

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA**

PUBLIC NOTICE

**ORDER ADOPTING TECHNICAL CONFORMING AMENDMENT TO LOCAL
BANKRUPTCY RULE 1006-1(A), AND RELATED MATTERS**

Effective on and after December 1, 2017, pursuant to the entry of Standing Order No. 17-7, attached, the Court's Local Bankruptcy Rule 1006-1(A) is amended (attached) to require the use of Official Bankruptcy Form 103A, Application for Individuals to Pay the Filing Fee in Installments (as attached), which shall be substituted for the current adapted Application form titled, "APPLICATION TO PAY FILING FEE IN INSTALLMENTS—EASTERN DISTRICT OF VIRGINIA." The proposed order within Official Form 103A (as attached) is modified for use. When applicable, Official Form 119, Bankruptcy Petition Preparer's Notice, Declaration, and Signature (attached), must be used in conjunction with Official Form 103A. Effective on December 1, 2017, the Clerk shall place the prescribed Filing Fees in Installments Schedule (attached) on the Court's internet web site, and further, shall make technical conforming amendments when any prescribed fee is adjusted.

William C. Redden
Clerk of Court

Date: November 16, 2017

Attachments

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA**

In re

Order Adopting Technical Conforming)	Standing Order No. 17-7
Amendment to Local Bankruptcy Rule)	
1006-1(A), and Related Matters)	
)	

**ORDER ADOPTING TECHNICAL CONFORMING AMENDMENT TO LOCAL
BANKRUPTCY RULE 1006-1(A), AND RELATED MATTERS**

An impending amendment to Federal Rule of Bankruptcy Procedure 9009, which is due to take effect December 1, 2017, provides that permissible alteration to a Bankruptcy Official Form (“Official Form”) is limited to those instances in which a Federal Rule of Bankruptcy Procedure, the Official Form itself, or national instructions applicable to the Official Form allow for such alteration. In consideration of this impending rule change, and consistent with Federal Rule of Bankruptcy Procedure 1006(b)(2), Local Bankruptcy Rule 1006-1(A) requires a technical conforming amendment (attached), to provide that Official Form 103A, Application for Individuals to Pay the Filing Fee in Installments (as attached), be substituted for the current adapted Application form titled, “APPLICATION TO PAY FILING FEE IN INSTALLMENTS –EASTERN DISTRICT OF VIRGINIA.” The national instructions to Official Form 103A provide that the proposed order set forth in this form may be modified by the Court, which provides for three installment payments in fixed amounts in addition to a technical conforming removal of space in the Application component of Official Form 103A for a fourth payment that is not needed for a response by the applicant. Two new paragraphs regarding bankruptcy case dismissal consequences also are set forth in the proposed order. The impending use of Official Form 103A, when applicable, requires the use of Official Form 119, Bankruptcy Petition Preparer’s Notice, Declaration, and Signature (attached) in conjunction with Official Form 103A. A technical conforming alteration to the Filing Fees in Installments Schedule (attached) also is necessitated by the use of Official Form 103A.

NOW, IT IS THEREFORE ORDERED that:

1. Effective on and after December 1, 2017, as attached hereto, Official Form 103A, Application for Individuals to Pay the Filing Fee in Installments (Official Form 103A),

shall be the only permissible form of installment application in the United States Bankruptcy Court for the Eastern District of Virginia.

2. Effective on and after December 1, 2017, the proposed order within Official Form 103A, as attached hereto, shall be the only permissible form of order on installment applications in the United States Bankruptcy Court for the Eastern District of Virginia.
3. Effective on and after December 1, 2017, Official Bankruptcy Form 119, Bankruptcy Petition Preparer's Notice, Declaration, and Signature, when applicable, shall be used in conjunction with Official Form 103A.
4. Effective on December 1, 2017, the Clerk shall place the prescribed Filing Fees in Installments Schedule on the Court's internet web site. As required, the Clerk shall make any required technical conforming alteration to the Filing Fees in Installments Schedule when any prescribed fee is adjusted.

Attachments

Dated: November 16, 2017

FOR THE COURT:

/s/ Stephen C. St. John

STEPHEN C. ST. JOHN
Chief United States Bankruptcy Judge

RULE 1006-1 FEES: INSTALLMENT PAYMENTS, NONPAYMENT, WAIVER, REFUNDS

(A) **Installment Payments:** Any individual debtor desiring to pay the filing fee in installments must file Official Form 103A ~~an application~~ with the Clerk, ~~that substantially conforms to that local form entitled “APPLICATION TO PAY FILING FEE IN INSTALLMENTS—EASTERN DISTRICT OF VIRGINIA.”~~ The application form is available from the Clerk on the Court’s web site. ~~If the application meets all the requirements of that local form, the Clerk shall enter an order approving the same.~~ The Clerk Court shall ~~is to~~ give notice of the dismissal provisions, as set forth in the ~~application~~ order, to the debtor and debtor’s counsel.

