

OFFICE OF THE CLERK
UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND
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Clerk of Court

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NOTICE OF ADOPTION

Pursuant to 28 U.S.C. § 2071, Fed. R. Civ. P. 83, Fed. R. Bankr. P. 9029 and U.S. District Court for the District of Rhode Island Local Rule Gen 109(g)(1), the U.S. Bankruptcy Court for the District of Rhode Island hereby provides notice of adoption, as Interim Local Rules, the interim bankruptcy rules approved by the Advisory Committee on Bankruptcy Rules, and the following Local Rules and Forms to implement the Small Business Reorganization Act of 2019.

Local Bankruptcy Rules and Forms


Local Rule 1019-1 (amended)
Local Rule 2003-1 (amended)
Local Rule 2015-3 (amended)
Local Rule 2016-1 (amended)
Local Rule 3016-1 (amended)
Local Rule 3017-1 (amended)
Local Rule 3018-1 (amended)
Local Rule 3020-1 (amended)
Local Rule 3022-1 (amended)
Local Rule 6005-1 (amended)
Local Form 3018-1.2 (abolished)
Local Form 3020-1.5 (new)

Interim Federal Bankruptcy Rules

Interim Local Bankruptcy Rule 1007
Interim Local Bankruptcy Rule 1020
Interim Local Bankruptcy Rule 2009
Interim Local Bankruptcy Rule 2012
Interim Local Bankruptcy Rule 2015
Interim Local Bankruptcy Rule 3010
Interim Local Bankruptcy Rule 3011
Interim Local Bankruptcy Rule 3014
Interim Local Bankruptcy Rule 3016
Interim Local Bankruptcy Rule 3017.1
Interim Local Bankruptcy Rule 3017.2
Interim Local Bankruptcy Rule 3018
Interim Local Bankruptcy Rule 3019

Copies of the amended local rules and forms are available at the Clerk's office or on our website at www.rib.uscourts.gov. The Interim Local Rules are available at [Pending Rules and Forms Amendments, February 19, 2020 Interim Rules](#). These amendments are effective as of February 19, 2020 and shall apply to all cases both filed or pending on or after this date.

FOR THE COURT



Susan M. Thurston
Clerk of Court

Date: February 18, 2020

1 Rule 1007. Lists, Schedules, Statements, and Other
2 Documents; Time Limits

4 (b) SCHEDULES, STATEMENTS, AND OTHER
5 DOCUMENTS REQUIRED.

(5) An individual debtor in a chapter 11 case (unless under subchapter V) shall file a statement of current monthly income, prepared as prescribed by the appropriate Official Form.

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¹ These interim bankruptcy rules (the Interim Rules) have been prepared by the Advisory Committee on Bankruptcy Rules and approved by the Judicial Conference of the United States to be adopted as local rules by the Bankruptcy Courts to implement the procedural and substantive changes to the Bankruptcy Code made by the Small Business Reorganization Act of 2019. The Interim Rules will be withdrawn after similar amendments can be made to the Rules of Bankruptcy Procedure under the normal Rules Enabling Act process.

12 (h) INTERESTS ACQUIRED OR ARISING
13 AFTER PETITION. If, as provided by § 541(a)(5) of the
14 Code, the debtor acquires or becomes entitled to acquire any
15 interest in property, the debtor shall within 14 days after the
16 information comes to the debtor's knowledge or within such
17 further time the court may allow, file a supplemental
18 schedule in the chapter 7 liquidation case, chapter 11
19 reorganization case, chapter 12 family farmer's debt
20 adjustment case, or chapter 13 individual debt adjustment
21 case. If any of the property required to be reported under
22 this subdivision is claimed by the debtor as exempt, the
23 debtor shall claim the exemptions in the supplemental
24 schedule. This duty to file a supplemental schedule
25 continues even after the case is closed, except for property
26 acquired after an order is entered:

27 (1) confirming a chapter 11 plan (other than one
28 confirmed under § 1191(b)); or

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1 **Rule 1020. Chapter 11 Reorganization Case for Small**
2 **Business Debtors**

3 (a) SMALL BUSINESS DEBTOR
4 DESIGNATION. In a voluntary chapter 11 case, the debtor
5 shall state in the petition whether the debtor is a small
6 business debtor and, if so, whether the debtor elects to have
7 subchapter V of chapter 11 apply. In an involuntary chapter
8 11 case, the debtor shall file within 14 days after entry of the
9 order for relief a statement as to whether the debtor is a small
10 business debtor and, if so, whether the debtor elects to have
11 subchapter V of chapter 11 apply. The status of the case as
12 a small business case or a case under subchapter V of chapter
13 11 shall be in accordance with the debtor's statement under
14 this subdivision, unless and until the court enters an order
15 finding that the debtor's statement is incorrect.

16 (b) OBJECTING TO DESIGNATION. The United
17 States trustee or a party in interest may file an objection to
18 the debtor's statement under subdivision (a) no later than 30

19 days after the conclusion of the meeting of creditors held
20 under § 341(a) of the Code, or within 30 days after any
21 amendment to the statement, whichever is later.

22 (c) PROCEDURE FOR OBJECTION OR
23 DETERMINATION. Any objection or request for a
24 determination under this rule shall be governed by Rule 9014
25 and served on: the debtor; the debtor's attorney; the United
26 States trustee; the trustee; the creditors included on the list
27 filed under Rule 1007(d) or, if a committee has been
28 appointed under § 1102(a)(3), the committee or its
29 authorized agent and any other entity as the court directs.

