Caption of Amendments. Any paper filed to effect an amendment of a previously filed or served paper, including bankruptcy petition, lists, schedules, and statements, shall clearly state in bold print that it is an amendment. Any amendment proposing to add creditors to the case shall be accompanied with the appropriate filing fee, and, if a non-electronic filing, a supplemental diskette containing only the names and addresses of the added creditors. *See also*, R.I. LBR 1009-1.

CROSS REFERENCE *See* R.I. LBR 5005-4 (Electronic Filing)

RULE 1006-1 - FILING FEE

(a) Manner of Payment. The filing fee commencing a case shall be paid in cash, credit card, debit card, ACH withdrawal from a registered bank account, cashier's check or money order, made payable to "Clerk, U.S. Bankruptcy Court." Payment by personal check, credit card, debit card, or by ACH withdrawal will be accepted only if the account is in the name of the attorney for the debtor, or the law firm of which the attorney for the debtor is a member, partner or associate. The applicable miscellaneous fee shall be assessed and shall be payable to the "Clerk, U.S. Bankruptcy Court" for any dishonored check. The Clerk of the Court shall maintain a list of attorneys and law firms whose checks have been dishonored, may refuse to accept the checks of such attorneys or firms, and, if circumstances warrant, may report the attorney(s) or firm(s) to the appropriate authorities.

(b) Multiple/Erroneous Payments of Same Fee or Charge. It is the filer's responsibility to ensure any Clerk's office fee or charge is paid only once, and creditors are responsible for ascertaining the status of the case is such that the action they seek requires a fee. Except where the payment of a fee is the error of the Clerk's office, the Clerk is not authorized to refund fees paid by mistake. The Clerk shall deposit excess or erroneous payments into the appropriate government account.

(c) Payment of Filing Fee in Installments. The Clerk may approve a debtor's Application to Pay the Filing Fee in Installments, if the application contains a payment schedule that provides for at least 25% of the fee at the time of the filing, and continued payments of 25% commencing within thirty (30) days of the petition date and every twenty-eight (28) days thereafter. The application to pay in installments must comply with Official Form 103A.

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

(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 103B, and R.I. Local Form 1006-1.1. In addition, the debtor(s) must also file Schedules I and J with the Application. Failure to timely file all of these required forms will result in the automatic denial of the Application. 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 (10) days of the entry of the order denying the waiver of the fees, and the remaining fees will be payable in accordance with R.I. LBR 1006-1(c), unless otherwise ordered by the Court. Failure to timely pay the full fee or the first installment will result in the automatic dismissal of the case unless a request for relief under R.I. LBR 1017-2(b) was timely made.

(g) Revocation or Vacating of Waiver. The Court may revoke or vacate an order waiving the filing fee if developments in the case or administration of the estate demonstrate that the waiver was unwarranted.

(h) Effect of Conversion. If the filing fee of an individual Chapter 7 case is waived, and the debtor's case is later converted to one under another chapter, the debtor must pay the full filing fee for the new chapter within fourteen (14) days of conversion, or file an Application to Pay the Filing Fee in Installments.

RULE 1007-1 - LISTS, SCHEDULES AND STATEMENTS; TIME LIMITS; ORDER TO FILE MISSING DOCUMENTS AND NOTICE OF AUTOMATIC DISMISSAL FOR NONCOMPLIANCE; NOTICE IN CHAPTER 11

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

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

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

(c) Filings Subject to Fourteen (14) Day Filing Deadline. The following, as applicable to the case and chapter, are required to be filed within fourteen (14) days of the bankruptcy filing, or any authorized extension thereof, or will be subject to the procedures set forth in subparagraph (d) below and R.I. LBR 1017-2:

- (1) Schedules A/B through J2, as applicable;
- (2) Statement of Financial Affairs;

- (3) Summary of Assets and Liabilities and Certain Statistical Information (28 U.S.C. § 159);
- (4) Statement of Executory Contracts;
- (5) Attorney Fee Disclosure Statement;
- (6) All required declarations having been properly executed;
- (7) The Chapter 13 plan (R.I. Local Form 3015-1.1); and/or
- (8) The Chapter 13 agreement (R.I. Local Form 2083-1);
- (9) Chapter 11 Exhibit A;
- (10) Chapter 11 twenty (20) largest unsecured creditors;
- (11) Applicable Means Test Forms [B122A-1 through B122C-2];
- (12) Copies of pay stubs for sixty (60) days before the filing of the petition;
- (13) Notice to Debtor by Non-Attorney Bankruptcy Petition Preparer (Form 119);
- (14) Certificate of Credit Counseling if Official Form 101, Part 5, Question 15 box #2 applies.

