

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

In re:

Debtor's Attorney Fees in  
Chapter 13 Cases

Administrative Order FTM-2010-2

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SECOND AMENDMENT TO ORDER  
ESTABLISHING PRESUMPTIVELY REASONABLE  
DEBTOR'S ATTORNEY FEE IN CHAPTER 13 CASES

On August 31, 2007, the judges of the United States Bankruptcy Court for the Middle District of Florida, Tampa Division ("Court"), entered an Order Establishing Presumptively Reasonable Debtor's Attorney Fee in Chapter 13 Cases (Doc. No. 31) ("Fee Order"). On September 19, 2007, the Court entered an Amendment to Order Establishing Presumptively Reasonable Debtor's Attorney Fee in Chapter 13 Cases (Doc. No. 33), which amended paragraph 4 of the Fee Order. The purpose of this Second Amendment to Order Establishing Presumptively Reasonable Debtor's Attorney Fee in Chapter 13 Cases is to amend paragraph 2 of the Fee Order.

Paragraph 2 of the Fee Order contains a list of *a la carte* items for which an attorney may be compensated as an administrative expense. Recently, there has been a substantial increase in the filing of motions to strip liens pursuant to 11 U.S.C. § 506(d) and *Tanner v. FirstPlus Financial, Inc. (In re Tanner)*, 217 F.3d 1357, 1359-60 (11th Cir. 2000). The Court deems it appropriate to further amend the Fee Order to include such motions as an *a la carte* item. Accordingly, paragraph 2 of the Fee Order is amended to read as follows:

“2. The “soup to nuts” approach to services to be provided as mandated by *Newman* is modified to allow a limited list of “a la carte” matters for which an attorney may be compensated as an administrative expense to be paid under the terms of the confirmed plan. These items are limited to the following matters (“a la carte items”) for which a fee of \$275 (if no hearing is required) or (\$375 if a hearing is held)<sup>1</sup> will be allowed as an addition to the Presumptively Reasonable Fee:

- a. Motions for reconsideration of an order dismissing the case;
- b. Motions to amend or modify plan;
- c. Motions for approval of sale or refinancing;
- d. Motions to approve settlements of any causes of action, such as, for example, personal injury or a workers' compensation claim;
- e. Motions to approve early termination of chapter 13 plan;
- f. Motions to impose the stay pursuant to section 362(c)(4); and
- g. Motion to determine secured status of homestead mortgage and to strip lien (provided, however, that if two or more motions to determine secured status are set for hearing together, only one will merit a \$375 hearing attendance fee, with the remaining motions each meriting only the \$275 fee);
- h. Motion to approve mortgage modifications.

The additional fee may be requested in a motion meeting the description of any of the *a la carte* items. The Court may then include in the order on the motion an award of the presumptively reasonable fee for the services in connection with the motion.”

DONE and ORDERED in Chambers on May 2, 2011.



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David H. Adams  
United States Bankruptcy Judge

<sup>1</sup> The dollar amounts set forth in this Order reflect the readjustment of the amounts stated in the Fee Order utilizing the methodology set forth in section 104(b) of the Bankruptcy Order; effective April 9, 2010.