COMMENTS

1006-1(A) This rule is amended to require the use of Official Form 103A, Application for Individuals to Pay the Filing Fee in Installments, as made available on the Court’s web site.
[Effective December 1, 2017.]

Fill in this information to identify your case:

Debtor 1 _____
First Name Middle Name Last Name

Debtor 2 _____
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____
(State)

Case number _____
(If known)

Check if this is an amended filing

Official Form 103A

Application for Individuals to Pay the Filing Fee in Installments

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information.

Part 1: Specify Your Proposed Payment Timetable

1. Which chapter of the Bankruptcy Code are you choosing to file under?

- Chapter 7
- Chapter 11
- Chapter 12
- Chapter 13

2. You may apply to pay the filing fee in up to four installments. Fill in the amounts you propose to pay and the dates you plan to pay them. Be sure all dates are business days. Then add the payments you propose to pay.

You must propose to pay the entire fee no later than 120 days after you file this bankruptcy case. If the court approves your application, the court will set your final payment timetable.

You propose to pay...

\$ _____

- With the filing of the petition _____
- On or before this date..... MM / DD / YYYY

\$ _____

On or before this date..... MM / DD / YYYY

+ \$ _____

On or before this date..... MM / DD / YYYY

Total \$ _____

◀ Your total must equal the entire fee for the chapter you checked in line 1.

Part 2: Sign Below

By signing here, you state that you are unable to pay the full filing fee at once, that you want to pay the fee in installments, and that you understand that:

- You must pay your entire filing fee before you make any more payments or transfer any more property to an attorney, bankruptcy petition preparer, or anyone else for services in connection with your bankruptcy case.
- You must pay the entire fee no later than 120 days after you first file for bankruptcy, unless the court later extends your deadline. Your debts will not be discharged until your entire fee is paid.
- If you do not make any payment when it is due, your bankruptcy case may be dismissed, and your rights in other bankruptcy proceedings may be affected.

x _____
Signature of Debtor 1

x _____
Signature of Debtor 2

x _____
Your attorney's name and signature, if you used one

Date _____
MM / DD / YYYY

Date _____
MM / DD / YYYY

Date _____
MM / DD / YYYY

Fill in this information to identify the case:

Debtor 1 _____
First Name Middle Name Last Name

Debtor 2 _____
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____
(State)

Case number _____
(If known)

Chapter filing under:
 Chapter 7
 Chapter 11
 Chapter 12
 Chapter 13

Order Approving Payment of Filing Fee in Installments

After considering the *Application for Individuals to Pay the Filing Fee in Installments* (Official Form 103A), the court orders that:

- The debtor(s) may pay the filing fee in installments on the terms proposed in the application.
- The debtor(s) must pay the filing fee according to the following terms:

You must pay... On or before this date...

\$ _____ _____
Month / day / year

\$ _____ _____
Month / day / year

+ \$ _____ _____
Month / day / year

Total

\$ _____

If the debtor's(s') bankruptcy case is dismissed, the debtor's(s') rights in other bankruptcy proceedings may be affected.

If the debtor's(s') bankruptcy case is dismissed, the remaining filing fee is due and payable within 14 days following dismissal of the case and subsequent applications to pay filing fees in installment will be denied until all prior filing fees are paid in full.

Until the filing fee is paid in full, the debtor(s) must not make any additional payment or transfer any additional property to an attorney or to anyone else for services in connection with this case.

Month / day / year

By the court: _____
United States Bankruptcy Judge

**United States Bankruptcy Court
Eastern District of Virginia**

**Filing Fees in Installments Schedule
Effective December 1, 2017**

Filing Fees in Installments Schedule

Individual debtor(s) who seek to pay a filing fee in installments must use Official Form 103A, Application for Individuals to Pay the Filing Fee in Installments, as linked on the Court's internet web site at www.vaeb.uscourts.gov Forms>Bankruptcy Forms.

Chapters	40 Days from Filing Date	80 Days from Filing Date	120 Days from Filing Date
Chapter 7	\$120.00	\$110.00	\$105.00
Chapter 11	\$580.00	\$570.00	\$567.00
Chapter 12	\$100.00	\$90.00	\$85.00
Chapter 13	\$115.00	\$100.00	\$95.00

Payments are due by counting the day after the petition filing date as Day 1. Cash is not accepted at the Newport News Division.