

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

In re:

DOUGLAS HAROLD MEWES and
PEGGY JO MEWES,

Chapter 7

Debtors.

Bankruptcy No. 94-40612XM

UNITED STATES OF AMERICA,

Plaintiff,

Adversary No. 94-4154XM

vs.

DOUGLAS HAROLD MEWES and
PEGGY JO MEWES,

Defendants.

RECEIVED
OCT 25 1994
CLERK

JUDGMENT

The issues of this proceeding having been duly considered by the Honorable William L. Edmonds, Chief United States Bankruptcy Judge, and a decision having been reached without trial or hearing,

IT IS ORDERED AND ADJUDGED: that the United States of America in its own right and on behalf of the Farmers Home Administration have judgment against the debtors for a non-dischargeable debt in the amount of \$30,295.50, together with statutory interest on federal judgments and costs of this action as provided by law.

Vol. III
Page 238

BARBARA A. EVERLY
Clerk of Bankruptcy Court

By: *Lavis Slyke*
Deputy Clerk



[Seal of the U.S. Bankruptcy Court]
Date of Issuance: October 25, 1994

FILED
OCT 20 1994

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:)	Chapter 7
)	Bk. No. 94-40612 XM
DOUGLAS HAROLD MEWES)	
PEGGY JO MEWES,)	
)	
Debtors.)	
)	
UNITED STATES OF AMERICA,)	
)	Adv. No. <u>94-4154 XM</u>
Plaintiff,)	
)	
vs.)	
)	
DOUGLAS HAROLD MEWES)	
PEGGY JO MEWES,)	
)	
Defendants.)	

CONSENT DECREE

On this 25th day of October, 1994, the United States of America ("USA") and the Debtors, Douglas Harold and Peggy Jo Mewes, come before this court by their respective attorneys and stipulate and consent to the following, to wit:

1. The Debtors Douglas Harold and Peggy Jo Mewes converted secured property for their own use in violation of 11 U.S.C. §523(a)(2)(A) and (6).
2. The value of the converted property is \$30,295.50.
3. The amount of \$30,295.50, together with statutory interest on federal judgments and costs of this action, is non-dischargeable pursuant to 11 U.S.C. §523(a)(2)(A) and (6) as to USA in its own right and on behalf of the Farmers Home Administration ("FmHA").

4. Judgment should be entered by the court accordingly without necessity of USA filing any other pleadings herein besides the complaint.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the United States of America in its own right and on behalf of the Farmers Home Administration have judgment against the Debtors for a non-dischargeable debt in the amount of \$30,295.50, together with statutory interest on federal judgments and costs of this action as provided by law.

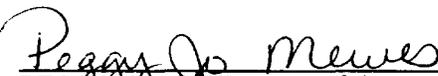
ORDERED this 25th day of October, 1994.



WILLIAM L. EDMONDS
Chief Bankruptcy Judge
Northern District of Iowa

STIPULATED BY:


DOUGLAS HAROLD MEWES, Debtor


PEGGY JO MEWES, Debtor


ROBERT W. BRINTON - 540
Attorney for Debtors
120 Central Avenue West
P.O. Box 73
Clarion, IA 50525
515-532-2851
515-532-2853 (Fax)

copies of this order and a judgment
to: USAttorney; USTrustee and
Robert Brinton on 10/25/94,ls



LAWRENCE D. KUDEJ - 87654
Assistant U.S. Attorney for
Farmers Home Administration
P.O. Box 74950
Cedar Rapids, IA 52407-4950
319-363-0091
319-363-1990 (Fax)

Prepared by Lawrence D. Kudej - 87654

DEC 07 1994

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA BARBARA A. EVERLY CLERK

IN RE:)	CHAPTER 7
)	BANKRUPTCY NO.94-40612 XM
DOUGLAS HAROLD MEWES,)	
PEGGY JO MEWES,)	
)	
Debtors.)	
)	
<u>UNITED STATES OF AMERICA,</u>)	
)	
vs.)	ADVERSARY NO. 94-4154 XM
)	
DOUGLAS HAROLD MEWES,)	
PEGGY JO MEWES,)	
)	

SATISFACTION OF JUDGMENT

United States of America, hereby acknowledges payment in full of a judgment entered on October 25, 1994, in the records of United States Bankruptcy Court for the Northern District of Iowa, against the above-named debtors. The clerk is hereby authorized and directed to enter full satisfaction of record in this action.

Respectfully submitted,

CERTIFICATE OF SERVICE

I certify that I mailed a copy of the foregoing document to which this certificate is attached to the parties or attorneys of record, shown below, on 12/17/94.

