

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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Michael W. Mullins and  
Wendy V. Mullins,

Debtors.

NOTICE OF MOTION AND  
MOTION FOR ALLOWANCE  
OF COMPENSATION

BKY 03-48545

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TO: JASMINE Z. KELLER, CHAPTER 13 TRUSTEE, and other parties in interest.

Ian Traquair Ball, Applicant, moves the Court for allowance of compensation for services as more fully stated hereinafter.

1. The Court will hold a hearing on this motion on November 3, 2004 at 10:30 a.m. in Courtroom 7 West, United States Courthouse, Minneapolis, Minnesota or as soon thereafter as counsel can be heard.

2. Any objection to this motion must be filed and delivered not later than October 31, 2004 at 10:30 a.m, which is three days before the hearing (excluding Saturdays, Sundays and holidays), or filed and served by mail not later than October 29, 2004, which is seven days before the time set for hearing (excluding Saturdays, Sundays, and holidays). Unless a response opposing the motion is timely filed, the Court may grant the motion without a hearing.

3. This Court has jurisdiction under 28 U.S.C. §§157 and 1334, Fed.R. Bankr.P. 5005, and Local Rule 1070-1. This application is filed under Bankruptcy Rule 2016 and Local Rule 2016-1(b); this proceeding arises under 11 U.S.C. §§330, 503 and 507.

4. This case was commenced by the filing of a voluntary petition under Chapter 13, Title 11, United States Code, on December 11, 2003. Debtors' Chapter 13 plan was confirmed by order of this Court dated July 9, 2004. This case is currently pending before this Court.

5. Applicant seeks an award of compensation for attorney services rendered from October 15, 2003 through June 11, 2004 in connection with this Chapter 13 proceeding. Applicant has not filed any prior application or motion for compensation or expenses. Applicant has not shared or agreed to share with any other person any compensation paid or to be paid in connection with this case.

6. The services rendered are itemized in chronological order on Exhibit A at an hourly rate of \$175.00. The above rate is reasonable and comparable to rates charged by other bankruptcy counsel in similar Chapter 13 bankruptcy proceedings.

7. On information and belief, the Chapter 13 Trustee has on hand, or will have on hand, sufficient unrestricted funds paid by the Debtors from which Applicant's fees could be paid in accordance with Debtors' confirmed Chapter 13 plan.

8. Applicant has received \$194.00 from Debtors for administrative expenses, for the Court filing fee, and \$500 as an initial payment toward Applicant's attorney fee in connection with this proceeding. Applicant has received no other payment from Debtors in connection with this proceeding.

9. As more fully described in Exhibit A, Applicant has spent a total of 24.65 hours in providing services to Debtors in connection with their Chapter 13 proceeding. The reasonable value of those services is \$4313.75 . The additional hours were necessary because of the complexity of calculating Debtors' income from multiple employment sources, including commission-based income, estimating Debtors' customary household living expenses due to a prior marital dissolution and temporary custody of dependents of other family members, estimation of secured and priority debt in response to inquiries and objections by DaimlerChrysler Services North America, responding to inquiries by the Chapter 13 trustee, and preparation of several modified Chapter 13 plans..

WHEREFORE, Applicant requests the Court to award \$4,313.75, including the \$500.00 paid to Applicant prior to the date of filing, for Applicant's services for compensation and to order the Trustee to pay \$3,813.75 to Applicant.

*/s/Ian Traquair Ball*

Ian Traquair Ball #4285  
Attorney for Debtors  
326 Plymouth Building  
12 South Sixth Street  
Minneapolis, MN 55402  
Tel: (612) 338-1313

Dated: September 30, 2004

Case No. 03-48545

Ian Traquair Ball, Applicant, states under penalty of perjury that the foregoing is true and correct to the best of his knowledge, information, and belief.