1 **Rule 2009. Trustees for Estates When Joint**
2 **Administration Ordered**

3 (a) ELECTION OF SINGLE TRUSTEE FOR
4 ESTATES BEING JOINTLY ADMINISTERED. If the
5 court orders a joint administration of two or more estates
6 under Rule 1015(b), creditors may elect a single trustee for
7 the estates being jointly administered, unless the case is
8 under subchapter V of chapter 7 or subchapter V of chapter
9 11 of the Code.

10 (b) RIGHT OF CREDITORS TO ELECT
11 SEPARATE TRUSTEE. Notwithstanding entry of an order
12 for joint administration under Rule 1015(b), the creditors of
13 any debtor may elect a separate trustee for the estate of the
14 debtor as provided in § 702 of the Code, unless the case is
15 under subchapter V of chapter 7 or subchapter V of chapter
16 11.

17 (c) APPOINTMENT OF TRUSTEES FOR
18 ESTATES BEING JOINTLY ADMINISTERED.

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(2) *Chapter 11 Reorganization Cases.* If the

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appointment of a trustee is ordered or is required by

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the Code, the United States trustee may appoint one

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or more trustees for estates being jointly

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administered in chapter 11 cases.

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1 **Rule 2012. Substitution of Trustee or Successor**

2 **Trustee; Accounting**

3 (a) TRUSTEE. If a trustee is appointed in a chapter
4 11 case (other than under subchapter V), or the debtor is
5 removed as debtor in possession in a chapter 12 case or in a
6 case under subchapter V of chapter 11, the trustee is
7 substituted automatically for the debtor in possession as a
8 party in any pending action, proceeding, or matter.

9 * * * * *

1 **Rule 2015. Duty to Keep Records, Make Reports, and**
2 **Give Notice of Case or Change of Status**

3 (a) TRUSTEE OR DEBTOR IN POSSESSION. A
4 trustee or debtor in possession shall:

5 (1) in a chapter 7 liquidation case and, if the
6 court directs, in a chapter 11 reorganization case
7 (other than under subchapter V), file and transmit to
8 the United States trustee a complete inventory of the
9 property of the debtor within 30 days after qualifying
10 as a trustee or debtor in possession, unless such an
11 inventory has already been filed;

12 (2) keep a record of receipts and the
13 disposition of money and property received;

14 (3) file the reports and summaries required by
15 § 704(a)(8) of the Code, which shall include a
16 statement, if payments are made to employees, of the
17 amounts of deductions for all taxes required to be

18 withheld or paid for and in behalf of employees and
19 the place where these amounts are deposited;

20 (4) as soon as possible after the
21 commencement of the case, give notice of the case to
22 every entity known to be holding money or property
23 subject to withdrawal or order of the debtor,
24 including every bank, savings or building and loan
25 association, public utility company, and landlord
26 with whom the debtor has a deposit, and to every
27 insurance company which has issued a policy having
28 a cash surrender value payable to the debtor, except
29 that notice need not be given to any entity who has
30 knowledge or has previously been notified of the
31 case;

32 (5) in a chapter 11 reorganization case (other
33 than under subchapter V), on or before the last day
34 of the month after each calendar quarter during
35 which there is a duty to pay fees under 28 U.S.C.

36 § 1930(a)(6), file and transmit to the United States
37 trustee a statement of any disbursements made
38 during that quarter and of any fees payable under 28
39 U.S.C. § 1930(a)(6) for that quarter; and
40 (6) in a chapter 11 small business case, unless
41 the court, for cause, sets another reporting interval,
42 file and transmit to the United States trustee for each
43 calendar month after the order for relief, on the
44 appropriate Official Form, the report required by
45 § 308. If the order for relief is within the first 15 days
46 of a calendar month, a report shall be filed for the
47 portion of the month that follows the order for relief.
48 If the order for relief is after the 15th day of a
49 calendar month, the period for the remainder of the
50 month shall be included in the report for the next
51 calendar month. Each report shall be filed no later
52 than 21 days after the last day of the calendar month
53 following the month covered by the report. The

54 obligation to file reports under this subparagraph
 55 terminates on the effective date of the plan, or
 56 conversion or dismissal of the case.

57 (b) TRUSTEE, DEBTOR IN POSSESSION, AND
 58 DEBTOR IN A CASE UNDER SUBCHAPTER V OF
 59 CHAPTER 11. In a case under subchapter V of chapter 11,
 60 the debtor in possession shall perform the duties prescribed
 61 in (a)(2)–(4) and, if the court directs, shall file and transmit
 62 to the United States trustee a complete inventory of the
 63 debtor’s property within the time fixed by the court. If the
 64 debtor is removed as debtor in possession, the trustee shall
 65 perform the duties of the debtor in possession prescribed in
 66 this subdivision (b). The debtor shall perform the duties
 67 prescribed in (a)(6).

68 (c) CHAPTER 12 TRUSTEE AND DEBTOR IN
 69 POSSESSION. In a chapter 12 family farmer’s debt
 70 adjustment case, the debtor in possession shall perform the
 71 duties prescribed in clauses (2)–(4) of subdivision (a) of this

72 rule and, if the court directs, shall file and transmit to the
73 United States trustee a complete inventory of the property of
74 the debtor within the time fixed by the court. If the debtor is
75 removed as debtor in possession, the trustee shall perform
76 the duties of the debtor in possession prescribed in this
77 subdivision (c).

