

RULE 1002-1 PETITION - GENERAL [Modified _____]

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(c) Creditor List. In all voluntary cases, a creditor list containing the names and addresses, including zip codes, of all known creditors and holders of executory contracts must be filed with the petition, or within seven days thereafter, even if the schedules are not filed with the petition. Failure to file the creditor list at the time of filing will result in the automatic issuance of a seven (7) day Order to file Missing Documents and Notice of Automatic Dismissal for Non-Compliance. In the absence of a showing to the contrary, any such dismissal shall be presumed to be a willful failure within the meaning of [11 U.S.C. § 109\(g\)](#), with a 180-day bar to refile any petition.

(1) Mailing Format for Conventionally Filed Cases. In accordance with the filing requirements set forth by [Fed. R. Bankr. P. 1002, 1003, and 1007](#) and [R.I. LBR 1007-1](#), the debtor shall file with the petition a list of creditors including the name and address of each creditor shown on the debtor's schedules using electronic media, [e.g., CD, DVD, or USB key] and in the format prescribed by the clerk's office and designated as ~~Amended R.I. Bankr. Form A 1002-1.1~~ in all conventionally filed cases, and in cases filed electronically if the list of creditors is not filed with the petition. Unless leave of court is obtained, in all conventionally (not electronically) filed cases under chapters 7, 11, 12 or 13, the creditor list shall be submitted on a computer diskette as set forth in the "Instructions for Submission of the List of Creditors on Computer Diskette", designated as Amended Bankr. Form A. Failure to correctly conform to ~~these~~ these the requirements ~~detailed in Amended Bankr. Form A~~ will result in the automatic issuance of a seven (7) day Order to file Missing Documents and Notice of Automatic Dismissal for Non-Compliance.

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RULE 1005-1 FILING PAPERS - REQUIREMENTS [Modified _____]

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(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 space and must appear in at least 11 point type:

Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if served by mail, 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) Motion to Shorten Time, including the underlying motion if filed separately, (Expedited treatment) seven (7) days – See R.I. LBR 9013-2(d)(1);
- (G) Emergency Motion for Relief -- left to discretion of Court, above language should not be used;
- (H) Motion for Rule 2004 Examination -- see R.I. LBR 2004-1(b)(2).
- (I) Motion to Extend Time [other than motion to extend or delay entry of discharge filed by the debtor, or a motion requesting an extension of time to file an objection to discharge under §§ 523 or 727] for filing schedules, statements, reports, responses, and replies -- left to discretion of Court, above language should not be used;
- (J) 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 calendar (4) days by 3:00 p.m. If less time is needed, the motion should be filed as an emergency motion pursuant to 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.
- (K) Motion to Vacate an Order and Motion to Reconsider - seven (7) days.
- (L) Motion for Relief from Co-Debtor Stay - 20 days.
- (M) Motion to File Out of Time - left to discretion of Court, above language should not be used (other than a Motion to File a Proof of Claim Out of Time which should contain the standard objection language, See R.I. LBR 1005(d)(1)).

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RULE 1009-1 AMENDMENTS OF PETITIONS, LISTS, SCHEDULES AND STATEMENTS
[Modified _____]

(d) Amendments to Creditor Mailing List. An amended creditor list is required to be filed whenever the debtor files its initial schedules containing creditors that were not listed on the original creditor list. The following procedures shall apply:

(1) An amended creditor list shall contain only the names and addresses of the new creditors. Creditors listed on the original creditor list shall not be repeated on the amended creditor list.

(2) The applicable miscellaneous fee for filing amendments to the lists of creditors shall be filed with the amended creditor list, except when a party is ordered to file an amended master mailing list upon approval of a Motion for Joint Administration pursuant to R.I. LBR 1019-1.

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RULE 1015-1 JOINT ADMINISTRATION AND CONSOLIDATION [Modified _____]

(a) Includes all Administrative Activities, Unless Otherwise Specified. A motion for joint administration shall be deemed to include all administrative activities of the case, unless the movant specifies that it shall apply only to limited activity, and identifies such activity.

