

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE:	)	
	)	Administrative Order No. 12-03
ORDER GOVERNING PROCEDURES	)	
FOR ALLOWANCE OF ATTORNEY	)	BANKRUPTCY JUDGE
FEEES IN CHAPTER 13 CASES FILED	)	
ON OR AFTER JUNE 1, 2012	)	

In order to continue to ensure the efficient and just administration of Chapter 13 proceedings, this Administrative Order is being issued to address the allowance of attorneys' fees in Chapter 13 cases without requiring counsel to file an individual fee application (a "No Look Attorney Fee"). Unless otherwise ordered by the Court, this Administrative Order governs the compensation of attorneys in Chapter 13 cases filed at this Court location on or after June 1, 2012.

The purpose of entering this Administrative Order is to revise the fee schedule set forth in Administrative Order 08-04. Counsel are not required to request the maximum fees authorized in this Administrative Order, and the Court notes that many counsel request less than the maximum fees allowed when a debtor's Chapter 13 plan is relatively simple or cannot accommodate the maximum attorney fee allowance or both. In addition, many counsel practicing before this Court agree to represent debtors for either a nominal or no fee retainer. I have great respect for the continued professionalism and compassion of such counsel.

This Administrative Order does not set a “cap” on fees, and no counsel is required to follow the fee application allowances set forth herein. Counsel not wanting to utilize procedures set forth in this Administrative Order for a No Look Attorney Fee may file a formal fee application. *See* Section III, *infra*. In addition, as set forth in Sections VI and VII, *infra*, the availability of the No Look Attorney Fee is a privilege that may be denied to counsel who, after a noticed hearing, are found not to be diligent in some aspect(s) of ongoing cases.

**I. ELIGIBILITY REQUIREMENTS FOR A NO LOOK ATTORNEY FEE**

A No Look Attorney Fee is a privilege afforded by the Court that is conditioned upon the assumption that debtors filing a Chapter 13 case will be served by competent and dedicated counsel who will assist their clients from the filing of a bankruptcy petition to the conclusion of their bankruptcy case. To be eligible for a No Look Attorney Fee, counsel shall comply with the following eligibility requirements:

- A. Be licensed to practice with the U.S. District Court for the Northern District of Ohio.
- B. Take, each calendar year, at least six hours of continuing legal education (“CLE”) related to consumer bankruptcy that is offered by any accredited program certified by the Ohio Supreme Court CLE Commission either through an on-line program or an on-site presentation.
- C. Have in place a system to keep office staff trained and informed on changes in Court procedures and policies (especially Administrative Orders).
- D. Have in place established procedures to ensure that (1) documentation required for a first meeting of creditors under 11 U.S.C. § 341 (the “§ 341

Meeting”) is sent to the office of the Standing Chapter 13 Trustee in Akron (the “Chapter 13 Trustee”) at least five business days prior to date set for the § 341 Meeting and (2) any additional documentation requested by the Chapter 13 Trustee at the § 341 Meeting is timely submitted to the Chapter 13 Trustee’s office so that the § 341 Meeting can be concluded. Documentation should be submitted electronically to the Chapter 13 Trustee at: [341info@ch13akron.com](mailto:341info@ch13akron.com).

- E. Require that all newly hired staff personnel undertake electronic court filing (“ECF”) training at a time and place convenient to the Court.
- F. Promptly respond to inquiries from Court personnel and take all necessary action to correct deficiencies on a pleading within the time frame set forth in any notice of such deficiency.
- G. Take all necessary steps regarding internal computer operations so that notices sent by the Chapter 13 Trustee through ECF are not filtered, sent to “spam” (junk mail) or otherwise ignored.
- H. Review and, where appropriate, respond to all notices and motions filed by the Chapter 13 Trustee in their client’s cases. These notices and motions often contain information which can assist counsel in getting a case to confirmation and keeping a case on track so that the debtor can receive a discharge.
- I. Register at [www.chapter13info.com](http://www.chapter13info.com) to receive the free quarterly electronic newsletter issued by the Chapter 13 Trustee’s office which contains helpful information and gives updates on changes in policy, sample templates, reminders on new administrative orders and case law updates.

