

FILED
March 12, 2014
U. S. Bankruptcy Court
District of Colorado
Kenneth S. Gardner, Clerk

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO

IN THE MATTER OF CHAPTER 7 TRUSTEES'
MOTIONS TO SELL UNDER 11 U.S.C. § 363(f)
REQUIRING A FILING FEE

GENERAL PROCEDURE ORDER NUMBER 2014-2

This matter comes before the Court to address the issue of the timing of payment of the filing fee for chapter 7 trustees' motions to sell under 11 U.S.C. § 363(f). In order to facilitate the requirements for the collection of fees in connection with a chapter 7 trustee's motion to sell property free and clear of liens under Section 363(f), the court establishes the following procedure for payment of the filing fee.

As of December 1, 2013, a fee in the amount of \$176.00 is assessed for Section 363(f) motions ("Section 363(f) Fee"). Unlike a number of other fees, neither the Fee Compendium nor 28 U.S.C. § 1930 states when the Section 363(f) Fee is due. Because no due date is specified, this court concludes that it has the discretion to establish a reasonable due date. Ordinarily, that date would be when a sale motion is filed. However, the Fee Compendium reflects a policy that chapter 7 case trustees should not have to pay a fee from personal assets when the bankruptcy estate does not have money to pay the fee. Therefore, upon a trustee's certification that there are no liquid assets in the estate to pay the Section 363(f) Fee, the court concludes that the fee should not be due until the conclusion of the proposed sale.

IT IS ORDERED that the chapter 7 trustee shall pay the Section 363(f) Fee as soon as practicable after closing of the proposed Section 363(f) sale.

IT IS FURTHER ORDERED that any order approving a sale motion shall provide for the payment of the Section 363(f) Fee from the sale proceeds, to the extent not already paid.

Dated: March 12, 2014

BY THE COURT:

S/
Howard R. Tallman, Chief Judge
Sidney B. Brooks, Judge
A. Bruce Campbell, Judge
Elizabeth E. Brown, Judge
Michael E. Romero, Judge