



UNITED STATES BANKRUPTCY COURT
District of Rhode Island

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, 2026

Local Rule 3015-3 (amended)
Local Rule 4001-1 (amended)
Local Rule 4004-1 (amended)
Local Rule 4008-1 (amended)
Local Rule 5005-4 (amended)
Local Rule 5011-1 (amended)
Local Rule 6004-1 (amended)
Local Rule 7008-1 (renumbered *See* 9015-1)
Local Rule 7012-1 (new)
Local Rule 9015-1 (new and amended)
Local Rule 9072-1 (amended)
Appendix VII (amended)
Local Form 2083-1.1 (amended)

Pursuant to 28 U.S.C. § 2071(b), the U.S. Bankruptcy Court for the District of Rhode Island invites public comment on these Proposed Amendments to 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 amendments should be received by **November 25, 2026**. Comments can be made by email to frank_perry@rib.uscourts.gov or in writing addressed to:

Frank J. Perry, Acting Clerk of Court
U.S. Bankruptcy Court for the District of Rhode Island
380 Westminster St., 6th Floor
Providence, Rhode Island 02903

October 30, 2026

Frank J. Perry
Acting Clerk of Court

Proposed Local Rule Amendments - 2026
United States Bankruptcy Court
District of Rhode Island

RULE 3015-3 CHAPTER 13 — Confirmation

~~[Amended 9/16/2020]~~[Amended 12/1/2026]

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(e) Confirmation of Plan Denied. If confirmation is denied, the Court may enter an order dismissing the Chapter 13 case, unless, within fourteen (14) days after entry of the order denying confirmation:

- (1) The debtor files an amended plan;
- (2) The debtor moves to convert the case to one under another chapter of the Code;
- (3) The debtor files a motion for reconsideration;
- (4) ~~The debtor appeals the order denying confirmation; or~~Intentionally deleted;
- (5) The debtor requests timely relief under R.I. LBR 1017-2(b); or
- (6) Court otherwise orders.

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RULE 4001-1 RELIEF FROM AUTOMATIC STAY

~~[Amended 12/1/17]~~ [Amended 12/1/2026]

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(b) Motion.

(1) A party seeking relief from the automatic stay provided by 11 U.S.C. § 362(a) shall file, in accordance with [Fed. R. Bankr. P. 9014](#), a motion specifically setting forth the basis for such relief and indicate whether the moving party consents to a hearing beyond thirty (30) days from the date of filing. In addition to the motion, in cases filed by individuals concerning real property where a Chapter 13 debtor has not indicated in their Chapter 13 plan, an intent to surrender the property, the moving party shall include, as an attachment to either the motion or memorandum, a completed copy of [R.I. Local Form 4001-1.1](#), Relief from Stay Worksheet Real Estate, as well

as the required attachments to the motion as specified on Form 4001-1.1. R.I. Local Form 4001-1.1 is not required in Chapter 7 cases, unless the debtor, or the Court, specifically request the filing of the form. If applicable, the motion for relief from stay must contain a conspicuous statement indicating the debtor's intent to surrender the property and must contain a statement as to the date and amount of the last payment on the subject property.

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RULE 4004-1 GRANT OR DENIAL OF DISCHARGE

~~[Amended 12/1/2024]~~ [Amended 12/1/2026]

(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~~ deadlines contained in Fed. R. Bankr. P. 5009(b)(3)(A) or (B), or any authorized extension thereof, the debtor files a certificate evidencing the completion of an approved financial management course, ~~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. If, after expiration of the ~~objection to discharge~~ deadlines contained in Fed. R. Bankr. P. 5009(b)(3)(A) or (B), ~~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.

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RULE 4008-1 REAFFIRMATION

~~[Amended 12/1/15]~~ [Amended 12/1/2026]

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(d) Reaffirmation agreement without Attorney Certification. In cases where debtor's counsel has not signed the Attorney Certification in the Agreement, a hearing will be conducted and ~~the~~

Reaffirmation Agreement shall be treated as a pro se matter for purposes of said hearing debtor's counsel will be required to attend with the debtor.

RULE 5005-4 ELECTRONIC FILING

~~[Amended 2/13/2026]~~ [Amended 12/1/2026]

(c) Exemption/Withdrawal From Electronic Filing.

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~~(2) One Time Exemption.~~ An attorney who is not an Electronic Filer may conventionally file the first document on behalf of a client in an ECF case without leave of Court. Within twenty one (21) days thereafter, the attorney must register as an Electronic Filer, or seek an exemption under subsection (1) above. Failure to register or seek an exemption may result in the issuance of an order to show cause why the attorney should not be sanctioned. (2) Attorney Exemption. If filing electronically would create an undue hardship for an attorney, the attorney may request an exemption from the Clerk of Court and permission to file documents conventionally. The request must be made in writing and must contain a detailed explanation of the reason(s) for the request. The Clerk may grant an exemption on such terms and conditions as are appropriate and reasonable.

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RULE 5011-1 WITHDRAWAL OF REFERENCE

[Amended 12/1/2026]

(a) Filing of a Motion to Withdraw the Reference. A motion for withdrawal of the reference shall be filed with the Clerk of the Bankruptcy Court and shall indicate that the filer is seeking relief from the United States District Court and must also contain the required response time language specified in R.I. LBR 1005-1(d)(1). Such motion shall be accompanied by ~~a properly completed United States District Court cover sheet,~~ the prescribed filing fee, and a certificate of service.

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(c) Sua Sponte Withdrawal of Reference. Any request by the bankruptcy court on its own to withdraw the reference must be made by a report and recommendation referred to the chief district judge or the chief district judge's designee for decision in the district court.

RULE 6004-1 SALE OF PROPERTY NOT IN THE ORDINARY COURSE OF BUSINESS

[Amended 12/1/2026]

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(d) Sale of Estate Property in Chapter 13 Cases.

(1) Any sale of the property of the estate outside the ordinary course of business in Chapter 13, including but not limited to, the Debtor's principal residence, real property, or other property being sold for \$2,000 or more must be approved by the Court ~~after notice and a hearing~~. A motion for such approval shall be made in accordance with 11 U.S.C. § 363, [Fed. R. Bankr. P. 4001](#) or [6004](#), and subsections (a) and (b) of this rule, as applicable. The motion to sell shall include a proposed distribution of the proceeds of the sale. All motions to sell shall be served on the Chapter 13 trustee, all creditors, all parties who have filed appearances and any other entity as the Court may direct.

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RULE 7008-1 GENERAL RULES OF PLEADING – JURY TRIALS

[Abrogated 12/1/2026. Renumbered *see* Local Rule 9015-1]

RULE 7012-1 RESPONSIVE PLEADING REQUIREMENTS

[Added 12/1/2026]

In addition to statements required by Fed. R. Bankr. P. 7012(b), in an adversary proceeding or contested matter, the first responsive pleading, motion, or paper must contain a statement that the pleader does or does not consent to the entry of final orders or judgment by the bankruptcy judge if it is determined that the bankruptcy judge, absent consent of the parties, cannot enter final orders or judgment consistent with Article III of the United States Constitution. Failure to do so constitutes consent to the matter being heard and final orders or judgment being entered by the bankruptcy court.

RULE 9015-1 GENERAL RULES OF PLEADING – JURY TRIALS

[Added 12/1/2026. Former Rule 7008-1 with subsequent amendments]

(a) Jury Demand. In any case in which a party asserts a right to trial by jury, the jury trial demand shall be set forth in accordance with Fed. R. Civ. P. 38.

(b) Consent to Have Trial Conducted by Bankruptcy Judge. If the right to a jury trial applies and a timely demand has been filed, the parties may consent to have a trial by jury conducted by a bankruptcy judge under 28 U.S.C. § 157(e) by jointly filing a statement of consent no later than thirty (30) days following the date the last responsive pleading is required to be filed.

(c) Lack of Mutual Consent to have Jury Trial Conducted by the Bankruptcy Judge. In any proceeding in which a demand for a jury trial is filed, the bankruptcy judge shall determine whether the party has a right to a jury trial and whether the demand was properly filed. Where a jury trial is timely demanded but not all of the parties consent to such a trial being conducted before a bankruptcy judge, the bankruptcy judge may designate a party to file a motion in accordance with Local Bankruptcy Rule 5011-1 for withdrawal of reference.

RULE 9072-1 ORDERS – PROPOSED

[Amended 7/1/15] [Amended 12/1/2026]

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(d) Electronic Orders and Judgments. A judge or authorized member of the Court staff may issue orders by a text-only entry on the Court's docket without an attached document. The text-only entry shall constitute the only Court order on the matter and such orders are official and binding. The parties will receive notice of such an order through the Notice of Electronic Filing (NEF).

Appendix VII - LOSS MITIGATION PROGRAM AND PROCEDURES

(Rev.12/1/20~~17~~26)

UNITED STATES BANKRUPTCY COURT

DISTRICT OF RHODE ISLAND

EIGHTH AMENDED LOSS MITIGATION PROGRAM AND PROCEDURES

I. PURPOSE

The Loss Mitigation Program is designed to function as a forum for debtors and lenders to reach consensual resolution when a debtor's residential property is at risk of foreclosure. The Loss Mitigation Program aims to facilitate such resolution by opening communications between the debtors' and lenders' decision-makers. While the Loss Mitigation Program stays certain bankruptcy deadlines that may delay the normal progress of bankruptcy administration, more importantly, the Loss Mitigation Program encourages the parties to finalize a feasible and beneficial agreement under Bankruptcy Court protection, instead of seeking dismissal of the bankruptcy case.

II. LOSS MITIGATION DEFINED

The "loss mitigation" process is intended to include the full range of solutions that may prevent either the loss of a debtor's property to foreclosure, increased costs to the lender, or both. Loss mitigation commonly consists of several general types of agreements, or a combination of them: loan modification, loan refinance, forbearance, short sale, or surrender of the property in full satisfaction. The terms of a loss mitigation solution will vary in each case according to the particular needs and goals of the parties.

III. ELIGIBILITY

The following definitions describe the types of parties, properties and loans that are eligible for participation in the Loss Mitigation Program:

A. DEBTOR

The term "Debtor" means any individual debtor in a case filed under Chapter 7, 11, 12 or 13 of the Bankruptcy Code, including joint debtors. If the Debtor is represented by counsel, the term "Debtor" is to be interpreted to include both the Debtor and the Debtor's counsel, unless the Debtor, with the approval of Debtor's counsel, has expressly requested and authorized direct involvement without counsel. As a condition of a Chapter 7 Debtor's participation in loss mitigation, the Debtor must timely file a financial management course certificate within the time set forth in Federal Rule of Bankruptcy Procedure 5009(b)(3)(A) or (B) sixty days of the initial date set for the § 341 meeting of creditors pursuant to Fed. R. Bankr. P. 1007(c) and comply with

all other requirements of the Bankruptcy Code. If the financial management course certificate is not timely filed then loss mitigation may be terminated. The fact that a discharge has entered or that relief from stay has been granted does not prevent a Debtor from requesting loss mitigation or prevent the Court from entering a Loss Mitigation Order. However, neither do these actions prevent such Creditors from pursuing their state court rights during the loss mitigation period, if they so elect. Nothing herein prevents a party from filing a motion for specific relief.

B. PROPERTY

The term “Property” means any real property used as the principal residence of an eligible Debtor in which that Debtor holds an interest.

C. LOAN AND ESCROW

The term “Loan” means any mortgage, lien or extension of money or credit secured by eligible Property, regardless of whether the Loan (1) is considered to be “subprime” or “non-traditional,” (2) was in foreclosure prior to the bankruptcy filing, (3) is the first or junior mortgage or lien on the Property, or (4) has been “pooled,” “securitized,” or assigned to a servicer or to a trustee. The term “Escrow” means the payment in excess of principal and interest as defined in the applicable Loan document(s).

D. CREDITOR

The term “Creditor” refers to any mortgage holder, assignee, servicer or trustee of an eligible Loan.

IV. ADDITIONAL PARTIES

A. OTHER CREDITORS

Where necessary or desirable to obtain a global (i.e., more than a two party) resolution, any party may request, or the Bankruptcy Court may direct that multiple Creditors participate in the loss mitigation process.

B. CO-DEBTORS AND THIRD PARTIES

Where the participation of a co-debtor or other third party is necessary or desirable, any party may request, or the Bankruptcy Court may direct that such party participate in loss mitigation, to the extent that the Bankruptcy Court has jurisdiction over the party, or if the party consents to such participation.

C. CHAPTER 13 TRUSTEE

It is the duty of the Chapter 13 Trustee under § 1302(b)(4) of the Bankruptcy Code to “advise, other than on legal matters, and assist the debtor in performance under the plan.” Any party may request, or the Bankruptcy Court may direct the Chapter 13 Trustee to participate in loss

mitigation to the extent that such participation would be consistent with the Chapter 13 Trustee's duties under the Bankruptcy Code.

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. The 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.
2. Alternatively, a Debtor may file with the Court and serve on the Creditor and its counsel, if known, 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. Only one creditor/property may be included on the Debtor's Request for Loss Mitigation. Use separate forms for additional creditors (liens). 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.
3. If a Creditor has filed a motion for relief from the automatic stay pursuant to § 362 of the Bankruptcy Code (a "Lift-Stay Motion"), the Debtor may file a Debtor's Request for Loss Mitigation so long as it is filed within the objection period set for the Lift-Stay Motion. The Debtor shall also timely file an objection to the Lift-Stay Motion stating all the grounds for such objection. The Debtor and Creditor shall appear at the scheduled hearing on the Lift-Stay Motion, at which time the Bankruptcy Court will consider the loss mitigation request and any opposition by the Creditor. If the objection deadline in the loss mitigation request expires before the scheduled hearing and no objection is filed, the matter will be automatically removed from the calendar, all pending matters will be continued, and the parties will be so notified. If the Court enters the Loss Mitigation Order, Lift-Stay Motions will be continued to the next loss mitigation status hearing held in the case.

B. BY A CREDITOR

A Creditor may file with the Court and serve on the Debtor and Debtor's counsel, if any, a Creditor's Request for Loss Mitigation (Amended Form B). The Debtor shall have seven (7) 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.

C. FEES

Debtor's Request for Loss Mitigation (3rd Amended Form A) requires the Debtor, as part of participation in the Loss Mitigation Program, to consent to the payment of legal fees to Debtor's counsel in the amount set forth in Appendix III to the local rules, and Lender's counsel in an amount up to \$2,000-~~each~~, or such additional amount as the Court may allow upon application and notice of hearing. Lender's counsel may not require payment of such fee by the Debtor during the loss mitigation process or as a condition of participation in the loss mitigation process and may only assess the fee to the Debtor's Loan account.

D. PAYMENT

This Court's Loss Mitigation Program is intended to bring debtors and secured lenders together, hopefully to reach consensual and mutually beneficial resolutions when residential property is at risk of foreclosure. With this in mind, and consistent with the federal HAMP eligibility requirements – that homeowners must be in default or at imminent risk of default—the requirement that debtors make regular mortgage payments during the loss mitigation process will not be automatically imposed as a condition to participation in the Loss Mitigation Program. To do so would likely be fatal to the viability of most of the federal, state and municipal programs that have been developed in response to the residential foreclosure crisis. However, during the loss mitigation period, the Debtor must make monthly adequate protection payments, as provided below in Section VI.B.5, to the Creditor at the Creditor's loss mitigation contact address, or such other address as the Creditor may direct.

E. BY THE BANKRUPTCY COURT

The Bankruptcy Court may enter a Loss Mitigation Order at any time, provided that the parties bound by said Order (the "Loss Mitigation Parties") have had notice and opportunity to object and be heard.

F. OPPORTUNITY TO OBJECT

Where any party files an objection, a Loss Mitigation Order shall not be entered until the Bankruptcy Court, after adequate notice, has either held a hearing to consider the objection, or overrules the objection without a hearing for failing to include specific reasons why loss mitigation would not be successful. If a party objects on the ground that loss mitigation has been requested in bad faith, the assertion must be supported by objective reasons, and/or by sworn testimony.

To give the Rhode Island Bankruptcy Court Loss Mitigation Program the best chance of success, parties are advised that objections to loss mitigation participation shall be filed by the applicable deadline and must contain specific reasons as to why the secured lender believes that loss mitigation would not be successful.

VI. LOSS MITIGATION ORDER

A. DEADLINES

A Loss Mitigation Order shall contain deadlines for the following:

1. The date by which the Loss Mitigation Parties shall designate contact persons and disclose contact information, if this information has not been previously provided.
2. The date by which the Creditor must initially contact the Debtor.
3. The date by which the Creditor must transmit information requests to the Debtor.
4. The date by which the Debtor must transmit information requested by the Creditor.
5. The date by which the Court will hold an initial status hearing (“Initial Status Hearing”) on loss mitigation. In lieu of attending the status hearing, the parties may file a status report ~~(Form E) with proposed Consent Order (Form F) attached,~~ no later than ~~3:00 p.m. two (2) days~~twenty-four (24) hours prior to the scheduled hearing date. Upon review ~~If the Court may cancel enters the Consent Order,~~ the Initial Status Hearing ~~will be canceled.~~

B. EFFECT

Upon the entry of a Loss Mitigation Order, the following shall apply to the Loss Mitigation Parties:

1. Any Lift-Stay Motion filed by such Loss Mitigation Creditor prior to or after the entry of the Loss Mitigation Order shall be scheduled for hearing on the Initial Status Hearing date and continued to each successive loss mitigation status hearing date; the stay shall be extended pursuant to § 362(e) of the Bankruptcy Code. If, however, it appears that such motions are being filed during the loss mitigation period primarily to drive up costs to the Debtor, particularly when a consensual loan modification is in progress, the Court will consider, on a case by case basis, whether such fees and costs are appropriate. If the Debtor fails to cooperate in the loss mitigation process, the Creditor may move to terminate loss mitigation, at which time the Court will schedule the pending Lift-Stay Motion for the same date as any hearing on the motion to terminate loss mitigation.
2. In a Chapter 7 case, if the loss mitigation period is anticipated to continue more than 80 days from the date the Chapter 7 petition was filed, Debtors may seek to extend the entry of discharge pursuant to Fed. R. Bankr. P. 4004(c)(2), in order that the automatic stay not expire under 11 U.S.C. § 362(c)(2) (C).

3. In Chapter 13 cases, the hearing date for confirmation of the plan shall be continued to a date after the last day of the loss mitigation period. The deadline by which a Creditor must object to confirmation shall be governed by R.I. LBR 3015-1(c)(2), 3015-2(b) and/or 3015-3(b), as applicable, and calculated from the rescheduled confirmation date.

4. During the loss mitigation period, Debtor must stay current with their Chapter 13 plan payments in order to remain eligible for the program.

5. During the loss mitigation period, the Debtor must make monthly adequate protection payments to the Loss Mitigation Creditor in an amount equal to 31% of Debtor's gross monthly income as reported on Bankruptcy Schedules I & J, subject to the exceptions set forth herein. If more than one Loan is subject to loss mitigation, the combined adequate protection payments for all such Loans shall be equal to 31% of Debtor's gross monthly income as reported on Bankruptcy Schedules I & J. In the event 31% of the Debtor's gross monthly income as reported on Bankruptcy Schedules I & J is insufficient to pay the Escrow portion of all Loans subject to loss mitigation, the Debtor shall make monthly adequate protection payments equivalent to the contractual monthly Escrow payments due under the relevant Loans. Further, if the Debtor's contractual monthly mortgage payments, including the Escrow portion, for all Loans subject to loss mitigation is less than 31% of the Debtor's gross monthly income as reported on Bankruptcy Schedules I & J, then the Debtor shall make monthly adequate protection payments equivalent to the contractual amounts due under the Loan documents. Such monthly payments must commence within (a) 30 days of the entry of the Loss Mitigation Order or (b) 10 days after the Creditor provides its contact information, whichever is the later date. Failure to timely make such adequate protection payments may result in termination of loss mitigation. Payment should be sent to the Creditor at the Creditor's loss mitigation contact address, or such other address as the Creditor may direct.

6. Pursuant to Fed. R. Evid. 408, all communications and information exchanged by the Loss Mitigation Parties during the loss mitigation period are without prejudice, and will be inadmissible in any subsequent judicial proceedings.

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 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.

C. STATUS HEARINGS

The Court will hold ~~an Initial Status Hearing on a date set forth in the Loss Mitigation Order regularly scheduled status hearings~~. In lieu of attending ~~the any such~~ status hearings, the parties may file a status report ~~(Form E) with proposed Consent Order (Form F) attached~~, no later than ~~3:00 p.m. two (2) daystwenty-four (24) hours~~ prior to the scheduled status hearing date. Upon review, If the Court may cancel or continue enters the Consent Order, the Initial-scheduled Status-status Hhearing-will-be-canceled.

D. BANKRUPTCY COURT APPROVAL

1 Chapter 13 Cases: The Loss Mitigation Parties shall file a written request for Bankruptcy Court approval of any resolution or settlement reached during the loss mitigation process in a Chapter 13 case. See also Section X infra.

2. Chapter 7 Cases: The Loss Mitigation Parties are not required to seek Bankruptcy Court approval of any resolution or settlement reached during the loss mitigation process, including approval of any loan modification agreement, and such Parties are authorized to effectuate such resolution or settlement without further order or approval of the Bankruptcy Court or the Chapter 7 Trustee. However, the Loss Mitigation Parties are required to file Form D upon the successful completion of loss mitigation. See also Section X infra.

VIII. THE LOSS MITIGATION PROCESS

A. INITIAL CONTACT

Within seven (7) days after entry of a Loss Mitigation Order, unless a different deadline is set by the Court, the contact person designated by each Creditor shall contact the Debtor's counsel, or Debtor, if specifically authorized, and any other Loss Mitigation Party. The Debtor may contact any Loss Mitigation Party at any time. The purpose of the initial contact is to create a framework for the discussion at the Loss Mitigation Session and to ensure that each of the Loss Mitigation Parties will be prepared to participate meaningfully in the Loss Mitigation Session – it is not intended to preclude the introduction of additional issues or proposals that may arise during the session. During the initial contact phase, the Loss Mitigation Parties should agree upon:

1. The time, place and method for conducting the loss mitigation sessions.

2. The types of loss mitigation solutions under consideration by each party.
3. A plan for the exchange of requested information prior to the loss mitigation session, including the due date for the Debtor to complete and return any information request or other loss mitigation paperwork that each Creditor may require. All such information shall be provided at least seven (7) days prior to the Loss Mitigation Session.

B. LOSS MITIGATION SESSIONS

Loss Mitigation Sessions may be conducted in person, telephonically, via video conference or by e-mail communication. Prior to the conclusion of each Loss Mitigation Session, the Loss Mitigation Parties should discuss whether additional sessions are necessary and set the time and method for conducting any additional sessions, including a schedule for the exchange of any further information or documentation that may be required.

C. BANKRUPTCY COURT ASSISTANCE

At any time during the loss mitigation period, a Loss Mitigation Party may request a settlement conference or status conference with the Bankruptcy Court, on any subject dealing with the loss mitigation process.

IX. DURATION, EXTENSION AND EARLY TERMINATION

A. INITIAL PERIOD

The initial loss mitigation period shall be set by the Bankruptcy Court in the Loss Mitigation Order.

B. EARLY TERMINATION

1. Upon Request of a Loss Mitigation Party: A Loss Mitigation Party may request that the loss mitigation period be terminated for cause, and shall state the reason(s) for the request. Except where early termination is necessary to prevent irreparable injury, loss or damage, the request shall be made on notice to all other Loss Mitigation Parties, and if necessary, the Bankruptcy Court may schedule a hearing to consider said request.

2. Dismissal of the Bankruptcy Case:

a. Other than at the request of a Chapter 13 Debtor, or on the motion of the United States Trustee, the case trustee, or the Court acting sua sponte, for failure to comply with requirements under the Bankruptcy Code, a case shall not be dismissed during the loss mitigation period unless the Loss Mitigation Parties have provided the Bankruptcy Court with an explanatory status report that is approved by the Court.

b. Upon the request of a Chapter 13 Debtor: A Debtor shall not be required to request dismissal of the bankruptcy case as part of any resolution or settlement that is offered or agreed to during the loss mitigation period. Where a Chapter 13 Debtor requests

voluntary dismissal of the bankruptcy case during the loss mitigation period, the Debtor's dismissal request shall indicate whether the Debtor agreed to any settlement or resolution with a Loss Mitigation Party during the loss mitigation period or intends to accept an offer of settlement made by a Loss Mitigation Party during the loss mitigation period.

c. Notice: If a bankruptcy case is dismissed for any reason during the loss mitigation period, the Clerk of the Court shall note on the docket that loss mitigation efforts were ongoing at the time the bankruptcy case was dismissed.

X. RESOLUTIONS

The Bankruptcy Court will consider any agreement reached during loss mitigation in Chapter 13 cases and may approve the same ("Resolution"), subject to the following:

1. Implementation: A Resolution may be noticed and implemented in any manner permitted by the Bankruptcy Code and Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules"), including, but not limited to, a stipulation, sale, plan of reorganization or amended plan of reorganization. All settlement agreements that result in loan modifications in Chapter 13 cases must be accompanied by a completed and signed Form D, Proposed Loan Modification Agreement. Upon Resolution in a Chapter 7 case, the Loss Mitigation Parties shall file a completed and signed Form D, Proposed Loan Modification Agreement.
2. Fees, Costs or Charges: If a Resolution provides for a Creditor to receive payment or reimbursement of any fee, cost or charge that arose from loss mitigation, other than those fees authorized by Section V.C. above, all such fees, costs or charges shall be disclosed to the Debtor, the case trustee, the United States Trustee, and to the Bankruptcy Court prior to (a) approval of the Resolution in a Chapter 13 case or (b) finalization of any Resolution in a Chapter 7 case.
3. Signatures: In a Chapter 13 case, consent to the Resolution shall be acknowledged in writing by (1) an authorized representative of the Creditor, (2) the Debtor, and (3) the Debtor's attorney, if applicable.
4. Hearing: Where a Debtor in a Chapter 13 case is represented by counsel, a Resolution may be approved by the Bankruptcy Court without further notice, or upon such notice as the Bankruptcy Court directs. Where a Debtor in a Chapter 13 case is not represented by counsel, a Resolution shall not be approved until after the Bankruptcy Court has conducted a hearing at which the Debtor shall personally appear.
5. Supplemental Schedules I and J, Amended Chapter 13 Plan, if applicable, and Updated Objection to Confirmation: Within fourteen (14) days after Court approval of a loss mitigation Resolution, the Debtor shall file Supplemental Schedules I and J, and an amended Chapter 13 Plan, if applicable. The Creditor shall update any previously filed objection to the Chapter 13 Plan, if applicable, at least seven (7) days before the rescheduled confirmation hearing date. If an

updated objection is not filed, the Court will deem the original objection to have been withdrawn.

6. Dismissal Not Required: A Debtor is not required to request dismissal of the bankruptcy case in order to effectuate a Resolution. Where the Debtor requests or consents to dismissal of the bankruptcy case as part of the Resolution, the Bankruptcy Court may approve the agreement as a “structured dismissal,” if such action complies with the Bankruptcy Code and the Bankruptcy Rules, and does substantial justice between the parties.

XI. COORDINATION WITH OTHER PROGRAMS

[Provision may be added in the future to provide for coordination with other loss mitigation programs.]

XII. EFFECTIVE DATE

Pursuant to General Order 09-003, the Court’s Loss Mitigation Program first became effective on November 1, 2009. By General Order 10-001, the Court issued its First Amended Loss Mitigation Program which took effect on January 15, 2010, on April 1, 2010, by General Order 10-002, the Second Amended Loss Mitigation Program went into effect, on August 23, 2010, by General Order 10-003, the Third Amended Loss Mitigation Program took effect, on February 14, 2011, by General Order 11-001, the Fourth Amended Loss Mitigation Program took effect, on October 3, 2011, the Fifth Amended Loss Mitigation Program took effect, on December 1, 2011, the Sixth Amended Loss Mitigation Program took effect, on June 3, 2013, the Seventh Amended Loss Mitigation Program took effect, and on April 1, 2014, by General Order 14-001, this Eighth Amended Loss Mitigation Program took effect, ~~and on December 1, 2017, by General Order 17-001, this Ninth Amended Loss Mitigation Program will take effect,~~ and on December 1, 2026, by General Order 26-02, this Tenth Amended Loss Mitigation Program will take effect.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

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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 owe domestic support obligations, they must be current on these obligations to obtain plan confirmation and they must remain current to obtain a discharge.

In re: _____

BK No. _____

- 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 B423)~~ 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.

In re: _____

BK No. _____

- 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 B423~~ a certificate 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 attorney fee will be paid through the Chapter 13 plan.

Debtor signature: _____ Dated: _____

Co-debtor signature: _____ Dated: _____

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