- J. Ensure that, once matters are reported to the Court as resolved, a proposed agreed order is submitted to the Court within twenty (20) days. Counsel for debtor(s) is responsible for submitting the proposed agreed order to the Court regardless of whether such counsel has taken responsibility for the drafting such order.
- K. Continue or initiate whatever steps counsel deems necessary within their office to enable them to track the progress of their clients' cases. Neither the Court nor the Chapter 13 Trustee's office shall serve as a personal calendaring system for counsel.

## **II. ALLOWANCE OF A NO LOOK ATTORNEY FEE**

- A. Counsel representing Chapter 13 debtors shall be the attorney of record from the filing of the petition until the close or dismissal of the case (including disposition of motions to reinstate), unless relieved of representation by motion and court approval, or by another attorney filing a notice of substitution of counsel.
- B. Subject to all the other provisions of this Administrative Order, if an executed copy of the Rights and Responsibilities of Chapter 13 Debtors and their Attorneys, *see* Exhibit A, has been filed with the Court, counsel may reach agreement with debtors(s) for an initial total fee of up to \$4,000 (the "Initial Total Fee,") and be paid the Initial Total Fee during the administration of the case, as set forth below, without the necessity of filing an individual case fee application. The Initial Total Fee shall be disclosed to the Court and is to be paid as follows:

1. Provided that the filing of the petition is accompanied by all of the necessary schedules and disclosure information, then prior to the filing of the case, counsel may collect from the client **25%** of the Initial Total Fee (e.g., if the amount to which the client has agreed is \$4,000, then \$1,000 may be collected at this stage) to be applied against the Initial Total Fee. If the filing is not a complete filing, in the sense that not all of the schedules and disclosures accompany the petition, counsel's fee at this stage is limited to **15%** (in the case of a \$4,000 fee, then \$600 may be collected at this stage).
2. Thereafter, counsel will be entitled to a distribution of an additional **35%** (\$1,400 in the example of the \$4,000 fee) of the Initial Total Fee to be paid as an administrative claim upon and after confirmation of the Chapter 13 plan. In a case that was commenced without all necessary schedules and disclosures, this Administrative Order assumes that a confirmation will not occur until all of those matters have been addressed to the satisfaction of the Chapter 13 Trustee. In such case, counsel also will be entitled to collect the **10%** percent for which such counsel would have been eligible at the outset of the case had the filing been complete.
3. Subject to paragraph 5, below, the **40%** balance of the Initial Total Fee (\$1,600 in the example of the \$4,000 fee) shall be paid *pro-rata* with the payment of secured and priority creditors. In cases where there are no scheduled secured and priority creditors, the balance of attorney fees shall be *pro-rata* with unsecured creditors.
4. At confirmation, payment of a No Look Attorney Fee shall be made monthly along with the Chapter 13 Trustee's monthly disbursement cycle until the fees are paid in full, as outlined above.
5. A No Look Attorney Fee shall be paid by the Chapter 13 Trustee only after monthly adequate protection payments and monthly fixed payments to secured creditors as stipulated in the Chapter 13 plan have been made.

The fees referred to in this section may be allowed by the Court in the order confirming the Chapter 13 plan of debtor(s) based upon the compensation statement signed by counsel and without the filing of a fee application pursuant to 11 U.S.C. § 330 and Fed. R. Bankr. P. 2016(a).

