

OFFICE OF THE CLERK
UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND
The Federal Center
380 Westminster St., 6th Floor
Providence, Rhode Island 02903
website: www.rib.uscourts.gov

Susan M. Thurston
Clerk of Court

Telephone: 401 626-3130
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**NOTICE OF PROPOSED AMENDMENTS TO
LOCAL RULES, FORMS AND APPENDICES**

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 General Rule 109(h)(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, Forms Appendices as follows:

EFFECTIVE DATE OF December 1, 2017:


Local Rule 3011-1(amended)
Local Rule 3015-1(amended)
Local Rule 3015-2(amended)
Local Rule 4001-1(amended)
Local Rule 5001-2(amended)
Local Rule 7016-1(amended)
Local Rule 9037-1(amended)
Local Rule 9070-1(amended)
R.I. Local Form 3011-1.1 (amended)
R.I. Local Form 3011-1.2 (abolished)
R.I. Local Form 3011-1.3 (abolished)
R.I. Local Form 3015-1.1 (amended)
R.I. Local Form 3015-2.1 (abolished)
R.I. Local Form 3015-3.1 (amended)

**R. I. Local Form 9014-1.1 will replace R.I. Local Forms 4001-1.2; 7016-1.1 and 9070-1.1
Appendix VII (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 at the Clerk's office or on our website at www.rib.uscourts.gov. **Comments on the proposed rules and forms should be received by August 25, 2017.** Comments can be made by email to 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., 6th Floor
Providence, Rhode Island 02903

Dated: June 21, 2017

s/ 
Susan M. Thurston, Clerk

RULE 3011-1 UNCLAIMED FUNDS [Modified _____]

(a) Procedure for Deposit of Unclaimed Funds

(1) ~~All Un~~unclaimed funds ~~in excess of \$25.00 received by the Court~~ shall be deposited into 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.~~

...

(b) Procedure for Payment of Unclaimed Funds. Unclaimed fund petitioners who file five (5) or more petitions for unclaimed funds in a twelve 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. Local Rule 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) ~~Application~~ ~~Petition~~ for Payment of Unclaimed Funds substantially similar to R.I. Local Form 3011-1.1;

(B) Satisfactory completion of the appropriate identification forms in accordance with this Clerk's office's Instructions for Filing an Application for Payment of Unclaimed Funds, which can be found on the Court's website at www.rib.uscourts.gov/unclaimed-funds-search; ~~for unclaimed dividends, see R.I. Local Forms 3011-1.2 or 3011-1.3;~~ and

(C) The social security or tax identification number of the claimant using Form AO 213, Vendor Information/TIN Certification; and

(~~E~~D) 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 ~~if served by~~ ~~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 is determined to be complete and satisfactory, the Financial Administrator shall obtain a court order approving the payment. If an objection to the ~~application~~ ~~petition~~ is timely received, the matter shall be set for hearing.

RULE 3015-1 CHAPTER 13 PLAN [Modified _____]

(a) **Form of Plan.** For all cases filed on or after ~~April 1, 2009~~ December 1, 2017, the ~~original [initial]~~ Chapter 13 plan [initial and amended] shall conform to RI Local Form 3015-1.1 (amended 12.1.17), ~~with such alterations as may be appropriate to suit the circumstances. Additionally, each plan shall contain the following:~~

~~(1) Signature(s). Every plan or amendment thereto shall be signed by the debtor, and~~

~~(2) Date. Every plan or amendment thereto shall be dated as required by Fed. R. Bankr. P. 3015(e).~~

...

RULE 3015-2 CHAPTER 13 - AMENDMENTS TO PLANS [Modified _____]

(a) **Form of Amended Plan.** If the debtor proposes to amend its original plan, it shall use R.I. Local Form 3015-1.1 and select the "amended" checkbox on the top center of the first page and fill out the box on the top right, listing the sections of the plan that have been changed. All other sections of the Plan that remain unchanged must also be completed. ~~more than one amended plan, each amended plan shall be titled "First Amended Plan," "Second Amended Plan," and so on, as may be appropriate. All amended plans shall conform to R.I. Local Form 3015-2.1.~~

(b) **Timing of Filing.**

(1) **Amended Plan Filed Prior to Confirmation.**

(A) ***That Does Not Adversely Affect Creditors.***

(i) **Content of the Amended Plan.** Amendments to a plan which do not adversely affect creditors may be made prior to confirmation by filing an amended plan conforming to R.I. Local Form 3015-21.1. Those sections of the amended plan, including any motions contained therein, that are modified from the previous plan shall be clearly identified.

(ii) **Service.** The amended plan shall be served on the Chapter 13 trustee and on any party who has entered an appearance in the case or requested notice in the case, as well as satisfying the service requirements contained in R.I. LBR 9013-3(b)(1) and (2), to the extent applicable. The amended plan shall be accompanied by a certificate of

service filed in accordance with the requirements of R.I. LBR 9013-3(d) and (e).

(iii) Objections. Objections to the amended plan, including any motions contained therein, must be filed at least seven (7) days prior to the confirmation hearing date.

(B) That *Does* Adversely Affect Creditors.

(i) Content of the Amended Plan. Where an amendment to a plan, including any motions contained therein, adversely affects creditors, the debtor shall file with the Court an amended plan which conforms to R.I. Local Form 3015-~~21~~.1 and those sections of the amended plan, including any motions contained therein, that are modified from the previous plan shall be clearly identified. The terms of the original filed plan remain in effect except as otherwise set forth on the most recently ~~filed Form 3015-2.1 amended plan. (which should include a brief description of all prior amendments, if applicable). In addition, the Debtor is required to attach the original filed plan within the Amended Plan filing event in ECF.~~

(ii) Service. The debtor shall serve a copy of the amended plan including any motions contained therein, on the Chapter 13 trustee, all creditors (unless the claims bar date has passed and then only on creditors who have filed claims or have filed an extension of time to file claims pursuant to R.I. LBR 2002-1(d)) and any party who has entered an appearance in the case or requested notice in the case, as well as satisfying the service requirements contained in R.I. LBR 9013-3(b)(1) and (2), to the extent applicable. The amended plan shall be accompanied by a certificate of service filed in accordance with the requirements of R.I. LBR 9013-3(d) and (e). The Debtor is not required to re-serve the initial Plan required to be attached under subpart (i) above.

