

Frequently Asked Questions Changes to Bankruptcy Fees

Item 6 - Adversary Filing Fee

1. *What is the fee for filing an adversary proceeding in a bankruptcy court?* \$250.
2. *Will the adversary filing fee change if the civil action filing fee in District Court changes in the future?*

No, the two fees are no longer linked.

Item 10 - Fee for Conversions

Original Case Is a Chapter 7

3. *What is the fee for filing a motion to convert a Chapter 7 case to a Chapter 13?*

No fee is charged. The Judicial Conference agreed that in the event that a case is converted to a chapter with a lower filing fee, no additional fee is charged and no refund will be allowed. The Chapter 7 statutory filing fee is \$245 while the Chapter 13 statutory filing fee is \$235, thus no fee is charged.

4. *What is the fee for filing a motion to convert a Chapter 7 case to a Chapter 11?*

The fee for filing a motion to convert a Chapter 7 case to a Chapter 11 will be \$755 - the difference between the statutory filing fee for a Chapter 11 (\$1,000) and the statutory fee for filing a Chapter 7 case (\$245).

5. *What is the fee for filing a motion to convert a Chapter 7 case to a Chapter 12?*

No fee is charged. The Judicial Conference agreed that in the event that a case is converted to a chapter with a lower filing fee, no additional fee will be charged and no refund will be allowed. The Chapter 7 statutory filing fee is \$245 while the Chapter 12 statutory filing fee is \$200, thus no fee is charged.

Original Case is a Chapter 11

6. *What is the fee for filing a motion to convert a Chapter 11 case to a Chapter 7?*

The fee for filing a motion to convert a Chapter 11 case to a Chapter 7 is \$15 pursuant to Item 10.

7. What is the fee for filing a motion to convert a chapter 11 case to any chapter other than Chapter 7?

No fee is charged. The Judicial Conference agreed that in the event that a case is converted to a chapter with a lower filing fee, no additional fee will be charged and no refund will be allowed. The Chapter 11 filing fee is greater than or equal to all other fees.

Original Case is a Chapter 12

8. What is the fee for filing a motion to convert a Chapter 12 case to a Chapter 7 case?

The total fee for filing a motion to convert a Chapter 12 case to a Chapter 7 case is \$60. This \$60 fee includes: the \$15 fee currently required in Item 10 for converting to a Chapter 7, plus an additional \$45 - the difference between the Chapter 7 statutory filing fee (\$245) and the Chapter 12 statutory filing fee (\$200).

9. What is the fee for filing a motion to convert a Chapter 12 case to a Chapter 13 case?

The total fee for filing a motion to convert a Chapter 12 case to a Chapter 13 is \$35 - the difference between the Chapter 13 statutory filing fee (\$235) and the Chapter 12 statutory filing fee (\$200).

10. What is the fee for filing a motion to convert a Chapter 12 case to a Chapter 11 case?

The total fee for filing a motion to convert a Chapter 12 case to a Chapter 11 case is \$800 - the difference between the statutory filing fee for a Chapter 11 (\$1,000) and the statutory filing fee for filing a Chapter 12 (\$200).

Original Case is a Chapter 13

11. What is the fee for filing a motion to convert a Chapter 13 case to a Chapter 7?

The total fee for filing a motion to convert a Chapter 13 case to a Chapter 7 case is \$25. This fee of \$25 includes: the \$15 fee for converting to a Chapter 7 currently required by item 10, plus an additional \$10 - the difference between the Chapter 7 statutory filing fee (\$245) and the Chapter 13 statutory filing fee (\$235).

12. What is the fee for filing a motion to convert a Chapter 13 case to a Chapter 12?

No fee is charged. The Judicial Conference agreed that in the event that a case is converted to a chapter with a lower filing fee, no additional fee is charged and no refund will be given. The Chapter 12 statutory filing fee is \$200 while the Chapter 13 statutory filing fee is \$235, thus no fee is charged.

13. What is the fee for filing a motion to convert a Chapter 13 case to a Chapter 11?

The fee for filing a motion to convert a Chapter 13 case to a Chapter 11 case will be \$765 - the difference between the statutory filing fee for a Chapter 11 case (\$1,000) and the statutory fee for filing a Chapter 13 case (\$235).

Sua Sponte Conversions by the Court

14. What is the fee when the court orders a conversion of a case to another chapter under the Bankruptcy Code?

No fee is charged when the conversion order is made sua sponte (i.e., on its own) by the court, in the absence of a notice or request of a party.