78 (d) CHAPTER 13 TRUSTEE AND
79 DEBTOR.

80 (1) *Business Cases.* In a chapter 13
81 individual's debt adjustment case, when the debtor is
82 engaged in business, the debtor shall perform the
83 duties prescribed by clauses (2)–(4) of subdivision
84 (a) of this rule and, if the court directs, shall file and
85 transmit to the United States trustee a complete
86 inventory of the property of the debtor within the
87 time fixed by the court.

88 (2) *Nonbusiness Cases.* In a chapter 13
89 individual's debt adjustment case, when the debtor is

90 not engaged in business, the trustee shall perform the
91 duties prescribed by clause (2) of subdivision (a) of
92 this rule.

93 (e) FOREIGN REPRESENTATIVE. In a case in
94 which the court has granted recognition of a foreign
95 proceeding under chapter 15, the foreign representative shall
96 file any notice required under § 1518 of the Code within 14
97 days after the date when the representative becomes aware
98 of the subsequent information.

99 (f) TRANSMISSION OF REPORTS. In a chapter
100 11 case the court may direct that copies or summaries of
101 annual reports and copies or summaries of other reports shall
102 be mailed to the creditors, equity security holders, and
103 indenture trustees. The court may also direct the publication
104 of summaries of any such reports. A copy of every report or
105 summary mailed or published pursuant to this subdivision
106 shall be transmitted to the United States trustee.

1 **Rule 3010. Small Dividends and Payments in Cases**
2 **Under Chapter 7, Subchapter V of Chapter 11, Chapter**
3 **12, and Chapter 13**

4 * * * * *

5 (b) CASES UNDER SUBCHAPTER V OF
6 CHAPTER 11, CHAPTER 12, AND CHAPTER 13. In a
7 case under subchapter V of chapter 11, chapter 12, or chapter
8 13, no payment in an amount less than \$15 shall be
9 distributed by the trustee to any creditor unless authorized
10 by local rule or order of the court. Funds not distributed
11 because of this subdivision shall accumulate and shall be
12 paid whenever the accumulation aggregates \$15. Any funds
13 remaining shall be distributed with the final payment.

1 **Rule 3011. Unclaimed Funds in Cases Under Chapter 7,**
2 **Subchapter V of Chapter 11, Chapter 12, and Chapter**
3 **13**

4 The trustee shall file a list of all known names and
5 addresses of the entities and the amounts which they are
6 entitled to be paid from remaining property of the estate that
7 is paid into court pursuant to § 347(a) of the Code.

1 **Rule 3014. Election Under § 1111(b) by Secured**
2 **Creditor in Chapter 9 Municipality or Chapter 11**
3 **Reorganization Case**

4 An election of application of § 1111(b)(2) of the
5 Code by a class of secured creditors in a chapter 9 or 11 case
6 may be made at any time prior to the conclusion of the
7 hearing on the disclosure statement or within such later time
8 as the court may fix. If the disclosure statement is
9 conditionally approved pursuant to Rule 3017.1, and a final
10 hearing on the disclosure statement is not held, the election
11 of application of § 1111(b)(2) may be made not later than the
12 date fixed pursuant to Rule 3017.1(a)(2) or another date the
13 court may fix. In a case under subchapter V of chapter 11 in
14 which § 1125 of the Code does not apply, the election may
15 be made not later than a date the court may fix. The election
16 shall be in writing and signed unless made at the hearing on
17 the disclosure statement. The election, if made by the

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- 18 majorities required by § 1111(b)(1)(A)(i), shall be binding
- 19 on all members of the class with respect to the plan.

1 **Rule 3016. Filing of Plan and Disclosure Statement in a**
2 **Chapter 9 Municipality or Chapter 11 Reorganization**
3 **Case**

(a) IDENTIFICATION OF PLAN. Every proposed plan and any modification thereof shall be dated and, in a chapter 11 case, identified with the name of the entity or entities submitting or filing it.

8 (b) DISCLOSURE STATEMENT. In a chapter 9 or
9 11 case, a disclosure statement, if required under § 1125 of
10 the Code, or evidence showing compliance with § 1126(b)
11 shall be filed with the plan or within a time fixed by the
12 court, unless the plan is intended to provide adequate
13 information under § 1125(f)(1). If the plan is intended to
14 provide adequate information under § 1125(f)(1), it shall be
15 so designated, and Rule 3017.1 shall apply as if the plan is a
16 disclosure statement.

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18 (d) STANDARD FORM SMALL BUSINESS
19 DISCLOSURE STATEMENT AND PLAN. In a small
20 business case or a case under subchapter V of chapter 11, the
21 court may approve a disclosure statement and may confirm
22 a plan that conform substantially to the appropriate Official
23 Forms or other standard forms approved by the court.

