

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Todd A. Hall,

Bkry. Case No. 04-30580

Chapter 13 Case

And

Cherie Hall,,

Debtor(s).

NOTICE OF HEARING AND APPLICATION
FOR ALLOWANCE OF COMPENSATION AS
ATTORNEYS FOR THE DEBTOR

To: Chapter 13 Trustee, United States Trustee and all parties in interest as specified in Local Rule 9013-3.

- I. Timothy C. Theisen the Applicant, as counsel for Debtors Todd and Cherie Hall, moves the Court for the Relief requested below and gives notice of hearing.
- II. The Court will hold a hearing on this Application at 3:15 p.m. on Monday, November 8, 2004, in Courtroom No: 228, at 200 United States Courthouse, at 316 North Robert Street, in St. Paul, Minnesota.
- III. Any response to this application must be filed and delivered to Applicant no later than November 3, 2004, which is three days before the date set for hearing, or filed and served by mail not later than October 28, 2004, which is seven days before the date set for the hearing. UNLESS A RESPONSE OPPOSING THIS APPLICATION IS TIMELY FILED, THE COURT MAY GRANT THE APPLICATION WITHOUT A HEARING.
- IV. This Court has jurisdiction over this Application under 28 U. S. C. Section 158 and 1334, Bankruptcy Rule 5005 and Local Rule 2016-1. This Application arises under 11 U. S. C. Section 330. Applicant requests allowance of compensation for professional services rendered and for reimbursement of expenses incurred in connection with this case. This

is a core proceeding. The petition commencing this bankruptcy case was filed on February 4, 2004. The Debtor's Chapter 13 Plan was confirmed by an Order of this Court, dated March 29, 2004, and the Modified Chapter 13 Plan was confirmed by an Order of this Court, dated September 23, 2004. This case is now pending in this Court.

V. This is an interim application, for all fees paid to date. The Applicant has received payments in the following amounts, on the date set forth below, from Debtors and/or Chapter 13 trustee.

Date	Amount
July 23, 2004	\$250.00
August 31, 2004	\$250.00

The terms and condition of employment between the Applicant and the Debtor subject to Bankruptcy Court approval , are that Applicant will be paid \$195.00 Dollars per hour for services reasonably necessary to represent the Debtor. The initial estimate was for \$500.00 in fees.

Applicant knows of no allowed administrative expenses unpaid as of the date of his Application.

VI. Applicant has rendered professional services in its capacity as general bankruptcy counsel to the Debtor as follows:

- A. Modified Plan- Reviewed case with client to ensure that a modified plan would be feasible; at which time applicant was retained, Substitution of Counsel was executed, and the modified plan was drafted, executed, served, and filed. A modified plan was necessary so as to reduce the ongoing plan payments and skip payments due to unforeseen post-petition events, as described in the motion to modify the plan.
- B. Motion for Dismissal- Subsequent to applicant being retained, the Chapter 13 office moved for dismissal. A continuance needed to be negotiated, which required a written request to the chief judge.
- C. Fee Application- Prepared and filed a fee application for Bankruptcy Court approval.

VII. The amount of time and compensation sought for each task described above are as follows:

	<u>TASK</u>	<u>HOURS</u>	<u>DOLLARS</u>
A.	Modified plan	5.1	\$705.50
B.	Motion for dismissal	.9	\$175.50
C.	Fee Application	.5	\$ NO CHARGE

TOTALS: \$881.00

- VIII. Annexed hereto as Exhibit A and B is an itemization of the time incurred by the Applicant stating the following:
- A. Description of the task or proceeding.
 - B. A detailed list and description of each increment of time expended on the task or proceeding; and
 - C. The names of attorneys who expended the time.
- IX. Expenses incurred by applicant, although not being sought as part of this application, include \$26.00 for 130 copies at 20 cents per copy, and \$4.81 postage.
- X. The attorneys who expended time on this matter is Timothy C. Theisen, who charges an hourly rate of \$195.00 Dollars per hour. The hourly rate is the usual and customary hourly rates charged by Applicant for the services of the individuals involved. It represents the customary compensation charged by comparably skilled practitioners in cases other than cases under Title 11 of the United States Code.

Applicant's services to the Debtor in this case have a reasonable value of not less than \$881.00 Dollars. To date, the Applicant has received payments totaling \$500.00 Dollars from the Debtor. Nevertheless, applicant has unilaterally decided to self-limit the fee at \$800.00 on this matter, due to the fact that the original estimate was \$500.00, and the additional time was due to the motion for dismissal, which came up a bit quicker than expected, and a lot of the time was tracking the substitution of counsel. This time, although mostly administrative, could not be delegated to staff due to the peculiar way in which this file was retained, which is not done frequently by applicant's law office. Moreover, another reason for self-limitation of fees was so as to ensure that an excessive claim for fees would not bust the plan; it should also be noted that applicant has agreed to defer the \$300.00 over twelve installments of \$25.00 each, rather than getting paid immediately, so as to satisfy any concerns of the secured creditors.

- XI. All services for which compensation is requested by Applicant were performed on behalf of the Debtor and not on behalf of any committee, creditor or other person. The services were necessary to the administration of the successful completion of this case. The services were performed within a reasonable amount of time commensurate with the complexity, importance and nature of the problem, issue or task addressed.
- XII. necessary services rendered by Applicant based on the nature, the extent and value of such services, the time spent on such services and the costs of comparable services other than in a case under Title 11.
- XIII. Applicant has not entered into any agreement express or implied with any other party in interest, including the Debtor or any creditor, receiver, trustee or representative of any of them, or with any attorneys for such party in interest in the proceedings, for the purpose of fixing fees or other compensation to be paid to such party in interest in the proceedings for services rendered or expenses incurred in connection therewith from the assets of the estate in excess of the compensation allowed by law.

WHEREFORE, Applicant respectfully requests that the Court enter its Order (a) allowing compensation to Applicant in the amount of \$800.00 Dollars; and (b) allowing Applicant to apply the \$500.00 he has already received toward said fees and expense, and (c) directing the Chapter 13 Trustee to pay the amount of \$300.00 Dollars to Applicant from payments received by the Trustee pursuant to the Debtor's Chapter 13 Plan.

I Tim Theisen, attorney for debtor, hereby declare that the above-stated facts are true and correct to the best of my knowledge and belief.

Dated: October 13, 2004

_____/e/ Timothy C. Theisen_____
Timothy C. Theisen
229 Jackson Street
Suite 105
Anoka, MN 55303
Telephone No. (763) 421-0965

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Todd A. Hall,

Bkry. Case No. 04-30580

and

Chapter 13 Case

Cherie M. Hall

ORDER

Debtor(s).

This matter came on for hearing before the Honorable Gregory F. Kishel, in Room-228B at the US Bankruptcy Court, St. Paul, MN on the motion of Timothy C. Theisen (The Applicant) for allowance and payment of legal fees and reimbursement of costs.

Upon all the files, records and proceedings herein and there being no objection filed with the Court, IT IS HEREBY ORDERED:

1. The Applicant is awarded \$800.00 Dollars as reasonable compensation for legal services and \$0.00 Dollars for reimbursement for actual and necessary costs of a total of \$800.00 Dollars.
2. The Applicant may apply the \$500.00 Dollars he has received from Debtor in partial satisfaction of his award.
3. The Chapter 13 Trustee is authorized and directed to pay the sum of \$300.00 Dollars to Applicant as funds become available pursuant to the Debtor's Chapter 13 Plan.

Dated: _____

Gregory F. Kishel
Judge of Bankruptcy Court

Timothy Casey Theisen, P.A.
229 Jackson St
Anoka MN 55303

Invoice submitted to:
CHERIE & TODD HALL
C/O BANKRUPTCY COURT

AUG 20 2004

In Reference To: MODIFIED CHAPTER 13 PLAN
Invoice #11372

Professional services

	<u>Hrs/Rate</u>	<u>Amount</u>
7/17/04 2 calls from client	0.30 195.00/hr	58.50
Review case online; draft substitution of attorney form; letter to client	0.50 195.00/hr	97.50
7/23/04 Receive substitution of attorney form (signed by wife only); open file, fax to Chapter 13 office	0.40 195.00/hr	78.00
7/26/04 Draft fee disclosure; send retainer agreement to client	0.20 195.00/hr	NO CHARGE
8/11/04 E-mail to Margaret Culp	0.10 195.00/hr	19.50
8/12/04 Try to access Chapter 13 website; message to Chris and Margaret Culp at Chapter 13 office; note to file	0.10 195.00/hr	19.50

	<u>Hrs/Rate</u>	<u>Amount</u>
8/12/04 E-mails from Margaret Culp and Chris at Chapter 13 office	0.10 195.00/hr	19.50
8/15/04 Check claim online; start drafting plan; message to client; notes to file	1.00 195.00/hr	195.00
8/16/04 call client; message from client; notes to file	0.20 195.00/hr	39.00
8/18/04 Phone conference with client; revise Schedules I and J; letter to client; get court date; draft motion	1.50 195.00/hr	292.50
For professional services rendered	4.40	\$819.00
7/23/04 Payment - thank you		(\$250.00)
Balance due		<u>\$569.00</u>

Timothy Casey Theisen, P.A.
229 Jackson Street
Anoka, MN 55303

Invoice submitted to:
CHERIE & TODD HALL
C/O BANKRUPTCY COURT

SEPTEMBER 20, 2004

In reference to: Modified Chapter 13 Plan
Invoice #11424

Professional Services		<u>Hrs/Rate</u>	<u>Amount</u>
9/2/04	Several calls to and from client regarding the signature page; receive signature page; serve and file on all creditors	0.50 195.00/hr	97.50
9/28/04	Receive order confirming modified post confirmation Chapter 13 plan	0.20 195.00/hr	39.00
Total		<hr/>	\$136.50
Previous Balance		<hr/>	\$569.00
Balance Due			\$705.50

Timothy Casey Theisen, P.A.
229 Jackson St
Anoka MN 55303

Invoice submitted to:
CHERIE AND TODD HALL
C/O BANKRUPTCY COURT

AUG 20 2004

In Reference To: MOTION FOR DISMISSAL
Invoice #11373

Professional services

	<u>Hrs/Rate</u>	<u>Amount</u>
8/9/04 Message from client; download Motion for Dismissal; calendar	0.20 195.00/hr	39.00
8/12/04 Phone call from Margaret Culp; draft, serve, and file Request for Continuance; memo to file; forward to client	0.40 195.00/hr	78.00
For professional services rendered	<hr/> 0.60	<hr/> \$117.00
Balance due		<hr/> <hr/> \$117.00

Timothy Casey Theisen, P.A.
229 Jackson St
Anoka MN 55303

Invoice submitted to:
CHERIE AND TODD HALL
C/O BANKRUPTCY COURT

SEP 20 2004

In Reference To: MOTION FOR DISMISSAL
Invoice #11425

Professional services

	<u>Hrs/Rate</u>	<u>Amount</u>
8/30/04 Receive order regarding continuance; calendar deadline; call client; note to file	0.30 195.00/hr	58.50
For professional services rendered	0.30	\$58.50
Previous balance		\$117.00
Balance due		<u>\$175.50</u>

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Case No. 04-30580
Chapter 13

**UNSWORN CERTIFICATE OF
SERVICE**

Debtor(s)
Todd and Cherie Hall

I, Tara Buganski, declare under penalty of perjury that on October 13, 2004 I mailed copies of the foregoing Notice of Hearing and Application for Allowance of Compensation as Attorneys for the Debtor, prepaid to each entity named below at the address stated below for each entity:

Executed on: October 12, 2004

Signed: ___/e/ Tara Buganski _____
Name and address of subscriber

US Trustee
1015 US Courthouse
300 South 4th St.
Minneapolis, MN 55401

ALL CREDITORS
(see attached list)

Jasmine Keller
310 Plymouth Building
12 South 6th St.
Minneapolis, MN 55402

Todd and Cherie Hall
19289 Eureka Avenue
Farmington, MN 55024

ASPEN MEDICAL GROUP
NW 9460 PO BOX 1450
MINNEAPOLIS, MN 55485-9460

B-LINE LLC
WEINSTEIN TREIGER & RILEY
2101 FOURTH AVENUE SUITE 900
SEATTLE, WA 98121

CAPITAL ONE
PO BOX 85167
RICHMOND, VA 23285

FAIRVIEW HEALTH SERVICES
PO BOX 147
MINNEAPOLIS, MN 55440-0147

GREGORY WALD
3601 MINNESOTA DRIVE SUITE 800
EDINA, MN 55435

HOUSEHOLD BANK
BECKET AND LEE LLP
PO BOX 35480
NEWARK, NJ 07193-5480

METRO OB & GYN
AT PHOENIX MANAGEMENT SYSTEMS
PO BOX 3972
MINNEAPOLIS, MN 55403

RELIANCE RECOVERIES
6160 SUMMIT DRIVE NORTH SUITE 420
MINNEAPOLIS, MN 55430

THOMAS REITER
6 W 5TH ST
SEVENTH FLOOR
ST PAUL, MN 55102

WELLS FARGO HOME MORTGAGE
3476 STATE VIEW BLVD
FORT MILL, SC 29715

WFS FINANCIAL INC
PO BOX 19657
IRVINE, CA 92623-9657