### **III. FORMAL FEE APPLICATIONS**

Counsel for debtor(s) may request fees and expenses exceeding the amount set forth in Section II of this Administrative Order upon (A) formal application under Fed. R. Bankr. P. 2016(a) and in accordance with the Guidelines, after notice and a hearing; or (B) application under Section V of this Administrative Order for certain designated post petition services. Allowance of fees and expenses greater than the amounts specified in Section II of this Administrative Order shall be by separate order of the Court. Counsel may not receive a post-petition retainer or payment other than as specified in this Administrative Order without leave of court.

With respect to novel, complex, or non-routine matters, counsel may file a fee application in compliance with Fed. R. Bankr. P. 2002 and 2016, setting forth, at a minimum, each activity for which a fee is requested, the identity of the person performing the services, the billing rate of the person, the services performed, the date of the services and the amount of time expended. Such applications must be accompanied by evidence that each debtor-client was informed of and agreed to the hourly rate that could be charged in the event that non-routine issues developed in a case. The best evidence of such agreement is a counter-signed engagement letter.

All fees applied for by formal application will be reviewed by the Court on a case by case basis. During any hearing regarding approval of such fees, and without any requirement that a response to the application be filed, the Court may inquire of the Chapter 13 Trustee as to his observations regarding the fee application. Counsel may inquire of the Chapter 13 Trustee whether he would sign a proposed agreed entry allowing the requested attorney fees. The Chapter 13 Trustee's signature is not a

guarantee that the Court will approve the proposed agreed entry, but is an indication that both counsel and the Chapter 13 Trustee believe the fee application is reasonable and necessary based on the issues in a particular case and the healthy competitive market for legal services.

#### **IV. SERVICES OF COUNSEL**

As a guideline, the Court considers that counsel for debtor(s) will perform the following services in exchange for the Initial Total Fee allowed under Section II of this Administrative Order:

- A. Have a personal meeting with debtor(s) to (i) review the financial situation of debtor(s); (ii) counsel debtor(s) regarding filing under either Chapter 7 or Chapter 13 and alternatives to filing bankruptcy and (iii) make all disclosures required by the Bankruptcy Code, *see generally* 11 U.S.C. § 527;
- B. Participate in all conferences with debtor(s) and timely respond to inquiries of debtor(s), either by telephone, by electronic mail or in writing;
- C. Facilitate the credit counseling and personal financial management requirements imposed upon debtor(s) by the Bankruptcy Code, *see generally* 11 U.S.C. §§ 109(b) and 1328(g);
- D. Prepare the bankruptcy petition, schedules, statement of financial affairs, payment advices, "Means Test Form" (Official Form 22C) and the Chapter 13 plan, and assist debtor(s) in understanding the nature of information that is to be provided and the good faith required of the debtor(s) in assembling the information;
- E. Facilitate delivery of federal income tax returns or transcripts, proof of insurance (auto and home) and pay remittances to the Chapter 13 Trustee at least five (5) days prior to the first date set for the § 341 Meeting;
- F. Negotiate and communicate with priority and secured creditors, including the Internal Revenue Service;
- G. Represent debtor(s) at the initial § 341 Meeting and any continued § 341 Meeting;

- H. Respond to inquiries made by debtor(s) and/or the Chapter 13 Trustee in furtherance of the administration of the Chapter 13 case, in general, and the Chapter 13 plan, in particular;
- I. Prepare (and timely file when necessary) documents and notices, including submissions based upon Chapter 13 Trustee recommendations, a suggestion of bankruptcy, routine objections to claims, amendments to schedules, voluntary dismissals and all case related correspondence;
- J. Respond to routine objections to plan confirmation, and when necessary, prepare, file and serve an amended plan;
- K. Represent debtor(s) at the confirmation hearing, but not including an evidentiary hearing;
- L. Represent debtor(s) in connection with two (2) particular Motions for Relief from Stay pursuant to 11 U.S.C. § 362 – one concerning the residence and one concerning a vehicle, but not including an evidentiary hearing on these matters;
- M. Represent debtor(s) on motions to avoid judicial liens;
- N. Subject to the possible award of fees as a sanction against the respondent, represent debtor(s) on violations of the automatic stay and the post-discharge injunction;
- O. Represent debtor(s) on routine objections to claims;
- P. Represent debtor(s) on motions to dismiss and, if opposing such motion, timely file a response thereto;
- Q. Communicate with the Chapter 13 Trustee's office prior to any hearing on a motion to dismiss if such motion is not being opposed;
- R. Timely respond to a Trustee Notice (as defined in Section VI, *infra*);
- S. Assist debtor(s) in connection with a payment suspension, if necessary; and
- T. Provide other legal services necessary for the administration of the case, including, but not limited to, continuing to assist debtor(s) by returning telephone calls, answering questions and reviewing and sending correspondence.