(b) Designation of Lead Case and Service of Motion. A motion for consolidation or joint administration of cases, or a plan so providing, shall designate the lead bankruptcy case upon consolidation and shall be served on all parties requesting notice, all attorneys of record, any appointed trustee, and the local office of the U.S. trustee.

(c) Notice ~~of Order~~ to All Creditors. Upon entry of an order authorizing the consolidation or joint administration of cases pursuant to this LBR, the moving party ~~shall~~ must serve notice of said order upon all creditors and interested parties, and in jointly administrated cases, serve R.I. Local Form 1015-1.1, "Notice of Joint Administration and Requirements for Filing Documents".

RULE 1019-1 CONVERSION OF CHAPTER 11, CHAPTER 12, OR CHAPTER 13 CASE TO CHAPTER 7 LIQUIDATION [Modified _____]

(a) Content of Final Report and Account. 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.

~~(b)~~ (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 2002-1 NOTICE TO CREDITORS, EQUITY SECURITY HOLDERS, UNITED STATES, AND UNITED STATES TRUSTEE, AND CHANGES OF ADDRESS
[Modified _____]

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(f) Change of Address. Any creditor that seeks to change its address for noticing purposes from the address shown on any proof of claim, request for notice, or other document previously filed with the Court, must do so using R.I. Bank. Form 2002-1.1, with a copy served upon the debtor (if pro se), the debtor's attorney, the United States Trustee, and the case Trustee, if applicable. Changes of address must be separately filed in each case file and if applicable, adversary proceeding, and must include the proper case caption and case/adversary number. Filing R.I. Bank. Form 2002-1.1 solely in the main bankruptcy case will not change an address in a related adversary proceeding. The Court will not update any creditor address without use of the proper form and adherence to this rule.

RULE 3007-1 CLAIMS - OBJECTIONS [Modified _____]

(a) When to File: In Chapter 13 cases only, objections to claims shall be served and filed with the Court within sixty (60) days after confirmation of the plan or the deadline for filings proofs of claim, whichever is later, or within sixty (60) days after the filing of a late filed proof of claim or within such additional time as the Court may allow upon the filing of a motion to extend time and for good cause shown. Any claim to which a timely objection is not filed shall be deemed allowed and shall be paid by the Chapter 13 trustee in accordance with the provisions of the confirmed plan. The Court, in its discretion, may disallow an untimely objection to a proof of claim.

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RULE 5005-5 FILING OF PAPERS - PROCEDURE FOR STRIKING DEFECTIVE PLEADINGS AND OTHER DOCUMENTS [Modified _____]

(a) Procedure for Striking or Terminating Defective Documents and Extension of the Response Deadline. If a document filed with the Court fails to conform with federal and local bankruptcy rules and forms, or is incorrectly filed in the electronic filing system, the document shall be either stricken or terminated from the record and a corrective action required event will be entered stating the nature of the defect and giving instruction to re-file the document in corrected form. If the defect pertains to a pending motion/application/notice, then the response deadline will also terminate and a new deadline will commence upon the re-filing of the corrected document. For those documents which fail to conform where a filing fee has been paid, the filer will have fourteen (14) days to re-file such documents in corrected form and the court will associate the previously paid fee. If the corrected document is not filed before this deadline expires, a new filing fee will be required.

~~**(b) Defective Documents with Paid Filing Fees.** The procedure described in subsection (a) above, will apply to all filings except those accompanied with a required fee. In those instances, in order to preserve the paid filing fee, a Notice of Defective Document will issue to correct the deficiency. If the defect is not cured within the prescribed time, an order will enter striking the document.~~

(e) (b) Failure to Submit a Proposed Order after Hearing. If, after seven days from the date of the hearing, or other time as ordered by the Court, the responsible party does not file the required order,

the Court will automatically strike the original initiating document (i.e., motion, application, notice) and the parties will receive notice that no further action will be taken. In order to revive the stricken filing, a Motion to Vacate must be filed, along with the overdue order, before the case is closed. Once the case is closed, a reopening fee will be required to docket the late filed order. [See LBR 9072-1\(a\),\(c\).](#)

RULE 5072-1 COURTROOM DECORUM [Modified _____]

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(e) Cellular Telephones, Laptop Computers, Tablets and Beepers.

