UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA

IN RE:	)	
	)	
ATTORNEY'S FEES FOR	)	
REPRESENTATION OF DEBTORS IN	)	**STANDING ORDER 23-02**
CHAPTER 13 CASES	)	
	)	

The Court, having reviewed the allowance of attorney's 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 the debtor(s) in a chapter 13 case filed on or after July 7, 2023, is (i) $5,200 for below-median income debtors, provided that such amount is increased to $5,700 if the attorney(s) responsible for representation of the debtor(s) in the case, including at hearings and at the meeting of creditors, has/have attended at least 7 hours of bankruptcy-related continuing legal education in the 12 months preceding the petition date, and (ii) $5,500 for above-median income debtors, provided that such amount is increased to $6,000 if the attorney(s) responsible for representation of the debtor(s) in the case, including at hearings and at the meeting of creditors, has/have attended at least 7 hours of bankruptcy-related continuing legal education in the 12 months preceding the petition date. The base fee covers the usual and ordinary services involved in representation of a chapter 13 debtor, from preparing the petition, schedules, and statements through closure of the case. Notwithstanding the above listed fees, if the total amount to be paid into the chapter 13 plan is less than $7,000, the presumptive fee will be capped at $2,500.

In the event counsel elects to opt out of the presumptive base fee, counsel's initial application for compensation must be filed within 30 days after entry of the order confirming the plan in the case.

B. ATTORNEY'S FEES IN CASE DISMISSED PRIOR TO CONFIRMATION. Upon the entry of an order dismissing a chapter 13 case prior to confirmation, counsel for the debtor(s) will 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 must include detailed time records, except that if the application seeks fees of $1,000 or less, no such records are required. The Post-Dismissal Application must be served on the debtor(s), the Bankruptcy Administrator, and the Trustee. The Trustee will 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 will continue to hold all funds on hand in trust pending further order of the Court.

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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, $450
2. Motion for Authority to Refinance or Modify Mortgage, $500
3. Motion for Authority to Sell Personal Property, $300
4. Motion to Substitute Collateral, $700
5. Motion to Incur Indebtedness, $450
6. Motion to Withdraw/Borrow Funds from a Qualified Retirement Account, $400
7. Motion to Modify Chapter 13 Plan, $500
8. Motion to Approve Professional Person, $350
9. Motion to Deem Mortgage Current, $400
10. Objection to Mortgage Claim, $400 (but see paragraph D, below)
11. Motion for Hardship Discharge, $400
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)
14. Motion to Extend/Impose Stay, $350
15. Opposition to stay relief in a docketed response with a hearing, $350

If a request for the presumptive fee for a Non-Base Service is included in the pleading seeking relief, such compensation may be awarded 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, will be the higher of the presumptive fees for the related motions.

Multiple requests to avoid judicial liens with respect to the same property must be made in separate motions. The Court will, 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 must also be made separately by motion or claim objection pursuant to Federal Rule of Bankruptcy Procedure 3012(c). After the initial request, the Court will allow a presumptive fee of $300 for each additional, related request, unless the additional request is made through 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 OR APPEALS. Representation of a debtor in an adversary proceeding or appeal constitutes a non-base service. An application for approval of attorney's fees for representation of a debtor in an adversary proceeding or appeal must be filed separately with the Court and contain detailed time records.

F. LITIGATION COSTS AND EXPENSES. When a representation agreement between a debtor and court-approved counsel requires the 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 the 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 an application to the Court for review and approval before the debtor pays any portion of such costs and expenses. Neither the debtor nor the debtor's bankruptcy estate will be obligated for any costs and expenses in excess of those amounts authorized to be paid under this paragraph.

G. PRESUMPTIVE FEES FOR ATTORNEYS REPRESENTING SECURED CREDITORS. The following creditor's fees are deemed presumptively reasonable in chapter 13 cases:

1. Proof of Claim (including Form 410A) for a real property creditor secured by a debtor's principal residence, $400
2. Review of petition, plan, and loan information for a real property creditor secured by a debtor's principal residence, $150
3. Motion for Relief from Stay or Adequate Protection for a secured creditor, $500 (plus reimbursement of filing fee)
4. Objection to Confirmation of Plan for a creditor secured by real property (maximum of one such fee per case), $350

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

Dated this the 7th day of July 2023.

Lena M. James
Chief United States Bankruptcy Judge

Benjamin A. Kahn
United States Bankruptcy Judge