## V. POST PETITION LEGAL SERVICES

Notwithstanding any other provision of this Administrative Order, for certain services not within the guidelines of this Administrative Order for the Initial Total Fee, to encourage uniformity and consistency, and to minimize the time and expense of the fee application process, the Court will approve the following fees (the "Additional Post-Petition Fees") using the "Application for Additional Post-Petition Fees," (the "Application") attached to this Administrative Order as Exhibit B, provided that, prior to filing the Application, counsel for debtor(s) has obtained, and attached to the Application, a consent (the "Debtor Consent") of debtor(s) to pay such fees:

- A. For a post-confirmation plan modification, up to \$350;
- B. For a motion for authority to buy, sell, or refinance real property, up to \$350;
- C. For a motion to incur debt, such as the purchase or lease of a motor vehicle, up to \$200;
- D. For defense of additional motions for relief from stay, beyond those listed in Section IV, *infra*, up to \$350;
- E. For motions for authority to settle insurance claims and/or use or distribute insurance proceeds, up to \$350;
- F. For a motion to reinstate the automatic stay, each one up to \$200;
- G. For an adversary proceeding to strip junior mortgage liens as wholly unsecured, up to \$500;
- H. For a mortgage modification, up to \$500, provided that the requirements outlined in Administrative Order 10-1 are met; and
- I. For a motion to deem a mortgage current at the conclusion of the case, up to \$350.

Any application for Additional Post-Petition Fees must be filed separately from the underlying pleadings for which the Additional Post-Petition Fees are sought. Unless

and until agreed to in writing by debtor(s) and specifically permitted in an order approving the Additional Post-Petition Fees, counsel are not to collect any such additional fees directly from debtor(s). Once approved by the Court, the Chapter 13 Trustee is authorized to process the Additional Post-Petition Fees as an administrative expense which will be paid as soon as practicable subject to adequate protection payments and/or fixed payments in the Chapter 13 plan and the standard administration fee of the Chapter 13 Trustee.

The Debtor Consent may be included within or attached to an Application and must (A) be signed by debtor(s) and (B) set forth the following:

I/we \_\_\_\_\_, understand that my/our attorney, \_\_\_\_\_ has performed additional legal services on my/our behalf in this Chapter 13 case that were not initially contemplated by him/her or me/us. I/we further understand that the additional charge for said legal services, for which Court approval is now being sought is \_\_\_\_\_ (\$ \_\_\_\_\_) and I/we approve of payment of same.

I/we also understand that, unless a written agreement to the contrary has been reached, the additional legal fees now being sought will be paid to my/our attorney through our Chapter 13 plan.

I/we have been informed that I/we have a right to oppose the payment of those fees by appearing in Court on a date to be determined by the Court. I/we have determined that there is no need to exercise that right.

