

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

Susan M. Thurston  
Clerk of Court

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

On August 23, 2019, the Small Business Reorganization Act of 2019 (the SBRA) was enacted into law. The SBRA makes many substantive and procedural changes to the Bankruptcy Code and requires changes to the Federal Rules of Bankruptcy Procedure and to many of this Court's Local Rules and Forms in order to implement those changes.

Pursuant to 28 U.S.C. § 2071, Fed. R. Civ. P. 83, Fed. R. Bankr. P. 9029 and U.S. District Court for the District of Rhode Island Local Rule Gen 109(g)(1) authorizing the Bankruptcy Court to make and amend local rules, the Bankruptcy Court hereby provides notice that it intends to adopt as Interim Local Rules those interim bankruptcy rules approved by the Advisory Committee on Bankruptcy Rules to facilitate uniform implementation of the changes mandated by the SBRA. *See*, [Pending Rules and Forms Amendments, February 19, 2020 Interim Rules](#).

In addition, the U.S. Bankruptcy Court for the District of Rhode Island hereby provides notice that it further proposes to amend the below listed Local Rules and Forms to implement the SBRA:


**EFFECTIVE DATE OF February 19, 2020**

<b>Local Rule 1019-1 (amended)</b>	<b>Local Rule 3018-1 (amended)</b>
<b>Local Rule 2003-1 (amended)</b>	<b>Local Rule 3020-1 (amended)</b>
<b>Local Rule 2015-3 (amended)</b>	<b>Local Rule 3022-1 (amended)</b>
<b>Local Rule 2016-1 (amended)</b>	<b>Local Rule 6005-1 (amended)</b>
<b>Local Rule 3016-1 (amended)</b>	<b>Local Form 3018-1.2 (abolished)</b>
<b>Local Rule 3017-1 (amended)</b>	<b>Local Form 3020-1.5 (new)</b>

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](http://www.rib.uscourts.gov). **Comments on the proposed rules and forms should be received by Thursday, February 13, 2020.** Comments can be made by email to [Susan\\_Thurston@rib.uscourts.gov](mailto:Susan_Thurston@rib.uscourts.gov) or in writing addressed to:

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

Dated: January 23, 2020

/s/   
Susan M. Thurston, Clerk

**RULE 1019-1 CONVERSION OF CHAPTER 11, CHAPTER 12, OR CHAPTER 13 CASE TO CHAPTER 7 LIQUIDATION [Amended \_\_\_\_\_]**

(a) **Content of Final Report and Account.** With the exception of subchapter V cases under Chapter 11, ~~t~~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.

(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 2003-1 MEETING OF CREDITORS OR EQUITY SECURITY HOLDERS [Amended \_\_\_\_\_]**

Pursuant to [Fed. R. Bankr. P. 2003\(b\)\(1\)](#), unless otherwise ordered by the Court, the following persons shall preside at a meeting of creditors:

(a) **Chapter 7 Cases.** In a chapter 7 case, the interim trustee or trustee appointed by the United States trustee, unless an alternative trustee is elected pursuant to [§ 702](#) of the Code and there is no dispute with regard to said election, then such alternate trustee shall preside. If the United States trustee has determined there is a dispute with regard to such an election, the interim trustee shall preside at the initial meeting, and shall continue the meeting to a date reasonably calculated to be sufficient for the Court to determine such dispute.

(b) **Chapter 11 Cases.** In chapter 11 cases, the United States trustee or his/her designee, unless:

- (1) A trustee has been appointed by the Court pursuant to [§ 1104](#) or [§ 1185](#) then such chapter 11 trustee shall preside; or

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**RULE 2015-3 DUTY OF TRUSTEE AND DEBTOR IN POSSESSION TO FILE INVENTORY RECORDS IN CHAPTERS 7 AND 11 [Amended \_\_\_\_\_]**

(a) An inventory under [Fed. R. Bankr. P. 2015\(a\)\(1\)](#) shall be required in all chapter 7 and 11 cases (except in subchapter V cases under Chapter 11), cases and shall separately detail each asset of the debtor, including listing all accounts receivable, as of the date of filing, and shall be served on the local office of the United States trustee (and not filed with the Court) within thirty days after the Court approves the trustee's appointment or within thirty days of the commencement of the case, whichever is later, unless such detailed inventory has already been filed with the court or is included in the bankruptcy schedules.

