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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF WYOMING

THOMAS J. ELLIS, CLERK

BY _____
DEPUTY CLERK

General Order 14-01

ORDER ON CHAPTER 7 TRUSTEES' MOTIONS CONCERNING
11 U.S.C. § 363(f) FEE


In order to facilitate the requirements for fees in connection with a chapter 7 trustee's motion to sell property free and clear of liens under 11 U.S.C. § 363(f), the court establishes the following procedure for payment of the filing fee.

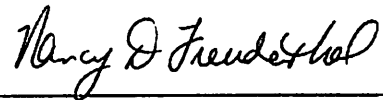
As of December 1, 2013, a fee in the amount of \$176.00 is assessed for § 363(f) motions ("§ 363(f) Fee"). Unlike a number of other fees, neither the Fee Compendium nor 28 U.S.C. § 1930 states when the § 363(f) Fee is due. Because no due date is specified, this court concludes that it has the discretion to establish a reasonable due date. Ordinarily, that would be when a sale motion is filed. However, the Fee Compendium reflects a policy that chapter 7 case trustees should not have to pay a fee from personal assets when the bankruptcy estate does not have money to pay the fee. Therefore, upon a trustee's certification that there are no liquid assets in the estate to pay the § 363(f) Fee, the court concludes that the fee should not be due until the conclusion of the proposed sale.

IT IS ORDERED that the chapter 7 trustee shall pay the § 363(f) Fee as soon as practicable after closing of the proposed § 363(f) sale; and,

IT IS FURTHER ORDERED that any order approving a sale motion shall provide for the payment of the § 363(f) Fee from the sale proceeds, to the extent not already paid.

DATED this 6 day of January, 2014.


Chief Judge Peter J. McNiff
United States Bankruptcy Court


Chief Judge Nancy D. Freudenthal
United States District Court, District of
Wyoming