

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

**CHANGES TO BANKRUPTCY COURT MISCELLANEOUS FEE SCHEDULE
Effective October 1, 2008**

This document explains changes to the Bankruptcy Court Miscellaneous Fee Schedule that were adopted by the Judicial Conference in March 2008. Set out below are the current language of each fee item, an explanation of any changes to the item, and the revised language of the item. There is no change to any fee amount in the new Fee Schedule.

FEE SCHEDULE PREAMBLE

The preamble to the fee schedule serves as an introduction to the fee schedule and includes exemptions to payment of the fees included in the schedule.

Current preamble language

Following are fees to be charged for services provided by the bankruptcy courts. No fees are to be charged for services rendered on behalf of the United States, with the exception of those specifically prescribed in items 1, 3, and 5, or to bankruptcy administrators appointed under Public Law No. 99-554, § 302(d)(3)(I). No fees under this schedule shall be charged to federal agencies or programs which are funded from judiciary appropriations, including, but not limited to, agencies, organizations, and individuals providing services authorized by the Criminal Justice Act, 18 U.S.C. § 3006A.

Explanation

The preamble has been modified to simplify the language and to clearly set forth the exemptions.

Revised preamble language

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.

COPY FEE

The copy fee is a per page fee charged when a document is reproduced.

Current fee language

(1) For reproducing any record or paper, \$.50 per page. This fee shall apply to paper copies made from either: (1) original documents; or (2) microfiche or microfilm reproductions of the original records. This fee shall apply to services rendered on behalf of the United States if the record or paper requested is available through electronic access.

Explanation

The language of this fee was simplified to:

- clarify that anytime a document is reproduced, the fee applies¹; and
- to remove references to making copies from microfiche or microfilm.

Revised fee language

(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.

CERTIFICATION/EXEMPLIFICATION

This item sets forth the fee to be charged when a document is certified or exemplified.

Current fee language

(2) For certification of any document or paper, whether the certification is made directly on the document or by separate instrument, \$9. For exemplification of any document or paper, twice the amount of the charge for certification.

Explanation

This item has been modified to remove unnecessary references to “document or paper” and on what document the certification is to be made. This fee item was also changed to state the fee for an exemplification as a specific dollar amount.

Revised fee language

(2) For certification of any document, \$9.
For exemplification of any document, \$18.

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This fee does not encompass copies made from the public access terminal. The Electronic Public Access fee schedule includes a fee for printing a document that is accessed electronically through a court’s public access terminal.

REPRODUCTION OF PROCEEDINGS

This item sets forth the fee for providing an audio reproduction of recordings of proceedings.

Current fee language

(3) For reproduction of recordings of proceedings, regardless of the medium, \$26, including the cost of materials. This fee shall apply to services rendered on behalf of the United States, if the reproduction of the recording is available electronically.

Explanation The language regarding the medium used to make the recording and the cost of materials was deleted.

Revised fee language

(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.

AMENDMENT FEE

The amendment fee is collected when changes to the debtor's schedules of creditors, lists of creditors, or matrix are filed.

Current fee language

(4) For amendments to a debtor's schedules of creditors, lists of creditors, matrix, or mailing lists, \$26 for each amendment, provided the bankruptcy judge may, for good cause, waive the charge in any case. No fee is required when the nature of the amendment is to change the address of a creditor or an attorney for a creditor listed on the schedules or to add the name and address of an attorney for a listed creditor.

Explanation

The language of this fee has been reorganized to make it more straightforward.

Revised fee language

(4) For filing an amendment to the debtor's schedules, 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.

SEARCH FEE

This fee is collected when the clerk's office is asked to search the records in order to locate a particular document.

Current fee language

(5) For every search of the records of the bankruptcy court conducted by the clerk of the bankruptcy court or a deputy clerk, \$26 per name or item searched. This fee shall apply to services rendered on behalf of the United States if the information requested is available through electronic access.

