

**United States Bankruptcy Court, District of New Mexico  
Fee Schedule Effective January 1, 2010**

<b>Petition Fees</b> <i>Filing fees 28 U.S.C. § 1930(a) + additional fees from Bankruptcy Court Miscellaneous Fee Schedule (schedule item is in parentheses) per 28 U.S.C. § 1930(b)</i>		
Chapter 7 = \$ 245.00 + \$39.00 (schedule item 8, <i>administrative fee</i> ) + \$15.00 (schedule item 9, <i>trustee fee</i> )		\$ 299.00
Chapter 9 = \$1,000.00 + \$39.00 (schedule item 8, <i>administrative fee</i> )		\$1,039.00
Chapter 11 = \$1,000.00 + \$39.00 (schedule item 8, <i>administrative fee</i> )		\$1,039.00
Chapter 12 = \$ 200.00 + \$39.00 (schedule item 8, <i>administrative fee</i> )		\$ 239.00
Chapter 13 = \$ 235.00 + \$39.00 (schedule item 8, <i>administrative fee</i> )		\$ 274.00
Chapter 15 = \$1,000.00 (schedule item 15) + \$39.00 (schedule item 8, <i>administrative fee</i> )		\$1,039.00
Adversary proceeding - not due if plaintiff is the debtor or a child support creditor who has filed Form B281 in the bankruptcy case prior to or simultaneous with filing the adversary complaint. When plaintiff is the trustee or debtor in possession, the filing fee should be paid by the estate, if there is an estate. 28 U.S.C. § 1930(b) Schedule item 6		\$ 250.00
Amendment to schedules or list of creditors (including mailing list) to add or delete a creditor, or change the amount or classification of the debt. Fee is due per <u>amendment document</u> , not per item. A mailing list submitted after the petition is filed is considered an amendment. No fee is due if the amendment is to change the address of a creditor or an attorney for a creditor listed on the schedules or to add the name and address of an attorney for a creditor listed on the schedules. 28 U.S.C. § 1930(b) Schedule item 4		\$ 26.00
Appeal - notice of appeal (\$5) 28 U.S.C. § 1930(c) and filing of an appeal or cross appeal from a final judgment (\$250). 28 U.S.C. § 1930(b) Schedule item 14		\$ 255.00
Appeal - notice of appeal accompanied by a motion for leave to appeal ( <i>interlocutory appeal</i> ). When motion is granted, the \$250 fee to file the appeal will be due. 28 U.S.C. § 1930(c) and (b) Schedule item 14		\$ 5.00
Appeal - notice from court of appeals that a direct appeal or direct cross appeal from the bankruptcy court has been authorized (in addition to fees due upon filing a notice of appeal). 28 U.S.C. § 1930(b) Schedule item 14		\$ 200.00
Check returned for lack of funds. 28 U.S.C. § 1930(b) Schedule item 13		\$ 45.00
Copy - electronically accessed at a courthouse public terminal and printed, per page. 28 U.S.C. § 1930(b), <i>Item III of the Electronic Public Access Fee Schedule</i>		\$ 0.10
per page. 28 U.S.C. § 1930(b) Schedule item 1		\$ 0.50
certified, per document, in addition to per page copy fee. 28 U.S.C. § 1930(b) Schedule item 2		\$ 9.00
exemplified, per document, in addition to per page copy fee. 28 U.S.C. § 1930(b) Schedule item 2		\$ 18.00

Copy of a recording of proceeding 28 U.S.C. § 1930(b) Schedule item 3	\$ 26.00
Filing any document that is not related to a pending case or proceeding, such as registering a judgment. 28 U.S.C. § 1930(b) Schedule item 7	\$ 39.00
Motion to compel abandonment of property - not due if movant is a child support creditor who has filed Form B281 in the bankruptcy case prior to or simultaneous with filing the motion to abandon. 28 U.S.C. § 1930(b) Schedule item 19	\$ 150.00
Motion by creditor or debtor to convert chapter 11 case to chapter 7 – 28 U.S.C. § 1930(b) Schedule item 9	\$ 15.00
Motion by creditor to convert chapter 12 case to chapter 7: \$45 motion to convert per 28 U.S.C. § 1930(b) Schedule item 10 + \$15 trustee fee per 28 U.S.C. § 1930(b) Schedule item 9	\$ 60.00
Motion by creditor to convert chapter 13 case to chapter 7: \$10 motion to convert per 28 U.S.C. § 1930(b) Schedule item 10 + \$15 trustee fee per 28 U.S.C. § 1930(b) Schedule item 9	\$ 25.00
Motion by debtor to convert chapter 7 case to chapter 11 – the difference between current fees for chapters 11 and 7 (\$1,000-\$245) 28 U.S.C. § 1930(a)	\$ 755.00
Motion by debtor to convert chapter 12 case to chapter 11 case – the difference between current fees for chapters 11 and 12 (\$1,000-\$200) 28 U.S.C. § 1930(b) Schedule item 10; 11 U.S.C. § 1208 (e)? SEE NOTE ON PAGE 3.	\$ 800.00
Motion by debtor to convert chapter 12 case to chapter 13 case – the difference between current fees for chapters 13 and 12 (\$235-\$200) 28 U.S.C. § 1930(b) Schedule item 10; 11 U.S. C. § 1208 (e)? SEE NOTE ON PAGE 3.	\$ 35.00
Motion by debtor to convert chapter 13 case to chapter 11 – the difference between current fees for chapters 11 and 13 (\$1,000-\$235) 28 U.S.C. § 1930(a)	\$ 765.00
Motion by debtor to divide a joint case: <i>Bankruptcy Court Miscellaneous Fee Schedule (schedule item is in parentheses) per 28 U.S.C. § 1930(b). Case commenced under:</i> Chapter 7 = \$ 245.00 (schedule item 18) + \$39.00 (schedule item 8, <i>administrative fee</i> ) + \$15.00 (schedule item 9, <i>trustee fee</i> )	\$ 299.00
Chapter 11 = \$1,000.00 (schedule item 18) + \$39.00 (schedule item 8, <i>administrative fee</i> )	\$1,039.00
Chapter 12 = \$ 200.00 (schedule item 18) + \$39.00 (schedule item 8, <i>administrative fee</i> )	\$ 239.00
Chapter 13 = \$ 235.00 (schedule item 18) + \$39.00 (schedule item 8, <i>administrative fee</i> )	\$ 274.00
Motion to modify or lift the automatic stay - No fee is required for a motion for relief from the co-debtor stay or for a stipulation for court approval of an agreement for relief from a stay, nor is a fee due if movant is a child support creditor who has filed Form B281 in the bankruptcy case prior to or simultaneously with filing the motion to modify stay. 28 U.S.C. § 1930(b) Schedule item 19	\$ 150.00

