# Mont. LBF 44. CREDITOR APPLICATION FOR PROFESSIONAL FEES AND COSTS.

# [Mont. LBR 2016-1(f)]

Name of Attorney

Office Mailing Address

Telephone Number

E-Mail Address

State Bar I.D. Number

(Attorney for )

**UNITED STATES BANKRUPTCY COURT**

**FOR THE DISTRICT OF MONTANA**

|  |  |
| --- | --- |
| In re  **NAME OF DEBTOR**, **NAME OF JOINT-DEBTOR**, Debtor(s). | **Case No. 0:00-bk-12345-ABC****CREDITOR \*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ APPLICATION FOR POST-PETITION PROFESSIONAL FEES AND COSTS****UNDER 11 U.S.C. § 506(b)** **[\* Indicate Whether Interim or Final Application]** |

The undersigned [Attorney] respectfully moves the Court for approval of reasonable post-petition fees, post-petition costs, or post-petition charges under 11 U.S.C. § 506(b), Fed. R. Bankr. P. 2016(f) incurred on behalf of [CREDITOR] (“Creditor”) in the above-entitled bankruptcy case. Creditor makes application for approval of an award of fees in the amount of $X,XXX.xx and costs in the amount of $X,XXX.xx.

In accordance with Mont. LBR 2016-1(f), the undersigned presents the following information in support of this Application:

1. **The Claim of Creditor is an Allowed Secured Claim.**

[Evidence of allowed secured status, per Mont. LBR 2016-1(f)(1)]

1. **Creditor is Over-Secured.**

[Evidence of over-secured status, per Mont. LBR 2016-1(f)(2)]

1. **Creditor’s Fees and Costs are Reasonable.**

[Evidence of reasonable fees and costs, per Mont. LBR 2016-1(f)(3)][[1]](#footnote-1)

1. **The Fees Submitted in this Application are Provided for Under the Agreement or State Statute Under Which Creditor’s Claim Arose.**

[Evidence fees are provided under the agreement or state statute, per Mont. LBR 2016-1(f)(4). Creditor should reference all security agreements, promissory notes, and other documents filed with its Proof of Claim in this matter that are necessary to prove that the fees under this application are provided for under the Agreement; or if no Proof of Claim has been filed, such documents are attached to this application.]

In addition, the undersigned submits the following information in support of its application:

1. This case was commenced on .
2. This application is the [1st, 2nd, etc.] application filed by Creditor in this proceeding, and the following is a complete schedule of all prior applications submitted to the Court for approval:

|  |  |  |  |
| --- | --- | --- | --- |
| Date Filed | Amount Requested | Date Approved | Amount Approved |
|  |  |  |  |
|  |  |  |  |

Total Amount Previously Approved: $

1. This application is based on the performance of professional services by the following individuals at the rates and for the number of hours described below:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Individual | Total Hours | Hourly Rate | Compensation | Type of Professional |
|  |  |  |  |  |
|  |  |  |  |  |

Total Compensation Requested: $

1. The compensation requested is based on the customary compensation charged by comparably skilled practitioners in cases other than cases under the Bankruptcy Code. [If not, state the reason for any deviation from such standard.]
2. Applicant certifies that none of the compensation or reimbursement for costs applied for in this application will be shared with any entity in violation of 11 U.S.C. § 504.
3. Attached are complete time records detailing each service performed by date, description, and the number of hours expended, under the appropriate project categories (if applicable under Mont. LBR 2016-1) documenting any attorney’s fees requested under this application or other documentation supporting the compensation or fees requested under this application.
4. Attached is a complete accounting for all costs incurred for which reimbursement is requested.
5. The costs described above were computed utilizing the following methods of allocation:

[Example]

(Copies are charged at the rate of $.15 each.)

(Long distance calls are charged at actual cost.)

(Mileage is charged at federal allowed per mile rate.)

1. Case Status: [Insert relevant information required by Section II.B of the United States Trustee Guidelines, as set forth in the Appendix to the Montana Local Bankruptcy Rules.]
2. Creditor has reviewed this application and certifies that all fees, costs, and charges contained within this application are reasonable and are provided for under the agreement or State statute under which Creditor’s claim arose.

WHEREFORE, Creditor prays that this Court enter an Order awarding Creditor reasonable professional fees in the amount of $X,XXX.xx and an award of costs and expenses in the amount of $X,XXX.xx.

DATED this \_\_\_\_ day of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[Name of attorney]

Attorney for Creditor

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify under penalty of perjury that on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, a copy of the foregoing was served by electronic means pursuant to Mont. LBR 9013-1(d)(2) on the parties noted in the Court’s ECF transmission facilities and/or by mail on the following parties:

/s/ (name of person certifying the mailing)

[typed name of person certifying the mailing]

[Must comply with Mont. LBR 9013-1(d)(2), by reflecting the name and address of each party served, and by being signed “under penalty of perjury” and by identifying the document served. Pursuant to Rule 2002(a)(6), Fed. R. Bankr. P., notice of a hearing on an Application seeking compensation or reimbursement of expenses exceeding $1,000 should also be served upon the debtor, all creditors, any committee, and other parties in interest requesting special notice. Mont. LBR 2002-4 requires the service of a Notice of Application for Professional Fees and Costs (Mont. LBF 18) upon all creditors, committees, and other parties in interest requesting special notice, disclosing that the applicant has filed an Application for Professional Fees and Costs, when the amount of such fees and costs exceeds $1,000.]

1. Note: Mont. LBR 2016-1(f)(3), lists several factors for consideration when evaluating the reasonableness of a fee application under 11 U.S.C. § 506(b). [↑](#footnote-ref-1)