

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:	:	
	:	
CLERK'S OFFICE ELECTRONIC	:	GENERAL ORDER 05-07
SYSTEMS REFUND POLICY	:	
	:	
	:	
	:	
	:	
	:	
	:	

Whereas, the Judicial Conference of the United States's current policy, JCUS-MAR 49, generally prohibits refunds of fees due upon filing, even if a party filed the case or the document in error or the court dismissed the case or proceeding; and

Whereas, in March 2005, the Judicial Conference of the United States approved guidance for the courts regarding the refund of fees that are paid electronically; and

Whereas, such guidance provides that courts should develop procedures for addressing refunds of electronic payments; refunds should be requested by motion or application; the decision whether to refund is a judicial determination that may be delegated to the clerk, as long as procedures clearly address the types of refunds clerks may authorize; and refunds should be processed electronically, not through checks;

IT IS HEREBY ORDERED that:

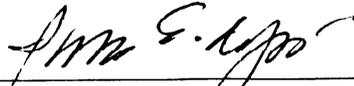
1. The Clerk of the United States Bankruptcy Court, District of Puerto Rico has the authority to approve refunds for fees paid electronically for monies collected by or paid to the Court in error, such as duplicate charges or electronic system errors.

2. Claimants seeking a refund must promptly file an application with the supporting documentation generated from the Court's electronic case management system set forth below: the receipt for payment of fees, and the *Notice(s) of Electronic Filing*
3. Refunds will be processed through the electronic credit card system. Refund checks will not be issued.
4. Upon verification of the grounds set forth in the application, the Clerk is authorized to dismiss the case or adversary proceeding or strike the pleading when the fee charged resulted from the filing of a duplicate petition, adversary proceeding or pleading.
5. A movant may request clearance of the "filing fee due" status in a case or proceeding in which the fee has not yet been paid by contacting the Finance Division.
6. If a claimant's refund request is denied, the claimant may seek reconsideration of the request from the judge presiding over the case in which the subject document was filed by filing a motion to that effect.
7. In the event that a particular attorney or law firm continues to make repeated mistakes when submitting fees and repeatedly requests refunds, the Court will consider remedial action and may issue an order to show cause as to why further requests for refunds should be considered.

In San Juan, Puerto Rico, this 13th day of October, 2005.



Gerardo A. Carlo, Chief U.S. Bankruptcy Judge



Sara E. E. de Jesús, U.S. Bankruptcy Judge



Enrique S. Lamoutte, U.S. Bankruptcy Judge