

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE: )  
)  
HEATHER LEE HILL, ) CASE NO. 04-63970 JPK  
) Chapter 13  
Debtor. )

ORDER CONCERNING OBJECTION TO APPLICATION  
FOR COMPENSATION

On August 4, 2005, Attorney Andrew J. Kopko, as counsel for the debtor, filed an Application for Interim Compensation for the period of August 4, 2004 through August 1, 2005. Notice of this application was provided to creditors and parties-in-interest. On August 15, 2005, the Clerk docketed as docket record entry #173 a letter signed by individuals named Thomas L. Burkholder and Robert Haverstick, apparently submitted on behalf of an entity doing business as B & H Horse Center, which the Court derives from the letter may be a creditor of the debtor. The claims register in this case discloses that B & H Horse Center filed claim #5 in the amount of \$5,911.00 on August 30, 2004. This correspondence objects to Attorney Kopko's request for interim compensation.

The record establishes that the debtor's Chapter 13 case was dismissed by order entered on August 9, 2005, prior to confirmation of a plan. 11 U.S.C. § 1326(a)(2) states:

If a plan is not confirmed, the Trustee shall return any such payment to the debtor, after deducting any unpaid claim allowed under s. 503(b) of this title.

Compensation of debtor's counsel is a claim allowable under 11 U.S.C. § 503(b), and thus, any funds held by the Trustee are subject to the payment of allowed compensation. Apart from administrative claimants, no other creditor in a Chapter 13 case dismissed prior to confirmation is entitled to any disbursement by the Chapter 13 Trustee, and thus the allowance of an administrative expense claim does not in any manner prejudice non-administrative expense claimants with respect to distributions to be made by a Chapter 13 Trustee. As a result, the

above-designated document does not state a cognizable ground of objection to the debtor's counsel's request for compensation.

IT IS ORDERED that to the extent the above-designated document was intended to be an objection to debtor's counsel's Application for Interim Compensation filed on August 4, 2005, the objection is denied.

Dated at Hammond, Indiana on August 25, 2005.

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

Distribution:

Debtor, Attorney for Debtor

Trustee, US Trustee

Thomas L. Burkholder/Robert Haverstick, 6818 Schlatter Road, Leo, IN 46765