

UNITED STATES BANKRUPTCY ADMINISTRATOR  
MIDDLE DISTRICT OF ALABAMA

**CHAPTER 11 INSTRUCTIONS  
CONCERNING QUARTERLY FEES**

All chapter 11 cases, filed on or after April 1, 2002 are subject to a quarterly fee. This fee helps fund the operation and maintenance of the courts of the United States.

The fee must be paid to the Clerk, U. C. 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, converting, or closing the 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 at 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."

Quarterly fee payments must accompany the original of the Quarterly Fee Statement filed with the **Office of the Clerk, U.S. Bankruptcy Court, Middle District of Alabama, One Church Street, Montgomery, AL 36104.** **Payments must be made via money order or cashier's check; personal checks will not be accepted.** Direct all correspondence and questions regarding your account to the Office of the Bankruptcy Administrator.

***\*all disbursements shall be the total of all amounts paid by the debtor during the reporting period.***

**Quarterly Fee Schedule Effective October 1, 2018 for cases filed on/after  
October 1, 2018**

Quarterly Disbursements	Quarterly Fee
\$0 to \$14,999.99	\$325
\$15,000 - \$74,999.99	\$650
\$75,000 - \$149,999.99	\$975
\$150,000 - \$224,999.99	\$1,625
\$225,000 - \$299,999.99	\$1,950
\$300,000 - \$999,999.99	\$4,875
\$1,000,000 or more	1% of quarterly disbursements or \$250,000 whichever is less *

**\* INCREASED QUARTERLY FEE CALCULATION**

Amendments codified in 28 U.S.C. § 1930(a)(6)(B) to the calculation of chapter 11 quarterly fees increase the fee payable for a calendar quarter in which quarterly disbursements in a case equal or exceed \$1 million to the lesser of one percent (1%) of disbursements or \$250,000. This change in calculation applies in any chapter 11 case filed on or after October 1, 2018 and does not have retroactive application to pending cases.

**Quarterly Fee Due Dates**

Quarter	Ending	Due Date for Payment
1 <sup>st</sup> Quarter Jan-Feb-Mar	March 31	April 30
2 <sup>nd</sup> Quarter Apr-May-Jun	June 30	July 31
3 <sup>rd</sup> Quarter Jul-Aug-Sept	September 30	October 31
4 <sup>th</sup> Quarter Oct-Nov-Dec	December 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 Schedule Effective January 1, 2008 for cases filed on/before  
September 30, 2018**

<b>Quarterly Disbursements</b>	<b>Quarterly Fee</b>
\$0 to \$14,999.99	\$325
\$15,000 - \$74,999.99	\$650
\$75,000 - \$149,999.99	\$975
\$150,000 - \$224,999.99	\$1,625
\$225,000 - \$299,999.99	\$1,950
\$300,000 - \$999,999.99	\$4,875
\$1,000,000 - \$1,999,999.99	\$6,500
\$2,000,000 - \$2,999,999.99	\$9,750
\$3,000,000 - \$4,999,999.99	\$10,400
\$5,000,000 - \$14,999,999.99	\$13,000
\$15,000,000 - \$29,999,999.99	\$20,000
>\$30,000,000 or more	\$30,000

**Quarterly Fee Due Dates**

<b>Quarter</b>	<b>Ending</b>	<b>Due Date for Payment</b>
1 <sup>st</sup> Quarter Jan-Feb-Mar	March 31	April 30
2 <sup>nd</sup> Quarter Apr-May-Jun	June 30	July 31
3 <sup>rd</sup> Quarter Jul-Aug-Sept	September 30	October 31
4 <sup>th</sup> Quarter Oct-Nov-Dec	December 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 Court. The Quarterly Fee Statement (see Attached Exhibit "A") must be filed with the Bankruptcy Court in the Middle District of Alabama and transmitted to the United States Bankruptcy Administrator on or before the last day of the month after the end of

each calendar quarter. The check for the quarterly fees should be attached to the original of the statement filed with the court (Personal checks are not accepted). ***Even if a plan has been confirmed, this report must be timely submitted by all chapter 11 debtors until the case has been converted, dismissed or closed.***

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 Quarterly Fee Statement to the United States Bankruptcy Administrator's representative attending 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. 1321-365, codified at 31 U.S.C. § 3701, *et. seq.*, 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 collection 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 make 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.

