

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA

**CLARIFICATION OF FEE EXEMPTION FOR
STAY RELIEF, ABANDONMENT, AND
ADEQUATE PROTECTION MOTIONS**
[Replacing Notice of March 13, 2008]

The Clerk is required to charge a fee for every motion to terminate, annul, modify, or condition the automatic stay arising under 11 U.S.C. § 362(a), and for motions to abandon or compel abandonment of property of the estate under Rule 6007(b) of the Federal Rules of Bankruptcy Procedure. However, some motions are exempt from the fee. Recent clarifications of the fee exemptions have been issued, and are as follows:

1. Relief from stay motions, combined abandonment and relief from stay motions, and adequate protection motions: A fee is not required if the motion is filed as an agreement between two or more parties. The signatures of the parties [or their counsel] must appear on the document.
2. Abandonment motions: A fee is not required if the motion is filed by the Debtor in Possession (chapter 11) or the Case Trustee.

In addition, any of these motions filed by a child support creditor who has filed an Appearance of Child Support Creditor or Representative (Official Form B281) is exempt from the fee.

The CM/ECF system cannot determine a filer's right to an exemption. Therefore, if the filer asserts an exemption from the fee, then the filer should not pay the fee and instead should send an e-mail to nofee@insb.uscourts.gov immediately after the filing.

June 16, 2008

Kevin P. Dempsey
Clerk