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**RULE 2016-1 COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT OF EXPENSES [Amended \_\_\_\_\_]**

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**(c) Applications by Trustees Exceeding \$7,500.** If an application for compensation and reimbursement is filed by a chapter 7, 11, or 12 trustee, (excluding trustees in subchapter V cases under Chapter 11) that exceeds \$7,500.00 the trustee shall state:

(1) The total amount received in the estate;

(2) The amount of money disbursed and to be disbursed by the trustee to parties in interest (excluding the debtor) and a calculation of the maximum fee allowable under [11 U.S.C. § 326](#);

(3) A brief narrative description of services performed;

(4) If the payment sought is interim compensation, why the payment of interim compensation is reasonable and appropriate;

(5) The dividend, expressed as a percentage of funds to be distributed to creditors, if the requested compensation and other requested administrative expenses are allowed in the amounts requested. If a trustee has served both as a chapter 7 and a chapter 11 trustee, separate itemizations must be provided for each period. The amount of compensation shall be stated as a dollar amount, regardless of the calculation of the maximum compensation allowable under [11 U.S.C. § 326\(a\)](#).

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**RULE 3016-1 CHAPTER 11 – PLAN [Amended \_\_\_\_\_]**

~~**Report of Chapter 11 Trustee.** A chapter 11 trustee shall file a report, within sixty (60) days of appointment, or such other date as the Court may otherwise direct, addressing:~~

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~~(a) Whether a plan can reasonably be formulated, and if not, the reasons why the trustee believes a plan cannot be formulated; or~~

~~(b) A recommendation that the case be converted to another chapter or dismissed.~~

(a) Subchapter V Cases. For subchapter V cases, the debtor may use Official Form 425A - *Plan of Reorganization for Small Business Under Chapter 11*, which may be altered to fit the circumstances of the case.

(b) Small Business Cases. For small business cases other than under subchapter V of Chapter 11, a sample combined Small Business Plan of Reorganization and Disclosure Statement for Small Business Debtor local form is included as [R.I. Local Form 3020-1.3](#), which may be used and altered to fit the circumstances of the case.

**RULE 3017-1 CHAPTER 9 AND 11 DISCLOSURE STATEMENT APPROVAL [Amended \_\_\_\_\_]**

**(a) Transmission of Notices Regarding Disclosure Statement.** After approval of the disclosure statement, as applicable, the proponent of the plan under chapters 9 or 11 shall transmit all notices and documents required by [Fed. R. Bankr. P. 3017](#). The proponent shall obtain the appropriate notice(s) as required by [Fed. R. Bankr. P. 3017](#) from the Clerk of Court, and transmit the same, with any other documents required to be sent in accordance

with said Bankruptcy Rule, to all creditors and equity security holders entitled to vote on the plan, and to all other parties as required by said Bankruptcy Rule.

~~(b) **Small Business Cases.** A sample combined Small Business Plan of Reorganization and Disclosure Statement for Small Business Debtor, included as R.I. Local Form 3020-1.3, may be used and altered to fit the circumstances of the case.~~

#### **RULE 3018-1 BALLOTS VOTING ON CHAPTER 9 AND 11 PLANS [Amended \_\_\_\_\_]**

~~(a) **Ballot Form.** Official Form 314, *Class [ ] Ballot for Accepting or Rejecting Plan of Reorganization*, shall be used by the proponent of the plan for voting purposes.~~

~~(b) **Certification of Ballots.** At least seven (7) days prior to the hearing on confirmation, the proponent of the plan shall certify the number of allowed claims in each class accepting or rejecting the plan and the amount of allowed interests in each class accepting or rejecting the plan. Such certification shall be in the form provided as R.I. Local Form 3018-1.1. The ~~original~~ certification shall be filed with the Clerk, and ~~a copyies shall be provided to the local office of the United States trustee, all creditors holding secured claims, counsel for the official unsecured creditors committee, and any other committees appointed and serving in the case under 11 U.S.C. § 1102.~~ R.I. Local Form 3018-1.2 is a sample ballot that may be used by the proponent of the plan for voting purposes.~~

#### **RULE 3020-1 CHAPTER 9 AND 11 CONFIRMATION [Amended \_\_\_\_\_]**

~~(a) **Documents Required Seven Days Prior to Confirmation Hearing Except in Subchapter V Cases.** Not less than seven (7) days prior to the hearing on confirmation, the plan proponent shall provide the following to the Court, the local office of the United States trustee, and any other party specified by the Court:~~

~~(1) A report on ballots in substantially the same form as R.I. Local Form 3018-1.1;~~

~~(2) (2) A proposed order of distribution in substantially the same form as R.I. Local Form 3020-1.1, shall be filed with the Court and copies served on the local office of the United States trustee, any committee appointed and serving in the case under 11 U.S.C. § 1102 and on the Debtor and counsel (if not the plan proponent). Additionally, the plan proponent shall either serve a copy of the proposed order of distribution (R.I. Local Form 3020-1.1), or a “Notice of Filing of Proposed Order of Distribution” in substantially the same form as R.I. Local Form 3020-1.2 on all creditors, at least fourteen (14) days before the hearing on confirmation. A certificate of service evidencing compliance with this LBR shall be filed with the Clerk;~~

