

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re:

Case No. BKY 04-32521

Rebecca Regina Bauer

Chapter 13 Case

**APPLICATION FOR COMPENSATION OR
EXPENSES BY ATTORNEY FOR DEBTOR(S)**

The undersigned applicant, pursuant to Local Rule 406(d)(1), states that:

1. The plan of the debtor(s) has been confirmed by the court, and the applicant is the attorney for the debtor(s), has filed a statement under Bankruptcy Rule 2016(b), and has completed all necessary appropriate legal services to date in this case.
2. The reasonable value of such services is \$2,900.00. The applicant has paid \$194.00 for the filing fee in this case and \$0.00 for other expenses. The debtor(s) has agreed to pay the applicant for such services and reimburse the applicant for such expenses. The debtor(s) has paid \$306.00 to the applicant to date for such services or expenses. The debtor(s) owes to the applicant \$2,626.96 for the unpaid balance.
3. The applicant has not shared or agreed to share with any other person, other than with members of the applicant's law firm, any compensation paid or to be paid in this case.

WHEREFORE, the applicant requests the court to award \$2,626.96, the unpaid balance stated above, for compensation or reimbursement, and to order the trustee to pay such amount to the applicant under 11 U.S.C. §330 and the Local Rule 2016(d)(1).

Dated: July 29, 2004

PATTON, HOVERSTEN & BERG, P.A.

By /s/ Perry A. Berg
Perry A. Berg (#135999)
Attorneys for Debtor
215 East Elm Avenue, P.O. Box 249
Waseca, MN 56093
Telephone: (507) 835-5240

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

CHAPTER 13 PLAN

In Re:

Rebecca Regina Bauer,

Debtor

Dated: June 14, 2004

Case No. 04-32521

**AMENDED
NOTICE OF HEARING AND MOTION**

TO: U.S. Bankruptcy Court, US Bankruptcy Trustee, and Jasmine Z. Keller, Trustee.

1. Attorney for Debtor moves the court for the relief requested below and gives notice of hearing.

2. The court will hold a hearing on this motion at 2:00 p.m. on October 6, 2004, at the United States Court House, at 316 North Robert Street, St. Paul, Minnesota.

3. Any response to this motion must be filed and delivered not later than 2:00 p.m. on October 1, 2004, which is three days before the time set for the hearing, or filed and served by mail not later than September 27, 2004, which is seven days before the time set for the hearing. **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This court has jurisdiction over this motion pursuant to 28 U.S.C. §§157 and 1334. The Chapter 13 Plan was filed on April 26, 2004. The Modified Chapter 13 Plan was filed on June 14, 2004. The plan was confirmed on July 16, 2004, by this court.

5. This motion arises under 11 U.S.C. § 329 and Bankruptcy Rule 2016.

(1) No order approving the applicant's employment is required.

(2) The date and amounts of any retainer paid to the applicant and its source.

A retainer of \$500.00 was paid by debtor.

(3) Applicant has not made any previous application for compensation in this case.

(4) A Chapter 13 Plan was filed on April 26, 2004. A Modified Chapter 13

Plan was filed on June 14, 2004, and was confirmed on July 16, 2004, by this court.

(5) Paid administrative expenses are as follows:

\$194.00 filing fee
32.96 Expenses
\$226.96 TOTAL EXPENSES

(6) Applicant provided professional services including explaining bankruptcy remedies, procedures and options, preparation of petition, schedules and Chapter 13 Plan, examination of tax returns and research regarding co-debtors.

Worked on rescheduling the First Meeting of Creditors because of Debtor's pregnancy. Worked on revised budget, amending schedules and modifying Chapter 13 Plan. Negotiations with Wells Fargo regarding vehicle and motion to proceed against co-debtor. Work with debtor regarding car debt. Attend First Meeting of Creditors

Applicant is requesting the allowance of unpaid fees in the amount of \$2,626.96.

(7) An itemization of time separated by task or proceeding, describing the task or proceeding and the name and capacity of persons expending the time is attached as Exhibit A.

(8) The hourly rate for applicant is \$195 per hour and the hourly rate for all legal assistants in this matter is \$65.00 per hour. A copy of the fee agreement with debtor is attached and provides for an hourly charge for post petition services.

(9) An itemization of expenses is included in the attached Exhibit A.

(10) Applicant agrees that the Trustee shall pay Applicant from funds available in the Plan for payment of attorney fees. Any balance not payable in the Plan shall be paid by Debtor directly to Applicant outside the Plan.

Dated: 9-7-04

Signed: /s/ Perry A. Berg

Perry A. Berg
Attorney for Debtor
215 East Elm Avenue
PO Box 249
Waseca, MN 56093
Atty Reg. No. 135999

Verification. I, Perry A. Berg, the moving party, named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on: 9-7-04

Signed: /s/ Perry A. Berg

**BANKRUPTCY PROCEEDING AGREEMENT
ON ATTORNEY REPRESENTATION AND FEES**

The undersigned hereby retain and employ the law firm of Patton, Hoversten & Berg, P.A. for representation in a case to be initiated under Chapter 7 or 13 (circle) of the Bankruptcy Code.