UNITED STATES ATTORNEY

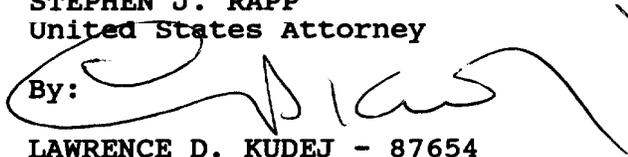
BY: Janice Grant

COPIES TO:

Robert W. Brinton, Esq.
Habbo G. Fokkena, Trustee
U.S. Trustee

STEPHEN J. RAPP
United States Attorney

By:



LAWRENCE D. KUDEJ - 87654
Assistant United States Attorney
P.O. Box 74950
Cedar Rapids, Iowa 52407-4950
319-363-0091
319-363-1990 (Fax)

Copies handed to
the attorney
on 12/17/94
dr

Recorded:
Vol. III
Page 238

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

United States Bankruptcy Court

OCT 31 1994

NORTHERN District of IOWA

In re DOUGLAS HAROLD MEWES
PEGGY JO MEWES,

Bankruptcy Case No. 94-40612 XM
BARBARA A. EVERLY CLERK

Debtors

UNITED STATES OF AMERICA, Plaintiff
vs.

Adversary Proceeding No. 94-4154XM

DOUGLAS HAROLD MEWES
PEGGY JO MEWES, Defendants

BILL OF COSTS

Notice is given that the following Bill of Costs will be presented to the bankruptcy clerk at the following place and time:

Address	Room
800 The Center, 425 Second St. SE P. O. Box 74890 Cedar Rapids, IA 52407	800
	Date and Time
	11-9-94 at 11:00 a.m.

Judgment was entered in the above entitled action on 10-25-94 against Douglas Harold & Peggy Jo Mewes.
(date) (date)

The clerk of the bankruptcy court is requested to tax the following as costs:

Fees of the clerk	\$ _____
Fees for service of summons and complaint	\$ _____
Fees of the court reporter for any and all part of the transcript necessarily obtained for use in the case	\$ _____
Fees and disbursements for printing	\$ _____
Fees for witnesses (itemized on reverse)	\$ _____
Fees for exemplifications and copies of papers necessarily obtained for use in this case	\$ _____
Docket fees under 28 U.S.C. § 1923	\$ _____
Costs incident to taking of depositions	\$ _____
Costs as shown on Mandate of appellate court	\$ _____
Other costs (Please itemize) Filing Fees under 28 U.S.C. § 1914	\$ 120.00
	\$ _____
	\$ _____
	\$ _____
TOTAL	\$ 120.00

DECLARATION

I, attorney for United States of America, Plaintiff declare under penalties of perjury that the
(name of party)

foregoing costs are correct and were necessarily incurred in this action, that the services for which fees have been charged were actually and necessarily performed, and that a copy of this Bill of Costs was mailed this day with postage fully prepaid to:

Name and Address of Judgment Debtor Douglas Harold Mewes Peggy Jo Mewes R.R. 1, Box 102 Kanawha, IA 50447	Robert W. Brinton Attorney for Debtors 120 Central Ave W, PO Box 73 Clarion, IA 50525
---	--

10-31-94 _____
Date Signature of Attorney #87654
Lawrence D. Kudej

COSTS ARE TAXED IN THE FOLLOWING AMOUNT AND INCLUDED IN THE JUDGMENT: \$ 120.00

Clerk of the Bankruptcy Court
BARBARA A. EVERLY

By: _____

Date _____
_____ handed to
_____ attorney
on date filed *dk*

XXXXXXXXXX
Deputy Clerk

Barb

I talked with Linda and then with Larry Kudje. The basis for their applying for the \$120 costs was Section 301 of the Federal Court Administration Act of 1992 that became applicable 1/1/93. It changed (or added to) 2414(a)2 of title 28. He said it definitely applied to U.S. District Courts and he thought it would apply also to Bankruptcy Court as a part of that. They just became aware of this a few months ago. The opposing counsel is aware that this costs may be assessed. Apparently \$60 of that amount goes into a Court fund re operation expense....???

mg

1/1/94

year interval or part thereof. The total minimum fee to be charged will be no less than two percent of the income on investments.

The following table sets out the fee schedule promulgated by this notice:

REGISTRY—SCHEDULE OF FEES

[% of income earned]

Amount of deposit *	0-5	>5-10	>10-15	>15
	yrs.	yrs.	yrs.	yrs.
less than 100M	10	7.5	5.0	2.5
100M-<150M	9	6.5	4.0	2.0
150M-<200M	8	5.5	3.0	2.0
200M-<250M	7	4.5	2.0	2.0
250M-<300M	6	3.5	2.0	2.0
300M-<350M	5	2.5	2.0	2.0
350M-<400M	4	2.0	2.0	2.0
400M-<450M	3	2.0	2.0	2.0
over 450M	2	2.0	2.0	2.0

* Except where otherwise authorized by the Director, each deposit into any account is treated separately in determining the fee.