(1) General Public. Anyone entering the courtroom is required to turn off all cellular phones and noise emitting beepers before entering the courtroom. Laptop computers and tablets will be allowed in the courtroom only upon prior request and approval of the Court, except while in use at counsel table.

(2) Members of the Media. Members of the media who, prior to entering any interior portion of the United State Bankruptcy Court space, show professional credentials to Court Security shall be deemed to have the Court's approval to use electronic devices, including but not limited to laptop computers, tablet computers, and cellular telephones for purposes of note taking and transmission and /or publication of text, so long as the use of such devices does not interfere with or disturb on-going court proceedings. Cellular phones may not be used during court sessions to make telephone calls.

(3) ~~General Prohibition.~~ Except to the extent expressly authorized by the Court, ~~no person shall~~ no device permitted to be used pursuant to this rule shall be used to make telephone calls or to photograph, record, broadcast, or otherwise transmit any proceeding, event or activity in or from the courtroom. any interior portion of the United States Bankruptcy Court space. The Court may permit photographing, recording or broadcasting of ceremonial proceedings upon such terms and conditions as the Court may specify.

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RULE 5077-1 TRANSCRIPTS [Modified _____]

(a) Non-electronic filers wishing to order a transcript of a hearing or other recorded court session shall make such request to the electronic court recorder operator (ECRO) either in person, by telephone or in writing. Electronic filers shall order transcripts through the Court's ECF system. ~~using the event "Request Transcript".~~ Filing events and instructions can be found in the Court's Electronic Filer User Manual, located on its website.

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~~RULE 9019-2 ALTERNATIVE DISPUTE RESOLUTION~~

~~At this time, the Court has no established procedure for the use of Alternate Dispute Resolution. At such time as a procedure is adopted in this District, it will be included as Appendix VII to these LBRs.~~

RULE 9013-2 MOTION PRACTICE [Modified 9/9/13 _____]

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(b) Scheduling of ~~Motion for~~ Hearings, Notice and Service.

(1) General. If, in the opinion of the Court, a motion, petition [not including bankruptcy petition], application, objection to claim or objection to exemption, and any objections or responses thereto, is required to be or should be scheduled for hearing, the movant will be notified by the Clerk's office of the scheduled hearing date.

(2) Service of Notice of Hearing. ~~and~~ The movant will be required to serve on all interested parties a copy of the Notice of Hearing.

(3) Scheduling of Hearing. Absent a request for expedited or emergency hearing, or by other order of the Court, the Clerk will schedule the matter for hearing no less than fourteen (14) days from the date the hearing notice is issued. In cases where the Federal Rules of Bankruptcy Procedure provide for a notice period in excess of fourteen (14) days, their provisions control, absent a motion seeking, and an order granting, shortening of the notice period.

(4) Amendments or Supplements to Matters Scheduled for Hearing. Any amendment or supplement to a motion, notice, objection or other filing relating to a matter that has been scheduled for hearing and that is substantive in nature, must be filed no later than (2) two business days prior to the hearing date. Any such filing that is untimely will be automatically terminated and will not be considered by the Court, and unless the Court directs otherwise, the hearing will proceed as scheduled.

RULE 9072-1 ORDERS - PROPOSED [Modified _____]

(a) Orders in Open Court. Unless otherwise ordered, orders announced in open court shall be prepared and submitted by the prevailing party, and contemporaneously served upon opposing counsel, within seven (7) days of the hearing. See also LBR 5005-5(e b).

Instructions for ~~Electronic~~ Submission of the Creditor List by Non-Electronic Filers

General Information

Submitting the list of creditors in ~~electronic form~~ using electronic media, [e.g., CD, DVD, or USB key] allows the court to efficiently process a higher volume of cases in a faster amount of time. The following guidelines must be strictly followed in order to electronically properly submit the list of creditors (~~mailing matrix~~) and begin processing of the bankruptcy case.