(iii) Objections and Effect on Confirmation Hearing Date. If the confirmation hearing is scheduled to occur earlier than thirty-five (35) days from the filing of the amended plan, said hearing shall be continued to the next available hearing date assigned by the Clerk's office, which shall allow for at least thirty-five (35) days notice to creditors. Any objections to the amended plan, including any motions contained therein, must be filed at least seven (7) days before the confirmation hearing date.

(2) Amendments to Plan After Confirmation.

(A) Motion to Amend Plan Required. A debtor who seeks to amend a Chapter 13 plan after confirmation shall do so by filing a motion to amend the plan, including any motions contained therein, with a copy of the proposed

amended plan, conforming to R.I. Local Form 3015-~~21~~.1, attached. The motion to amend shall include a summary and statement of the reason for the amendment and those parts of the amended plan, including any motions contained therein, that are changed from the previous plan shall be clearly identified.

...

RULE 4001-1 RELIEF FROM AUTOMATIC STAY [Modified _____]

...

(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 pre-trial statement, in compliance with R.I. LBR 9014-1, and in the form of R.I. Local Form 9014-1.1 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.

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RULE 5001-2 CLERK'S OFFICE [Modified _____]

(a) Public Hours. The Clerk's Office is located at 380 Westminster Mall, Sixth Floor, Providence, Rhode Island 02903, (401) 626-3100. Unless otherwise ordered by the Court, the office of the Clerk shall be open to the public from 9:00 a.m. to 4:00 p.m., Monday through Friday, except federal holidays and holidays recognized by the U.S. District Court (which may include state holidays).

(b) Non Public Hours. In accordance with Fed. R. Bankr. P. 5001(a), filings before 9:00 a.m. or after 4:00 p.m. weekdays, or on weekends and holidays may be made, for cause shown, by advance appointment or in emergency circumstances with the Judge, the Clerk, or the Clerk's designee.

(c) Emergency Filing(s) by Non-Electronic Users in the Event of an Unexpected Court Closure During Normal Court Business Hours: Non-Electronic Users are permitted to file paper documents via email *only* in those rare instances when the Court is closed during normal business hours (not including weekends or holidays) due to an unexpected event such as inclement weather or other type situation. The below procedures shall be followed in such instances.

(1) Emailing Documents to the Court. The Non-Electronic Users must attach the document to be filed in Adobe PDF format to an email addressed to the Clerk's Office Helpdesk at "rib_helpdesk@rib.uscourts.gov". The ECF Help Desk address is also available on the Court's website (www.rib.uscourts.gov) under the menu "Electronic Filing/Electronic Filing Help Desk".

(2) Required Follow Up Procedures. No later than 12:00 p.m. (noon) Eastern Standard Time on the Court's next open business day, the Non-Electronic User must either place in the mail or hand deliver the original document to the Court, together with any required filing fee and containing original signature(s). If such original document is not received by the Court within seven (7) days, the emailed document will have no force or effect, and will be terminated on the case docket.

(3) Date and Time Filed. Documents filed in accordance with the above procedures will be deemed filed on the case docket on the date and time appearing on the email system of the Office of the Clerk. Upon the timely receipt of the original signed document(s) and any required filing fee, the Court will stamp the original document with the following notation:

This document is deemed filed on _____ pursuant to Local Rule 5001-2 governing emergency filings due to unexpected court closure.

RULE 7016 - PRE-TRIAL PROCEDURE; FORMULATING ISSUES [Modified _____]

(a) Scheduling Conference. Unless otherwise ordered at the discretion of the Court or unless an affirmative request is made by a party, the Court will not conduct a scheduling or pretrial conference in an adversary proceeding.

(b) Joint Pretrial Statement. In all adversary proceedings, a joint pretrial statement conforming to the standards set forth in R.I. LBR 9014-1 and R.I. Local Form ~~9014-1.1~~~~7016-1.1~~ shall be filed within twenty-one (21) days after the close of discovery unless specifically ordered otherwise by the Court.

(c) Scheduling Order. A scheduling order shall issue from the Court within the time specified in Fed. R. Civ. P. 16 unless the Court directs otherwise.

RULE 9037-1 PRIVACY PROTECTION [Modified _____]

(a) Privacy Considerations. In compliance with the policy of the Judicial Conference of the United States, and Federal Rule of Bankruptcy Procedure 9037, and in order to promote electronic access to case files while also protecting personal privacy and other

legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, personal data identifiers from all pleadings filed with the Court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court.

(1) Compliance with Federal Rule of Bankruptcy Procedure 9037. In compliance with FRBP 9037, a party wishing to file a document containing personal data identifiers may:

(A) file an unredacted version of the document under seal, or

(B) file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right. The unredacted version of the document or reference list shall be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy for the public file.

(2) Responsibility for redacting personal identifiers. The responsibility for redacting the personal identifiers enumerated in Fed. R. Bank. P. 9037(a) rests solely with counsel and the parties. In the event the Clerk, or claims agent if one has been appointed, discovers that personal identifier data has been included in a pleading, or claim, the Clerk, or claims agent, is authorized, in its sole discretion, to restrict public access (except as to the filer, the case trustee, the United States Trustee and the claims agent) to the document in issue and inform the filer of the requirement to file a motion to redact.

(A) Method of Redaction. The filer of the document containing personal data identifiers shall file a motion to redact that identifies the proposed document for redaction by docket number or if applicable, by claim number. The filer shall submit, with the motion to redact, the appropriate filing fee, and an exhibit containing the document to be substituted for the original filing.

