

## Information About Paying the Filing Fee in Installments

1. You will not be permitted to pay the filing fee in installments if (a) you have failed to complete payment of the filing fee in a prior case, or (b) an order in the prior case bars you from paying the filing fee in a future case in installments and you have not obtained a modification of that order; or (c) an order dismissing a prior case bars you from filing the new case.

2. The installment payments required for the different chapters are:

|   | Ch.7    | Ch.13   | Ch.11    |
|---|---------|---------|----------|
| (individuals only)  |         |         |          |
| 1st Installment   | \$61.00 | \$61.00 | \$365.00 |
| (in each chapter, the first installment must be paid with the petition) |         |         |          |
| 2nd Installment   | \$91.33 | \$83.00 | \$450.66 |
| 3rd Installment   | \$91.33 | \$83.00 | \$450.66 |
| 4th Installment   | \$91.34 | \$83.00 | \$450.67 |

3. The number of installments proposed shall not exceed four (4) (with the Initial Payment with the petition constituting one of the installments), and the final installment shall be payable not later than 120 days after filing the petition. So after the initial payment, you could propose to pay:

the first installment one month later;

the second installment two months later; and

the third installment three months later,

or any other periodic payment of the three installments so long as the last installment is payable within 120 days after the filing of the petition, but the interval between an installment and the previous installment cannot exceed 45 days.

4. Once an application is approved, the debtor must comply with the installment payment schedule. However, for cause shown, by way of the filing of a motion, the court may extend the time of any installment, provided the last installment is paid not later than 180 days after filing the petition. Fed. R. Bankr. P. 1006(b)(2).

5. If your application is denied, then on 7-days notice, you will be required to pay the filing fee in full, or (if the application was denied as not in proper form, including understating the required installments or applying to pay the final installment more than 120 days after filing the petition) to file a corrected form, or show cause why the case ought not be dismissed with prejudice for 180 days with your being barred from being allowed to pay a filing fee in installments in a future case.

6. A checklist is attached hereto to guide you in preparing an Application to Pay the Filing Fee in Installments.

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLUMBIA

CHECKLIST RE PAYING IN INSTALLMENTS THE FILING FEE  
FOR AN INDIVIDUAL DEBTOR'S COMMENCING A VOLUNTARY CASE

An individual debtor filing a voluntary petition may be eligible to file an Application to Pay Filing Fee in Installments. **Prior to filing the petition**, the debtor is encouraged to consult with the Deputy Clerk of Court at the Clerk's Office's intake counter as to whether the Application meets the following guidelines set by the court permitting the Clerk's Office to grant such an Application (but a mistake by the Deputy Clerk does not deprive the Clerk's Office of the authority to deny a defective Application):

- The debtor must not have had a prior case in which the debtor failed fully to pay the filing fee.
- There must not be any order in a prior case that bars the debtor from filing a new bankruptcy case.
- A debtor must utilize the Official Form Application to Pay Filing Fees in Installments (found at <http://www.dcb.uscourts.gov/dcb/local-forms>).
- The debtor must certify that the debtor is unable to pay the filing fee except in installments.
- The Application must be signed.
- The first installment must be filed with the petition and equal:
  - at least \$61 in a chapter 7 or 13 case;
  - at least \$365 in a chapter 11 case.
- Each installment must be paid in cash or in the form of a cashier's check or money order made payable to "Clerk, U.S. Bankruptcy Court."
- The Application must:
  - provide for no more than four installments;
  - provide for the installments to be completed within 120 days after the date of the filing of the petition; and
  - provide for no more than 45 days between the first and second installment; no more than 45 days between the second and third installments; and no more than 45 days between the third and fourth installment.

- The total of the installments must equal the full amount of the filing fee required for the particular chapter:<sup>1</sup>

Chapter 7: \$335.00  
Chapter 13: \$310.00  
Chapter 11: \$1,717.00

Two examples **for a chapter 7 case** filed on, say, July 3, 2014, would be:

Example 1 (One Month Spread Between Installments):<sup>2</sup>

Installment No. 1: \$61.00 paid with the petition;  
Installment No. 2: \$91.33 paid by August 3, 2014;  
Installment No. 3: \$91.33 paid by September 3, 2014;  
Installment No. 4: \$91.34 paid by October 3, 2014.

Example 2 (Forty-Day Spread Between Installments):<sup>3</sup>

Installment No. 1: \$61.00 paid with the petition;  
Installment No. 2: \$91.33 paid by August 12, 2014;  
Installment No. 3: \$91.33 paid by September 21, 2014;  
Installment No. 4: \$91.34 paid by October 31, 2014.

Two examples **in a chapter 13 case** filed on, say, July 3, 2014, would be:

Example 1 (One Month Spread Between Installments):

Installment No. 1: \$61.00 paid with the petition;  
Installment No. 2: \$83.00 paid by August 3, 2014;  
Installment No. 3: \$83.00 paid by September 3, 2014;  
Installment No. 4: \$83.00 paid by October 3, 2014.

Example 2 (Forty-Day Spread Between Installments):

Installment No. 1: \$61.00 paid with the petition;  
Installment No. 2: \$83.00 paid by August 12, 2014;  
Installment No. 3: \$83.00 paid by September 21, 2014;  
Installment No. 4: \$83.00 paid by October 31, 2014.

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<sup>1</sup> These amounts include a \$75 administrative fee and, in chapter 7, the \$15 fee that will go to the chapter 7 trustee.

<sup>2</sup> The advantage of utilizing the monthly anniversary of the filing of the case is ease of calculation.

<sup>3</sup> The debtor can apply to pay the second installment as late as 45 days after the initial installment, to pay the third installment as late as 45 days after the second installment, and to pay the final installment no later than 120 days after the petition date (and no later than 45 days after the third installment).

**If the Clerk's Office grants the Application:**

- the debtor will *not* receive a reminder notice for each installment and must keep track of when the installments are due and pay them on time;
- failure to do so may lead to dismissal of the case unless the court grants an extension of time to complete payments;
- such an extension must be sought:
  - via a motion bearing the caption of the bankruptcy case,
  - showing cause for granting an extension; and
  - accompanied by a proposed order (with a 4 inch margin at the top) granting the motion; and
- the court cannot grant an extension to complete paying the last installment later than 180 days after filing of the petition. Fed. R. Bankr. P. 1006(b)(2).

**If the Clerk's Office denies the Application**, then on seven-day notice you will be required to pay the filing fee in full, or amend the application (if it was denied as not in proper form or as not accompanied by the required initial installment), or otherwise show cause why the case ought not be dismissed. **Because the seven-day period is short, it is in the debtor's interest prior to filing the petition to make sure by consulting with the Deputy Clerk of Court at the intake counter that the application is in proper form and the debtor has the required initial installment in an acceptable mode of payment.**