

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY Case No. 00-60524

Richard D. Titus

Debtor.

**NOTICE OF HEARING AND
APPLICATION FOR
COMPENSATION**

TO: All interested parties.

1. Meikle & Taylor, P.A. (“Firm”) applies for the relief requested below.
2. The court will hold a hearing on this motion at 10:00 a.m. on October 26, 2004 in Courtroom No. 2, U.S. Bankruptcy Court, 118 South Mill Street, Fergus Falls, MN 56537.
3. Any response to this motion must be filed and delivered not later than October 21, 2004 which is 3 days before the time set for the hearing (excluding Saturdays, Sundays and holidays) or filed and served by mail not later than October 15, 2004 which is 7 days before the time set for the hearing (excluding Saturdays, Sundays and holidays). **UNLESS A RESPONSE IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**
4. This court has jurisdiction over this application pursuant to 28 U.S.C. §§157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this Chapter 7 case was filed on or about June 21, 2000. The case is now pending in this court.
5. This application arises under 11 U.S.C. §330, Bankruptcy Rule 2016(b) and Local Rule 2016-1. This application is filed under Bankruptcy Rule 9014 and Local Rule 9013-2. The Applicant requests relief with respect to the allowance of compensation for attorneys’ fees and expenses incurred by the Trustee with Meikle & Taylor from January 8, 2002 to date.

6. Attached hereto as Exhibit A is the Application for approval and the Court's Order approving the Firm's employment as counsel for the Trustee.

7. There was no retainer fee paid to the Firm and the Firm has made no previous applications for compensation.

8. The attorney with time entries on this file, his billing codes, and normal hourly rates are as follows: Ted S. Meikle, TSM, \$275 per hour.

9. The Trustee has over \$38,000 in her account for this case, and has indicated that she believes that monies will be sufficient to pay all Chapter 7 administrative expense claims in full.

10. The total of fees sought by the Firm is \$1,210.00. The services were to provide factual and legal analysis of a possible claim relating to an unscheduled transfer by debtor relative to First Circle Medical, that required expertise of an attorney versed in securities litigation. Exhibit B is a detailed description of the services provided. The services were provided in the following areas.

a. First Circle Medical Matter

The Firm was retained to provide specialized factual and legal analysis regarding an unscheduled transfer/purchase by the Debtor relating to First Circle Medical.

The total fees billed in this category are \$990.00.

b. Fee Application.

The Firm prepared this interim fee application. The total of attorneys' fees incurred in preparing the application is \$220.00. An itemization for that activity is included in the attached Exhibit B.

11. The total of fees and expenses by category is as follows:

	<u>Fees</u>	<u>Expenses</u>
Fee Application	\$ 220.00	\$ 0.00
First Circle Medical Matter	\$ 990.00	\$ 0.00
Total	\$ 1210.00	

WHEREFORE, the Firm applies for allowance of compensation for attorneys' fees in the amount of \$1,210.00.

MEIKLE & TAYLOR, P.A.

Dated: October 5, 2004

By /s/ Ted S. Meikle
Ted S. Meikle
Attorney Reg. No. 125489
222 South Ninth Street, Suite 4000
Minneapolis, Minnesota 55402
Tel: 612-375-1885 Fax: 612-375-1886

VERIFICATION

I, Ted S. Meikle, attorney for the moving party named in the forgoing Application for Interim Compensation, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on October 5, 2004

/s/ Ted S. Meikle
Ted S. Meikle

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY No. 00-60524

Chapter 7

Richard D. Titus,

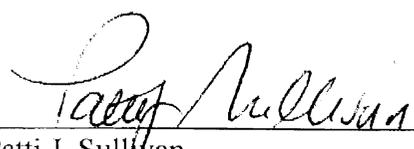
Debtor(s).

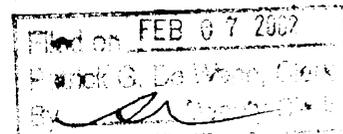
APPLICATION FOR APPROVAL OF EMPLOYMENT OF ATTORNEY

1. Applicant is the Trustee in this case.
2. Applicant believes that the employment of an attorney is necessary to represent or assist the Trustee in carrying out the Trustee's duties as follows: To conduct discovery and, if appropriate, litigation relating to the Debtor's \$75,000 investment in First Circle Medical, Inc. and/or Steiner & Company, LLC.
3. Ted S. Meikle and Meikle, P.A., are qualified by reason of practice and experience to render such representation or assistance.
4. Proposed compensation and reimbursement of expenses is as follows: compensation will be an at hourly rate of \$275. together with expense reimbursement.
5. Said professional has disclosed to the undersigned that he has the following connections with the debtor(s), creditors, or any other party-in-interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the Office of the United States Trustee: None.
6. The Trustee has made the following efforts to recover the asset prior to submitting this Application: The Trustee has obtained information relating to the investment, but employment of an attorney with security expertise is necessary to complete discovery and represent the Trustee in litigation, if necessary.

Wherefore, applicant requests that the Court approve such employment by the Trustee

Dated: January 31st, 2002


Patti J. Sullivan



EXHIBIT

A

39-1

UNITED STATES BANKRUPTCY COURT

DISTRICT OF MINNESOTA

In re:

BKY No. 00-60524

Chapter 7

Richard D. Titus,
Debtor(s).

VERIFIED STATEMENT PURSUANT TO FEDERAL RULE 2014(a)

I, Ted S. Meikle of Meikle Professional Association, named in the application for employment on behalf of the above-named bankruptcy estate, declare under penalty of perjury the following:

1. I do not hold or represent any interest adverse to the estate and am disinterested as required by 11 U.S.C. §327.
2. I do not have any connections to the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the offices of the United States Trustee, except for the following: None.

MEIKLE PROFESSIONAL ASSOCIATION

Dated: Jan 29, 2000

By Ted S. Meikle

Ted S. Meikle

Attorney Reg. No. 125489

400 International Centre

900 Second Avenue South

Minneapolis, MN 55402

Tel: 612-375-1885

Fax: 612-375-1886

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Richard D. Titus

Bky Case. No.:00-60524

Debtor(s).

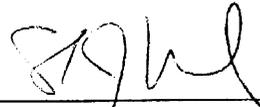
Chapter 7

RECOMMENDATION OF THE UNITED STATES TRUSTEE

On February 4, 2002, the Application to Employ Ted S. Meikle and Meikle, P.A. as attorney was received in the Office of the United States Trustee. The United States Trustee recommends that the employment be approved for the following purpose: To conduct discovery and, if appropriate, litigation relating to the debtor's \$75,000.00 investment in First Circle Medical, Inc. and/or Steiner & Company, LLC.

Dated: 2/4/02

BARBARA G. STUART
UNITED STATES TRUSTEE
Region 12

By: 

Sarah J. Wencil
Trial Attorney
IA ATTORNEY NO 14014
1015 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415
(612) 664-5500

cc: Patti J. Sullivan, Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY No. 00-60524
Chapter 7

Richard D. Titus,

Debtor(s).

ORDER

On 2/7, 2002, the Application to Employ Ted S. Meikle and Meikle, P.A. as attorney of the estate came before the undersigned. Based on the Application, the Recommendation of the United States Trustee, and pursuant to the provisions of Title 11, United States Code, §327,

IT IS HEREBY ORDERED the professional employment applied for is hereby approved subject to the limitations on compensation provided by Title 11, United States Code, §328.

Dated: 2/7, 2002



Dennis D. O'Brien
U.S. Bankruptcy Judge

FEB 07 2002



4000 Campbell Mithun Tower
222 South Ninth Street
Minneapolis, Minnesota 55402

Invoice submitted to:

Patti J. Sullivan, Esq.
Trustee in Bankruptcy
P.O. Box 16406
St. Paul MN 55116

October 05, 2004

In Reference To: Richard D. Titus BKY No. 00-60524

Invoice #11669

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
1/8/2002	TSM Telephone call from R. Seaver regarding potential claim of debtor against 1st Circle Medical. Review draft of document production request to be sent to First Circle Medical, Inc.	0.50 275.00/hr	137.50
1/29/2002	TSM Review and submit statement regarding application for employment. Attention to file and review of file. Telephone call to R. Seaver regarding same. Correspondence with trustee.	1.10 275.00/hr	302.50
1/30/2002	TSM Review application for employment of counsel.	0.10 275.00/hr	27.50
2/1/2002	TSM Telephone call from R. Seaver regarding deposition and documents produced. Leave voice mail message for R. Seaver regarding same. Telephone call to J. Berrisford of First Circle Medical regarding deposition and documents. Telephone call to R. Seaver regarding same.	0.40 275.00/hr	110.00
2/7/2002	TSM Analyze documents produced by First Circle Medical. Leave voice mail message for R. Seaver regarding same.	1.00 275.00/hr	275.00
3/13/2002	TSM Review file. Telephone call to P. Sullivan regarding preliminary thoughts and possible strategies. Leave voice mail message for R. Seaver regarding same.	0.40 275.00/hr	110.00
4/30/2002	TSM Telephone call from P. Sullivan regarding possible sale of stock.	0.10 275.00/hr	27.50
10/5/2004	TSM Prepare fee application.	0.80 275.00/hr	220.00



Patti J. Sullivan, Esq.