1 **Rule 3017.1. Court Consideration of Disclosure**
2 **Statement in a Small Business Case or in a Case Under**
3 **Subchapter V of Chapter 11**

4 (a) CONDITIONAL APPROVAL OF
5 DISCLOSURE STATEMENT. In a small business case or
6 in a case under subchapter V of chapter 11 in which the court
7 has ordered that § 1125 applies, the court may, on
8 application of the plan proponent or on its own initiative,
9 conditionally approve a disclosure statement filed in
10 accordance with Rule 3016. On or before conditional
11 approval of the disclosure statement, the court shall:

- 12 (1) fix a time within which the holders of claims and
13 interests may accept or reject the plan;
14 (2) fix a time for filing objections to the disclosure
15 statement;
16 (3) fix a date for the hearing on final approval of the
17 disclosure statement to be held if a timely objection
18 is filed; and

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19 (4) fix a date for the hearing on confirmation.

20 * * * * *

1 **Rule 3017.2. Fixing of Dates by the Court in Subchapter**
2 **V Cases in Which There Is No Disclosure Statement**

3 In a case under subchapter V of chapter 11 in which
4 § 1125 does not apply, the court shall:

- 5 (a) fix a time within which the holders of claims
6 and interests may accept or reject the plan;
- 7 (b) fix a date on which an equity security holder
8 or creditor whose claim is based on a security must
9 be the holder of record of the security in order to be
10 eligible to accept or reject the plan;
- 11 (c) fix a date for the hearing on confirmation; and
- 12 (d) fix a date for transmission of the plan, notice
13 of the time within which the holders of claims and
14 interests may accept or reject the plan, and notice of
15 the date for the hearing on confirmation.

1 **Rule 3018. Acceptance or Rejection of Plan in a Chapter**
 2 **9 Municipality or a Chapter 11 Reorganization Case**

3 (a) ENTITIES ENTITLED TO ACCEPT OR
 4 REJECT PLAN; TIME FOR ACCEPTANCE OR
 5 REJECTION. A plan may be accepted or rejected in
 6 accordance with § 1126 of the Code within the time fixed by
 7 the court pursuant to Rule 3017, 3017.1, or 3017.2. Subject
 8 to subdivision (b) of this rule, an equity security holder or
 9 creditor whose claim is based on a security of record shall
 10 not be entitled to accept or reject a plan unless the equity
 11 security holder or creditor is the holder of record of the
 12 security on the date the order approving the disclosure
 13 statement is entered or on another date fixed by the court
 14 under Rule 3017.2, or fixed for cause after notice and a
 15 hearing. For cause shown, the court after notice and hearing
 16 may permit a creditor or equity security holder to change or
 17 withdraw an acceptance or rejection. Notwithstanding
 18 objection to a claim or interest, the court after notice and

19 hearing may temporarily allow the claim or interest in an
20 amount which the court deems proper for the purpose of
21 accepting or rejecting a plan.

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**Rule 3019. Modification of Accepted Plan in a Chapter
9 Municipality or a Chapter 11 Reorganization Case**

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(b) MODIFICATION OF PLAN AFTER
CONFIRMATION IN INDIVIDUAL DEBTOR CASE. If
the debtor is an individual, a request to modify the plan under
§ 1127(e) of the Code is governed by Rule 9014. The request
shall identify the proponent and shall be filed together with
the proposed modification. The clerk, or some other person
as the court may direct, shall give the debtor, the trustee, and
all creditors not less than 21 days' notice by mail of the time
fixed to file objections and, if an objection is filed, the
hearing to consider the proposed modification, unless the
court orders otherwise with respect to creditors who are not
affected by the proposed modification. A copy of the notice
shall be transmitted to the United States trustee, together
with a copy of the proposed modification. Any objection to
the proposed modification shall be filed and served on the

19 debtor, the proponent of the modification, the trustee, and
20 any other entity designated by the court, and shall be
21 transmitted to the United States trustee.

22 (c) MODIFICATION OF PLAN AFTER
23 CONFIRMATION IN A SUBCHAPTER V CASE. In a
24 case under subchapter V of chapter 11, a request to modify
25 the plan under § 1193(b) or (c) of the Code is governed by
26 Rule 9014, and the provisions of this Rule 3019(b) apply.

RULE 1019-1 CONVERSION OF CHAPTER 11, CHAPTER 12, OR CHAPTER 13 CASE TO CHAPTER 7 LIQUIDATION [Amended 2/19/2020]

(a) Content of Final Report and Account. With the exception of subchapter V cases under Chapter 11, the final report and account required by [Fed. R. Bankr. P.1019\(5\)](#) shall include, in addition to the information specified in [Fed. R. Bankr. P. 1019\(5\)](#): (1) a statement of the total funds which passed through the chapter 11, 12, or 13 estate; (2) a statement that all United States trustee operating reports are available upon request; (3) an itemization of all disbursements since the last United States trustee operating report; and (4) a statement of the balance on hand at the time of conversion. If the debtor operated a business, the report shall also include a statement listing all assets in the debtor's possession at the time of conversion, including but not limited to, inventory, fixtures, leases and executory contracts, and accounts receivable.

(b) Deadline for Chapter 13 Trustee to File Final Report and Account. The final report and account required by [Fed. R. Bankr. P. 1019\(5\)\(B\)\(ii\)](#) shall be filed not later than sixty (60) days after conversion of the case.

(c) Schedule of Unpaid Debts. The schedule of unpaid debts required by Fed. R. Bankr. P. 1019(5) shall include the names and addresses of all post-petition creditors and shall be accompanied by a supplemental creditor mailing list conforming to the requirements set forth in [R.I. LBR 1002-1\(c\)](#).