(d) Order to File Missing Documents and Notice of Automatic Dismissal for Noncompliance (Lack of Compliance) Procedure for Issuance of Order to File Missing Documents and Notice of Automatic Dismissal for Noncompliance. In all voluntary cases, where the petition is not accompanied by the required schedules, statements, and other documents, pursuant to Fed. R. Bankr. P. 1007, 1008, 2016, and 3015, and R.I. LBR 1002-1, 1007-1 and 5005-4, the debtor shall file such missing documents according to the time limits imposed by federal or local rule, or, if cause exists, move within that time for an order extending the time to make the required filings. Upon filing the petition, the debtor will receive an Order to File Missing Documents and Notice of Automatic Dismissal for Non-Compliance indicating which documents are missing and giving the debtor either seven (7) days or fourteen (14) days from filing to file the required documents, if applicable. If, after the expiration of the stated time period, or any court authorized extension thereof, the debtor fails to achieve compliance with the

foregoing, the case will be automatically dismissed without further notice unless a request for relief under R.I. LBR 1017-2(b) was timely made. *See also*, R.I. LBR 1017-2.

(e) Notice to Disputed, Contingent or Unliquidated Creditors in Chapter 11 Cases.

The debtor in each Chapter 11 case shall serve R.I. Local Form 1007-1.1 on each creditor whose claim is listed on the schedules as disputed, contingent or unliquidated within fourteen (14) days after filing the schedules of liabilities, or within fourteen (14) days of adding such creditors to previously filed schedules. The notice will inform such creditors of the right to file proofs of claim and that failure to do so shall prevent them from voting upon the plan or participating in any distribution thereunder. Within fourteen (14) days of service, a certificate evidencing compliance with this LBR shall be filed with the Clerk.

RULE 1017-2 - DISMISSAL FOR LACK OF COMPLIANCE

(a) Want of Prosecution Defined. For purposes of Fed. R. Bankr. P. 1017, the term “want of prosecution” shall include, but is not limited to:

(1) failure to file lists, schedules, statements, and all required documents within the time allowed by Fed. R. Bankr. P. 1007;

(2) failure of a debtor that is a corporation to be represented by counsel within the time set by order of the Court;

(3) failure to pay timely any required filing fee;

(4) failure to timely file a plan, disclosure statement or other document or pleading, as required by the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, these LBRs or orders of the Court;

(5) failure of a party or counsel to appear, upon notice or order, at a hearing before the Court;

(6) failure of the debtor(s) to appear at the initial Section 341 meeting, or any continued meeting; and

(7) failure to abide by any Court order requiring the filing of papers or payment of fees, costs or sanctions.

(b) Sua Sponte Action by Court. The Court may, on its own motion, and after notice to the debtor, the debtor’s attorney, if any, and to all creditors, dismiss a case for lack of compliance unless the debtor cures the deficiency timely, and/or the debtor or any party in interest requests a hearing within seven (7) days of service of such Order requiring compliance and Notice of Automatic Dismissal for Non-compliance or Order to Show Cause or similar court order.

RULE 2004-1 - EXAMINATION

(a) Objections/Protective Orders. Any objection to a motion for a Rule 2004 examination shall be in the form of an objection and/or a motion for a protective order in accordance with Fed. R. Civ. P. 26(c) as adopted in Fed. R. Bankr. P. 7026. The motion/objection shall state precisely the basis for such objection or protective order as well as the nature and scope of the relief requested.

(b) Notice and Response Time.

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

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

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

(c) Stay of Examination. The timely filing of an objection and/or motion for a protective order as provided in subdivisions (a) and (b) of this LBR will automatically stay the motion for examination and the entry of any order determining said examination, until the Court considers the objection or motion for protective order.

