

Information & Instructions: Application, Notice of Hearing and Order For Payment Of Attorney's Fees

**PREVIEW**

1. Use this form after the bankruptcy court has signed the order appointing the debtors' attorney as attorney of record.
2. This form is used to obtain the court's approval of fees to be paid to the attorney.
3. Many attorneys obtain money from their clients and assume that the fee is owed, however all moneys paid the attorney are subject to the court's approval.
4. Failure to obtain the court's approval may require the attorney to have his or her attorney's fees disapproved, reduced or rejected.

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**Form: Application For Payment Of Attorney's Fees**

[Name of attorney in charge]  
 [Address]  
 [Telephone and facsimile numbers.]  
 [Federal identification no.]  
 Attorneys for [the Movant's name]

**UNITED STATES BANKRUPTCY COURT**

**THIS DOCUMENT**  
OF THE [NAME] DISTRICT OF TEXAS [FAMILY DIVISION]

**In Re** Case No. \_\_\_\_\_

**[Debtor's Name]** Chapter \_\_\_\_\_

[Number of application, e.g., 1st, 2d, etc.] **APPLICATION FOR INTERIM COMPENSATION OF ATTORNEYS**

**FOR SERVICES RENDERED BY ATTORNEYS FROM [Date] THROUGH [Date]**

**THANK YOU**

[Name] ("Applicants"), counsel for [Name], Debtor in possession in the above styled and numbered bankruptcy, files this [Number of application, e.g., 1st, 2d, etc.] Application for Interim Compensation (the "Application").

This Application seeks payment for legal services rendered and reimbursement for actual and necessary costs and expenses incurred on behalf of the Estate for the benefit of

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the Estate during the course of the above case from [Date] through and including [Date], and in support thereof would show this honorable Court as follows:

**PREVIEW**

1. This case was commenced by the filing of a Chapter [Number] petition for reorganization in this Court on [Date].
2. By Order dated [Date], retention of the undersigned was approved by this Court pursuant to 11 U.S.C. § 327.

a. A copy of said Order authorizing retention of the undersigned is attached to the Affidavit of the undersigned attorney as Exhibit "A".

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b. Applicants maintain regular records of time and disbursements and charges for services rendered to the Estate.

c. Said records, maintained on a computer, have been reduced to written form and are set forth in the attached Affidavit of the undersigned attorney.

3. Applicants have been continuously engaged in the handling of this bankruptcy case, [including, without limitation, an adversary proceeding involving the debtor as a Defendant and the [Name] as a Plaintiff. Said cause of action involves multiple parties and seeks judgment in a sum in excess of all of the present assets of the Estate.]

**THIS DOCUMENT**

4. Legal services have been rendered and expenses have been incurred by the Applicants from the commencement of this bankruptcy case through date of filing hereof.

a. [The initial retainer paid by the debtor to the Applicants, which was previously approved by this Court and authorized to be paid, was in the sum of \$ [Amount].]

**THANK YOU**

5. As set forth in Exhibit "B" (detailed summary of services rendered and expenses incurred), legal services in the sum of \$ [Amount] have been rendered the Estate, and

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expenses in the sum of \$ [Amount] have been incurred for the period from [Date] until [Date].

**PREVIEW**

6. The legal services rendered by the Applicants were performed for the benefit of the Estate and not on behalf of any committee or individual creditor or any other person.

a. All such legal services accrued to the benefit of the Estate and the creditors of the Estate.

b. No agreement or understanding exists between Applicants and any other person with respect to sharing compensation to be received by Applicants for services rendered or to be rendered.

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7. Applicants seek compensation in the sum of \$ [Amount] for professional services performed from [Date] through and including [Date].

a. Applicants have specifically set forth, in the attached Affidavit of [Name], a detailed description of the time expended for services rendered, and the hourly rates for each professional providing services, as well as an itemization of the out of pocket expenses incurred.

**THIS DOCUMENT**

b. The affidavit of [Name] further attests to the attorney's fees charged as being reasonable and necessary charges, and sets forth biographical information in respect to the training and qualifications of each attorney involved.

c. The details set forth in said Affidavit as to the hours and expenses spent and incurred in this case are specifically incorporated herein.

**THANK YOU**

8. At no time have Applicants held any interest adverse to the Estate of the above named debtor. Applicants would further show that the following factors support the

reasonableness of the fees applied for.  
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a. The statement attached hereto as Exhibit "B" reflects that the time and labor required supports a fee in the amount requested.

**PREVIEW**

b. The novelty and difficulty of the questions presented in the case are reflected in the size of the fee as well, inasmuch as the legal questions presented were handled in a reasonable manner. Applicants believe that they were able to respond to and resolve the legal questions as they arose in this case [and the adversary proceeding] in the most expeditious and efficient manner.

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c. The time required to perform the legal services properly, acted to preclude other employment. This is not an insignificant factor in computing the fees involved, as the services rendered in this case [especially in the adversary proceeding], have been time consuming, and have been essential to the preservation of the Estate to the benefit of all creditors.

d. The fees charged in this case for the attorneys involved were reasonable and necessary, and the usual and customary fees charged for services of a like or similar nature for other clients of this firm, and were the same as or similar to those fees charged by firms through the general vicinity for the services rendered by the attorneys involved.

**THIS DOCUMENT**

e. Applicants' representation in this case is based upon a fixed hourly fee.

f. The debts, assets, and risks of loss involved for the debtor and the creditors of the Estate in this case [and the adversary proceeding] are substantial.

**THANK YOU**

g. A resolution of the adversary proceeding favorable to the debtor will impact positively on the presentation of a plan of reorganization to the Court, possibly resulting in increased payments to all bona fide creditors of the debtor.

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Unavailability of firm's suit for. This was not a factor in this case.

i. Nature and length of the professional relationship with the client.

**PREVIEW**

j. Applicants have previously represented the Debtor in miscellaneous business and/or litigation matters prior to the bankruptcy filing.

k. Applicants would show, upon information and belief, that the fees requested are the same as or similar to other fees allowed by this Court in similar matters. Applicants, however, must rely upon the Court's experience and knowledge with respect to fee awards in similar cases.

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l. Applicants would further show that its last application for interim fees was filed more than 120 days before the filing of this Application, and, as noted, were approved for the most part by Order dated [Date].

9. In preparing and filing this Application, Applicants have expended [Number] hours of attorney time, for a charge of \$[Amount] which is incorporated in the total amount of interim compensation sought.

**THIS DOCUMENT**

PRAYER

Applicants seek approval of and authorization to receive compensation for professional legal services rendered to the Estate, and reimbursement for expenses incurred on behalf of the Estate, all as more particularly set forth above, and for all other and further relief, both at law and in equity, to which Applicants may be justly entitled.

**THANK YOU**

Respectfully submitted,

[Law firm or attorney's name]

By: \_\_\_\_\_

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Name of attorney  
Attorney for [Name]

**PREVIEW** [Address]  
[Telephone & facsimile  
numbers]  
Federal I. D. no. [Number]

**Help Screen: Notice On The Application For Payment Of Attorney's Fees**

1. Use this form to provide notice of the application for payment of attorney's fees.

**Form: Notice On The Application For Payment Of Attorney's Fees**

NOTICE FOR [State the purpose of the application, motion or notice]

**PLEASE DO NOT COPY**  
ALL UNSECURED CREDITORS AND PARTIES OF INTEREST ARE HEREBY ADVISED THAT OBJECTIONS TO THIS APPLICATION MUST BE FILED WITH THE CLERK AND A COPY OF THE OBJECTION DELIVERED TO APPLICANT WITHIN FIVE (5) WORKING DAYS PRIOR TO THE HEARING ON THE APPLICATION.

NOTICE PURSUANT TO [LOCAL RULE 9007]

NO HEARING WILL BE CONDUCTED HEREON UNLESS WRITTEN REQUEST FOR HEARING IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT WITHIN TEN (10) DAYS FROM DATE OF SERVICE HEREOF UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH REQUEST FOR HEARING.

**THIS DOCUMENT**

IF NO HEARING ON SUCH MOTION IS TIMELY REQUESTED, THE MOTION SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT.

**CERTIFICATE OF SERVICE**

I hereby certify that on \_\_\_\_\_, a true and correct copy of the above and foregoing Application for Interim Compensation of Attorneys for Services Rendered by Attorneys from [Date] through [Date], has been served via first class mail, postage prepaid, upon the entities listed on Exhibit "A" attached hereto and by reference made a part hereof for all purposes.

**THANK YOU**

\_\_\_\_\_  
Attorney in charge

SERVICE LIST:

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[List the names and addresses of the debtor, debtor's attorney, U. S. Trustee, and creditors listed in the bankruptcy petition as well as any party who has also filed a Notice of appearance which requests copies of filings.]

**PREVIEW**

Listing of the 20 largest unsecured creditors for a notice of legal representation in a bankruptcy and request for notice of hearings, pleadings and filings in the case

**EXHIBIT "A"**

Name of 20 Largest Unsecured Creditors

[list]

[Name]  
[address]  
[Claim]

Amount of Claim: \$ [Amount].

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**Help Screen: Affidavit for an application for payment of attorney's fees**

1. Use this form to prove up the application for payment of attorney's fee

**Affidavit for an application for payment of attorney's fees**

**AFFIDAVIT FOR AN APPLICATION FOR PAYMENT OF ATTORNEY'S FEES**

**THIS DOCUMENT**

BEFORE ME, the undersigned Notary Public, personally appeared [Name],

known to me, who being duly sworn upon his oath did depose and state as follows:

1. My name is [Name].
2. I am over 21 years of age and otherwise fully competent to make this sworn affidavit.
3. I have personal knowledge of all the facts hereinafter set forth and they are all true and correct.
4. I am a member of the Law Firm of [Name].
5. This firm's retention as counsel to [Name] (debtor) has been previously approved

**THANK YOU**

by the Bankruptcy Court and entered on the file

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6. A copy of said Order authorizing retention of the undersigned is attached to this Affidavit as Exhibit "A".

**PREVIEW**

7. This Application for Interim Compensation of Attorneys for Services Rendered is for the period of time from the [Date] through and including [Date].

8. The attached Exhibit "B" sets forth the dates, time and a brief summary of the work performed by each attorney and/or legal assistant with this law firm on

behalf of the debtor estate in conjunction with the matters concerning which employment of this firm as authorized, for the time period commencing [Date], up

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to and including [Date]:

[Amount] per hour

Paralegals and legal assistants have provided services for the debtor estate at the rate of \$[Amount] per hour for [Number] hours, and for a total of [Amount].

The hourly rates set forth above, as applied to the services set forth in the attached Exhibit "B", were reasonable and necessary, usual and customary, and were those

**THIS DOCUMENT**

rates which were approved by this bankruptcy court. The total of legal services performed by this firm from [Date] through [Date], for which application is hereby made, is [Date]. The services performed and expenses incurred were of a substantial benefit to the estate. Expenses were incurred by this firm in the amount of [Amount].

**THANK YOU**

9. Attached hereto as part of Exhibit "B" is an itemization of reasonable and necessary, usual and customary expenses incurred in representing the debtor estate to date.

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10. By Order dated [Date], this Court also authorized payment to the undersigned of the sum of [Amount] on an interim basis.

**PREVIEW**

11. The total amount in fees and expenses sought by the Application is a total of [Amount].

12. I am an attorney licensed to practice law in the State of Texas.

13. I have been licensed to practice law since [Date] by the Supreme Court of the State of Texas.

14. **PLEASE DO NOT COPY** It is based upon my experience as an attorney in representing such clients that I have expressed the opinions set forth in this affidavit.

\_\_\_\_\_  
[Name]

State of Texas  
County of \_\_\_\_\_

Subscribed and sworn to before me on \_\_\_\_\_ by \_\_\_\_\_

**THIS DOCUMENT**

\_\_\_\_\_  
Signature of officer

\_\_\_\_\_  
Notary's typed or printed name

**THANK YOU**

\_\_\_\_\_  
[or Notary's Stamp]

**Help Screen: Order Granting An Application For Payment Of Attorney's Fees**

1. **LegalFormsForTexas.Com**

Form: Order Granting An Application For Payment Of Attorney's Fees

**PREVIEW**  
UNITED STATES BANKRUPTCY COURT

FOR THE [NAME] DISTRICT OF TEXAS [NAME] DIVISION

In Re Case No. \_\_\_\_\_

[Debtor's Name] Chapter \_\_\_\_\_

**ORDER**

On \_\_\_\_\_ came on for hearing [Name]'s Debtor herein, [Number] Application for Interim Compensation of Attorneys for Services Rendered by Attorneys in

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the sum of \$[Amount] from [Date] through and including [Date], and for payment of paralegal time incurred prior to [Date], filed in the above styled and numbered bankruptcy proceeding.

After argument of counsel and consideration of the pleadings of file, the Court is of the opinion that said Motion is well taken. It is accordingly

**THIS DOCUMENT**

ORDERED, ADJUDGED AND DECREED that [Name]'s, [Number] Application for Interim Compensation of Attorneys for Services Rendered by Attorneys is hereby granted, and that Debtor is hereby authorized to pay [Name] the sum of \$ [Amount] for paralegal fees prior to [Date], \$ [Amount] for legal fees from [Date] through and including [Date], and for expenses from [Date] through and including [Date].

Signed on \_\_\_\_\_ **THANK YOU**

UNITED STATES BANKRUPTCY JUDGE

APPROVED AS TO FORM AND SUBSTANCE:

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[Law Firm's or Attorney's Name]

Attorney for [Name]

[Address]

[Telephone & facsimile numbers]

Federal Bar no. [Number]

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**THANK YOU**

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