

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: ) CHAPTER 13  
)  
BARBARA JEAN MCNAIR, ) CASE NO. 12-64142 - MHM  
)  
Debtor. )

**ORDER REGARDING PAYMENT OF  
FILING FEE FOR NOTICE OF APPEAL**

This case commenced June 4, 2012, when Debtor filed her Chapter 13 bankruptcy petition *pro se*. Debtor completed payment of the Chapter 13 filing fee June 5, 2012.

By order entered July 11, 2012, the automatic stay was modified to permit the Georgia Housing and Finance Authority (“GHFA”) to proceed with dispossessory proceedings, GHFA having purchased Debtor’s residence at a February 2011 foreclosure sale (conducted by GHFA prepetition) (Doc. No. 20) (the “Order”). Debtor filed a Notice of Appeal of the Order July 27, 2012 (Doc. No. 22). By notice issued July 27, 2012, Debtor was notified of the \$298 filing fee due and unpaid for the Notice of Appeal (Doc. No. 23)(the “Filing Fee Notice”). Apparently in response to the Filing Fee Notice, Debtor filed an *Application for Waiver of the Chapter 7 Filing Fee* (Doc. No. 27) (the “Application”).

Under 18 U.S.C. §1930(f), waiver of the case filing fee is not available in a Chapter 13 case. Nevertheless, under 28 U.S.C. §1915, Debtor may seek to proceed *in forma pauperis* in an appeal. Under §1915(a)(3), however, “[a]n appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith.”

On August 8, 2012, hearing was held on Debtor's *pro se* motion for stay pending appeal (Doc. No. 30). At that hearing, the court concluded that not only did Debtor's appeal lack any likelihood of success, but also that the appeal was frivolous and, therefore, not filed in good faith. Accordingly, it is hereby

ORDERED that Debtor's Application waiver of the filing fee for the Notice of Appeal is *denied*. Debtor must pay the filing fee of \$298 in full within 14 days of the date of entry of this order. **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."**

*If Debtor fails to timely pay the filing fee as set forth above, Debtor's appeal may be dismissed by the U.S. District Court without further notice or hearing.*

The Clerk, U.S. Bankruptcy Court, is directed to serve a copy of this order upon Debtor, the Chapter 13 Trustee, attorney for Georgia Housing and Finance Authority and the U.S. Trustee.

IT IS SO ORDERED, this the 10<sup>th</sup> day of August 2012.

  
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MARGARET H. MURPHY  
UNITED STATES BANKRUPTCY JUDGE