

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

In re:

Case No. 6:07-bk-04700-ABB  
Chapter 7

ZORAIDA P. VEGA,

Debtor.

**ORDER**

This matter came before the Court on the Motion to Reopen Case and Waive Filing Fee ("Motion") (Doc. No. 17) filed by Zoraida P. Vega, the Debtor herein ("Debtor"), seeking reopening of the case and waiver of the reopening fee. A hearing was held on February 25, 2008 at which the Debtor and counsel for the Debtor appeared.

The Debtor's case was closed on February 1, 2008, without a discharge being entered, for the failure to file a certification of completion of an instructional course concerning personal financial management pursuant to 11 U.S.C. Sections 111 and 727(a)(11). A Certificate establishing the Debtor completed the personal financial management course on October 14, 2007 was filed post-closing (Doc. No. 16). Debtor's counsel asserts the Certificate was untimely filed due to counsel's "excusable neglect."

The fee for reopening a Chapter 7 case is \$260.00 pursuant to 28 U.S.C. Section 1930(a) and Paragraph (11) of the Judicial Conference Schedule of Fees, Bankruptcy Court Miscellaneous Fee Schedule. The fee may be waived pursuant to 28 U.S.C. Section 1930(f) and Paragraph (11).<sup>1</sup>

<sup>1</sup> The Judicial Conference Schedule of Fees, Bankruptcy Court Miscellaneous Fee Schedule, reprinted in 28 U.S.C. Section 1930, was issued in accordance with 28 U.S.C. Section 1930(b) with an effective date of January 1, 2007. Paragraph (11) provides: "The court may waive this fee under appropriate circumstances or may defer payment of the fee from trustees pending discovery of additional assets." 28 U.S.C. Section 1930(f)(3) provides: "This subsection does not restrict the district court or the

The Debtor timely completed the personal financial management course and provided the Certificate of completion to counsel. Counsel's failure to file the Certificate caused the case to be closed prior to granting of a discharge. The Debtor is entitled to a discharge. Appropriate circumstances exist for waiver of the reopening fee. The Debtor's Motion is due to be granted.

Accordingly, it is

**ORDERED, ADJUDGED and DECREED** that the Debtor's Motion is hereby **GRANTED** and this case is hereby **REOPENED** for the purpose of issuing a discharge order; and it is further

**ORDERED, ADJUDGED and DECREED** that the reopening fee is hereby **WAIVED** pursuant to 28 U.S.C. Section 1930(f)(3) and Judicial Conference Schedule of Fees, Bankruptcy Court Miscellaneous Fee Schedule, ¶ 11.

Dated this 28<sup>th</sup> day of February, 2008.

*/s/ Arthur B. Briskman*  
ARTHUR B. BRISKMAN  
United States Bankruptcy Judge

bankruptcy court from waiving, in accordance with Judicial Conference policy, fees prescribed under this section for other debtors and creditors."