


**ECF** *iler Update*

**April 2014**

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 **Increase in Filing Fees**

The Judicial Conference of the United States has raised Bankruptcy Court filing fees effective June 1, 2014. A copy of the revised fee schedule is attached.

Filing fees for Chapter 7, 9, 11, 13, and 15 cases and adversary proceedings will increase. Fees for deconsolidation of cases will also increase.

 **Survey of Court Clerk Services**

The Court Clerk wants your thoughts and opinions on the services provided to you and to the public.

Please participate in a survey of the Clerk's Office. The survey may be completed by attorneys and by their staff members. Responses to the survey questions, hosted by Survey Monkey, are anonymous.

You may participate in the survey at  
<https://www.surveymonkey.com/s/OKWBCourtClerkSurvey>

## Holiday Court Closings

The Bankruptcy Court will be closed on Monday, May 26, 2014, in observance of Memorial Day, and Friday, July 4, in observance of Independence Day.

CM/ECF will be available for electronic filing. McVCIS, Voice Case Information System, (866 222-8029) will be available for obtaining case information.

## Signatures on Filings

Rule 11 of the Federal Rules of Civil Procedure provides:

(a) SIGNATURE. Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name—or by a party personally if the party is unrepresented. The paper must state the signer's address, e-mail address, and telephone number. Unless a rule or statute specifically states otherwise, a pleading need not be verified or accompanied by an affidavit. The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney's or party's attention.

Local Rule 9011-4 provides:

**A. Attorney Signature.** Every Document electronically filed shall contain the signature of the filing attorney excepting only reports filed pursuant to Local Rule [2015-1](#). The filing attorney shall indicate a signature on each signature line by inserting “s/Jane Doe” or a scanned signature on each applicable line. Bankruptcy Rule [9011](#) applies to all Documents filed.

Signatures may be personal or electronic. Attorneys not certified to file electronically must sign personally. The Court Clerk's staff will enter a corrective entry for failure to include the attorney filer's signature and signature block. Signature errors consistently arise on:

- **Plans**—Since the Plan may be mailed separately from the 341 Meeting Notice, a signature is required on all Plans and Amended Plans. (Amended Plans must include a certificate of service.)
- **Amended Case Initiation Documents** (Schedules, Means Test, Statements of Financial Affairs, Statements of Intent, Verification of Matrix, etc.)—When a case is filed, the attorney's signature on the Petition and Disclosure of Attorney's Compensation are the required signatures. However, when amended case initiation documents are filed,

- the attorney's signature is required, regardless of whether the form provides a signature line.
- **Affidavits**—A signature is required on the affidavit or on a cover sheet.
  - **Pay Advice/Employee Income Record**—The Cover Sheet is required by Local Rule 1007-1 D and includes a signature by the filing attorney.

The signature of the filing attorney is NOT required on the Debtor's Statement of Social Security Number, Form B 21, even if the form is amended. The filing attorney's signature is NOT required on reports filed pursuant to Local Rule 2015-1.

### **Bankruptcy Pro Bono Clinic**

Oklahoma City University School of Law will open a Pro Bono Clinic for pro se debtors on June 20, 2014. The Clinic will be staffed with law students and volunteer attorneys. If you are interested in assisting with the Pro Bono Clinic, contact Regan Strickland Beatty, Pro Bono and Public Interest Law Coordinator, at Oklahoma City University School of Law at (405) 208-6004.

### **New Bankruptcy Schedules I and J**

Please note that two new schedules were promulgated by the Judicial Conference of the United States on December 1, 2013. Notice of the effective date of revised Schedules I and J was given in the August and November 2013 ECFilers. After a two month grace period, corrective entries are being entered and amendments required for failure to use the correct forms.

To obtain or to review the new forms, please visit  
<http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx>

### **Certificates of Service**

Pursuant to Local Rules 2002-1 F 2, 5005-1 D 2, and 9007-1 D, the name of the document **and the served document's docket entry number** must appear in Certificates of Service filed separately from the document served. After a yearlong grace and notification period, corrective entries are now being entered and amendments required for failure to include the docket entry number and name of document served in certificates of service. Certificates of Services

should conform to Local Form 4. A corrective entry will be docketed for Certificates of Service that do not comply with Local Form 4.

### **Corrected Matrices**

If the Bankruptcy Noticing Center (BNC) receives returned mail sent to an address from the debtor's matrix, it issues a Notice of Returned Mail to Debtor/Debtor's Attorney. (An example is attached.) The form can be filed, without assessment of a filing fee, to correct an address on the matrix. To file the corrected matrix, add the updated address to the form and file it using the event Bankruptcy > Other > Corrected Matrix. If the form is presented in paper format, the judges will be advised that a paper document was filed by an electronic filer.

The Corrected Matrix event can also be used to enter a creditor's new address when mail is returned by the United States Postal Service.

### **Attorney Changes of Address**

Court Clerk personnel have recently noted that an attorney's address on a filed document does not match the address in the attorney's CM/ECF account. Failure to update addresses violates Court rules and guidelines.