#### **VI. REVOCATION OF NO LOOK ATTORNEY FEE PRIVILEGE**

It is the practice of the Chapter 13 Trustee to issue a case status report (the "Status Report") to both counsel for debtor(s) and debtor(s) at the § 341 Meeting. The Status Report could indicate that there are outstanding issues which require additional information and/or documentation prior to the Chapter 13 Trustee being able to conclude the § 341 Meeting. The Status Report could also indicate that the § 341 Meeting is concluded. Notwithstanding the issuance of a Status Report indicating that the § 341

Meeting is concluded, the Chapter 13 Trustee may not be able to recommend confirmation of a chapter 13 plan due to, *inter alia*, feasibility issues, outstanding objections by creditors or outstanding objections to claims. In situations where the Chapter 13 Trustee is unable to either conclude a § 341 Meeting or to recommend confirmation of a chapter 13 plan and where counsel for debtor(s) has not taken the necessary action to timely resolve such matters, it is the practice of the Chapter 13 Trustee to file a notice with the Court (collectively, a “Trustee Notice”).

In cases where the Chapter 13 Trustee has filed two or more Trustee Notices and counsel for debtor(s) has failed to respond thereto, the Chapter 13 Trustee may file a pleading requesting that counsel for debtor(s) be made to show cause why his/her privilege of seeking a No Look Attorney Fee should not be revoked (the “Revocation Sanction”). A hearing on the matter will be held at which the Court will determine whether the Revocation Sanction, or any other appropriate sanction pursuant to 11 U.S.C. § 105, should be imposed.

## **VII. MISCELLANEOUS**

- A. If counsel elects not to seek fees under this Administrative Order, then counsel shall file a formal application under Fed. R. Bankr. P. 2002 and 2016 and in accordance with the Guidelines.
- B. In the event that the Chapter 13 case is either converted or dismissed without reinstatement before confirmation of a Chapter 13 plan, the Chapter 13 Trustee shall pay to counsel for debtor(s), absent a contrary order and to the extent funds are available, an administrative claim equal to 25% of the Initial Total Fee after accounting for fees paid to counsel prior to filing.

C. This Administrative Order does not limit the rights of debtor(s), the Chapter 13 Trustee, the U.S. Trustee, or any creditor to object to any fee request, even if the amount sought falls within the fee schedules listed, and even if debtor(s) had previously consented in writing to pay the requested fees. The provisions of this Administrative Order excusing counsel from the preparation of detailed fee applications is a privilege extended to counsel who attend to their obligations to their debtor clients. In addition to Section VI regarding the Revocation Sanction, *supra*, this Court has specifically requested the Chapter 13 Trustee to inform the Court of counsel whose level of service to their clients may not justify such a privilege. Such referrals by the Chapter 13 Trustee to this Court will be set for show cause hearings. Additionally, a hearing (at which counsel for debtor(s) shall appear) will be scheduled by this Court in all of the following situations:

1. If counsel for debtor(s) is seeking an Initial Total Fee in excess of the amount set forth in Section II of this Administrative Order;
2. If counsel for debtor(s) is seeking Additional Post-Petition Fees in excess of the amounts set forth in Section V of this Administrative Order; and
3. If counsel for debtor(s) has failed to comply with the requirements of this Administrative Order regarding the Debtor Consent for payment of post-petition legal services.

D. The Court retains the authority to reduce and/or order disgorgement of fees for cause, after notice and a hearing.

E. Once counsel for debtor(s) withdraws or is relieved of his/her duties by replacement counsel, the Chapter 13 Trustee is no longer authorized under this Administrative Order to make a distribution to such outgoing counsel on

account of any balance of the No Look Attorney Fee then due. If outgoing counsel for debtor(s) seeks payment on account of any balance of the No Look Attorney Fee still due, such counsel shall file separate motion specifically seeking such distribution.

**IT IS SO ORDERED.**

  
MARILYN SHEA-STONUM  
U.S. Bankruptcy Judge

**EXHIBIT A  
TO ADMINISTRATIVE ORDER 12-03**

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO

In Re:

Case No.

