

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**In re:**

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§  
§

**Case No.** \_\_\_\_\_  
**(Chapter 13)**

**BANKRUPTCY RULE 2016(b) DISCLOSURE AND  
APPLICATION FOR APPROVAL OF FIXED FEE AGREEMENT  
(Non-Standard Case)**

[NAME OF ATTORNEY] files this FED. R. BANKR. P. 2016(b) Disclosure and Application for Approval of Fixed Fee Agreement. I represent that this is a case in which the debtor is self employed or is the owner of a business in which (i) the gross receipts have averaged more than \$10,000.00 per month in the 6 months preceding the filing of the case; (ii) trade credit is incurred in the production of income and the normal due date for the trade credit is greater than 30 days; (iii) the business has employees who are not related to the Debtors within the third degree of consanguinity; (iv) the business operates with a liquor license; or (v) any other reason that in the opinion of the chapter 13 trustee justifies a more thorough investigation of the Debtor than is reasonably possible at the 341 meeting of creditors

1. I have agreed to provide the following services to the Debtors on a fixed fee basis:
  - A. Counsel with the Debtors on an as needed basis.
  - B. Prepare and file a proposed chapter 13 plan and any required amendments to the plan. If required, I will file a “Uniform Motion to Amend Confirmed Chapter 13 Plan to Satisfy Recently Filed, Timely Proofs of Claim” in accordance with BLR 3015-1(e).
  - C. Prepare and file the documents required by § 521 of the Bankruptcy Code and any required amendments.
  - D. Prepare and file miscellaneous motions required to protect the Debtors’ interests in the case.
  - E. Prepare and file responses to motions filed against the Debtors—even if the response is a statement that the Debtors do not oppose the relief.
  - F. Attend the § 341 meeting.
  - G. Attend the confirmation hearing, if required under the circumstances, pursuant to an order entered in the chapter 13 case, or pursuant to local rules.
  - H. Advise the Debtors concerning their obligations and duties pursuant to the Bankruptcy Code, Bankruptcy Rules, applicable court orders and the provisions of their chapter 13 plan.
2. The fixed fee agreement does not include the following services:
  - A. Representation of the Debtors in an adversary proceeding, either as a plaintiff or a defendant.

- B. Representation of the Debtors in a contested matter, the subject of which is extraordinary in the context of chapter 13 cases in the United States Bankruptcy Court for the Southern District of Texas.
- C. Representation of the Debtors in any matter in which the Court orders fee shifting pursuant to which fees are to be paid by a person other than the Debtors.
- D. Except as set forth in paragraph 1B or paragraph 4, representation on matters for which the first hearing is set more than 120 days following confirmation.

3. I have agreed to the following fees and reimbursements:

- A. I have agreed to a fixed fee (including all expenses except reimbursement of the filing fee) in the amount of \$\_\_\_\_\_ [insert amount not to exceed \$4,500.00]. I have received \$\_\_\_\_\_ for representing the Debtor in this case. Therefore the balance due from the trustee as an administrative expense is \$\_\_\_\_\_. I agree that if the case is dismissed before the plan is confirmed or less than 120 days after confirmation, the maximum fee allowed under this provision is \$4,100.00. If the chapter 13 plan is not confirmed by the conclusion of the first confirmation hearing that occurs after the non-governmental claims bar date, then I agree that the fee will be reduced by \$300.00.
- B. I have advanced the filing fee of \$\_\_\_\_\_. [If no filing fees have been advanced, insert \$0.00]. Therefore, in addition to the amounts set forth above, the trustee shall reimburse to me that sum as an administrative expense of the estate.
- C. I will provide those services required after the Debtor makes the final payment required under the chapter 13 plan to assist my client in obtaining a chapter 13 discharge. There will be no additional charge imposed for this service, unless the service required to obtain the chapter 13 discharge is extraordinary, in which event I may apply for additional fees.

4. The following services will also be provided, if needed, on a fixed fee basis, including all hourly fees and expenses [check 0-3 boxes]. Payment may be made directly by the Debtors or through the confirmed plan:

- A.  Motions for relief from the stay for which the first hearing date is more than 120 days following confirmation and which are resolved by agreement. The fixed fee is in the amount of \$\_\_\_\_\_ [insert amount not to exceed \$275.00].
- B.  Motions filed by the chapter 13 trustee seeking dismissal of the case, for which the first hearing date is more than 120 days following confirmation, and for which there is an agreement or no opposition. The fixed fee is in the amount of \$\_\_\_\_\_ [insert amount not to exceed \$275.00].
- C.  Debtors' motion to modify plan for which the first hearing date is more than 120 days following confirmation. The fixed fee is in the amount of \$\_\_\_\_\_ [insert amount not to exceed \$450.00], plus the actual out-of-pocket postage costs for service of the motion to modify the plan.
- D. Review of a notice by Mortgage Holder of Adjusted Payment Amount which is filed more than 120 days following confirmation. The fixed fee is in the amount of \$\_\_\_\_\_ [insert amount not to exceed \$300.00].

5. I have not shared or agreed to share any of the compensation paid or to be paid. The following sets forth all of the compensation that is being paid by any person or entity other than the Debtors. Describe: \_\_\_\_\_

\_\_\_\_\_.

6. Counsel certifications:

A. I certify that the foregoing is a true and correct statement of the compensation that I have been paid or that has been agreed to be paid to me.

B. I certify that the undersigned attorney (or another attorney supervised by the undersigned and who is licensed to practice law) met in person with the debtors for not less than 1 hour. I understand that time spent exclusively with a paralegal or other person not licensed to practice law may not be included in the 1 hour.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Counsel to the Debtors