The new fee applies to all earnings applied to investments on and after the effective date of this change, except for earnings on investments in cases being administered under the provisions of the May 11, 1989 notice [54 FR 20407], i.e., to which the fee equal to the first 45 days income is applicable.

The fee, as modified herein, will continue to apply to any case where the court has authorized the investment of funds placed in its custody or held by it in trust in its registry regardless of the nature of the underlying action.

The fee does not apply in the District Court of Guam, the Northern Mariana Islands, the Virgin Islands, the United States Claims Court, or any other Federal court whose fees are not set under 28 U.S.C. §§ 1913, 1914, and 1930.

§ 1914. District court; filing and miscellaneous fees; rules of court

(a) The clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing fee of \$120, except that on application for a writ of habeas corpus the filing fee shall be \$5.

(b) The clerk shall collect from the parties such additional fees only as are prescribed by the Judicial Conference of the United States.

(c) Each district court by rule or standing order may require advance payment of fees.

As amended Nov. 6, 1978, Pub.L. 95-598, Title II, § 244, 92 Stat. 2671; June 14, 1986, Pub.L. 99-336, § 4(a), 100 Stat. 607; Oct. 18, 1986, Pub.L. 99-500, Title I, § 101(b), [Title IV, § 407(a)], 100 Stat. 1783-64; Oct. 30, 1986, Pub.L. 99-501, Title I, § 101(b), [Title IV, § 407(a)], 100 Stat. 2681-64.

REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §§ 549, 553 and 555 (28 U.S.C. § 523; June 28, 1902, ch. 1301, § 1, 32 Stat. 476; Feb.

11, 1925, ch. 204, §§ 2, 6, 8, 43 Stat. 857, 858; Jan. 22, 1927, ch. 50, § 2, 44 Stat. 1023; Jan. 31, 1928, ch. 14, § 1, 45 Stat. 54; Mar. 3, 1942, ch. 124, § 2, 56 Stat. 122; Sept. 27, 1944, ch. 414, §§ 1, 4, 5, 58 Stat. 743, 744).

Section consolidates sections 549, 553, and 555 of title 28, U.S.C., 1940 ed., as amended with necessary changes of phraseology.

The phrase "filing fee" was substituted for the inconsistent and misleading words of sections 549 and 553 of title 28, U.S.C., 1940 ed., "as full payment for all services to be rendered by the clerk" etc. thus removing the necessity for including exceptions and referring to other sections containing provisions for additional fees.

The provision in section 549 of title 28, U.S.C., 1940 ed., for payment of fees by the parties instituting criminal proceedings by indictment or information, was omitted. Such proceedings are instituted only by the United States from which costs cannot be exacted.

The provision in section 549 of title 28, U.S.C., 1940 ed., for taxation of fees as costs, was omitted as covered by section 1920 of this title.

Words "or appeal from a deportation order of a United States Commissioner" in section 553 of title 28, U.S.C., 1940 ed., were omitted as obsolete since repeal of the Chinese Exclusion Act by act Dec. 17, 1943, ch. 344, § 1, 57 Stat. 600. Appeal was formerly conferred by section 282 of title 8, U.S.C., 1940 ed., Aliens and Nationality.

Subsection (d) excepting the District of Columbia, was added to preserve the existing schedule of fees prescribed by section 11-1509 of the District of Columbia Code, 1940 ed.

EDITORIAL NOTES

Effective Date of 1986 Amendment. Section 4(c) of Pub.L. 99-336 provided that: "The amendments made by this section [striking out subsec. (d) of this section and amending provisions of the District of Columbia Code not

classified to this Code) shall apply with respect to any civil action, suit, or proceeding instituted on or after the date of the enactment of this Act [June 19, 1986]."

Judicial Conference Schedule of Fees

The Judicial Conference of the United States, at its session on March 7-9, 1979, set forth the schedule of fees to be charged in the United States district courts pursuant to this section. That new schedule became effective on October 1, 1979. At its March 1987 meeting, the Judicial Conference amended the schedule of fees to be effective May 1, 1987. Amendments to this revision of the schedule of fees were adopted at the September, 1988 and March, 1990 meetings of the Judicial Conference. At its 1991 meeting, the Judicial Conference amended its schedule of fees to be effective Feb. 3, 1992. At its March, 1992 meeting the Judicial Conference amended the schedule of fees to be effective Oct. 19, 1992, with later implementation. At its March, 1993 meeting, the Judicial Conference amended its schedule of fees to be effective May 6, 1993.

