

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE**

FILING FEES

New Fees EFFECTIVE November 1, 2003

The following is a list of the filing fees charged by the United States Bankruptcy Court pursuant to **28 U.S.C. § 1930(a), (b), and (c)** and the **Appendix** thereto - **Bankruptcy Court Miscellaneous Fee Schedule**:

EFFECTIVE November 1, 2003

Service	Fee	Code
Chapter 7 Case Filing Fee	\$155.00 <u>39.00</u> 15.00	§ 1930(a)(1) App. (8) App. (9)
Total:	\$209.00	
Chapter 13 Case Filing Fee	\$155.00 <u>39.00</u>	§ 1930(a)(1) App. (8)
Total:	\$194.00	
Chapter 9 Case Filing Fee	\$ 800.00 <u>39.00</u>	§ 1930(a)(2) App. (8)
Total:	\$ 839.00	
Chapter 11 Case Filing Fee	\$ 800.00 <u>39.00</u>	§ 1930(a)(3) App. (8)
Total:	\$ 839.00	
Chapter 12 Case Filing Fee	\$200.00 <u>39.00</u>	§ 1930(a)(5)** App. (8)
Total:	\$ 239.00	
To file an Appeal from a final judgment of a Bankruptcy Judge	\$ 5.00 <u>250.00</u>	§ 1930(c) App. (15)
Total:	\$ 255.00	
To file an Appeal from an interlocutory judgment of a Bankruptcy Judge	\$ 5.00	§ 1930(c)
(If the appellate court accepts the appeal, the \$250 fee from App. (15) would then become due and owing.)		
Copies, per page	\$.50	App. (1)
Certification of copies	\$ 9.00	App. (2)

■ = Increased Fee

EFFECTIVE November 1, 2003

Service	Fee	Code
Exemplification of document	\$ 18.00	App. (2)
Tape duplication	\$ 26.00	App. (3)
Amendments (See Local Review of Items 4 and 9, below)	\$ 26.00	App. (4)
Search fee	\$ 26.00	App. (5)
Adversary (Complaint)	\$ 150.00	App. (6)
Filing a miscellaneous paper	\$ 39.00	App. (7)
Motion to convert a case to Chapter 7	\$ 15.00	App. (10)
To reopen a closed case (See Local Review of Items 4 and 9, below)	Ch. 7 \$ 155.00 Ch. 13 \$ 155.00 Ch. 12 \$ 200.00 Ch. 11 \$ 800.00	App. (11)
Microfiche or microfilm copy (Not available in this court)	\$ 5.00	App. (12)
Retrieval from Archives (Federal Records Center)	\$ 45.00	App. (13)
Returned Check Charge	\$ 45.00	App. (14)
To file a foreign proceeding under 11 U.S.C. § 304	\$ 800.00	App. (16)
Copy of Local Rules	No Charge	App. (17)
Registry Fees (For complete details call 901-328-3500 and ask for Finance)		App. (18)
Separation of joint case under 11 U.S.C. § 302		App. (19)
	Ch. 7 \$ 155.00	
	Ch. 11 \$ 800.00	
	Ch. 12 \$ 200.00	
	Ch. 13 \$ 155.00	

■ = Increased Fee

EFFECTIVE November 1, 2003

Service	Fee	Code
Motion for relief from the automatic stay under 11 USC § 362(a), to compel abandonment per Fed. R. Bankr. P. 6007(b), or to withdraw reference of case under 28 USC § 157(d) (Motions to lift co-debtor stay and for stipulations for court approval of an agreement regarding relief from stay are exempt from this fee.)	\$ 150.00	App. 20
To docket a cross appeal Electronic Access (See Electronic Access, VCIS/PACER on this web site)	\$ 250.00	App. 21

■ = Increased Fee



**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE**

**A Local Review of Items (4) and (9) of the Bankruptcy Court
Miscellaneous Fee Schedule (Appendix to 28 U.S.C. § 1930), and of the
Pro Hac Vice Fee Established in this District**

(4) *For amendments to a debtor's schedules of creditors or lists of creditors, \$26.00 filing fee for each amendment, provided the bankruptcy judge may, for good cause, waive the charge in any case.*

- (a) A \$26.00 filing fee shall be charged for anyone (debtor or creditor) seeking to amend the schedules to add a creditor to Schedule D, E, F, G, or H. No fee shall be charged to amend Schedule A, B, C, I, or J.
- (b) A \$26.00 filing fee shall be charged for anyone (debtor or creditor) seeking to amend the schedules to add a creditor to Schedule D, E, F, G, or H - even if the creditor was previously listed on Schedule A, B, C, I, or J.
- (c) There is no filing fee to amend a schedule if that creditor (or holder of a claim) is already listed within that schedule (for example, change of status by amendment of debtor or motion of any party in interest).
- (d) There is no filing fee to add (that is, transfer) a creditor to Schedule D, E, F, G, or H if that creditor was previously listed on another D, E, F, G, or H Schedule (that is, a change of status by amendment of debtor or motion of any party in interest).
- (e) There is no filing fee to a debtor or creditor to file a postconfirmation motion seeking to modify a plan to include or add a creditor to the chapter 13 plan (as long as the motion does not seek to "add to Schedule D, E, F, G, or H). (A motion seeking to modify the plan to include or add a creditor to a chapter 13 plan is essentially a motion seeking a postconfirmation modification of the plan and all interested parties are noticed.)