Disk Type

The Creditor List may be created on:

- ~~3 ½ floppy disk~~
- Compact Disc [CD]
- Digital Versatile Disc [DVD]
- USB key [thumb drive]
- Clerk's Office public area computer

Note: The Clerk's office public area computers do not contain software to 'burn' the list of creditors to a CD/DVD. If you have access to a computer with this software and are able to create a ~~mailing matrix~~ creditor list on CD/DVD, the CD/DVD must be 'finalized' before submitting to the Court in order to be read into the Court's electronic filing system. Consult your computer's documentation for more information on how to do this.

Alternatively, the filer may create the creditor list using the Clerk's Office public area computer.

File Requirements:

- Each case must be submitted with a separate disk, CD, DVD or USB key containing the creditors with their names and addresses
- The file must be saved in a "pure text" format, e.g. Notepad, included in all versions of Microsoft Windows (do not use Word or WordPerfect)

- The file must be located in the disk/CD-electronic media root directory and named matrix-creditor list .txt

File Content:

- Only include the names and addresses of creditors specific to a particular case
- The court will automatically add the debtor, joint debtor, debtor’s attorney, case trustee and the US Trustee – do not add these names to the list of creditors

Creating the Creditor List

Creating the list in pure text (.txt) format:

| Step | Action |
|------|---|
| 1 | Insert a floppy disk, CD, DVD or USB key into the computer |
| 2 | Double click on the “Notepad” icon on the desktop (Notepad may also be found by accessing the Start menu – in the search field, type: Notepad); a new .txt (pure text) file will open |
| 3 | Type the creditors names and addresses (left justified) using up to 5 lines for each address and adding at least one space between creditors. Do not use symbols (#,@), apostrophes, or punctuation. Example: <p style="margin-left: 40px;">Citibank 123 Four Street Providence RI 02903</p> <p style="margin-left: 40px;">Home Depot 123 Depot Street Providence RI 02903</p> |
| 4 | Continue until all creditor names and addresses have been entered |

Saving the list:

| Step | Action |
|------|--|
| 1 | In the upper left corner, click File -> Save |
| 2 | Select Desktop as the location |
| 3 | In the box FILE NAME, type in your name |
| 4 | Click SAVE |

| Step | Action |
|------|--|
| 5 | Close the file by clicking the “x” in the upper right corner |

Transferring to Disk:

| Step | Action | |
|------|---|----------------------------------|
| 1 | With the cursor over the .txt file, right click on the mouse | |
| 2 | Highlight the “Send To” feature and select: | |
| | If... | Then... |
| | For 3 ½ floppy disk | Floppy Disk Drive (A) |
| | For CD or DVD | DVD Drive (D) |
| | USB Key | USB Disk (E) |
| 3 | Remove the floppy disk/CD/DVD , USB Key. (for floppy disks: when the green light outside Drive A on the CPU unit goes out, you may remove the disk) | |

Labeling

The following information should be included on each ~~disk~~ form of electronic media submitted:

- Name of ~~submitting firm or practitioner, if applicable~~ individual preparing creditor list.
- Debtor’s full name
- Number of creditors on the ~~disk~~ electronic media

It is advisable to save a backup copy of the creditor file, either on the hard drive of the computer or a second ~~diskette~~ media, in case another copy of the file is needed later.

Returning ~~Disk~~ Electronic Media

If the filing takes place at the Clerk’s Office ~~court~~ window, the ~~disk~~ electronic media will be submitted immediately, scanned and returned to the filer.

~~If the filer used a court provided disk, the disk should be returned to the court staff assisting you~~

If the filing takes place through the mail, the disk electronic media will be returned along with any extra copies of documents, provided that a self-addressed, stamped envelope is supplied. Otherwise, the electronic media will be destroyed.

Computer Virus Protection:

The Clerk's Office court has computer software which scans disks the electronic media for viruses in order to prevent possible damage to court records as well as affording protection to those who request the return of disks their electronic media from the Court. Since new strains of computer viruses are regularly created, the Court subscribes to a virus detection update service which allows us to detect the most recent computer viruses. All computer users are strongly urged to ensure that safeguards exist in their offices to detect and eradicate current and future computer viruses. You should also be aware that whatever virus detection software you use must be updated regularly because old software will not detect new viruses.