(d) Unopposed Motion for Rule 2004 Examination. If no response or objection is timely served, the motion to conduct an examination under this LBR will be granted by the Court by endorsement order.

(e) Inapplicability to Adversary Proceedings. The provisions for examination under this LBR shall be inapplicable to pending adversary proceedings and contested matters. Discovery in connection with pending adversary proceedings and contested matters, including

examinations, shall be pursuant to the discovery provisions made applicable by Part VII of the Fed. R. Bankr. P. and Fed. R. Bankr. P. 9014.

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 confirmation of the plan or the deadline for filing proofs of claim, whichever is later, or within sixty (60) days after the filing of a late filed proof 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 if served electronically, as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bankr. P. 9006 if you were served by mail or other excepted means specified, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Bankruptcy Court Clerk's Office, 380 Westminster Street, 6th Floor, Providence, RI 02903, (401) 626-3100. If no objection or other response is timely filed within the time allowed herein, the paper will be deemed unopposed and will be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise. If you timely file such a response, you will be given thirty (30) days notice of the hearing date for this objection.

RULE 3011-1 - UNCLAIMED FUNDS

(a) Procedure for Deposit of Unclaimed Funds.

(1) Unclaimed funds in excess of \$25.00 received by the Court shall be deposited in the Treasury registry fund, or otherwise as directed by the Judicial Conference. Unclaimed funds of \$25.00 or less shall be deposited directly with the United States Treasury.

(2) Upon receipt of the items and/or information specified in subparagraphs (A) through (C) below, a ledger shall be established and maintained by the financial department of the Clerk's office containing information described in paragraph (3) below:

(A) a check for unclaimed funds;

(B) a declaration that the check has not been cashed within ninety (90) days or was returned as address unknown; and

(C) the name, address and amount owed the creditor.

(3) For each unclaimed fund creditor, a ledger containing the following information shall be maintained:

(A) the name of the debtor(s);

(B) the bankruptcy case number;

(C) the name and address of the creditor(s) whose unclaimed funds have been deposited; and

(D) the amount owed.

(4) The Financial Administrator shall also maintain a copy of the trustee's or debtor's forwarding letter, the check, and the receipt, in a separate file available for public inspection.

(b) Procedure for Payment of Unclaimed Funds. Unclaimed fund petitioners who file five (5) or more petitions for unclaimed funds in a twelve (12) month period are required to file such petitions and supporting documentation electronically in the Court's electronic filing system, or request an exemption pursuant to R.I. LBR 5005-4.

(1) A court order must be obtained before the Clerk of Court may disburse unclaimed funds.

(2) The following documentation is required to obtain a court order to disburse unclaimed funds:

(A) Petition for Payment of Unclaimed Funds substantially similar to R.I. Local Form 3011-1.1;

(B) Satisfactory completion of the appropriate identification form for unclaimed dividends, see R.I. Local Forms 3011-1.2 or 3011-1.3; and

(C) Such other documentation establishing proof of ownership as the Court may direct.

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

RULE 3015-3 - CHAPTER 13 – CONFIRMATION

(a) Pre-Confirmation Conference with Chapter 13 Trustee. At least forty-eight (48) hours prior to the hearing on confirmation, the debtor’s attorney, the debtor, if pro se, and any objector to the Chapter 13 plan are required to confer with the Chapter 13 trustee regarding the proposed plan, its feasibility and permissibility, and any objections to the proposed plan.

(b) Objections to Confirmation.

(1) Deadline for Filing. Any objections to confirmation of a Chapter 13 plan shall be filed no later than seven (7) days before the hearing date on confirmation.

(2) Service of Objections. An objection to confirmation shall be filed with the Court and served on the Chapter 13 trustee, the debtor, the debtor’s attorney, and any other party or attorney who has filed an appearance and requested service of pleadings. The objection shall be accompanied by a certificate of service evidencing compliance with this requirement.

(c) Scope of the Confirmation Hearing.

(1) Matters for Consideration. At the hearing on confirmation of a Chapter 13 plan, the Court will consider all motions filed as part of the Chapter 13 plan [motion to modify secured claim(s), motion to avoid lien(s), and motion to assume or reject lease(s)]. In addition, the Court may consider any objections to claims, motions filed pursuant to Fed. R. Bankr. P. 4003, any applications for professional fees, and any timely filed objections to confirmation of the debtor’s plan.

