

## **CHAPTER 11 QUARTERLY FEE INSTRUCTIONS**

All debtors in chapter 11 cases are assessed quarterly fees pursuant to 28 U.S.C. § 1930(a). Chapter 11 quarterly fees are due and payable for every calendar quarter in which debtor's case is pending (including any fraction thereof), from the time debtor's petition is filed until the date of entry of an order dismissing, converting, or closing the case. Chapter 11 quarterly fees are due for a calendar quarter even if the case was pending only one day in the quarter. This fee is due from each debtor in a chapter 11 case, even if debtor's case has been administratively consolidated with another chapter 11 case.

### **Calculation of Chapter 11 Quarterly Fees:**

Pursuant to the authority granted in 28 U.S.C. § 1930(a)(7), the Executive Committee of the Judicial Conference of the United States requires uniform quarterly fees in chapter 11 cases filed in Bankruptcy Administrator Districts, such as the Middle District of North Carolina, that are consistent with the fees charged in districts under the United States Trustee Program pursuant to 28 U.S.C. § 1930(a)(6).

The amount of quarterly fees assessed is calculated based on the total sum of disbursements made by debtor during the calendar quarter. Even if debtor makes no disbursements during a calendar quarter, there is still a minimum quarterly fee that debtor is required to pay. Please note that following confirmation, the total disbursements for purposes of calculating quarterly fees include payments made pursuant to the confirmed plan in addition to any other distributions.

The following fee schedule should be used to calculate the applicable quarterly fees due for a quarter:

<b>Total Disbursements by Debtor During Quarter</b>	<b>Quarterly Fee Due</b>
\$0.00-\$15,000.00	\$325.00
\$15,000.00-\$74,999.99	\$650.00
\$75,000.00-\$149,999.99	\$975.00
\$150,000.00-\$224,999.99	\$1,625.00
\$225,000.00-\$299,999.99	\$1,950.00
\$300,000.00-\$999,999.99	\$4,875.00
\$1,000,000.00 or more	The lesser of \$250,000.00 or 1% of Total Quarterly Disbursements.

If there is a change to this fee schedule during the pendency of a chapter 11 case, the Bankruptcy Administrator will communicate such change to debtor's counsel, or to debtor if debtor is unrepresented.

**Chapter 11 Quarterly Fee Due Dates:**

The following chart shows the due dates for quarterly fee payments. **Please note that debtor will NOT receive a bill or reminder of the payment due date. It is debtor's independent duty to ensure all quarterly fees are paid on or before the due date.**

<b>Calendar Quarter</b>	<b>Chapter 11 Quarterly Fee Payment Due</b>
January 1-March 31	April 30
April 1-June 30	July 31
July 1-September 30	October 31
October 1-December 31	January 31

**Payment Instructions:**

Please make all checks payable to "Clerk, U.S. Bankruptcy Court" and make sure debtor's case number is noted on the face of the check. Payments should be either mailed to or made in person at the Court's Greensboro office (regardless of the division in which the case is pending), at the following address:

United States Bankruptcy Court  
Attn: Clerk's Office  
101 S. Edgeworth St.  
Greensboro, NC 27401

If any check is returned for insufficient funds, all future quarterly fee payments must be made by cashier's check, certified funds, or postal money order.

**Required Quarterly Fee Statements:**

Federal Rule of Bankruptcy Procedure 2015(a)(5) requires each chapter 11 debtor to file a Chapter 11 Quarterly Fee Statement with the Court on or before the last day of the month that follows each calendar quarter during which debtor has a duty to pay quarterly fees. Chapter 11 Quarterly Fee Statements should be in the format attached hereto. Since chapter 11 debtors have a duty to pay quarterly fees until the date of the entry of an order dismissing, converting, or closing the case, a chapter 11 debtor must continue to file Chapter 11 Quarterly Fee Statements

following confirmation of a plan. The quarterly fee statement shall be filed on the docket at the time the fee is paid.