Chapter 13

Debtor(s)

JUDGE MARILYN SHEA-STONUM

**RIGHTS AND RESPONSIBILITIES OF  
CHAPTER 13 DEBTORS AND THEIR ATTORNEYS**

It is important for debtors who file a bankruptcy case under Chapter 13 to understand their rights and responsibilities. It is also important that debtors know what their attorney's responsibilities are and understand the importance of communicating with their attorney to make the case successful. Debtors should also know that they may expect certain services to be performed by their attorney. It is also important for debtors to know the costs of attorneys' fees through the life of the plan. In order to ensure that debtors and their attorney understand their rights and responsibilities in the bankruptcy process, the following guidelines provided by the Court are hereby agreed to by debtors and their counsel:

**A. BEFORE THE CASE IS FILED:**

**DEBTOR** agrees to:

1. Provide the attorney with accurate, and, to the best of debtor's ability, complete financial information.
2. Discuss with the attorney debtor's objectives in filing the case.
3. Keep all scheduled meetings and/or appointments, both with the attorney and other parties to the case.
4. Respond to all attorney requests as soon as possible.
5. Provide the attorney with a working telephone number or other reliable method of communication.

**ATTORNEY** agrees to:

1. Personally meet with debtor to review debtor's assets, liabilities, income and expenses.
2. Counsel debtor regarding the advisability of filing either a Chapter 7 or Chapter 13 case, discuss with debtor both options as well as alternatives to filing for bankruptcy and answer debtor's questions.
3. Explain what payments will be made directly by debtor, such as mortgages and vehicle lease payments and what payments will be made through the Chapter 13 plan.
4. Explain to debtor how, when, and where to make the required Chapter 13 plan payments.
5. Explain to debtor how the attorney's fees and Chapter 13 Trustee's fees are paid, and provide an executed copy of this document to debtor.
6. Explain to debtor that the first plan payment must be made to the Chapter 13 Trustee not later than 30 days after the date that the plan is filed or the case is filed, whichever is earlier.
7. Advise debtor of the requirement to attend the § 341 Meeting of Creditors and to bring to the meeting a valid, unexpired photo identification and official documentation of the social security number.
8. Advise debtor of the necessity of maintaining liability, collision and comprehensive insurance on vehicles owned or leased by debtor.
9. Advise debtor of the necessity of maintaining insurance on any real property that debtor may own.
10. Timely prepare and file debtor's petition, plan, statements, schedules, payment advices and "Means Test Form" (Official Form B22C) as well as any required amendments thereto.
11. Facilitate delivery of federal income tax returns or transcripts to the Chapter 13 Trustee prior to the first date set for the § 341 Meeting of Creditors.
12. Facilitate debtor's requirement to complete a pre-petition course in credit counseling.

**B AFTER THE CASE IS FILED:**

**DEBTOR** agrees to:

1. Keep the Chapter 13 Trustee and the attorney informed as to debtor's current address and telephone number.
2. Timely make all Chapter 13 payments to the Chapter 13 Trustee.
3. Timely make all post-petition payments to the mortgage company and any other creditors that debtor has agreed to pay directly, and, if appropriate, maintain proper insurance coverage and pay post-petition tax obligations concerning the same in a timely fashion.
4. Cooperate with the attorney in preparing all pleadings and attending all hearings as required.
5. Prepare and file all delinquent federal, state, and local tax returns by not later than the first date set for the § 341 Meeting of Creditors.
6. Promptly inform the attorney of any wage garnishments or attachments of assets which occur or continue to occur after the filing of the Chapter 13 case.
7. Let the attorney know if debtor is sued at any time during the Chapter 13 case.
8. Contact the attorney regarding any changes in employment, increases or decreases in income or any other financial problems or changes.
9. Cooperate with the attorney and the Chapter 13 Trustee in timely producing any financial or supporting documents requested by the attorney or the Chapter 13 Trustee.
10. Contact the attorney to find out what approvals are required before buying, refinancing or selling real property, or before entering into any long-term loan or lease agreements.