(2) Trustee’s Recommendation. Any recommendation by the Chapter 13 Trustee that the plan under consideration be confirmed shall be made only after determining that all requirements for confirmation under 11 U.S.C. § 1325 have been satisfied.

(d) Order Confirming Chapter 13 Plan. R.I. Local Form 3015-3.1 shall serve as the form of order for all Chapter 13 confirmations, with such modifications thereof as appropriate. The Chapter 13 trustee is responsible for preparation of the proposed order confirming the plan. Service and submission of the proposed order shall be in accordance with R.I. LBR 9072-1(b).

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

(1) The debtor files an amended plan;

Code;

(2) The debtor moves to convert the case to one under another chapter of the

(3) The debtor files a motion for reconsideration;

(4) The debtor appeals the order denying confirmation;

(5) The debtor requests timely relief under R.I. LBR 1017-2(b); or

(6) The Court otherwise orders.

(f) Completion of Plan. Upon completion of the debtor(s)' confirmed plan and in compliance with 11 U.S.C. § 1328(a), the Chapter 13 Trustee's Final Report shall clearly state either:

(1) that there were no domestic support obligations due to be paid by the debtor, or;

(2) that there were domestic support obligations due to be paid by the debtor and those obligations are current, or;

(3) that there were domestic support obligations owed by the debtor, that the trustee is unable to determine if they are current and the debtor has not applied for a waiver under this statute. If the trustee is unable to determine if these obligations are current, the court shall issue a Notice of Intent to Close the Case Without a Discharge unless, within fourteen (14) days, the debtor files documentation with the Chapter 13 Trustee that all domestic obligations are current and the Chapter 13 Trustee so notifies the court.

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, 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 mediation 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. Local Form 4001-1.1, Relief from Stay Worksheet – Real Estate, as well as the required attachments to the motion as specified on Form 4001-1.1. R.I. Bank. Form 4001-1.1 is not required in Chapter 7 cases, unless the debtor, or the Court, specifically requests 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) Co-debtor Stay. A party may not combine a motion for relief from stay with a motion for relief from stay against a co-debtor; a separate motion is required. In addition to service on the co-debtor, any motion for relief from the stay against a co-debtor must also be served upon the debtor, debtor's counsel, if any, and the case trustee. See R.I. LBR 1005-1(d)(2)(M) for the applicable response time to be included on such motions.

(c) Service. All documents filed pursuant to this rule shall be served in accordance with Fed. R. Bankr. P. 4001(a) and 9006(d)-(f) upon all parties who have filed appearances and requested service of all notices and pleadings. Additionally, any party filing a motion for relief from the automatic stay shall serve copies of the motion on the following parties:

- (1)** the debtor;
- (2)** debtor's counsel;
- (3)** the trustee if one has been appointed;
- (4)** any official committee appointed and serving in the case under 11 U.S.C. §1102;
- (5)** all parties with liens of record or any other party known to the movant claiming a lien in the property;
- (6)** parties requesting notice; and
- (7)** in a Chapter 11 case, the local office of the United States Trustee.

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

(e) Disposition Without a Hearing. In the absence of a timely filed opposition and upon evidence of proper service, the Court, pursuant to R.I. LBR 9013-2, without a hearing, may allow or deny the motion after the expiration of the opposition period set forth in section (d). The

Court may deny a motion for relief from stay without a hearing if the moving party fails to comply with sections (b) and (c) above.

(f) Position of Estate Representative. If the estate representative fails to file a response within the time prescribed in section (d), then the estate representative shall be deemed to have assented to the motion.

(g) Hearing. Upon the expiration of the response deadline set forth in paragraph (d), and if the matter is contested, the Court will notify the parties of a hearing date within the time prescribed by 11 U.S.C. § 362(e). A preliminary hearing on a motion for relief from the automatic stay will be a consolidated preliminary and final evidentiary hearing unless at the conclusion of the preliminary hearing the Court schedules a final evidentiary or nonevidentiary hearing. If the Court schedules a final evidentiary hearing, the parties shall file a Joint Pretrial Statement in accordance with the requirements of section (i) below, three (3) business days before the final evidentiary hearing date.

