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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re:)
)
) Case No. 06-23675-B-13J
LENORE LENA ASHTON,)
) Docket Control No. GW-1
)
Debtor(s).) Date: December 19, 2006
)
) Time: 9:30 a.m.

On or after the calendar set forth above, the court issued the following ruling. The official record of the ruling is appended to the minutes of the hearing.

Because the ruling constitutes a "reasoned explanation" of the court's decision under the E-Government Act of 2002 (the "Act"), a copy of the ruling is hereby posted on the court's Internet site, www.caeb.uscourts.gov, in a text-searchable format, as required by the Act. However, this posting does not constitute the official record, which is always the ruling appended to the minutes of the hearing.

DISPOSITION AFTER ORAL ARGUMENT

The motion is granted to the extent set forth herein. The application is approved for a total of \$3,449.00 in fees and costs. Applicant is authorized to apply the \$2,774.00 from his trust account to the fee award. The balance of \$675.00 shall be paid through the chapter 13 plan as an administrative expense.

On September 18, 2006, the debtor filed a chapter 13 petition. The debtor and her attorney opted-out of the flat fee rate under the Guidelines. The debtor's attorney now seeks compensation for services for the period of August 8, 2006

1 through November 10, 2006, equaling \$3,175.00 in attorney's fees
2 and \$274.00 in costs. The court finds that the time entries pre-
3 dating the filing of this case are sufficiently related to the
4 bankruptcy case as to be compensable. In re Busetta-Silvia, 314
5 B.R. 218 (10th Cir. BAP 2004). As set forth in the attorney's
6 application, the approved fees and costs are reasonable
7 compensation for actual, necessary and beneficial services.

8 The trustee's opposition is overruled. The applicant
9 correctly points out that Section 7.05 sets forth the priority of
10 payment for the attorney's fees to be paid through the plan.
11 Furthermore, to the extent that the trustee is unsure how
12 applicant will be compensated through the plan, that is a
13 confirmation issue. It does not affect whether or not the fees
14 at issue here are or are not approved.

15 Except as so ordered, the motion is denied.

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