(***Remember - **the official bankruptcy schedules only apply to prepetition debt.** It is not appropriate to add a postpetition debt to a schedule unless the case is later converted to another chapter. If debtor or creditor asks to include a POSTpetition debt to the schedules, although the fee will not be requested by court personnel, it will be accepted if provided. (The judge may notify the attorneys in writing or in court about this matter.)

- (f) If a motion to add or amend the schedule is filed after a case is closed (and is not accompanied by a motion to reopen or to set aside prior case dismissal) and a \$26.00 filing fee is paid - if filed within 30 days of the closing date the money will be refunded upon request to the Financial Deputy. If filed more than 30 days after the closing date, movant must file a motion for return of funds.
- (g) If a motion or notice is received adding a Schedule D, E, F, G, or H creditor, but doesn't specify WHAT it's being added to (that is, the schedules or plan) a filing deficiency notice will be issued by the Clerk's Office. Reference will be made within the notice that if adding to one of those schedules, the fee will be due and owing.
- (h) Adding to or amending the matrix:
Upon research by the Clerk's Office, if it is determined that the filing party is correcting the matrix to add a creditor already listed in Schedule D, E, F, G, or H but left off the matrix, amending the address, etc., there is no charge.

If it appears that the filing party is adding a creditor that was not previously listed in Schedule D, E, F, G, or H - a filing deficiency notice will be issued. Reference will be made within the notice that

if adding to one of those schedules, the fee will be due and owing. If the \$26.00 filing fee is provided but not required, the fee will be accepted by the Clerk.

(9) For filing a motion to reopen a [closed] Bankruptcy Code case, a [filing] 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, unless the reopening is to correct an administrative error or for actions related to the debtor's discharge. The court may waive this fee under appropriate circumstances or may defer payment of the fee from trustees pending discovery of additional assets.

- (a) This item only applies to closed cases that have been “fully administered” and officially closed under 11 U.S.C. § 350(a).
 - (1) If a case has been “dismissed” prior to the estate being “fully administered” and is “statistically” closed, it is not “fully administered” and, therefore, is not officially “closed” as contemplated under 11 U.S.C. § 350(a).
 - (2) If a debtor’s discharge has been granted and the case has been administratively closed, it is “fully administered”, and therefore, it is officially closed as contemplated under 11 U.S.C. § 350(a) of the Code.
- (b) The \$155.00 filing fee required in chapter 7 and 13 cases to file a Motion to Reopen a Closed Case (no matter how is it stated) is applicable to “fully administered” estates involving cases that are officially closed under 11 U.S.C. § 350(a).
- (c) Any Motion to Reopen a Closed Case (no matter how it is stated) arising out of a dismissed and statistically closed case requires NO FILING FEE, since it is not “fully administered” and has not been officially closed under 11 U.S.C. § 350(a). **(Such motions should more appropriately or technically be styled a motion to vacate or set aside the prior case dismissal order;** however, wording or labeling here is subordinate to underlying intent. If a motion to reopen a closed case is filed that is vague as to intent, a filing deficiency notice will be issued, making reference to the possibility of a filing fee requirement.)
- (d) If a Motion to Reopen a Closed Case is filed and is erroneously accompanied by \$155.00 reopening filing fee, the filing fee will be applied to the original filing fee (and \$39.00 miscellaneous fee, if due) if the case was previously dismissed for failure to pay the filing fee. Chapter 7 cases will then follow standard pre-discharge practice for any balance on fee due and owing. In chapter 13 cases any remainder of fee to be collected will be paid under the plan as usual.
- (e) The \$800.00 fee required in a chapter 11 case to file a Motion to Reopen a Closed Case (no matter how it is stated) is applicable to “fully administered” estates involving cases that are officially closed pursuant to Fed. R. Bankr. P. 3022. If the notice fees have not been previously paid: in cases filed in 1998 or thereafter, an additional \$39.00 miscellaneous fee is required. Pre-1998 cases - if notices previously billed but not paid - the debtor will owe the amount previously billed for; and if notices previously billed and paid - no further notice fee required.

PRO HAC VICE fees: Although the fee to file a Pro Hac Vice Motion in the U. S. District Court for the Western District of Tennessee is now \$100.00, the fee in the Bankruptcy Court will remain at \$10.00 until further notice.