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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH

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<p>In re</p> <p>KARLA KAYE POKORNY aka Karla Kaye Taylor aka Karla Kaye Rylander,</p> <p style="text-align: center;">Debtor.</p>	<p>) Bankruptcy Case No. 94C-25246 ) ) ) MEMORANDUM OPINION AND ) ORDER DENYING DEBTOR'S ) APPLICATION FOR WAIVER OF ) THE CHAPTER 7 FILING FEE</p>
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The debtor, in filing this application for waiver of the chapter 7 filing fee, indicates that payment to an attorney of the amount of \$350.00 was made for services in connection with this case.

The waiver of the chapter 7 filing fee became available with the passage of the "Department of Justice and Related Agencies Appropriations Act, 1994" (Pub. L. No. 103-121, 107 Stat. 1153). The "Act" provided for the establishment of six pilot districts to assist in the preparation of a report to the Committee on the Judiciary. The report must include 1) an estimate of the costs and benefits of waiving bankruptcy filing fees for individuals, 2) recommendations regarding various revenue sources to offset the net cost of waving such fees,

and 3) recommendations regarding various methods to implement a graduated bankruptcy fee system. The District of Utah was selected as one of the six pilot districts.

Because the "Act" at 107 Stat. 1165 requires that "a program under which fees payable under section 1930 of title 28, United States Code, may be waived in cases under chapter 7 of title 11, United States Code, for debtors who are individuals unable to pay such fees in installments[,]" it follows that this court look to the eligibility requirements for the payment of the filing fee by installments when considering an application for the waiver of the fee.


Federal Rule of Bankruptcy Procedure 1006(b) sets forth the requirements which must be met before a debtor will be permitted to pay a filing fee in installments. F.R.P.C. 1006(b) requires in part that "...[t]he application shall state ... that the applicant has neither paid any money nor transferred any property to an attorney for services in connection with the case." This court interprets the language of F.R.P.C. 1006(b) to strictly prohibit the debtor from paying any fees to an attorney until the filing fee has been paid in full.

It is this court's opinion that the requirements to be met by a debtor seeking to totally waive a chapter 7 filing fee must be at least as stringent as the requirements found in F.R.B.P 1006(b). Therefore, because this debtor has paid an attorney for services in connection with this case, it is hereby

ORDERED that the application for waiver of the filing fee be denied.

DATED this 23 day of October, 1994.

BY THE COURT:

  
GLEN E. CLARK, CHIEF JUDGE  
UNITED STATES BANKRUPTCY COURT