*/s/ Ian Traquair Ball*

Dated: September 30, 2004

## MULLINS TIME SHEET

### 2003

10/14	Review client income estimates, part-time and full-time employment, and income tax returns, calculate income averages. Calculate monthly expenses. Review prior Chapter 13 claims.	2.85
10/15	Review faxed information re tax liabilities, income.	.40
11/7	Consultation with clients, set up file for refiling. Letter to clients re Chapter 13 filing, income and expense schedules.	1 .50
11/24	Prepare draft Chapter 13 petition, schedules, and Chapter 13 plan. Letter to clients re plan, schedules.	2.50
12/11	Conference with clients re vehicle repossession. Complete Chapter 13 filing, notice to creditors. Letter to clients re lease payments, modified Chapter 13 plan.	.50
12/15	Phone conferences with DaimlerChrysler re return of repossessed vehicle.	.40
12/17	File and serve modified Chapter 13 plan.	.40
12/29	Notice letter to creditor.	.10

### 2004

01/05	Letter to clients re car insurance, DaimlerChrysler loans.	.40
01/06	Letter to clients re Chapter 13 hearing.	.20
01/13	Review objection to plan confirmation from DaimlerChrysler	.20
01/14	Attend Chapter 13 hearing.	.50
01/15	Review IRS proof of claim.	.25
01/17	Prepare modified Chapter 13 plan to respond to DaimlerChrysler objections. Draft letter to clients re changes.	1 .50
01/24	Correspondence to client.	.60
01/29	Review correspondence from Chapter 13 trustee, review file.	.50
02/02	Letter to Chapter 13 counsel, DaimlerChrysler counsel.	.80
02/03	Revise Chapter 13 plan, prepare for filing.	.50
02/05	Tel. conf. with Chrysler attorney, tel. conf. with client re car lease payments, Chapter 13 plan, collateral valuation.	.60
02/06	Review Mn Dept of Revenue proof of claim.	.35
02/23	Review letter from Chapter 13 counsel, draft letter to clients re plan.	.75
02/28	Review letter from clients, recalculate joint incomes. Draft reply to Ch 13 counsel. Draft reply to clients.	2.80
03/03	Review proposed order from Daimler Chrysler.	.30
03/04	Tel. conf. re plan payment, income estimates.	.40
03/29	Review letter from Ch 13 trustee re plan compliance, exemptions. Letter to clients explaining motion status.	.80

04/23	Meeting with Ch 13 counsel, review income, payment estimates. Letter to clients re plan status, payment schedule.	1.75
05/05	Letter to Ch 13 counsel re plan, employment and income changes.	.60
05/11	Review letter from Ch 13 counsel.	.10
05/18	Revise Ch 13 plan, letter to clients re changes.	1.40
06/01	File modified Ch 13 plan.	.10
06/24	Correct modified Ch 13 plan, letter to clients.	.50
06/25	File modified Ch 13 plan.	<u>0</u>

TOTAL 24.65

AMOUNT DUE: 24.65 hrs X \$175 = \$4,313.75

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re:

**CERTIFICATE OF  
SERVICE**

Michael W. Mullins and  
Wendy V. Mullins,,

BKY 03-48545

Debtor(s).

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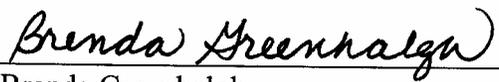
I, Brenda Greenhalgh, declare under penalty of perjury that on September 30, 2004, I mailed copies of the foregoing Notice of Motion and Motion for Allowance of Compensation to each entity named below at the stated addresses.

Jasmine Z. Keller  
Chapter 13 Trustee  
310 Plymouth Building  
12 South 6th Street  
Minneapolis MN 55402

United States Trustee  
1015 US Courthouse  
300 South 4th Street  
Minneapolis MN 55415

Michael W. Mullins  
Wendy V. Mullins  
9470 Club House Road  
Eden Prairie, MN 55347

Dated: September 30, 2004

  
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Brenda Greenhalgh

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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Michael W. Mullins and  
Wendy V. Mullins,

Debtors.

ORDER ALLOWING  
COMPENSATION

BKY 03-48545

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At Minneapolis, Minnesota.

This matter came before the Court on November 3, 2004, on the application of Ian Traquair Ball, attorney for Debtors, for allowance of fees incurred in connection with this Chapter 13 case. Appearances were noted in the record. The Court, having determined that the services rendered on behalf of the Debtors were reasonable and necessary and benefitted the Debtors and creditors in this case,

IT IS ORDERED:

- A. Compensation to Applicant in the amount of \$4,313.75, including the \$500.00 paid to Applicant prior to the date of filing, is hereby allowed; and
- B. The Chapter 13 Trustee is directed to pay \$3,813.75 to Applicant for allowed compensation as funds become available from payments by Debtors.

Dated: \_\_\_\_\_

\_\_\_\_\_  
United States Bankruptcy Judge