

UNITED STATES BANKRUPTCY COURT
for the
NORTHERN DISTRICT OF CALIFORNIA
San Jose Division

ORDER RE: PAYMENT OF PRE-CONFIRMATION ATTORNEY'S FEES
IN CHAPTER 13 CASES

1. For all cases filed on or after October 17, 2005, debtor's attorney's fees shall be disbursed by the trustee from plan payments made prior to confirmation of the plan. Payment of attorney's fees shall commence within 30 days of the filing of a fee application, subject to the trustee's monthly disbursement cycle. Attorney's fees shall be paid to the extent there are funds on hand after adequate protection payments are paid by the trustee.
2. The amount to be paid shall be the amount determined to be appropriate for initial fees pursuant to the Guidelines for Payment of Attorney's Fees in Chapter 13 Cases for the San Jose Division. The application must clearly state the total fees requested and any amounts previously paid.
3. Upon dismissal or conversion of the case prior to confirmation of the plan, from funds on hand, the trustee shall pay amounts owed on adequate protection payments prior to paying amounts owed on attorney's fees pursuant to this order. Any remaining funds shall be refunded to the debtor.
4. From the disbursements so made, the trustee shall be entitled to collect the percentage fee established by the Attorney General pursuant to 28 U.S.C. § 586(e)(1)(B) in effect at the time the attorney's fee is paid.

IT IS SO ORDERED.

Dated: August 9, 2006


MARILYN MORGAN
United States Bankruptcy Judge


ARTHUR S. WEISSBRODT
United States Bankruptcy Judge