

Debtor(s) \_\_\_\_\_

**DISCLOSURE TO DEBTOR OF ATTORNEY'S FEES PROCEDURE  
FOR CHAPTER 13 CASES IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

After consultation with the undersigned attorney, you have decided to file a petition for relief under Chapter 13 of the United States Bankruptcy Code. Accordingly, you are hereby given notice that pursuant to the Local Rules of the Bankruptcy Court, the base fee for a Chapter 13 case is established at \$5,000. Payment of all or part of this fee may be included in your payments to the Chapter 13 trustee. The attorney's services included in the base fee are those normally contemplated in a Chapter 13 case. They are as follows:

- (a) Providing the pre-filing notices required by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005;
- (b) Preparation and filing the required Official Bankruptcy Forms (the petition, schedules, statements, and other documents); supplemental local forms, including the Chapter 13 plan and any amended Chapter 13 plan(s); and the matrix of creditors;
- (c) Circulating a copy of the Chapter 13 plan and any plan amendments to all creditors and interested parties as reflected in the case matrix;
- (d) Drafting and mailing letters to you regarding your attendance at the § 341 meeting of creditors, escrow of first money, and your other responsibilities;
- (e) Preparing for and attending the § 341 meeting of creditors;
- (f) Reviewing the confirmation order and reviewing the status of the case periodically;
- (g) Reviewing the Chapter 13 trustee's motion for determination of status of claims;
- (h) Maintaining custody and control of all case files with original documents for such periods as required by law or local rule;
- (i) Serving orders related to your motions and objections on all affected parties;
- (j) Verifying your identity and Social Security number and furnishing your identification card, tax returns, and payment advices to the Chapter 13 trustee, if required;
- (k) Defending objections to confirmation of your Chapter 13 plan; and
- (l) Preparing and filing Local Form 8 ("Chapter 13 Debtor's Motion for Entry of Discharge") or Local Form 8HD ("Chapter 13 Debtor's Certifications in Support of Motion for Hardship Discharge").

The base fee shall also include the following services to the extent they are requested or reasonably necessary for your effective representation:

- (a) Preparing and filing proofs of claim on your behalf for payment to a creditor;
- (b) Objecting to scheduled and unscheduled proofs of claim;
- (c) Assuming and rejecting unexpired leases and executory contracts;
- (d) Preparing for and attending valuation hearings;
- (e) Defending motions to transfer venue;
- (f) Conferring with you regarding obtaining post-petition credit when no request to the court or the Chapter 13 trustee is ultimately made;
- (g) Avoiding liens pursuant to 11 U.S.C. § 522(f);
- (h) Calculating plan payment modifications when no motion is ultimately filed;
- (i) Responding to creditor contacts regarding plan terms, valuation of collateral, claim amounts, etc.;
- (j) Responding to your communications regarding job losses, changes in financial circumstances, and address changes and advising the court and the Chapter 13 trustee of the same when appropriate;
- (k) Communicating with you, to a reasonable degree, regarding mortgage payment defaults, lease defaults, insurance coverage or the lack thereof, warranties, possible credit disability, life insurance coverage, etc.;
- (l) Upon request of the Chapter 13 trustee, obtaining and providing copies of documents relating to lien perfection issues, such as recorded deeds of trust, purchase money security agreements, etc.;

- (m) Drafting and mailing letters to creditors upon entry of discharge regarding lien releases, turnover of clear title certificates, cancellation of deeds of trust and judgments, etc.;
- (n) Drafting and mailing certified letters to creditors regarding matters related to alleged violations of the automatic stay;
- (o) Drafting and mailing letters regarding voluntary turnover of property;
- (p) Reviewing documents in relation to the use or sale of collateral when no application is ultimately filed;
- (q) Providing you with a list of answers to frequently asked questions and other routine communications from you during the pendency of the case; and
- (r) Requesting plan payoffs from the Chapter 13 trustee.

In some Chapter 13 cases, legal services that are beyond those normally contemplated must be performed. These legal services are not covered by the base fee. These “non-base” services include the following:

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| <ul style="list-style-type: none"> <li>(a) Abandonment of property post-confirmation;</li> <li>(b) Motions for moratorium;</li> <li>(c) Motions for authority to sell property;</li> <li>(d) Motions to modify plan;</li> <li>(e) Motions to use cash collateral or to incur debt;</li> <li>(f) Defense of motions for relief from stay and/or co-debtor stay;</li> <li>(g) Defense of motions to dismiss filed after confirmation of your plan;</li> </ul> | <ul style="list-style-type: none"> <li>(h) Stay violation litigation, including amounts paid as fees by the creditor or other parties;</li> <li>(i) Discharge injunction actions;</li> <li>(j) Adversary proceedings;</li> <li>(k) Motions to turnover property;</li> <li>(l) Conversions to Chapter 7;</li> <li>(m) Motions to substitute collateral;</li> <li>(n) Submission of a Request for Credit Authorization form to the Chapter 13 trustee; and</li> <li>(o) Any other matter not covered by the base fee.</li> </ul> |
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For such non-base services you will be charged either on the basis of the attorney’s time expended at the rate of \$ \_\_\_\_\_ per hour plus the amount of expenses incurred (such as court fees, travel, photocopying, postage, etc.) or pursuant to the schedule of presumptive non-base fees below. These non-base fees are chargeable only after approval by the court. Except as set forth below, before any such fees are charged you will receive a copy of my motion filed in the court requesting approval of any non-base fees as well as a notice explaining your opportunity to object if you do not agree with the fee. Any fees awarded for non-base services will be paid to the undersigned attorney from your payments to the Chapter 13 trustee in the same manner as payment of the base fees. **It is possible that non-base fees approved by the court may cause your payment to the Chapter 13 trustee to be increased or the term of your Chapter 13 plan to be extended.** Whether or not a payment increase or an extension will be necessary depends on the facts of your case. If a payment increase is necessary because of a court-approved non-base fee, the Chapter 13 trustee will notify you of the amount of the increase.

In the court’s discretion, your attorney in a Chapter 13 proceeding may request, in open court and without any other notice, non-base fees for the following services in amounts not exceeding those shown below:

<ul style="list-style-type: none"> <li>(a) Defense of the Chapter 13 trustee’s motion to dismiss and/or modify</li> <li>(b) Motion to modify plan (including motion for moratorium, motion for hardship discharge, motion to approve insurance settlement, and other motions that require plan modification)</li> <li>(c) Substitution of collateral</li> <li>(d) Prosecution or defense of motion for relief from stay and/or co-debtor stay</li> <li>(e) Motion for authority to sell property</li> <li>(f) Motion to obtain credit</li> <li>(g) Permission from the Chapter 13 trustee to obtain credit</li> <li>(h) Motion to extend or impose the automatic stay</li> <li>(i) Preparation and filing of a conduit mortgage proof of claim (Official Bankruptcy</li> </ul>	<ul style="list-style-type: none"> <li>\$200</li> <li>\$450</li> <li>\$450</li> <li>\$450</li> <li>\$450</li> <li>\$450</li> <li>\$200</li> <li>\$350</li> <li>\$350</li> </ul>
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	Form B 410) with a copy of the recorded deed of trust (if no proof of claim has been filed by the creditor on/before the claims bar date)	
(j)	Objection to the proof of claim of a Real Property Creditor	\$450
(k)	Mortgage modification pursuant to the Loan Modification Management (LMM) program	up to \$2000
(l)	Assisting you in applying for a mortgage modification and filing a motion to participate in a trial mortgage modification (non-LMM)	\$450
(m)	Filing a motion to approve a permanent mortgage modification (non-LMM)	\$450
(n)	Filing a motion to declare a mortgage current or paid in full	\$450

(These expenses may be increased by the court at a later date; if so, the increased fees will be charged.)

Without other notice, your attorney may also request [the actual expenses of notice to creditors] OR [up to \$1.50 for each item noticed to creditors as expense for postage, copying, and envelopes] and reimbursement for filing fees charged by the court.

**ACKNOWLEDGEMENT**

I hereby certify that I have read this notice and that I have received a copy of this notice.

Dated: \_\_\_\_\_  
\_\_\_\_\_  
Debtor's Signature

Dated: \_\_\_\_\_  
\_\_\_\_\_  
Debtor's Signature

I hereby certify that I have reviewed this notice with the Debtor(s) and that the Debtor(s) have received a copy of this notice.

Dated: \_\_\_\_\_  
\_\_\_\_\_  
Attorney