

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA
THIRD DIVISION

IN RE:

*Chuck L. Condon, a/k/a
Charles L. Condon,*

Debtor.

BKY 04-32071 DDO

Chapter 13

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 September 8, 2004, at 2:30 p.m., or such later date as rescheduled by Debtor's counsel, and as soon as counsel may be heard, in Courtroom 228A, U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota.

3. As of September 7, 2004, the Trustee has received \$1,507.69 from the above-named Debtor. The Debtor is delinquent in his payments to the Trustee in the sum of \$92.31, through the month of August 2004. The arrearage may be due to the fact that the Debtor's payments are received via wage order.

4. The Trustee has funds on hand in the amount of \$553.83 as of September 7, 2004.

5. The compensation requested in the Application does exceed the amount estimated in ¶ 3 of the Debtor's confirmed Chapter 13 plan. 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, resolve tax issues regarding the Debtor's tax returns, and to modify the Chapter 13 Plan. 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, and contacted Debtor's counsel regarding the need to serve the Fee Application on the Debtor and to provide evidence that the retainer agreement contains language requiring that the Debtor personally pay fees not paid through the Chapter 13 Trustee. It is understood that Debtor's counsel will continue the fee application hearing until these issues are resolved. Assuming counsel for the Debtor continues the hearing, serves the fee application on the Debtor, and provides the additional information, the Trustee **does not oppose the Court's granting the relief requested.**

September 7, 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: September 7, 2004

/e/ Margaret H. Culp
Margaret H. Culp, # 180609

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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 September 7, 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

Perry A. Berg, Esq.
507-835-1827

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

Perry A. Berg, Esq.
Patton Hoversten & Berg, P.A.
215 Elm Avenue East
P.O. Box 249
Waseca, MN 56093-0249

Chuck L. Condon
8325 85th Avenue NW
Morristown, MN 55052

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

Executed: September 7, 2004

/e/ Margaret H. Culp