Submission of ~~a computer disk~~ electronic media with a virus will be subject to appropriate court action.

NOTE: Any procedural or systems-based questions with regard to these instructions can be directed to ~~our~~ the automation department systems staff at 626-3100, ext. 3126 or 3140.

UNITED STATES BANKRUPTCY COURT FOR
THE DISTRICT OF RHODE ISLAND

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

CERTIFICATION BY PRO SE DEBTOR

On _____, a voluntary bankruptcy petition was filed by the undersigned, appearing pro se and without legal counsel. Certification is hereby made that:

CHECK EITHER ITEM 1 OR 2 ONLY. IF ITEM 2 IS SELECTED, PROVIDE NAME AND ADDRESS OF ASSISTANCE PROVIDER:

- (1) No persons and/or entities, other than myself/us, assisted in the preparation, typing, and/or completion of said petition and/or related schedules;
- (2) the following persons and/or entities constitute the only persons/entities who assisted in the preparation, typing, and/or completion of said petition and all related schedules, and represent the only sums paid by me/us for these services:

| NAME AND ADDRESS OF ASSISTANCE PROVIDER | TOTAL AMOUNT PAID |
|---|-------------------|
| _____ | _____ |
| _____ | |
| _____ | |

I hereby certify under penalty of perjury that the above information is true and accurate to the best of my knowledge. I am aware that the providing of false or incomplete information may result in the denial of discharge in bankruptcy and/or other sanctions.

DATE

SIGNATURE

Phone number ()

WOULD YOU LIKE TO RECEIVE COURT NOTICES SOONER BY E-MAIL INSTEAD OF REGULAR MAIL?

See reverse side for information about this new electronic noticing service available to debtors.

DEBTOR'S ELECTRONIC NOTICING REQUEST (DeBN)

What is DeBN? – DeBN is a FREE service that allows debtors to request delivery of orders and court-generated notices by email rather than by U.S. Mail.

Who can sign up? – Both self-represented [pro se] debtors and debtors who are represented by an attorney can sign up for DeBN.

How do I sign up for DeBN? – Signing up is easy! Simply print your email address, name and then sign below.

For more information about the DeBN program, visit the Court's website at: www.rib.uscourts.gov.

INITIAL REQUEST:

Pursuant to Bankruptcy Rule 9036, I hereby request receipt of court notices and orders via email, instead of U.S. mail, from the Bankruptcy Noticing Center (BNC) through the U.S. Bankruptcy Court's Debtor Electronic Bankruptcy Noticing (DeBN) program.

I understand that this request is limited to receipt of only notices and orders entered by the U.S. Bankruptcy Court. I will continue to receive documents filed by all other parties, such as the trustee and creditors, via U.S. mail or in person pursuant to court rules.

I understand that I will receive electronic notice of any documents filed by the court in any current or future bankruptcy or adversary case from any bankruptcy court district in which I am listed with the same name and address, including cases where I am listed as a creditor.

I understand that the first time the BNC receives an email bounce-back (undeliverable email), my DeBN account will be automatically disabled. I will then receive notices and orders via U.S. mail, and I must refile an updated request form if I wish to reactivate my account.

I understand that enrollment in DeBN is completely voluntary, and I may file a request to deactivate my account at any time.

I am a debtor in this bankruptcy case, or the debtor's authorized representative if the debtor is a business, and I have read the above information and understand and agree to the terms and conditions set forth therein. Neither the U.S. Bankruptcy Court nor the BNC bears any liability for errors resulting from the information I have submitted on this form.

Joint debtors who each request enrollment or already have a DeBN account must file separate forms.

Signature: _____

Date: _____

Printed Name (and title if not the debtor): _____

Email Address (type or print clearly): _____

| |
|---|
| Official Use only: Deputy Clerk's Initials: ____ |
|---|

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND**

In Re: BK Lead Case No.
Chapter

Debtor(s) Jointly Administered with:
Case No.

