

FILED
November 30, 2009
U. S. Bankruptcy Court
District of Colorado
Bradford L. Bolton, Clerk

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO**

IN THE MATTER OF CHAPTER 13 FEE
GENERAL PROCEDURE ORDER

GENERAL PROCEDURE ORDER NUMBER 2009-4

THIS MATTER comes before the Court pursuant to L.B.R. 2016-3 wherein the Court is charged with issuing a Chapter 13 Fee GPO to set a presumptively reasonable fee allowance. Accordingly,

IT IS HEREBY ORDERED that the presumptively reasonable fee allowance is set at \$3300 ("PRF amount"), as a total fee (not including expenses) for the timely rendering of Basic Services, as necessary and appropriate, listed on attached Exhibit A. The PRF amount will be applicable to all cases filed on or after December 1, 2009. Cases filed prior to December 1, 2009, remain subject to the PRF amount set in General Procedure Order Number 2007-2.

FURTHER ORDERED that this General Procedure Order is effective commencing December 1, 2009.

Dated: 11/30/09

BY THE COURT:

S/
Howard R. Tallman, Chief Judge
Sidney B. Brooks, Judge
A. Bruce Campbell, Judge
Elizabeth E. Brown, Judge
Michael E. Romero, Judge

Commentary

See L.B.R. 2016-3 and L.B.Form 2016-3.1, L.B.Form 2016-3.4, L.B.Form 2016-3.3 and L.B.Form 2016-3.2.

The PRF does not include services required for adversary proceedings.

EXHIBIT A
BASIC SERVICES ANTICIPATED IN CHAPTER 13 CASES

The following services are Basic Services common to most Chapter 13 cases. Some cases will not require all of these services, but such services are considered essential to competent and effective representation of most debtors in Chapter 13. By utilizing the Presumptively Reasonable Fee (“PRF”) procedure, the attorney for the debtor(s) agrees to perform these services as part of the chapter 13 case. If providing these services results in a fee in excess of the PRF, counsel must apply for fees in accordance with the Bankruptcy Code and Rules. The PRF procedure is intended to cover pre-confirmation fees. If necessary, counsel may file a fee application for fees incurred post-confirmation.

1. Meet with the debtor(s) to review and analyze the debtor(s)' financial situation.
2. Counsel the debtor(s) on whether the filing of a bankruptcy case is appropriate and necessary and, if so, whether to file a Chapter 7 or Chapter 13 case.
3. Advise the debtor(s) of their statutory obligations once a bankruptcy is filed, both pre- and post-confirmation.
4. Evaluate the timing of the filing.
5. Evaluate conflict of interest issues.
6. Explain to the debtor(s) the nature and amount of fees and expenses to be charged for the Basic Services. Provide the debtor(s) with a copy of this Exhibit A of Basic Services.
7. If required to e-file, e-file all documents on debtors behalf.
8. Analyze eligibility for discharge.
9. Prepare and file required documents, including, but not limited to, the schedules and statement of affairs and Form B22 C, Statement of Current Monthly Income, and other information required to be filed by section 521(a) of the Code.
10. Assist the debtor(s) in formulating a budget and Chapter 13 plan.
11. Respond to creditor inquires.
12. Timely supply requested information to the Chapter 13 Trustee.
13. Advise the debtor(s) with regard to the automatic stay.
14. Take appropriate action with respect to the automatic stay.
15. Appear at and represent the debtor(s) at the § 341 meeting of creditors.
16. Review claims filed by the final hearing on confirmation and account for them in the plan.
17. Represent the debtor(s) in negotiations with the Chapter 13 Trustee.
18. Prepare and file any necessary amendments to schedules, statements and proposed plans.
19. Where Debtor(s) own real estate or has lawsuits, obtain a lien search and if applicable, prepare and file motions for avoidance of liens.
20. Represent the debtor(s) at any Rule 2004 examination.
21. File or object to proofs of claim, as necessary.
22. If appropriate, prepare and file responses to motions and appear at any hearings.
23. Represent debtors in plan confirmation process and attend hearing if necessary on objections to confirmation.
24. Prepare all proposed orders and give all notices as required.
25. Comply with T.L.B.R. 1017 and 3015, 11 U.S.C. §§ 521 and 1308.