

*United States Bankruptcy Court
Northern District of California
San Jose Division*

GUIDELINES FOR PAYMENT OF ATTORNEY'S FEES
IN CHAPTER 13 CASES

The following are guidelines for the circumstances under which a detailed fee application need not be filed in Chapter 13 cases and the manner in which the Chapter 13 Trustee will disburse fees which are approved.

1. Counsel may receive an order approving fees and costs up to the amounts set forth in Paragraph 2 without filing a detailed application if:

- (a) Counsel has filed and served the Chapter 13 Trustee with an executed copy of the "Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys," copies of which are available on the Court's website;
- (b) No objection to the requested fees has been raised.

2. The maximum fee that can be approved through the procedure described in Paragraph 1 is:

- \$ 3300 for the basic case; and an additional
- \$ 1350 if the case involves real property claims;
- \$ 500 for each additional parcel of real property with an encumbrance of at least \$10,000;
- \$ 650 for filing a motion to commence or extend the automatic stay;
- \$ 700 if the case involves state or federal tax claims;
- \$ 700 if the case involves vehicle loans or leases;
- \$ 1800 if the case involves an operating business;
- \$ 800 if the case involves support arrears claims;
- \$ 300 if the case involves student loans;
- \$ 300 if the case involves 25 or more creditors, including collection agencies and attorneys.

Additional flat fees for services rendered will be automatically approved, upon application by the attorney without requiring the submission of time records, as follows:

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| Post confirmation plan modifications filed: | |
| a. Not requiring amended Schedules I & J | \$ 400 |
| b. Requiring amended Schedules I & J | \$ 600 |
| Permission to sell, refinance, or purchase real property, or one or more motions to avoid judicial liens: | |
| a. Not requiring court hearing | \$ 600 |
| b. Requiring court hearing | \$ 850 |
| New motions for relief from the automatic stay, excluding unopposed motions, filed more than one year after the petition date: | |
| a. Regarding personal property | \$ 500 |
| b. Regarding real property | \$ 650 |
| Motions to dismiss, convert, or reconvert, excluding Trustee's notices of default regarding plan payments: | |
| | \$ 450 |
| (No additional fee allowed for pre-confirmation motions to dismiss.) | |

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| Preparation of tax returns. This is not required by debtor's counsel, but is optional: | \$ 200 for each year |
| Motions or adversary proceedings to value and/or avoid real property liens. Only one additional fee is allowed per parcel irrespective of the number of liens avoided. | \$ 1200 for first lien + \$400 per each additional lien |

3. If an executed copy of the "Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys" is not filed or there is an objection, an order will not be entered automatically pursuant to these Guidelines.
4. If counsel elects to be paid other than pursuant to these Guidelines, all fees including the retainer must be approved by the court whether or not the fees are payable through the Chapter 13 Trustee's Office and whether or not fees are paid for services in connection with the Chapter 13 case.
5. If counsel applies for fees, counsel must comply with Rules 2002 and 2016 of the Federal Rules of Bankruptcy Procedure, as well as the "Guidelines for Compensation and Expense Reimbursement of Professionals" adopted by the Bankruptcy Judges of the Northern District of California.
6. Counsel may request reimbursement of out-of-pocket court fees advanced, even if counsel elects to receive the automatic fees available in Paragraph 2.
7. On its own motion or the motion of any party in interest, the court may order a hearing to review any fee whether paid or unpaid.