

UNITED STATES BANKRUPTCY COURT
For the Southern District of Iowa

In the Matter of :
MICHAEL G. STRAIT and : Case No. 90-1252-D H
NANCY L. STRAIT, :
Debtor. : Chapter 7

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**ORDER--ALLOWANCE OF ADMINISTRATIVE
EXPENSE FOR DEBTORS' ATTORNEY**

The attorney for the above-captioned Debtors filed an application for allowance of administrative expense to which the United States Trustee filed an objection. The Debtors' attorney then filed a memorandum in support of his application in which he modified his application. The U.S. Trustee filed a response to the memorandum.

A telephonic hearing was held July 26, 1991, on the application and objection thereto. James H. Cossitt spoke for the application and John Waters spoke on behalf of the United States Trustee. At the conclusion of the hearing, the Court took the matter under advisement and considers the matter fully submitted.

This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A). The Court upon review of the pleadings, memoranda, and arguments of counsel, now enters its findings and conclusions pursuant to Fed. R. Bankr. P. 7052.

FINDINGS OF FACT

1. Debtors filed their petition under Chapter 7 on May 7, 1990. A meeting of creditors was held pursuant to § 341 on June 8, 1990. A discharge order was entered July 8, 1990.

2. James H. Cossitt, attorney for the Debtors, filed an application for allowance of compensation and expense April 29, 1991. The U.S. Trustee filed an objection to the application. Applicant attorney then filed a memorandum in support of the application. The memorandum consents to a reduction in the amount requested for travel time by one-half in accordance with In re Pothoven, 84 B.R. 579 (Bankr. S.D. Iowa 1988). The memorandum also includes itemized billing statements.

3. In the hearing the parties stipulated that the only issue remaining was whether the fees claimed for services prepetition were properly included and should be paid under this application for administrative expense.

4. The total amount requested for attorney fees and expenses is \$1,109.70. The parties have agreed that the value claimed for the prepetition services is \$193.00. Applicant attorney's memorandum Exhibit 5 reflects a beginning balance

due of \$578.00. Exhibit 5 also reflects that a payment of \$546.50 was received on May 3, 1990, leaving a balance of \$31.50. Services valued at \$161.50 were rendered on May 1, 1990. Thus the fees claimed for prepetition services are \$31.50 plus \$161.50, or \$193.00.

DISCUSSION

An attorney for the debtor is entitled to compensation for analyzing the debtor's financial condition; rendering advice and assistance to the debtor in determining whether to file a petition in bankruptcy; the actual preparation and filing of the petition, schedules of assets and liabilities, and the statement of affairs, and representing the debtor at the § 341 meeting of creditors. See In re Holden, 101 B.R. 573, 576 (Bankr. N.D. Iowa 1989). All attorney fee applications must conform with the standards set out in In re Pothoven, 84 B.R. 579 (Bankr. S.D. Iowa 1988).

Applicant's exhibits 5 and 6 indicate the services for which he now claims compensation. The services rendered appear to have been rendered in analyzing the Debtors' financial condition, rendering advice to and assisting the Debtors in determining whether to file and actually filing their petition and schedules with the Bankruptcy Court.

Taking into account the reduction in the amount allowed for travel time, the Debtors' counsel is entitled to fees totaling \$1,033.20. {\$1,109.70 - 76.50 (travel)}.

CONCLUSION AND ORDER

Based on the foregoing review of the application for allowance of administrative expense, the Court reduces the requested fees in the amount of \$76.50.

IT IS ACCORDINGLY ORDERED that Debtors' attorney is entitled to \$1,033.20 as final compensation.

Dated this ____7th____ day of October 1991.

RUSSELL J. HILL
U.S. BANKRUPTCY JUDGE