(B) Large Scale Redactions. Parties seeking to make large scale redactions [over ten] may file an omnibus motion to redact along with the appropriate filing fee, and an exhibit which contains the case numbers, names and document numbers to be redacted. Upon receipt of the motion, the clerk will open a miscellaneous petition to index the motion. Thereafter, upon entry of an order granting the motion, the party will be given a deadline to file the redacted documents.

(C) Clerk's Action upon Filing. Pending disposition of the motion to redact, the Clerk's Office will restrict the original image containing the personal data identifiers from public view (except as to the filer, the case trustee, the United States Trustee and the claims agent) on the docket.

(D) Service of the Motion. A copy of the motion must be served in accordance with R.I. Local Rule 1005-1(d) on the Debtor(s), Attorney for the Debtor(s), the United States Trustee and anyone whose personal information has been disclosed. The filer shall file a certificate of service with the Court demonstrating compliance.

(3) Sua Sponte Protective Orders.

(A) Where a document has been filed that includes unredacted information as prohibited by Fed. R. Bank. P. 9037(a) or any other document which the court finds contains information protected under 11 USC 107, then cause is established and a sua sponte protective order will issue requiring either:

(i) redaction of protected information; or

(ii) limit or prohibit a nonparty's remote electronic access to the subject document

(B) All payment advices filed with the court are subject to a standing protective order limiting a nonparty's remote electronic access to the documents.

(C) All documents filed with the court which contain medical information that is considered protected under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Pub. L. No. 104-191, 110 Stat.1936 are subject to a standing protective order limiting a nonparty's remote electronic access to the documents.

...

RULE 9070-1 EXHIBITS [Modified _____]

(a) Submission and Service of Exhibits. When directed by the Court, parties must submit three (3) hard copies of all exhibits as well as submitting exhibits electronically as specified below. Exhibits shall be exchanged between counsel via email.

(b) Format for Exhibits. Copies of exhibits intended to be offered as exhibits in a contested matter or hearing shall be legible, and copies of photographs shall be in color, unless the original photograph is black and white. Each set of exhibits shall be accompanied by an exhibit list, using R.I. Local Form 9014-1.19070-1.1. The moving party/plaintiff's exhibits shall be marked alphabetically (A-Z), and the respondent/defendant's exhibits shall be marked numerically (1-100). Electronic exhibits shall be submitted in Portable Document Format (PDF) and stored on a USB flash drive or compact disc. Each individual PDF file shall be limited to a file size of no more than

...

In re: _____	Case No. _____
Debtor(s) _____	Chapter _____

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- ☐ Applicant is the assignee of the original creditor's claim to said funds, as evidenced in the attached documentation;
- ☐ Applicant is the original creditor's successor in interest, as evidenced in the attached documentation;
- ☐ Applicant is an attorney or "funds locator" named in a special/limited power of attorney, which document is attached hereto, that is valid under the laws of the State of Rhode Island that empowers Applicant to collect the unclaimed funds described above on behalf of the Claimant. Applicant states that the Claimant is the:

(check the applicable box)

- ☐ Original creditor and owner of the claim;
- ☐ Original creditor's attorney with authorization to receive said funds;
- ☐ Assignee of the original creditor's claim to said funds;
- ☐ Successor in interest of the original creditor; or
- ☐ Personal representative of the original creditor's estate.

Attached to the Application is the "Affidavit of Claimant." *(The Affidavit of Claimant is required only if the Applicant is an attorney or funds locator.)* Applicant completed all necessary information on the Affidavit of Claimant prior to providing such Affidavit to the Claimant for execution. *(This is necessary to ensure that the alleged claimant, contacted by a funds locator, has sufficient information to verify that he/she/it is in fact entitled to the funds that the attorney or "funds locator" is applying for on behalf of the Claimant.)*

This Application is submitted with the necessary documents to establish (1) Applicant's authority to collect the unclaimed funds on behalf of the Claimant and (2) the Claimant's entitlement to the particular unclaimed funds. The Application was completed and submitted in accordance with this Court's **Instructions for Filing an Application for Payment of Unclaimed Funds**.

Applicant declares under penalty of perjury that sufficient inquiry has been made to determine that the above funds have not been previously paid, no other applications for payment of said funds are pending, and no party other than Claimant is entitled to submit a request for disbursement of the funds.

Applicant certifies that a copy of this Application (and all attachments) was provided to the Office of the United States Attorney, District of Rhode Island, Fleet Center, 50 Kennedy Plaza, 8th Floor, Providence, Rhode Island 02903, as evidenced by the Certificate of Service attached hereto.

Applicant requests that the Court enter an Order directing payment of the unclaimed funds

I hereby certify that the foregoing statements are true and correct to the best of my knowledge and belief.

Dated: _____

SSN of the applicant (*last 4 digits only*): _____

City/State/Zip

State of _____)
 _____) ss.
 County of _____)

Before me, _____, a notary public for said state, on this ____ day of _____, 20____, personally appeared _____, known to be the identical person(s) who executed the within foregoing instrument, and acknowledged to me that he/she executed the same as his/her free and voluntary act and deed for the uses and purposes therein set forth.

Notary Public

My commission expires: _____

Signature Block for an Entity

Dated: _____

Signature of Applicant (if not an individual)

EIN of the applicant: _____

By _____

Print Name: _____

Title: _____

Street Address

City/State/Zip

Telephone (including area code)

State of _____)
 _____) ss.
 County of _____)

Before me, _____, a notary public for said state, on this ____ day of _____, 20____, personally appeared _____, as _____ [capacity, e.g. president, treasurer] who executed the within foregoing instrument on behalf of _____ [name of entity], and acknowledged to me that he/she executed the same as his/her free and voluntary act and deed on behalf of said _____ [type of entity, e.g. corporation, limited liability company, partnership] for the uses and purposes therein set forth.