**Consequences of Non-Payment of Chapter 11 Quarterly Fees:**

Please take note that a chapter 11 debtor's failure to pay quarterly fees pursuant to 28 U.S.C. § 1930 has significant legal consequences.

The United States Bankruptcy Administrator may move for dismissal or conversion of debtor's case for failure to pay quarterly fees as required.

Failure to pay required quarterly fees may also prevent debtor from voluntarily dismissing debtor's case. If debtor desires to voluntarily dismiss the chapter 11 case, debtor must pay all outstanding quarterly fees, along with filing a Chapter 11 Quarterly Fee Statement, prior to the hearing on dismissal. Failure to do so may result in the Bankruptcy Administrator opposing dismissal of the case and requesting conversion of the case to a chapter 7 liquidation case.

Failure to pay required quarterly fees may further impact debtor's ability to confirm a plan. Pursuant to 11 U.S.C. § 1129(a)(12), the Court cannot confirm a plan unless "[a]ll fees payable under section 1930 of title 28, as determined by the court at the hearing on confirmation of the plan, have been paid or the plan provides for the payment of such fees on the effective date of the plan."

Pursuant to the Debt Collection Improvements Act of 1996, Public Law 104-134, Title III, §31001(i)(3)(A), 110 Stat. 1321-365, codified at 31 U.S.C. § 3701, the United States Bankruptcy Administrator may use debtor's Taxpayer Identification Number ("TIN") as reported by debtor or debtor's counsel in connection with the chapter 11 bankruptcy proceeding for the purpose of collecting and reporting on any delinquent debt, including delinquent quarterly fees. The United States Bankruptcy Administrator may provide the debtor's TIN to the U.S. Department of the Treasury ("Treasury Department") for its use in attempting to collect overdue debts. The Treasury Department may take the following steps: (1) submit the debt to the Internal Revenue Service Offset Program so that the amount owed may be deducted from any payment made by the federal government to debtor, including but not limited to tax refunds; (2) report the delinquency to credit reporting agencies; (3) send collection notices to debtor; (4) engage private collection agencies to collect the debt; and (5) engage the United States Attorney's office to sue for collection. Collection costs will be added to the total amount of the debt.

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
\_\_\_\_\_ DIVISION**

IN RE: \_\_\_\_\_ )  
 \_\_\_\_\_ )  
 XXXXX XXXX XXXXXXXX, ) CASE NO. XX-XXXXX  
 \_\_\_\_\_ )  
 Debtor. )  
 \_\_\_\_\_ )

**CHAPTER 11 QUARTERLY FEE STATEMENT  
PURSUANT TO FED. R. BANKR. P. 2015(a)(5)**

FOR CALENDAR QUARTER ENDING \_\_\_\_\_, 20\_\_:

1. Disbursements Made During Quarter:

MONTH	DISBURSEMENTS <sup>1</sup>
	\$ _____
	\$ _____
	\$ _____
<b>TOTAL:</b>	\$ _____

2. Quarterly Fee Due Pursuant To 28 U.S.C. § 1930(a)(7): \$ \_\_\_\_\_
3. Quarterly Fee Paid (proof of payment is attached): \$ \_\_\_\_\_
4. Amount of Unpaid Fees, if any: \$ \_\_\_\_\_

I, \_\_\_\_\_, acting as the duly authorized agent for the \_\_\_\_\_ (*Debtor in Possession/Trustee/Plan Administrator*), declare under penalty of perjury under the laws of the United States that I have read and certify that the figures, statements, disbursement itemizations, and account balances as listed in this Chapter 11 Quarterly Fee Statement are true and correct as of the date of this report to the best of my knowledge, information, and belief.

Dated \_\_\_\_\_  
 \_\_\_\_\_  
 For the (*Debtor in Possession/Trustee/Plan Administrator*)  
 (*Print or Type Name and Capacity of Declarant*)

<sup>1</sup> For periods subsequent to plan confirmation, disbursements include any payments made pursuant to the confirmed plan in addition to any other disbursements.