

# Bankruptcy Confidential



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## Holiday Schedule

The court will be open the day after Thanksgiving, Friday, November 29, 2013, with minimal staffing.

## Updated Fee Schedule

Effective December 1, 2013, the Fee Schedule ([see Addendum #1](#)) will reflect the following fee changes:

- \*Motion to Sell Property of the Estate Free and Clear of Liens under [11 U.S.C. Section 363\(f\)](#): New fee \$176.00.
- Records retrieved from Federal Record Center or National Archives:
  - Fee for One box increased from \$53.00 to 64.00.
  - Fee for Additional boxes: \$39.00 for each additional box.

\*The procedure for filing this Motion to Sell Property can be accessed from the homepage of the [CM/ECF Manual](#).

## Updated Forms

The following forms have been revised as part of the Bankruptcy Rules Advisory Committee's ongoing Forms Modernization Project, making the forms easier to read and, as a result, likely to generate more complete and accurate responses.

## Schedules and Summary ([B 6I](#), [B 6J](#), [B6](#)) Substantially Revised

- The new Schedules I and J seek to obtain a full picture of the debtor's economic situation.
- Page 2 of the Summary of Schedules has been updated to reflect new line number references to Schedules I and J.

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## Debtor's Certification of Completion of Postpetition Instructional Course Concerning Personal Financial Management - [B23](#)

- This B23 form is amended to reflect the amendment of Rule 1007(b)(7). The amended rule allows an approved provider of a personal financial management course to notify the court directly of the debtor's completion of the course.



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## Application to Pay Filing Fees in Installments - [CSD 1006](#)

- The declaration and signature section for a non-attorney bankruptcy petition preparer (BPP) has been removed. The B 19 form, which contains the declaration required under 11 U.S.C. § 110, must be completed, signed and filed by the BPP with each document (or group of documents) prepared by the BPP.
- The form is modified to reflect local court policy regarding installment payments.

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## Application for Waiver of Chapter 7 Filing Fee for Individuals Who Cannot Pay - [CSD 1020](#)

- Line 2 of the form now directs the debtor to exclude non-cash governmental assistance. This assistance is now explained on Line 3.
- The declaration and signature section for a non-attorney bankruptcy petition preparer (BPP) has been removed. The B19 form, which contains the declaration required under 11 U.S.C. § 110, must be completed, signed and filed by the BPP with each document (or group of documents) prepared by the BPP.

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## Reaffirmation Agreement Cover Sheet - [CSD 1226](#)

Lines 7A and 8A of the CSD 1226 form have been updated to reflect new line number references to Schedules I and J.

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## Updated Subpoena Forms



Effective December 1, 2013, our current subpoena forms [CSD 1050](#) "Subpoena for Rule 2004 Examination," [CSD 1051](#) "Subpoena in a Case under the Bankruptcy Code," and [CSD 3009](#) "Subpoena in an Adversary Proceeding," will be replaced with four updated versions that incorporate pending changes to Civil Rule 45, which is made applicable in bankruptcy cases by Bankruptcy Rule 9016. These revised bankruptcy subpoenas more closely follow the topic organization of subpoenas in civil cases.

The \*revised subpoenas and new form numbers are:

- [B 254](#) Subpoena for Rule 2004 Examination (replaces our CSD 1050)
- [B 255](#) Subpoena to Appear and Testify at a Hearing or Trial in a Bankruptcy Case (or Adversary Proceeding).
- [B 256](#) Subpoena to Testify at a Deposition in a Bankruptcy Case (or Adversary Proceeding).
- [B 257](#) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Bankruptcy Case (or Adversary Proceeding).

Currently our subpoena forms address the required actions by the type of case ie: CSD 1051 "Subpoena in a Case under the Bankruptcy Code" and CSD 3009 "Subpoena in an Adversary Proceeding," The new subpoena forms are driven by the actions required in either a Bankruptcy or Adversary case.

\*The procedure for filing these Subpoenas can be accessed from the homepage of the [CM/ECF Manual](#).

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### **Bankruptcy Court Miscellaneous Fee Schedule<sup>1</sup>**

The fees included in the Bankruptcy Court Miscellaneous Fee Schedule are to be charged for services provided by the bankruptcy courts.

- The United States should not be charged fees under this schedule, with the exception of those specifically prescribed in Items 1, 3 and 5 when the information requested is available through remote electronic access.
  - Federal agencies or programs that are funded from judiciary appropriations (agencies, organizations, and individuals providing services authorized by the Criminal Justice Act, 18 U.S.C. § 3006A, and bankruptcy administrators) should not be charged any fees under this schedule.
- (1) For reproducing any document, \$.50 per page. This fee applies to services rendered on behalf of the United States if the document requested is available through electronic access.
  - (2) For certification of any document, \$11.  
For exemplification of any document, \$21.
  - (3) For reproduction of an audio recording of a court proceeding, \$30. This fee applies to services rendered on behalf of the United States if the recording is available electronically.
  - (4) For filing an amendment to the debtor's schedules of creditors, lists of creditors, or mailing list, \$30, except:
    - The bankruptcy judge may, for good cause, waive the charge in any case.
    - This fee must not be charged if -
      - the amendment is to change the address of a creditor or an attorney for a creditor listed on the schedules; or
      - the amendment is to add the name and address of an attorney for a creditor listed on the schedules.
  - (5) For conducting a search of the bankruptcy court records, \$30 per name or item searched. This fee applies to services rendered on behalf of the United States if the information requested is available through electronic access.

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<sup>1</sup> Issued in accordance with 28 U.S.C. § 1930.

