New Claims Transfer Fee to Take Effect May 1, 2013

Effective May 1, 2013, the bankruptcy courts will begin charging a new fee of $25 for each claim transferred. This fee was approved by the Judicial Conference of the United States at its September 2012 session.

In considering this fee, the Judicial Conference Committees with jurisdiction over bankruptcy fees recognized the impact a transfer of a claim has on the workload of the bankruptcy courts, including impact on court time and resources. Bankruptcy Rule 3001(e) requires the clerk of court to notice a transferred claim, and provides additional notice and hearing requirements if an objection to a transfer is made.

The fee will be assessed by bankruptcy courts upon the filing of the claim transfer, whether filed by a transferee or transferor. It will apply to partial claims transfers as well. In the event multiple claims transfers are filed at one time by one entity (claims upload or batch filing), the $25 fee will be charged for each individual claim transferred.

The fee must be paid by credit card upon the filing of the claims transfer in CM/ECF using Pay.gov, ACH Debit card, or by whatever means is designated by the court if the claim transfer is not filed electronically. An entity that electronically handles claims transfers must ensure that the individual filing a transfer is authorized to pay this fee by credit card.

Entities that transfer claims should be aware that courts may be reviewing user accounts, account access, and the number of accounts authorized for a particular entity in anticipation of this fee.