

UNITED STATES BANKRUPTCY COURT  
For the Southern District of Iowa

In the Matter of :  
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CENTURY PLACE PARTNERSHIP, : Case No. 87-2917-D H  
: Chapter 11  
: Debtor. :  
:   
- - - - -

ORDER - AMENDED APPLICATION FOR INTERIM ALLOWANCE OF  
ATTORNEY FEES AND EXPENSES

On September 20, 1988, a hearing was held on Debtor's amended application for interim allowance of attorney fees and expenses. The following attorneys appeared on behalf of their respective clients: Donald F. Neiman for Debtor; Kevin M. Abel for creditor Bankers Trust Company; and Terry L. Gibson, attorney for the United States Trustee. At the conclusion of said hearing, the Court took the matter under advisement and now considers it fully submitted.

In said application, Debtor prays for an allowance of \$10,698.50 in fees, \$2,819.25 in expenses and \$5.69 which represents the balance due from a previous bill for Debtor, for a total requested allowance of \$13,523.44. Upon review of said application, the Court finds that Debtor's counsel listed \$10,698.50 in fees but only \$2,766.75 in expenses. Therefore, the Court will treat

Debtor's prayer as requesting a total allowance of \$13,470.94.

It is well established that only those services benefitting the estate are recoverable from it. In re Ellrich, 81 B.R. 132, 133 (Bankr. S.D. Fla. 1987); In re Chapel Gate Apartments, Ltd., 65 B.R. 569, 576 (Bankr. N.D. Tex. 1986). In its June 27, 1988, statement, Debtor's counsel listed \$1,284.50 of fees which appear to be rendered for non-bankruptcy services in state court. In addition, Debtor's counsel also carried forward \$5.69, a balance due from pre-petition services. Since these services are not for the benefit of Debtor's estate, they are not recoverable from it. As a result, the Court concludes Debtor's prayed-for-fees of \$10,698.50 plus the \$5.69 balance carried forward must be reduced by \$1,290.19 to \$9,414.00. After careful review under the standards set forth in Matter of Pothoven, et al., 84 B.R. 579 (Bankr. S.D. Iowa 1988), the Court will allow \$9,414.00 in fees and \$2,766.75 in expenses for a combined total allowance of \$12,180.75.

IT IS ACCORDINGLY ORDERED that Debtor's counsel is allowed to collect \$9,414.00 in fees and \$2,766.75 in expenses from Debtor.

Dated this \_\_\_\_\_ day of January, 1989.

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RUSSELL J. HILL  
U.S. BANKRUPTCY JUDGE