

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

In re:

Case No. 6:07-bk-06756-ABB
Chapter 11

CHURCH OF GOD VALLEY OF
BLESSING OF CENTRAL FLORIDA,
INC.,

Debtor.

ORDER

This matter came before the Court on the Application for Allowance of Attorney's Fees as Attorney for the Debtor in Possession and Reimbursement of Expenses (Doc. No. 63) ("Application") submitted by Prabodh C. Patel and Moyer, Straus & Patel, P.A., counsel for the Debtor in Possession (collectively "Applicant"), seeking an award of fees of \$7,062.50 and expenses of \$1,039.00 incurred during the period December 26, 2007 through June 6, 2008 pursuant to 11 U.S.C. Section 330. A hearing was held on July 15, 2008 at which Applicant and counsel for the creditor Fifth Third Bank appeared. The Application is unopposed.

The Application is deficient in several respects:

- (i) Applicant received a prepetition retainer which it apparently fully expended for fees and costs. Applicant fails to explain whether it is seeking ratification of such expenditure or whether it seeks an award of fees in addition to the retainer expenditure.
- (ii) The Applicant's filings (Applicant's Rule 2016 Statement, Employment Application, and the Application) are inconsistent regarding the retainer and do not clarify what retainer amount was actually received, how

retainer funds were utilized, and when retainer withdrawals were made.

- (iii) The Applicant's filings do not clarify who paid the Chapter 11 filing fee.
- (iv) The Application states Applicant expended 88.5 hours of professional services. The time records attached to the Application reflect only 28.25 hours of professional services.
- (v) The time records do not reflect who performed the services.

Accordingly, it is

ORDERED, ADJUDGED AND DECREED that Applicant is hereby directed to file within fourteen (14) days of the date of entry of this Order an Amended Application addressing each of the deficiencies identified hereinabove.

Dated this 12th day of August, 2008.

/s/ Arthur B. Briskman
ARTHUR B. BRISKMAN
United States Bankruptcy Judge