(h) Motions to Continue the Consolidated Preliminary Hearing. Whenever a party seeks to continue the consolidated preliminary hearing beyond the time prescribed in 11 U.S.C. § 362(e), the movant must obtain and include an affirmation in the motion that creditor consents to the extension of the time limit set forth in 11 U.S.C. § 362(e).

(i) Joint Pretrial Statement.

(1) Filing Requirement. In all cases where a joint pretrial 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 pretrial statement, in compliance with R.I. LBR 9014-1, and R.I. Local Form 4001-1.2, 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 pretrial 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.

(3) Failure to File. If the movant fails to timely file the joint pretrial 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.

(j) Setoff of Prepetition Tax Obligations. The Internal Revenue Service is granted relief from stay in individual Chapter 7, 11 and 13 cases for the limited purpose of offsetting refunds for prepetition years against prepetition tax indebtedness. The IRS shall amend its claims to reflect any such offset. In addition, nothing in this rule shall prejudice or limit the right of any party to object to a refund or offset of such refund as described herein or to any claim filed by the Internal Revenue Service.

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(k) of this Rule below.

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

(1) **Eligibility.** Attorneys, United States Trustees and their assistants, private trustees, and others as the Court deems appropriate, are entitled to one System password to enable the user or any support staff so authorized by the user to participate in the electronic retrieval and filing of documents within the System.

(2) Registration and Training.

(A) **Registration and Training Requirements.** All applicants must register electronically for a login and password. Training modules are required for those applicants who are not already a registered user in another Bankruptcy or Federal District Court.

(i) Eligible applicants must complete the online training modules, if applicable, and register electronically for a login and password once completed. The filer must also meet the minimum system requirements.

(ii) Non-attorneys who intend to use the system for the limited purpose of filing claims and related claim activity, request for notice, petition for unclaimed funds, reaffirmation agreement, and not requiring the appearance of counsel, may register online for a limited user login and password. Training modules are required for those applicants who are not already a registered user in another Bankruptcy or Federal District Court.

(iii) Electronic Registration is available on the Court's Internet web site (www.rib.uscourts.gov).

(iv) Applicants must have a PACER login and password. A PACER login and password can be secured by contacting the PACER Service Center to establish an account. Registration may be made online at <http://pacer.psc.uscourts.gov>, or by calling the PACER Service Center at (800) 676-6856. PACER Access to the CM/ECF System will allow retrieval of the docket sheet and documents. PACER Access to the CM/ECF System will be on a "read only" basis.

(B) Training. After successful completion of the Court's training modules, or certification by the Clerk in circumstances where completion of the Court's training modules is not required, each Electronic Filer will receive a System password.

(C) Passwords; Unauthorized Use Prohibited.

(i) **Admission.** Admission to the System by receipt of a password from the Court constitutes a request for electronic service and notice pursuant to Fed. R. Bankr. P. 9036. By receiving a password, Electronic Filers agree to accept notice and service by electronic means, and registration as an Electronic Filer constitutes: (a) waiver of the right to receive notice by first class or certified mail and consent to receive notice electronically; and (b) waiver of the right to service by personal service, first class or certified mail and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first class or certified mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022.

(ii) **Password.** The password serves as the filer's signature. The password required to submit documents to the System serves as the Electronic Filer's original signature on all electronically filed documents. The password also serves as a signature for purposes of Fed. R. Bankr. P. 9011, other Federal Rules of Bankruptcy Procedure, the local rules of this Court, and any other purpose for which a signature is required in connection with proceedings before this Court. Electronically filed documents must include a signature block that sets forth the name, address, telephone number, and the attorney's bar registration number and

email address. In addition, the name of the Electronic Filer under whose log-in and password the document is submitted must be preceded by an “/s/” and typed in the space where the signature would otherwise appear.

(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 email 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.

(2) One Time Exemption. An attorney who is not an Electronic Filer may conventionally file the first document on behalf of a client in an ECF case without leave of Court. Within twenty-one (21) days thereafter, the attorney must register as an Electronic Filer, or seek an exemption under subsection (1) above. Failure to register or seek an exemption may result in the issuance of an order to show cause why the attorney should not be sanctioned.