The Administrative Office of the United States Courts provided for Registry Fund Fees effective June 12, 1989.

Fees to be charged for services performed by clerks of the district courts (except that no fees are to be charged for services rendered on behalf of the United States).

(1) For filing or indexing any paper not in a case or proceeding for which a case filing fee has been paid, \$20. This fee is applicable to the filing of a petition to perpetuate testimony, Rule 27(a), Federal Rules of Civil Procedure, the filing of papers by trustees under 28 U.S.C. § 754, the filing of letters rogatory or letters of request, and the registering of a judgment from another district pursuant to 28 U.S.C. § 1963.

(2) For every search of the records of the district court conducted by the clerk of the district court or a deputy clerk, \$15 per name or item searched. The Judicial Conference has adopted guidelines to assist courts in the application of this fee. The Guidelines are attached to this Fee Schedule as Appendix I.

(3) For certification or exemplification of any document or paper, whether the certification is made directly on the document or by separate instrument, \$5.

(4) For reproducing any record or paper, 50 cents 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.

(5) For reproduction of magnetic tape recordings, either cassette or reel-to-reel, \$15 including the cost of materials.

(6) For transcribing a record of any proceeding by a regularly employed member of the court staff who is not entitled by statute to retain the transcript fees for his or her own account, a charge shall be made at the same rate and conditions established by the Judicial Conference for transcripts prepared and sold to parties by official court reporters.

(7) For each microfiche sheet of film or microfilm jacket copy of any court record, where available, \$3.

(8) For retrieval of a record from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court, \$25.

(9) For a check paid into the court which is returned for lack of funds, \$25.

(10) For an appeal to a district judge from a judgment of conviction by a magistrate in a misdemeanor case, \$25.

(11) For admission of attorneys to practice, \$20 each, including a certificate of admission. For a duplicate certificate of admission or certificate of good standing, \$5.

(12) The court may charge and collect fees, commensurate with the cost of printing, for copies of the local rules of court. The court may also distribute copies of the local rules without charge.

(13) The clerk shall assess a charge of up to three percent for the handling of registry funds, to be assessed from interest earnings and in accordance with the detailed fee schedule issued by the Director of the Administrative Office of the United States Courts.

(14) For usage of electronic access to court data, \$1 per minute of usage [provided the court may, for good cause, exempt persons or classes of persons from the fees, in order to avoid unreasonable burdens and to promote public access to such information]. All such fees collected shall be deposited to the Judiciary Automation Fund.

Appendix I

INTRODUCTION

The following guidelines reflect, to the greatest extent possible, the results of the survey sent to all District Court Clerks by the Administrative Office. All comments and responses to the survey have been considered in formulating these guidelines.

It is clear from the survey responses that the issue search fees involves an interplay between two different concerns: one, the role of clerk's offices in providing information about cases in the district court, and two, the limited amount of resources and personnel available in any clerk's office. These guidelines attempt to strike a fair balance between these two competing concerns.

It is hoped that the increased use of automated databases will minimize the expenditure of clerk's time in response to search requests, and that all courts which are automated will encourage maximum use of these databases.

Search Fee Guidelines for District Courts

Guideline No. 1

A search fee should not be charged for a single request for "retrieval" of basic information, which is defined as a request for any basic information readily retrievable through an automated database or the front of a docket card. A request of this nature should be considered a "retrieval" and should not be considered a "search" under the District Court Fee Schedule, unless the request is written and requires a written response.

The advent of the automated database has greatly lessened the resource strain on a clerk's office when requested basic information about a case. Basic information is defined as any information which is easily retrievable through an automated database or the front of a docket card. This information which may be retrieved without a search may include: (1) the name of a party when the case number is provided; (2) the number of a case when the name of the defendant is known; (3) the date a complaint was filed when the case number is provided; (4) the name of an attorney when the case number is provided; (5) the address of the case generally when the case number is provided.

November 14, 1994

Barb called U.S. Atty's office today.
Larry was not available but she left
this message.

The directive she has received from the
Bankruptcy Division is that this is not
proper and she is not allowed to sign it.

*
Re: Bill of Costs (Mewes 94-40612 94-4154Xm
re: recovery of filing fee of \$120 by
USA (although technically not paid).

mg

11-15

Larry called. Had also been in
touch with Washington - Does -
not apply to us ... Suggested
since we are looking for sources
of revenue, might work for legislation
to change this so we could recoup some
expenses.

mg