Filed in U.S. Bankruptcy Court
Atlanta, Georgia

FEB 12 2013

M. Regina Thomas, Clerk
By Judy Taylor
Deputy Clerk

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA

IN RE:	:	
	:	**GENERAL ORDER NO. 16-2013**
PAYMENT OF FILING FEE IN INSTALLMENTS TO COMMENCE BANKRUPTCY CASE (Applicable to cases filed on or after February 19, 2013)	:	

ORDER

This Order is effective as to all cases filed on or after February 19, 2013 and, as to those cases, replaces General Order No. 4-2005. General Order No 4-2005 continues to apply to cases filed from October 17, 2005 through February 18, 2013. General Order No. 4-2005 replaced General Order 11 which continues to apply to cases filed from January 15, 2004 through October 16, 2005.

Section 1930(a)(7) of Title 28 of the United States Code allows an individual to pay the filing fee in installments. Subsection (b) of Bankruptcy Rule 1006 permits an individual to file a signed application, along with the petition, stating that Debtor is unable to pay the filing fee except in installments. Accordingly, it is ORDERED that:

1. **With regard to voluntary individual Chapter 7 Debtors unable to pay the filing fee except in installments**, the Clerk is authorized to accept for filing a petition initiating a voluntary individual (or joint debtors) Chapter 7 case without payment in full of

the filing fee, provided that the petition is accompanied by a signed application to pay the filing fee in installments. The number of installments shall not exceed three (3), and the final installment shall be payable not later than 60 days from the date the petition is filed.[1] A minimum installment of $75.00 must accompany the application and petition, except that if Debtor is unable to make the initial filing fee payment at the time of filing, an order will be entered requiring Debtor to make the initial filing fee payment of $75.00 within seven (7) days following the date the petition is filed. If Debtor fails to make the initial filing fee installment payment within the time specified, Debtor's case may be dismissed without further notice or opportunity for hearing.

Additionally, the application to pay the filing fee in installments must provide that the second installment shall be in an amount not less than one-half of the unpaid balance of the filing fee and shall be due and payable within 30 days of the petition date; the remaining unpaid balance of the filing fee as the final installment shall be due and payable within 60 days of the petition date.

If the Debtor does not timely pay the second or final filing fee installment payment within the time specified, Debtor's case may be dismissed without further notice or opportunity for hearing.

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[1] Nothing in this General Order 14-2003 should be construed to prevent an individual Chapter 7 debtor (or joint debtors) who meet the requirements of 28 U.S.C. § 1930 (f) and Bankruptcy Rule 1006 (c), from requesting a waiver of the Chapter 7 filing fee.

2. **With regard to voluntary individual Chapter 11 Debtors unable to pay the filing fee except in installments**, the Clerk is authorized to accept for filing a petition initiating a voluntary individual (or joint debtors) Chapter 11 case without payment in full of the filing fee, provided that the petition is accompanied by a signed application to pay the filing fee in installments. The number of installments shall not exceed three (3), and the final installment shall be payable not later than 60 days from the date the petition is filed. A minimum installment of $339.00 must accompany the application and petition, except that if Debtor is unable to make the initial filing fee payment at the time of filing, an order will be entered requiring Debtor to make the initial filing fee payment of $339.00 within seven (7) days following the date the petition is filed. If Debtor fails to make the initial filing fee installment payment within the time specified, Debtor's case may be dismissed without further notice or opportunity for hearing.

Additionally, the application to pay the filing fee in installments must provide that the second installment shall be in an amount not less than one-half of the unpaid balance of the filing fee and shall be due and payable within 30 days of the petition date; and the remaining unpaid balance of the filing fee as the final installment shall be due and payable within 60 days of the petition date.

If the Debtor does not timely pay the second or final filing fee installment payment within the time specified, Debtor's case may be dismissed without further notice or opportunity for hearing.