### **Post Confirmation Quarterly Reports**

Although monthly operating reports are not required for periods after confirmation, the debtor or other plan proponent is required to submit and file quarterly reports on the status of plan payments (see attached Exhibit B). Like the Quarterly Fee Statement, these reports are due thirty (30) days after the calendar quarter ends. So, for example, if the case is confirmed on June 20<sup>th</sup>, the final operating report covers the period from May 1<sup>st</sup> to June 20<sup>th</sup>. The first report on the status of plan payments will be due on July 31<sup>st</sup> and should cover the period from June 21<sup>st</sup> through June 30<sup>th</sup>.

Questions regarding these instructions and reporting requirements should be referenced to the Office of the Bankruptcy Administrator. The Bankruptcy Administrator reserves the right to require additional information as may be necessary to the administration of the case.

**United States Bankruptcy Court**  
**Middle District of Alabama**

Exhibit A

**QUARTERLY FEE STATEMENT**

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

Debtor

Case #:

\_\_\_\_\_

\_\_\_\_\_

FOR CALENDAR QUARTER ENDING:

**1. MONTH**

**DISBURSEMENTS\***

\_\_\_\_\_

\$

\_\_\_\_\_

\_\_\_\_\_

\$

\_\_\_\_\_

\_\_\_\_\_

\$

\_\_\_\_\_

\$

=====

2. QUARTERLY FEE OWED PURSUANT TO  
28 U.S.C. § 1930(a)(7)

\$

\_\_\_\_\_

3. QUARTERLY FEE PAID  
(Attach proof of payment)

\$

\_\_\_\_\_

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 Quarterly Fee Statement are true and correct as of the date of this report to the best of my knowledge, information and belief.

\_\_\_\_\_

\_\_\_\_\_

For the Debtor-In-Possession (Trustee) (Plan Adm.)

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

\_\_\_\_\_

\_\_\_\_\_

**The form for payment of the quarterly fee should be attached to the original of this Quarterly Fee Statement filed with the Clerk of Court. Payments must be made via money order or cashier's check; personal checks will not be accepted.**

\* For periods after plan confirmation, disbursements include all plan payments plus all withdrawal amounts (checks, direct debits, etc.) posted to each bank account plus any cash payments.

CHAPTER 11 **POST CONFIRMATION REPORT** FOR THE QUARTER ENDED \_\_\_\_\_

Debtor \_\_\_\_\_

Case #: \_\_\_\_\_

Total Disbursements for Quarter

ALL disbursements made by the debtor during the current quarter, whether under the plan must be accounted for and reported on this form and on the Quarterly Fee Statement for purposes of calculating quarterly fees.

Amounts disbursed under the plan	\$0.00
Other disbursements, including operating expenses	\$0.00
<b>Total Disbursements</b>	<b>\$0.00</b>

Summary of Amounts Distributed Under the Plan

	Current Quarter	Paid to Date	Balance Due
<b>A. Fees and Expenses:</b>			
1. Trustee Compensation	\$0.00	\$0.00	\$0.00
2. Fee for Attorney for Trustee	\$0.00	\$0.00	\$0.00
3. Fee for Attorney for Debtor		\$0.00	\$0.00
4. Other professionals	\$0.00	\$0.00	\$0.00
5. All expenses, including trustee	\$0.00	\$0.00	\$0.00
<b>B. Distributions:</b>			
6. Secured Creditors	\$0.00	\$0.00	\$0.00
7. Priority Creditors	\$0.00	\$0.00	\$0.00
8. Unsecured Creditors		\$0.00	\$0.00
9. Equity Security Holders	\$0.00	\$0.00	\$0.00
10. Other Payments or Transfers	\$0.00	\$0.00	\$0.00
<b>Total Plan Payments</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

Summary of Status on Consummation of Plan

Plan payments are current: **YES** **NO**

If no, attach explanatory statement identifying payments not made (by creditor, amount and date due), reason for non-payment, and an estimated date as to when payments will be brought current.

Quarterly fees due to the Clerk, United States Bankruptcy Court are current: **YES** **NO**

Anticipated date of final report/motion for final decree: \_\_\_\_\_

**NOTE: You must file a quarterly fee statement with this report.**