



PUBLIC NOTICE

03-6

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA
Brenda K. Argoe, Clerk of Court

TO: Practitioners/Constituents

SUBJECT: Increase in Bankruptcy Miscellaneous Fee Schedule

DATE: October 6, 2003

CHANGES ARE EFFECTIVE NOVEMBER 1, 2003

The Judicial Conference of the United States, at its September 2003 session, approved changes to the miscellaneous fee schedules for the courts of appeal, the district courts, the Court of Federal Claims, the bankruptcy courts, and the Judicial Panel on Multidistrict Litigation.

Listed below are the fee changes to the Bankruptcy Court Miscellaneous Fee Schedule (Appendix to Title 28, U.S.C. §1930); the number in the first column corresponds to that fee as listed in the complete fee schedule.

<u>Item No.</u>	<u>Description</u>	<u>New Fee</u>
3	Reproduction of recordings of proceedings	\$ 26.00
12	Microfilm/Microfiche of court record	\$ 5.00
5	Search of records of the court	\$ 26.00
2	Certification of documents	\$ 9.00
2	Exemplification of documents	\$ 18.00
14	Check returned for lack of funds	\$ 45.00
7	Filing or indexing miscellaneous document	\$ 39.00
4	Amending schedules of creditors, list of creditors, matrix,	\$ 26.00
13	Retrieval of records	\$ 45.00
20	Filing motion to modify or lift stay	\$ 150.00
15	Docketing an Appeal *	* \$ 250.00

21	Docketing a cross appeal *	* \$ 250.00
8	Administrative Fee **	** \$ 39.00
19	Dividing joint case - chapter 7	\$ 155.00
19	Dividing joint case - chapter 11	\$ 800.00
19	Dividing joint case - chapter 12	\$ 200.00
19	Dividing joint case - chapter 13	\$ 155.00

* The fee for a notice of appeal, required by 28 U.S.C. §1930(c), has not changed; thus, the total amount due upon the filing of an appeal or cross appeal is \$255 (\$5 for the notice of appeal and \$250 for docketing of the appeal or cross appeal).

** Even though the filing fees specified in Title 28, U.S.C. §1930(a) and the trustee fee in chapter 7 cases (Item 9, Bankruptcy Miscellaneous Fee Schedule) have not increased, due to the increase in the administrative fee, the total amount due at the filing of a case has increased as follows:

<u>Chapter</u>	<u>Total Fee Due at Filing</u>
7	\$ 209.00
13	\$ 194.00
9	\$ 839.00
11 (non-railroad)	\$ 839.00
11 (railroad)	\$ 1,039.00
12	\$ 239.00

Clarifying language has been added to the following items of the Bankruptcy Miscellaneous Fee Schedule:

Item 4 - Amendment fee. Language added to set forth the two exceptions to this fee within the language of the fee item. First, no fee is required to change the address of a **previously listed** creditor; and second, no fee is required to add the name and address of a **previously listed** creditor's attorney.

Item 11 - Reopening Fee. Language is added to clarify that if the payment of the reopening fee is deferred for a motion to reopen by a trustee in anticipation of discovering additional assets, the fee will be waived if no additional assets are ultimately discovered.

Item 19 - Fee for Dividing Case. When a joint case is split, an entirely new case is created and is administered separately from the original case. The Judicial Conference approved modifying this fee to provide that the fee for splitting a case should be equal to the statutory fee for filing a second, separate original petition.

Item 20 - Fee for Filing a Motion to Lift Stay. The Judicial Conference approved an increase in this fee from \$75 to \$150. In addition, the Conference approved including two exceptions to this fee in the fee item – these include exemptions for a motion to lift a co-debtor stay under 11 U.S.C. §§ 1201 and 1301 and for stipulations for court approval of an agreement regarding relief from a stay.

Item 15 and Item 21 - Docketing Appeal and Docketing Cross Appeal. The Judicial Conference increased Item 1 of the Court of Appeals Miscellaneous Fee Schedule from \$100 to \$250. Because Items 15 and 21 of the Bankruptcy Miscellaneous Fee Schedule track Item 2 of the Court of Appeals Miscellaneous Fee Schedule, which enumerates the fee for docketing a case on appeal or review, both of these fees were increased to \$250.