- Affects All Debtors
- Affects
- Affects

NOTICE OF JOINT ADMINISTRATION OF CASES AND REQUIREMENTS FOR FILING DOCUMENTS

TO: THE U.S. TRUSTEE AND ALL PARTIES IN THESE JOINTLY ADMINISTERED CASES: An order was entered in _____ granting a motion to approve joint administration of cases pursuant to FRPB 1015 and LBR 1015-1, under the lead case indicated in the caption of this notice.

- 1) **Required Caption on Documents** – All documents filed must contain a caption in substantially the same format and content as the caption of this notice.
- 2) **Debtors Affected by a Filed Document** – All documents filed must indicate, by checking appropriate boxes, the debtor or debtors affected by the filed document.
- 3) **Filing Documents on Main Case Docket** – Unless indicated below in paragraph 4, all documents must be filed on the docket of the lead case indicated on the caption of this notice.
- 4) **Filing Proof of Claims on Docket of Individual Case** – Notwithstanding joint administration of these cases, creditors must file their respective proofs of claim as to the specific affected and applicable debtor using the case number and claim register for the specified affected and applicable debtor.
- 5) **Parties to File a Notice of Appearance in Lead Case** – To facilitate notice and service of documents via Notice of Electronic Filing, all parties who previously electronically filed documents only in cases other than the lead case must promptly file in the lead case a Request for Notice.
- 6) **Other:**

Entered on Docket:
Document Number:

/s/ Susan M. Thurston
Clerk, U.S. Bankruptcy Court



*The Federal Center · 380 Westminster Street, 6th Floor · Providence, RI 02903 · Tel: (401) 626-3100
Website: www.rib.uscourts.gov*

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In re: _____ :

Debtor(s) _____ : BK No. _____
Chapter _____

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CREDITOR CHANGE OF ADDRESS FORM

1. **Name of Creditor:** _____
2. **Account Number (last 4 digits only):** _____
3. **Old Address:**
Names(s): _____
Mailing Address: _____
City, State, Zip Code: _____
4. **New Noticing Address:**
Mailing Address: _____
City, State, Zip Code: _____
5. **New Payment Address:**
Mailing Address: _____
City, State, Zip Code: _____

Check all that apply (you must check one):

- I am listed as a creditor in the above referenced case.
- I am the transferee as evidenced by the transfer of claim filed in this case on _____.
- I _____, hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _____ Signature: _____

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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

CHAPTER 13 AGREEMENT BETWEEN DEBTOR AND COUNSEL

RIGHTS AND RESPONSIBILITIES OF CHAPTER 13 DEBTORS AND THEIR ATTORNEYS

It is important for debtors who file bankruptcy cases under Chapter 13 to understand their rights and responsibilities. It is also useful for debtors to know what their attorney's responsibilities are, and understand the importance of communicating with their attorney to make the case successful. Debtors should also know that they may expect certain services to be performed by their attorney. To encourage that debtors and their attorneys understand their rights and responsibilities in the bankruptcy process, the following terms are agreed to by the debtors and their attorneys:

BEFORE THE CASE IS FILED:

The DEBTOR agrees to:

- 1) Provide the attorney with accurate financial information.
- 2) Discuss with the attorney the debtors' objectives in filing the case.

The ATTORNEY agrees to:

- 1) Meet with the debtor to review the debtor's debts, assets, income and expenses.
- 2) Counsel the debtor regarding the advisability of filing either a Chapter 7 or Chapter 13 case, discuss both procedures with the debtor, and answer the debtor's questions.
- 3) Explain what payments will be made through the plan, and what payments will be made directly by the debtor for mortgage and vehicle loan payments, as well as which claims accrue interest.
- 4) Explain to the debtor how, when, and where to make the Chapter 13 plan payments, as well as the debtor's obligation to continue making mortgage payments, without interruption, and the likely consequences for failure to do so.
- 5) Explain to the debtor how the attorney's fees and trustee's fees are paid, and provide an executed copy of this document to the debtor.
- 6) Explain to the debtor that the first plan payment must be made to the Trustee within 30 days of the date the plan is filed.
- 7) Explain to the debtor that if he/she owes domestic support obligations, they must be current on these obligations to obtain plan confirmation and they must remain current to

obtain a discharge.

