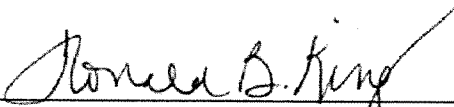



SIGNED this 29th day of May, 2008.





Ronald B. King
United States Chief Bankruptcy Judge



Leif M. Clark
United States Bankruptcy Judge



Frank R. Monroe
United States Bankruptcy Judge



Craig A. Gargotta
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION

**STANDING ORDER RELATING TO ATTORNEY FEES IN CHAPTER 13
CASES IN THE MIDLAND-ODESSA DIVISION**

This Standing Order modifies the Standing Order for Chapter 13 Case Administration for the Midland-Odessa Division entered November 17, 2005 (referred to in this Standing Order as the "Standing Order for Chapter 13 Case Administration"), which remains in effect except as modified herein.

The provisions of this Standing Order shall apply to all Chapter 13 cases with plans confirmed on or after entry of this Standing Order.

Section 12 of the Standing Order for Chapter 13 Case Administration is amended in its entirety as follows:

12. ATTORNEY'S FEES:

The United States Bankruptcy Court for the Western District of Texas, Midland-Odessa Division, may determine and maintain a standard benchmark fee for routine non-business Chapter 13 cases and a standard benchmark fee for routine business Chapter 13 cases.

The benchmark fee for routine Chapter 13 cases with plans confirmed on or after the entry date of this Standing Order shall be \$3,200.00 for non-business cases and \$3,700.00 for business cases.

For an attorney representing a debtor in a routine Chapter 13 case, a fee not exceeding the applicable benchmark fee is presumed (subject to rebuttal for cause shown) to be reasonable compensation for those services rendered and reimbursement of those expenses considered included in the benchmark fee as set forth below.

In a routine Chapter 13 case, the following services and related expenses are considered to be included in the benchmark fee:

- A. All pre-confirmation conferences with debtor(s) and all conferences with debtor(s) after confirmation that pertain to the other services listed below;
- B. Preparation (and service if applicable) of the petition and its associated forms, schedules, statement of financial affairs, plan, all pre-confirmation amendments to all such documents, and any motion to extend time to file such documents;
- C. Attendance at the Section 341 meeting of creditors (including reset meetings);
- D. Attendance at the confirmation and discharge hearings (including reset confirmation and discharge hearings);
- E. Preparation, service, and representation of the debtor in connection with routine motions, responses or other documents or pleadings, which shall be deemed to include the following:
 1. Requests for moratorium (whether by motion or by administrative procedure);
 2. Motions to waive pay order;
 3. Motions to pay filing fees in installments;
 4. Motions for waiver of credit counseling;
 5. Motions for continuance of the stay under 11 U.S.C. Section 362(c)(3);
 6. Objections to claims and motions to value property or to avoid liens;
 7. Responses concerning pre-confirmation lift stay motions under 11 U.S.C. Section 362; and
 8. Motion and Affidavit requesting issuance of Discharge Order.

- F. Making and performing the disclosures and duties required by 11 U.S.C. Sections 527 and 528, and assisting the debtor in complying with the requirements of 11 U.S.C. Section 521, and in a business case, assisting the debtor in complying with requirements of 11 U.S.C. Section 1304; and
- G. Other miscellaneous normal, customary services including correspondence and communication with debtor, review of correspondence from debtor, and communication with the Trustee, Trustee's office and Clerk's office.

Notwithstanding the foregoing, an attorney may for cause shown request the allowance of fees in excess of the benchmark fee for the routine services and reimbursement of expenses as set out above. Any such request must be made by motion, on notice and opportunity for hearing in the manner provided below.

Debtor's attorney may request an award of fees for additional services and/or reimbursement of expenses beyond those specified above, on motion, notice and opportunity for hearing. Such request may be by separate motion or in the motion that constitutes the additional services. However, any such request for the payment of fees and/or reimbursement of expenses from debtor may not be included in a responsive pleading (such as a response to a motion filed by another party), but instead must be made by separate motion.

Any motion requesting fees and/or reimbursement of expenses in relation to representing the debtor shall set forth in the caption of the motion, in the body of the motion, and in the form of order submitted to approve the award of fees the ordinal number of the request for fees. The body of the motion shall state the total of fees requested to date (including the initial fee and any other additional fee awards), the specific basis for the fee request, the proposed source of payment of the fees and expenses requested (e.g. directly by the debtor, through the plan, from sales proceeds, etc.), and the anticipated effect of the allowance of the additional fees and expenses on the plan (including without limitation its feasibility and the amount of any reduction in the percentage payment of unsecured creditors' claims). Such motion shall be served on all parties-in-interest in the case.

Attorney's fees awarded in the confirmation order that are to be paid through the plan will be disbursed according to the provisions of the plan subject to the following conditions. The plan must specifically state the monthly amount to be disbursed in attorney's fees. Unless specifically ordered otherwise by the Court upon motion, notice and opportunity for hearing, such monthly amount shall not exceed \$750.00 for the first disbursement following confirmation, and then \$250.00 per month thereafter.

Attorney fees paid after entry of the order confirming the plan shall be payable from available funds after payment of administrative expenses and any payments specifically court ordered, including any court ordered adequate protection payments.

After confirmation, any additional attorney's fees (and/or reimbursement of expenses) awarded that are to be paid through the plan shall be paid only after all fees awarded in the confirmation order have been paid in full. Such additional fees (and/or expenses) shall then be paid at a total rate of not more than \$250.00 per month, or if greater, in the amount necessary to complete payment within the remaining term of the plan. An attorney may request payment at a different rate only upon a showing of unusual circumstances which shall be specifically set forth in the motion requesting such fees.

An attorney representing a Chapter 13 debtor shall not demand or receive a post-petition payment from the debtor without approval by the Court of the fees and/or expenses for which such payment is to be made. Additionally, the establishment herein of a benchmark fee and the procedures for requesting approval of additional fees shall not be construed as any basis to demand or receive any fees or reimbursement of expenses in an amount greater than that otherwise allowed for under the attorney's employment agreement with the debtor.

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