

Rule 1006-1: Filing Fee

(a) Petition Filing Fee/Installments.

~~(1) **Filing Fee Due.** The court is required to collect the filing fee set forth in 28 U.S.C. § 1930 at the time the petition is filed. In a represented case, the attorney is responsible for paying the filing fee. In a non-represented case, the debtor is responsible for paying the fee. The Clerk shall not accept a filing fee from a third-party.~~

~~(2) **Paying the Filing Fee in Installments.** Only an individual debtor may file an application and be permitted to pay the filing fee in installments. Corporations, partnerships, limited liability companies, unincorporated associations, trusts and other artificial entities shall pay the filing fee in full at the time the petition is filed. In a represented case, an application to pay in installments may only be filed after counsel files a Disclosure of Compensation Paid as required by F.R.B.P. 2016(b).~~

~~(23) **Minimum Payment.** If an individual debtor files a petition without payment of the full filing fee and without seeking a fee waiver pursuant to 28 U.S.C. § 1930(f), a minimum payment of \$5080.00 must accompany the petition, ~~unless the court otherwise orders.~~ If the debtor ~~is unable~~fails to make the initial payment at the time of filing the petition, an order will be entered requiring the debtor to make the initial payment of \$5080.00 within 14 days of the entry of the order ~~and providing that~~. The case shall be dismissed without further notice if the minimum payment is not ~~made~~ within the time specified~~timely paid~~.~~

~~(3) **Previous Cases Filed.** If the debtor files a~~(4) **Minimum Payment.** If an individual debtor files a petition without payment of the full filing fee and without seeking a fee waiver pursuant to 28 U.S.C. § 1930(f), a minimum payment of \$80.00 must accompany the petition. If the debtor fails to make the initial payment at the time of filing the petition, an order will be entered requiring the debtor to make the initial payment of \$80.00 within 14 days of the entry of the order. The case shall be dismissed without further notice if the minimum payment is not timely paid.

~~(5) **Previous Cases Filed.** If the debtor files a new case without payment of the full filing fee when the debtor owes a filing fee from a prior case, an order will be entered requiring the debtor to pay the entire filing fee in full for the new case within 14 days of the entry of that order ~~and providing that if said~~. If full payment is not timely made, the debtor's new case shall be dismissed without further notice.~~

~~(4) **Chapter 7, 11, 12 and 13 Individual Voluntary Cases.** Any order granting an application to pay the filing fee in installments shall order the final installments paid prior to 120 days from the date of the filing of the petition or, for cause shown, no longer than 180 days from the date of the filing of the petition.~~

~~(5)(6) **Prohibited Payments.** Until the filing fee is paid in full, the debtor shall not make any further payments to a debt relief agency and no person shall accept any property as payment for services in connection with this case.~~

~~(67)~~ **Waiver of Chapter 7 Filing Fee.** ~~An order denying an application~~ The standard applied in the review of a request to waive the chapter 7 filing fee ~~may provide for payment of the filing fee in as many as four installments with the last installment due no longer an individual debtor is a determination that such individual has income less than 180 days from the date~~ 150 percent of the filing income official poverty line applicable to a family of the petitionsize involved and is unable to pay fee in installments.

(b) Adversary Proceeding Filing Fee.

(1) The filing fee required by 28 U.S.C. § 1930(b) shall be paid upon the filing of a complaint or the notice of removal initiating an adversary proceeding.

~~(2)~~ When an adversary complaint is filed by a chapter 7 trustee, if there are insufficient funds in the estate to pay the filing fee at the time the complaint is filed, the trustee may request that the fee be deferred until the estate does hold sufficient funds to pay the fee.

(3) Failure to pay the filing fee as required in this Rule shall result in dismissal of the adversary proceeding without prejudice.

(c) Miscellaneous Proceeding Filing Fee.

(1) The filing fee required by 28 U.S.C. § 1930(b) shall be paid upon the filing to register a judgment entered by another bankruptcy court or other miscellaneous filing.

(2) Failure to pay the filing fee ~~as required in this Rule~~ shall result in ~~the filing being deemed lodged, not filed, and no further action will be taken on the filing and the Clerk will close the miscellaneous proceeding after 28 days.~~

(d) Form of Payment.

(1) Except as provided in subsection (2) for attorney electronic filings, all filing fees and other court costs payable to the Clerk shall be made ~~in cash~~, by certified check or money order, or by check drawn on the account of an attorney admitted to practice before this court or a business check of a process server or trustee and shall be made payable to "Clerk, U.S. Bankruptcy Court."

(2) For attorney electronic filings that require a fee, the fee shall be paid by using a credit card or debit card on-line through the ECF Internet filing fee payment process no later than 72 hours from the filing of the document. The credit card or debit card used to pay the filing fee must be that of the attorney or law firm that represents the party; use of a party's credit card or debit card is prohibited. ~~A Any document, other than a petition, electronically filed that requires a filing fee shall be deemed lodged, and not filed, and may result in the court taking no further action shall be taken until the filing fee is paid.~~ Failure to timely pay the filing fee constitutes good cause for the Clerk to suspend the filer's ECF password until such time as all outstanding fees are paid.

(3) Any check drawn on the account of an attorney or business check of a process server or trustee that is returned unpaid due to insufficient funds or for any other reason shall incur a fee. ~~The fee shall be paid in cash, by certified check or money order within 48 hours of notification that the check has been returned.~~ Failure to pay the amount due within 48 hours, or the second instance of a returned check may result in that attorney, process server, or trustee no longer being able to pay fees by check.

(e) Appellate Filing Fee. The filing fee shall be paid at the time of the filing of the notice of appeal or cross-appeal to the Clerk of the bankruptcy court as provided above. The filing fee incurred when the Circuit Court of Appeals accepts a direct appeal from the bankruptcy court shall be paid to the Clerk of the bankruptcy court in the manner directed by the Clerk.

Committee Notes ~~2011-2015: In Subsection (d)(2)-a)(3) the minimum payment has been amended by General Order 105; the changes are effective January 28, 2011.~~

~~Committee Notes 2009: Time deadlines have been amended increased from \$50.00 to be consistent with amendments \$80.00 to reflect increases in the Federal Rules of Bankruptcy Procedure, effective December 1, 2009.~~

~~Committee Notes 2007: filing fee made in recent years. Subsection (e)-addeda)(7) is new to provideset forth standards for filing fees incurred by filing of miscellaneous filings. Subsection (d)(2) added to incorporate payment of filing fees on-line bywhen a waiver may be granted. Minor technical and language corrections were made throughout the attorney when e-filing a document that incurs a filing fee. Adopted from ECF Operating Order No. 8. Subsection (e) includes a new fee incurred when a direct appeal to the Circuit Court of Appeals is accepted by that courtrule.~~