Explanation

The language of this fee has been simplified by removing the references to the person conducting the search.

Revised fee language

(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.

ADVERSARY FEE

This item sets forth the fee for filing an adversary complaint.

Current fee language

(6) For filing a complaint, \$250. If the United States, other than a United States trustee acting as a trustee in a case under Title 11, or a debtor is the plaintiff, no fee is required. If a trustee or debtor in possession is the plaintiff, the fee should be payable only from the estate and to the extent there is any estate realized. If a child support creditor or its representative is the plaintiff, and if such plaintiff files the form required by § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

Explanation

The language of this fee item has been reorganized to make it more concise.

Revised fee language

(6) For filing a complaint, \$250, except:

- If the trustee or debtor-in-possession files the complaint, the fee should be paid by the estate, if 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.

MISCELLANEOUS PAPER FEE

This fee is collected when a document unrelated to any case is filed.

Current fee language

(7) For filing or indexing any document not in a case or proceeding for which a filing fee has been paid, \$39.

Explanation

The language of the item has been simplified, and the reference to “indexing” a document has been removed.

Revised fee language

(7) For filing any document that is not related to a pending case or proceeding, \$39.

ADMINISTRATIVE FEE

This item sets forth the administrative fee collected whenever a bankruptcy case is filed.

Current fee language

(8) In all cases filed under Title 11, the clerk shall collect from the debtor or the petitioner a miscellaneous administrative fee of \$39. This fee may be paid in installments in the same manner that the filing fee may be paid in installments, consistent with the procedure set forth in Federal Rule of Bankruptcy Procedure 1006.

Explanation

The language in the current item regarding paying this fee in installments has been deleted, as Federal Rule of Bankruptcy Procedure 1006 provides that any fee due upon the commencement of a bankruptcy case may be paid in installments.

Currently the administrative fee does not apply when a joint case is divided. In the event a joint case filed by a husband and wife under § 302 of Title 11 is divided into two separate cases, the debtor requesting the split is required to pay a fee equal to the current filing fee for the chapter under which the joint case was commenced. The debtor requesting the joint case be split into two cases, is, in effect, filing a new case and therefore, the administrative fee has been made applicable when a motion to divide a joint case is filed.

Revised fee language

(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.

CHAPTER 7 TRUSTEE FEE - 11 U.S.C. § 330(B)(2)

This fee is collected whenever a case under Chapter 7 of the Bankruptcy Code is filed. This fee, which is due upon filing, is deposited into a special account and is paid to the case trustee pursuant to 11 U.S.C. § 330(b)(2).

Current fee language

(9) Upon the filing of a petition under Chapter 7 of the Bankruptcy Code, the petitioner shall pay \$15 to the clerk of the court for payment to trustees serving in cases as provided in 11 U.S.C. § 330(b)(2). An application to pay the fee in installments may be filed in the manner set forth in Federal Rule of Bankruptcy Procedure 1006(b).

Explanation

The language in the current item regarding paying this fee in installments has been deleted, as Federal Rule of Bankruptcy Procedure 1006 provides that any fee due upon the commencement of a bankruptcy case may be paid in installments.

During its September 2006 session, the Judicial Conference amended the fee schedule to provide that this \$15 fee should be collected when a Chapter 7 case is reopened and also when a Chapter 7 joint case filed by a husband and wife under § 302 of Title 11 is divided into two separate cases. This change was accomplished by adding the \$15 fee to the reopening fee (current Item 11) and the fee for splitting a joint case (current Item 19). For clarity, the language requiring the application of this fee in those situations has been removed from Item 11 and 19 and added to this.

In addition, the \$15 fee is also charged when a motion to convert a case to a case under Chapter 7 is filed or a notice of conversion is filed. This fee is currently located in the fee for a motion to convert a case (current Item 10). The relevant language in Item 10 had been moved to this item, thus consolidating all situations in which the \$15 fee is to be paid to the trustees as mandated by 11 U.S.C. § 330(b).

