

## CLEAN COPY

### **RULE 1005-1 - FILING PAPERS – REQUIREMENTS [Amended 12/1/17]**

**(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); (4) a motion to extend time to respond to a Notice of Final Cure; or (5) a motion to extend time to file a proof of claim or objection to claim.
- (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 out of time a proof of claim, or an objection to claim 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 3002-1 - FILING PROOF OF CLAIM OR INTEREST - [Amended 12/1/17]**

**(a) Filing and Service of Proof of Claim.** An original proof of claim shall be either conventionally or electronically filed with the Clerk. Electronically filed claims are deemed signed upon electronic transmission as provided under R.I. LBR 5005-4(k).

**(b) Notice to Creditors in Chapter 7 Cases.** Following expiration of the bar date for filing claims, the Clerk and parties designated to provide service may limit the serving and distribution of papers, except notices as governed by Fed. R. Bankr. P. 2002, to those parties who have filed proofs of claim or who have been granted extensions within which to file claims, excepting therefrom, however, creditors whose claims have been fully disallowed.

**(c) Creditor's Duties in Chapter 13 Cases – See Federal Bankruptcy Rule 3002.1.** Notice Relating to Claims Secured by Security Interest in the Debtor's Principal Residence - Effective 12/1/11. Compliance with Fed. Bankr. R. 3002.1(c) and (d) will not apply to the extent that the Court has previously approved a creditor's outstanding obligations pursuant to a Court order or conditional order.

**(d) Creditor's Supplement to Previously Filed Proof of Claim.** Attachments required by Fed. R. Bankr. P. 3001(c)(1) and (d) may be filed as a supplement to a previously filed claim if;

- (1) the claim is secured by a security interest in the debtor's principal residence;
- (2) the claimant timely filed a proof of claim pursuant to Bankruptcy Rule 3002 together with the attachments required by Fed. R. Bankr. P. 3001(c)(2)(C) and;

(3) the claimant completes and files, not later than 120 days after the order for relief, or any previously granted extension, the attachment(s) *and* Local Form 3002-1.1: “Certification of Supplemental Proof of Claim Documents”.

An Amended Proof of Claim must be filed if the creditor is changing either the category of the debt or the amount of the debt listed on a previously filed proof of claim or on the Official Form B 410A Mortgage Proof of Claim Attachment.

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF RHODE ISLAND

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

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**CERTIFICATION OF SUPPLEMENTAL PROOF OF CLAIM DOCUMENT(S)**

I \_\_\_\_\_, hereby certify under penalty of perjury as follows:

\_\_\_\_\_ is the holder of a claim that is secured by a security interest in the debtor's principle residence;

A proof of claim was timely filed pursuant to Fed. R. Bankr. P. 3002 (hereinafter "Bankruptcy Rule") together with the attachments required by Bankruptcy Rule 3001(c)(2)(C), which claim number is \_\_\_\_\_;

The within attachment(s) are required by Bankruptcy Rule 3001(c)(1) and (d) and are being filed pursuant to Bankruptcy Rule 3002(c)(7) as a supplement to the holder's proof of claim.

The within attachment(s) required by Bankruptcy Rule 3001(c)(1) and (d) are being filed no later than 120 days after the order for relief was entered, or within the time allowed by any previously granted extension of time.

Check the appropriate.

I am the creditor.

I am the creditor's authorized agent.

I declare under penalty of perjury that the information provided is true and correct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Print: \_\_\_\_\_  
First Name Middle Name Last Name

Company: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_