



IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO
José V. Toledo U.S. Courthouse
300 Recinto Sur St, Suite 134
San Juan, Puerto Rico 00901

Notice to the Bar and the Public

In Re: Proposed Amendments to Local Bankruptcy Rules

The United States Bankruptcy Court for the District of Puerto Rico is hereby giving "public notice and an opportunity for comment" upon its proposed amendments to Local Bankruptcy Rules 5080-1 and 7067-1.

The proposed amendments may be accessed and viewed on the bankruptcy court's website located at www.prb.uscourts.gov.

The public is hereby notified that any comments upon the proposed amendments to Local Bankruptcy Rules 5080-1 and 7067-1 must be received by the court on or before **October 14, 2013** at the following email address: pr-lbr-comments@prb.uscourts.gov.

In San Juan, Puerto Rico, this 12nd day of September, 2013.


María de los Angeles González Esq.
Clerk of Court

Rule 5080-1
Fees – General

(a) Authority. The fees charged for services to be performed by the court are contained in the Bankruptcy Court Miscellaneous Fee Schedule, promulgated by the Judicial Conference of the United States in accordance with 28 U.S.C. § 1930(b). Neither the clerk nor her designees have the authority to waive the payment of any prescribed fee, except as provided in the Miscellaneous Fee Schedule.

(b) Treatment Where Fee Is Not Timely Paid. The prescribed fee must be paid in advance of the service to be performed by the clerk's office.

(c) Refunds.

(1) Electronic Refunds. The authority to approve a refund is a judicial determination that may be delegated to the clerk for court procedures that clearly address the type of refund. Whereas, the clerk 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.

(A) Request for Refund. Claimants seeking a refund must promptly file an application with the supporting documentation generated from the court's electronic case management system. The receipt for payment of fees, and the notice(s) of electronic filing. Refunds will be processed through the electronic credit card system. Refund checks will not be issued.

(B) Clerk Authorized Actions. 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.

(C) Request for Clearance. 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.

(D) Denial of Refund. 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.

(E) Repeated Mistakes. 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.

(2) Refunds Motion to Reopen. Refunds are prohibited in motions to reopen a case. The Judicial Conference Policy prohibits refunding the fee even if the court denies the motion.

Rule 7067-1
Registry Account

(a) Form of Consignment. All moneys consigned in the court's Registry Account must be in the form of certified check, money order, or a manager's check made payable to the "Clerk, U.S. Bankruptcy Court". Personal and third party checks will not be accepted. Consignment of funds under this order will not be accepted unless payment is made as hereby indicated. The clerk will accept funds for consignment only after the court enters an order authorizing such consignment.

(b) Earning of Interest and Registry Fee Assessment - Interpleader Funds.

(1) All deposits of three thousand one (\$3001.00) dollars or greater will be deposited into interest bearing time deposit accounts.

(2) Individual accounts will be opened for each case.

(3) The applicable registry fee computation and assessment thereof will be in accordance with 28 USC§1930(b) (19). The fee will be collected by the clerk and deposited with the U.S. Treasury periodically without further order, and will be subject to any subsequent exception(s) or adjustment(s) by the directive of the Administrative Office of the U.S. Courts.

(4) Earned interest: Upon an order for disbursement of registry funds to a party(s), the proportionate interest accrued, if any, will be for the benefit of said party(s), unless otherwise ordered. The Assessment fee will be deducted from the earned interest, prior to the payment of any interest.

(c) Non- interest bearing Account. This registry checking account will be maintained to deposit amounts up to three thousand (\$3,000.00) dollars, unless otherwise ordered by the court. Upon reaching the maximum amount on deposit as hereby stated, the clerk is authorized, without further direction from the court, to sign and enter orders for the purchase of registry time deposit accounts or for deposits thereto. Hence, transferring the consigned funds into an interest bearing account as listed in (b) above.

(d) Disbursement. The clerk shall disburse funds on deposit in the registry of the court only pursuant to a court order. Funds shall be disbursed only after the time for appeal has elapsed, or upon approval by the court for disbursement forthwith.