

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

Clerk's Notice Regarding Fees and Credit Card Usage

Pursuant to local judicial guidance and in line with the standard practice within the Federal Judiciary, **beginning April 1, 2007, the Bankruptcy Court will operate on a Pay-to-File basis.** Coupled with the Court's ECF Procedures 3 & 4 (mandating electronic filing for attorneys), this policy will require **all fees from e-filing documents be paid by credit card at the time of filing.*** As an enforcement mechanism, the Court will employ the use of "lock-out" software which will disable ECF filer IDs for filers who are 72-hours delinquent on credit card fees.** After a lock-out, the software will permit log-on for the limited purpose of paying past-due fees. Lock-out payments must be made by credit card through CM/ECF and will not be accepted over-the-counter unless a computer malfunction within the Court prevents on-line payment, or unless the Clerk or Financial Deputy Clerk approves based on particular circumstances.

Important notes:

- (1) Pay to file will require an application to pay filing fees in installments when a Chapter 13 debtor intends to pay filing fees in the plan. This is because the filing of the application triggers an exception to the Pay-to-File in the Court's accounting process.
- (2) Documents filed using incorrect docket dictionary events, thereby avoiding a required fee, will be charged the appropriate fee. These fees will appear in the filers Internet Fees Due for credit card payment.
- (3) The clerk will not refund charges to a credit card when an attorney erroneously elects to pay the fee by credit card **and pays the fee** at the time of filing. Judicial intervention will be required.
- (4) Accepted credit cards are VISA, MasterCard, American Express and Discover Card. Bank of America may include additional cards at a later date.

Although this notification is intended for e-filers, this policy will also affect **over-the-counter filers** (i.e., non-attorneys, pro se litigants). For over-the-counter transactions, fees will be due at the time of filing. If appropriate fees are not tendered with documents to be filed, the documents will be stamped "Received, [date, time]" and held for filing pending payment. Petitions without fees will only be treated as filed (stamped and docketed) if accompanied by an application to pay in installments or application to waive fees.

Footnotes:

* Exceptions: (1) payments for trustee-filed fee documents are classified as "over-the-counter" and must be accompanied by an affidavit for deferment of fees; (2) petitions with applications to pay in installments or waive fees filed contemporaneously.

** The 72-hour grace period exists to allow sufficient time to ensure payment in the event a technical glitch such as a CM/ECF malfunction, a PC crash, or a power outage prevented payment immediately after filing.