[SEAL]

Notary Public

My commission expires: _____

[FORM OF] CERTIFICATE OF SERVICE

In accordance with 28 U.S.C. § 2042, the undersigned hereby certifies that on _____, 20____, a true and correct copy of the foregoing Application (and all attachments) was mailed via first class mail, postage prepaid, to:

United States Attorney
District of Rhode Island
Fleet Center
50 Kennedy Plaza, 8th Floor
Providence, RI 02903

Signature

Print Name

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

-----*

In re: _____	:	
	:	
	:	Case No. _____
	:	
Debtor(s)	:	Chapter _____
	:	
-----*	:	

AFFIDAVIT OF CLAIMANT

(for use when Applicant is an attorney or funds locator)

I, _____, the undersigned claimant (or duly authorized representative for the claimant as identified in paragraph (2)), declare as follows:

1. _____

(Name and Address of Funds Locator)

has been granted a power of attorney to submit an Application for Payment of Unclaimed Funds (or I am the duly authorized representative for claimant as indicated in the attached power of attorney) seeking payment of:

(select one):

☐ claim number _____ (if no claim was filed write "scheduled" in blank space) for which the dividend of \$_____ is due and owing to me or the entity I represent as claimant in the above referenced bankruptcy case;

☐ funds deposited in the name of the debtor in the amount of \$_____.

2. My name, position with company *(if claimant is not an individual)*, address and telephone number are as follows:

3. Copies of all necessary documentation, including those which establish the chain of ownership of the original corporate creditor (e.g., documents relating to a sale of company, purchase agreements and/or stipulation by prior and new owner as to right of ownership of funds) and which substantiate claimant's right to the funds, are attached.

4. I (or the business that I represent as claimant) have neither previously received these funds nor contracted with any other party other than the person named in item one above to recover these funds.

I hereby certify that the foregoing statements are true and correct to the best of my knowledge and belief.

Dated: _____

Signature of claimant or duly authorized
representative of claimant

Print Name

Title

EIN of entity or last 4 digits of SSN of
individual claimant

Sworn to and Subscribed before me this ____ day of _____, 20____.

[SEAL]

Notary Public

In and for the State of _____

My Commission expires: _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

-----*

In re: _____	:	Case No. _____
	:	
Debtor(s)	:	Chapter _____
	:	

-----*

ORDER FOR PAYMENT OF UNCLAIMED FUNDS

IT APPEARING that pursuant to an Order previously entered by this Court, the amount of _____ was paid into the court by the Trustee for deposit into the U.S. Bankruptcy Court's Unclaimed Funds Account, representing funds paid to _____, which were not negotiated by said claimant; and

IT FURTHER APPEARING that the Claimant has made an official request to the Court for these funds to be paid, and the request and documents attached establish that the Claimant is entitled to Unclaimed Funds; and the Court having verified that the funds are available for distribution to this Claimant, and for sufficient reasons appearing.

IT IS ORDERED that the Clerk, U.S. Bankruptcy Court, shall process this request for payment to be issued from the Unclaimed Funds Account in the total amount of _____ payable to _____ and send said payment to payee at the following address:

U.S. Bankruptcy Judge

Entered on Docket: _____

Document Number: _____

(Rev. 12/1/2017)

In re:

Debtor(s)

Case No.

Chapter 13

CHAPTER 13 PLAN

- ☐ Original or ☐ Amended (must complete box on top right) See LBR 3015-2
☐ Post Confirmation (Date Order Confirming Plan was entered): _____
 Date this Plan was filed: _____

- ☐ **If this is an amended plan,** list below the sections of the plan that have changed.

***All unchanged sections must also be completed**

This amended plan:

- ☐ Does adversely affect creditors
- ☐ Does *not* adversely affect creditors

See LBR 3015-2(b).

PART 1: NOTICES

TO CREDITORS:

Your rights may be affected by this Plan. Your claim may be reduced, modified or eliminated. Read this Plan carefully and discuss it with your attorney. If you do not have an attorney, you may wish to consult with one. If you oppose the Plan's treatment of your claim or any provision of this Plan, you or your attorney **must** file with the Court an objection to confirmation on or before the later of (i) seven (7) days before the hearing date on confirmation or (ii) if the confirmation hearing is scheduled to occur earlier than thirty-five (35) days from the filing of an amended Plan, said hearing shall be continued to the next available hearing date assigned by the Court and any objections to the amended plan must be filed at least seven (7) days before the confirmation hearing date, unless the Court orders otherwise. If you mail your objection to confirmation to the Court for filing, you must mail it early enough so that the Court will receive it on or before the deadline stated above. A copy of your objection must be served on the Debtor(s), Attorney for the Debtor(s), the Chapter 13 trustee and any party or attorney who has filed an appearance and requested service of pleadings. The Bankruptcy Court may confirm the Plan without further notice and hearing if no objection to confirmation is filed. **Any creditor's failure to timely object to confirmation of the proposed plan shall constitute the creditor's acceptance of the treatment of its claim as proposed, pursuant to 11 U.S.C. Section 1325(a)(5)(A) and FRBP 3015.** You have or will receive a Notice of Chapter 13 Bankruptcy Case from the Bankruptcy Court which sets forth certain deadlines, including the bar date for filing a Proof of Claim. **A claim must be filed and allowed for a creditor to receive a distribution, including secured claims. See FRBP 3002.**

TO DEBTOR(S):

You (or your attorney) are required to serve a copy of this Plan on the Chapter 13 trustee, all creditors and all interested parties within twenty four (24) hours of its filing with the Court in the manner required under the United States Bankruptcy Code (Title 11 U.S.C.), the Federal Rules of Bankruptcy Procedure (“FRBP”), and the Rhode Island Local Bankruptcy Rules (“R.I. LBR”). *See* R.I. LBRs 3015-1, 3015-2, 9013-3, and Part 9 of this Plan. Unless the Court orders otherwise, you must commence making payments not later than the earlier of (i) thirty (30) days after the date of the filing of the Plan or (ii) thirty (30) days after the order for relief. **You must check a box on each line below to state whether or not this Plan includes one or more of the following provisions. If a provision is checked as “Not Included,” both boxes are checked, or no box is checked, the provision will be void if set out later in the Plan. Failure to properly complete this section may result in denial of confirmation of your Plan. DO NOT CHECK BOTH BOXES. DO NOT LEAVE BOTH BOXES BLANK.**

