

United States Bankruptcy Court, Northern District of California

**GUIDELINES FOR PAYMENT OF ATTORNEY'S FEES IN CHAPTER 13 CASES**

The following are guidelines for the circumstances under which a detailed fee application need not be filed in Chapter 13 cases. If counsel elects to be paid other than pursuant to these presumptively reasonable fees, all fees including the retainer must be approved by the court whether or not the fees are payable through the Chapter 13 Trustee's Office.

Counsel may receive an order approving the presumptively reasonable fees and costs up to the amounts set forth below without filing a detailed application if:

- a. Counsel has filed an executed copy of the *Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys*, copies of which are available on the Court's website; and
- b. No unresolved objection to the requested fees has been raised.

The maximum fees that can be approved through this procedure are:

<b>BASE CASE FEES</b>	
Basic case	\$5,200
Operating business — if Schedules I & J show business income & expenses	3,000
Business closed within six months prior to petition date	1,500
Real property (principal residence) with liens	3,000
Other real property with liens in default	1,500
Other real property with liens not in default	800
Tax claims	1,200
Student loans - excluding adversary proceedings	500
Cases with 25 or more creditors	500
Personal property loans or leases (\$2,000 /+ owed) (each) – <b>no</b> Motion or Attachment	900
Manufactured homes or mobile homes with secured claim(s) (each)	1,500
Domestic support arrears	1,000
Motions to extend or impose the automatic stay	1,500
Motion or plan with Attachment B: to value secured claim (each) [\$600 for Motion/Attachment + \$900 for personal property loans or leases = \$1,500]	1,500
Motion or plan with Attachment C: to void wholly unsecured lien (each)	1,500
Motion or plan with Attachment D: to avoid 522(f) lien (each)	1,500

Additional flat fees for services rendered will be automatically approved, upon application by the attorney without requiring the submission of time records, as follows:

<b>ADD ON FEES – If the Case Involves Issues Referenced (per Instance)</b>	
Post-confirmation plan modification (each)	1,000
Post-confirmation Amended Schedules I & J	500
Application or motion to sell, refinance, convey title, or purchase real property – no hearing set	1,000
Application or motion to sell, refinance, convey title, or purchase real property – yes, hearing set	1,300
Motion for relief from stay re personal property, if debtor's attorney opposes – yes, hearing set	1,000
Motion for relief from stay re real property, if debtor's attorney opposes – yes, hearing set	1,300
Post-confirmation motion to dismiss, if debtor's attorney opposes	500
Motion to modify plan filed by Trustee or creditor, if debtor's attorney opposes	1,000
Objections to claim, if no opposition is filed by creditor	500
Objections to claim, if opposition is filed by creditor & hearing is set	1,000
Mortgage Modification Mediation Program — inclusive, no additional flat fee for costs	3,500
<u>Regarding new procedures announced by the US Dept of Education and US Dept of Justice:</u> If mutually agreed by debtor and attorney, adversary proceedings re student loans which are intended to result in uncontested undue hardship discharges; in addition, attorney may apply for additional fees exceeding this add on fee based on time records for this matter only. If the adversary proceeding becomes contested, debtor's counsel may choose to terminate representation of the debtor in the adversary, or may continue the contested representation as may be mutually agreed with the debtor.	4,500

In addition, if the presumptively reasonable fees ordered by the court are not sufficient to compensate the attorney for the legal services rendered and costs incurred in the case, the attorney may apply to the court for approval of additional fees and costs, attaching a supporting declaration with time records verifying the fees as reasonable, necessary, and not previously compensated by the fees provided herein. Reimbursement of advanced court fees shall be awarded independently of other fees and costs. Fees shall be paid through the plan unless otherwise ordered. The attorney may not receive fees directly from the debtor other than the initial retainer. If the debtor disputes the legal services provided or the fees charged by the attorney, debtor may file an objection with the court and set the matter for hearing. On its own motion or the motion, the court may order a hearing to review any fee whether paid or unpaid. Debtor's attorney may move to withdraw or the debtor may discharge their attorney at any time.

Effective for cases filed on or after 11/01/2023