Item 11 -Reopening Fee

15. What is the fee to reopen a Chapter 7 case?

The total fee for filing a motion to reopen a Chapter 7 case will be \$260. This amount includes the reopening fee of \$245 plus the \$15 fee required by Item 11 to be paid to case trustees pursuant to statutory directive under 11 U.S.C. § 330(b)(2).

16. What is the fee to reopen a Chapter 11 case?

The total fee for filing a motion to reopen a Chapter 11 case is \$1,000.

17. What is the fee to reopen a Chapter 12 case?

The total fee for filing a motion to reopen a Chapter 12 case is \$200.

18. What is the fee to reopen a Chapter 13 case?

The total fee for filing a motion to reopen a Chapter 13 case is \$235.

19. What is the fee to reopen a Chapter 15 case?

The total fee for filing a motion to reopen a Chapter 15 case is \$1,000.

20. What situations trigger the exemption from the fee for a motion to reopen a case?

The exemption from paying the fee to reopen a case can be applied in only two situations. These two situations are: (1) reopening a case to permit a party to file a complaint to obtain a determination under Rule 4007(b), or, (2) reopening a case when a creditor is

violating the terms of the discharge under 11 U.S.C. § 524.

21. A debtor fails to complete a financial management course in order to be eligible for discharge as required by BAPCPA. The case is closed without a discharge being granted. The debtor files a motion to reopen the case for the purpose of filing the financial management certificate. Can the debtor assert that the filing is related to the discharge and be exempt from paying the fee?

No. In order to resolve any ambiguity with regard to the exemption from the reopening fee, the Judicial Conference amended Item 11 of the Bankruptcy Court Miscellaneous Court Fee Schedule to expressly state that the fee applies to a request to reopen a case in which the court did not enter a discharge. Therefore, a debtor seeking to reopen a case to file the certificate of completion of a financial management course must pay the reopening fee, as no discharge has been granted in the case.

Item 19 - Splitting a Joint Case

22. What is the fee for filing a motion to divide a joint Chapter 7 case into two separate cases at the request of the debtor(s)?

The total fee for filing a motion to split a joint Chapter 7 case will be \$260. This amount includes the fee for splitting a Chapter 7 case of \$245 plus the \$15 fee required by Item 19 to be paid to case trustees pursuant to statutory directive under 11 U.S.C. § 330(b)(2).

23. What is the fee for filing a motion to divide a joint Chapter 11 case into two separate cases at the request of the debtor(s)?

The fee for filing a motion to split a joint Chapter 11 case is \$1,000.

24. What is the fee for filing a motion to divide a joint Chapter 12 case into two separate cases at the request of the debtor(s)?

The fee for filing a motion to split a joint Chapter 12 case is \$200.

25. What is the fee for filing a motion to divide a joint Chapter 13 case into two separate cases at the request of the debtor(s)?

The fee for filing a motion to split a joint Chapter 13 case is \$235.

Items 15 and 21 - Filing Fees for Appeals and Fee for Direct Appeals

26. What is the fee for filing an appeal from a bankruptcy court decision to the district court or Bankruptcy Appellate Panel (BAP)?

The total fee for filing an appeal to the district court or the BAP is \$255. This amount includes the \$250 fee required by Item 15 plus the \$5 notice of appeal fee required by 28 U.S.C. §1930(c).

27. What is the fee for filing a cross appeal from a bankruptcy court decision to the District Court or Bankruptcy Appellate Panel(BAP)?

The total fee for filing a cross appeal to the district court or the BAP is \$255. This amount includes the \$250 fee required by Item 21 plus the \$5 notice of appeal fee required by 28 U.S.C. §1930(c).

28. What is the fee for filing a direct appeal from a bankruptcy court decision to the Court of Appeals?

The fee for **requesting** a direct appeal from a bankruptcy court decision to the Court of Appeals is \$255. This amount includes the \$250 fee required by Item 15 plus the \$5 notice of appeal fee required by 28 U.S.C. §1930(c). If the court of appeals **authorizes** the direct appeal, an **additional** fee of \$200 will be collected by the bankruptcy clerk, as required by Item 15 of the Bankruptcy Court Miscellaneous Fee Schedule.

29. What is the fee for filing a direct cross appeal from a bankruptcy court decision to the Court of Appeals?

The fee for **requesting** a direct cross appeal from a bankruptcy court decision to the Court of Appeals is \$255. This amount includes the \$250 fee required by Item 21 plus the \$5 notice of appeal fee required by 28 U.S.C. §1930(c). If the court of appeals **authorizes** the direct cross appeal, an **additional** fee of \$200 will be collected by the bankruptcy clerk as required by Item 21 of the Bankruptcy Court Miscellaneous Fee Schedule.