**ATTORNEY** agrees to:

1. Continue to represent debtor through the conclusion of the Chapter 13 case, whether by dismissal or discharge.
2. Instruct debtor as to the date, time and location of the § 341 Meeting of Creditors, and appear at the § 341 Meeting of Creditors with debtor.
3. Respond to objections to plan confirmation, and, when necessary, prepare an amended plan.



4. Prepare, file and serve necessary plan modifications which may include suspending, decreasing or increasing plan payments.
5. Prepare, file and serve necessary amended statements and schedules in accordance with information provided by debtor.
6. Prepare, file and serve necessary motions to incur debt, or to buy, sell or refinance real property when appropriate.
7. Object to improper or invalid claims, if necessary, based upon documentation provided by debtor.
8. Be available to respond to debtor's questions throughout the pendency of the Chapter 13 case and the life of the plan.
9. Represent debtor in motions for relief from stay and motions to dismiss or convert.
10. Provide such other legal services as are necessary to the administration of the Chapter 13 case before the Bankruptcy Court, which include, but are not limited to, meeting with debtor, presenting appropriate legal pleadings and making necessary court appearances.
11. File an executed copy of this document with the Court, and provide executed copies of it to debtor and the Chapter 13 Trustee.
12. Facilitate debtor's requirement to complete a post-petition course in personal financial management.

**C ATTORNEY FEES:**

The total fee charged debtor, exclusive of Court costs, is \$ \_\_\_\_\_ (the "Initial Total Fee"), of which \$ \_\_\_\_\_ was paid before the filing of the Chapter 13 petition (the "Initial Retainer"), with the balance of \$ \_\_\_\_\_ being paid by the Chapter 13 Trustee after confirmation of the Chapter 13 plan. The Attorney may not demand or receive any additional fees directly from debtor, other than the Initial Retainer, unless a written agreement to the contrary has been reached and the Court so orders.

If the Chapter 13 case is either converted or dismissed before confirmation of a plan, absent contrary Court order, the Chapter 13 Trustee shall pay to the attorney for debtor, to the extent funds are available, an administrative claim equal to 25% of the Initial Total Fee that the debtor agreed to pay.

If the Initial Total Fee initially charged to debtor and ordered by the Court is not sufficient to compensate the attorney for legal services rendered in the case, the attorney agrees to apply to the Court for approval of additional fees. The following legal services are not covered by the Initial Total Fee initially charged debtor, and the attorney may apply to the Court for payment in the amount specified:

<b>Additional Fee, if any, Debtor Agrees to Pay Should Additional Services be Performed”</b>	<b>Description of Additional Legal Service Not Covered Initial Total Fee</b>
\$ _____	For a post-confirmation plan modification
\$ _____	For a motion for authority to buy, sell or refinance real property
\$ _____	For a motion to incur debt, such as the purchase or lease of a motor vehicle
\$ _____	For defense of additional motions to lift stay, beyond one concerning debtor’s residence and one concerning a vehicle, which are included within Initial Total Fee, but not including an evidentiary hearing.
\$ _____	For motions for authority to settle insurance claims and/or to use or distribute insurance proceeds
\$ _____	For a motion to reinstate the automatic stay
\$ _____	For an adversary proceeding to stip junior mortgage liens as wholly unsecured

\*\*\* Counsel requesting approval of fees in excess of the amounts set forth in Administrative Order 12-03 must file a detailed fee application with the Court.

In addition, the attorney may need to provide legal services to debtor that are not covered by the Initial Total Fee. Such services include: (i) handling novel, complex or non-routine motions, (ii) oppositions to motions or objections to claims; (iii) representation in connection with an evidentiary hearing; or (iv) representation in adversary proceedings. These types of proceedings may be billed at reasonable hourly rates, and the attorney shall file a fee application in compliance with Bankruptcy Rules 2002 and 2016, setting forth, at a minimum, as to each activity for which a fee is requested, the identity of the person

performing such services, the billing rate for such person, the services performed, the dates of the services and the amount of time expended. The attorney's current hourly rate is \$\_\_\_\_\_.

