

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF OKLAHOMA

SEP 04 2012 

THERESE BUTHOD, CLERK
United States, Bankruptcy Court
Eastern District of Oklahoma

IN RE:)
)
LOCAL RULE 1006-1 FILING FEE) GENERAL ORDER NO. 12-09
)
)

PROVISION FOR PAYMENT OF FILING FEE

The United States Bankruptcy Court for the Eastern District of Oklahoma enters this General Order to modify Local Rule 1006-1(A) to include a minimum payment of a filing fee when a petition is filed along with an Application to Pay Filing Fee in Installments.

IT IS THEREFORE ORDERED:

FORM, REQUIREMENTS AND SCHEDULE

- 1) Official Form B3A Application to Pay Filing Fee in Installments shall be submitted at the time the bankruptcy petition is filed,
- 2) Contain the signature of both the Debtor and the Joint Debtor
- 3) Number of installments shall not exceed four, and the final installment shall not be scheduled later than 120 days from the date the petition is filed,
- 4) The court may schedule the dates and amounts of payment, notwithstanding the payment schedule proposed in the application.

MINIMUM PAYMENT

- 1) The first installment shall be submitted with the bankruptcy petition and application. The initial installment payment must be at least \$75.00.

PRIOR UNPAID FEES

- 1) An Application to Pay Filing Fee in Installments submitted by a Debtor with a filing fee due from a prior case dismissed within 180 days will result in the entry of an order requiring the Debtor to pay the filing fees of both cases. Failure to do so shall result in the case being dismissed.

APPROVAL OF APPLICATION BY THE CLERK ON BEHALF OF THE JUDGE


The Clerk shall review the application and shall be authorized to sign the order on behalf of the Judge where the following conditions are met:

- 1) The application conforms to the Official Form;
- 2) The first installment accompanies the application in the minimum amount of \$75.00;
- 3) The Petition contains the information required regarding disclosure of prior bankruptcy cases;
- 4) The Petition has not been filed within a period subject to any court imposed refiling restriction;
- 5) The Debtor does not have any previous or pending cases where fees are owed. If the debtor has a previous or pending case where fees are owed the judge will make the determination as to whether the application will be approved.

OTHER CONDITIONS

- 1) In a Chapter 13 case, the installment payments must be made by the Debtor or the Debtor's Attorney directly to the Clerk and not through the Chapter 13 Plan. If a Chapter 13 case is dismissed or converted before confirmation of a plan, any unpaid filing fee shall be paid by the Trustee from any funds on hand in the case.
- 2) If the Debtor is unable to pay a fee at the time of filing a petition, an application requesting a waiver under 28 U.S.C. §1930(f) shall be submitted. An order will be entered granting, or denying and providing the debtor time to pay the filing fee in installments or the case will be dismissed.
- 3) Failure to make any payment may result in dismissal of the case. If the final payment cannot be made within 120 days after the petition is filed, a Motion to Extend the Time for Cause Shown must be filed. If the Court grants the Motion all payments must be made no later than 180 days after the petition is filed
- 4) An Order of Discharge or an Order of Confirmation will not be entered until the filing fee is paid in full.

Dated this 4th day of Sept. 2012.



Tom R. Cornish
United States Bankruptcy Judge
Eastern District of Oklahoma