~~(2) (3) A fully completed chapter 9 or 11 confirmation worksheet and certification in substantially the same form as R.I. Local Form 3020-1.3;~~

~~(3) (4) A certification that: the approved disclosure statement, the latest amended plan, the order approving disclosure statement, and ballots for acceptances or rejections were mailed to all creditors at least twenty-eight (28) days prior to the date set for the hearing on confirmation, or the date set by the Court;~~

~~(4) (5) A proposed order including proposed findings of fact regarding confirmation of the plan in substantially the same form as R.I. Local Form 3020-1.4;~~

~~(5) (6)~~ A certification of compliance with the requirements of [11 U.S.C. § 1129](#), or in the alternative, evidence of such compliance at the hearing; and

~~(6) (7)~~ Any other documents necessary ~~for~~ plan confirmation.

**(b) Documents Required Seven Days Prior to Confirmation Hearing in Subchapter V Cases.** Not less than seven (7) days prior to the hearing on confirmation, the debtor shall provide the following to the Court, the local office of the United States trustee, and any other party specified by the Court:

(1) A proposed order of confirmation of the plan in substantially the same form as R.I. Local Form 3020-1.5;

(2) A certification of compliance with the requirements of 11 U.S.C. § 1191, or in the alternative, evidence of such compliance at the hearing; and

(3) Any other documents necessary for plan confirmation.

**(c) Proof of Deposit Due Seven Days Prior to Confirmation Hearing, if Applicable.** Proof of deposit shall be filed with the Clerk of Court at least seven (7) days prior to the hearing on confirmation, if applicable. A copy of the bank statement showing the amount on deposit in accordance with Fed. R. Bankr. P. 3020(a) is required. The amount of the deposit must be equal to the initial distribution for all classes on the effective date of the plan. Any party waiving payment from funds on deposit must file a written waiver within the time indicated herein.

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**RULE 3022-1 FINAL REPORT/DECREE; NOT APPLICABLE TO SUBCHAPTER V CASES UNDER CHAPTER 11** [Amended \_\_\_\_\_]

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#### **RULE 6005-1 APPRAISERS AND AUCTIONEERS - PUBLIC AUCTIONS**

**(a) Court Authorization.** The estate representative may, with prior Court approval, sell estate property at public auction. Subsequent confirmation by the Court of the auction is not required unless such confirmation is a condition of the initial approval. The notice of intended public sale shall be substantially similar to [R.I. Local Form 6005-1.1](#). The estate representative shall file a motion to sell the estate assets, and state why a public, rather than a private sale is requested. Any auction advertisement placed by an auctioneer or estate representative shall conspicuously state the bankruptcy case name and number.

**(b) Estate Representative.** For the purposes of this LBR, the term estate representative shall include a chapter 7 trustee, chapter 11 trustee appointed under § 1104 or where a debtor in possession has been removed under § 1185, chapter 11 debtor in possession, chapter 12 trustee, and chapter 13 debtor.

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

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In re: :  
: :  
: :  
Debtor(s) :  
: :  
----- X

BK No:  
  
Chapter 11

**ORDER CONFIRMING CHAPTER 11 PLAN IN SUBCHAPTER V CASE**

The Debtor’s Plan under Chapter 11, Subchapter V, of Title 11, United States Code, filed on  
\_\_\_\_\_ [or, if applicable, as modified by a modification filed on \_\_\_\_\_.]  
(the “Plan”), having been transmitted to its creditors, and it having been determined after notice and a hearing  
that:

- 1. The Plan complies with the requirements of 11 U.S.C. §§ 1190(1) and 1190(2); and
- 2. The requirements for confirmation set forth in 11 U.S.C. § 1191(a) [or § 1191(b)] have been satisfied;

It is ORDERED that:

- A. The Plan (of copy of which is attached) is confirmed;
- B. The Plan may be modified only in accordance with 11 U.S.C. § 1193(b) or § 1193(c), as applicable;
- C. Pursuant to 11 U.S.C. § 1194(a), the trustee shall distribute any payment received from the Debtor prior to the entry of this Order in accordance with the Plan; and
- D. [If Plan confirmed pursuant to 11 U.S.C. § 1191(a)] The Debtor shall file and serve on all interested parties a notice of substantial consummation of the Plan within 14 days of the date of substantial consummation, which date is estimated by the Debtor to be \_\_\_\_\_.

[or]

[If Plan confirmed pursuant to 11 U.S.C. § 1191(b)] The Debtor shall file and serve on all interested parties a status report within 14 days of the date of completion by the Debtor of all payments due under the Plan, which date is estimated by the Debtor to be \_\_\_\_\_.

ORDER:

ENTER:

\_\_\_\_\_  
Deputy Clerk  
Entered on Docket: \_\_\_\_\_

\_\_\_\_\_  
Diane Finkle  
U.S. Bankruptcy Judge  
Date: \_\_\_\_\_