

OCT 31 2018

By: 
Deputy Clerk

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA

IN RE:)
)
 PAYMENT OF FILING FEE) GENERAL ORDER NO. 23-2018
 IN INSTALLMENTS)
 TO COMMENCE)
 BANKRUPTCY CASE)

ORDER

This Order is effective as to all notices and orders described herein issued in cases on or after December 1, 2018 and, as to those cases, replaces General Order No. 16-2013.

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. **If an individual debtor (or joint debtors) files a voluntary petition initiating a bankruptcy case and is unable to pay the filing fee except in installments**, the Clerk is authorized to accept the petition for filing without payment in full of the filing fee, if the petition is accompanied by a signed application to pay the filing fee in installments. Unless the Court orders otherwise, 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 must accompany the application and petition. The minimum Initial Filing Fee Installment Payment is:

In a Chapter 7 case - \$75.00

¹ Nothing in this General Order 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.

In a Chapter 11 case - \$339.00
In a Chapter 12 case - \$75.00
In a Chapter 13 case - \$75.00

If a Debtor is unable to make the Initial Filing Fee Installment Payment at the time of filing, an order will be entered requiring Debtor to make the Initial Filing Fee Installment Payment within ten (10) 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 in accordance with the Local Rules.

Additionally, unless the Court orders otherwise, 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 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 in accordance with Local Rules.

2. Unless the Court orders otherwise, 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 ten (10) days following the date the petition is filed unless the Court orders otherwise. If Debtor fails to pay timely the filing fee in full as required, Debtor's pending case may be dismissed without further notice or opportunity for hearing in accordance with the Local Rules.

3. 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.

4. All filing 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."

5. In accordance with Bankruptcy Rule 1006(b)(3), Debtor, or, in a Chapter 13 case, the Chapter 13 trustee, will not make any further 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 31st day of October, 2018.

Wendy L. Hagenau
WENDY L. HAGENAU, CHIEF JUDGE
United States Bankruptcy Court
for the Court