

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO

IN THE MATTER OF INSTALLMENT
PAYMENT REQUESTS and ADDITIONAL
DELEGATION TO THE CLERK OF THE COURT.

GENERAL PROCEDURE ORDER NUMBER 2014-4(a)

This matter arises *sua sponte* based upon the increasing number of individual and consumer bankruptcy cases that suffer from filing deficiencies. Deficient filings require increased tracking and administrative action. The procedural changes described below are enacted to address some of the issues raised by deficient filings.

Federal Rule of Bankruptcy Procedure 1006 and Local Bankruptcy Rule 1002-1(3) require that every petition be accompanied by the filing fee. A debtor filing a voluntary petition will meet this requirement by paying the filing fee in full. In the alternative, an individual debtor may meet this requirement if the debtor files an application to pay the filing fee in installments; or files an application for waiver of the filing fee with the petition. Fed R. Bankr.P. 1006(b) and (c).

The Bankruptcy Court for the District of Colorado is experiencing an increase in the number of cases in which the debtor opts to pay the filing fee in installments. Frequently, however, no filing fee is collected before the case is dismissed due to other deficiencies. The failure to collect a fee places an administrative burden on the court and trustees. Accordingly, it is

ORDERED THAT

1. Effective Date. The provisions of this General Procedure Order are effective as of July 1, 2014.

2. Payment Options.

A. Paper Filed Petitions. Every voluntary petition submitted in paper form to the clerk of court for filing shall be accompanied by one of the following payment options/applications:

- 1) full payment of the applicable filing fee;

- 2) an application to pay the filing fee in installments (Official Form 3A); or
- 3) an application for waiver of the filing fee (Official Form B 3B) **(only available for qualified Chapter 7 debtors).**

Paper petitions that are deficient with respect to the three options above will be returned to the filer and no bankruptcy case will be opened. The clerk of court is authorized to reject any voluntary petition that does not satisfy one of the payment options.

B. Electronically Filed Petitions. When a voluntary petition is filed electronically with the court's Electronic Case Filing system (ECF) the filer shall designate at case opening one of the following:

- 1) if there will be full payment of the applicable filing fee;
- 2) if there will be an application to pay the filing fee in installments (Official Form 3A); or
- 3) if there will be an application for waiver of the filing fee (Official Form B 3B) **(only available for qualified Chapter 7 debtors).**

When documents and/or, when applicable, the fee in support of the selected payment option are not filed on the same date as the petition, the case will be dismissed as not meeting the initial requirements under Local Bankruptcy Rule 1002-1.¹ Consistent with Local Bankruptcy Rule 5005-4, in any attorney-filed electronic case, all fee payments made pursuant to Fed. R. Bankr. P. 1006(b) must be processed electronically with an attorney or law firm credit card through the ECF program used by the court.

3. Initial Installment Amount. The amount of the initial installment payment for all chapters is found on the most recently published schedule on the Court's website and that will be attached when updated to this General Procedure Order. The first installment payment must be paid no later than fourteen (14) days from the petition filing date.

4. Subsequent Payments. The remaining installment payments shall be made according to the most recently published schedule referenced above. The schedule will set forth the amounts and timing of those payments based upon the most recent fee schedules approved by the Judicial Conference of the United States Courts.

5. Denial of Installment Application. Consistent with General Procedure Order 2009-3 (SO-13), on the request of an individual debtor to pay his/her filing fee in installments, the clerk of the court shall enter an Order denying the application if the clerk's review of the official records demonstrates the existence of a prior bankruptcy filing by the debtor in this

1

Local Bankruptcy Rule 1002-1(3) requires the filing of those documents to meet the minimum initial filing requirements. Since the clerk does not have the ability to reject an electronic filing before it occurs and return the filing, as occurs with paper filed cases, the case will be summarily dismissed for failing to file the minimum required documents and payment option.

district, which case was dismissed and at the time of dismissal the debtor had failed to pay the filing fees in full.

A. Paper Filed Petitions. If the debtor is not eligible to pay the filing fee in installments per General Procedure Order 2009-3 (SO-13), the clerk of court is authorized to reject a voluntary petition unless accompanied by the full payment of the filing fee.

B. Electronically Filed Petitions. Following denial of the installment fee application, the failure to electronically tender the payment of the **full** filing fee in the current case within three (3) business days of the order denying the installment fee application will cause the filer's ECF account to be administratively locked until the full payment is received.

6. Delegation of Authority to the Clerk. In addition to the authority set forth in General Procedure Order 2009-3 (SO-13), the clerk of court, and such deputies as the clerk of the court may designate, are authorized to sign and enter or carry out without further direction, the following orders and actions that are deemed to be of a ministerial nature:

A. orders on applications to pay the filing fee in installments and setting specific amounts and dates for payments;

B. orders in electronically filed cases denying requests to pay the filing fee in installments when the debtor is not eligible to pay in installments under General Procedure Order 2009-3 and requiring payment in full of the filing fee within three days of filing the petition;

C. orders dismissing electronically filed petitions where documents and/or applicable fees in support of the selected payment option are not filed on the same date as the petition resulting in the case failing to meet the initial requirements under Local Bankruptcy Rule 1002-1.

D. rejection of bankruptcy petitions filed in paper that are **not** accompanied by 1) the filing fee; or 2) a request to pay the fee in installments when the debtor **is eligible** to pay in installments under General Procedure Order 2009-3 (SO-13); or 3) a fee waiver request for Chapter 7 individual debtors who satisfy the requirements for the waiver.

Dated: June 30, 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

SCHEDULE OF PAYMENTS

Installment payments in individual debtor cases by chapter shall be made in no less than the following amounts and no later than the following days after filing the petition:

Payments/Days After Filing	Ch 7	Ch 11	Ch 12	Ch 13
First Payment (within 14 days of the petition date)	\$125.00	\$600.00	\$125.00	\$125.00
Second Payment (within 42 days of the petition date)	\$105.00	\$600.00	\$75.00	\$95.00
Third Payment (within 70 days of the petition date)	\$105.00	\$517.00	\$75.00	\$90.00