



**UNITED STATES BANKRUPTCY COURT**  
NORTHERN DISTRICT OF IOWA  
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CEDAR RAPIDS, IOWA 52401-2101  
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November 7, 2013

A letter to the Bankruptcy Community:

**Re: Amendments to the Federal Rules of Bankruptcy Procedure – Effective December 1, 2013 and Changes to the Bankruptcy Miscellaneous Fee Schedule – Effective December 1, 2013**

Enclosed with this letter is a brief summary of the Rules and Forms amendments that will go into effect on December 1, 2013. To view the Rules amendments in their entirety, I encourage you to visit the United States Courts' website, and more specifically the Bankruptcy Rules Webpage located at:

<http://www.uscourts.gov/RulesAndPolicies/rules/pending-rules.aspx>

To view the amended forms, visit the Bankruptcy Forms Webpage at:

<http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms/BankruptcyFormsPendingChanges.aspx>

Also effective December 1, 2013, the Judicial Conference, at its September 2013 sessions, approved several changes to the federal court miscellaneous fee schedules. The changes to the Bankruptcy Miscellaneous Fee Schedules are highlighted in red below:

Item (12) For retrieval of **one box of a-records** from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court, ~~\$53~~ **\$64**. **For retrievals involving multiple boxes, \$39 for each additional box.**

Item (13) For a ~~check paid into the court which is returned for lack of funds~~ **any payment returned or denied for insufficient funds**, **\$53**.

Item (19) For filing the following motions, \$176:

- 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); **or**
- **To sell property of the estate free and clear of liens under 11 U.S.C. § 363(f).**

Also enclosed with this letter is the complete revised Bankruptcy Court Miscellaneous Fee Schedule which becomes effective December 1, 2103.

Thanks, in advance, for your attention to these matters.

Sincerely,

A handwritten signature in black ink that reads "Jean L. Hekel". The signature is written in a cursive style and is placed on a light green rectangular background.

Jean L. Hekel  
Clerk of Court

## Federal Rules of Bankruptcy Procedure

- Rule 1007(b)(7) is revised to relieve individual debtors of the obligation to file Official Form 23, *Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management*, if the provider of an instructional course concerning personal financial management directly notifies the court that the debtor has completed the course.
- Rule 5009(b) is revised to reflect the amendment of Rule 1007(b)(7). Rule 5009(b) currently requires the clerk to send a warning notice to an individual debtor who has not filed Official Form 23 within 45 days after the first date set for the meeting of creditors. The proposed amendment would require the clerk to send the notice only if the course provider has not already notified the court of the debtor's completion of the course and the debtor has failed to file the statement in 45 days.
- Rule 4004(c)(1)(H) is amended to provide that the court must delay entering a discharge for a debtor who has not filed Official Form 23, only if the debtor was in fact required to do so under Rule 1007(b)(7).
- Rule 9006(d) prescribes time limits for the service of written motions and responses. The amendments to this subsection draw attention to the rule's default deadlines for the service of motions and written responses by amending the title to add a reference to the "time for motion papers." The change is consistent with Civil Rule 6 and should make it easier to find the provision governing motion practice. Rule 9006(d) currently covers only the timing of serving opposing affidavits. The proposed amendments expand the coverage of subdivision (d) to address the timing of the service of any written response to a motion. The change would make the provision as inclusive as possible to make local motion practice more consistent.
- Rule 9013, which addresses the form and service of motions, is amended to provide a cross-reference to the time periods in Rule 9006(d). The amendment also calls greater attention to the default deadlines for motion practice. In addition, stylistic changes are made to Rule 9013 to add greater clarity.
- Rule 9014, which addresses contested matters in bankruptcy, is similarly amended to provide a cross-reference to the times under Rule 9006(d) for serving motions and responses.
- Official Forms 3A, Application for Individuals to Pay the Filing Fee in Installments, 3B, Application to Have the Chapter 7 Filing Fee Waived, 6I, Schedule I: Your Income, and 6J Schedule J: Your Expenses, are the first of the restyled forms developed as part of the Bankruptcy Rules Committee's ongoing Forms Modernization Project ("FMP"). The forms were selected for the initial implementation phase of the FMP because they make no significant change in substantive content and simply replace existing forms that apply only in individual-debtor cases, and which are employed by a range of users: the courts, U.S. trustees, and case trustees, for varied purposes.
- Official Forms 6 Summary, Summary of Schedules, and 27, Reaffirmation Cover Sheet, are revised with updated line number cross references to Schedules I and J.
- Official Form 23, *Debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management*, is revised to reflect the change to Rule 1007(b) described above by including an instruction stating that the debtor should complete and file the form only if the provider of an instructional course concerning personal financial management has not already notified the court of the debtor's completion of the course.

### **Bankruptcy Court Miscellaneous Fee Schedule<sup>1</sup>**

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.
- (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.
  - (2) For certification of any document, \$11.  
For exemplification of any document, \$21.
  - (3) For reproduction of an audio recording of a court proceeding, \$30. This fee applies to services rendered on behalf of the United States if the recording is available electronically.
  - (4) For filing an amendment to the debtor's schedules of creditors, lists of creditors, or mailing list, \$30, 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.
  - (5) For conducting a search of the bankruptcy court records, \$30 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.

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<sup>1</sup> Issued in accordance with 28 U.S.C. § 1930.

- (6) For filing a complaint, \$293, except:
- If the trustee or debtor-in-possession files the complaint, the fee must be paid only by the estate, to the extent 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.
- (7) For filing any document that is not related to a pending case or proceeding, \$46.
- (8) Administrative fee for filing a case under Title 11 or when a motion to divide a joint case under Title 11 is filed, \$46.
- (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.
- (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.

- (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, \$1167.
  - For filing a motion to reopen a Chapter 11 case, \$1167.
  - 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, \$1167.

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; or
  - when the reopening is to correct an administrative error.
- (12) For retrieval of ~~one box of a~~ records from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court, ~~\$53~~ \$64. For retrievals involving multiple boxes, \$39 for each additional box.
- (13) For ~~a check paid into the court which is returned for lack of funds~~ any payment returned or denied for insufficient funds, \$53.
- (14) For filing an appeal or cross appeal from a judgment, order, or decree, \$293.

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 paid only by the estate, to the extent there is an estate.

Upon notice from the court of appeals that a direct appeal or direct cross-appeal has been authorized, an additional fee of \$157 must be collected.

- (15) For filing a case under Chapter 15 of the Bankruptcy Code, \$1167.

This fee is derived from and equal to the fee prescribed in 28 U.S.C. § 1930(a)(3) for filing a case commenced under Chapter 11 of Title 11.

- (16) The court may charge and collect fees commensurate with the cost of providing copies of the local rules of court. The court may also distribute copies of the local rules without charge.
- (17) The clerk shall assess a charge for the handling of registry funds deposited with the court, 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.

For management of registry funds invested through the Court Registry Investment System, a fee at a rate of 2.5 basis points shall be assessed from interest earnings.

- (18) For a motion filed by the debtor 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, \$1167.
  - 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).

- (19) For filing the following motions, \$176:
- 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); **or**
  - **To sell property of the estate free and clear of liens under 11 U.S.C. § 363(f).**

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.
- (20) For filing a transfer of claim, \$25 per claim transferred.<sup>2</sup>

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<sup>2</sup> This fee will be effective May 1, 2013.