- (6) For filing a complaint, \$293, except:
- If the trustee or debtor-in-possession files the complaint, the fee must be paid only by the estate, to the extent there is an estate.
  - This fee must not be charged if -
    - the debtor is the plaintiff; or
    - a child support creditor or representative files the complaint and submits the form required by § 304(g) of the Bankruptcy Reform Act of 1994.
- (7) For filing any document that is not related to a pending case or proceeding, \$46.
- (8) Administrative fee for filing a case under Title 11 or when a motion to divide a joint case under Title 11 is filed, \$46.
- (9) For payment to trustees pursuant to 11 U.S.C. § 330(b)(2), a \$15 fee applies in the following circumstances:
- For filing a petition under Chapter 7.
  - For filing a motion to reopen a Chapter 7 case.
  - For filing a motion to divide a joint Chapter 7 case.
  - For filing a motion to convert a case to a Chapter 7 case.
  - For filing a notice of conversion to a Chapter 7 case.
- (10) In addition to any fees imposed under Item 9, above, the following fees must be collected:
- For filing a motion to convert a Chapter 12 case to a Chapter 7 case or a notice of conversion pursuant to 11 U.S.C. § 1208(a), \$45.
  - For filing a motion to convert a Chapter 13 case to a Chapter 7 case or a notice of conversion pursuant to 11 U.S.C. § 1307(a), \$10.

The fee amounts in this item are derived from the fees prescribed in 28 U.S.C. §1930(a).

If the trustee files the motion to convert, the fee is payable only from the estate that exists prior to conversion.

If the filing fee for the chapter to which the case is requested to be converted is less than the fee paid at the commencement of the case, no refund may be provided.

- (11) For filing a motion to reopen, the following fees apply:
- For filing a motion to reopen a Chapter 7 case, \$245.
  - For filing a motion to reopen a Chapter 9 case, \$1167.
  - For filing a motion to reopen a Chapter 11 case, \$1167.
  - For filing a motion to reopen a Chapter 12 case, \$200.
  - For filing a motion to reopen a Chapter 13 case, \$235.
  - For filing a motion to reopen a Chapter 15 case, \$1167.

The fee amounts in this item are derived from the fees prescribed in 28 U.S.C. § 1930(a).

The reopening fee must be charged when a case has been closed without a discharge being entered.

The court may waive this fee under appropriate circumstances or may defer payment of the fee from trustees pending discovery of additional assets. If payment is deferred, the fee should be waived if no additional assets are discovered.

The reopening fee must not be charged in the following situations:

- to permit a party to file a complaint to obtain a determination under Rule 4007(b); or
- when a debtor files a motion to reopen a case based upon an alleged violation of the terms of the discharge under 11 U.S.C. § 524; or
- when the reopening is to correct an administrative error.

(12) For retrieval of ~~one box of a~~ records from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court, ~~\$53~~ \$64. For retrievals involving multiple boxes, \$39 for each additional box.

(13) For ~~a check paid into the court which is returned for lack of funds~~ any payment returned or denied for insufficient funds, \$53.

(14) For filing an appeal or cross appeal from a judgment, order, or decree, \$293.

This fee is collected in addition to the statutory fee of \$5 that is collected under 28 U.S.C. § 1930 (c) when a notice of appeal is filed.

Parties filing a joint notice of appeal should pay only one fee.

If a trustee or debtor-in-possession is the appellant, the fee must be paid only by the estate, to the extent there is an estate.

Upon notice from the court of appeals that a direct appeal or direct cross-appeal has been authorized, an additional fee of \$157 must be collected.

(15) For filing a case under Chapter 15 of the Bankruptcy Code, \$1167.

This fee is derived from and equal to the fee prescribed in 28 U.S.C. § 1930(a)(3) for filing a case commenced under Chapter 11 of Title 11.

- (16) The court may charge and collect fees commensurate with the cost of providing copies of the local rules of court. The court may also distribute copies of the local rules without charge.
- (17) The clerk shall assess a charge for the handling of registry funds deposited with the court, to be assessed from interest earnings and in accordance with the detailed fee schedule issued by the Director of the Administrative Office of the United States Courts.

For management of registry funds invested through the Court Registry Investment System, a fee at a rate of 2.5 basis points shall be assessed from interest earnings.

- (18) For a motion filed by the debtor to divide a joint case filed under 11 U.S.C. § 302, the following fees apply:
- For filing a motion to divide a joint Chapter 7 case, \$245.
  - For filing a motion to divide a joint Chapter 11 case, \$1167.
  - For filing a motion to divide a joint Chapter 12 case, \$200.
  - For filing a motion to divide a joint Chapter 13 case, \$235.

These fees are derived from and equal to the filing fees prescribed in 28 U.S.C. § 1930(a).

- (19) For filing the following motions, \$176:
- To terminate, annul, modify or condition the automatic stay;
  - To compel abandonment of property of the estate pursuant to Rule 6007(b) of the Federal Rules of Bankruptcy Procedure; **or**
  - To withdraw the reference of a case or proceeding under 28 U.S.C. § 157(d); **or**
  - **To sell property of the estate free and clear of liens under 11 U.S.C. § 363(f).**

This fee must not be collected in the following situations:

- For a motion for relief from the co-debtor stay;
  - For a stipulation for court approval of an agreement for relief from a stay; or
  - For a motion filed by a child support creditor or its representative, if the form required by § 304(g) of the Bankruptcy Reform Act of 1994 is filed.
- (20) For filing a transfer of claim, \$25 per claim transferred.<sup>2</sup>

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<sup>2</sup> This fee will be effective May 1, 2013.