(3) Attorneys Appearing Pro Hac Vice. An attorney who is not a member of the bar of this Court, but who is permitted to appear and practice in this Court pursuant to R.I. LBR 9010-1 may, but is not required to, register as an Electronic Filer and to participate in the System for the duration of the Pro Hac Vice appearance.

(4) Pro Se Litigants. Pro se litigants may conventionally file and serve documents in accordance with the provisions of the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court.

(5) Withdrawal. Once registered, an attorney/ participant may withdraw as an Electronic Filer by providing the Clerk with a request to withdraw, stating the reason(s) for the request. Copies of the request must also be served upon all registered attorneys/participants who have appeared in pending cases in which the withdrawing attorney/participant has appeared. Upon approval of said withdrawal, the Clerk will immediately cancel the attorney/participant's password and will delete the attorney/participant from any applicable electronic service list. However, once an Electronic Filer withdraws from the system, he or she will be unable to file documents with the Court unless one of the exemptions listed above applies.

(d) Format for Filing Electronic Documents.

(1) Format for Transmission of Electronic Documents. All electronically filed documents must be submitted as a PDF file, and when viewed in the electronic filing system, shall conform in appearance to the requirements listed in R.I. LBR 1005-1.

(2) Attachments to Electronic Documents. Multiple documents that are part of a pleading, which are filed at the same time by the same party may be electronically filed as a single document. Documents that are not a part of the pleading, e.g., memorandum of law, supporting affidavit, or appendix, shall be filed as an attachment to the pleading.

(3) Designation of Electronic Documents. Electronic Filers must designate a title for the document by selecting the appropriate event title from the categories provided in the System. Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk's Office, or after motion and approval by the Court.

(e) Consequences of Electronic Filing. Electronic transmission of a document to the CM/ECF system or the e-filing of an event on the System, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes under the Federal Rules of Bankruptcy Procedure and the local rules of this Court, and constitutes entry of the document or event on the docket kept by the Clerk under Fed. R. Bankr. P. 5003.

(f) Time of Filing. The System is "real-time," so the receipt of the Notice of Electronic Filing will show the actual date and time a document was filed on the System. Documents filed electronically outside of normal business hours will be deemed filed on the date and time

received. Deadlines will not change as a result of this rule. The deadline for filing, unless otherwise specifically set, is 11:59 P.M. (E.S.T.).

(g) Waiver of Notice and Service. Registration with the Court as an Electronic Filer of the CM/ECF system will constitute:

(1) waiver of the right to receive notice by first class or certified mail and consent to receive notice electronically; and

(2) waiver of the right to service by personal service, first class or certified mail and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first class or certified mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022.

(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 user’s 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) Electronic Signatures and Retention of Original Signed Documents by Registered Users.

(1) Petitions, lists, schedules, statements, amendments, pleadings, affidavits, proofs of claim, stipulations and other documents which must contain original signatures, documents requiring verification under Fed. R. Bankr. P. 1008, and unsworn declarations under 28 U.S.C. § 1746, shall be filed electronically and bear “electronic signatures”, including the /s/.

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

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

(l) Consent Motions/Joint Motions

(1) The following procedure shall be used in the case of joint or consent motions.

(A) The Electronic Filer shall initially confirm that the content of the document is acceptable to all parties intending to be bound and that all parties consent to the relief requested; and

(B) The Electronic Filer shall then file the document electronically, indicating his/her signature, e.g. “/s/ Jane Doe,” “/s/ John Doe,” etc.

(2) The following procedure shall be used in all other instances requiring consent orders and/or stipulations where two or more signatures are required, including, but not limited to Joint Pretrial Statements:

(A) The Electronic Filer shall initially confirm that the content of the document is acceptable to all persons required to sign the document, and shall have in his or her possession the original signatures of all parties to the document.

(B) The Electronic Filer shall then file the document electronically, indicating the signatories, e.g., “/s/ Jane Doe,” “/s/ John Doe,” etc.

(C) The Electronic Filer shall retain the original documents containing the original signatures for two years after the case is closed.

