



ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

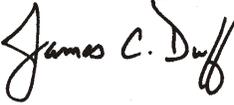
JAMES C. DUFF
Director

WASHINGTON, D.C. 20544

November 23, 2009

MEMORANDUM

To: Clerks, United States Bankruptcy Courts

From: James C. Duff 

RE: CHANGES TO BANKRUPTCY COURT MISCELLANEOUS FEE SCHEDULE
(**INFORMATION**)

On September 15, 2009, the Judicial Conference approved six technical changes to items in the Bankruptcy Court Miscellaneous Fee Schedule. The revisions clarify application of certain fees or correct omissions in the language of certain fee items. **There has been no change to any fee amount.** The changes to the Bankruptcy Court Miscellaneous Fee Schedule will be effective January 1, 2010.

In March of 2008, the Judicial Conference amended the Bankruptcy Court Miscellaneous Fee Schedule to clarify items and make stylistic changes to comport with current editorial standards. As the courts have implemented the new schedule, several additional amendments have been suggested to correct unintentional omissions and to further clarify the schedule. At the September 2009 session, on recommendation of the Committee on Court Administration and Case Management, the Conference amended the following items: (a) Item 4, to clarify that the fee only applies to filing amendments to the debtor's schedules of creditors, and not to other schedules; (b) Items 6 and 14, to conform the language in these sections, both of which provide that these fees should be paid by the estate when a trustee or debtor-in-possession is the filer; (c) Item 11, to reincorporate an exception to the reopening fee based on administrative error, which had been unintentionally omitted in previous schedules; (d) Item 14, to clarify that interlocutory appeals are included under this item; (e) Item 15, to correct a statutory reference which is linked to the filing fee for Chapter 15 cases; and (f) Item 18, to include the phrase "motion filed at the request of the debtor," which had been unintentionally omitted.

A revised fee schedule is attached. Please direct any questions to Mary Fritsche of the Bankruptcy Court Administration Division at 202-502-1540.

Attachment

cc: Financial Administrators

Effective 1/01/2010

Bankruptcy Court Miscellaneous Fee Schedule (28 U.S.C. § 1930)

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, \$9.
For exemplification of any document, \$18.
 - (3) For reproduction of an audio recording of a court proceeding, \$26. 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, \$26, 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, \$26 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.
 - (6) For filing a complaint, \$250, 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, \$39.
- (8) Administrative fee for filing a case under Title 11 or when a motion to divide a joint case under Title 11 is filed, \$39.
- (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, \$1000.
 - For filing a motion to reopen a Chapter 11 case, \$1000.
 - 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, \$1000.

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 a record from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court, \$45.
- (13) For a check paid into the court which is returned for lack of funds, \$45.
- (14) For filing an appeal or cross appeal from a judgment, order, or decree, \$250.

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 \$200 must be collected.

- (15) For filing a case under Chapter 15 of the Bankruptcy Code, \$1000.

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.

- (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, \$1000.
 - 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, \$150:
- 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).

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.