

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA**

**INSTRUCTIONS AND FORMS FOR REQUESTING AN ORDER TO PAY
BANKRUPTCY CASE FILING FEE IN INSTALLMENTS OR FOR FEE WAIVER:**

(1) Application for Individuals to Pay the Filing Fee in Installments (Official Form 103A); or (2) Application to Have the Chapter 7 Filing Fee Waived (Official Form 103B)

If you cannot afford to pay the full fee at the time of filing your bankruptcy case, you may apply to pay the fee in installments. An "Application for Individuals to Pay the Filing Fee in Installments" (Official Form 103A), which is included in this package, must be completed to make that application. If your application to pay in installments is approved, you will be permitted to file your bankruptcy case, completing payment of the fee within six months.

Permission to do so is only given when the judge is persuaded by testimony given under oath that usually you cannot afford to pay the entire filing fee, and are not filing bankruptcy to forestall eviction from residential premises occupied on a month-to-month tenancy or on a tenancy at will, or for any improper purpose.

The procedure for requesting permission to pay the fee for filing a bankruptcy case in installments is as follows:

1. Tell the Intake clerk that you wish to request permission from the Court to pay the filing fee in installments.
2. Complete the "Application for Individuals to Pay the Filing Fee in Installments (Official Form 103A)."
3. Return the completed application form and your filing papers, i.e., petition, to the Intake filing window.
4. Be prepared to show the clerk a California driver's license, California identification card, or other similar form of identification.
5. Ask the clerk for the name of the judge who will rule on your motion, the time and location of a hearing, if a hearing is required.

IF YOU ARE REQUIRED TO APPEAR AT A HEARING AND FAIL TO APPEAR, THE MOTION WILL BE DENIED. YOU MAY NOT BE PERMITTED TO FILE ANY BANKRUPTCY CASE FOR 180 DAYS FROM THE DATE OF THE HEARING, AND YOU AND YOUR PROPERTY MAY NOT BE PROTECTED FROM THE ACTIONS OF YOUR CREDITORS IF YOU DO FILE A BANKRUPTCY CASE DURING THOSE 180 DAYS OR LATER.

The hearing on your application will take place in a courtroom and will be conducted by a United States Bankruptcy Judge.

If your application is denied, you must pay the fees in full within the time ordered by the judge or your bankruptcy case will be dismissed; and if the judge orders, you may not file another bankruptcy case for 180 days from the date of the hearing. **IF (1) YOUR CASE IS DISMISSED AND (2) YOU FILE BANKRUPTCY AGAIN WITHIN THE NEXT YEAR, IT IS LIKELY THAT YOU WILL BE TREATED AS HAVING FILED MORE THAN ONE BANKRUPTCY CASE WITHIN A 12-MONTH PERIOD. IF THIS OCCURS, IT MAY SIGNIFICANTLY REDUCE THE PROTECTION YOU WILL RECEIVE FROM THE AUTOMATIC STAY IN THE LATER BANKRUPTCY CASE.**

If your application is granted, it will almost always be necessary for you to make a first installment payment immediately after the hearing. The number of installments permitted cannot exceed four, and the final installment shall be payable not later than 120 days after the filing of the petition, unless extended by the Court for cause shown to a date not later than 180 days after the date of the filing of the petition. Failure to pay any installment when due may be grounds for dismissal of the case without notice and hearing.

In a chapter 7 case, if you cannot afford to pay the fee to file your bankruptcy case either in full at the time of filing, or in installments, then you may request an order excusing you from paying the filing fee by completing an "Application to Have the Chapter 7 Filing Fee Waived" (Official Form 103B) and filing it with the Clerk of the Court along with your petition. The form is included in this package. Permission to do so is only given when the judge is persuaded by testimony given under oath that usually you cannot afford to pay the entire filing fee, and are not filing bankruptcy to forestall eviction from residential premises occupied on a month-to-month tenancy or on a tenancy at will, or for any improper purpose. A judge will decide whether you have to pay the fee.

By law, you may be excused from paying the fee only if your income is less than 150 percent of the official poverty line applicable to your family size and you are unable to pay the fee in installments. See the attached U.S. Department of Health and Human Services (DHHS) table to determine if you are eligible.

Required information. Complete all items in the application, and attach requested schedules. Then sign the application on the last page. If you and your spouse are filing a joint bankruptcy petition, you both must provide information as requested and sign the application.

