United States District Court
Southern District of Texas
ENTERED

JUN 8 2004

Michael N. Milby, Clerk
By Deputy Clerk M. Gossett

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

In re:	§	
	§	**Supplement to**
Chapter 13 Fee Applications	§	**General Order 2004-5**

REVISION TO
ORDER REGARDING CHAPTER 13 DEBTORS' COUNSEL'S FEES

Attached is a revised Exhibit "A" to General Order 2004-5.

Signed on June 8, 2004.

Marvin Isgur
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT "A"
IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re:	§	**Case No. _____**
	§	**(Chapter 13)**
	§	

BANKRUPTCY RULE 2016(b) DISCLOSURE AND
APPLICATION FOR APPROVAL OF FIXED FEE AGREEMENT

[NAME OF ATTORNEY] files this Bankruptcy Rule 2016(b) Disclosure and Application for Approval of Fixed Fee Agreement.

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.

C. Prepare and file the required schedules and statements 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 4 below, representation on matters for which the first hearing is set more than 120 days following confirmation.

3. Check the box for subparagraph A or B and check the box for subparagraph C if applicable.:

A. [Check box if applicable]. 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 $2,460.00]. 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 my fee shall be paid from one half of the funds available for distribution by the Trustee until I am paid in full, except that if the case is dismissed before confirmation or less than 120 days after confirmation, the maximum fee allowed under this provision is $1,800.00 and I shall be paid pro rata with other administrative expenses from the trustee's distribution on dismissal.

B. [Check box if applicable]. 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 $2,050.00]. I have received $_____ for representing the Debtor in this case. Therefore the balance due from the trustee as an administrative expense is $_____. If the case is dismissed before confirmation or less than 120 days after confirmation, the maximum fee allowed under this provision is $1,800.00.

C. [Check box if applicable]. I have advanced the filing fee of $_____. Therefore, in addition to the amounts set forth above, the trustee shall reimburse to me that sum as an administrative expense of the estate.

4. The following services will also be provided, if needed, on a fixed fee basis [check none to three boxes]. Payment may be made directly by the Debtors or through the confirmed plan:

A. [Check box if applicable]. 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 $250.00].

B. [Check box if applicable]. 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 $250.00].

C. [Check box if applicable]. 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 $400.00].

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 Debtor(s). Describe: _____

_____

_____

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.

Dated: _____

_____
Counsel to the Debtor(s)