

**FILED**

JUL 31 2015

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

GRANT PRICE  
CLERK, U.S. BANKRUPTCY COURT  
WESTERN DISTRICT OF OKLAHOMA  
BY: Kerry Heath DEPUTY

In re: )  
 )  
Bankruptcy Petition )  
Preparer Guidelines. )

No. MO-2015-02

**GUIDELINES FOR BANKRUPTCY PETITION PREPARERS**

Effective August 1, 2015, the presumptive reasonable and maximum fee that a bankruptcy petition preparer submitting documents for filing in the Western District of Oklahoma may charge or collect for preparation of bankruptcy pleadings will be not more than One Hundred and Fifty Dollars (\$150.00) per case. The \$150.00 fee encompasses all services provided by a non-attorney assisting a debtor in preparing the petition, schedules, statements, applications and other required documents for a bankruptcy case including, but not limited to, photocopying, costs of credit reports, messengers, couriers, internet, postage, and telephone charges. The fee shall apply to bankruptcy petition preparers working within or outside the physical service area of the Western District of Oklahoma.

**THE COURT FURTHER ORDERS:**

1. A bankruptcy petition preparer must adhere to the requirements of 11 U.S.C. § 110 and requirements as set forth in this order.
2. The Clerk of Court shall provide a copy of this order to each pro se debtor at the time a petition is presented for filing. The order shall be posted on the Court's website.
3. A bankruptcy petition preparer has a continuing obligation to disclose all amounts received from debtor(s) or on behalf of debtor(s) in the year prior to the filing of the bankruptcy case and to disclose the source of any fee paid. This disclosure must be made on the date the bankruptcy petition is filed with the Bankruptcy Court.
4. Within fourteen (14) days of receiving additional compensation or entering into an agreement with debtor(s) for additional compensation, the bankruptcy petition preparer shall disclose all additional fees or compensation arrangements to the Court.
5. A bankruptcy petition preparer may not charge or accept monies from a debtor (or on behalf of a debtor) for the credit counseling or debtor education classes required by federal statute unless the petition preparer is a provider approved by the United States Trustee.

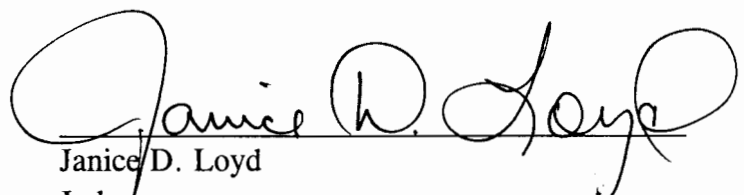
6. According to 11 U.S.C. § 110(g), the filing fee for a bankruptcy petition must be paid by the debtor directly to the Clerk of the U.S. Bankruptcy Court. No part of the filing fee may be collected or received by the bankruptcy petition preparer from the debtor or on behalf of the debtor for payment to the Clerk by the bankruptcy petition preparer.
7. A bankruptcy petition preparer is not an attorney and is not authorized to practice law. As defined by statute and case law, the activities that constitute the practice of law in the bankruptcy court include, but are not limited to, the following:
  - A. Determining when to file bankruptcy or whether to file a bankruptcy petition;
  - B. Explaining the difference between chapters or determining under which chapter of the Bankruptcy Code to file a voluntary petition;
  - C. Explaining information necessary to complete the bankruptcy petition;
  - D. Advising debtors regarding claims of exemptions;
  - E. Explaining or determining which debts are priority, secured, or unsecured;
  - F. Suggesting or determining where items belong on the petition, based on information provided by a debtor;
  - G. Preparing any pleadings other than completing official forms promulgated by the United States Supreme Court, the Administrative Office of the U.S. Courts, or the United States Bankruptcy Court of the Western District of Oklahoma;
  - H. Explaining or discussing the impact that a bankruptcy filing may have on an eviction or foreclosure proceeding;
  - I. Explaining the effect that filing bankruptcy will have on a foreclosure action and/or whether the debtor will keep their home;
  - J. Explaining or discussing the impact that a bankruptcy filing may have on the dischargeability of debts, including outstanding student loans or taxes, or whether a debt will be discharged;
  - K. Explaining, discussing, or assisting a debtor with a reaffirmation agreement;
  - L. Assisting or appearing with the debtor or on a debtor's behalf at the § 341(a) Meeting of Creditors;
  - M. Discussing or assisting a debtor with determining whether a certain debt should be reaffirmed or redeemed; and
  - N. Providing advice or guidance to a debtor regarding the actions that may or may not be taken by a creditor, United States Bankruptcy Trustee, United States Bankruptcy Court, United States Bankruptcy Judge, or another third party.
8. A Bankruptcy Petition Preparer may file a motion with the Court seeking fees in an amount greater than the \$150.00 fee allowable by this order. The motion must be filed with an affidavit stating the facts which support the increase in fees. The affidavit must also include a statement that the debtor has reviewed the motion and affidavit. The motion and affidavit must be filed within 14 days after the date of the filing of a petition,

and served on the debtor(s), case trustee, and the U.S. Trustee. The Court shall determine whether a hearing on the motion is necessary.

9. Any bankruptcy petition preparer who charges a fee in excess of the value of services rendered shall be subject to sanctions under 11 U.S.C. Section 110, including, but not limited to, the disallowance and turnover of any fee found to be in excess of the fee allowed by this order or by an order of the Court and fines as specified in the statute.

So ordered this 31st day of July, 2015.

  
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Sarah A. Hall  
Chief Judge

  
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Janice D. Loyd  
Judge