RULE 2003-1 MEETING OF CREDITORS OR EQUITY SECURITY HOLDERS [Amended 2/19/2020]

Pursuant to [Fed. R. Bankr. P. 2003\(b\)\(1\)](#), unless otherwise ordered by the Court, the following persons shall preside at a meeting of creditors:

(a) Chapter 7 Cases. In a chapter 7 case, the interim trustee or trustee appointed by the United States trustee, unless an alternative trustee is elected pursuant to [§ 702](#) of the Code and there is no dispute with regard to said election, then such alternate trustee shall preside. If the United States trustee has determined there is a dispute with regard to such an election, the interim trustee shall preside at the initial meeting, and shall continue the meeting to a date reasonably calculated to be sufficient for the Court to determine such dispute.

(b) Chapter 11 Cases. In chapter 11 cases, the United States trustee or his/her designee, unless:

(1) A trustee has been appointed by the Court pursuant to [§ 1104](#) or [§ 1185](#) or then such chapter 11 trustee shall preside; or

(2) An alternate trustee is elected under [§ 1104\(b\)](#) of the Code and the United States trustee has determined that there is no dispute with regard to said election, then such alternate trustee shall preside. If the United States trustee has determined that there is a dispute with regard to such an election, the interim trustee shall preside at the initial meeting, and shall continue the meeting to a date reasonably calculated to be sufficient for the Court to determine such dispute.

(c) Chapter 13 Cases. In chapter 13 cases, the chapter 13 trustee or such designee as is approved by the United States trustee.

RULE 2015-3 DUTY OF TRUSTEE AND DEBTOR IN POSSESSION TO FILE INVENTORY RECORDS IN CHAPTERS 7 AND 11 [Amended 2/19/2020]

(a) An inventory under [Fed. R. Bankr. P. 2015\(a\)\(1\)](#) shall be required in all chapter 7 and 11 cases (except in subchapter V cases under Chapter 11), and shall separately detail each asset of the debtor, including listing all accounts receivable, as of the date of filing, and shall be served on the local office of the United States trustee (and not filed with the Court) within thirty days after the Court approves the trustee's appointment or within thirty days of the commencement of the case, whichever is later, unless such detailed inventory has already been filed with the court or is included in the bankruptcy schedules.

(b) The inventory served on the local office of the United States trustee pursuant to subdivision (a) above is confidential and not available for public inspection pursuant to Department of Justice Order Number 2620.7, entitled "Control and Protection of Limited Official Use Information," dated September 1, 1982, or as may be amended from time to time.

RULE 2016-1 COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT OF EXPENSES [Amended 2/19/2020]

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

- (1) be legible and understandable;
- (2) identify the time during which services were rendered;
- (3) describe the specific services performed each day by each person with the time broken down into units of tenths of one hour devoted to such services;
- (4) include a copy of any contract or agreement reciting the terms and conditions of employment and compensation;
- (5) include the date and amount of any retainer, partial payment or prior interim allowances;
- (6) include a brief narrative description of services performed and a summary of hours by professionals and other personnel;
- (7) if the trustee is also serving as his or her own attorney, the trustee's attorney's application must contain a certification that no compensation has been or will be sought for trustee services; and
- (8) include a brief biography of each person included in the fee application, stating his or her background and experience. The statement should demonstrate that the hourly rate charged for each professional is reasonable, and should include such information as the applicant deems pertinent to that issue. After the initial application, biographies need not be included in subsequent applications, other than for professionals whose biographies

were not included in the initial application. With respect to professionals who have previously filed such a biography with this Court, he/she may indicate that fact on the application and need not repeat said biography unless the Court so orders.

(9) include the fee application summary sheet contained in [R.I. Local Form 2016-1.1](#), which summary shall also include a key to the initials or other device used to identify each such person in itemized billings. Additionally, all requests for interim fees shall include [R.I. Local Form 2016-1.2](#), “Interim Fee Allowance Summary” and all requests for payment of final fees and expenses shall include [R.I. Local Form 2016-1.3](#), “Final Fee Allowance Summary.” Any fees that remain unapproved from a previous interim application for compensation or that were partially allowed on account must be requested again in a final fee application and shall be included on [R.I. Local Form 2016-1.3](#).

(b) Applications by Co-counsel. Any application for compensation by co-counsel shall specify the separate services rendered by each counsel and contain a certification that no compensation is sought for duplicate services.

(c) Applications by Trustees Exceeding \$7,500. If an application for compensation and reimbursement is filed by a chapter 7, 11 or 12 trustee, (excluding trustees in subchapter V cases under Chapter 11) that exceeds \$7,500.00 the trustee shall state:

(1) the total amount received in the estate;

(2) the amount of money disbursed and to be disbursed by the trustee to parties in interest (excluding the debtor) and a calculation of the maximum fee allowable under [11 U.S.C. § 326](#);

(3) a brief narrative description of services performed;

(4) if the payment sought is interim compensation, why the payment of interim compensation is reasonable and appropriate;

(5) the dividend, expressed as a percentage of funds to be distributed to creditors, if the requested compensation and other requested administrative expenses are allowed in the amounts requested. If a trustee has served both as a chapter 7 and a chapter 11 trustee, separate itemizations must be provided for each period. The amount of compensation shall be stated as a dollar amount, regardless of the calculation of the maximum compensation allowable under [11 U.S.C. § 326\(a\)](#).

