UNITED STATES BANKRUPTCY COURT
For the Southern District of Iowa

In the Matter of
REPUBLIC REALTY CORP., d/b/a   Case No. 88-32-C
REPUBLIC REALTY,   Chapter 11

            Debtor.

ORDER APPLICATION FOR ALLOWANCE
OF INTERIM ATTORNEY FEES

On July 21, 1988, counsel for the Unsecured Creditors' Committee (hereinafter "Committee"), Theodore F. Sporer, filed an application for allowance of interim attorney fees. On the same date, Debtor's case was dismissed by this Court's Order. Thus, the issue presented is whether the Court has jurisdiction to consider a professional fee application after the Chapter 11 case is dismissed.

A bankruptcy court has the power to determine whether it has jurisdiction to proceed in any action. In re Ennis, 50 B.R. 119, 120—21 (Bankr. D. Nev. 1985) (citations omitted). However, the court should not assume jurisdiction over any matter that does not involved the administration or property of a bankruptcy estate. Id. at 121. The court is not divested of jurisdiction over a professional fee application in a dismissed Chapter 11 case if the Order of Dismissal expressly provides that the court retains limited jurisdiction to consider the fee application. Matter of

Mandalay Shores Co-op. Housing Ass'n, 60 B.R. 22, 23 (Bankr. M.D. Fla. 1986).

In the case at bar, the Committee did not file an objection to the motion to dismiss nor was it represented at the hearing on said motion. Further, counsel for the Committee did not request the Court to retain limited jurisdiction regarding the fee application in the event the case was dismissed. As a result, the Order on Dismissal did not contain any provision providing for the Court's retention of limited jurisdiction to consider the fee application. Therefore, the Court concludes it does not have jurisdiction to consider the fee application.

IT IS ACCORDINGLY ORDERED that counsel's fee application is denied because the Court lacks jurisdiction to consider it.

Dated this 4th day of August, 1988.

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RUSSELL J. HILL
U.S. BANKRUPTCY JUDGE