- 8) Advise the Debtor of the requirement to provide the Chapter 13 Trustee with copies of their federal tax return (or a transcript) for the most recent tax year at least 7 days before the Section 341 Meeting of Creditors.
- 9) Advise the debtor of the requirement to attend the 341 Meeting of Creditors, and instruct debtor as to the date, time and place of the meeting.
- 10) Advise the debtor of the necessity of maintaining liability, collision and comprehensive insurance on vehicles securing loans or leases.
- 11) Advise the Debtor that in order to obtain a discharge, he or she must complete a financial management course approved by the United States Trustee and file a certificate (Official Form 23) with the Court evidencing compliance with this requirement.
- 12) Timely prepare and file the debtor's petition, plan, and schedules.
- 13) Advise the debtor about the Court's Debtor Electronic Bankruptcy Noticing program (DeBN), which allows debtors to receive court orders and notices by email.

AFTER THE CASE IS FILED:

The debtor agrees to:

- 1) Keep the trustee and attorney informed of the debtor's address and telephone number.
- 2) Inform the attorney of any wage garnishments or attachments of assets which occur or continue after the filing of the case.
- 3) Contact the attorney if the debtor loses his/her job or has other financial problems. The attorney may be able to have the Chapter 13 plan payments reduced or suspended in those circumstances.
- 4) Advise counsel if the debtor is sued during the case.
- 5) Inform the attorney if tax refunds to which the debtor is entitled are seized or not received.
- 6) Advise counsel and the trustee before buying or selling real property or before entering into any long-term loan agreements, to determine what approvals are required.

The attorney agrees to provide the following legal services in consideration of the initial fee charged in this case:

- 1) Appear at the 341 Meeting of Creditors with the debtor.
- 2) Respond to objections to plan confirmation, and where necessary, prepare an amended plan.
- 3) Prepare, file and serve one necessary modification to the plan which may include suspending, lowering, or increasing plan payments.
- 4) Prepare, file and serve necessary amended schedules in accordance with information provided by the debtor.
- 5) Prepare, file, and serve necessary motions to buy, sell, or refinance real property.
- 6) Object to improper or invalid claims, if necessary, based upon documentation provided by the debtor.
- 7) Represent the debtor in motions for relief from stay.
- 8) Where appropriate, prepare, file, and serve necessary motions to avoid liens on real or personal property.
- 9) Provide such other legal services as are necessary for the administration of the case including, but not limited to assisting the debtor to comply with the requirement that the debtor complete

a financial management course prior to discharge and files Official Form 23 with the Court evidencing such compliance.

Initial fees charged in this case are \$_____. If the initial fees are not sufficient to compensate the attorney for the legal services rendered in the case, the attorney further agrees to apply to the court for any additional fees, other than those listed below for Loss Mitigation. If the debtor disputes the legal services provided or the fees charged by the attorney, an objection may be filed with the court and the matter set for hearing.

An additional attorney fee in the amount of \$_____ is being charged for representing the debtor in the Court's loss mitigation program, or a loss mitigation program outside of the Court. This attorneys fee will be paid through the Chapter 13 plan.

Debtor signature: _____ Dated: _____

Co-debtor signature: _____ Dated: _____

Attorney for debtor(s) signature: _____ Dated: _____

CROSSWALK OF APPENDIX CHANGES

| <i>Former Appendix Number & Name</i> | <i>New Appendix Number & Name</i> |
|--|--|
| Appendix I Electronic Transcripts | No change |
| Appendix II USDC LR Gen 109 Appeals | Abolished |
| Appendix III Rhode Island Standard Expense List | Appendix II - Rhode Island Standard Expense List Referenced in LBR 2016-1(f) |
| Appendix IV District of RI Maximum Attorney Fee with Written Fee Application | Appendix III - District of RI Maximum Attorney Fee with Written Fee Application Referenced in LBR 2017-1 (a)(2) and (b) |
| Appendix V Clerk's Office's Written Policy on Imposition of Search Fees for Requests for Information | Appendix IV - Clerk's Office's Written Policy on Imposition of Search Fees for Requests for Information Referenced in LBR 5003-1(b) |
| Appendix VI LR Gen 204 Pro Hac Vice Counsel | Abolished. |
| Appendix VII Instructions for Creating an ECF Mailing List for Service | Appendix V - Instructions for Creating an ECF Mailing List for Service Referenced in LBR 9013-1(d)(2)(B) |
| Appendix VIII Electronic Bankruptcy Noticing | Appendix VI - Electronic Bankruptcy Noticing Referenced in LBR 9036-1 |
| Appendix IX Loss Mitigation Program and Procedures | Appendix VII - Loss Mitigation Program and Procedures |

CROSSWALK OF FORMS CHANGES

| <i>Former Form Name</i> | <i>New Form Name</i> | Related LBR |
|-------------------------|--|--------------------------------|
| R.I. Local Form A | R.I. Local Form 1002-1.1 | 1002-1 |
| R.I. Local Form B | R.I. Local Form 1007-1.1 | 1007-1 |
| R.I. Local Form C.1 | R.I. Local Form 1007-2.2 | 1007-1 |
| R.I. Local Form C.2 | R.I. Local Form 2016-1.1 | 2016-1 |
| R.I. Local Form C.3 | R.I. Local Form 2016-1.2 | 2016-1 |
| R.I. Local Form C.4 | R.I. Local Form 2016-1.3 | 2016-1 |
| R.I. Local Form D | R.I. Local Form 1006-1.1 | 1006-1 |
| R.I. Local Form E | R.I. Local Form 3011-1.1 | 3011-1 |
| R.I. Local Form F.1 | R.I. Local Form 3011-1.2 | 3011-1 |
| R.I. Local Form F.2 | R.I. Local Form 3011-1.3 | 3011-1 |
| R.I. Local Form G | R.I. Local Form 4002-3.1 | 4002-3 |
| R.I. Local Form H | R.I. Local Form 4002-3.2 | 4002-3 |
| R.I. Local Form I | R.I. Local Form 3018-1.1 | 3018-1; 3020-1 |
| R.I. Local Form J | R.I. Local Form 3018-1.2 | 3018-1 |
| R.I. Local Form K.1 | R.I. Local Form 3020-1.1 | 3020-1 |
| R.I. Local Form K.2 | R.I. Local Form 3020-1.2 | 3020-1 |
| R.I. Local Form L | R.I. Local Form 3020-1.3 | 3017-1; 3020-1 |
| R.I. Local Form M | R.I. Local Form 3020-1.4 | 3020-1 |
| R.I. Local Form N | R.I. Local Form 3022-1.1 | 3022-1 |
| R.I. Local Form N.1 | R.I. Local Form 3022-1.2 | 3022-1 |
| R.I. Local Form O | R.I. Local Form 4001-1.1; 7016-1; 9014-1.1; 9070-1.1 | 4001-1; 7016-1; 9014-1; 9070-1 |
| R.I. Local Form O.2 | R.I. Local Form 7026-1.1 | 7026-1 |
| R.I. Local Form P | R.I. Local Form 4002-2.1 | 4002-2 |
| R.I. Local Form Q | R.I. Local Form 6005-1.1 | 6005-1 |
| R.I. Local Form R | R.I. Local Form 4001-1.1 | 4001-1 |
| R.I. Local Form T | R.I. Local Form 9010-1.1 | 9010-1 |
| R.I. Local Form T.1 | R.I. Local Form 9010-1.2 | 9010-1 |
| R.I. Local Form T.2 | R.I. Local Form 9010.3 | 9010-1 |
| R.I. Local Form V | R.I. Local Form 2083-1.1 | 1007-1; 2083-1 |
| R.I. Local Form W.1 | R.I. Local Form 3015-1.1 | 1007-1; 3015-1 |
| R.I. Local Form W.2 | R.I. Local Form 3015-2.1 | 3015-2 |
| R.I. Local Form X | R.I. Local Form 3015-3.1 | 3015-3 |
| R.I. Local Form Y | R.I. Local Form 9013-1.1 | 9013-1 |

