

CHAPTER 11 QUARTERLY FEE INSTRUCTIONS

Effective January 1, 2008

All chapter 11 cases are subject to the Chapter 11 Quarterly Fee.

The fee must be paid to the **Clerk, U.S. Bankruptcy Court** for every quarter (including any fraction thereof), from the time the petition is filed until the date of entry of an order dismissing or converting the case or closing a confirmed case. The fee is applicable to each and every case commenced under chapter 11 regardless of whether the case has been administratively consolidated with any other case.

Cases pending during even one day during a quarter will be required to pay the fee applicable to that entire quarter.

The debtor is responsible for the prompt and full payment of this fee. The amount varies depending upon the dollar value of **all disbursements** made during the calendar quarter; however, **a minimum fee of \$325.00 is due each quarter even if no disbursements are made during the quarter.**

All quarterly fees must be paid before a chapter 11 plan can be confirmed. Section 1129(a)(12) of the Code states: "The Court shall confirm a plan only if all of the following requirements are met. All fees payable under section 1930, as determined by the court as the hearing on the confirmation of the plan, have been paid or the plan provides for the payment of all such fees on the effective date of the plan."

Please make all checks payable to the "Clerk, U.S. Bankruptcy Court." The debtor's case number should be written on the face of the check. Direct all correspondence and questions regarding your account to the Office of the Bankruptcy Administrator.

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

Quarterly Fee Schedule

Effective for Fees after January 01, 2008

Quarterly Disbursements	Old Fee	New Fee	Increase
\$0 to \$14,999.99	\$250	\$325	\$75
\$15,000 - \$74,999.99	\$500	\$650	\$150
\$75,000 - \$149,999.99	\$750	\$975	\$225
\$150,000 - \$224,999.99	\$1,250	\$1,625	\$375
\$225,000 - \$299,999.99	\$1,500	\$1,950	\$450
\$300,000 - \$999,999.99	\$3,750	\$4,875	\$1,125
\$1,000,000 - \$1,999,999.99	\$5,000	\$6,500	\$1,500
\$2,000,000 - \$2,999,999.99	\$7,500	\$9,750	\$2,250
\$3,000,000 - \$4,999,999.99	\$8,000	\$10,400	\$2,400
> \$5,000,000	\$10,000		Discontinued
\$5,000,000 - \$14,999,999.99		\$13,000	New
\$15,000,000 - \$29,999,999.99		\$20,000	New
>\$30,000,000 or more		\$30,000	New

Quarterly Fee Due Dates

Quarter
1st Quarter Jan-Feb-Mar
2nd Quarter Apr-May-Jun
3rd Quarter Jul-Aug-Sep
4th Quarter Oct-Nov-Dec

Ending
March 31
June 30
September 30
December 31

Due Date for Payment
April 30
July 31
October 31
January 31

It is the debtor’s independent responsibility to ensure these fees are paid on or before the due date. **The debtor will receive no bill.**

Quarterly Fee Statements

Fed. R. Bankr. P. 2015(a)(5) requires that a debtor-in-possession file with the Bankruptcy Court and transmit to the United States Bankruptcy Administrator a statement of disbursements made during a calendar quarter, the amount of quarterly fees owed and the amount of fees paid to the United States Bankruptcy Clerk. The Chapter 11 Quarterly Fee Statement (See Attached Exhibit “A”) must be filed with the Bankruptcy Court and transmitted to the United States Bankruptcy Administrator on or before the last day of the month after the end of each calendar quarter. *Even if a plan has been confirmed, this report must be timely submitted by all chapter 11 debtors until the case has been converted or dismissed.*

If you seek to voluntarily dismiss your case, you must tender a copy of the check, payable to the Clerk, U.S. Bankruptcy Court, representing payment of the quarterly fee together with a completed Chapter 11 Quarterly Fee Statement to the United States Bankruptcy Administrator prior to the hearing on dismissal. Failure to tender the quarterly fee may result in the United States Bankruptcy Administrator's opposing dismissal of the case and requesting its conversion to a chapter 7 liquidation.

Collection Actions

Please take notice 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 your chapter 11 case. Additionally, please be advised that, pursuant to the Debt Collection Improvements Act of 1996, Public Law 104-134, Title III, §31001(I)(3)(A), 110 Stat. 1321365, codified at 31 U.S.C. §3701, the United States Bankruptcy Administrator may use the debtor's Taxpayer Identification Number ("TIN") as reported by the debtor or debtor's counsel in connection with the chapter 11 bankruptcy proceedings for the purpose of collecting and reporting on any delinquent debt, including chapter 11 quarterly fees.

The United States Bankruptcy Administrator may provide the debtor's TIN to the Department of Treasury for its use in attempting to collect overdue debts. Treasury 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 the debtor, including but not limited to tax refunds; (2) report the delinquency to credit reporting agencies; (3) send collection notices to the 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.

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

IN RE:

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Case No. B- - C-

Debtor. _____)

CHAPTER 11 QUARTERLY FEE STATEMENT

Pursuant to Fed. R. Bankr. P. 2015(a)(5)

FOR CALENDAR QUARTER ENDING _____, 20____

DISBURSEMENTS*

1. Month	Disbursements
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total Disbursements for Quarter	\$ _____
2. Quarterly Fee Owed Pursuant to 28 U.S.C. §1930(A)(6)	\$ _____
3. Quarterly Fee Paid (Attach proof of payment)	\$ _____
4. Amount of any 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 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 Adm.)

(Print or type name and capacity of person signing this Declaration.)

*For periods subsequent to plan confirmation, this includes payments pursuant to be confirmed plan as well as all other disbursements.