(d) Applications of Professionals employed by Creditors. A creditor must file an application with the court if it wishes to be compensated from the debtor or the estate for services rendered or expenses incurred by its professionals [attorneys, accountants, appraisers, auctioneers, or other professional persons], after debtor’s filing of the petition and before the issuance of the Notice of Discharge.

(1) Application Requirements - A creditor may request approval of multiple fees and expenses in a single application. The application shall comply with the provisions set forth in section (a) above, as well as the exceptions contained in section (h) below. In addition, the application must include a statement sworn to by the creditor pursuant to [28 U.S.C. §](#)

[1746](#) that references the paragraph number(s) (or specific section(s) and page number(s)) in the Agreement that allows for the reimbursement of the services and/or expenses.

(2) Time to File - Any application under this subsection must be filed no less than on an annual basis to include all services rendered during the previous twelve (12) month period. A final application under this subsection must be filed not later than thirty (30) days after the issuance of the Notice of Discharge in this case.

This subsection will not apply to the extent that the court has previously approved a creditor's fees or expenses pursuant to a court order or conditional order.

(e) Narrative Summary Required on Applications Exceeding \$35,000. All applications which seek more than \$35,000.00 in compensation, or are otherwise very lengthy, must be divided into narrative sections. Each narrative section must represent a task, must describe the task and the benefit to the estate, and must identify the work done by each professional. There shall be attached to the narrative a specific description of services performed under such task each day by each person and the time devoted to such services on that day by each person. The end of each narrative section must include a summary chart that substantially conforms to the requirements of section (a)(9) of this rule.

(f) Reimbursement of Expenses. Attached hereto as Appendix II is the Rhode Island Standard Expense List. The Court will approve reimbursement of reasonable and necessary expenses at the levels set forth in Appendix II, subject to an applicant requesting reimbursement at other levels upon proof that the reimbursement levels set by the Rhode Island Standard Expense List are inadequate in view of the applicant's actual costs. The Rhode Island Standard Expense List may be amended by the Court from time to time.

(g) Exception for Retention of Professional for Specified Service. See [R.I. LBR 2014-1\(e\)](#).

(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.

(i) Regulation of Retainer Fees. In any case in which the professionals retained or to be retained hold or receive retainer funds, whether from the debtor or from any other source for the benefit of the debtor or for the benefit of an appointed trustee or committee, such retainer funds shall be deposited in a segregated, federally-insured, interest-bearing account. Retainers held pursuant to this LBR are to be held solely for the benefit of the bankruptcy estate, until such time as an order

for their disposition issues. None of the retainer funds deposited shall be withdrawn until the professional complies with the provisions of this subdivision.

(1) Motion for Authority to Draw Down on Retainer Funds. A person who has applied for employment pursuant to [11 U.S.C. § 327](#) may file a motion with the Court to draw down on retainer funds held pursuant to this LBR prior to the filing of any application under [11 U.S.C. §§ 330](#) or [331](#). A motion filed under this LBR shall provide that such funds will not be drawn down until at least fourteen (14) days after service of an itemized bill upon the debtor, the local office of the United States trustee and any committee(s) appointed pursuant to [11 U.S.C. § 1102](#).

(2) In most cases, a percentage "hold back" of such retainer funds will be ordered by the Court. All retainer funds distributed pursuant to this LBR are subject to review and approval by the Court upon the filing of an interim and/or final fee application. All applicants should be aware that the Court may, after review of the interim and/or final fee application, order disgorgement of any retainer funds previously distributed under this LBR.

(j) Sanctions for Noncompliance. Failure to comply with the provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure or these LBRs regarding applications for compensation may result in the *sua sponte* denial of the application.

RULE 3016-1 CHAPTER 11 - PLAN [Amended 2/19/2020]

(a) Subchapter V Cases. For subchapter V cases, the debtor may use Official Form 425A - *Plan of Reorganization for Small Business Under Chapter 11*, which may be altered to fit the circumstances of the case.

(b) Small Business Cases. For small business cases other than under subchapter V of Chapter 11, a sample combined Small Business Plan of Reorganization and Disclosure Statement for Small Business Debtor local form is included as [R.I. Local Form 3020-1.3](#), which may be used and altered to fit the circumstances of the case.

RULE 3017-1 CHAPTER 9 AND 11 DISCLOSURE STATEMENT APPROVAL [Amended 2/19/2020]

(a) Transmission of Notices Regarding Disclosure Statement. After approval of the disclosure statement, as applicable, 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.

RULE 3018-1 BALLOTS VOTING ON CHAPTER 9 AND 11 PLANS [Amended 2/19/2020]

(a) Ballot Form. Official Form 314, *Class [] Ballot for Accepting or Rejecting Plan of Reorganization*, shall be used by the proponent of the plan for voting purposes.

(b) Certification of Ballots. At least seven (7) days prior to the hearing on confirmation, the proponent of the plan shall certify the number of allowed claims in each class accepting or rejecting the plan and the amount of allowed interests in each class accepting or rejecting the plan. Such certification shall be in the form provided as [R.I. Local Form 3018-1.1](#). The certification shall be filed with the Clerk, and a copy provided to all creditors holding secured claims.