Revised fee language

(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.

FEE FOR FILING A MOTION TO CONVERT

This fee is collected when a motion to convert a case to a case under another chapter is filed.

Current fee language

(10) Upon the filing of a motion to convert a case to Chapter 7 of the Bankruptcy Code, the movant shall pay \$15 to the clerk of court for payment to trustees serving in cases as provided in 11 U.S.C. § 330(b)(2). Upon the filing of a notice of conversion pursuant to section 1208(a) or section 1307(a) of the Code, \$15 shall be paid to the clerk of the court for payment to trustees serving in cases as provided in 11 U.S.C. § 330(b)(2). If the trustee serving in the case before the conversion is the movant, the fee shall be payable only from the estate that exists prior to conversion. For filing a motion to convert or a notice of conversion, a fee shall be charged in the amount of the difference between the current filing fee for the chapter under which the case was originally commenced and the current filing fee for the chapter to which the case is requested to be converted. 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 shall be provided. A fee shall not be assessed under this item for converting a Chapter 7 or 13 case to a Chapter 11 case as the fee for these actions is collected pursuant to statute under 28 U.S.C. § 1930(a).

Explanation

This fee item currently contains two different conversion fees.

- First, a fee of \$15 is collected whenever a motion to convert a case to a Chapter 7 case, or a notice of conversion to a Chapter 7 case is filed. As discussed in the prior item, this part of the fee for filing a motion to convert has been incorporated into the trustee fee (current Item 9).
- The second fee collected pursuant to this fee item seeks to address conversions to cases under other chapters for which a greater filing fee is charged.²

The language of this fee item has been pared down and reorganized. The language has also been changed to set forth the specific dollar amount for the difference between the statutory fees for the chapter the case is converting from and the chapter to which the case is converting.

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For example, the statutory filing fee for a Chapter 13 case is \$235 while the fee for filing a Chapter 7 case is \$245. 28 U.S.C. § 1930(a)(1). Thus if motion to convert a Chapter 13 case under a Chapter 7 is filed, the movant must pay the difference between the statutory filing fee for a Chapter 13 and a Chapter 7 (\$10).

Revised fee language

(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.

REOPENING FEE

This fee item sets forth the fee to be collected when a motion to reopen a bankruptcy case is filed. The fee is the same amount as the current filing fee for the chapter under which the case was originally commenced.

Current fee language

(11) For filing a motion to reopen a Bankruptcy Code case, a fee shall be collected in the same amount as the filing fee prescribed by 28 U.S.C. § 1930(a) for commencing a new case on the date of reopening. If the motion to reopen is made for a Chapter 7 case, an additional fee of \$15 shall be paid to the clerk of the court for payment to trustees serving in cases as provided in 11 U.S.C. § 330(b)(2). For filing a motion to reopen a Chapter 15 case, a fee shall be charged in the same amount as the filing fee required under item 16 of this schedule for commencing a new case on the date of reopening. The reopening fee will not be charged if the reopening is necessary (1) to permit a party to file a complaint to obtain a determination under Rule 4007(b), or, (2) when a creditor is violating the terms of the discharge under 11 U.S.C. § 524. 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 shall be waived if no additional assets are discovered.

Explanation

The language of this fee has been changed to set forth the specific dollar amount

for reopening a case under each chapter. In addition, the exceptions, waivers, and deferrals to this fee have been modified to be listed in a clear format. Finally, the \$15 trustee fee that is also collected when a Chapter 7 case reopens has been moved so that it is now included within the language of the trustee fee.

Revised fee language

- (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.

MICROFICHE FEE

This fee is collected when a copy of a microfiche court record is made.

Current fee language

(12) For each microfiche sheet of film or microfilm jacket copy of any court record, where available, \$5.

Explanation

This fee has been deleted from the fee schedule as this technology is largely obsolete and no longer utilized in the bankruptcy courts.

