

FILED

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA**

MAR. 18 2020

**STEPHANIE J. BUTLER, CLERK
U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF NC**

IN RE:

COMPENSATION OF PROFESSIONALS

GENERAL ORDER

Local Rule 2016-1(a)(10) and (c) of the Local Rules of the United States Bankruptcy Court for the Eastern District of North Carolina state the following:

**Rule 2016-1
COMPENSATION OF PROFESSIONALS**

(a) **COMPENSATION OF ATTORNEY FOR DEBTOR IN CHAPTER 13 CASES.**

...

(10) **PAYMENT OF ATTORNEY FEES/MODIFICATION OF PLAN.** The following will be treated and paid as administrative expenses of the chapter 13 case:

- (A) the standard base fee, less any partial base fee paid prior to filing the chapter 13 petition; and
- (B) any additional amounts awarded in excess of the standard base fee or for non-base fee services.

These fees shall be paid by the trustee at the rate set in the Administrative Guide to Practice and Procedure unless the court directs otherwise. The trustee may, without application to the court, modify the chapter 13 plan to extend the duration of the plan and/or increase the monthly amount of the plan payment in order to provide the funds necessary to pay attorney fees. The trustee must notify the debtor and the debtor's attorney of the plan modification.

...

(c) **REIMBURSEMENT OF FEES PAID TO THE COURT.** Unless otherwise ordered, an attorney for the debtor shall be allowed, without application, to receive payment or reimbursement from or on behalf of the debtor for court fees paid by the attorney to the court on behalf of the debtor.

Effective immediately, Local Rule 2016-1(a)(10) and (c) are hereby amended as follows:

**Rule 2016-1
COMPENSATION OF PROFESSIONALS**

(a) **COMPENSATION OF ATTORNEY FOR DEBTOR IN CHAPTER 13 CASES.**

...

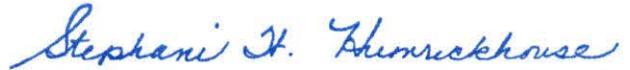
(10) PAYMENT OF ATTORNEY FEES/MODIFICATION OF PLAN. The standard base fee, less any partial base fee paid prior to filing the chapter 13 petition, will be treated and paid as administrative expenses of the chapter 13 case. These fees shall be paid by the trustee at the rate set in the Administrative Guide to Practice and Procedure unless the court directs otherwise. Any additional amounts awarded in excess of the standard base fee or for non-base fee services shall be paid as the court directs.

...

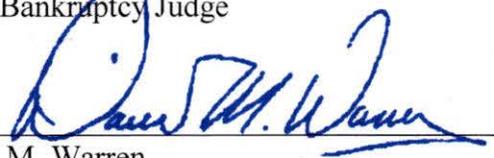
(c) REIMBURSEMENT OF FEES PAID TO THE COURT. Unless otherwise ordered, an attorney for the debtor shall be allowed, without application, to receive payment or reimbursement from or on behalf of the debtor for court fees paid by the attorney to the court on behalf of the debtor. In chapter 13 cases, the debtor's attorney shall file a notice with the court stating the amount and purpose of the fee. The chapter 13 trustee shall provide for payment of that fee through plan distribution.

A red-lined copy of the amendments is attached hereto as Exhibit A.

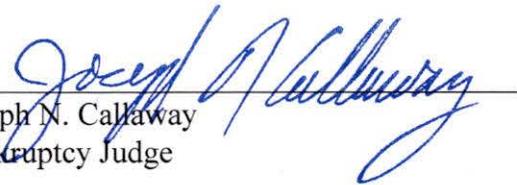
Entered this 10th day of March, 2020.



Stephani W. Humrickhouse
Chief Bankruptcy Judge



David M. Warren
Bankruptcy Judge



Joseph N. Callaway
Bankruptcy Judge

Exhibit A

Rule 2016-1
COMPENSATION OF PROFESSIONALS

(a) COMPENSATION OF ATTORNEY FOR DEBTOR IN CHAPTER 13 CASES.

...

(10) PAYMENT OF ATTORNEY FEES/MODIFICATION OF PLAN. The following standard base fee, less any partial base fee paid prior to filing the chapter 13 petition will be treated and paid as administrative expenses of the chapter 13 case. These fees shall be paid by the trustee at the rate set in the Administrative Guide to Practice and Procedure unless the court directs otherwise.

~~(A) the standard base fee, less any partial base fee paid prior to filing the chapter 13 petition; and~~

~~(B) a~~ Any additional amounts awarded in excess of the standard base fee or for non-base fee services shall be paid as the court directs.

~~These fees shall be paid by the trustee at the rate set in the Administrative Guide to Practice and Procedure unless the court directs otherwise. The trustee may, without application to the court, modify the chapter 13 plan to extend the duration of the plan and/or increase the monthly amount of the plan payment in order to provide the funds necessary to pay attorney fees. The trustee must notify the debtor and the debtor's attorney of the plan modification.~~

...

(c) REIMBURSEMENT OF FEES PAID TO THE COURT. Unless otherwise ordered, an attorney for the debtor shall be allowed, without application, to receive payment or reimbursement from or on behalf of the debtor for court fees paid by the attorney to the court on behalf of the debtor. In chapter 13 cases, the debtor's attorney shall file a notice with the court stating the amount and purpose of the fee. The chapter 13 trustee shall provide for payment of that fee through plan distribution.