RULE 3020-1 CHAPTER 9 AND 11 CONFIRMATION [Amended 2/19/2020]

(a) Documents Required Seven Days Prior to Confirmation Hearing Except in Subchapter V Cases. Not less than seven (7) days prior to the hearing on confirmation, the plan proponent shall provide the following to the Court, the local office of the United States trustee, and any other party specified by the Court:

(1) A proposed order of distribution in substantially the same form as [R.I. Local Form 3020-1.1](#), shall be filed with the Court and copies served on the local office of the United States trustee, any committee appointed and serving in the case under [11 U.S.C. § 1102](#) and on the Debtor and counsel (if not the plan proponent). Additionally, the plan proponent shall either serve a copy of the proposed order of distribution ([R.I. Local Form 3020-1.1](#)), or a "Notice of Filing of Proposed Order of Distribution" in substantially the same form as [R.I. Local Form 3020-1.2](#) on all creditors, at least fourteen (14) days before the hearing on confirmation. A certificate of service evidencing compliance with this LBR shall be filed with the Clerk;

(2) A fully completed chapter 9 or 11 confirmation worksheet and certification in substantially the same form as [R.I. Local Form 3020-1.3](#);

(3) A certification that: the approved disclosure statement, the latest amended plan, the order approving disclosure statement, and ballots for acceptances or rejections were mailed to all creditors at least twenty-eight (28) days prior to the date set for the hearing on confirmation, or the date set by the Court;

(4) A proposed order including proposed findings of fact regarding confirmation of the plan in substantially the same form as [R.I. Local Form 3020-1.4](#);

(5) A certification of compliance with the requirements of [11 U.S.C. § 1129](#), or in the alternative, evidence of such compliance at the hearing; and

(6) Any other documents necessary for plan confirmation.

(b) Documents Required Seven Days Prior to Confirmation Hearing in Subchapter V Cases. Not less than seven (7) days prior to the hearing on confirmation, the debtor shall provide the following to the Court, the local office of the United States trustee, and any other party specified by the Court:

- (1) A proposed order of confirmation of the plan in substantially the same form as [R.I. Local Form 3020-1.5](#);
- (2) A certification of compliance with the requirements of [11 U.S.C. § 1191](#), or in the alternative, evidence of such compliance at the hearing; and
- (3) Any other documents necessary for plan confirmation.

(c) Proof of Deposit Due Seven Days Prior to Confirmation Hearing, if Applicable. Proof of deposit shall be filed with the Clerk of Court at least seven (7) days prior to the hearing on confirmation, if applicable. A copy of the bank statement showing the amount on deposit in accordance with Fed. R. Bankr. P. 3020(a) is required. The amount of the deposit must be equal to the initial distribution for all classes on the effective date of the plan. Any party waiving payment from funds on deposit must file a written waiver within the time indicated herein.

(d) Failure to timely file the documents set forth in subdivisions (a) and (b) of this LBR may result in the vacating of the hearing on confirmation, and it will be the responsibility of the plan proponent to notify all creditors and interested parties thereof.

**RULE 3022-1 FINAL REPORT/DECREE; NOT APPLICABLE TO SUBCHAPTER V
CASES UNDER CHAPTER 11 [Amended 2/19/2020]**

(a) Six Month Deadline. Pursuant to 11 U.S.C. § 1106 and [Fed. R. Bank. P. 3022](#), within six months of the entry of the order of confirmation, or, if sooner, upon the substantial consummation of the plan of reorganization and full administration of the estate, the proponent of the plan shall file with the Clerk of Court, and serve upon all interested parties, a final report and request for final decree in substantially the same form as [R.I. Local Form 3022-1.1](#).

(b) Requirements of Final Report. The final report must:

- (1) identify all payments to creditors, interest holders, expenses of administration and issuance of stock under the plan;
- (2) state that the plan has been fully or substantially consummated and that the estate is fully administered; and
- (3) request entry of a final decree.

(c) Status Report in Lieu of Final Report. If after the expiration of six (6) months the plan proponent does not believe the plan has been substantially consummated, a status report must be filed with the Court and served on interested parties to inform them of:

- (1) the progress and current status of the plan;
- (2) why the filing of the final report and request for final decree cannot be made at this time; and

(3) the date that the final report and request for final decree will be or is anticipated to be filed.

(d) Discharge of Individual Chapter 11 Debtors. After the last plan payment has been made in an individual case, the debtor shall file a motion for entry of discharge, in substantially the same form [R.I. Local Form 3022-1.2](#) and an application for final decree and final report, in substantially the same form as [R.I. Local Form 3022-1.1](#).

RULE 6005-1 APPRAISERS AND AUCTIONEERS - PUBLIC AUCTIONS [Amended 2/19/2020]

(a) Court Authorization. The estate representative may, with prior Court approval, sell estate property at public auction. Subsequent confirmation by the Court of the auction is not required unless such confirmation is a condition of the initial approval. The notice of intended public sale shall be substantially similar to [R.I. Local Form 6005-1.1](#). The estate representative shall file a motion to sell the estate assets, and state why a public, rather than a private sale is requested. Any auction advertisement placed by an auctioneer or estate representative shall conspicuously state the bankruptcy case name and number.

(b) Estate Representative. For the purposes of this LBR, the term estate representative shall include a chapter 7 trustee, chapter 11 trustee appointed under [§ 1104](#) or where a debtor in possession has been removed under [§ 1185](#), chapter 11 debtor in possession, chapter 12 trustee, and chapter 13 debtor.