CM/ECF permits an attorney to update his or her mailing address and email address information. To update this information, an attorney should:

- Logon to CM/ECF and select Utilities from the top tool bar.
- On the Utilities page, select Maintain Your ECF Account.
- On the first page, the physical address of an attorney's office may be changed.
- If a change must be made to an email address, select Email information. After revising, select the Return to Account screen button.
- To finalize any change, please click the Submit button.

A Notice of Change of Address must be filed in each case in which the attorney has entered an appearance pursuant to Local Rule 9010-1 H.



U. S. BANKRUPTCY COURT  
WESTERN DISTRICT OF OKLAHOMA  
NEW AND REVISED FILING FEES<sup>1</sup>  
Pursuant to 28 U.S.C. § 1930

**The following are fees to be charged for services provided by the bankruptcy courts and are effective on June 1, 2014:**

**New Petitions**

Chapter 7 (Voluntary or Involuntary)	\$ 335.00
Chapter 9	\$ 1,717.00
Chapter 11 (Voluntary or Involuntary)	\$ 1,717.00
Chapter 12	\$ 275.00
Chapter 13	\$ 310.00
Chapter 15 (Ancillary and other Cross-Border cases)	\$ 1,717.00

**Amendments**

Amendment to Debtor's Schedules, Lists of Creditors, or Mailing List	\$ 30.00
The fee may be waived by judge for good cause.	
The fee is not charged if the amendment is to:	
<ul style="list-style-type: none"><li>• Change the address of a creditor or an attorney for a creditor listed on the schedules; or,</li><li>• Add the name and address of an attorney for a creditor listed on the schedules.</li></ul>	

**Motions**

Motion to Appear Pro Hac Vice (due at filing of motion)	\$ 50.00
Motion to Compel Abandonment of Property	\$ 176.00
Motion to Sell Property of the Estate free of liens 11§363(f)	\$ 176.00
Motion to Convert Chapter 7 to Chapter 11	\$ 922.00
Motion to Convert Chapter 7 to Chapter 12	NO FEE
Motion to Convert Chapter 7 to Chapter 13	NO FEE
Motion to Convert Chapter 9 to Chapter 7	\$ 15.00
Motion to Convert Chapter 11 to Chapter 7	\$ 15.00
Motion to Convert Chapter 11 to Any Other Chapter	NO FEE
Notice of Conversion Chapter 12 to Chapter 7	\$ 60.00
Motion to Convert Chapter 12 to Chapter 13	\$ 35.00
Notice of Conversion Chapter 13 to Chapter 7	\$ 25.00

Motion to Convert Chapter 12 to Chapter 11	\$ 800.00
Motion to Convert Chapter 13 to Chapter 11	\$ 932.00
Motion to Deconsolidate/Split a Joint Case Under Ch. 7	\$ 335.00
Motion to Deconsolidate/Split a Joint Case Under Ch. 11	\$ 1,717.00
Motion to Deconsolidate/Split a Joint Case Under Ch. 12	\$ 275.00
Motion to Deconsolidate/Split a Joint Case Under Ch. 13	\$ 310.00
Motion to Lift, Terminate, Vacate, Annul, Modify, or Condition the Automatic Stay <sup>2</sup>	\$ 176.00
Motion to Reopen <sup>3</sup> Ch. 7 case	\$ 260.00
Motion to Reopen Ch. 9 case	\$ 1,167.00
Motion to Reopen Ch. 11 case	\$ 1,167.00
Motion to Reopen Ch. 12 case	\$ 200.00
Motion to Reopen Ch. 13 case	\$ 235.00
Motion to Reopen Ch. 15 case	\$ 1,167.00
Motion to Withdraw the Reference	\$ 176.00

### Appeals

Appeal to District Court or Bankruptcy Appellate Panel <sup>4</sup>	\$ 298.00 <sup>5</sup>
Cross Appeal to District Court or Bankruptcy Appellate Panel	\$ 298.00 <sup>6</sup>
Direct Appeal to Court of Appeals	
1. Request for Direct Appeal or Direct Cross Appeal	\$ 298.00 <sup>7</sup>
2. Additional Fee Payable AFTER Direct Appeal is Authorized by Court of Appeals	\$ 157.00
Notice of Appeal	\$ 5.00

### Adversary

Complaints in Adversary Proceedings/Removals	\$ 350.00
• Fee is paid from the estate if filed by trustee or debtor in possession and an estate is available	
• Fee is not charged if the debtor is the plaintiff	
• Fee is not charged if a child support creditor or representative files the complaint and required form	

### Miscellaneous

Returned or Denied Check for Insufficient Funds	\$ 53.00
Certification of any Document	\$ 11.00
Exemplification of any Document	\$ 21.00
Filing a Miscellaneous Proceeding	\$ 46.00

