

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA**

<b>IN RE:</b>	)	
	)	
<b>ATTORNEYS' FEES FOR</b>	)	
<b>REPRESENTATION OF DEBTOR IN</b>	)	<b>STANDING ORDER 21-01</b>
<b>CHAPTER 13 CASES FILED ON OR</b>	)	<b>(SECOND AMENDED)</b>
<b>AFTER DECEMBER 1, 2017</b>	)	

The Court, having reviewed the allowance of attorneys' fees in chapter 13 cases filed within this district, and, on recommendation of the standing chapter 13 trustees and the United States Bankruptcy Administrator for the Middle District of North Carolina, hereby finds and concludes as follows:

**A. PRESUMPTIVE BASE FEE.** The presumptive base fee for representation of debtor in a chapter 13 case filed from December 1, 2017 to and including March 31, 2020 is \$4,500.00. The presumptive base fee for representation of debtor in a chapter 13 case filed on or after April 1, 2020 is \$4,500.00 for below-median income debtors and \$5,000.00 for above-median income debtors. The base fee covers the usual and ordinary services involved in representation of a chapter 13 debtor, from preparing debtor's petition, schedules, and statements through closure of the case. Notwithstanding the above listed fees, if the total amount to be paid into debtor's chapter 13 plan is less than \$6,000.00, the presumptive fee will be capped at \$2,500.00.

In the event counsel for debtor elects to opt out of the presumptive base fee, counsel's initial application for compensation shall be filed during the 30 days immediately following the confirmation of a plan in this case.

**B. ATTORNEY'S FEES IN CASE DISMISSED PRIOR TO CONFIRMATION.** Upon the entry of an order dismissing a chapter 13 case prior to a plan being confirmed, counsel for debtor shall have 14 days from the entry of the order of dismissal within which to file an application for attorney's fees and expenses ("Post-Dismissal Application"). The Post-Dismissal Application shall include detailed time records, except that if the application seeks fees of \$1,000.00 or less, no such time records are required. The Post-Dismissal Application shall be served upon debtor, the Bankruptcy Administrator, and the Trustee. The Trustee shall not make any disbursement until the 14-day period for filing the Post-Dismissal Application has expired. If a Post-Dismissal Application is timely filed, the Trustee shall continue to hold all funds on hand in trust pending further order of the Court.

**C. NON-BASE FEES.** Services not covered by the presumptive base fee ("Non-Base Services") include the services set forth below, along with the compensation deemed presumptively reasonable and allowable for such Non-Base Services:

1. Motion for Authority to Sell Realty, \$350
2. Motion for Authority to Refinance or Modify Mortgage, \$400
3. Motion for Authority to Sell Personal Property, \$250
4. Motion to Substitute Collateral, \$450
5. Motion to Incur Indebtedness, \$250
6. Motion to Withdraw Funds from a Qualified Retirement Account, \$250
7. Motion to Modify Chapter 13 Plan, \$250
8. Motion to Approve Professional Person, \$250
9. Motion to Deem Mortgage Current, \$350
10. Objection to Mortgage Claim, \$400 (but see paragraph D, below)
11. Motion for Hardship Discharge, \$250
12. Motion to Avoid Judicial Lien, \$400 (but see paragraph D, below)
13. Request to Determine Amount of Secured Claim of Governmental Unit, \$450 (but see paragraph D, below)

If a request for the presumptive fee for a Non-Base Service is included in the pleading seeking relief, such compensation shall be allowable at the hearing on the pleading unless otherwise ordered by the Court; however, the Court may, in its discretion, depart from the presumptive fee amount as may be reasonably warranted.

**D. FEES FOR MULTIPLE REQUESTS FOR RELIEF BASED ON SAME FACTUAL PREDICATE.** With the exceptions noted below, if two motions are made with the same factual predicate, such as a Motion to Modify Chapter 13 Plan made in connection with a Motion to Incur Indebtedness, the relief may be requested in a combined motion. The presumptively reasonable and allowable aggregate compensation for the related motions, whether combined or not, shall be the higher of the presumptive fees for the related motions.

Multiple requests to avoid judicial liens with respect to the same property shall be made in separate motions. The Court shall, however, only allow the presumptive fee of \$400 (collectively) for the related motions.

Multiple requests to determine the secured claim amounts of governmental units with respect to the same property shall also be made separately (by way of motion or claim objection pursuant to Federal Rule of Bankruptcy Procedure 3012(c)). After the initial request, the Court shall allow a presumptive fee of \$300 for each additional, related request, unless the additional request is by way of an objection to mortgage claim and contains a separate basis upon which to object to the claim.

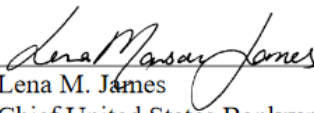
**E. FEES FOR REPRESENTATION OF DEBTOR IN ADVERSARY PROCEEDINGS.** Representation of debtor in adversary proceedings constitutes a non-base service. Applications for approval of attorney's fees for representation of debtor in an adversary proceeding must be filed by separate itemized application to the Court.

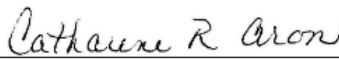
**F. LITIGATION COSTS AND EXPENSES.** When a representation agreement between debtor and court-approved counsel requires debtor to pay litigation costs and expenses,

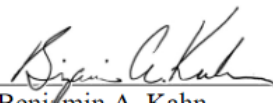
if the aggregate costs and expenses incurred in the representation total \$500.00 or less, no review or approval is necessary before such costs and expenses are paid. If such costs and expenses total between \$500.01 and \$2,500.00, an itemization of such costs and expenses must be presented to the Trustee for review and approval before debtor pays any portion of such costs and expenses. If the total of such costs and expenses exceeds \$2,500.00, an itemization of such costs and expenses must be presented in a motion to the Court for review and approval before debtor pays any portion of such costs and expenses. Neither debtor nor debtor's bankruptcy estate shall be obligated for any costs and expenses in excess of those amounts authorized to be paid under this paragraph.

IT IS FURTHER HEREBY ORDERED that this order shall remain in effect until otherwise ordered by the Court.

Dated this the 21<sup>st</sup> day of September 2021.

  
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Lena M. James  
Chief United States Bankruptcy Judge

  
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Catharine R. Aron  
United States Bankruptcy Judge

  
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Benjamin A. Kahn  
United States Bankruptcy Judge