

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE: )  
)  
RUDOLF A. GREENLEAF, JR. and ) CASE NO. 05-65573 JPK  
LISA M. GREENLEAF, ) Chapter 13  
)  
Debtors. )

ORDER ON APPLICATION OF ATTORNEYS FOR DEBTOR  
FOR FEES AND REIMBURSEMENT OF EXPENSES ("APPLICATION")

The Application, which was filed on July 30, 2008, requests an allowance of compensation and reimbursement of expenses in the amount of \$3,692.93. The prayer for relief in the Application states that the counsel for the debtor has received \$506.00 as a retainer and in addition Trustee disbursements of \$1,694.00 – which totals \$2,200.00.

The first problem with the Application is that it mixes apples and oranges. Allowance of compensation pursuant to 11 U.S.C. § 330 is a concept which provides for the awarding of compensation for a debtor's counsel at various stages of the proceeding. In the order by which the debtors' plan was confirmed, entered on August 3, 2006, debtors' counsel was awarded compensation in the amount of \$2,200.00. That award closed the compensation story in this case as of the date of confirmation of the plan. The Application is in essence, apparently, a request for supplemental compensation for legal services rendered subsequent to the entry of the order confirming the plan. Read literally, the Application requests an additional allowance of compensation of \$3,583.00, and there is nothing in this record which would sustain that request.

There is a bigger problem. It is clear the debtors' counsel performed legal services entitled to compensation subsequent to the August 3, 2006 confirmation order. The itemized statement of legal services which accompanies the Application states that counsel for the debtors has performed 7.6 hours of legal services, commencing with an entry on May 16, 2007 and concluding with an entry on July 17, 2008. It is this performance of services for which the

court's approval should have been sought by the Application. The hourly charge for which compensation is sought appears to be \$225.00 per hour, which would result in an additional award of compensation of \$1,710.00 if the court were to find the performance of services and the billing rate to be reasonable in accordance with the requirements of applicable law. It should be noted that there is nothing in this record which discloses any agreement between counsel for the debtors and the debtors as to the compensation arrangement for services rendered subsequent to the date of confirmation of the plan. The Disclosure of Compensation of Attorney for Debtor(s) filed on October 6, 2005 states that the amount to be charged for legal services in the case is \$2,200.00, and there is nothing in this Disclosure which states in any manner any arrangement other than a flat fee of \$2,200.00 for legal services to be performed in this case. However, based upon its experience in reviewing applications for fees filed by debtors' counsel in this Division, the court is willing to state that \$225.00 per hour is the reasonable value of services, and to award supplemental compensation of \$1710.00.

The Application also seeks to recover \$109.93 as reimbursement of expenses. Based upon the itemized statement attached to the Application, this amount is the total of expenses incurred by counsel for the debtors from the inception of the case. Again, reimbursement of expenses for expenses incurred up to the date of the confirmation order has been established by the order entered on August 3, 2006, and thus only \$50.43 is recoverable as expenses with respect to the Application.

IT IS ORDERED that the Application is granted to the extent of supplemental compensation of \$1710.00 and expenses of \$50.43.

Dated at Hammond, Indiana on September 12, 2008.

/s/ J. Philip Klingeberger  
J. Philip Klingeberger, Judge  
United States Bankruptcy Court

Distribution:  
Debtors, Attorney for Debtors, Trustee, US Trustee