

Barbara Reid Alexander  
SUPERINTENDENT

(207)289-3731

Harry W. Giddinge  
DEPUTY SUPERINTENDENT

*Offices located at:*  
Central Building  
Hallowell Annex  
Hallowell, Maine



DEPARTMENT OF BUSINESS REGULATION  
BUREAU OF CONSUMER CREDIT PROTECTION  
STATE HOUSE STATION 35  
AUGUSTA, MAINE 04333

ADVISORY RULING #67  
JUNE 24, 1982

June 24, 1982

Dear

You have asked whether costs incurred in filing a motion for relief from the automatic stay provision of the U.S. Bankruptcy Code are prohibited by Section 2-507 of the Consumer Credit Code. In keeping with the Bureau's interpretation of "collection costs," court costs, such as filing fees, are not prohibited. All other costs, such as attorney's fees or document preparation fees, are within the purview of the rule and, therefore, not allowed. See Advisory Ruling #52 and Section 3-402 of the Consumer Credit Code.

This result is not contradicted by the Bankruptcy Code. Section 506(b) allows recovery of costs to the extent the agreement or contract allows. Agreements drafted to comply with the Maine Consumer Credit Code do not allow attorney's fees for supervised loans, but do allow for reasonable expenses incurred in realizing on the collateral. Filing fees to secure a relief from stay might be reasonably included in the "expenses of retaking, holding, preparing for sale, and sale." The Bureau is not, of course, prepared or authorized to give you an official interpretation of the Bankruptcy Code.

I hope this responds to your request.

Sincerely,

/s/ Barbara R. Alexander

Barbara R. Alexander  
Superintendent

BA:as