

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In re

FINAL AMENDMENT TO LOCAL
BANKRUPTCY RULE 1006.

GENERAL ORDER NO. 2014-01-RBK

ORDER

At Butte in said District this 4th day of August, 2014.

After the expiration of the notice period and after considering all comments concerning an amendment to Local Bankruptcy Rule 1006 for purposes of clarifying the payment of the bankruptcy filing fee in installments, the Court issues the attached Rule Amendment to Local Bankruptcy Rule 1006.

IT IS ORDERED that the U. S. Bankruptcy Court for the District of Montana approves and adopts an amendment to Local Bankruptcy Rule 1006, which is attached to this Order; that such amendment is effective immediately and the Clerk of Court shall disseminate this Order as appropriate and shall further include notice of this order on the Court's website.

BY THE COURT



HON. RALPH B. KIRSCHER
U.S. Bankruptcy Judge
United States Bankruptcy Court
District of Montana

FINAL AMENDED RULE 1006-1. Fees; Installment Payments. (Effective August 4, 2014).

(a) **General Requirement.** Every petition shall be accompanied by the filing fee required by statute or by the Judicial Conference of the United States, unless waived by order of the Court pursuant to 28 U.S.C. § 1930(f) and submitted on the prescribed Official Form 3B or paid in installments as provided in (b).

(b) **Installment Payments.**

(1) **Application.** Any individual debtor desiring to pay the filing fee in installments shall use Official Form 3A .

(2) **Schedule of Payments.** The first installment shall accompany the petition, shall not be less than one-fourth of the total required fee and shall include any required administrative fee. The number of installments proposed in the application shall not exceed four (4), and the final installment shall be payable within 120 days after the date the petition is filed. All payments shall be in equal installments.

(3) **Installment Payments when represented by an Attorney.** When the debtor is represented by an attorney, who is required to file electronically, the petition must be accompanied by an application to pay in installments and the first installment must be mailed to the clerk's office in Butte, MT, on the same date that the petition and application are electronically filed. The electronic payment system utilized by the clerk's office does not currently permit a partial payment. The installment payment must either be written on the debtor's attorney's checking account or be in the form of a money order or a cashier's check. Debtor's personal checks will not be accepted.

(4) **Installment Payments when NOT represented by an Attorney.** When the debtor is NOT represented by an attorney, the petition must be accompanied by an application to

pay in installments, unless a fee waiver application is submitted, and the first installment must be included. The installment payment must be in the form of a money order or a cashier's check. Debtor's personal checks will not be accepted.

(5) Failure to Pay Installment.

(A) **Notice of Nonpayment.** If an individual debtor fails to pay an installment as required by this Rule and as approved in the application, the Clerk shall provide written notice to the debtor, debtor's attorney, if any, and the trustee that such installment must be paid within fourteen (14) days of the notice.

(B) **Dismissal of Case.** If an individual debtor fails to pay an installment after notice and within the required time period, the Court shall issue an order of dismissal without any further notice or hearing. If the individual debtor timely pays a delinquent installment within the fourteen (14) day period and then fails to pay any subsequent installment by the required date, the Court shall issue an order of dismissal, without any additional notice from the Clerk.

(C) **Notice of Possible Dismissal.** At the time the Clerk transmits a copy of the Order approving the application to pay in installments, the Clerk shall include with such transmission a notice of the dismissal provisions contained in this Local Rule.

Related Authority:

F.R.B.P. 1006

Bankruptcy Official Form 3A