

**ECF *filer Update*****November 2016**[Fee Schedule Changes](#)[Forms Changes](#)[Rule Changes](#)[Redaction of Personally Identifiable Information](#)**— Fee Schedule Changes**

The following filing fees will increase effective December 1, 2016:

<u>Fee</u>	<u>Current</u>	<u>New</u>
Exemplification	\$21	\$22
Audio Recording of proceeding	\$30	\$31
Amendments to schedules; lists	\$30	\$31
Search of records	\$30	\$31
Miscellaneous Proceeding	\$46	\$47
Motion to Modify Stay	\$176	\$181
Motion to Abandon	\$176	\$181
Motion to Withdraw the Reference	\$176	\$181
Motion to Sell Free and Clear	\$176	\$181
Retrieve Records from FRC (1 box)	\$53	\$64
Retrieve Additional boxes (per box)		\$39
Retrieve Electronic Records from FRC		\$10

A copy of the Fee Schedule is attached.

**— Form Changes**

The following Official Bankruptcy Forms will be amended effective December 1, 2016:

- Forms 420A and 420B (Notice of Motion or Objection and Notice of Objection to Claim) will be amended to conform to the numbering

scheme of the Forms Modernization Project along with minor wording amendments.

- One of the instructions in Form 410S2 (Notice of Postpetition Mortgage Fees, Expenses, and Charges) will be amended to eliminate a possible inconsistency with Rule 3002.1.

## Rule Changes

The following Federal Rules of Bankruptcy Procedure are effective December 1, 2016: (These comments are provided only to inform and are not intended to offer interpretation or advice.)

- 1010 – Modified to remove references to issuing summons in certain Chapter 15 proceedings.
- 1011 – Modified to remove provisions regarding Chapter 15 proceedings.
- 1012 – Added to govern responses to petitions in Chapter 15 proceedings; allows the debtor or party in interest to contest the petition; provides for presentation of responses no later than 7 days before the hearing unless otherwise ordered.
- 2002 – Modified to clarify procedures for giving notice in Chapter 15 proceedings; scheduling hearings; and consolidation of issues.
- 3002.1 – Modified to clarify maintenance on chapter 13 plan contractual home mortgage payments. Applicable even if no prepetition arrearage is to be cured. The notice obligations imposed by this rule cease on the effective date of an order granting relief from the stay on the debtor’s principal residence. The Court is authorized to order that notice obligations remain in effect or are reinstated after relief from the stay is granted.
- 7008 – Modified to remove requirement that proceeding be designated core or non-core and to require a filer to state whether the party consents or does not consent to final orders or judgments of the Bankruptcy Court.
- 7012 – Modified to remove requirement that responsive pleading designate proceeding as core or non-core and to require a filer to state whether the party consents or does not consent to final orders or judgments of the Bankruptcy Court.
- 7016 – Modified to permit the Bankruptcy Court to enter final orders and judgments, issue findings and conclusions, or to take other action.
- 9006 – Modified to remove service by electronic means from modes of service that allow 3 added days to act after service.

- 9027 – Modified to remove requirement in removed actions to designate proceeding as core or non-core and to require a filer to state whether the party consents or does not consent to final orders or judgments of the Bankruptcy Court.
- 9033 – Modified to delete language limiting provision to non-core proceedings.

## Redaction of Personally Identifiable Information

Personally identifiable information continues to be filed in pleadings. FRBP 9037 defines personally identifiable information as a social security number, taxpayer identification number, birth date, name of an individual (other than the debtor) known to be and identified as a minor, or a financial account number.

The Court Clerk seeks to protect individuals from identity theft and requires that social security numbers, dates of birth, and names of minor children be redacted. If financial account numbers or banking account numbers are filed, Section (g) of Rule 9037 states that the filing party has waived privacy to the party's own information. Personally identifiable information appears in documents filed by both debtors and creditors.

Social security numbers appear on many documents. Be vigilant in checking pay advices, Social Security Administration correspondence (the account number is the social security number), tax returns, financing agreements, medical records (which may also include information protected by HIPAA), attachments to proofs of claims, and death certificates. Do not file a copy of a driver's license. Do not file the Debtor's Statement of Social Security Number using a public event.

Be certain to check Schedule J for the names of minor children. Rule 9037 states that the initials of minors should be used. The names of minors and dates of birth also appear in Social Security benefits correspondence, tax returns, medical records, and attachments to proofs of claims.

Amending or withdrawing the document containing personally identifiable information will **NOT** remove that information from the docket.

When personally identifiable information is filed, the filer must take the following steps to correct the error:

1. Redact the information from the entire document that was filed;
2. Prepare an Application to Redact;
3. File the Application to Redact and attach the redacted document to the filing. Do not include the redacted document as part of the PDF of the application. The redacted document must be attached separately from the application;
4. Pay the filing fee of \$25.00;
5. Upload an order for signature by the judge.

After the order is signed by the judge and docketed, Court Clerk staff replaces the attached redacted document for the originally filed document. The originally filed document with personally identifiable information is restricted from public access. A Court Correction Advisory is docketed by Court Clerk staff memorializing completion of the redaction process.

Staff cannot switch pages or portions of filings. You must attach the **entire** redacted document. For example, if the personally identifiable information appears in a voluntary petition, the entire petition must be attached. The only exception to the “attach the entire document rule” occurs when documents are filed with attachments. If personally identifiable information appears only in an attachment, the entire attachment must be filed with the application.



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 December 1, 2016:**

**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	\$ 31.00
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	\$ 181.00
Motion to Sell Property of the Estate free of liens 11§363(f)	\$ 181.00
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 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>	\$ 181.00
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	\$ 181.00
Motion to Redact, per case per filing	\$ 25.00

### 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	\$ 207.00
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	\$ 22.00
Filing a Miscellaneous Proceeding	\$ 47.00

Reproducing Documents <sup>8</sup>	\$ .50
Reproduction of an Audio Recording of a Court Proceeding <sup>9</sup>	\$ 31.00
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>	\$ 31.00
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
Electronic Retrievals (plus any charges assessed by the storage location)	\$ 10.00
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; to correct an administrative error; or to redact a record previously filed in a case if the only reason to reopen is the redaction. 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.