Motion to reopen bankruptcy case - unless to correct administrative error or for actions related to debtor's discharge. Exception to fee for action related to debtor's discharge does not apply where a case was closed without entry of discharge pursuant to Fed. R. Bankr. P. 4006 and 11 U.S.C. § 727(a)(11); see explanation at schedule item 11). 28 U.S.C. § 1930(b) Chapter 7 = \$245 (schedule item 11) + \$15 (schedule item 9, trustee fee; by action of Judicial Conference, September 2006; see Director's memo dated 12-01-06)	\$ 260.00
Chapter 9	\$1,000.00
Chapter 11	\$1,000.00
Chapter 12	\$ 200.00
Chapter 13	\$ 235.00
Chapter 15	\$1,000.00
Motion to withdraw U. S. District Court reference - not due if movant is a child support creditor who has filed Form B281 in the bankruptcy case prior to or simultaneous with filing the motion to withdraw reference. 28 U.S.C. § 1930(b) Schedule item 19	\$ 150.00
Notice by debtor of conversion from chapter 12 to chapter 7: \$45 motion to convert per 28 U.S.C. § 1930(b) Schedule item 10 + \$15 trustee fee per 28 U.S.C. § 1930(b) Schedule item 9	\$ 60.00
Notice by debtor of conversion from chapter 13 to chapter 7: \$10 motion to convert per 28 U.S.C. § 1930(b) Schedule item 10 + \$15 trustee fee per 28 U.S.C. § 1930(b) Schedule item 9	\$ 25.00
Registry funds handling charge - 10% of interest earned. 28 U.S.C. § 1930(b) Schedule item 17; schedule of fees in 11-04-91 notice, effective 02-03-92, 54 F.R. 56356	see cited schedule
Retrieval of case file from Federal Records Center in Denver. 28 U.S.C. § 1930(b) Schedule item 12	\$ 45.00
Search fee - per name or item searched 28 U.S.C. § 1930(b) Schedule item 5	\$ 26.00
Witness fee: mileage per mile 28 U.S.C. § 1821(c)(2)	\$ 0.50
daily attendance fee 28 U.S.C. § 1821(b)	\$ 40.00

**NOTE:** As of 01-19-07, the Administrative Office of the United States Courts takes the position that conversion from chapter 12 to chapter 11 or chapter 13 can arguably be seen as provided for by 11 U.S.C. § 1208(e) due to split case law. Our judges have determined to address any questions which may arise on this subject in the context of actual cases. The AO has indicated to the clerk that a fee should be charged for a debtor's motion to convert from chapter 12 to chapter 11 in the amount of **\$800** (figured as the difference between current fees for chapters 11 and 12, \$1,000 - \$200), and that a fee should be charged for a debtor's motion to convert from chapter 12 to chapter 13 in the amount of **\$35** (figured as the difference between current fees for chapters 13 and 12, \$235 - \$200). See item #10 in the AO 12-07-06 memo to clerks which is attached to the "Guidelines for Conversion of Cases" posted on the court's website ([www.nmcourt.fed.us/usbc](http://www.nmcourt.fed.us/usbc)). Go to General Information, and then to Procedures.

K:\\_WEB\public\Files\fees\feeschedule.pdf  
F:\Fees\schedule\current as of 1-12-10 changed witness mileage rate fee schedule eff 010110.wpd

Date	Comments	By
10-19-09	If changes are made to reopen fee, update F:\Procedure\reopening\Reopening a Bankruptcy Case Motion Filed Electronically.wpd.	/mGG