The procedure for requesting an order for excusing you from paying the filing fee in a chapter 7 case is as follows:

1. Tell the clerk that you wish to request permission from the Court to be excused from paying the filing fee installments.
2. Complete an "Application to Have the Chapter 7 Filing Fee Waived (Official Form 103B)."
3. Return the application form and your filing papers, i.e., petition, to the Intake filing window where you obtained the installment payment information.
4. Be prepared to show the clerk a California driver's license, California identification card, or other similar form of identification.
5. Ask the clerk for the name of the judge who will rule on your motion, the time and location of a hearing, if a hearing is required.

You may submit both applications only if you believe you are eligible for both: (1) being excused from paying the filing fee in full, and (2) if the judge disagrees, paying the filing fee in installments.

If your income is greater than the amount set forth in the attached U.S. Department of Health and Human Services (DHSS) table and you can swear truthfully under oath that you cannot pay the full filing fee today, then only submit the Application to Pay Filing Fee in Installments.

150% of the HHS Poverty Guidelines for 2020*
Monthly Basis

| Persons in family unit | 48 Contiguous States and D.C. | Alaska | Hawaii |
|--------------------------------|-------------------------------|------------|------------|
| 1 | \$1,595.00 | \$1,993.75 | \$1,835.00 |
| 2 | \$2,155.00 | \$2,693.75 | \$2,478.75 |
| 3 | \$2,715.00 | \$3,393.75 | \$3,122.50 |
| 4 | \$3,275.00 | \$4,093.75 | \$3,766.25 |
| 5 | \$3,835.00 | \$4,793.75 | \$4,410.00 |
| 6 | \$4,395.00 | \$5,493.75 | \$5,053.75 |
| 7 | \$4,955.00 | \$6,193.75 | \$5,697.50 |
| 8 | \$5,515.00 | \$6,893.75 | \$6,341.25 |
| For each additional person add | \$560.00 | \$700.00 | \$643.75 |

* As required by section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35 - reauthorized by Pub. L. 105-285, Section 201 (1988)).

150% of the HHS Poverty Guidelines for 2020*
Annual Basis

| Persons in family unit | 48 Contiguous States and D.C. | Alaska | Hawaii |
|--------------------------------|-------------------------------|----------|----------|
| 1 | \$19,140 | \$23,925 | \$22,020 |
| 2 | \$25,860 | \$32,325 | \$29,745 |
| 3 | \$32,580 | \$40,725 | \$37,470 |
| 4 | \$39,300 | \$49,125 | \$45,195 |
| 5 | \$46,020 | \$57,525 | \$52,920 |
| 6 | \$52,740 | \$65,925 | \$60,645 |
| 7 | \$59,460 | \$74,325 | \$68,370 |
| 8 | \$66,180 | \$82,725 | \$76,095 |
| For each additional person add | \$6,720 | \$8,400 | \$7,725 |

* As required by section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35 - reauthorized by Pub. L. 105-285, Section 201 (1988)).

Fill in this information to identify your case:

Debtor 1
First Name _____ Middle Name _____ Last Name _____

Debtor 2
(Spouse, if filing) First Name _____ Middle Name _____ Last Name _____

United States Bankruptcy Court for the: _____ District of _____

Case number _____
(If known)

Check if this is an amended filing

Official Form 103A

Application for Individuals to Pay the Filing Fee in Installments

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information.

Part 1: Specify Your Proposed Payment Timetable

1. Which chapter of the Bankruptcy Code are you choosing to file under?
- Chapter 7
 - Chapter 11
 - Chapter 12
 - Chapter 13

2. You may apply to pay the filing fee in up to four installments. Fill in the amounts you propose to pay and the dates you plan to pay them. Be sure all dates are business days. Then add the payments you propose to pay.

You must propose to pay the entire fee no later than 120 days after you file this bankruptcy case. If the court approves your application, the court will set your final payment timetable.

You propose to pay...

\$ _____ With the filing of the petition

\$ _____ On or before this date..... MM / DD / YYYY

\$ _____ On or before this date MM / DD / YYYY

\$ _____ On or before this date MM / DD / YYYY

+ \$ _____ On or before this date MM / DD / YYYY

Total \$ _____

◀ Your total must equal the entire fee for the chapter you checked in line 1.

