

The information as contained herein is being provided by the Trustee as a courtesy to the debtors and their attorney in order to assist in the administration of their cases thereby setting forth the Trustee's interpretation of the Court's Local Rules. This information is subject to change without notice depending upon the Trustee, for whatever reason, changing his view on his interpretation of these Local Rules. Nothing herein should be construed as legal advice to the debtors and their attorneys on how to proceed with the prosecution of their cases. The Trustee urges the debtors and/or their attorneys to review the Court's Local Rules for their own interpretation of such. The attorneys are also free to file their own fee application if they want to ask for attorney's fees in excess of the "no-look" fees as set forth in the Court's Local Rules.

TIME LINE

<u>Event</u>	<u>Attorney Fees</u>	<u>Form of Motion to Modify</u>
Bankruptcy Petition is filed	"No-look" attorney fees of \$3,000.00 applies	
Motion to Lift stay is filed at any time prior to the first successful post-confirmation modification subsequent to the filing of TRCC OR the filing by Trustee his certification that all claims have been properly reconciled with the terms of the confirmed plan through the TRCC without the necessity of a modification; Objection to Motion to Lift Stay filed by debtors	Additional \$500.00 "no-look" attorney's fee for stay litigation (upon proper certification of same by debtors' attorney)	
341 meeting held		
Trustee Report is filed --If Trustee certifies therein that the case involves debtors engaged in a business	Additional \$500.00 "no-look" attorneys fees for a business case applies	
Confirmation hearing is held; Confirmation Order entered		
Motion to Modify is filed prior to Trustee filing his TRCC; Trustee files his Notice of extending time to file TRCC.	No additional attorney's fees charged absent a full fee application dating back to the beginning of case	Standard Motion to Modify filed along with a "BAPCPA" plan and order as set forth in the Court's Local Rules
BAPCPA modification order entered (or not)		

Trustee files his TRCC

Motion to Modify is filed after Trustee files his TRCC but prior to its approval

No additional attorney's fees charged absent a full fee application dating back to the beginning of case

Standard Motion to Modify filed along with a "pre-BAPCPA" plan and order setting forth in detail the total plan payments to be made and the names of creditors and the total amounts to be paid each creditor set forth therein

Pre-BAPCPA modification order entered (or not)

Order approving TRCC is entered; one of the following two events occurs:

A. Confirmed plan
Is properly funded and there are no priority claims not provided for in the plan; Trustee certifies that all claims have been reconciled with the terms of confirmed plan without the necessity of a modification
[side note: debtors' attorney Is no longer entitled to be paid the additional \$500.00 in attorney's fees for stay litigation (if not previously filed) once the Trustee makes this certification]

--Motion to Modify is then filed for some reason

Reasonable attorney's fees may be charged for the motion to modify
Trustee will not object to **\$600.00** or less in fees

Standard Motion to Modify filed along with a "pre-BAPCPA" plan and order setting forth in detail the total plan payments to be made and the names of creditors and the total amounts to be paid each creditor set forth therein

B. Confirmed plan
Is underfunded and/or
there are priority claims
not provided for in the plan

--Motion to Modify is then
filed presumably to
cure the underfunding problem
and/or provide for the priority
claim(s) not provided for in
the original confirmed plan

No additional attorney's fees
charged absent a full fee
application dating back to
the beginning of the case

Standard Motion to Modify
filed along with a "pre-BAPCPA"
plan and order setting forth in
detail the total plan payments
to be made and the names of
creditors and the total amounts
to be paid each creditor set
forth therein

--Pre-BAPCPA order entered
approving the Motion to Modify
[side note: debtors' attorney
Is no longer entitled to be
paid the additional \$500.00
in attorney's fees for stay
litigation (if not previously
filed) once there has been
a successful post-confirmation
modification subsequent to
the TRCC]
Upon approval of this modification,
Trustee certifies that all claims
have been reconciled with
the terms of confirmed plan
without the necessity of a
modification

--Motion to Modify is then
filed for some reason

Reasonable attorney's fees
may be charged for the
motion to modify
Trustee will not object
to **\$600.00** or less in fees

Standard Motion to Modify
filed along with a "pre-BAPCPA"
plan and order setting forth in
detail the total plan payments
to be made and the names of
creditors and the total amounts
to be paid each creditor set
forth therein

Definitions:

“No Look” attorney fees are defined herein as the attorney fees that may be charged by the attorney for pre-confirmation and post-confirmation work without the necessity of the debtors’ attorney filing a formal fee application pursuant to the provisions of Local Rule of Bankruptcy Procedure 2016(h).

“BAPCPA plan and order” refers to the form Chapter 13 plan (see Local Form 3015-a) and form confirmation order (see Local Form 3015-b) adopted by the Bankruptcy Court for use in cases pending in the Eastern District of Texas.

“Pre-BAPCPA plan and order” refers to the pre-BAPCPA plan and order that was commonly used in the Eastern District of Texas for confirmation orders prior to the passage of BAPCPA thereby setting forth in detail the amount of plan payments being made, the names of the creditors being paid, the principal amount being paid, and the interest rate being paid to the creditors.