

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TEXAS
_____ DIVISION

IN RE:	*	
	*	
[Debtor's Name]	*	
(***-**-last four digits of SSN)	*	Case No. __-_____
[Joint Debtor's Name, if any]	*	Chapter 13
(***-**-last four digits of SSN)	*	
[Debtors' mailing address]	*	
[Debtor's mailing address—cont.]	*	
Debtors	*	

APPLICATION TO RETAIN SPECIAL COUNSEL NUNC PRO TUNC

NO HEARING WILL BE CONDUCTED ON THIS APPLICATION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS APPLICATION SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR AT ANY SCHEDULED HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

To the Honorable Judge of Said Court:

Comes Now, [the Debtor(s)' name] , Debtor(s), hereinafter called Movant(s), respectfully show the Court the following:

1. Movant(s) filed their Chapter 13 Petition on _____.

2. The Movant(s) are plaintiffs in a lawsuit styled _____, pending under Cause No. _____, in the [for example, District Court of Smith County, _____ Judicial District] , hereinafter referred to as the lawsuit. The nature of the lawsuit is a suit by the Movant(s) against the Defendant(s) [Defendant(s)' names] seeking damages based upon [description of cause of action: for example, the injuries received by the Movant(s) resulting from an automobile accident occurring on or about _____] .

3. The Movant(s) desire to employ [lawyers' name] of the lawfirm of _____ to represent the interests of the Movant(s), if any, and the above entitled bankruptcy estate to prosecute the claim against the Defendant(s) in the above described lawsuit. The attorney has had experience in matters of this character and Movant(s) believe that the attorney is qualified to represent them and the bankruptcy estate in this matter. The attorney represents no interest adverse to the Chapter 13 Trustee or this bankruptcy estate and his employment would be in the best interest of this Estate. The prosecution of this cause of action is necessary for the successful reorganization of the Movant(s). The attorney's mailing address, state bar number, telephone number, and e-mail address are set forth hereinbelow.

4. The professional services to be rendered by the above-named attorney would include the following:

- a. To assist the Movant(s) in the handling of this lawsuit.
- b. To perform all other legal services for Movant(s) in connection with this and directly related matters which may be necessary and in the best interest of the Debtor(s)' bankruptcy estate.

5. This Motion is seeking *nunc pro tunc* approval of the employment in that [list reason(s) that the application was not filed earlier—for example, the undersigned counsel was not aware that the Movant(s) had filed bankruptcy]. An order authorizing employment is required *nunc pro tunc* because [list the reason(s) such an order is required—for example, a lot of legal work has been performed since this case, all of which will be a benefit to the Bankruptcy Estate—may want to add a general description of the history of the legal services performed to date and why such would be a benefit to the estate]. The approval of this Application will not prejudice any parties-in-interests because [state the reason—for example, the Movant(s) anticipate that a recovery and/or settlement will be generated in this matter which will be a benefit to the creditors of the bankruptcy estate]. Per the certificate of service, a copy of this Motion has been served upon the master mailing Matrix as constituted by the Court on the date of service.

6. After the performance of such legal services, or during the performance, upon proper application, the above named attorney should be allowed reasonable compensation for services rendered as follows: [description of fee arrangement] . Such fees and expenses shall be requested to be allowed as an administrative expense in this bankruptcy proceeding.

Wherefore, the Movants pray that they be authorized to employ and appoint [attorney's name] of [lawfirm's name] to represent the Movants and the above entitled bankruptcy estate in connection with the above referenced lawsuit *nunc pro tunc*, and that they have such other and further relief as is just.

Respectfully submitted,

[Attorney's name, address, telephone number,
bar number, and e-mail address]

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was forwarded to following parties by regular mail on the day indicated:

U. S. Trustee
110 N. College, Suite 300
Tyler, TX 75702

Mr. John J. Talton
Chapter 13 Trustee
110 N. College, Suite 1200
Tyler, TX 75702

[Debtor(s)' name and address]

[Debtor(s)' bankruptcy attorney's name and address]

All parties on the attached mailing matrix

Date

[Name of Attorney]

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[Joint Debtor's Name, if any]	*	Chapter 13
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[Debtor's mailing address—cont.]	*	
Debtors	*	

AFFIDAVIT OF PROPOSED ATTORNEY

STATE OF TEXAS *
 *
COUNTY OF _____ *

 [Attorney's Name] of [Lawfirm's name] ("Affiant") being sworn, deposes and says:

“That Affiant has reviewed the schedules and statement of affairs filed in this bankruptcy case.

“That Affiant has no connection with the Debtors, their creditors, any other party in interest, their respective attorneys, the Chapter 13 Trustee, the United States Trustee, or any person employed by the said parties;

“That Affiant is a disinterested person and does not represent or hold any interest adverse to the bankruptcy estate;

“That Affiant will supplement this Affidavit if Affiant subsequently discovers a connection with the Debtors, the creditors, any party in interest, their respective attorneys, the Chapter 13 Trustee, the United States Trustee, or any person employed by said parties; and

“That Affiant represents the Debtor in the lawsuit entitled [style of lawsuit] , Cause No. _____, filed in the [description of the Court lawsuit is pending] . I have no connection with any creditor or any other party in interest or their attorneys.”

[Name and address of attorney]

SUBSCRIBED AND SWORN to before me this the _____ day of _____, 201_.

Notary Public, State of Texas

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Debtors	*	

ORDER AUTHORIZING EMPLOYMENT OF
[Name of Professional or Firm]
AS SPECIAL COUNSEL FOR THE ESTATE
NUNC PRO TUNC

ON THIS DATE, this Court considered the Application of [name of Debtors], for an order approving the employment of [name of professional or firm] as Special Counsel for the Estate in the above-referenced case *nunc pro tunc* for the reasons as stated in the Application. The Application has been properly served as required by LBR 2014 and no objection to the Application has been timely filed by any party. Upon review of the Application, it appears to the Court that the proposed professional is “disinterested” as that term is defined in 11 U.S.C. 101(14) and that the proposed professional represents or holds no interest adverse to the Estate. Accordingly,

IT IS THEREFORE ORDERED that the Application is GRANTED and that the employment of [attorney's name] of [lawfirm's name] as Special Counsel for the Chapter 13 Estate in the above-referenced case for the purposes as set forth in the Motion is hereby APPROVED *nunc pro tunc*, with such compensation as may be awarded by the Court upon proper application submitted pursuant to Fed. R. Bankr. P. 2016(a) and LBR 2016.