

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)	CASE NO. BK02-83235
)	
FRANCES J. STEVENS,)	
)	CH. 13
Debtor(s).)	
)	Filing No. 33, 35

ORDER

Hearing was held in Omaha, Nebraska, on November 5, 2007, regarding Filing No. 33, Supplemental Application for Compensation, filed by Albert Burnes, and Filing No. 35, Objection, filed by the debtor. Albert Burnes appeared as debtor's counsel and debtor appeared personally.

The debtor, Ms. Stevens, has reported to the court that, according to all but the last semi-annual report filed by the trustee, her case should have been completed and a discharge entered in the spring of 2007. Instead, the case continued on until late fall of 2007. In addition, she informs the court that she did not understand why Mr. Burnes was granted a supplemental fee application in May of 2007. She ties the supplemental fee application and order approving it to the increased length of her plan. She does not feel that such additional charges were fair.

At the request of the court, the Chapter 13 trustee filed a status report, including copies of all of the semi-annual reports. That status report is at Filing No. 43, a copy of which will be provided by the Clerk of the Bankruptcy Court to Ms. Stevens. In that status report, the Chapter 13 trustee acknowledges that a coding error was made several years ago when an amended Chapter 13 plan was filed. The coding error caused the semi-annual reports to show a lesser amount to be due and payable over the years than the amended plan provided. The amended plan was confirmed, but the semi-annual reports were not corrected until the trustee became aware of the problem in the spring of 2007.

According to the Chapter 13 trustee's status report, the debtor has now paid in the total amount that the debtor was supposed to pay pursuant to the terms of the confirmed plan. She did not pay any extra.

Mr. Burnes' fees were approved by the court in the spring of 2007. Those fees covered activities by Mr. Burnes on behalf of Ms. Stevens during and since the confirmation process. The court approved the fees after a review of the itemized statements submitted by Mr. Burnes. The fees were not paid by Ms. Stevens in addition to the amount required to be paid as of the confirmation of the plan. Instead, the fees were paid by the trustee to Mr. Burnes from funds that otherwise may have gone to unsecured creditors.

Recently, the Chapter 13 trustee filed a certificate of final payment, Filing No. 42, a copy of which the Clerk of the Bankruptcy Court is requested to provide directly to Ms. Stevens. On November 26, 2007, a discharge was entered at Filing No. 44. The Clerk of the Bankruptcy Court is requested to provide a copy of the discharge directly to Ms. Stevens.

The case is completed. Ms. Stevens paid into the Chapter 13 trustee exactly what was required by the confirmed plan. Although the semi-annual reports incorrectly informed Ms. Stevens that her case would be completed several months ago, Ms. Stevens has actually paid to the trustee the amounts due through the appropriate monthly payments, and no more.

IT IS ORDERED that the letter received by the court from Ms. Stevens, Filing No. 35, which has been treated as an objection, is overruled.

DATED: November 29, 2007

BY THE COURT:

/s/ Timothy J. Mahoney

Chief Judge

Notice given by the Court to:

Albert Burnes

*Frances J. Stevens

Kathleen Laughlin

U.S. Trustee

Movant (*) is responsible for giving notice to other parties if required by rule or statute.