1.1	A limit on the amount of a secured claim, set out in Part 3.B(1), which may result in a partial payment or no payment at all to the secured creditor.	<input type="checkbox"/> Included	<input type="checkbox"/> Not included
1.2	Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Part 3.B(3).	<input type="checkbox"/> Included	<input type="checkbox"/> Not included
1.3	Nonstandard provisions, set out in Part 8.	<input type="checkbox"/> Included	<input type="checkbox"/> Not included

PART 2: PLAN LENGTH AND PAYMENTS

A. LENGTH OF PLAN

- ☐ 36 Months. 11 U.S.C. § 1325(b)(4)(A)(i);
☐ 60 Months. 11 U.S.C. § 1325(b)(4)(A)(ii);
☐ 60 Months. 11 U.S.C. § 1322(d)(2). Debtor avers the following cause: _____; or
☐ Other (state number of months): _____

B. MONTHLY PAYMENTS [use worksheet on Exhibit 1]

\$_____ per month for _____ months

\$_____ per month for _____ months

C. ADDITIONAL PAYMENT(S)

- ☐ None.
☐ Debtor(s) will make additional payment(s) to the Trustee, as specified below. Describe the source (e.g., lump sums from sales/refinances, tax refunds), amount, and date of payments(s): _____

 _____.

The total amount of payments to the Trustee: \$_____. This amount must be sufficient to pay the total cost of the Plan in Exhibit 1, line h.

PART 3: SECURED CLAIMS

- ☐ None. If "None" is checked, the rest of Part 3 need not be completed.

A. CURE OF DEFAULT AND MAINTENANCE OF PAYMENTS

- ☐ None. If "None" is checked, the rest of Part 3A need not be completed.
☐ Secured Claims in default shall be cured and payments maintained as set forth in (1) and/or (2) below. Complete (1) and/or (2).

(1) PREPETITION ARREARS TO BE PAID THROUGH THE PLAN

Prepetition arrearage amounts are to be paid through the Plan and disbursed by the Trustee. Unless the Court orders otherwise, the amount(s) listed in a timely filed Proof of Claim controls over any contrary amount(s) listed below. If relief from the automatic stay is ordered as to any collateral listed in this paragraph, then all payments paid through the Plan as to that collateral will cease unless the Court orders otherwise.

(a) Secured Claims (Principal Residence)

Address of the Principal Residence: _____.

The Debtor(s) estimate that the fair market value of the Principal Residence is: \$_____.

<u>Name of Creditor</u>	<u>Type of Claim</u> <u>(e.g., mortgage, lien)</u>	<u>Amount of Arrears</u>
_____	_____	\$ _____
_____	_____	\$ _____

Total of prepetition arrears on Secured Claims (Principal Residence): \$_____.

(b) Secured Claims (Other)

<u>Name of Creditor</u>	<u>Type of Claim</u>	<u>Description of Collateral</u> <u>(or address of real property)</u>	<u>Amount of Arrears</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

Total of prepetition arrears on Secured Claims (Other): \$_____.

Total of prepetition arrears to be paid through the Trustee [(a) + (b)]: \$_____.

(2) MAINTENANCE OF CONTRACTUAL PAYMENTS (TO BE PAID DIRECTLY BY DEBTOR TO CREDITORS)

Regular payments are to be paid directly by the Debtor(s) to creditors. The Debtor(s) will maintain the current contractual installment payments on the secured claims listed below with any changes required by the applicable contract and noticed in conformity with any applicable rules. The following claims are current:

<u>Name of Creditor</u>	<u>Type of Claim</u>	<u>Description of Collateral</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. MODIFICATION OF SECURED CLAIMS

Check one.

- ☐ **None.** If "None" is checked, the rest of Part 3B need not be completed.
- ☐ **Secured Claims are modified as set forth in (1), (2) and/or (3) below.** Complete (1), (2), and/or (3) below.

The following Plan provisions are effective only if there is a check in the box "Included" in Part 1, § 1.1.

(1) REQUEST FOR VALUATION OF SECURITY, PAYMENT OF FULLY SECURED CLAIMS, AND MODIFICATION OF UNDERSECURED CLAIMS UNDER 11 U.S.C. § 506

The Debtor(s) request that the Court determine the value of the following secured claim(s). For each secured claim listed below, the Debtor(s) states that the value of the secured claim is as set out in the column headed "Secured Claim Amount." For each listed claim, the value of the secured claim will be paid in full with interest at the rate stated below, and the creditor will retain its lien to the value of the secured claim.

If the plan is confirmed, the amount of a nongovernmental creditor's secured claim is binding on the creditor even if the creditor files a contrary Proof of Claim. Unless the Court orders otherwise, the value of a secured claim of a governmental unit listed in a timely filed Proof of Claim controls over any contrary amount listed below. The secured claim of a governmental unit may NOT be determined through the Plan.

An allowed claim of a creditor whose claim is secured by a lien on property, in which the estate has an interest, is a secured claim to the extent of the value of the creditor's interest and is an unsecured claim to the extent that the value of such creditor's interest is less than the amount of the allowed claim. The portion of any allowed claim that exceeds the amount of the secured claim will be treated as an unsecured claim in Part 5 of this Plan. If the amount of a creditor's secured claim is listed below as having NO or zero (\$0.00) value, the creditor's allowed claim will be treated in its entirety as an unsecured claim in Part 5 of this Plan.

