

# United States Bankruptcy Court

District Of \_\_\_\_\_

In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_

Chapter \_\_\_\_\_

## APPLICATION TO PAY FILING FEE IN INSTALLMENTS

- In accordance with Fed. R. Bankr. P. 1006, I apply for permission to pay the Filing Fee amounting to \$ \_\_\_\_\_ in installments.
- I certify that I am unable to pay the Filing Fee except in installments.
- I further certify that I have not paid any money or transferred any property to an attorney for services in connection with this case and that I will neither make any payment nor transfer any property for services in connection with this case until the filing fee is paid in full.
- I propose the following terms for the payment of the Filing Fee.\*

\$ \_\_\_\_\_ Check one  With the filing of the petition, or  
 On or before \_\_\_\_\_  
 \$ \_\_\_\_\_ on or before \_\_\_\_\_  
 \$ \_\_\_\_\_ on or before \_\_\_\_\_  
 \$ \_\_\_\_\_ on or before \_\_\_\_\_

\* The number of installments proposed shall not exceed four (4), and the final installment shall be payable not later than 120 days after filing the petition. For cause shown, the court may extend the time of any installment, provided the last installment is paid not later than 180 days after filing the petition. Fed. R. Bankr. P. 1006(b)(2).

- I understand that if I fail to pay any installment when due my bankruptcy case may be dismissed and I may not receive a discharge of my debts.

\_\_\_\_\_  
Signature of Attorney Date

\_\_\_\_\_  
Signature of Debtor Date  
(In a joint case, both spouses must sign.)

\_\_\_\_\_  
Name of Attorney

\_\_\_\_\_  
Signature of Joint Debtor (if any) Date

### CERTIFICATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document. I also certify that I will not accept money or any other property from the debtor before the filing fee is paid in full.

\_\_\_\_\_  
Printed or Typed Name of Bankruptcy Petition Preparer

\_\_\_\_\_  
Social Security No.  
(Required by 11 U.S.C. § 110(c).)

\_\_\_\_\_  
Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

x \_\_\_\_\_  
Signature of Bankruptcy Petition Preparer

\_\_\_\_\_  
Date

*A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.*

United States Bankruptcy Court  
\_\_\_\_\_ District Of \_\_\_\_\_

In re \_\_\_\_\_,  
Debtor

Case No. \_\_\_\_\_

Chapter \_\_\_\_\_

**ORDER APPROVING PAYMENT OF FILING FEE IN INSTALLMENTS**

IT IS ORDERED that the debtor(s) may pay the filing fee in installments on the terms proposed in the foregoing application.

IT IS FURTHER ORDERED that until the filing fee is paid in full the debtor shall not pay any money for services in connection with this case, and the debtor shall not relinquish any property as payment for services in connection with this case.

BY THE COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
*United States Bankruptcy Judge*

**INSTRUCTIONS FOR COMPLETING OFFICIAL FORM 3  
APPLICATION AND ORDER TO PAY FILING FEE IN INSTALLMENTS**

**I. INTRODUCTION**

Official Form 3 is provided only for those individual debtors who are unable to pay the filing fee in full at the time they file the bankruptcy petition. Other debtors should not complete or file this form.

**II. APPLICABLE LAW AND RULES**

Rule 1006(b) of the Federal Rules of Bankruptcy Procedure (referred to as “Bankruptcy Rule” or “Fed. R. Bankr. P.”) allows an individual who is filing a voluntary bankruptcy petition but is unable to pay the filing fee in full at that time to file, together with the petition, an application asking for permission to pay the filing fee in installments. In addition to the filing fee, currently \$155 for chapter 7 and chapter 13, the debtor is required to pay a \$30 administrative fee in all cases and a \$15 trustee surcharge in chapter 7 cases. 28 U.S.C. § 1930(a); Bankruptcy Court Miscellaneous Fee Schedule issued in accordance with 28 U.S.C. § 1930(b). As of January 1, 2000, the total was \$200 for a chapter 7 case and \$185 for a chapter 13 case.

The debtor must state in the application that the debtor is unable to pay the filing fee except in installments, set forth the proposed dates and amounts of the installment payments, and declare that the debtor has not paid any money or transferred any property to an attorney for services in connection with the case. The debtor must sign the application.

The court may either order the debtor to pay the filing fee in full immediately or grant the debtor leave to pay the filing fee in installments according to the terms proposed by the debtor or fixed by the court. The maximum number of installments is four, and the final installment must be paid no later than 120 days after filing the petition. The court may extend the time of any installment, but the last installment must be paid no later than 180 days after filing the petition. Fed. R. Bankr. P. 1006.

The filing fee must be paid in full before the debtor or a chapter 13 trustee (in a chapter 13 case) may pay an attorney or any other person who renders services to the debtor in connection with the case. Fed. R. Bankr. P. 1006. The filing fee and any other fees payable at the start of the case must be paid in full before the court grants the debtor a discharge in a chapter 7 case. Fed. R. Bankr. P. 4004(c)(1)(f).

Official Form 3 is a "document for filing" that may be prepared by a "bankruptcy petition preparer," as defined in 11 U.S.C. § 110. A signature line is provided for such preparer. In addition to signing, a bankruptcy petition preparer is required by section 110 to disclose the information requested. A bankruptcy petition preparer may not accept a fee until the filing fee has been paid in full. Fed. R. Bankr. P. 1006(b)(3). If more than one person prepared the form, additional sheets that conform to the certification on the official form should be completed, signed, and attached. A bankruptcy petition preparer, who has completed the Application to Pay the Filing Fee in Installments must provide the debtor with a copy.

There is also a signature line for a debtor's attorney. Fed. R. Bankr. P. 9011.

The form was revised in 1997. The changes included adding an acknowledgment by the debtor of the potential consequences of failing to pay an installment when due and clarifying that the debtor is not disqualified from paying the filing fee in installments because the debtor has paid money to a bankruptcy petition preparer.

### **III. DIRECTIONS**

The person preparing the application should complete the caption with the information indicated, except the case number, which will be inserted by the clerk's office after the bankruptcy case is filed. The caption appears at the top of the page and conforms to Form 16B, Caption (Short Title). Instructions for completing Form 16B may be found following that form.

The amount of the filing fee should be included in the first paragraph. For the purpose of the application, "filing fee" means the filing fee prescribed by 28 U.S.C. §1930(a) and any other fees prescribed by the Judicial Conference pursuant to 28 U.S.C. §1930(b) that are payable to the clerk upon the commencement of a case under the Bankruptcy Code. Fed. R. Bankr. P. 1006(a). As of January 1, 2000, the combined "filing fee" was \$200 for chapter 7 cases and \$185 for chapter 13 cases.

The debtor should fill in the blanks in the fourth paragraph with the debtor's proposed terms of payment, including the dollar amount and date of each payment. The debtor should specify on the first line whether the first payment will be made with the filing of the petition or on a specified date. It is important to remember that the maximum number of installments is four and the final installment must be paid no later than 120 days after filing the petition, unless the court extends the time for any installment.

The debtor should date the application and sign it on the signature line provided for the applicant. If the case is filed by joint debtors, both debtors should date and sign the application. If the debtor is represented by an attorney, the attorney must sign on the signature line provided for the attorney for the applicant.

**Certification and Signature of Non-Attorney  
Bankruptcy Petition Preparer**

Bankruptcy petition preparers are required to print or type the preparer's name, address, and social security number on the lines provided. The preparer must sign and date the application on the lines provided. If more than one person prepared the document, additional signed sheets conforming to the Official Form must be attached for each person.

**Order**

After completing the caption, debtors and preparers should leave the rest of this portion of the form blank. The order is included for the convenience of the court. If the court approves the application to pay the filing fee in installments, the bankruptcy judge will sign and date the order.

1991 COMMITTEE NOTE

This form is derived from former Official Form No. 2.

A statement that the applicant is unable to pay the filing fee except in installments has been added as required by Rule 1006(b).

1995 COMMITTEE NOTE

This form is a "document for filing" that may be prepared by a "bankruptcy petition preparer" as defined in 11 U.S.C. § 110, which was added to the Code by the Bankruptcy Reform Act of 1994; accordingly, a signature line is provided for such preparer. In addition to signing, a bankruptcy petition preparer is required by section 110 to disclose the information requested. A signature line for a debtor's attorney also is added, as required by Rule 9011.

1997 COMMITTEE NOTE

The form has been reorganized and the paragraphs numbered. The debtor's certification concerning payment for services in the case has been placed ahead of the statement of proposed terms for installment payment of court fees. Acknowledgment by the debtor of the potential consequences of failure to pay any installment when due has been added. (See 11 U.S.C. § 707(a)(2).) The language of the form also has been changed to conform to Rule 1006 and to clarify that a debtor is not disqualified from paying the filing fee in installments because the debtor has paid money to a bankruptcy petition preparer.

2003 COMMITTEE NOTE

Pursuant to § 110(c) of the Bankruptcy Code, the certification by a non-attorney bankruptcy petition preparer requires a petition preparer to provide the full social security number of the individual who actually prepares the document pursuant to § 110(c) of the Code.