

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**
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**GUIDELINES FOR COMPENSATION FOR PROFESSIONAL SERVICES OR
REIMBURSEMENT OF EXPENSES BY ATTORNEYS FOR CHAPTER 13 DEBTORS
PURSUANT TO LOCAL RULE 2016-1(B)(2)(a)**

The following Guidelines apply in all chapter 13 cases in the Southern District of Florida.

These Guidelines also apply to payments by other parties on behalf of debtors. Notwithstanding these Guidelines, any fees paid by debtors shall continue to be subject to the bankruptcy and local rules which govern payment of filing fees in installments.

(A) Compensation and Expenses Allowed Without Application to the Court. Limits on Compensation and Expenses Allowed. Without application to the court, attorneys for debtors in chapter 13 cases shall be permitted to charge an attorney's fee not to exceed, unless all payments have been vested to creditors by earlier order, a base fee of \$3500.00 per case, whether individual or joint, and to receive expenses, including the filing fee and up to \$150.00 in other estimated expenses.

The base fee shall be presumed to compensate debtor(s)' attorney for a level of service to debtors that at a minimum shall include the following services:

1. Verification of debtors' identity, social security number and eligibility for Chapter 13;
2. Timely preparation and filing of petition, schedules, statement of financial affairs, chapter 13 plan, all amendments and all required documents pursuant to the Bankruptcy Code, and Bankruptcy and Local Rules;
3. Service of copies of all filed plans to all creditors and interested parties;
4. Explanation to debtors regarding all debtors' responsibilities, including, but not limited to payments and attendance at the first meeting of creditors;
5. Preparation for and attendance at all first meetings of creditors;
6. Preparation of and attendance at all necessary pre-confirmation motions brought on behalf of debtors;
7. Timely review of all proofs of claim in accordance with Local Rule 2083-1(B);
8. Timely objection to all improper or invalid proofs of claim in accordance with Local Rule 2083-1(B);
9. Preparation for and attendance at all confirmation hearings;
10. Attendance at and defense of all motions against debtors until discharge, conversion or dismissal of the case;
11. Preparation, filing and service of notices of conversions or voluntary dismissals;
12. Preparation, filing and service of motions to deem mortgage current.

Without application to the court, upon filing and serving of an amended disclosure of compensation, pursuant to BR 2016(b), attorneys for debtors in chapter 13 cases may be

permitted to charge an additional fee plus \$25.00 in costs for the following services, if the retainer agreement authorizes these fees, not to exceed the following amounts:

1.	Post-confirmation modification of plan	\$500
2.	Motion for hardship discharge	\$500
3.	Motion to purchase, sell or refinance real property	\$500
4.	Motion to rehear, vacate dismissal, shorten prejudice period or reinstate case	\$500
5.	Motion to avoid lien	\$500
6.	Motion to value a motor vehicle, a motor home, or a manufactured home	\$500
7.	Motion to value real property	\$750
8.	Home Mortgage Loan Modification	\$500

The following conditions also apply:

(1) If the case is dismissed or converted prior to confirmation and if the retainer agreement so provides, the attorney for the debtor may request and receive fees from monies paid to the chapter 13 trustee without separate application to the court, but the total fee, including any fees previously paid, may not exceed \$2,500.00, unless, pursuant to court order, plan payments were not returned to the debtor and were paid pursuant to the terms of the last filed plan.

(2) Reimbursement for general expenses, other than the filing fee, that exceed \$150.00 shall require a separate application for reimbursement of expenses filed pursuant to paragraph (C) of these Guidelines. Reimbursement for expenses in excess of \$150.00 shall be permitted only as allowed pursuant to section D, "Reimbursement of Expenses and Services", of the court's "Guidelines for Fee Applications for Professionals in the Southern District of Florida in Bankruptcy Cases".

Reimbursement for the following expenses shall also be permitted without a separate application for reimbursement:

1. Court reporter expenses no greater than \$125.00;
2. Interpreter fees no greater than \$75.00;
3. Credit report retrieval fees no greater than \$75.00.

(B) Compensation and Expenses Requiring Application and Court Approval. Attorneys seeking compensation or expenses which exceed the limits set forth in paragraph (A) of these Guidelines shall submit the court's Local Form "Application for Compensation for Professional Services or Reimbursement of Expenses by Attorney for Chapter 13 Debtor" on or before the deadlines established by Local Rule 2016-1(C)(4). This requirement applies to initial fee applications as well as to additional or supplemental applications. The application shall:

- (1) describe in detail the actual or estimated services or expenses for which compensation or reimbursement is sought; and
- (2) include as an attachment a copy of the retainer agreement, if any.

(C) Requirement of Rights and Responsibilities Agreement Between Chapter 13 Debtor(s) and Chapter 13 Debtor(s)' Attorneys. As required by Local Rule 2016-1(B)(2), Chapter 13 debtors and their attorneys must execute the local form “Rights and Responsibilities Agreement Between Chapter 13 Debtor(s) and Chapter 13 Debtor(s)' Attorney for Cases Filed in the United States Bankruptcy Court, Southern District of Florida” prior to filing a chapter 13 case in this court. The form shall be retained by the parties and not filed with the court. A copy of the agreement must be made available to the chapter 13 trustee at the meeting of creditors.