

OFFICE OF THE CLERK  
**UNITED STATES BANKRUPTCY COURT**  
DISTRICT OF RHODE ISLAND  
The Federal Center  
380 Westminster St., 6<sup>th</sup> Floor  
Providence, Rhode Island 02903  
website: [www.rib.uscourts.gov](http://www.rib.uscourts.gov)

Susan M. Thurston  
Clerk of Court

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**NOTICE OF PROPOSED AMENDMENTS**  
**TO LOCAL RULES AND FORMS**

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 General 109(g)(1) authorizing the Bankruptcy Court to make and amend local rules, the U.S. Bankruptcy Court for the District of Rhode Island hereby provides notice that it proposes to amend the Local Rules and Forms as follows:

**EFFECTIVE DATE OF September 16, 2020**


**Local Rule 1006-1(amended)**  
**Local Rule 3002-1(amended)**  
**Local Rule 5079-1(amended)**

**R. I. Local Form 3015-1.3 (amended)**

Pursuant to 28 U.S.C. § 2071(b), **the U.S. Bankruptcy Court for the District of Rhode Island invites public comment** on the Proposed Amendments to these Local Rules and Forms. Copies of the proposed amendments are available on our website at [www.rib.uscourts.gov](http://www.rib.uscourts.gov). **Comments on the proposed rules and forms should be received by September 14, 2020. Comments can be made by email to [Susan\\_Thurston@rib.uscourts.gov](mailto:Susan_Thurston@rib.uscourts.gov) or in writing addressed to:**

Susan M. Thurston, Clerk  
U.S. Bankruptcy Court for the District of Rhode Island  
380 Westminster St., 6<sup>th</sup> Floor  
Providence, Rhode Island 02903

Dated: August 24, 2020

/s/   
Susan M. Thurston, Clerk

**Redlined Version**

**RULE 1006-1 FILING FEE -[Amended \_\_\_\_\_]**

**(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. by any of the below means, made payable to "Clerk, U.S. Bankruptcy Court":

- (1) cash;
- (2) debit card;
- (3) ACH withdrawal;
- (4) cashier check or money order;
- (5) credit card - except from a new debtor or debtor in a case already pending, unless a debtor in possession under Chapter 11;
- (6) personal check - except from a new debtor or debtor in a case already pending, unless a debtor in possession under Chapter 11.

**(b) Dishonored Payment.** The applicable miscellaneous fee shall be assessed and shall be payable to the "Clerk, U.S. Bankruptcy Court" for any dishonored ~~check payment. 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)(c) 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 that 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.

**(e)(d) 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)(e) 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(e d) 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)(f) 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)(g) 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 f) above, or is defective in any way, will be automatically denied. If an Application to Waive the Filing Fee is denied for any reason, the Court may treat the application as one to pay the filing fee in installments and the first installment will be due within ten days of the entry of the order denying the waiver of the fees, and the remaining fees will be payable in accordance with R.I. LBR 1006-1(e d), 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)(h) 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)(i) 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 3002-1 FILING, AMENDING, PROOF OF CLAIM OR INTEREST [Amended**

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

**(e) Amended Proof of Claim.** 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. **It is strongly recommended that any amendment to the Proof of Claim be highlighted in some manner.**

#### **RULE 5079-1 FEES - FORM OF PAYMENT [Amended \_\_\_\_\_]**

**Manner of Payment.** The fees prescribed in the Miscellaneous Fee Schedule shall be paid in cash, debit card, ACH withdrawal by, cashier's check or money order, made payable to "Clerk, U.S. Bankruptcy Court." Payment by personal check, or credit card, ~~or debit card~~ will be accepted, except from ~~current~~ debtors in a case that is already pending, unless a debtor in possession under Chapter 11. The applicable miscellaneous fee shall be assessed and shall be payable to the "Clerk, U.S. Bankruptcy Court" for any dishonored check payment. ~~The Clerk of the court shall maintain a list of persons or businesses whose checks have been dishonored, may refuse to accept the checks of such persons or businesses, and, if circumstances warrant, may report the person or business to the appropriate authorities.~~

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF RHODE ISLAND

----- X  
In re: :  
: BK No.  
: :  
Debtor(s) : Chapter 13  
----- X

**ORDER CONFIRMING CHAPTER 13 PLAN**

The Debtor(s) filed a Chapter 13 Plan (The "Plan") on \_\_\_\_\_. The Debtor(s) filed a Certificate of Service on \_\_\_\_\_, reflecting that the Plan and any applicable motions were served on all creditors and parties-in-interest. No objections to the confirmation of the plan or motions were filed, or all objections were overruled by the Court or resolved by the parties. Upon consideration of the foregoing, the Court hereby orders the following:

1. The Plan is confirmed. The term of the Plan is \_\_\_\_\_ months.

2. TREATMENT OF SECURED CLAIMS:

(a) Mortgages against Debtor(s) Real Property:

The secured claim of: \_\_\_\_\_  
holding a mortgage against real property at \_\_\_\_\_  
will be: \_\_\_\_\_.

If applicable, the motion(s) to modify the secured claim(s) of: \_\_\_\_\_  
\_\_\_\_\_ is (are) granted\_\_.

(b) Liens Against Debtor(s) Personal Property:

The holder of the lien: \_\_\_\_\_  
holding a lien against \_\_\_\_\_  
will be: \_\_\_\_\_.

If applicable, the motion(s) to modify the secured claim(s) of: \_\_\_\_\_  
\_\_\_\_\_ is (are) granted.

Notwithstanding anything in the confirmed Chapter 13 Plan to the contrary, the proposed strip-off or modification of the mortgage(s) or lien(s) as set forth above shall not be effective unless and until a discharge has been entered on the Bankruptcy Court's Docket in the Chapter 13 case.

3. If applicable, the motion(s) to avoid the lien(s) under 11 U.S.C. § 522(f) of: \_\_\_\_\_  
\_\_\_\_\_ is (are) granted.

4. The motion(s) under 11 U.S.C. § 365 to assume or reject lease(s) of: \_\_\_\_\_  
\_\_\_\_\_ is (are) granted.

5. The employer of the Debtor \_\_\_\_\_, (or in appropriate cases, the Debtor) \_\_\_\_\_ shall deduct from the wages of the Debtor and forward to the Office of the Standing Chapter 13 Trustee, **400 Westminster St. Ste 54 P.O. Box 2561**, Providence, Rhode Island 02903**6**, the sum of \$ \_\_\_\_\_ per \_\_\_\_\_ for \_\_\_\_\_.

6. The effective date of confirmation of the Plan is\_\_\_\_\_.
7. The disbursements to be made by the Chapter 13 Trustee pursuant to the confirmed Plan are set forth on the attached Addendum which is incorporated herein by reference.
8. Unless otherwise ordered by the Court, all property of the estate as defined in 11 U.S.C. §§ 541 and 1306, including, but not limited to any appreciation in the value of real property owned by the Debtor(s) as of the commencement of the case, shall remain property of the estate during the term of the Plan and shall vest in the Debtor(s) as specified in Part 7 of R.I. Local Form 3015-1.1. All property of the estate shall remain within the exclusive jurisdiction of the Bankruptcy Court.
9. The Debtor(s) shall not transfer, sell, encumber, or otherwise alienate property of the estate other than in accordance with the confirmed Plan or other order of the Bankruptcy Court. The Debtor shall be responsible for preserving and protecting all property of the estate.
10. The Court may, from time to time during the period of the Plan, increase or reduce the amount of the payments provided by the Plan, where it shall be made to appear at a hearing upon such notice as the Court may designate, that the circumstances so warrant or so require.
11. The Debtor(s) shall inform the Trustee of any increase he/she receives in salary or in income.
12. The Trustee shall pay the remaining balance due to any creditor when that balance due is \$25.00 or less.
13. Under 11 U.S.C. § 1325(a)(8) and § 1328(a), if the Debtor owes domestic support obligations, whether owed at the time of filing or incurred during the pendency of the bankruptcy case, the Debtor must file a certification with the Chapter 13 Trustee stating that all such payments due under the plan have been paid before a discharge order may enter.
14. Upon completion of the plan, discharge shall enter unless: (a) after motion and hearing the Court determines that the Debtor is not entitled to one pursuant to 11 U.S.C. § 1328(h), or; (b) the Debtor is otherwise not entitled to one pursuant to 11 U.S.C. § 1328.
15. The plan meets all of the requirements set forth in 11 U.S.C. § 1325(a).
16. This order is effective for the plan confirmed on \_\_\_\_\_ as well as any amended plan approved by the Court, post confirmation, upon the entry of an order modifying or approving a post confirmation plan, unless a new order is deemed necessary.

ENTER:

\_\_\_\_\_  
Diane Finkle, U.S. Bankruptcy Judge

Entered on:

Date: