

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
THIRD DIVISION

IN RE:

BKY 04-31279 GFK

Brian E. Boysen,

Chapter 13

Debtor.

TRUSTEE'S RESPONSE TO FEE
APPLICATION BY ATTORNEY
FOR DEBTOR

TO: All parties in interest pursuant to Local Rule 9013-3:

1. Jasmine Z. Keller, the standing Chapter 13 Trustee (the "Trustee"), by her undersigned attorney, submits this response to the Notice of Hearing and Application for Compensation by Attorney for Debtor (the "Application").

2. The Court will hold a hearing on the Application on October 26, 2004 at 11:30 a.m., or as soon thereafter as counsel can be heard, in Courtroom 228B, U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota.

3. As of October 15, 2004, the Trustee has received \$1,175 from the above-named Debtor. The Debtor is delinquent in the sum of \$35 through the month of September 2004. The delinquency arises because the Debtor's monthly payment was scheduled to increase from \$190 to \$225 in August 2004 based upon the total amounts to be paid in the Plan confirmed on September 23, 2004.

4. The Trustee has funds on hand and available in the amount of \$1,175 as of October 15, 2004.

5. The compensation requested in the Application does exceed the amount estimated in ¶ 3 of the Debtor's confirmed Chapter 13 plan by \$600.00. Counsel has supplied the Court with disclosure of amounts paid by the Debtor.

6. Applicant's hourly rate is reasonable for an attorney with his level of experience. The Trustee notes that it was necessary for counsel for the Debtor to amend bankruptcy schedules and modify the Debtor's plan to address changes in the Debtor's circumstances. The additional amount sought by counsel appears to be warranted under the circumstances of this case. Taking those factors into account, the time spent on this case was reasonably necessary for the proper representation of the Debtor in this proceeding.

7. The Trustee's Counsel has reviewed the Application and the request for allowance of fees and expenses. The Trustee **does not oppose the Court's granting the relief requested.**

October 15, 2004

Respectfully submitted,

/e/ Margaret H. Culp
Thomas E. Johnson, #52000
Margaret H. Culp, # 180609
Counsel to Chapter 13 Trustee
310 Plymouth Building
12 South Sixth Street
Minneapolis, MN 55402
(612) 338-7591

VERIFICATION

I, Margaret H. Culp, employed by Jasmine Z. Keller, Chapter 13 Trustee, declare under penalty of perjury that the factual matters attested to in the foregoing are true and correct, to the best of my knowledge, information and belief.

Dated: October 15, 2004

/e/ Margaret H. Culp
Thomas E. Johnson, #52000
Margaret H. Culp, # 180609
Counsel to Chapter 13 Trustee
310 Plymouth Building
12 South Sixth Street
Minneapolis, MN 55402
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UNSWORN DECLARATION FOR PROOF OF SERVICE

I, Margaret H. Culp, employed by Jasmine Z. Keller, Chapter 13 Trustee, declare that on October 15, 2004, I served Trustee's Response to Fee Application by Attorney for Debtor(s) on the individual(s) listed below, in the manner described:

By electronic means:

United States Trustee
612-664-5516

Wayne G. Nelson, Esq.
763-591-1653

By first class U.S. mail, postage prepaid:

Wayne G. Nelson, Esq.
5500 Wayzata Boulevard, Suite 1025
Minneapolis, MN 55416

Brian E. Boysen
8351 278th Street East
Elko, MN 55020

And I declare, under penalty of perjury, that the foregoing is true and correct.

Executed: October 15, 2004

/e/ Margaret H. Culp