(c) Qualification of Auctioneer:

(1) An auctioneer shall not be authorized to conduct a public auction of property of an estate without first obtaining approval of his or her employment, filing with the Court a bond in an amount fixed by the United States trustee, and furnishing the United States trustee with a copy of said bond. The bond shall be conditioned on the faithful performance of the auctioneer's duties and the auctioneer's accounting for all money and property of the estate that comes into his or her possession.

(2) To avoid the necessity of filing separate bonds for smaller auction sales, the auctioneer may file with the Court a blanket bond similarly conditioned in a base amount fixed from time to time by the United States trustee to cover various cases in which the auctioneer may act. The auctioneer shall also provide the United States trustee with a copy of the blanket bond. If at any time the aggregate value of goods in the auctioneer's custody exceeds the amount of the blanket bond, then the auctioneer shall obtain a separate bond or bonds so that the full amount of all goods of various bankruptcy estates in the auctioneer's custody is covered.

(3) As a condition of the employment of an auctioneer in any bankruptcy estate, the auctioneer shall file a sworn representation to evidence the auctioneer's compliance with the requirement that all goods of bankruptcy estates in his or her custody be fully covered at all times by separate bonds or blanket bonds or both.

(4) Auctioneers shall not introduce non-bankruptcy estate items at auctions without the Court's prior approval. An auctioneer employed by an estate representative shall not bid

on property of the estate. No buyer's premium shall be charged. Failure to comply with this paragraph shall result in denial of all compensation and/or issuance of sanctions.

(d) Attendance at Auction Sale. The estate representative or a representative of the trustee shall be present at the commencement of the auction sale to respond to questions and to resolve disputes, and is required to remain thereafter only as circumstances warrant and as the trustee deems appropriate.

(e) Expenses and Compensation. Except in special circumstances and by order of the Court, the auctioneer shall bear all expenses of an auction (including labor, cleaning, setting up, lotting, tagging, etc.), except a reasonable expense for advertising. Even when special circumstances have been demonstrated, the only additional expenses that will be allowed are those for which the auctioneer has applied in advance with a set dollar ceiling, unless the additional expenses could not have been reasonably anticipated.

(1) Property Other than Real Property. Except in special circumstances and by order of the Court, with respect to sales of personal property, the auctioneer shall be allowed reasonable compensation not to exceed the following percentages of gross proceeds:

- (A)** 10% of the first ten thousand dollars (\$10,000) or part thereof;
- (B)** 7% of the next ten thousand dollars (\$10,000) or part thereof;
- (C)** 6% of the next thirty-five thousand (\$35,000) or part thereof; and
- (D)** 5% of the balance.

The above percentage schedule merely sets the upper limit on the auctioneer's compensation and does not define his or her allowable compensation. The Court shall allow only reasonable compensation and may change the percentage amounts. The Court may require the auctioneer to include with his or her application for compensation an itemization of time spent and expenses incurred in connection with the sale.

(2) Real Property. The personal property percentage schedule set forth in paragraph (1) above shall not apply to real estate auctions. With respect to sales of real property, the auctioneer's compensation shall be fixed by the Court and shall reflect the fact that the estate's interest in the sale is limited to the equity over the amount owed to secured creditors. The Court will use as a guide in determining the auctioneer's fair and reasonable compensation the following schedule:

- (A)** 10% of the first fifty thousand dollars (\$50,000) realized in excess of the amount of encumbrances; and
- (B)** 2.5% of the balance of the equity, with a minimum fee of \$500.00, plus pre-approved expenses.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

----- x	:	
In re:	:	
	:	BK No:
	:	
Debtor(s)	:	Chapter 11
----- x	:	

ORDER CONFIRMING CHAPTER 11 PLAN IN SUBCHAPTER V CASE

The Debtor's Plan under Chapter 11, Subchapter V, of Title 11, United States Code, filed on _____ [or, if applicable, as modified by a modification filed on _____,] (the "Plan"), having been transmitted to its creditors, and it having been determined after notice and a hearing that:

1. The Plan complies with the requirements of 11 U.S.C. §§ 1190(1) and 1190(2); and
2. The requirements for confirmation set forth in 11 U.S.C. § 1191(a) [or § 1191(b)] have been satisfied;

It is ORDERED that:

- A. The Plan (of copy of which is attached) is confirmed;
- B. The Plan may be modified only in accordance with 11 U.S.C. § 1193(b) or § 1193(c), as applicable;
- C. Pursuant to 11 U.S.C. § 1194(a), the trustee shall distribute any payment received from the Debtor prior to the entry of this Order in accordance with the Plan; and
- D. [If Plan confirmed pursuant to 11 U.S.C. § 1191(a)] The Debtor shall file and serve on all interested parties a notice of substantial consummation of the Plan within 14 days of the date of substantial consummation, which date is estimated by the Debtor to be _____.

[or]

[If Plan confirmed pursuant to 11 U.S.C. § 1191(b)] The Debtor shall file and serve on all interested parties a status report within 14 days of the date of completion by the Debtor of all payments due under the Plan, which date is estimated by the Debtor to be _____.

ORDER:

ENTER:

Deputy Clerk
Entered on Docket: _____

Diane Finkle
U.S. Bankruptcy Judge
Date: