

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

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Clerk of Court

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

Pursuant to 28 U.S.C. § 2071, Fed. R. Civ. P. 83, Fed. R. Bankr. P. 9029 and U.S. District Court for the District of Rhode Island General Rule 109(g)(1) authorizing the Bankruptcy Court to make and amend local rules, the U.S. Bankruptcy Court for the District of Rhode Island hereby provides notice that it proposes to amend the Local Rules and Forms as follows:


EFFECTIVE DATE OF December 1, 2024

Local Rule 1017-2 (amended)
Local Rule 1019-1 (amended)
Local Rule 2004-1 (amended)
Local Rule 3002-1 (amended)
Local Rule 3015-2 (amended)
Local Rule 4004-1 (amended)
Local Rule 7026-1 (amended)
Local Rule 7037-1 (amended)
Local Form 3015-1.1 (amended)
Local Form 7026-1.1 (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 November 26, 2024. Comments can be made by email to jonathan.pincince@rib.uscourts.gov or in writing addressed to:**

Jonathan E. Pincince, Clerk
U.S. Bankruptcy Court for the District of Rhode Island
380 Westminster St., 6th Floor
Providence, Rhode Island 02903

Dated: 11/6/2024

/s/ 
Jonathan E. Pincince, Clerk

RULE 1017-2 DISMISSAL FOR LACK OF COMPLIANCE [Amended ~~12/1/16~~ 12/1/2024]

(a) ~~Want of Prosecution Defined~~ Dismissing a Case for “any reason”. For purposes of Federal Rule of Bankruptcy Procedure 1017(a), dismissing a case for “any reason”~~Fed. R. Bankr. P. 1017~~, the term “want of prosecution” shall may include, but is not limited to:

- (1) failure to file lists, schedules, statements, and all required documents within the time allowed by Fed. R. Bankr. P. 1007 Federal Rule of Bankruptcy Procedure 1007;
- (2) failure of a debtor that is a corporation to be represented by counsel within the time set by order of the Court;
- (3) failure to pay timely any required filing fee;
- (4) failure to timely file a plan, disclosure statement or other document or pleading, as required by the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, these LBRs or orders of the Court;
- (5) failure of a party or counsel to appear, upon notice or order, at a hearing before the Court;
- (6) failure of the debtor(s) to appear at the initial Section 341 meeting, or any continued meeting; and
- (7) failure to abide by any Court order requiring the filing of papers or payment of fees, costs or sanctions.

(b) *Sua Sponte* Action by Court. The Court may, on its own motion, and after notice to the debtor, the debtor’s attorney, if any, and to all creditors, dismiss a case for lack of compliance unless the debtor cures the deficiency timely, and/or the debtor or any party in interest requests a hearing within seven days of service of such Order requiring compliance and Notice of Automatic Dismissal for Non-compliance or Order to Show Cause, or similar court order.

RULE 1019-1 CONVERSION OF CHAPTER 11, CHAPTER 12, OR CHAPTER 13 CASE TO CHAPTER 7 LIQUIDATION [Amended ~~2/19/2020~~ 12/1/2024]

(a) Content of Final Report and Account. With the exception of subchapter V cases under Chapter 11, the final report and account required by Fed. R. Bankr. P. 1019(5) Federal Rule of Bankruptcy Procedure 1019(e) shall include, in addition to the information specified in Fed. R. Bankr. P. 1019(5) Federal Rule of Bankruptcy Procedure 1019(e): (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)~~ [Federal Rule of Bankruptcy Procedure 1019\(e\)\(2\)\(B\)](#) shall be filed not later than sixty (60) days after conversion of the case.

(c) Schedule of Unpaid Debts. The schedule of unpaid debts required by ~~Fed. R. Bankr. P. 1019(5)~~ [Federal Rule of Bankruptcy Procedure 1019\(e\)\(2\)\(B\)](#) 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 2004-1 EXAMINATION [Amended ~~12/1/16~~ [12/1/2024](#)]

(a) Objections/Protective Orders. Any objection to a motion for a Rule 2004 examination shall be in the form of an objection and/or a motion for a protective order in accordance with ~~Fed. R. Civ. P. 26(e)~~ [Federal Rule of Civil Procedure 26\(c\)](#) as adopted in ~~Fed. R. Bankr. P. 7026~~ [Federal Rule of Bankruptcy Procedure 7026](#). The motion/objection shall state precisely the basis for such objection or protective order as well as the nature and scope of the relief requested.

(b) Notice and Response Time.

(1) Not less than fourteen (14) days written notice of a proposed examination shall be given to the entity to be examined, such entity's counsel (if known), and to all other affected parties in accordance with ~~Fed. R. Bankr. P. 9013~~ [Federal Rule of Bankruptcy Procedure 9013](#). The notice shall apprise the party to be examined of the proposed scope of the examination and list any documents requested to be presented at such examination.

(2) In addition, the notice shall contain the following language regarding the time to object or otherwise respond to the proposed examination:

Within fourteen (14) days of service of this Motion for a Rule 2004 Examination, if served electronically, and an additional three (3) days pursuant to [Fed. R. Bankr. P. 9006\(f\)](#) if you were served by mail, or other excepted means specified, any party who objects to the examination shall serve and file an objection and/or motion for protective order with the Bankruptcy Court Clerk's Office, 380 Westminster Mall, 6th Floor, Providence, RI 02903, (401) 626-3100. If no objections or motions for protective order are timely filed, the motion for examination will be granted by the Court by endorsement order.

(c) Stay of Examination. The timely filing of an objection and/or motion for a protective order as provided in subdivisions (a) and (b) of this LBR will automatically stay the motion

for examination and the entry of any order determining said examination, until the Court considers the objection or motion for protective order.

(d) Unopposed Motion for Rule 2004 Examination. If no response or objection is timely served, the motion to conduct an examination under this LBR will be granted by the Court by endorsement order.

(e) Inapplicability to Adversary Proceedings. The provisions for examination under this LBR shall be inapplicable to pending adversary proceedings and contested matters. Discovery in connection with pending adversary proceedings and contested matters, including examinations, shall be pursuant to the discovery provisions made applicable by Part VII of the [Fed. R. Bankr. P. Federal Rules of Bankruptcy Procedure](#) and [Fed. R. Bankr. P. 9014 Federal Rule of Bankruptcy Procedure 9014](#).

RULE 3002-1 FILING, AMENDING, PROOF OF CLAIM OR INTEREST [Amended ~~9/16/2020~~12/1/2024]

...

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

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

(d) Creditor's Supplement to Previously Filed Proof of Claim. - Attachments required by [Fed. R. Bankr. P. 3001\(e\)\(1\) and \(d\) Federal Rule of Bankruptcy Procedure 3001\(c\)\(1\) and \(d\)](#) may be filed as a supplement to a previously filed claim if;

- (1) the claim is secured by a security interest in the debtor's principal residence;
- (2) the claimant timely filed a proof of claim pursuant to Bankruptcy Rule 3002 together with the attachments required by [Fed. R. Bankr. P. 3001\(e\)\(2\)\(C\) Federal Rule of Bankruptcy Procedure 3001\(c\)\(2\)\(C\)](#) and;
- (3) the claimant completes and files, not later than 120 days after the order for relief, or any previously granted extension, the attachment(s) and Local Form 3002-1.1: "Certification of Supplemental Proof of Claim Documents".

...

RULE 3015-2 CHAPTER 13 - AMENDMENTS TO PLANS [Amended ~~12/1/17~~ 12/1/2024]

...

(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 3015-1.1](#) 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 amended plan.

(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.~~

...

RULE 4004-1 GRANT OR DENIAL OF DISCHARGE [Amended ~~12/1/15~~ 12/1/2024]

(a) Requirement for Granting of Discharge. The Court shall not grant the debtor a discharge unless, prior to the expiration of the objection to discharge deadline, or any authorized extension thereof, the debtor files a certificate evidencing the completion of an approved financial management course (~~Official Form 23~~), or in a Chapter 13 case, no later than the last payment made by the debtor as required by the plan. If the Chapter 13 debtor owes domestic support obligations pursuant to [11 U.S.C. § 1328\(a\)](#):

(1) The Debtor shall certify to the Chapter 13 Trustee that any and all domestic support obligations are current; and

(2) The Chapter 13 Trustee shall certify to the Court that the Debtor has satisfied all domestic support obligations.

(b) Failure to File Financial Management Certificate (~~Official Form B423~~). If, after expiration of the objection to discharge deadline, or after the last payment required by the plan in a Chapter 13 case, or an individual Chapter 11 case, or any Court authorized

extension thereof, the certificate is not filed, the case shall be automatically closed without the issuance of the discharge order, and a notice informing interested parties shall be issued in accordance with [Fed. R. Bankr. P. 4006 Federal Rule of Bankruptcy Procedure 4006](#).

(c) Procedure for Obtaining a Discharge in a Closed Case. If an individual bankruptcy case is closed without entry of a discharge due to failure of the debtor to timely file the [Certification About a Financial Management Course \(Official Form B423\) certificate evidencing the completion of an approved financial management course](#), to later obtain a discharge, the debtor must:

- (1) File a Motion to Reopen the case;
- (2) Pay the applicable re-opening fee; and
- (3) File a certificate evidencing completion of the financial management course from an approved agency, or a Motion for Exemption, if applicable.

(d) Exception. The provision regarding completion of a financial management course shall not apply with respect to a debtor who is a person described in [11 U.S.C. § 109\(h\)\(4\)](#).

RULE 7026-1 DISCOVERY - GENERAL [Amended ~~9/9/13~~12/1/2024]

(a) Disclosure Requirements. Unless otherwise ordered, the disclosure requirements contained in [Federal Rule of Civil Procedure 26, as adopted in- Federal Rule of Bankruptcy Procedure 7026](#), apply to all adversary proceedings pending in this district.

(b) Time Limit for ~~Federal Rule of Civil Procedure 26(f)~~Rule—7026(f) Conference. Within 21 days before the scheduling order is due under [R.I. LBR 7016-1\(c\)](#), the parties shall meet and confer pursuant to [Federal Rule of Bankruptcy Procedure 7026\(f\)](#) [Federal Rule of Civil Procedure 26\(f\)](#).

(c) Contents of Discovery Plan. Pursuant to ~~Federal Rule of Bankruptcy Procedure 7026(f)~~ [Federal Rule of Civil Procedure 26\(f\)](#), within 14 days of the parties meeting, the parties shall file a discovery plan with the Court containing the information required by [Federal Rule of Civil Procedure 26\(f\)\(1\)-\(4\)](#) (including the deadline for the close of discovery) and the following additional information:

- (1) A proposed deadline to join other parties or amend the pleadings;
- (2) A proposed deadline for filing dispositive and pre-trial motions;
- (3) A proposed deadline for filing a Joint Pretrial Statement; and
- (4) A statement whether the parties believe that referral of the dispute for mediation would be helpful and whether or not both parties agree to such a referral.

The Discovery Plan shall substantially comply with the form found in [R.I. Local Form 7026-1.1](#).

(d) Affidavit of Noncompliance. If either party fails to perform as required herein, the aggrieved party shall file an affidavit stating the facts which constitute the failure to cooperate. Upon consideration of an affidavit of non-compliance and any response thereto, the Court may order that the adversary proceeding proceed as a defaulted matter:

(1) When a matter brought by a plaintiff is in default as to the holding of the ~~Fed. R. Bank. P. 7026(f)~~ [Federal Rule of Civil Procedure 26\(f\)](#) conference or the filing of the discovery plan or any of the requirements specified in ~~Fed. R. Bank. P. 7026(f)~~ [Federal Rule of Civil Procedure 26\(f\)](#) and [R.I. LBR 7026-1](#), the Clerk shall dismiss the matter for want of diligent prosecution. The party in default may have the matter reinstated only upon showing special circumstances, by motion, filed within fourteen (14) days of the dismissal.

(2) When a matter is in default by the defendant as to the holding of the ~~Fed. R. Bank. P. 7026(f)~~ [Federal Rule of Civil Procedure 26\(f\)](#) conference or the filing of the discovery plan or any of the requirements specified in ~~Fed. R. Bank. P. 7026(f)~~ [Federal Rule of Civil Procedure 26\(f\)](#) and [R.I. LBR 7026-1](#), the defendant will not be allowed to present its defense at trial, except by leave of court, for cause shown.

(e) Discovery Materials Shall Not Be Filed with the Court. See [R.I. LBR 5005-1\(c\)](#).

RULE 7037-1 FAILURE TO MAKE DISCOVERY [Amended ~~12/1/14~~ [12/1/2024](#)]

Discovery Motions

(a) Conference. Prior to the filing of a motion relating to discovery pursuant to [Federal Rules of Civil Procedure 26-37](#), made applicable by ~~Fed. R. Bankr. P.~~ [Federal Rules of Bankruptcy Procedure 7026](#) through [7037](#), counsel shall confer in a good faith effort to eliminate the necessity for filing the motion or to eliminate as many discovery disputes as possible. Counsel to the moving party shall arrange for the conference. The Clerk shall not calendar for hearing any such motion until the moving party certifies that such a conference has taken place or certifies that reasonable efforts have been made to hold such a conference, and that counsel have been unable to arrange such conference or to resolve the dispute.

(b) Cooperation Required. Since these procedures for the resolution of discovery motions require the cooperation of counsel, the failure of any attorney to cooperate in such procedures may result in the imposition of sanctions, including, but not limited to, the sanctions provided in ~~Fed. R. Bankr. P. 7037~~ [Federal Rule of Bankruptcy Procedure 7037](#).

(c) Motions for Sanctions. Any motion requesting the imposition of sanctions as provided for in ~~Fed. R. Bankr. P. 7037~~ [Federal Rule of Bankruptcy Procedure 7037](#) shall comply with [R.I. LBR 9011-1](#).

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

-----*
:
In re: _____ :
:
:
Case No. _____ :
:
Debtor(s) _____ : Chapter 13
:
-----*

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).

CHAPTER 13 PLAN

- Original *or* Amended (must complete box on top right)
- Post Confirmation (Date Order Confirming Plan was entered): _____
Date this plan was filed: _____

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

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): \$ _____
	(b) Amount of other liens \$ _____	
Collateral: _____	(c) Value of claimed exemptions \$ _____	Interest rate (if applicable): _____ %
	(d) Total of adding lines (a), (b) and (c) \$ _____	Monthly payment on secured claim: \$ _____
Lien identification (such as judgment date, date of lien recording, book and page number) _____	(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>).	Estimated total payments on secured claim: \$ _____

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, the 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: _____ :

Debtor _____ : BK No. _____
Chapter _____

Plaintiff _____ : A.P. No. _____

Defendant _____ :

-----X

**DISCOVERY PLAN PURSUANT TO ~~FEDERAL RULE OF CIVIL PROCEDURE FED.~~
R. CIV. P. 26(f)**

Pursuant to ~~Fed. R. Civ. P. 26(f)~~ Federal Rule of Civil Procedure 26(f) incorporated into bankruptcy by ~~Fed. R. Bankr. P. 7026~~ Federal Rule of Bankruptcy Procedure 7026, the parties hereby submit their Discovery Plan in accordance with R.I. LBR 7026-1(c):

1. The parties state that all disclosures under ~~Fed. R. Bankr. P. 7026(a)~~ Federal Rule of Civil Procedure 26(a) have been made or the parties agree that all disclosures under Fed. R. Bankr. P. 7026(a)(1) will be made on or before _____ -or- that by written stipulation in accordance with ~~Fed. R. Bankr. P. 7026(a)(1)~~ Federal Rule of Civil Procedure 26(a)(1), which was filed with the Court on _____, the parties have stipulated that none of the specified disclosures will be made.
2. The parties will conduct discovery concerning the following subjects: _____
_____. *See, ~~Fed. R. Bankr. P. 7026(f)(2)~~ Federal Rule of Civil Procedure 26(f)(2).*
3. The parties anticipate that discovery will be completed within ___ days and agree to a discovery closure date of _____.
4. The parties ___ DO ___ DO NOT believe they need a deadline to join other parties or amend the pleadings as such actions are not contemplated at this time. If applicable, the deadline for joinder of parties or to amend pleadings is on or before _____.

5. The parties agree that the deadline to file dispositive and pretrial motions shall be _____.
6. The Parties agree that a Joint Pretrial Statement shall be filed on or before _____ provided that no dispositive motions are filed by that date. If a dispositive motion is filed, the parties respectfully request the Court to set a joint pretrial statement deadline in any decision or order denying dispositive relief.
7. The parties believe that referral of this matter for mediation ___ WOULD ___ WOULD NOT be helpful [and, if applicable, both parties consent to such referral. Due to outstanding discovery requests, the parties ask that the referral not be made until _____. It is the parties' understanding that such a referral will not suspend the other deadlines in this case unless the parties make such a request by written motion].
8. The parties ___ DO ___ DO NOT believe that a pretrial conference before the Court would serve any purpose at this time.

Respectfully submitted this ___ day of _____, 20___,

Plaintiff: _____

Defendant: _____

BY: Signature and Address of
Attorney for Plaintiff

Signature and Address of
Attorney for Defendant
