

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 Amended Application for Allowance of Attorney's Fees as Attorney for the Debtor in Possession and Reimbursement of Expenses (Doc. No. 69) ("Amended Application") submitted by Prabodh C. Patel and Moyer, Straus & Patel, P.A., counsel for the Debtor in Possession (collectively "Applicant"), seeking an award of \$7,250.00 pursuant to 11 U.S.C. Section 330. A hearing was held on July 15, 2008 at which the Applicant and counsel for the creditor Fifth Third Bank appeared. The Amended Application is unopposed.

Applicant was paid a prepetition retainer of \$7,250.00 of which \$1,039.00 was utilized to pay the Chapter 11 filing fee. It seeks an award of costs of \$1,039.00 and the balance of the retainer, \$6,211.00, for fees stating it will "accept the total sum of \$7,250.00 in full satisfaction of its fee claim, including its expenses."

Applicant expended 28.25 hours during the period December 26, 2007 through June 6, 2008 billed at the rate of \$250.00 resulting in fees of \$7,062.50. The reasonableness of attorney fees and costs is determined through an examination of the criteria enunciated in In the Matter of First Colonial Corp. of America¹ and Johnson v. Georgia Highway Express, Inc.²

¹ The Court in In the Matter of First Colonial Corp. of America, 544 F.2d 1291 (5th Cir.1977) stated:

In order to establish an objective basis for determining the amount of compensation that is reasonable for an attorney's services, and to make meaningful review of that determination possible on appeal, we held in Johnson v. Georgia Highway Express, Inc., 488 F.2d at 717-19, that a district court must consider the

After consideration of the First Colonial and Johnson factors and Applicant's statement it will accept the balance of the retainer as payment in full for its fees, the reasonable number of hours for the services performed by Applicant is 24.844 at a rate of \$250.00 per hour, for a fee award of \$6,211.00. The reasonable costs incurred by Applicant are \$1,039.00. Applicant is due to be awarded fees and costs of \$7,250.00.

Accordingly, it is

ORDERED, ADJUDGED AND DECREED that Applicant is hereby awarded fees of \$6,211.00 plus \$1,039.00 in costs, for a total award of \$7,250.00 pursuant to 11 U.S.C. Section 330 with such award to be paid from the retainer held by Applicant.

Dated this 25th day of August, 2008.

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

following twelve factors in awarding attorneys' fees...

First Colonial at 1299.

² Johnson v. Georgia Highway Express, Inc., 488 F.2d 714 (5th Cir. 1974). The twelve Johnson factors are:

- (1) the time and labor required;
- (2) the novelty and difficulty of the questions involved;
- (3) the skill requisite to perform the legal service properly;
- (4) the preclusion of other employment by the attorney due to acceptance of the case;
- (5) the customary fee;
- (6) whether the fee is fixed or contingent;
- (7) time limitations imposed by the client or the circumstances;
- (8) the amount involved and the results obtained;
- (9) the experience, reputation, and ability of the attorneys;
- (10) the "undesirability" of the case;
- (11) the nature and the length of the professional relationship with the client;
- (12) awards in similar cases.

Johnson at 714.