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	4.40	\$1,210.00
		<hr/>
Balance due		<u>\$1,210.00</u>

Thank you for your business! Please call if you have any questions or concerns.

Meikle & Taylor, P.A.
222 South Ninth Street, Suite 4000
Minneapolis, Minnesota 55402

Main Phone: 612-375-1885
Ted's Phone: 612-375-1887
Chet's Phone: 612-338-5559
Fax: 612-375-1886

UNITED STATES BANKRUPTCY COURT

DISTRICT OF MINNESOTA

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BKY No. 00-60524

Richard D. Titus

**UNSWORN CERTIFICATE OF
SERVICE**

Debtors

I, Carisa Vermeersch, declare under penalty of perjury that on October 5, 2004 I served copies of the following:

1. Notice of Hearing and Application for Compensation; and
2. Order (proposed)

By first class mail postage prepaid to each entity named below at the address stated below for each entity:

See attached service list.

MEIKLE & TAYLOR, P.A.

Dated: Oct. 5, 2004

By Carisa Vermeersch
Carisa A. Vermeersch
Paralegal
222 South Ninth Street, Suite 4000
Minneapolis, Minnesota 55402
Tel: 612-375-1885 Fax: 612-375-1886

AARP Credit Card Services
First USA Bank NA
PO Box 8864
Wilmington, DE 19899-8864

Associates National Bank
PO Box 142319
Irving, TX 75014-2319

AT&T Universal Card
PO Box 44167
Jacksonville, FL 32231-4167

Bank of America Visa
PO Box 2278
Norfolk, VA 23501-2278

Capital One
PO Box 60000
Seattle, WA 98190-6000

Capital One Services
PO Box 85015
Richmond, VA 23285-5015

Chase Advantage Credit
PO Box 52108
Phoenix, AZ 85072-2108

Chase Mastercard
PO Box 29082
Phoenix, AZ 85038-9082

Citibank Platinum Mastercard
PO Box 250
Newark, NJ 07101-0250

Citibank Preferred Mastercard
PO Box 6409
The Lakes, NV 88901-6409

Dacotah Bank
321 Veterans Avenue
PO Box 209
Sisseton, SD 57262

Discover Card
PO Box 15192
Wilmington, DE 19886-1020

First Bankcard Center
PO Box 2436
Omaha, NE 68103-2436

GRB Financial Corporation
PO Box 932
Fargo, ND 58107-0932

Insignia Esc
2730 East Camelback Road, Suite
200
Phoenix, AZ 85016

John Galt Corporation
11400 SE 6th Street, Suite 215
Bellevue, WA 98004

Mayo Clinic Scottsdale
PO Box 52557
Phoenix, AZ 85072-2557

Merchants National Bank
102 East 3rd Street
Winona, MN 55987

Mobil Oil Corp
PO Box 22001
Tulsa, OK 74121-2001

Neil C. Franz
Attorney at Law
1011 North 2nd Street
PO Box 307
St. Cloud, MN 56302

Perry D. Logan
C/o Carm R. Moehle, P.C.
Attorney at Law
519 East Thomas Road
Phoenix, AZ 85012

Providian National Bank
PO Box 9007
Pleasanton, CA 94566-9007

Travelplus Credit Card
First USA Bank NA
PO Box 8864
Wilmington, DE 19899-8864

Wells Fargo
PO Box 911
Des Moines, IA 50330-0001

World Savings
PO Box 659538
San Antonio, TX 78265-2108

U.S. Trustee
1015 U.S. Courthouse
300 S. 4th Street
Minneapolis, MN 55415

Randall Seaver
Fuller, Seaver & Ramette
12400 Portland Avenue South
Suite 132
Burnsville, MN 55337

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY Case No. 00-60524

Richard D. Titus

ORDER

Debtor.

At Fergus Falls, Minnesota this ____ day of _____, 2004

This case came before the court on the motion of Meikle & Taylor, P.A. for approval of its application for compensation. Based on the motion, the arguments of counsel, and all the files, records and proceedings herein,

IT IS HEREBY ORDERED

The application of Meikle & Taylor, P.A. for compensation for services rendered is approved and allowed in the following amounts:

Fees: \$1210.00

The Trustee is authorized to Pay Meikle & Taylor, P.A. those fees.

BY THE COURT:

Dennis D. O'Brien
U.S. Bankruptcy Court