

## CHAPTER 11 QUARTERLY FEES

Pursuant to 28 U.S.C. §1930(a)(6), the Chapter 11 debtor in possession or Chapter 11 trustee is responsible to pay quarterly fees to the U.S. Trustee for every quarter the case is pending in Chapter 11 until an order for final decree, dismissal, or conversion is entered. The fee for each calendar quarter is based on total disbursements made in the debtor's case during the quarter, including payments made by another party on the debtor's behalf, (e.g. payments made by a title company involving the sale of debtor's real estate).

Fee payments are due no later than the last day of the month following the quarterly reporting period. In order for a plan to be confirmed in the case, all quarterly fees must be paid or the plan must provide for their payment on or before the Plan's effective date. The plan must provide that payment of quarterly fees will continue until a final decree is entered and/or the case is closed.

### QUARTERLY FEE SCHEDULE (JAN. 1, 2008)

[pursuant to 28 U.S.C. §1930(a)(6)]

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

Failure to pay the quarterly fee is cause for conversion or dismissal of the chapter 11 case. [11 U.S.C. § 1112(b)(4)(K)]. The payment schedule is provided below:

<u>For calendar quarter ending</u>	<u>The fee payment is due on</u>
March 31	April 30
June 30	July 31
September 30	October 31
December 31	January 31

Under the Debt Collection Act of 1982, 31 U.S.C. §3717, the United States Trustee will charge interest on delinquent quarterly fee balances which are considered [post-petition] debts owed to the United States. The minimum rate charged is equal to the U.S. Treasury's "Current Value of Funds Rate," published annually by the Secretary of Treasury in the Federal Register and available on the Treasury's Financial Management Service's Web site at [www.fms.treas.gov/debt](http://www.fms.treas.gov/debt).

**Checks are to be made payable to The United States Trustee** and mailed to the address set forth below. Fees are **not** to be mailed or delivered to the local Office of the United States Trustee. If any check is returned "unpaid" for any reason, all subsequent payments must be made by way of cashier's check, certified check, or money order.

To ensure proper credit, it is imperative that the debtor in possession and chapter 11 trustee write the case number on each check and remit the payment with the coupon provided with the quarterly billing. A separate check and coupon is required for each quarterly payment even if more than one quarterly fee is paid at the same time.

Send all payments to:

**U.S. Post Office Box Address**

U.S. Trustee Payment Center  
P.O. Box 530202  
Atlanta, GA 30353-0202

**Overnight Courier Delivery Address (i.e. FedEx or UPS)**

US Trustee Payment Center  
Lockbox 530202  
1075 Inner Loop Road (Floor 2)  
Atlanta, Georgia 30337-6086

*\*\*\*The following notice is to advise the debtor of the UST's procedure for collecting delinquent quarterly fees.*

**NOTICE**

**DISCLOSURE OF INTENT TO USE TAXPAYER IDENTIFYING NUMBER FOR THE PURPOSE OF COLLECTING AND REPORTING DELINQUENT QUARTERLY FEES OWED TO THE UNITED STATES TRUSTEE PURSUANT TO 28 U.S.C. § 1930(a)(6)**

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, the United States Trustee intends to 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 collecting and reporting on any delinquent debt, including chapter 11 quarterly fees, that are owed to the United States Trustee.

The United States Trustee will provide the debtor's TIN to the Department of Treasury for its use in attempting to collect overdue debts. Treasury may take 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.