<u>Name of Creditor</u>	<u>Estimated amount of creditor's total claim</u>	<u>Collateral</u>	<u>Value of Collateral</u>	<u>Amount of claims senior to creditor's claim</u>	<u>Secured Claim Amount</u>	<u>Interest Rate</u>	<u>Monthly payment to creditor</u>	<u>Estimated total of monthly payments</u>
_____	\$ _____	_____	\$ _____	\$ _____	\$ _____	____%	\$ _____	\$ _____
_____	\$ _____	_____	\$ _____	\$ _____	\$ _____	____%	\$ _____	\$ _____

Insert additional claims as needed.

Total Claim(s) under Part 3.B(1) to be paid through the Trustee: \$_____.

(2) SECURED CLAIMS EXCLUDED FROM 11 U.S.C. § 506

This section includes claims that were either (1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the Debtor(s) or (2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value. These claims will be paid in full through the Trustee with interest at the rate stated below. Unless the Court orders otherwise, the claim amount stated on a timely filed Proof of Claim controls over any contrary amount listed below. *If you are treating the claim in Part 3.B(1) or B(3), you should not include the claim in this section.*

<u>Name of Creditor</u>	<u>Collateral</u>	<u>Amount of claim</u>	<u>Interest Rate</u>	<u>Monthly plan payment</u>	<u>Estimated total payments by trustee</u>
_____	_____	\$ _____	____%	\$ _____	\$ _____
_____	_____	\$ _____	____%	\$ _____	\$ _____

Insert additional claims as needed.

Total Claim(s) under Part 3.B(2) to be paid through the Trustee: \$_____.

(3) LIEN AVOIDANCE UNDER 11 U.S.C. § 522(f)

The following Plan provisions of this Part 3.B(3) are effective only if there is a check in the box “Included” in Part 1 § 1.2.

The judicial liens or nonpossessory, nonpurchase money security interests securing the claims listed below impair exemptions to which the Debtor(s) would have been entitled under 11 U.S.C. § 522(b). Subject to 11 U.S.C. § 349(b), a judicial lien or security interest securing a claim listed below will be avoided to the extent that it impairs such exemptions upon entry of the Order confirming the Plan. The amount of the judicial lien or security interest that is avoided will be treated as an unsecured claim in Part 5 if a Proof of Claim has been filed and allowed. The amount, if any, of the judicial lien or security interest that is not avoided will be paid in full as a secured claim under the Plan provided a Proof of Claim is filed and allowed. *If more than one lien is to be avoided, provide the information below separately for each lien.*

<u>Information regarding judicial lien or security interest</u>	<u>Calculation of lien avoidance</u>	<u>Treatment of remaining secured claim</u>
Name of creditor: 	(a) Amount of lien \$ _____	Amount of secured claim after avoidance (line (a) minus line (f): \$ _____
Collateral: 	(b) Amount of other liens \$ _____	Interest rate (if applicable): _____ %
Lien identification (such as judgment date, date of lien recording, book and page number) 	(c) Value of claimed exemptions \$ _____	Monthly payment on secured claim: \$ _____
	(d) Total of adding lines (a), (b) and (c) \$ _____	Estimated total payments on secured claim: \$ _____
	(e) Value of debtor(s) interest in property \$ _____	
	(f) Subtract line (e) from line (d) \$ _____	
	Extent of exemption impairment (<i>check applicable box</i>): <input type="checkbox"/> Line (f) is equal to or greater than line (a). The entire lien is avoided. (<i>Do not complete the next column</i>). <input type="checkbox"/> Line (f) is less than line (a). A portion of this lien is avoided (<i>Complete the next column</i>).	

Insert additional claims as needed.

Total Claim(s) under Part 3.B(3) to be paid through the Trustee: \$ _____.

C. SURRENDER OF COLLATERAL

Check one.

- ☐ **None.** *If “None” is checked, the rest of Part 3C need not be completed.*
- ☐ **The Debtor(s) elect to surrender to each creditor listed below the collateral that secures the creditor’s claim. The Debtor(s) request that upon confirmation of this Plan the stay under 11 U.S.C. § 362(a) be terminated as to the collateral only and that the stay under § 1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 5 of this Plan.**

<u>Name of Creditor</u>	<u>Type of Claim</u>	<u>Description of Collateral</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

PART 4: PRIORITY CLAIMS

Check one.

☐ **None.** If “None” is checked, the rest of Part 4 need not be completed.

☐ **The following priority claims will be paid in full without postpetition interest.**

Unless the Court orders otherwise, the amount in a timely filed Proof of Claim controls over any contrary amount listed below.

A. DOMESTIC SUPPORT OBLIGATIONS:

<u>Creditor</u>	<u>Description of Claim</u>	<u>Amount of Claim</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

B. OTHER PRIORITY CLAIMS (Except Administrative Expenses):

<u>Creditor</u>	<u>Description of Claim</u>	<u>Amount of Claim</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

**Total of Priority Claims (except Administrative Expenses)
to be paid through the Trustee:**

\$_____.

C. ADMINISTRATIVE EXPENSES:

(1) ATTORNEY’S FEES:

<u>Name of Attorney</u>	<u>Fees</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____

If the attorney’s fee exceeds the amount set forth in Appendix III of the local rules, the Trustee may not pay any excess claim until such time as the Court approves a fee application. *See*, LBR 2017-1(b). If no fee application is approved, any excess monies will be disbursed to other creditors up to a 100% dividend.

(2) TRUSTEE’S COMMISSION:

The Debtor shall pay the Trustee’s commission as calculated in Exhibit 1.

Total of Administrative Expenses (excluding the Trustee's Commission) to be paid through the Trustee:

\$_____.

PART 5: NONPRIORITY UNSECURED CLAIMS

Check one.

- ☐ **None.** If "None" is checked, the rest of Part 5 need not be completed.
- ☐ **Allowed nonpriority unsecured claims other than those set forth in Part 5.F will be paid as stated below. Only creditors holding an allowed claim are entitled to a distribution. If more than one option is checked, the option providing the largest payment will be effective. NOTE: Creditors must file a timely Proof of Claim in order to receive payment under the Plan.**

☐ "Pot Plan": creditors shall receive a *pro rata* share of \$_____.
(Debtor(s) estimate(s) a dividend yield of _____%).

☐ Fixed: creditors shall receive no less than _____% of the total amount of these claims.

A. **GENERAL UNSECURED CLAIMS:** \$_____.

B. **UNSECURED OR UNDERSECURED CLAIMS AFTER MODIFICATION IN PART 3.B OR C:**

<u>Creditor</u>	<u>Description of Claim</u>	<u>Amount of Claim</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

C. **NONDISCHARGEABLE UNSECURED CLAIMS (e.g., student loans):**

<u>Creditor</u>	<u>Description of Claim</u>	<u>Amount of Claim</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

D. **CLAIMS ARISING FROM REJECTION OF EXECUTORY CONTRACTS OR LEASES:**

<u>Creditor</u>	<u>Description of Claim</u>	<u>Amount of Claim</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

Total of Unsecured Claims (A + B + C + D): \$_____.

E. **TOTAL TO BE PAID TO NONPRIORITY UNSECURED CREDITORS THROUGH THE TRUSTEE:**

The amount paid to nonpriority unsecured creditors is not less than that required under the Liquidation Analysis set forth in Exhibit 2.

Multiply total by fixed percentage or enter "Pot Plan" amount: \$_____.

F. SEPARATELY CLASSIFIED UNSECURED CLAIMS (e.g., co-borrower):

<u>Creditor</u>	<u>Description of Claim</u>	<u>Amount of Claim</u>	<u>Treatment of Claim</u>
_____	_____	\$ _____	_____
_____	_____	\$ _____	_____
_____	_____	\$ _____	_____

Total amount of separately classified claims to be paid through Trustee:

\$_____.

PART 6: EXECUTORY CONTRACTS AND UNEXPIRED LEASES

Check one.

- ☐ **None.** If "None" is checked, the rest of Part 6 need not be completed.
- ☐ **The executory contracts and unexpired leases listed are assumed and will be treated as specified below. All other executory contracts and unexpired leases are rejected. Current payments will be disbursed directly by the Debtor(s). Arrearage payments will be disbursed by the Trustee.**

A. REAL PROPERTY LEASES:

<u>Creditor</u>	<u>Lease Description</u>	<u>Arrears</u>
_____	_____	\$ _____
_____	_____	\$ _____

B. MOTOR VEHICLE LEASES:

<u>Creditor</u>	<u>Lease Description</u>	<u>Arrears</u>
_____	_____	\$ _____
_____	_____	\$ _____

C. OTHER CONTRACTS OR LEASES:

<u>Creditor</u>	<u>Lease Description</u>	<u>Arrears</u>
_____	_____	\$ _____
_____	_____	\$ _____

Total amount of arrears to be paid through the Trustee:

\$_____.

PART 7: VESTING OF PROPERTY OF THE ESTATE

Property of the estate will vest in the Debtor(s) who are entitled to a discharge upon entry of the discharge. For all other Debtor(s), property of the estate will vest upon the earlier of (i) the filing of the Chapter 13 Standing Trustee's Final Report and Account and the closing of the case or (ii) dismissal of the case.

PART 8: NONSTANDARD PLAN PROVISIONS

Check one.

- ☐ **None.** If “None” is checked, the rest of Part 8 need not be completed.
- ☐ **The Plan includes the following nonstandard provisions.** Under FRBP 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in R.I. Local Form 3015-1.1 or deviating from it. Nonstandard provisions set out elsewhere in this Plan are ineffective. To the extent the provisions in Part 8 are inconsistent with other provisions of the Plan, the provisions of Part 8 shall control if the box is checked in Part 1, §1.3.

The following Plan provisions are effective only if there is a check in the box “Included” in Part 1, §1.3.

PART 9: PLAN SERVICE AND SIGNATURES

By signing this document, Debtor(s) acknowledge reviewing and understanding the provisions of this Plan.

By signing this document, the Debtor(s) and, if represented by an attorney, the attorney for the Debtor(s) certify(ies) that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in Local Form 3015-1.1, including exhibits, other than any nonstandard provisions in Part 8.

Pursuant to R.I. LBR 3015-1(b), the Debtor(s) or his/her/their counsel, must serve a copy of the Chapter 13 plan upon the Chapter 13 trustee, all creditors and all interested parties, within twenty-four (24) hours of its filing with the Court. A certificate of service must be filed within fourteen (14) days thereafter. If the Debtor(s) checked the box “Included” in Part 1, §§ 1.1 or 1.2, the Debtor(s) must also comply with the service requirements contained in R.I. LBR 3015-1(c) and 9013-3(b).

Debtor 1

Executed on: (Date)

Debtor 2

Executed on: (Date)

Signature of Attorney for Debtor(s)

Executed on: (Date)

Print Name:

Bar Number:

Address:

Telephone:

eMail Address:

EXHIBIT 1

CALCULATION OF TOTAL MONTHLY PLAN PAYMENTS

- a) Secured claims (Part 3.A and Part 3.B(1)-(3) Total): \$ _____
- b) Priority claims (Part 4.A & Part 4.B Total): \$ _____
- c) Administrative claims (Part 4.C Total): \$ _____
- d) Nonpriority unsecured claims (Part 5.E Total): \$ _____
- e) Separately classified unsecured claims (Part 5.F Total): \$ _____
- f) Executory contract/lease arrears claims (Part 6 Total): \$ _____
- g) Total of a + b + c + d + e + f: \$ _____
- h) Divided (g) by .90 for total cost of Plan including the Trustee's fee: \$ _____
- i) Divide (h), Cost of Plan, by term of Plan, _____ months: \$ _____
- j) Round **up** to the nearest dollar amount for Plan payment: \$ _____

If this is either an amended Plan and the Plan payment has changed or if this is a post confirmation amended Plan, complete a) through h) only and the following:

- k) Enter the total amount of payments Debtor(s) has paid to Trustee: \$ _____
- l) Subtract line (k) from line (h) and enter result here: \$ _____
- m) Divide line (l) by the number of months remaining (_____ months): \$ _____
- Round **up** to the nearest dollar amount for amended Plan payment: \$ _____

Date the amended Plan payment shall begin: _____

The Chapter 13 Trustee's fee is determined by Order of the United States Attorney General. The calculation of the Plan payment set forth utilizes a 10% Trustee's commission. In the event the Trustee's commission is less than 10%, the additional funds collected by the Trustee, after payment of allowed administrative expenses, shall be disbursed to nonpriority unsecured creditors up to 100% of the allowed claims.