The legal services to be rendered are preparation and filing of Petition, Statement of Affairs and Schedules, and the attendance at the First Meeting of Creditors in a consumer bankruptcy case involving 15 or less creditors and the undersigned completes in its entirety the bankruptcy questionnaire attached. Patton, Hoversten & Berg shall bill hourly for services rendered because of additional creditors, time required to complete the questionnaire and non consumer cases.

In consideration of the legal services to be rendered, the undersigned hereby agree to pay \$1,000.00 plus the Bankruptcy Court filing fee of \$200.00. It is agreed that if I should fail to make full or partial payment of fees according to any written or oral agreement, Perry A. Berg may withdraw as attorney from this case upon written notice to the debtor. Interest at the rate of 1 1/2% per month will be charged on all unpaid accounts. If your case involves a homestead, there will be a fee obtaining a Certificate of Exempt Property, recording fee (if we record) and fees for our time.

It is understood and agreed by the undersigned that the undersigned has not retained or employed Perry A. Berg to represent the undersigned to negotiate with creditors, to prepare Reaffirmation Agreements, add/omit creditors, to amend schedules if required, negotiate with trustee on assets, to clear title on real estate, to convert a case from one case to another or to appear or represent me in an adversarial proceeding, motion of any kind, lien avoidance action, vacating judgments or other matters in which an attorney may appear to represent me before the bankruptcy court, including negotiations on such matters or rescheduling hearings and sending notices requested by you or because of your failure to appear. These matter are considered additional services and will be billed at our hourly rate.

Perry A. Berg is not obigated to represent me in a contested matter and may decline to do so. Should the undersigned request representation in any litigation and Perry A. Berg agrees to represent debtor, the undersigned understands that any such legal services will be in addition to those described in paragraph two and will be billed to the undersigned at the rate of \$165.00 per hour.

DATED

1-13-04

Rebecca R. Bauer

DATED _____

PATTON, HOVERSTEN & BERG, P.A.
215 Elm Avenue East
P.O. Box 249
Waseca, MN 56093

STATEMENT OF ACCOUNT

BAUER, JOSHUA G. & REBECCA R.
241 Locust Ave.
Owatonna MN 55060

Page: 1
07/29/2004
Account No: 54532-00N
Statement No: 1

RE: Chapter 13 Bankruptcy

		Hours	
12/24/2003	PAB	Conference with Becky Bauer regarding bankruptcy options.	1.00 196.59
01/05/2004	MS	Work on file.	0.30 15.12
01/13/2004	DS	Conference with client regarding obtaining information for bankruptcy. Work on file.	1.00 65.53
	PAB	Telephone conference with client.	0.20 39.32
01/16/2004	DS	Work on file in reference to bankruptcy petition.	1.50 98.30
01/22/2004	DS	Work on file in reference to bankruptcy petition.	0.30 19.66
01/26/2004	DS	Work on file in reference to bankruptcy petition. Draft Exhibit A to Schedule C. Telephone conference with client regarding additional information for bankruptcy petition.	0.60 39.32
01/27/2004	PAB	Review bankruptcy petition.	0.30 58.98
02/04/2004	DS	Work on file in reference to revisions to bankruptcy petition.	0.30 19.66
02/06/2004	PAB	Conference with Rebecca Bauer regarding bankruptcy issues.	1.00 196.59

EXHIBIT "A"

RE: Chapter 13 Bankruptcy

		Hours	
03/01/2004	PAB	Examination of 2003 tax returns. Call to client.	0.70 116.45
03/10/2004	PAB	Conference with client regarding budget and Chapter 13 Plan.	1.50 249.52
	DS	Work on file in reference to revisions to budget on bankruptcy petition.	0.40 26.22
03/11/2004	PAB	Work on file in reference to Chapter 13 Plan.	0.40 66.54
03/12/2004	DS	Draft Chapter 13 Plan.	0.40 26.22
03/23/2004	DS	Work on file in reference to revisions to bankruptcy petition regarding creditors and homestead.	1.00 65.53
04/01/2004	PAB	Research regarding co-debtor liability on car.	0.30 49.91
04/08/2004	PAB	Telephone conference with client.	0.10 16.64
04/14/2004	DS	Work on file in reference to additional creditors for bankruptcy.	0.20 13.10
04/16/2004	PAB	Work on file in reference to Chapter 13 Plan and schedules.	0.40 66.54
04/20/2004	DS	Work on file in reference to drafting bankruptcy petition and Chapter 13 Plan.	1.00 65.53
04/21/2004	DS	Work on file in reference to revisions to Bankruptcy Petition and Chapter 13 Plan.	0.60 39.32
04/23/2004	PAB	Conference with client regarding execution of Bankruptcy Petition and Chapter 13 Plan.	0.50 83.18
04/26/2004	LW	Work on file in reference to preparation of documents for filing with US Bankruptcy Court. File Bankruptcy Petition with US Bankruptcy Court.	0.60 39.32

