

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA

In re:

CASE NO. 99-42081-BKC-RAM
CHAPTER 7

JOEL E. KEY and KLAUDIA B. KEY,

Debtors.

ORDER ALLOWING FEES

After notice to all creditors, this Court has examined all pending fee applications filed in this case. The Court has considered these applications and finds that the following allowances are reasonable.

I find that reasonable compensation for Marcia T. Dunn, Trustee, is \$992.79 plus expenses of \$5.02.

I find that reasonable compensation for Craig Reiders, Attorney for Trustee, is \$1,300 plus expenses of \$69.88.

The Trustee is authorized and directed to pay the foregoing sums and shall pay to the Clerk of the Court \$-0- for special charges.

In allowing the foregoing fees, this Court has considered the criteria specified in 11 U.S.C. §§326 and 330 and the requirements of B.R. 2016 in light of the principles stated in Hensley v. Eckerhart, 461 U.S. 424, 433 (1983); Blum v. Stenson, 465 U.S. 886, 897 (1984); Pennsylvania v. Delaware Valley Citizens'

Council for Clean Air, 478 U.S. 546 (1986); and Norman v. Housing Authority of Montgomery, 836 F.2d 1292, 1299 (11th Cir. 1988).

The Court finds that Trustee's counsel billed excessive time in this case. Counsel filed a standard objection to exemptions based upon the value of the Debtors' personal property and settled the objection for \$3,940. After paying the Trustee's fees, if counsel's fees and costs are allowed as requested (\$2,348.50 in fees and \$69.88 in costs), a total of only \$ 54.95 will be available for distribution to creditors holding nearly \$200,000 in unsecured claims, a distribution of less than 30 cents for every thousand dollars in unsecured claims. This is obviously unacceptable.

The Court recognizes that there are instances in which Trustees and their attorneys appropriately pursue claims which, if successful, would yield a significant dividend. At times, the recovery may be small resulting in little or no dividend to creditors, but the professional services were appropriate and the fees are allowed.

This is not one of these cases. Excess time was billed for research, telephone calls and paralegal services. Given the limited recovery anticipated from objecting to exemptions, applicant's firm failed to gear its efforts to the size of the case. The Court is allowing a fee of \$1,300 representing 1/3 of the amount recovered. Specific additional findings and the considerations supporting these conclusions have been omitted in the interest of brevity, but will be prepared and filed at the

request of any party if received by this Court within 10 days after the entry of this Order.

ORDERED in the Southern District of Florida, this 18th day of May, 2001.

ROBERT A. MARK
Chief Bankruptcy Judge

UNPUBLISHED ORDER