(m) Exhibits

(1) **Exhibits.** Exhibits filed under Local Bankruptcy Rules, including but not limited to leases, notes, and the like, which are not available in electronic form, shall be submitted to the Court in paper format. The Clerk will indicate on the electronic docket the date such exhibits were submitted and, if appropriate, link them to the Joint Pretrial Statement. Trial exhibits will not be scanned unless the Court orders otherwise.

(2) **Exhibits to Proofs of Claim.** Exhibits in support of a proof of claim shall be filed electronically whenever possible and shall be e-filed as one event with the proof of claim. The exhibits should be electronically imaged (i.e., scanned) and filed in PDF format as an attachment to the Proof of Claim.

(n) Orders

(1) Proposed Orders

(A) Where an Electronic Filer is required to submit a proposed order under R.I. LBR 9072-1, said document shall be electronically filed, docketed, and served in accordance with these procedures and Rule 9072-1.

(B) An Electronic Filer wishing to submit a proposed order before hearing may file such order together with the underlying motion or application, and e-filed as one event. The proposed order should be attached to the underlying motion or application.

(2) Consent Orders/Reaffirmation Agreements. Consent orders or reaffirmation agreements shall be filed in accordance with subsection R.I. LBR 5005-4(1).

(3) Notice of Entry of Orders and Judgments by the Court:

(A) Upon the entry of an order or judgment in an action pending in the CM/ECF System, the System will automatically generate to all Electronic Filers in the case, in electronic form, a Notice of Electronic Filing. Transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R. Bankr. P. 9022. The Clerk shall give conventional notice to persons who have not consented to electronic service.

(B) Orders signed electronically (i.e., “/s/”) shall have the same force and effect as conventionally signed orders.

(o) Emergency Filings and Requests for Continuance

(1) **Procedure for Emergency Filings.** Electronic Filers requesting emergency hearing and/or relief shall contact the Clerk’s Office by telephone at (401) 626-3100, forthwith upon the filing of such motion. Failure to notify the Clerk’s Office of such filing as aforesaid, may result in denial of the request for expedited or emergency relief, or a delay in action on the motion.

(2) Jointly filed motions for continuance, proposed consent orders, and similar filings that affect a matter scheduled for hearing must be filed by 3:00 p.m. the day before the scheduled hearing, or the matter will remain on the calendar and all counsel will be required to attend the hearing. If an Electronic Filer files a document that affects a matter on the calendar after 3:00 p.m. the day before a scheduled hearing, the Electronic Filer shall also notify the Courtroom Deputy of such filing by email at: RIBCourtroom@rib.uscourts.gov.

(p) **System Failure.** If electronic filing cannot be accomplished because of a court or filer System failure, the Electronic Filer shall, after making at least two attempts to file electronically, send the document and/or event as an attachment in PDF format via e-mail to the following address: RIBECFSupport@rib.uscourts.gov explaining why it was not possible to file directly in the CM/ECF System. The Electronic Filer must call the Clerk’s office prior to 10:00 a.m. of the next business day to advise that a document has been filed via e-mail. The Clerk’s office will download and file the PDF document, which will be deemed filed on the date and time of the e-mail transmittal.

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

a registered bank account in the name of the attorney for the debtor, or the law firm of which the attorney for the debtor is a member, partner or associate. Payment of the filing fee is due on the date the document is filed. Failure to make payment on the date of the filing may cause the Electronic Filer to be locked out of the System, and if the fee is not paid within seven (7) days of filing, the underlying document will be stricken or terminated pursuant to R.I. LBR 5005-5.

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

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

(b) Failure to Submit a Proposed Order after Hearing. If, after seven (7) days from the date of the hearing, or other time as ordered by the Court, the responsible party does not file the required order, the Court will automatically strike the original initiating document (i.e. motion, application, notice) and the parties will receive notice that no further action will be taken. In order to revive the stricken filing, a Motion to Vacate must be filed, along with the overdue order, before the case is closed. Once the case is closed, a reopening fee will be required to docket the late filed order. See R.I. LBR 9072-1(a),(c).

RULE 7067-1 - REGISTRY FUNDS

(a) Receipt of Funds.

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

(2) The party making the deposit or transferring funds to the Court's registry shall serve the order permitting the deposit or transfer on the Clerk of Court.

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

(b) Investment of Registry Funds.