RE: Chapter 13 Bankruptcy

		Hours	
DS	Work on file in reference to preparation of documents for filing. File Bankruptcy Petition with US Bankruptcy Court.	0.50	32.76
05/04/2004			
DS	Letter to client regarding First Meeting of Creditors. Work on file.	0.80	52.42
05/07/2004			
PAB	Examine correspondence from Wells Fargo. Telephone conference with client. Letter to Wells Fargo.	0.30	49.91
SH	Letter to client.	0.20	13.10
05/14/2004			
DS	Letter to Wells Fargo Bank.	0.50	32.76
05/18/2004			
PAB	Telephone conference with Brad from Wells Fargo.	0.20	33.27
05/19/2004			
PAB	Telephone conference with client. Examine motion by Wells Fargo.	0.20	33.27
DS	Letter to Daniel Lemke serving bankruptcy notice. Add to Bankruptcy Court list.	0.30	19.66
DS	Telephone conference with trustee's office regarding continuing date for First Meeting of Creditors.	0.40	26.22
05/24/2004			
PAB	Review telephone message from Wells Fargo.	0.10	16.64
05/25/2004			
DS	Draft modified Chapter 13 Plan.	0.20	13.10
05/26/2004			
PAB	Work on file in reference to amending Chapter 13 Plan.	0.70	116.45
06/02/2004			
DS	Forward Notice of Rescheduled First Meeting of Creditors to Trustees and all creditors. File Notice with US Bankruptcy Court.	1.00	65.53
06/04/2004			
LW	Draft Signature Page for Modified Chapter 13 Plan.	0.20	13.10
DS	Work on file in reference to drafting Modified Chapter 13 Plan.	1.00	65.53
PAB	Telephone conference with client regarding plan payment of \$350. Telephone conference with Brad regarding settlement of Wells Fargo motion. Work on modifying plan and		

RE: Chapter 13 Bankruptcy

		Hours	
	schedules.	1.00	166.34
06/07/2004			
	PAB Examine correspondence from Wells Fargo attorney. Work on Chapter 13 Plan.	0.30	49.91
06/08/2004			
	PAB Telephone conference with Attorney Haberstadt. Work on file.	0.20	33.27
	DS Work on file in reference to amended Schedules.	0.40	26.22
06/10/2004			
	DS Work on file in reference to modifying plan and amending schedules.	0.50	32.76
06/14/2004			
	DS Work on file in reference to serving Modified Chapter 13 Plan and Amended Schedules on Trustees and all creditors. File documents with US Bankruptcy Court.	1.30	85.19
06/23/2004			
	PAB Attend First Meeting of Creditors in Minneapolis. Conference with client.	1.50	249.50
	For Current Services Rendered	26.40	2,900.00

Expenses

06/01/2004	US Bankruptcy Court - filing fee	194.00
06/23/2004	Long distance calls.	2.23
06/23/2004	Fax Documents	3.50
06/30/2004	Postage	27.23
	Total Expenses	226.96
	Total Current Work	3,126.96

Payments

07/28/2004	Payment Received, Thank you	-500.00
	Balance Due	<u>\$2,626.96</u>

Payments/Billing Inquiries should be sent to: P.O. Box 249, Waseca, MN 56093. Please write account number on check.

UNSWORN CERTIFICATE OF SERVICE

I, Diane K. Severin, declare under penalty of perjury that on September 7, 2004, I mailed copies of the foregoing AMENDED NOTICE OF HEARING AND MOTION, APPLICATION FOR COMPENSATION OR EXPENSES BY ATTORNEY FOR DEBTOR and ORDER by first class mail postage prepaid to each entity named below at the address stated below for each entity:

Jasmine Z. Keller, Trustee
Suite 310 Plymouth Bldg.
12 South Sixth Street
Minneapolis, MN 55402

Habbo G. Fokkena
US Bankruptcy Trustee
1015 US Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Rebecca R. Bauer
241 Locust Ave.
Owatonna, MN 55060

Executed on: 9-7-04

Diane K. Severin

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

CHAPTER 13 PLAN

In Re:

Dated: June 14, 2004

Rebecca Regina Bauer

Case No. 04-32521

Debtor

ORDER

Based on the foregoing application, it is ordered under Local Rule 406(d)(1) that \$2,626.96 is awarded to the applicant for compensation or reimbursement and that the trustee pay such amount to the applicant as provided in the plan.

This order also authorizes the Trustee to disburse to the Applicant, in the ordinary course of business, any sum which the Trustee is currently holding for Applicant on account of its claim pursuant to the confirmed plan.

This order authorizes the Trustee to pay the Applicant the balance of \$2,626.96 in the ordinary course of business under the terms of the confirmed Modified Chapter 13 Plan. Any balance not payable in the Plan shall be paid by Debtor directly to Applicant outside the Plan.

Dated: _____

U.S. Bankruptcy Judge