DOCKETING AN APPEAL AND A CROSS APPEAL

This fee is collected by the bankruptcy court when an appeal is filed. The language of this item is nearly identical to the language of current Item 21, which

sets forth the fee for filing a cross appeal.

Current fee language

(15) For docketing a proceeding on appeal or review from a final judgment of a bankruptcy judge pursuant to 28 U.S.C. § 158(a) and (b), \$250. A separate fee shall be paid by each party filing a notice of appeal in the bankruptcy court, but parties filing a joint notice of appeal in the bankruptcy court are required to pay only one fee. If a trustee or debtor in possession is the appellant, the fee should be payable only from the estate and to the extent there is any estate realized. Upon notice from the court of appeals that a direct appeal from the bankruptcy court has been authorized, the appellant shall pay an additional \$200.

(21) For docketing a cross appeal from a bankruptcy court determination, \$250. If a trustee or debtor in possession is the appellant, the fee should be payable only from the estate and to the extent there is any estate realized. Upon notice from the court of appeals that a direct cross from the bankruptcy court has been authorized, the cross appellant shall pay an additional \$200.

Explanation

These two fee items have been combined, and the language has been clarified.

Revised fee language

(14) For filing an appeal or cross appeal from a final judgment, \$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 payable only from the estate and to the extent there is any estate realized.

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.

CHAPTER 15 FEE

This fee was created to provide a filing fee for a Chapter 15 case as there is no statutory filing fee. Because Chapter 15 cases are similar to Chapter 11 cases, this fee is linked to the Chapter 11 filing fee amount.

Current fee language

(16) For filing a Chapter 15 proceeding, the fee shall be the same amount as the fee for a case commenced under Chapter 11 of Title 11 as required by 28 U.S.C. §

1930(a)(3).

Explanation

This fee item has been clarified by simply stating the amount of the fee.

Revised fee language

(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)(4) for filing a case commenced under Chapter 11 of Title 11.

DIVIDING A JOINT CASE

This fee is collected when a joint case filed under § 302 of Title 11 is divided into two separate cases. The fee amount collected is linked to the filing fee for the chapter under which the case was commenced.

Current fee language

(19) When a joint case filed under § 302 of Title 11 is divided into two separate cases at the request of the debtor(s), a fee shall be charged equal to the current filing fee for the chapter under which the joint case was commenced. If the motion to divide the case is made for a Chapter 7 case, an additional fee of \$15 shall be paid to the clerk of the court for payment to trustees serving in cases as provided in 11 U.S.C. § 330(b)(2).

Explanation

The language has been modified to simply state the fee amounts for each chapter, and to clarify that this fee is charged for filing the motion to divide the joint case. In addition, the \$15 trustee fee that is also collected when a joint case is divided has been relocated in the text of Item 9.

Revised fee language

(18) For filing a motion 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).

LIFT STAY MOTION

This fee is collected whenever a motion to terminate, annul, modify or condition the automatic stay is filed.

Current fee language

(20) For filing a motion to terminate, annul, modify, or condition the automatic stay provided under § 362(a) of Title 11, a motion to compel abandonment of property of the estate pursuant to Rule 6007(b) of the Federal Rules of Bankruptcy Procedure, or a motion to withdraw the reference of a case or proceeding under 28 U.S.C. § 157(d), \$150. No fee is required for a motion for relief from the co-debtor stay or for a stipulation for court approval of an agreement for relief from a stay. If a child support creditor or its representative is the movant, and if such movant files the form required by § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

Explanation

The language of this fee has been reorganized for clarity.

Revised fee language

(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.

FEES THAT WERE NOT MODIFIED

The following fee items have not been changed:

- current Item 13, archive retrieval fee;
- current Item 14, returned check fee;
- current Item 17, fee for providing local rules; and
- current Item 18, registry fees.

RENUMBERING

The fee schedule has also been renumbered as a result of the deletion of current Item 12 (the microfiche fee) and the combination of Items 15 and 21 (the appeal fee and the cross appeal fee).