Reproducing Documents <sup>8</sup>	\$ .50
Reproduction of an Audio Recording of a Court Proceeding <sup>9</sup>	\$ 30.00
Printing Copies from CM/ECF in Clerk's Office	\$ .10
Conducting a Search of Bankruptcy Court Records, per name or item searched <sup>10</sup>	\$ 30.00
Registration of Judgment from Another District	\$ 46.00
PACER (Per CM/ECF page as assessed by PACER)	\$ .10
PACER electronic access to audio file	\$ 2.40
PACER conducted search, per name or item	\$ 30.00
Record Retrieval from Federal Records Center, National Archives or other storage location (one box)	\$ 64.00
Additional boxes retrieved	\$ 39.00
Transfer of Claim	\$ 25.00
Handling of Registry Funds deposited with Court	Per Fee
Fee Schedule issued by Director, Administrative Office of U.S. Courts	Schedule

The [Judicial Conference Schedule of Fees](#) lists additional fees in bankruptcy cases.

<sup>1</sup> No fees are to be charged for services rendered on behalf of the United States, with the exception of those specifically prescribed when the information requested is available through remote electronic access, or to bankruptcy administrators appointed under Public Law No. 99-554, § 302(d)(3)(I). No fees under this schedule shall be charged to federal agencies or programs which are funded from judiciary appropriations, including, but not limited to, agencies, organizations, and individuals provided services authorized by the Criminal Justice Act, 18 U.S.C. § 3006A.

<sup>2</sup> No Filing Fee is required for a motion for relief from co-debtor stay; for a stipulation for court approval of an agreement for relief from stay; or, for a motion filed by a child support creditor or its representative, if the appropriate form is filed.

<sup>3</sup> A Reopen Fee is not charged in the following circumstances: To permit a party to file a complaint to obtain a determination under Rule 4007(b); when a debtor files a motion to reopen a case based upon an alleged violation of the terms of the discharge under 11 U.S.C. § 524; or to correct an administrative error. Additionally, the court may waive the reopening fee under appropriate circumstances or may defer a reopening fee pending discovery of additional assets.

<sup>4</sup> Parties filing a joint appeal are charged only one filing fee.

<sup>5</sup> Includes filing fee of \$ 5.00 for Notice of Appeal.

<sup>6</sup> Includes filing fee of \$ 5.00 for Notice of Appeal.

<sup>7</sup> Includes filing fee of \$ 5.00 for Notice of Appeal.

<sup>8</sup> This fee applies to services rendered on behalf of the United States if the document or recording requested is available through electronic access.

<sup>9</sup> This fee applies to services rendered on behalf of the United States if the document or recording requested is available through electronic access.

<sup>10</sup> This fee applies to services rendered on behalf of the United States if the documents requested for search are available through electronic access.

**Subject:** U.S. Bankruptcy Court, Western District of Oklahoma - Returned Mail Notice, In re: [REDACTED], Case Number: [REDACTED] Ref: [REDACTED]  
**From:** USBankruptcyCourts@noticingcenter.com (USBankruptcyCourts@noticingcenter.com)  
**To:** [REDACTED]  
**Date:** Wednesday, March 19, 2014 2:41 PM

**FILED**

APR 04 2014

GRANT PRICE  
CLERK U.S. BANKRUPTCY COURT  
WESTERN DISTRICT OF OKLAHOMA  
BY: [REDACTED]

Notice of Returned Mail to Debtor/Debtor's Attorney

March 19, 2014

From: United States Bankruptcy Court, Western District of Oklahoma

Re: U.S. Courts, Bankruptcy Noticing Center - Returned Mail Notice

In re: [REDACTED]

TO THE DEBTOR/DEBTOR'S ATTORNEY:

The attached document was mailed to the notice recipient(s) listed below via the U.S. Postal Service, and it was returned to the Bankruptcy Noticing Center as undeliverable. Please be advised that dischargeability of a debt may be affected if a creditor fails to receive certain notices. You should determine whether the address should be updated.

NOTE: THIS FORM CANNOT BE USED TO ADD A NEW CREDITOR NOT PREVIOUSLY LISTED ON YOUR SCHEDULES.

If this form is used by the court in place of filing a separate notice of change of address and/or an amended schedule: 1) determine the updated address and send the attached document to the notice recipient; 2) type or print legibly the updated address below; 3) sign and date the form; and 4) file this form electronically via CM/ECF (for all registered users) or mail the form to:

**U.S. Bankruptcy Court**  
**USBC Western District of Oklahoma**  
**215 Dean A. McGee**  
**Oklahoma City, OK 73102**

Notice Recipient's Address on Envelope Returned to the Bankruptcy Noticing Center:

T-Mobile  
Po Box 600252  
Dallas, TX 75360-0252

THE UPDATED ADDRESS IS:

[REDACTED ADDRESS]

Signature of Debtor or Debtor's Attorney

Date

The Bankruptcy Noticing Center does not respond to messages regarding returned mail notification. Please contact the U.S. Bankruptcy Court where the case is pending with questions or comments.