Part 2: Sign Below

By signing here, you state that you are unable to pay the full filing fee at once, that you want to pay the fee in installments, and that you understand that:

- You must pay your entire filing fee before you make any more payments or transfer any more property to an attorney, bankruptcy petition preparer, or anyone else for services in connection with your bankruptcy case.
- You must pay the entire fee no later than 120 days after you first file for bankruptcy, unless the court later extends your deadline. Your debts will not be discharged until your entire fee is paid.
- If you do not make any payment when it is due, your bankruptcy case may be dismissed, and your rights in other bankruptcy proceedings may be affected.

x _____
Signature of Debtor 1

x _____
Signature of Debtor 2

x _____
Your attorney's name and signature, if you used one

Date _____
MM / DD / YYYY

Date _____
MM / DD / YYYY

Date _____
MM / DD / YYYY

Fill in this information to identify the case:

Debtor 1 _____
First Name Middle Name Last Name

Debtor 2 _____
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____

Case number _____
(If known)

Chapter filing under:

- Chapter 7
- Chapter 11
- Chapter 12
- Chapter 13

Order **on Application to** Pay Filing Fee in Installments

After considering the *Application for Individuals to Pay the Filing Fee in Installments* (Official Form 103A), the court orders that:

- The debtor(s) may pay the filing fee in installments on the terms proposed in the application.
- The debtor(s) must pay the filing fee according to the following terms:

| <u>You must pay...</u> | <u>On or before this date...</u> |
|--|----------------------------------|
| \$ _____ | _____ Month / day / year |
| \$ _____ | _____ Month / day / year |
| \$ _____ | _____ Month / day / year |
| + \$ _____ | _____ Month / day / year |
| Total | |
| \$ _____ | |

- The Application for Individuals to Pay the Filing Fee in Installments is denied and the debtor must pay the filing fee in full on this day. If the filing fee is not paid in full on this day, the case will be dismissed.

Until the filing fee is paid in full, the debtor(s) must not make any additional payment or transfer any additional property to an attorney or to anyone else for services in connection with this case.

Month / day / year

By the court: _____
United States Bankruptcy Judge

Fill in this information to identify your case:

Debtor 1 _____
First Name Middle Name Last Name

Debtor 2 _____
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____
(State)

Case number _____
(If known)

Check if this is an amended filing

Official Form 103B

Application to Have the Chapter 7 Filing Fee Waived

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known).

Part 1: Tell the Court About Your Family and Your Family's Income

1. What is the size of your family?

Your family includes you, your spouse, and any dependents listed on *Schedule J: Your Expenses* (Official Form 106J).

Check all that apply:

- You
- Your spouse
- Your dependents

_____ How many dependents?

_____ Total number of people

2. Fill in your family's average monthly income.

Include your spouse's income if your spouse is living with you, even if your spouse is not filing.

Do not include your spouse's income if you are separated and your spouse is not filing with you.

Add your income and your spouse's income. Include the value (if known) of any non-cash governmental assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies.

If you have already filled out *Schedule I: Your Income*, see line 10 of that schedule.

Subtract any non-cash governmental assistance that you included above.

Your family's average monthly net income

That person's average monthly net income (take-home pay)

You \$ _____

Your spouse ... + \$ _____

Subtotal..... \$ _____

— \$ _____

Total..... \$ _____

3. Do you receive non-cash governmental assistance?

- No
- Yes. Describe.....

Type of assistance

4. Do you expect your family's average monthly net income to increase or decrease by more than 10% during the next 6 months?

- No
- Yes. Explain.

5. Tell the court why you are unable to pay the filing fee in installments within 120 days. If you have some additional circumstances that cause you to not be able to pay your filing fee in installments, explain them.

Part 2: Tell the Court About Your Monthly Expenses

6. Estimate your average monthly expenses.

Include amounts paid by any government assistance that you reported on line 2. \$

If you have already filled out Schedule J, Your Expenses, copy line 22 from that form.

7. Do these expenses cover anyone who is not included in your family as reported in line 1?

- No
Yes. Identify who.....

Empty box for identifying family members.

8. Does anyone other than you regularly pay any of these expenses?

- No
Yes. How much do you regularly receive as contributions? \$ monthly

If you have already filled out Schedule I: Your Income, copy the total from line 11.

9. Do you expect your average monthly expenses to increase or decrease by more than 10% during the next 6 months?

- No
Yes. Explain.....

Empty box for explaining expense changes.

Part 3: Tell the Court About Your Property

If you have already filled out Schedule A/B: Property (Official Form 106A/B) attach copies to this application and go to Part 4.

10. How much cash do you have?

Examples: Money you have in your wallet, in your home, and on hand when you file this application

Cash: \$

11. Bank accounts and other deposits of money?

Examples: Checking, savings, money market, or other financial accounts; certificates of deposit; shares in banks, credit unions, brokerage houses, and other similar institutions. If you have more than one account with the same institution, list each. Do not include 401(k) and IRA accounts.

Table with columns: Institution name, Amount. Rows for Checking account, Savings account, and two Other financial accounts.

12. Your home? (if you own it outright or are purchasing it)

Examples: House, condominium, manufactured home, or mobile home

Table for home information with columns: Number, Street, City, State, ZIP Code, Current value, Amount you owe on mortgage and liens.

13. Other real estate?

Table for other real estate with columns: Number, Street, City, State, ZIP Code, Current value, Amount you owe on mortgage and liens.

14. The vehicles you own?

Examples: Cars, vans, trucks, sports utility vehicles, motorcycles, tractors, boats

Table for vehicle information with columns: Make, Model, Year, Mileage, Current value, Amount you owe on liens. Includes two rows for different vehicles.

15. Other assets?

Describe the other assets:

Do not include household items and clothing.

[Empty box for describing other assets]

Current value: \$
Amount you owe on liens: \$

16. Money or property due you?

Who owes you the money or property?

How much is owed?

Do you believe you will likely receive payment in the next 180 days?

Examples: Tax refunds, past due or lump sum alimony, spousal support, child support, maintenance, divorce or property settlements, Social Security benefits, workers' compensation, personal injury recovery

[Lines for who owes money]

[Lines for amount owed]

No

Yes. Explain:

[Empty box for explanation]

Part 4: Answer These Additional Questions

17. Have you paid anyone for services for this case, including filling out this application, the bankruptcy filing package, or the schedules?

No

Yes. Whom did you pay? Check all that apply:

- An attorney
A bankruptcy petition preparer, paralegal, or typing service
Someone else

How much did you pay?

\$

18. Have you promised to pay or do you expect to pay someone for services for your bankruptcy case?

No

Yes. Whom do you expect to pay? Check all that apply:

- An attorney
A bankruptcy petition preparer, paralegal, or typing service
Someone else

How much do you expect to pay?

\$

19. Has anyone paid someone on your behalf for services for this case?

No

Yes. Who was paid on your behalf? Check all that apply:

- An attorney
A bankruptcy petition preparer, paralegal, or typing service
Someone else

Who paid?

Check all that apply:

- Parent
Brother or sister
Friend
Pastor or clergy
Someone else

How much did someone else pay?

\$

20. Have you filed for bankruptcy within the last 8 years?

No

Yes. District When Case number

District When Case number

District When Case number

Part 5: Sign Below

By signing here under penalty of perjury, I declare that I cannot afford to pay the filing fee either in full or in installments. I also declare that the information I provided in this application is true and correct.

Signature of Debtor 1

Signature of Debtor 2

Date MM / DD / YYYY

Date MM / DD / YYYY

Fill in this information to identify the case:

Debtor 1 _____
First Name Middle Name Last Name

Debtor 2 _____
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: _____ District of _____
(State)

Case number _____
(if known)

Order on the Application to Have the Chapter 7 Filing Fee Waived

After considering the debtor's *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 103B), the court orders that the application is:

Granted. However, the court may order the debtor to pay the fee in the future if developments in administering the bankruptcy case show that the waiver was unwarranted.

Denied. The debtor must pay the filing fee according to the following terms:

| <u>You must pay...</u> | <u>On or before this date...</u> |
|------------------------|---|
| \$ _____ | _____/_____/_____ Month / day / year |
| \$ _____ | _____/_____/_____ Month / day / year |
| \$ _____ | _____/_____/_____ Month / day / year |
| + \$ _____ | _____/_____/_____ Month / day / year |
| Total | <input type="text"/> |

If the debtor would like to propose a different payment timetable, the debtor must file a motion promptly with a payment proposal. The debtor may use *Application for Individuals to Pay the Filing Fee in Installments* (Official Form 103A) for this purpose. The court will consider it.

The debtor must pay the entire filing fee before making any more payments or transferring any more property to an attorney, bankruptcy petition preparer, or anyone else in connection with the bankruptcy case. The debtor must also pay the entire filing fee to receive a discharge. If the debtor does not make any payment when it is due, the bankruptcy case may be dismissed and the debtor's rights in future bankruptcy cases may be affected.

Scheduled for hearing.

A hearing to consider the debtor's application will be held

on _____ at _____ AM / PM at _____.
Month / day / year Address of courthouse

If the debtor does not appear at this hearing, the court may deny the application.

Month / day / year

By the court: _____
United States Bankruptcy Judge