

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF

P. H. WEITZEL INSURANCE AGENCY, INC.,  
DEBTOR

)  
)  
) CASE NO. BK77-0-1116  
)  
)

MEMORANDUM AND ORDER

This matter is before the court upon the application to convert the Chapter X proceeding into a straight bankruptcy proceeding and upon the application for fees and expenses filed by the trustee, the trustee's attorney and the attorneys for the debtor.

There is no objection to conversion from a Chapter X proceeding to straight bankruptcy and adjudication will follow.

Jerrold L. Strasheim, the Trustee of the Chapter X proceeding, has applied for fees in the amount of \$3,510.00. No objection has been voiced and the application will be approved as applied for. The law firm of Marer, Venteicher, Strasheim, Laughlin & Murray has applied for attorney fees in representing the trustee in the Chapter X proceeding in the amount of \$48,669.30 minus the sum of \$5,380.50 previously authorized by the court for a total of \$43,288.80 plus reimbursement for costs of \$310.87. No objection has been voiced and the application is reasonable. It will be allowed as applied for.

The law firm of McGrath, North, O'Malley & Kratz, P.C., has applied for fees and expenses for services as attorneys for the debtor. Here there is some objection. The application is in the amount of \$12,483.50 in fees and \$168.00 in expenses. The evidence before me discloses that this case involved interests in oil and gas in two separate states. Legally and factually, the case should be considered a complex case. The evidence before me further discloses that the attorneys for the debtor assisted the trustee and his attorneys in understanding the legal and factual problems involved and without such assistance, the trustee and his attorneys would have had to spend more time than they actually did in familiarizing themselves with the factual and legal problem involved. The services applied for cover a period of time from October 21, 1977, through October 23, 1979. The services for which reimbursement is claimed constitute 249.67 hours. Given the testimony before me and the review of the itemization of the time spent attached to the application for fees, the court concludes that the sum of \$12,483.50 as compensation is not an unreasonable amount in view of the fact that the services were performed over a period of two years and were of benefit to the trustee. The application will be granted.

Lastly, there is no charge due the Salary and Expense Fund of this court.

Jerrold L. Strasheim is hereby appointed as trustee in the straight bankruptcy proceeding. In accordance with the foregoing, it is

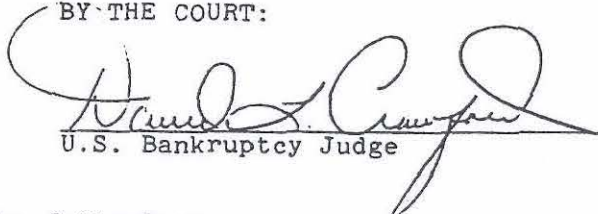
ORDERED that a separate order of adjudication be entered this date and that Jerrold L. Strasheim be appointed trustee with an initial signature bond of \$300.00; and it is further

ORDERED that the following fees and expenses are hereby allowed:

1. Jerrold L. Strasheim, Trustee,  
\$3,510.00 fees
2. Marer, Venteicher, Strasheim,  
Laughlin & Murray, Attorneys for  
the Trustee, \$48,669.30 minus the  
sum of \$5,380.50 previously authorized  
by this court leaving a balance due of  
\$43,288.80 fees--\$310.87 expenses
3. McGrath, North, O'Malley & Kratz, P.C.,  
Attorneys for debtor, \$12,483.50 fees--  
\$168.00 expenses

DATED: June 18, 1980.

BY THE COURT:

  
U.S. Bankruptcy Judge

Copies mailed to each of the following:

John Garvey, Attorney, 300 Continental Building, Omaha, Ne. 68102

Steven C. Turner, Attorney, 11236 Davenport Street, Omaha, Ne. 68154

Herbert Brugh, Attorney, 711 Stuart Building, Lincoln, Ne. 68508