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APR 11 2007

U.S. BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

In re:) Chapter 7
MONA MCMANUS,) No. 4:07-bk-00459-JMM
)
) **MEMORANDUM DECISION**
)

Debtor.)

The Debtor has filed a motion to waive payment of the filing fee, showing income of:

Social Security Disability	623
Food Stamps	<u>150</u>
	773

(Schedule I to Schedules, Dkt. #10.)

However, Schedule J reflects the following expenses:

Rent	400
Utilities	150
Food	240
Clothing	20
Medical/Dental	5
Transportation	50
Auto Insurance	35
Recreation, newspapers, etc.	100
Contingency	<u>100</u>
	1,100

1 How the Debtor finances a monthly living expense deficit of \$327 is unexplained. Other
2 questions exist, also, such as does the Debtor spend \$390 per month on groceries for herself (food stamps
3 of \$150, plus \$240 additional food budget)? Where does the \$200 per month for recreation and contingency
4 come from?

5 It would appear that the Debtor is receiving additional financing assistance that she is not
6 disclosing. If the Debtor could utilize a portion of her recreation and contingency fund for a period of time
7 to fund filing fee instalments, she could afford the fee to file her bankruptcy case.

8 In addition, the court notes that the Debtor did budget for the \$200 paid to the document
9 preparer. She should be able to therefore likewise budget for the \$299 filing fee in order to discharge
10 \$31,000 in credit card debt.

11 It is critical, in order for the court to function properly, that the fees mandated by Congress
12 be paid. Without payment of a filing fee, for example, the trustee appointed to administer the Debtor's case
13 cannot be paid for work done on that case. For reasons such as this, minor, temporary inconveniences to
14 the pocketbook are not adequate reasons to forgo this required fee. In the case at bar, the court believes from
15 documents the Debtor herself filed, that any hardship she may suffer is temporary. The court's concerns
16 include that these schedules, together with the statement of affairs, are inconsistent.

17 Thus, until the court has some plausible explanation as to how the Debtor supports herself
18 expending \$1,100 per month, the court can only presume that the Debtor is not being candid with the court,
19 is sheltering or concealing income, or is getting outside help.

20 Accordingly, the Debtor's motion to waive filing fee will be DENIED, but she may pay the
21 same in four equal instalments. A separate order will be entered. FED. R. BANKR. P. 9021.

22
23 DATED: April 16, 2007.

24
25 
26 JAMES M. MARLAR
27 UNITED STATES BANKRUPTCY JUDGE
28

1 COPIES mailed this ¹¹~~10~~th day of
2 April, 2007, to:

3 Mona Mcmanus
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5 Queen Creek, AZ 85243

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13 By /s/ M. B. Thompson
14 Judicial Assistant

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