

Rule 1006-1. Installment Payments.

(A) A voluntary petition submitted in an individual or joint case without payment of the full filing and administrative fees must be accompanied by the Local Form “Application by Individual Debtor to Pay Filing and Administrative Fees in Installments and Order” and self-adhesive labels or pre-stamped envelopes bearing the names and addresses of the debtor, debtor’s attorney and petition preparer, if applicable. The application shall:

- (1) provide for a payment schedule of not more than 4 installments over 120 days, with the first installment of a \$39.00 minimum to accompany the application;

 2004 Amendment: Amended to incorporate the fee increase set forth in AO Order 03-5.

- (2) include a statement that the debtor has not paid any money or transferred any property to an attorney for services in connection with the bankruptcy and that no such payment will be made to an attorney or others for services in connection with the bankruptcy until the filing fees are paid in full;
- (3) include a statement that the debtor, in chapter 13, must pay the balance of the filing fees upon confirmation of the plan or, in chapter 7, shall not receive a discharge until the fees are paid in full;
- (4) if applicable, include a certification and signature of non-attorney bankruptcy petition preparer; and
- (5) be signed by the debtor or, if a joint case, by both debtors.

(B) **Approval of Application by Clerk.** The clerk shall review the application and shall be authorized to sign the order in the name of the clerk on behalf of the court where the following conditions are met:

- (1) The application conforms to the requirements contained in subdivision (A) of this rule;
- (2) The first installment payment accompanies the application;
- (3) The petition accompanying the application contains the required information regarding disclosure of prior bankruptcy cases;
- (4) Copies of any orders required by Local Rule 1002-1(A)(2) accompany the petition;
- (5) The petition has not been filed within a “with prejudice” period or subject to any other court imposed refiling restriction still in effect; and

(6) The debtor does not have any previous or pending cases where filing fees are owed.

(C) Refusal of Petition. Referral of Application to Court.

(1) **Refusal of Petition.** The clerk shall refuse to accept for filing any petition accompanied by an application to pay the filing fee in installments where the requirements of subdivision (B) (5) or (6) of this rule have not been met.

(2) **Referral of Application to Court.** If the requirements of subdivision (B)(1), (2), (3) or (4) are not complied with at the time of filing of the application, the clerk shall not approve the application pursuant to subdivision (B) of this rule. Instead, the application shall be referred to the court for review.

(D) Dismissal of Case Upon Failure to Pay Installment Payment. Balance of Filing Fee Due on Dismissal. The court shall dismiss without any further notice any case where an installment payment is not timely made in the required manner. The balance of the filing fee shall become due immediately upon the dismissal of a case or upon the failure to timely pay any installments.

[Comment: For the amount of the clerk's miscellaneous administrative fee, see the "Clerk's Summary of Fees"; See also Local Rule 1002-1(B) - Clerk Authorized to Refuse for Filing Certain Voluntary Petitions, Local Rule 1017-2(D) - Failure to Timely Remit Installment Payment and Local Rule 2002-1(C)(1)(f)(i) - clerk's notice to contain notice of intent to dismiss for failure to pay installment payment.]