All post-petition attorney fees shall be paid through the Chapter 13 plan unless otherwise specifically agreed to in writing and permitted by an order of the Court. If debtor disputes the legal services provided or the fees charged by the attorney, debtor may file an objection with the Court and that matter will be set for hearing. The attorney may move to withdraw as counsel, for cause shown, or debtor may discharge the attorney any time.

The Court may, *sua sponte*, or upon motion of an interested party, disallow all or part of requested attorney's fees or may order the disgorgement of all or part of already collected fees if the Court finds that the attorney failed to provide services in accordance with the guidelines set forth in this document.

DATED: \_\_\_\_\_  
DEBTOR

DATED: \_\_\_\_\_  
DEBTOR

DATED: \_\_\_\_\_  
ATTORNEY FOR DEBTOR(S)

**EXHIBIT B  
TO ADMINISTRATIVE ORDER 12-03**

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO

In Re:

Case No.

Debtor(s)

Chapter 13

JUDGE MARILYN SHEA-STONUM

**APPLICATION FOR ADDITIONAL POST-PETITION FEES**

1. In accordance with Administrative Order No. \_\_\_\_\_, the attorney for debtor(s) hereby requests additional compensation for services performed on behalf of debtor(s) as follows:

\_\_\_\_\_ Post-confirmation plan modification

Date filed \_\_\_\_\_ Hearing Date(s) \_\_\_\_\_  
Amount requested \$ \_\_\_\_\_

\_\_\_\_\_ Motion for authority to buy, sell or refinance real property

Date filed \_\_\_\_\_ Hearing Date(s) \_\_\_\_\_  
Amount requested \$ \_\_\_\_\_

\_\_\_\_\_ Motion to incur additional debt (purchase/lease vehicle, purchase residence etc.)

Date filed \_\_\_\_\_ Hearing Date(s) \_\_\_\_\_  
Amount requested \$ \_\_\_\_\_

\_\_\_\_\_ Defense of additional motion for relief from stay, beyond one concerning debtor's residence and one concerning a vehicle, which are included in the

Initial Total Fee

Date filed \_\_\_\_\_ Hearing Date(s) \_\_\_\_\_  
Amount requested \$ \_\_\_\_\_

\_\_\_\_\_ Motion for authority to settle insurance claims and/or to use of distribute insurance proceeds

Date filed \_\_\_\_\_ Hearing Date(s) \_\_\_\_\_  
Amount requested \$ \_\_\_\_\_

\_\_\_\_\_ Motion to reinstate the automatic stay

Date filed \_\_\_\_\_ Hearing Date(s) \_\_\_\_\_  
Amount requested \$ \_\_\_\_\_

\_\_\_\_\_ Adversary proceeding to strip junior mortgage liens as wholly unsecured

Date filed \_\_\_\_\_ Hearing Date(s) \_\_\_\_\_  
Amount requested \$ \_\_\_\_\_

2. The undersigned represents to the Court that (a) the services indicated above have been completed and time records verifying the services have been kept, (b) the Debtor Consent (pursuant to Section V of Administrative Order (12-03) is being filed and served with this application and (c) additional compensation is requested in the amount of \$ \_\_\_\_\_. Counsel further certifies that a copy of this application was served upon debtor(s), the Chapter 13 Trustee and the U.S. Trustee as set forth below.

3. Debtor(s), the Chapter 13 Trustee or any interested party may file a response or object to this application, within twenty-one (21) days of service, with the Clerk of Court of the United States Bankruptcy Court. A copy of the response or objection shall be served on debtor(s), the Chapter 13 Trustee and counsel for debtor(s). If no response or objection is timely filed, the Court may enter an order allowing the fees without a hearing.

\_\_\_\_\_  
Counsel for Debtor(s)  
Signature Block