

1 **UNITED STATES BANKRUPTCY COURT**  
2 **EASTERN DISTRICT OF CALIFORNIA**

3 )  
4 Debtor(s) ) Bankruptcy Case No.  
5 \_\_\_\_\_ )  
6 )  
7 vs. Plaintiff(s), ) Adversary Proceeding No.  
8 )  
9 Defendant(s). )  
10 \_\_\_\_\_ )

11 **APPLICATION BY TRUSTEE OR DEBTOR-IN-POSSESSION TO DEFER PAYMENT**  
12 **OF FEE FOR FILING COMPLAINT AND ORDER**

13 The undersigned applicant, trustee or debtor-in-possession for the estate of the  
14 above-named debtor, hereby declares under penalty of perjury that:

- 15 1. Applicant is filing herewith a complaint commencing an adversary
- 16 proceeding under Part VII of the Federal Rules of Bankruptcy Procedure.
- 17 2. The amount of money on deposit for the debtor's estate is presently less
- 18 than the requisite filing fee of \$250.00.
- 19 3. The filing of this complaint is in the best interest of the estate.
- 20 4. For chapter 11 trustees and debtors-in-possession - the chapter 11 plan
- 21 has not yet been confirmed.

22 **WHEREFORE**, Chapter 7 trustee requests permission to file the above-entitled  
23 complaint without prepayment of the filing fee, and that said filing fee be deferred until  
24 funds become available to pay the filing fee in full.

25 **OR**

26 **WHEREFORE**, Chapter 11 trustee or debtor-in-possession requests permission  
27 to file the above-entitled complaint without prepayment of the filing fee, and that said  
28 filing fee be deferred until funds are available to pay the filing fee in full or until 10 days

1 after the order confirming chapter 11 plan is entered, whichever occurs first.

2 DATED:

3 \_\_\_\_\_  
4 Trustee or Debtor-in-Possession

5 **ORDER**

6 **IT IS ORDERED** that the above-entitled complaint be accepted without  
7 prepayment of the requisite filing fee; and

8 **IT IS FURTHER ORDERED** that:

9 \_\_\_\_\_ The Chapter 7 Trustee pay the deferred filing fee from assets of the  
10 estate, if any are realized, as soon as the funds become available unless  
11 otherwise directed by the court.

12 \_\_\_\_\_ The Chapter 11 trustee or debtor-in-possession pay the deferred filing fee  
13 from assets of the estate as soon as funds are available to pay the fee in  
14 full or within 10 days after the order confirming chapter 11 plan is entered,  
15 whichever occurs first.

16  
17 DATED:

18 FOR THE COURT  
19 RICHARD G. HELTZEL  
20 CLERK, U.S. BANKRUPTCY COURT

21 By: \_\_\_\_\_  
22 Deputy Clerk