3. **With regard to voluntary individual Chapter 12 Debtors unable to pay the filing fee except in installments**, the Clerk is authorized to accept for filing a petition initiating a voluntary individual (or joint debtors) Chapter 12 case without payment in full of the filing fee, provided that the petition is accompanied by a signed application to pay the filing fee in installments. The number of installments shall not exceed three (3), and the final installment shall be payable not later than 60 days from the date the petition is filed. A minimum installment of $75.00 must accompany the application and petition, except that if Debtor is unable to make the initial filing fee payment at the time of filing, an order will be entered requiring Debtor to make the initial filing fee payment of $75.00 within seven (7) days following the date the petition is filed. If Debtor fails to make the initial filing fee installment payment within the time specified, Debtor's case may be dismissed without further notice or opportunity for hearing.

Additionally, the application to pay the filing fee in installments must provide that the second installment shall be in an amount not less than one-half of the unpaid balance of the filing fee and shall be due and payable within 30 days of the petition date; and the remaining unpaid balance of the filing fee as the final installment shall be due and payable within 60 days of the petition date.

If the Debtor does not timely pay the second or final filing fee installment payment within the time specified, Debtor's case may be dismissed without further notice or opportunity for hearing

4. **With regard to voluntary individual Chapter 13 Debtors unable to pay the filing fee except in installments**, the Clerk is authorized to accept for filing a petition initiating a voluntary individual (or joint debtors) Chapter 13 case without payment in full of the filing fee, provided that the petition is accompanied by a signed application to pay the filing fee in installments. The number of installments shall not exceed three (3), and the final installment shall be payable not later than 60 days from the date the petition is filed. A minimum installment of $75.00 must accompany the application and petition, except that if Debtor is unable to make the initial filing fee payment at the time of filing, an order will be entered requiring Debtor to make the initial filing fee payment of $75.00 within seven (7) days following the date the petition is filed. If Debtor fails to make the initial filing fee installment payment within the time specified, Debtor's case may be dismissed without further notice or opportunity for hearing.

Additionally, the application to pay the filing fee in installments must provide that the second installment shall be in an amount not less than one-half of the unpaid balance of the filing fee and shall be due and payable within 30 days of the petition date; and the remaining unpaid balance of the filing fee as the final installment shall be due and payable within 60 days of the petition date.

If the Debtor does not timely pay the second or final filing fee installment payment within the time specified, Debtor's case may be dismissed without further notice or opportunity for hearing.

5. In individual Chapter 7, Chapter 11, Chapter 12 and Chapter 13 cases, if Debtor files an application to pay the filing fee in installments and the Court's records show that Debtor has been a Debtor in a prior case in which Debtor failed to pay the full filing fee in installments and then defaulted on that obligation, Debtor will not be permitted to pay the filing fee in installments. In that event, Debtor must pay the filing fee in full, within seven (7) days following the date the petition is filed. If the Debtor fails to pay timely the filing fee in full as required, Debtor's pending case will be dismissed without further notice or opportunity for hearing.

If the Clerk inadvertently accepts Debtor's application to pay the filing fee in installments when debtor has failed to pay the full filing fee in a prior case, Debtor will be served an *Order Regarding Unpaid Filing Fees* requiring payment of the full filing fee within seven (7) days following the date the petition is filed. If Debtor fails to pay timely the filing fee in full within the time specified, debtor's pending case will be dismissed without further notice or opportunity for hearing.

6. Payment of the filing fee in installments does not modify the obligation of Debtor to pay the filing fee in full even in the event that Debtor's case is dismissed prior to payment of the filing fee in full.

7. All fee payments shall be made to the Clerk of Court in cases under all chapters. All payments must be made by cash, money order, cashier's check, attorney's check, or trustee's check payable to "Clerk, United States Bankruptcy Court."

8. In accordance with Bankruptcy Rule 1006(b)(3), Debtor, or, in a Chapter 13 case, the Chapter 13 trustee, will not make any payment to an attorney or other person who renders service in connection with the case until the filing fee is paid in full.

IT IS SO ORDERED, this 12 day of February, 2013.

C. RAY MULLINS, CHIEF JUDGE
United States Bankruptcy Judge
For the Court