

United States Bankruptcy Court - District of Nebraska

NOTICE OF CHANGES IN MISCELLANEOUS FEE SCHEDULE EFFECTIVE DATE: November 1, 2003

The Judicial Conference, at its September 2003 session, approved changes to the miscellaneous fee schedules for the courts of appeals, the district courts, the Court of Federal Claims, the bankruptcy courts, and the Judicial Panel on Multidistrict Litigation, promulgated under 28 U.S.C. §§ 1913, 1914, 1926, 1930, and 1932, respectively. All changes to the fee schedules discussed in this memorandum will become effective November 1, 2003.

In 1996, the Judicial Conference approved an increase in certain miscellaneous fees to account for inflation and rising court costs (JCUS-SEP 96, p. 54). At that time, the Court Administration and Case Management Committee determined that it would be appropriate to review the miscellaneous fee schedules periodically to determine whether to recommend any inflationary adjustments would be appropriate. As a result of this periodic review, the Judicial Conference, at its September 2003 session, approved an increase in certain miscellaneous fees for all court units to account for inflation and rising court costs.

Outlined below are changes to the Bankruptcy Court Miscellaneous Fee Schedule that were approved by the Judicial Conference at its September 2003 session. **These changes will become effective November 1, 2003.**

Item 2 - Certification

For a certification of any document or paper, whether the certification is made directly on the document or by a separate instrument. **The Conference approved an increase in this fee from \$7.00 to \$9.00.** For exemplification, of any document or paper, twice the amount of the charge for certification (\$18.00).

Item 3 - Reproduction of Proceedings

For reproduction of recordings of proceedings, regardless of the medium. **The Conference approved an increase in this fee from \$20.00 to \$26.00.**

Item 4 - Amendments to Schedules, lists, matrix or mailing lists.

For amendments to a debtor's schedules of creditors, lists of creditors, matrix, or mailing lists, provided the bankruptcy judge may, for good cause, waive the charge in any case. **The Conference approved an increase in this fee from \$20.00 to \$26.00.**

Item 5 - Search of Records

For every search of the records of the bankruptcy court conducted by the clerk of the bankruptcy court or a deputy clerk, per name searched. **The Conference approved an increase in this fee from \$20.00 to \$26.00.**

Item 7- Indexing any document

For filing or indexing any document not in a case or proceeding for which a filing fee has been paid. **The Conference approved an increase in this fee from \$30.00 to \$39.00.**

Item 8 - Miscellaneous Administrative Fee in all cases

In all cases filed under title 11, the clerk shall collect from the debtor or the petitioner a miscellaneous administrative fee. **The Conference approved an increase in this fee from \$30.00 to \$39.00. (Effective November 1, 2003, the Chapter 7 fee will be \$209.00, Chapter 13 fee will be \$194.00, Chapter 9 fee will be \$839.00, Chapter 11 (Non-railroad) fee will be \$839.00, Chapter 11 Railroad fee will be \$1,039.00 and the Chapter 12 fee will be \$239.00).**

Item 12 - Microfiche Sheet of Film

For each microfiche sheet of film or microfilm jacket copy of any record, where available. **The Conference approved an increase in this fee from \$4.00 to \$5.00.**

Item 13 - Retrieval of record from Federal Records Center

For retrieval of a record from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court. **The Conference approved an increase in this fee from \$35.00 to \$45.00.**

Item 14 - Insufficient Fund Check

For a check paid into the court which is returned for lack of funds. **The Conference approved an increase in this fee from \$35.00 to \$45.00.**

Item 19 - Fees for Splitting Cases

When a joint case filed under Section 302 of title 11 is divided into two separate cases at the request of the debtor(s), a fee shall be charged. **The Conference approved an increase in this fee from one-half the current filing fee to equal to the current filing fee for the chapter under which the case was commenced.**

Item 20 - Fee for Filing a Motion to Lift Stay.

This item sets forth a fee "for filing a motion to terminate, annul, modify, or condition the automatic stay provided under § 362(a) of title 11, a motion to compel abandonment of property of the estate pursuant to Rule 6007(b) of the Federal Rules of Bankruptcy Procedure, or a motion to withdraw the reference of a case or proceeding under 28 U.S.C. § 157(d)." **The Conference approved an increase in this fee from \$75.00 to \$150.00.** In addition, the Conference approved including two exceptions to this fee in the fee item. These include exemptions for motions 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 and Cross Docketing an Appeal)

Items 15 (fee for docketing an appeal in the bankruptcy court) and 21 (fee for docketing a cross appeal in the bankruptcy court) of the Bankruptcy Court Miscellaneous Fee Schedule track Item 1 of the Court of Appeals Miscellaneous Fee Schedule, which enumerates the fee for docketing a case on appeal or review. **The Conference increased this fee from \$100.00 to \$250.00. The Notice of Appeal required by Rule 8002(a) remains at \$5.00 making the total fee collected upon appeal, as of November 1, 2003, \$255.00 (\$250.00 for docketing the appeal and \$5.00 for the notice of appeal).**

Diane Zech, Clerk of Court
Dated: October 23, 2003