

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF RHODE ISLAND

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In re: :  
Amendment to Local Rule 1006-1 and :  
R.I. Bankruptcy Form D : BANKRUPTCY GENERAL ORDER  
: No. 13-006  
:  
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**AMENDMENT TO LOCAL RULE 1006-1**  
**AND R.I. BANKRUPTCY FORM D**

The December 1, 2013, amendments to Official Bankruptcy Forms 3B (Application to Have the Chapter 7 Filing Fee Waived), 6I (Schedule I: Your Income) and 6J (Schedule J: Your Expenses) require the Court to amend Local Bankruptcy Rule 1006-1(e) and R.I. Bankruptcy Form D to conform to the national forms and to provide limited supplemental information the Court deems useful in order to evaluate the request for a filing fee waiver.

Accordingly, effective December 1, 2013, R.I. Local Rule 1006-1(e) is amended to require the filing of Schedules I and J, and R.I. Local Bankruptcy Form D, as amended. R.I. Local Form D has been amended to provide limited supplemental income and expense information not included on Official Bankruptcy Form 3B and Schedules I and J.

Order

Enter:

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

/s/ Diane Finkle  
Diane Finkle  
U.S. Bankruptcy Judge

Date: November 8, 2013

## **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 3A.

**(d) Nonconforming Application to Pay in Installments.** An Application to Pay the Filing Fee in Installments that does not comply with 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.

**(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. 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 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.

**(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.

UNITED STATES BANKRUPTCY COURT  
 FOR THE DISTRICT OF RHODE ISLAND

-----X  
 In re: : BK No.  
 : : Chapter  
 : :  
 -----X

**SUPPLEMENTAL INCOME AND EXPENSE INFORMATION  
 FOR FEE WAIVER APPLICATION**

In order for the Court to consider and act on an Application for Waiver of the Chapter 7 Filing Fee, the debtor(s) must also file Schedules I and J with the Application, in addition to this supplemental income and expense form.

**A. SOURCE OF INCOME OF INDIVIDUAL DEBTOR(S)**

1. Source of income (i.e., wages, commissions, social security, unemployment, disability).

\_\_\_\_\_.

2. If the attorney, petition preparer or other person or entity was paid to represent the debtor(s) in this bankruptcy case, provide the source of the payment to the attorney (i.e., wages, social security, unemployment, borrowed funds - such as from a friend or relative). \_\_\_\_\_.

**B. CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)**

1. Recreation, clubs and entertainment, newspaper, magazines, etc.

List each specific recreation item separately and the monthly expense:

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

**DECLARATION CONCERNING DEBTOR'S SUPPLEMENTAL INCOME AND EXPENSE ADDENDUM**

**DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR**

I (we) declare under penalty of perjury that I (we) cannot currently afford to pay the filing fee in full or in installments and that the foregoing information is true and correct. I (we) further declare under penalty of perjury that I (we) have read the foregoing expense information and that it is true and correct to the best of my/our knowledge, information, and belief.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_  
 Debtor

Date: \_\_\_\_\_

Signature: \_\_\_\_\_  
 Joint Debtor (if any)