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

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

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

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

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

(6) For each interpleader case, an account shall be established in the CRIS Disputed Ownership Fund, titled in the name of the case giving rise to the deposit invested in the fund. Income generated from fund investments will be distributed to each case after the DOF fee has been applied and tax withholdings have been deducted from the fund. Reports showing the interest earned and the principal amounts contributed in each case will be available through the FedInvest/CMS application for each court participating in the CRIS and made available to litigants and/or their counsel. On appointment of an administrator authorized to incur expenses on behalf of the DOF in a case, the case DOF funds should be transferred to another investment account as directed by the court order.

(c) Fees and Taxes

(1) The custodian is authorized and directed by this Order to deduct the CRIS fee of an annualized 10 basis points on assets on deposit for all CRIS funds, excluding the case funds held in the DOF, for the management of investments in the CRIS. According to the Court's Miscellaneous Fee Schedule, the CRIS fee is assessed from interest earnings to the pool before a pro rata distribution of earning is made to court cases.

(2) The custodian is authorized and directed by this rule to deduct the DOF fee of an annualized 20 basis points on assets on deposit in the DOF for management of investments and tax administration. According to the Court's Miscellaneous Fee Schedule, the DOF fee is assessed from interest earnings to the pool before a pro rata distribution of earning is made to court cases. The custodian is further authorized and directed by the rule to withhold and pay federal taxes due on behalf of the DOF.

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

(e) Transition from Former Investment Procedure

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

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

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

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

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

- Petitioner is a **corporation, partnership or other entity** named as the Claimant in the Trustee's unclaimed funds check Petitioner has reviewed all records of the Claimant and states that no other Petition for this claim has been submitted by or at the request of Claimant. **Documentation that establishes that the person executing the Petition is authorized to submit the Petition must be attached to R.I. Local Form 3011-1.3 or the Petition will be considered defective and stricken** [e.g., board meeting minutes and articles of incorporation, current list of officers and directors, affidavit of secretary with copy of directors' resolution authorizing execution of the Petition or officer's certificate establishing that the corporate officer executing the Application is authorized to so act].

- If the Petitioner is a **successor in interest** to a previous corporation, **then documentation must be attached to R.I. Local Form 3011-1.3 to establish the legal right of the applicant to the accounts receivable of the claimant corporation** [e.g., documents establishing the chain of ownership of the original corporate claimant, proof of sale of the company, new and prior owners, and a copy of the terms of any purchase agreement or stipulation by prior and new owners of right of ownership to unclaimed funds]. Copies of all documents evidencing assignment must be appended to R.I. Local Form 3011-1.3.

- Petitioner is an attorney or a **"funds locator"** who has been retained by Claimant. **Attach the following documentation to R.I. Local Form 3011-1.2 or 3011-1.3, as applicable: An original, notarized "power of attorney" from an individual Claimant or from the duly authorized representative for the corporation, partnership or other entity named as the Claimant.** Documentation that establishes that the person executing the "power of attorney" is authorized to so act [e.g., affidavit of secretary with copy of directors' resolution authorizing use of locator service or officer's certificate establishing that the corporate officer executing the "power of attorney" is authorized to so act].

3. Petitioner has made sufficient inquiry and has no knowledge that this claim has been previously paid, that any other petition for this claim is currently pending before this Court, or that any party other than the Petitioner is entitled to submit a petition for the payment of this claim.

4. Applicant has provided notice to the United States Attorney for the District of Rhode Island of this Petition pursuant to 29 U.S.C. § 2042 and a certificate of service has been filed.

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

Individual

Dated: _____

Signature of Individual Petitioner

Street Address

City and State

Telephone (including area code)

Entity

Dated: _____

Name of Petitioner [if not an individual]

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

Street Address

City and State

Telephone (including area code)

NOTICE OF RESPONSE TIME

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

CERTIFICATE OF SERVICE

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

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

----- *
In re: :
: BK No.
Debtor(s) : Chapter
: :
: :
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NOTICE OF INTENDED PUBLIC SALE OF ESTATE PROPERTY

To Creditors and Parties in Interest:

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

[Property Description].

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

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

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

RESPONSE TIME

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

DATED:

BY:

Name:
Firm Name:
Address:

Telephone Number:
Bar Code Number: