

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA**

IN THE MATTER OF

CHAPTER 13 ATTORNEY FEES FOR
SECURED CREDITORS

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GENERAL ORDER 2024-2

**GENERAL ORDER FOR CHAPTER 13 ATTORNEYS FEES FOR SECURED
CREDITORS FILED PURSUANT TO BANKRUPTCY RULE 3002.1(c) & (e)**

WHEREAS Rule 3002.1 of the Federal Rules of Bankruptcy Procedure provides in relevant part:

Notice of Fees, Expenses, and Charges. The holder of the claim shall file and serve on the debtor, debtor’s counsel, and the trustee a notice itemizing all fees, expenses, or charges (1) that were incurred in connection with the claim after the bankruptcy case was filed, and (2) that the holder asserts are recoverable against the debtor or against the debtor’s principal residence. The notice shall be served within 180 days after the date on which the fees, expenses, or charges are incurred.

FED. R. BANKR. P. 3002.1(c) (the “Rule 3002.1(c) Notice”); and

WHEREAS a contested matter is currently pending in this Court in *In re Sproles*, No. 22-10651, ECF Docs. 60, 62, 63, 69 & 75, in which a dispute exists as to the necessity and reasonableness of the post-petition fees claimed by a secured creditor in its *Notice of Postpetition Fees, Expenses, and Charges* dated November 28, 2022, specifically requesting fees associated with preparing and filing a proof of claim on behalf of a secured creditor and attorney review of a debtor’s chapter 13 plan; and

WHEREAS this Court held an evidentiary hearing on March 5, 2024, and took evidence to resolve that contested matter; and

WHEREAS this Court held a district-wide meeting on June 13, 2024, with the Chapter 13 bar and the Chapter 13 Trustee to discuss this Court’s findings based on the evidence adduced on March 5, 2024; and

WHEREAS identical contested matters are pending in this District across numerous Chapter 13 cases;

To conserve the resources of the parties and this Court and to promote efficient administration of cases in this District,

IT IS ORDERED:

1. The Court deems the aggregate amount of \$300.00 (the “Presumptive Fee”) as reasonable compensation (and the secured creditor may timely file a single flat fee Rule 3002.1(c) Notice of such amount) for Chapter 13 secured creditor attorneys to perform the following services:

- a. Preparing and filing a proof of claim (inclusive of a 410A pay history) on behalf of a creditor whose claim is secured by a security interest in a debtor’s principal residence;
- b. Reviewing a debtor’s chapter 13 plan inclusive of any review necessary for all amended plans filed prior to confirmation;
- c. Monitoring the case for any pleading and/or activity that may impact a secured creditor’s claim prior to confirmation; and
- d. Filing any objection that may be necessary to protect the secured creditor’s claim prior to confirmation.

2. Upon the timely filing of a Rule 3002.1(c) Notice, the following actions or conditions are presumed performed, completed, or satisfied by an attorney representing a secured creditor in a Chapter 13 case:

- a. The attorney has prepared and timely filed the proof of claim form (inclusive of any amended claims prior to confirmation) and that the proof of claim complies with Federal Rules of Bankruptcy Procedure 3001 and 3002;
- b. The attorney has reviewed the documents attached to a proof of claim and confirmed that such documents evidence that the secured creditor has a perfected lien, and that the documents provide for the recoverability of attorney’s fees against the debtor or the debtor’s principal residence;
- c. The attorney has communicated with servicer, lender, or other lienholder to obtain the necessary information in connection with debtor’s loan and/or contract;
- d. The attorney has reviewed the debtor’s pay history under the applicable loan;
- e. The attorney has verified that the proof of claim was properly docketed;
- f. The attorney has communicated and negotiated with the servicer/lienholder, Chapter 13 Trustee, and debtor’s counsel (if necessary);
- g. The attorney has reviewed the bankruptcy case docket and a debtor’s chapter 13 plan, any amendments to that plan, and any pleadings that may impact the secured creditor’s claim prior to plan confirmation;

- h. If an attorney filed an objection, the attorney has communicated with the servicers, conducted legal research (if necessary), prepared and filed the objection, negotiated with the debtor or Chapter 13 Trustee in resolving the objection (if necessary), and participated in the hearing on the objection (if necessary).
3. The Presumptive Fee shall be paid by the Chapter 13 Trustee through a debtor's confirmed Plan *pro rata* as an administrative expense claim unless an objection is filed to the Rule 3002.1(c) Notice within thirty (30) days, and then will be paid only upon Order of the Court.
4. Objections to Rule 3002.1(c) Notices shall be handled in accordance with Bankruptcy Rules 3002.1(c) and (e). Nothing in this Order precludes a debtor or other party-in-interest from objecting to a Rule 3002.1(c) Notice as untimely or deficient, or to a proof of claim as untimely or deficient.
5. Nothing in this Order precludes a secured lender from filing Rule 3002.1(c) Notices requesting fees for services not included in the Presumptive Fee or requesting fees above the Presumptive Fee for service included in the Presumptive Fee; however, such fee notices are subject to objections and review based on reasonableness, necessity, and any other grounds as to why such fees may not be appropriate.

DATED: June 17, 2024

FOR THE COURT:



MEREDITH S. GRABILL
UNITED STATES BANKRUPTCY JUDGE