EXHIBIT 2

LIQUIDATION ANALYSIS

A. REAL PROPERTY

<u>Address</u> (Sch. A/B, Part 1)	<u>Value</u> (Sch. A/B, Part 1)	<u>Total Liens</u> (Sch. D, Part 1)	<u>Exemption Claimed</u> (Sch. C)
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

Total Value of Real Property (Sch. A/B, line 55): \$ _____
Total Net Equity for Real Property (Value Less Liens): \$ _____
Less Total Exemptions for Real Property (Sch. C): \$ _____
Available in Chapter 7: \$ _____

B. MOTOR VEHICLES

<u>Make, Model and Year</u> (Sch. A/B, Part 2)	<u>Value</u> (Sch. A/B, Part 2)	<u>Liens</u> (Sch. D, Part 1)	<u>Exemption</u> (Sch. C)
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

Total Value of Motor Vehicles: \$ _____
Total Net Equity for Motor Vehicles (Value Less Liens): \$ _____
Less Total Exemptions for Motor Vehicles (Sch. C): \$ _____
Available in Chapter 7: \$ _____

C. ALL OTHER ASSETS (Sch. A/B Part 2, no. 4; Part 3 through Part 7. Itemize.)

<u>Asset</u>	<u>Value</u>	<u>Liens</u> (Sch. D, Part 1)	<u>Exemption</u> (Sch. C)
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

Total Value of All Other Assets: \$ _____
Total Net Equity for All Other Assets (Value Less Liens): \$ _____
Less Total Exemptions for All Other Assets (Sch. C): \$ _____
Available in Chapter 7: \$ _____

D. SUMMARY OF LIQUIDATION ANALYSIS

<u>Available in Chapter 7</u>	<u>Amount</u>
A. Real Property	\$_____
B. Motor Vehicles	\$_____
C. All Other Assets	\$_____

TOTAL AVAILABLE IN CHAPTER 7: \$_____

E. ADDITIONAL COMMENTS REGARDING LIQUIDATION ANALYSIS:

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 secured claim of: _____

holding a lien against _____

will be: _____

If applicable, the motion(s) to modify the secured claim(s) is 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 ~~in favor of~~ _____ ~~on the Debtors' property at:~~ _____ 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: _____

_____ is (are) granted.

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

_____ 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, P.O. Box 2561, Providence, Rhode Island 02906, 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 ~~summary~~ 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 ~~only upon closing of the case~~. 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.

~~ORDER:~~

~~Deputy Clerk~~

ENTER:

Diane Finkle, U.S. Bankruptcy Judge

Entered on:

Date:

UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND
EIGHTH AMENDED LOSS MITIGATION PROGRAM AND PROCEDURES

...

V. COMMENCEMENT OF LOSS MITIGATION

In a Chapter 7 case, the request for loss mitigation must be filed within 60 days of the petition date by one of the methods provided below. A loss mitigation request filed after the 60th day following the petition date must be accompanied by a motion to file out of time, pled with specificity. The consideration of such motion is within the Court's discretion. In a Chapter 13 case, the request for loss mitigation may be filed at any time by one of the methods provided below, although parties are encouraged to request loss mitigation as early in the case as possible.

A. BY THE DEBTOR

1. ~~In Section XIII of the Model Chapter 13 Plan (RI Local Form 3015-1.1), a Chapter 13 Debtor may indicate an interest in discussing loss mitigation with a particular Creditor. If the box in Section XIII is checked, within seven (7) days of filing the Plan, t~~[T]~~he Debtor shall serve on the Creditor and its registered agent, and on its counsel, if known, and file with the Court, a Notice and/or Request for Loss Mitigation (3rd Amended Form A) ("Debtor's Request for Loss Mitigation"). The Creditor shall have fourteen (14) days to object. If no objection is filed, the Bankruptcy Court may enter a Loss Mitigation Order setting forth the applicable deadlines for the loss mitigation process. If the Creditor/Lender is the United States, its agency, corporations, officers or employees [e.g., HUD], service of the Notice and/or Request for Loss Mitigation shall be made at the office of the United States Attorney for the District of Rhode Island.~~

...

VII. DUTIES UPON COMMENCEMENT OF LOSS MITIGATION

Upon entry of a Loss Mitigation Order, the Loss Mitigation Parties shall have the following obligations:

A. GOOD FAITH

The Loss Mitigation Parties shall negotiate in good faith. A party failing or refusing to participate in loss mitigation in good faith may be subject to sanctions. At any time during the loss mitigation period, a party seeking compliance with deadlines should file a motion to compel compliance with the Loss Mitigation Order or seek termination of loss mitigation, if appropriate.

B. CONTACT INFORMATION

1. The Debtor: The Debtor shall provide written notice to each Creditor, indicating the manner in which the Creditor should contact the Debtor, unless the Debtor has already done so ~~in the Chapter 13 plan or~~ as part of its request for loss mitigation.

2. The Creditor: Each Creditor shall provide written notice to the Debtor, identifying the name, address, and direct telephone number of the contact person with settlement authority, unless a Creditor has already done so as part of a prior request for loss mitigation.

...