

UNITED STATES BANKRUPTCY COURT

DISTRICT OF SOUTH DAKOTA

ROOM 211

FEDERAL BUILDING AND U.S. POST OFFICE

225 SOUTH PIERRE STREET

PIERRE, SOUTH DAKOTA 57501

IRVIN N HOYT  
CHIEF BANKRUPTCY JUDGE

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November 10, 1997

John E. Harmelink, Esq.  
Counsel for Debtors  
Post Office Box 18  
Yankton, South Dakota 57078

Dale A. Wein, Esq.  
Chapter 13 Trustee  
Post Office Box 1329  
Aberdeen, South Dakota 57402-1329

Subject: ***In re Louis and Eleanor R. Juttelstad,***  
Chapter 13; Bankr. No. 97-40409

Dear Counsel and Trustee:

The matter before the Court is the RULE 2016(A) APPLICATION FOR COMPENSATION AND REIMBURSEMENT filed by Attorney John S. Harmelink on October 7, 1997 and Trustee Dale Wein's objection thereto. This is a core proceeding under 28 U.S.C. § 157(b)(2). This letter decision and accompanying Order shall constitute the Court's findings and conclusions under F.R.Bankr.P. 7052. As set forth below, the Court will approve Attorney Harmelink's fees in the amount requested but will order that the amount in excess of the plan estimate shall be paid by Debtors directly post-discharge.

SUMMARY. Debtors' plan was confirmed by amended order entered October 14, 1997. Under the terms of their plan and the amended confirmation order, Debtors estimated that the fees owed to Attorney Harmelink were \$1,620.00. The claim was to be satisfied through 27 monthly payments of \$60.00 through the Chapter 13 Trustee. The plan and amended confirmation order also provided that unsecured creditors would be paid \$60.00 per month for 33 months beginning after the attorney's fees were paid. Debtors also agreed in their plan to pay disposable income.

On October 7, 1997, Attorney Harmelink filed a fee application wherein he requested a total of \$2,997.35. Trustee Wein objected on the grounds that only \$1,600.00 was provided through the plan. Trustee Wein stated his objection would be satisfied if the remainder was paid by Debtors directly.

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Total notices mailed: 7

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Aty Harmelink, John E. PO Box 18, Yankton, SD 57078  
Trustee Wein, Dale A. Chapter 13 Trustee, PO Box 1329, Aberdeen, SD 57402-1329  
Aty Gaumer, Craig Peyton PO Box 5073, Sioux Falls, SD 57117  
Aty Gering, Bruce J. Office of the U.S. Trustee, #502, 230 South Phillips Avenue, Sioux Falls, SD 57104-6321  
Aty Ridgway, Michael E. PO Box 801, Yankton, SD 57078-0735