

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

2010 APR 20 P 3:14

CLERK OF COURT
EASTERN DISTRICT OF MICHIGAN

In re:

Maximum Allowable Fee Chargeable
by a Bankruptcy Petition Preparer

Administrative Order
NO: 10-21

**ORDER REGARDING MAXIMUM ALLOWABLE FEE CHARGEABLE
BY A
BANKRUPTCY PETITION PREPARER**

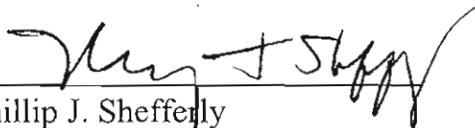
Section 110 of the Bankruptcy Code, 11 U.S.C. Section 110, provides for the disallowance and turnover of any fee found to be in excess of the value of services rendered by a bankruptcy petition preparer. In order to provide prospective debtors and petition preparers with information about what would be an excessive fee for services rendered by a bankruptcy petition preparer in this district, the bankruptcy judges of this district have decided to enter this Administrative Order, pursuant to Sections 105 and 110 of the Bankruptcy Code. In establishing a presumptive maximum allowable fee chargeable by a bankruptcy petition preparer, the bankruptcy judges of this district have relied upon their collective experience concerning fees actually charged by petition preparers in this district, as well as the limited nature of the services that bankruptcy petition preparers may perform under Section 110 of the Bankruptcy Code and state law limitations on the unauthorized practice of law.

IT IS THEREFORE ORDERED that:

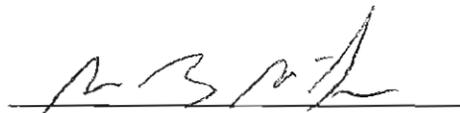
1. The presumptive maximum allowable fee chargeable by a bankruptcy petition preparer in any case is \$100.
2. The clerk of court shall give a copy of this Administrative Order to each pro se debtor at the time a petition is presented for filing.
3. Only a Bankruptcy Petition Preparer may file a motion with the Court seeking fees in an amount greater than the \$100 fee allowable by this order. The motion must be filed with an affidavit stating the facts which support the increase in fees. The affidavit must also include a statement that the debtor has reviewed the motion and affidavit. The motion and affidavit must be filed

within 14 days after the date of the filing of a petition, and served on the debtor(s), case trustee and the U.S. Trustee. A hearing will be scheduled on all motions unless the Court determines that a hearing is unnecessary.

4. Any bankruptcy petition preparer who charges a fee in excess of the value of services rendered shall be subject to sanctions under Section 110 of the Bankruptcy Code, including, but not limited to, the disallowance and turnover of any fee found to be in excess of the fee allowed by this order or by an order of the Court.
5. If the Supreme Court promulgates rules under section 2075 of title 28, or if the Judicial Conference of the United States prescribes guidelines, for setting a maximum allowable fee chargeable by a bankruptcy petition preparer, as provided under Section 110(h)(1) of the Bankruptcy Code, such rules or guidelines will supersede this Administrative Order.



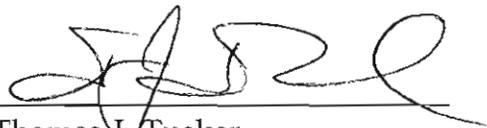
Phillip J. Sheffely
Chief Judge,
United States Bankruptcy Court



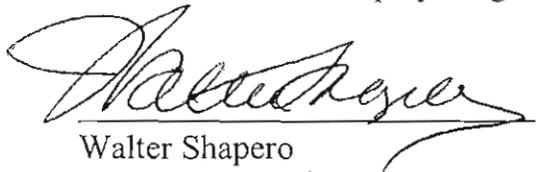
Marci B. McIvor
United States Bankruptcy Judge



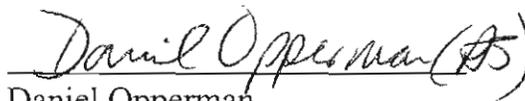
Steven W. Rhodes
United States Bankruptcy Judge



Thomas J. Tucker
United States Bankruptcy Judge



Walter Shapero
United States Bankruptcy Judge



Daniel Opperman
United States Bankruptcy Judge

Dated: APRIL 20, 2010