

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN
DISTRICT OF MISSOURI
BAPCPA**

**2005 STANDING ORDER NO. 3
PAYMENT OF DEBTOR'S ATTORNEY'S FEES THROUGH THE CHAPTER 13
PLAN**

Local Rule 2016-1B is modified as follows for Chapter 13 cases filed on or after October 17, 2005:

1. If debtor's attorney's total fee in a case is \$2,000 or less, the disclosure of fees in the initial filings is sufficient and it is unnecessary to file any itemized application.
2. If counsel for the debtor in Chapter 13 elects to receive his or her attorney's fees, or any portion thereof, through the Chapter 13 plan, the plan must provide for an "equal monthly amount" for those attorney's fees in a sum which does not cause the plan to violate 11 U.S.C. §1322(a)(1).
 - a. The Chapter 13 trustee shall not prepay any portion of attorney's fees ahead of any claimant who is to be paid an "equal monthly amount."
 - b. In the event the proposed plan payment is not sufficient to cover the "equal monthly amount" proposed for the payment of attorney's fees and the Chapter 13 trustee's statutory maximum fee, the filing of the plan on behalf of the debtor shall be deemed a waiver of the right to receive that "equal monthly amount" and the Chapter 13 trustee shall set an "equal monthly amount" which will resolve any §1322(a)(1) issue.
 - c. If the Chapter 13 plan does not provide for an equal monthly amount for the payment of attorney's fees and the attorney is authorized/ordered to receive his or her fees, or a portion thereof, from the Chapter 13 plan payments, the Chapter 13 trustee shall set those fees to be paid an equal monthly amount not less than \$1.00 and not more than \$150.00.
3. If the Chapter 13 case dismisses or converts and the debtor's attorney is owed fees:
 - a. Pre-confirmation:
 - i. The attorney is not entitled to payment of attorney's fees from the trustee other than from funds received on or before the date of the entry of the order of dismissal/conversion which otherwise would be refunded to the debtor; and
 - ii. In order to obtain those funds, less the trustee's fee, the Court must enter an order upon a timely filed motion.

- b. Post-confirmation the trustee shall distribute funds to creditors, including debtor's attorney, pursuant to the terms of the confirmed plan as funds are available.

This order is in effect until further notice or order of the court.

Dated: September 6, 2005

/s/ Jerry W. Venters
Jerry W. Venters, Chief Bankruptcy Judge

/s/ Arthur B. Federman
Arthur B. Federman, Bankruptcy Judge

/s/ Dennis R. Dow
Dennis R. Dow, Bankruptcy Judge